

FORTY-NINTH DAY

AFTERNOON SESSION.

TUESDAY, April 2, 1912.

The Convention was called to order by the president and opened with prayer by Rev. Walter A. King, of Marion, Ohio.

The journal of yesterday was read.

Mr. HARTER, of Huron: On page 7 you have Mr. Harter, of Stark, voting on the second roll call. He was not here.

The PRESIDENT: The roll call will be corrected as indicated.

The journal was then approved.

Mr. MILLER, of Fairfield: I would like to ask unanimous consent to have Proposal No. 321 — Mr. Miller, of Fairfield, referred to the committee on Education. It will facilitate the work of the committee. There are people here now who want to be heard on it and I would like to have it referred at this time.

The PRESIDENT: If there is no objection the question is on the agreement that Proposal No. 321 be referred to the committee on Education.

The reference as requested was ordered.

Indefinite leave of absence was granted to Mr. Stokes on account of illness.

Mr. WAGNER: I ask leave of absence for tomorrow. The leave was granted.

SECOND READING OF PROPOSALS.

Mr. DOTY: I move that debate on Proposal No. 16 — Mr. Elson, be limited to twenty minutes to each and every one talking thereon.

The motion was carried.

The PRESIDENT: The question now is on the adoption of the amendment to Proposal No. 16 offered by the member from Auglaize [Mr. HOSKINS] and the member from Wyandot has the floor.

Mr. STALTER: I shall endeavor to begin where I left off on Friday.

I was talking in regard to employes and endeavoring to show that the employe is always obedient to his employer, for the reason that his position depends on the services rendered.

If the people elect their officials they can command their services in the election of good men to office. Thus they can command the election of capable men. If the governor appoints and removes he can use that power to command the services of the persons appointed, for they become his servants. The governor should not have this power to command their service, because it rightfully belongs to the people. It is the people who should elect, and not a few favored office holders.

Can the governor choose more efficient officials than the people? The method of appointment is as follows: The man who has the appointing power always consults the man who has the political pull. The appointing power accepts the recommendation of his political friend and appoints as recommended. The political friend

recommends as appointees such as can deliver the vote. The applicant, therefore, is put under the searchlight of the politician, who succeeds or fails on his ability as a vote getter.

If, therefore, the one recommended is under obligation to the interests, the corporations, for influence lent in the election, the interests control the appointment. The power is taken from the hands of the people and placed in the hands of the interests, the corporations, the politicians. It is easier for capital, corporations, or the interests to influence one man who has the power to appoint officials who are favorable to them than it is for the interests, the corporations and capital to influence the people to elect officials favorable to them. This power should not be taken from the hands of the people and placed in the hands of capital, corporations, interests and politicians.

The governor in practice always believes his political friends. Therefore, the appointment comes not on account of efficiency, but because of services rendered at the polls. This is the result in cases of appointment.

At this day and age of the world the idea of space is almost obliterated by the daily press, rural free delivery, the telegraph, the telephone and other means of communication. A resident of Wyandot county, Ohio, is as well acquainted with residents of Hamilton county, Ohio, as fifty years ago one farmer was acquainted with another farmer adjoining him. If a man is qualified for a position his neighbors know it. If he cannot carry his precinct on account of his inability to fill the office he seeks his neighbors know it. He has but little opportunity of being elected to the position if he has not the ability to fill the place.

Therefore, to be elected to a public office each aspirant must stand on his own record before the searchlight of public opinion for efficiency and succeed or fail thereon. The judgment in such case rendered is not by persons with whom he is not acquainted, but by his neighbors and friends.

In the framing of the constitution of 1851 the delegates there assembled changed these officials from appointive to elective officers, and I assert that it is now our duty to keep pace with the onward march of progress and make more officers elective rather than appointive. The ability of the people in the past to disapprove some of the acts of the officials of this department, their selection of men for the places, shows that the searchlight of public opinion for proficiency is sufficient to procure for the state officials competent to perform their duties. Hence, the result of election is to choose the most competent officials; the result of appointment is to select or appoint the men who can deliver the votes. The people, therefore, can and will choose more competent persons for positions than the governor making appointments.

The purpose of this proposal is to make shorter a ballot that is now too long. The national, state, district and county officials are now elected in the even-numbered years. This, of course, makes a very long ballot, to-wit, the electors for president and vice-president of the

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different parties, candidates for congress of the different parties, state officials, governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, member of board of public works, dairy and food commissioner, and common school commissioner. County officials: Clerk, treasurer, auditor, recorder, prosecuting attorney, representative, senator, common pleas judge. So that, in fact, leaving off the ballot the officials named in this proposal would make no perceptible change in the length of the ballot. Therefore, this proposal is in fact not a proposal to shorten the ballot, but a proposition or proposal of that name for the purpose of concentrating power in the hands of one man, to-wit, the governor.

This is a Convention to revise, alter, or amend the constitution of the state of Ohio. Every alteration or amendment herein made must be submitted to the people for their ratification. It is our duty to determine, first, whether or not the organic law needs an amendment, and what is the amendment needed? An amendment coming from this Convention and submitted to the people will, and should have a great influence in favor of its adoption. Each delegate should then appreciate that he has a duty to perform, and an influence and power that will be felt at the polls favorable to the ratification of any approved amendment or alteration, and that much depends on his conduct whether or not what is done will give to this people a better government, a government with a constitution guaranteeing to the people greater liberties than they now enjoy. The proposal concentrating or attempting to concentrate all of the executive power in the governor of this state will not in this day of progress meet with the approval of the people.

It has been argued that by this proposal you will make the office of governor a bigger office, and therefore you can elect more competent men. Under the present constitution the governor has, in our judgment, sufficient control over the rest of the departments to make him as influential as is desired by the people, for he has a supervisory power over the officials of this department. He can investigate their conduct of business and require information relating to their respective duties. He has, as such executive officer, the power of addressing the general assembly. In fact, the past record of this state has shown that in every instance the brains of the state have been elected to this position; and as a proof for this assertion I need only mention a McKinley or a Harmon.

I can see no good reason why as delegates to this Convention we should submit a proposal to concentrate all the power of the executive department in the governor. Our past officials in this department have been satisfactory to the people. When they have proved themselves inefficient the people have recalled them at their next election. It is not argued by the proponents of this proposal that our present officials have been incompetent and inefficient, but on the other hand it is conceded that this state has in the past had competent officials in this department. Why, then, the necessity of a change?

The argument of the proponents of this proposal is based upon the theory that every governor who is elected would seek for competent officials. This is not true in practice. The appointing power in each case will seek to appoint the officials who can and will deliver the votes.

I ask you, gentlemen of this Convention, how many

are now able to name the officials, or how many are able to name the number of officials, or how many are able to name even the offices that the governor now fills by appointment? I assert that in my opinion not many members of this Convention can name the appointments that the governor now makes. Consequently, the appointive officer is not in the eyes of the public, but fills a position by appointment suggested by the politician.

This statement is made in answer to the assertion that the people want a change in the officials who are elected, because the people now can not name the officials. That is, they cannot tell you who is secretary of state, attorney general, treasurer or auditor, etc. That, gentlemen, is only an argument to the effect that the officials who are occupying those positions are filling them to the satisfaction of the people, else the people would know who occupy the positions and they would investigate if their service was not to their entire satisfaction. The fact that at the elections at times we may vote for individuals whom we do not know, is not a blow against the elective power of the people. The primary is now coming and when the people nominate, when the convention is a thing of the past, when deals are no more made in the convention, the people will nominate the men to the positions and they will know for whom they vote. Consequently the man is placed before the eyes of the people for a number of weeks before the election. The fact, as I can assert, is that the intent of this proposal—probably not the intent but the wording of this proposal—is not to shorten the ballot and it will not result in shortening the ballot, but it does and must result in the concentration of power in the governor of this state, giving to him the appointive power of the secretary of state, the attorney general and the different executive officials and allow him, unbeknown to you and unbeknown to me, to name before the election certain men who will promise him their support for governor. It will not be efficiency that he is looking for but men who can deliver the votes.

In conclusion, I assert that the people will choose by election officials who are competent; that it is proficiency for which they look; that the governor will appoint politicians, for it is to his interest to appoint such. Why, therefore, in this age of progress should that power be taken from the people and given to the executive of this state?

Mr. FACKLER: Do you think that there is as much probability of the governor's appointing men who can deliver the votes as there is of a nominating convention nominating men by reason of their ability to deliver the votes?

Mr. STALTER: I will answer that in this way: I have asserted that the people, in their power and in demanding their rights, are beginning to wipe out conventions and are demanding their right to nominate their own men for the positions. That is progress.

Mr. FACKLER: That only will be proper in case the people, when they come to nominate, are voting upon the nomination of people whose positions are of sufficient importance to have the general public eye on them.

Mr. STALTER: I say that the position of the attorney general is of sufficient importance to the people of this state, and that they know and have a right to know who is their attorney general. If you will look at sections

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5612, 5614, 5607 and 5608 of the General Code you will see that the attorney general is of sufficient power to make him a conspicuous figure, and the people have a right to know who that attorney general is going to be.

Mr. DOTY: Don't you think the people ought to know who appoints the attorney general?

Mr. STALTER: No; because the people should not allow the attorney general to be appointed.

Mr. DOTY: Is it not a fact — leaving out the present incumbent, about whose origin in office I know nothing — that the attorney generals of this state for twenty years at least have been appointed by somebody and you don't know by whom?

Mr. STALTER: I couldn't say that that is true for the reason I know the people have had an opportunity to vote for the attorney general.

Mr. DOTY: If it should turn out that the people were called upon to vote a ticket that had a candidate on it running for attorney general and it should develop that that man was appointed upon that ticket and that appointment was decided upon by some person unknown to the public, either in Cincinnati, Cleveland or Columbus, do you think that is a good scheme to carry on popular government with?

Mr. STALTER: You ask if it should turn out? I answer, if that is the result of past political conventions, to so nominate the attorney general, wipe out the political convention and allow the people to choose.

Mr. DOTY: What interest have the people in Ashtabula county in the nominations for the members of the board of public works? There is no canal up there.

Mr. LAMPSON: We have taxpayers up there.

Mr. DOTY: Yes, but no canal.

Mr. STALTER: They have as much interest in knowing who has charge of the canals as the group of politicians.

Mr. DOTY: Why is it that the members from the so-called canal counties in both conventions are the ones who appoint, if you please — who nominate, if you want to call it that — the board of public works and that usually the delegate from Ashtabula county has gone to lunch when that happens?

Mr. HARRIS, of Ashtabula: I rise to a point of order. I object to the gentleman's giving away party secrets.

Mr. DOTY: Before you answer that question I would like to call your attention to the substantiation of my claim given by the member from Ashtabula [Mr. HARRIS].

Mr. STALTER: I am opposed to a political convention and I say that the people should nominate.

Mr. DOTY: But that doesn't answer the question. You may be opposed to it, but you haven't answered the question.

Mr. HARRIS, of Hamilton: If some power unknown does make the appointment in the convention at least the people of the state have a chance to turn down that appointment at the election, have they not?

Mr. DOTY: What chance?

Mr. STALTER: They have the opportunity to vote on it and turn it down; I will admit that.

Mr. HARRIS, of Hamilton: One of the objections to the election of state officials by those who advocate the short ballot is the statement that the people do not

know those elective officers and do not carry their names in their minds. Would the people carry in their minds the names of those people who happen to be appointed — is there any legerdemain by which the memory of people can be lengthened?

Mr. STALTER: I think not. I think they would be apt to forget the names just as much as they do now.

Mr. HARRIS, of Hamilton: If the nomination of an official by such means creates antagonism on the part of the people, the people could defeat as they have defeated certain state officials.

Mr. STALTER: Correct.

Mr. HARRIS, of Hamilton: The people could not defeat an appointment by the governor?

Mr. STALTER: No.

The delegate from Cuyahoga [Mr. FACKLER] was here recognized.

Mr. FACKLER: In order that we may understand exactly what changes would be accomplished by the adoption of this proposal let us explain the duties and patronage of each of the offices made appointive instead of elective under the proposal.

First, as to the secretary of state. The duties of the secretary of state are provided in sections 155 to 234, inclusive. Briefly, they provide that he shall have charge of the laws and revisions passed by the legislature, gathering statistics, duties incident to the incorporation of domestic companies and the issuance to foreign corporations of the right to do business in this state.

He also has charge of matters relative to the control of elections. The importance of that control is very much limited by reason of the powers given to the party committee in the selection of election officers, so that it amounts to very little. Let us see what the patronage of the office is, because we have heard a great deal about the great centralization of control and the great power there would be to enslave the people if we were to enlarge the power of the governor.

Now, let us take up the office of the attorney general. There is no doubt that the powers of the attorney general are pretty large.

Sections 331 to 351 of the General Code provide that the attorney general shall be the chief law officer for the state and of all its departments. The attorney general can undoubtedly exercise a greater influence over the policy of the state government than any other official. One section also states that when required by the governor the attorney general shall also appear for the state in any court in any case in which the state is directly or indirectly interested and upon the written request of the governor he shall also prosecute any person indicted for any crime.

Now the attorney general is really the state counselor. Under our law the executive power is vested in the governor and if he wants to carry out a strong policy he must rely upon his attorney general. The two should work in harmony. You cannot have harmony of action unless the man charged with carrying out the policy is working smoothly and on friendly terms with his lawyer. We look to the governor to carry out policies. But now we may have an attorney general who may be working in opposition to the governor by reason of personal ambition that he may have. These are two of the most important offices in the state, just as the mayor and the city

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solicitor are the two most important officers in the city, and you must have the two men work together in them to get the best results.

Now let us take the rest of the officers. The treasurer of state — sections 296 to 330 take up the powers of the treasurer of state. Let us see how much power he has: Section 300 says: "A payment of money into the state treasury shall be made on the draft of the auditor of state, and such draft shall specify the amount to be paid, on what account, and to the credit of what fund."

Now that is the way the money gets in. How does the money get out? In this way: "No money shall be paid out of the state treasury, or transferred from it to a county treasury or elsewhere, except on the warrant of the auditor of state. No money in the treasury to the credit of the sinking fund shall be paid out except on such warrants and the requisition of the sinking fund commissioners."

Is it not perfectly apparent under that law that the treasurer of the state is merely a custodian of the funds, under ample bond for the protection of the state, and what reason can there be for asking the people of the state of Ohio to vote upon the selection of an official of that kind?

Now take the next: This proposal merely provides for the appointment of the members of the board of public works by the governor. The opinion of many of the members of the committee was to the effect that greater efficiency would be found in the board of public works if, instead of a board, we had a director of public works charged with the duties; but inasmuch as the Short Ballot committee had no authority to make a change of that kind, we simply provided for the appointment of those officials. The committee, lacking the authority itself to make the change, feels that if the Convention should see fit to abolish the board and centralize the power in one man, that man should be appointed by the governor.

But let us go back and see how much patronage there is there. The patronage of the office of the attorney general consists of twenty-nine employes, with a payroll of a little over \$40,000, making the average pay of persons in the employ of the office a little over \$1,400.

The secretary of state has fifty-five employes and the pay roll of the office amounts to but a trifle more than \$60,000, making the average annual pay of the employes in this office, including the secretary himself, a little more than \$1,100.

The dairy and food commissioner is also made appointive.

The dairy and food commissioner is charged under sections 368 to 381 of the General Code with the duty of inspecting such articles as butter, cheese, lard, syrup or other articles of food or drink made or offered for sale in the state of Ohio as articles of food or drink, and to prosecute, or cause to be prosecuted, any person or persons, firm or firms, corporation or corporations, engaged in the manufacture or sale of any adulterated article or articles of food or drink. The office undoubtedly sustains a very vital relation to the health of the people, but its duties are administrative in character and consist in the execution of the laws and therefore should be properly under the control of the governor, who is declared to be the chief executive officer of the state.

The patronage of the office consists of thirty-two employes with a pay roll slightly in excess of \$41,000, making the average pay approximately \$1,300 per year.

The last officer made appointive under this proposal is the commissioner of public schools. Sections 352 to 367, inclusive, define the duties of the commissioner of public schools. He is charged with the duty of visiting annually each judicial district of the state, superintending and encouraging teachers' institutes, conferring with boards of education or other school officers, counseling teachers, visiting schools and delivering lectures on topics calculated to subserve the interests of popular education. He also exercises supervision over the educational funds of the state and is charged with the duty of presenting an annual report, etc.

Now let us see how much patronage there is. The bugaboo of centralized control and ability to make a machine that would govern the state has been raised. The officers who are made appointive rather than elective have the right to appoint one hundred and seventy-two persons. That is the amount of the centralized power put into the hands of the governor by this provision so that he will become the ruler of the people. How ridiculous that is, is shown when we consider how small the patronage of the state government really is. One hundred and seventy-two persons are going to control the great body of one million five hundred thousand voters. It is ridiculous to bring up an argument of that kind. Now let us turn from the consideration of the duties and patronage of these particular officials to a consideration of the principle which should determine whether a particular public office should be filled by popular vote or by appointment of the official who is so chosen. But first let us lay it down as a fundamental principle in popular government that whenever a public office, by reason of the importance of its power or its vital control over questions of public policy, is of sufficient concern to every citizen to attract public attention, it should be filled by the selection of officials who are chosen directly by the people.

The purest form of government was the New England town meeting, where all the citizens met and selected by a show of hands the men who were to govern them. In small communities, where each man is well acquainted with the character and record of all the others, this system worked with the greatest satisfaction. As towns grew to cities the multiplication of officials made it impossible for the citizens to exercise any real choice if all were to be selected by popular vote. In fact, the large portion of the work of selection was of necessity delegated to others. Imagine the situation if such had not been the case, and if the people of a great city like Boston were to insist upon voting for all of their policemen because in the original town meeting the town marshal was selected by the people!

Merely because the people have the opportunity to vote for or against the election of a certain official does not prove that they are exercising any real choice with reference thereto. One or two things must exist before the ordinary man, busy with the affairs of life, can exercise a choice.

First, the position to be filled must be of sufficient dignity and importance to attract general attention. Take the auditor. His duties are prescribed in the laws, and

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it makes no difference to you or me who fills that office as long as it is filled capably and without defalcation. He is little more than a bookkeeper as the law is today.

Second, the position must be such as to exercise a controlling influence over questions of governmental policy in which there is great public interest.

We are interested in members of legislative bodies. We are interested in the men who control questions of public policy. We are not interested in men who may hold even lucrative positions where they have no control over questions that vitally affect our welfare.

It is mere folly to say that the people have any voice in the choice of an official whom only a very small percentage of them know, either personally or by reputation, and when the matters over which the official has control are of an administrative nature, unconnected with the inauguration or accomplishment of policies in which the public is vitally interested.

Mr. HOSKINS: Do you believe that the governor of the state of Ohio should have complete control of all the election machinery of the state?

Mr. FACKLER: Yes.

Mr. HOSKINS: Do you believe that he can control the secretary of state?

Mr. FACKLER: Yes.

Mr. DOTY: Don't you?

Mr. HOSKINS: No.

Mr. FACKLER: How many people in Ohio exercised a real choice in voting for any of these officials in 1910. They voted for the governor of the state, and the others were carried into office by the verdict of the people upon the governorship. And the governor was the main thing to the people, and that being so, why not make him responsible for all the other executive officers?

It may be answered that the people had a direct voice in selecting these men through the party nominations. Every one familiar with practical political conditions knows the fallacy of this statement. In practically all party conventions after the nomination of the head of the ticket the interest ceases; many of the delegates leave the convention and the remainder of the ticket is usually fixed up by reason of trades for the office of governor.

Mr. HOSKINS: Is the fixing up of the other places on the ticket any more true than the fixing up for the office of governor itself?

Mr. FACKLER: Yes; I think it is. I think there is a difference between those and the governorship.

Mr. HOSKINS: How many state conventions did you ever attend as a delegate?

Mr. FACKLER: None.

Mr. HOSKINS: That accounts for your ideas.

Mr. FACKLER: I have attended as a spectator many times.

Mr. ELSON: Is it not true that in the actual duty of choosing the candidate for governor the newspapers discuss the candidates before the convention and if the political boss attempts to foist on the people a candidate who is not proper there is danger of the people failing to choose the head of the ticket?

Mr. FACKLER: No; I only know of one case, two years ago, where that happened.

Mr. HOSKINS: Do you know of any more than one case where that didn't happen?

Mr. FACKLER: Oh, yes; I know of other cases. In

fact the people of the state today look to the governor as the responsible head of the executive branch of the government. To him they look for honest administration in all departments. Why, then, should we not place in his hands the actual legal power to measure up to his responsibility, rather than leave the matter to an exercise of political influence over the other members of the state executive department?

In state elections it is the governor who is most discussed. He is the leader in the fight. His character, ability and record become familiar to all, and as to him the people express a real choice. What a splendid commentary upon the wisdom and discretion of the people of this state can be found in the high character and splendid ability of its governors. No body of men who ever started out to frame a system of government were more fearful of centralized power than the men who framed the constitution of the United States. They had just escaped from the tyranny of an obstinate king and were especially desirous of avoiding too great a centralization of power; and yet, with all their prejudice, they made the president the real executive of the nation. There is no more reason for electing the heads of the great departments of the federal government than there is for electing the heads of the departments of the state government. The federal plan in the nation has placed the responsibility upon the president, whose entire record is known to all men at the time of voting; and if the responsibility is placed upon the governor you will get efficiency in the administration of your state government.

Mr. HARRIS, of Hamilton: Are you in favor of the appointment of the judiciary for life?

Mr. FACKLER: No.

Mr. HARRIS, of Hamilton: Are you not aware that in the federal scheme of government the federal judiciary are appointed for life?

Mr. FACKLER: That was one of the victories of Alexander Hamilton.

Mr. HARRIS, of Hamilton: Whether it was a victory of Hamilton or not has nothing to do with the principle involved.

Mr. FACKLER: Very considerable to do with it, I think. Undoubtedly attention will be called to the fact that prior to the present constitution the most of our state officials were selected by the general assembly and that the system was found to work badly. That result was entirely natural. It gave to one department of the government, the legislative, the power of selecting the major portion of the executive or administrative department, which was not only a departure from the underlying principles of our system, but was also a move whereby the responsibility was decentralized with the consequent effect of lessening efficiency. The proposal here submitted avoids both of these difficulties.

Now, we have had the issue raised of the political boss. It was said that the political boss will control the governor. I say there is far less probability of the political boss controlling a man who is of sufficient importance to be selected by the people of the state of Ohio as their governor than there is of the political boss controlling the men at a state convention. A man who has ability enough and who is of sufficient importance to be elected governor of the state of Ohio will have enough stamina and backbone to resist bossing by anybody. I believe you

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can do more to curtail the power of the boss in this way than in any other way.

How many men have been selected as secretary of state, how many have been selected for dairy and food commissioner, how many as commissioner of public schools who have had state-wide reputations before they were elected so that the people had knowledge of their records and their capacity to fill the office?

Under the present system you leave it to the men who are fixing up the political slate. I would rather leave it to an official elected by the people.

Mr. HOSKINS: Do you claim that the governor is any better qualified to select the attorney general than the people are?

Mr. FACKLER: Not at all, but we want the governor and the attorney general to be of the same political faith and to be working harmoniously for the good of all the people. It is not a question of lack of ability on the people's part at all.

Mr. HOSKINS: Then you do not believe in diversified authority, but you believe in centralized authority?

Mr. FACKLER: I believe in centralized authority on this matter.

Mr. DOTY: Don't you believe that the governor will make a better selection of an attorney general in any case than is usually done under the present method of selecting the attorney general?

Mr. FACKLER: I certainly do.

Mr. HOSKINS: If the governor were permitted to select the attorney general from what class of lawyers would he pick them?

Mr. DOTY: Oh, you run a chance.

Mr. FACKLER: There are some questions that are put not to elicit answers—you know from what class they will come.

Mr. HOSKINS: Then the governor in all probability would select as the attorney general some eminent lawyer who has won his spurs in some of the large cities?

Mr. FACKLER: Not so likely as—

Mr. DOTY: But is not that where they are?

Mr. BROWN, of Highland: Looking over this proposal I think I have just discovered that it has no limitation as to the time when it shall go into effect. In view of the uncertainty as to when the proposals are to be submitted to the people do you not think it would be a good thing to adopt an amendment giving the limited time at which they shall begin, say four years or two years, so that it would not have the effect of disturbing the political situation?

Mr. FACKLER: I think that is a matter of detail that can be arranged when this Convention determines the date of its adjournment.

Mr. EARNHART: I shall on this matter, as on all others that have come before the Convention, speak briefly. I do not see how anybody who has been advocating the initiative and referendum and who believes that the people are competent to pass upon and initiate laws can stand on this floor and say that the people are not intelligent enough to choose their state officials, few in number, below the governor.

Mr. FACKLER: May I ask a question?

Mr. EARNHART: I prefer not to be disturbed. I will yield the floor in a few minutes. I will go on and make my argument and when that is done I am through.

It seems to me that a person who has opposed the initiative and referendum here can make a very good argument for the short ballot, but I do not see how any man can harmonize the two propositions, that the people are so well qualified to handle things under the initiative and referendum, and then, in almost the next breath, say that they are not competent or that they will be derelict in duty in choosing their state officers below the governor and that we shall get more efficient service by placing the appointing power for those officers in the hands of the governor. I do not believe that. I believe we have gotten along fairly well. I do not recall anything that has happened in the past of a very serious nature, so I think that can be readily dismissed.

Now, in regard to this machine we have heard so much talk about. I invite you to go back to the administration of Terrible Teddy. I remember that in the last days, you might say the last year of his administration as president of the United States, he was able, through the prestige which he received from the patronage he had to dispense, to say to the people of the United States, and he did say, who should be his successor.

Mr. DOTY: He has changed his mind now.

Mr. EARNHART: That is neither here nor there. You remember what took place. Carry that down to the time of his successor, and there are some other things that are fresh in our minds and we cannot get away from them. It is a fact that the present incumbent of that high office will, by reason of the patronage which he now enjoys, beyond peradventure be nominated to succeed himself, notwithstanding the fact that a great many of his own party now claim that if nominated he cannot be elected. Now, there is a machine that is able to perpetuate itself.

Mr. FACKLER: Will the gentleman yield for a question?

Mr. EARNHART: No; I will be through in a very few minutes. I want to say that in the state of Ohio the governor can, under this system now being advocated, build up a more effective machine than that, and it is assuming too much to say that we shall always have good men who will be beyond the pale of being susceptible to such influences. That being the case, I cannot reconcile myself to the acceptance of this new system. I want to see the present system continued.

The assertion is made that if you hold one man responsible things will be improved. But suppose he usurps power, what are you going to do? Somebody will get up here and say we will recall the governor. I am in favor of the recall, but I am not so sure that we shall get it. I am not sure the people of the state of Ohio will be willing to accept that proposition. If that were a foregone conclusion my objection would not be so great to the short ballot as it is under present conditions. So that it won't do to bank on that altogether. You have no other remedy.

Then it is proposed to elect him for four years. He could do a good deal of mischief in four years. Probably there would be no particular remedy that would be effective. Impeachment is slow in Ohio. The governor of the great state of Ohio would have such a hold on the tribunal before which he would be arraigned that he would almost surely come out victorious under any reasonable charge. It would be a whitewashing scheme,

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as we have seen in many instances. For my part I would have postmasters elected instead of appointed. I believe it would be a better arrangement that the patrons of the office should say whom they wanted for postmaster. I believe in giving over to the people as near as can be done the reins of government. This matter of giving the governor this power reminds me of the man who hired his children to go to bed without supper for a few pennies and then after they were asleep crept in and stole the pennies away from them. I do not see any remedy if the governor fails. The responsibility is there, but if he fails I do not see how you are going to effectually remedy that. I am not opposed to the reduction of the number of officials provided it is not at the expense of efficient service. If one official can attend to the duties of two that we already have, I would not oppose the reduction. Now I am a little surprised that the prospective member of congress [Mr. FACKLER] so distrusts the people. I cannot understand why he should do it. He goes on to tell us that the present method of nominating state officials is wrong and corrupt and all that. I grant that in some instances there may be some things of that character, although I fully believe in the past we have had men of good character and standing for all of our official positions. They do not always suit me politically, but that is neither here nor there. If they fill their offices I don't care if they are socialists. If there is wrong, change the method by which they get there instead of changing the system altogether.

The objection is made by the gentleman from Cuyahoga [Mr. FACKLER] that there are times when the governor and the other state officers are at variance politically. I don't think it does any harm once in a while to have a little house cleaning. I am sure it is beneficial. I happen to come here from a county where one party is in the ascendancy to such an extent that once in a few years the minority party, or the people who belong to the minority party, elect part of the county officers in order to purify the county officials. I do not think it will do any harm once in a while to have the secretary of state or the treasurer of a political party different from that of the governor. I cannot see any objection to that, and I do see a probability in this great state of Ohio — and I do not say this from any political bias — this is supposed to be a nonpartisan body, and I am glad it is, but I want to say that we all know that the republican party in the great state of Ohio has considerable advantage in point of numbers and if they choose they can perpetuate their power right along with the short ballot.

The time of the gentleman here expired.

Mr. KNIGHT: I quite agree with several of those who have already spoken that among the subjects that have and will come before us, this is one of the most important. In the twenty minutes time at my disposal — I hope not to use it all — I want to get down to a hardpan basis on this proposition.

In the first place what is meant by the short ballot? Simply a diminution of the number of administrative officials who shall be elected by popular vote, that is, concerning whom the people on election day have the choice between two men for each office about whom they know nothing except that somehow or other, by some influence of which they have no accurate knowledge, those two men's names got upon the ballot. What does the short

ballot seek to accomplish? One thing only, it seems to me, namely, greater efficiency in the administrative work of the state and in the management of the state's affairs. There is no comparison and no need for comparison between the work of the legislative or lawmaking body and the work of the administrative department whose duty it is simply to enforce, to the best of its ability, the laws that have been made by the representatives of the people or by the people themselves, and for the administration of which they have selected an administrative officer. How does it propose to accomplish this? One purpose of the particular proposal before us at the present time is that it is proposed that the people of the state shall elect the governor and the lieutenant governor and the state auditor, and all other administrative officers of the state shall be appointed by the governor. The reason for excepting the state auditor from the appointed officials has already been referred to, but perhaps has not been adequately discussed.

What, if any, are the arguments in favor of the proposal, and what, if any, are the objections to it? In the first place, in favor of the proposal there is undoubtedly the argument that it makes possible a systematic state policy, and the people, when they select the governor, whether it be for two years or four years, have the opportunity to express in that selection their desire and determination that the policy of the state upon state affairs for the ensuing term shall be this rather than that, and they put into the governor's office a man of their own selection whom they expect to carry out that policy. It centralizes the system by putting into the hands of the chief executive of the state the power the people want to exercise in carrying out their will as expressed in the law and in the selection of this particular man as chief executive.

Further than that, it centralizes responsibility. One of the difficulties for years in the administration of every state in this Union has been the inability of the people to find out who is responsible for maladministration. We select a dozen different officers more or less. To each one is parceled out a little bit of administrative power; and then when we want to find out who is responsible for shortcomings, we find the administrative authority of the different officers is so interlaced that we cannot determine who is responsible. This proposal simply undertakes to utilize for the work of all of those in the administrative affairs in the state the same kind of wisdom, the same kind of shrewdness, and the same kind of common sense that is used in ordinary business matters, which is used in national affairs, and which is coming to be increasingly used in state and city affairs all over the Union. We talk a great deal about the fact — and with a great deal of reason for it — that the large corporations of each state are so well organized and so well handled that they are able every time, we hear, to get ahead of the people on any question that comes up wherever there are two sides to the controversy. If that be true, why is it? Do the stockholders of the corporations go to work by popular vote of the stockholders to elect the employes of the corporation or do they select one manager and expect him to do the work, for them and in their interest, of organizing the whole business and thus centralize the responsibility in him? They decide what they want done and he undertakes to do it,

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and just so long as the people of this or any other state with inferior machinery undertake to meet the centralized management and administrative machinery of large corporations, just so long will the corporations be able, in nine cases out of ten and perhaps ten cases out of ten, to accomplish what they wish, while the people of the state are wondering how it happened.

Mr. HARRIS, of Hamilton: Does the member from Franklin [Mr. KNIGHT] contend for a moment that there is the slightest analogy between the organization of a private corporation, wherein he who has the most money casts the largest number of votes, and a political organization in the state of Ohio?

Mr. KNIGHT: I contend there is a very striking analogy, except that the abuses in the state are much greater, and the business of the state will never be as well administered as the business of a private corporation until we learn from the private corporation how to do it; and it is simply applying to the greater business of the people of the entire state the same kind of management that is had by the corporations in this country, which are so successful that they can "put it over" on us every time, because we haven't sense enough to meet their administration with an equally good administration.

Now as to the analogy of national affairs. The problem seems so simple that it is hardly necessary to do more than to ask a question, and that is, does anybody think that we can have at any time a better administration of affairs if we elect everybody from the president down to the postmaster at Lebanon? The thing is so foolish that it doesn't need any argument.

Mr. TETLOW: Will the gentleman yield for a question?

Mr. KNIGHT: Yes.

Mr. TETLOW: You asked a question and I rise to make an answer. I believe that the federal government system—

Mr. KNIGHT: Is that a question?

Mr. TETLOW: You asked the question and I want to answer it.

Mr. KNIGHT: I yielded for a question.

The PRESIDENT: Does the gentleman yield?

Mr. KNIGHT: Only for a question.

Mr. HARRIS, of Hamilton: Is the member aware of the fact that no less an authority than Senator Aldrich has stated that in his judgment there is maladministration to the extent of over \$300,000,000 in the federal government?

Mr. KNIGHT: Yes; we all know he has said that. The question does not require an answer.

Mr. HARRIS, of Hamilton: And that is a perfect administration?

Mr. KNIGHT: I didn't say so.

Mr. HARRIS, of Hamilton: It is an ideal administration?

Mr. KNIGHT: It is efficient.

Mr. HARRIS, of Hamilton: With \$300,000,000 of maladministration?

Mr. KNIGHT: Yes; under popular elections down to your postmaster you would have \$600,000,000 of maladministration. Now in the city, what does the commission form of government mean?

Mr. DOTY: Right there, is not the member from

Hamilton [Mr. HARRIS] in favor of the commission form of government?

Mr. KNIGHT: I thought so until this afternoon. Now I am not quite sure of it.

Mr. HALFHILL: Doesn't the commission form of government refer to municipalities?

Mr. KNIGHT: It refers to the administration, and I said it was an analogy.

Mr. LAMPSON: Just a little suggestion in reply to the statement of the gentleman from Hamilton [Mr. HARRIS] that there were over \$300,000,000 of maladministration. Our appropriations are something like \$240,000,000 for postal service, \$160,000,000 for pensions, \$100,000,000 for maintaining the army, and a little over \$100,000,000 for maintaining the navy. There are \$600,000,000. Now where are you going to get \$300,000,000 of extravagance. All those appropriations are fixtures, just so much.

Mr. DOTY: A point of order, Mr. President: I contend the member from Ashtabula [Mr. LAMPSON] has no right to take up the time of the gentleman from Franklin [Mr. KNIGHT] to exhibit his actual knowledge of the federal government, about which we know nothing.

Mr. LAMPSON: What about the gentleman from Cuyahoga [Mr. Doty] putting on exhibition his knowledge?

Mr. KNIGHT: The next point that could be mentioned in favor of the short ballot is that the people can more wisely and knowingly elect its one official who is responsible to the people for the administration of their work than they can select ten or a dozen or fifteen men. I venture that today there are not ten men within my hearing who could write on a slip of paper within the next three minutes the names of the present elective state officials of the state of Ohio, and yet you talk about popular election. You can not name the men who are your popular servants today. You have been sitting in the state house three months, and some of you in politics, and you cannot name them.

Mr. HOSKINS: Don't you think that is a reflection on the members of the Convention?

Mr. KNIGHT: No; we are simply supposed to be representative of the people of Ohio.

Mr. TETLOW: Do you know the appointive officers?

Mr. KNIGHT: It is not a question of knowing them, but a question of knowing whether the business is well done.

Mr. TETLOW: Do you know whether it is well done under the present system?

Mr. KNIGHT: If I thought it were, and that it could not be better done, I would not be standing here advocating a change.

Mr. ELSON: Under the short ballot system what is the difference whether the voter knows the names of the officers or not? That is just what we contend, that we don't want to know them, that we want to know the one man who is responsible for them.

Mr. KNIGHT: I said all we wanted to know was whether the business was well done. Now we have to know the names of all of them to determine whether they are competent or not.

Mr. HOSKINS: May not the maladministration in

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the elective executive officers about which you have been talking exist somewhere else too?

Mr. KNIGHT: As an unprejudiced observer who is not in politics, I am inclined to think it is not altogether outside of the elective officers.

Mr. HOSKINS: Executive officers?

Mr. KNIGHT: Well, executive officers. I prefer to keep this out of current politics. There are a few of us not in current politics, and we are trying to talk about this from a standpoint different from those who make a business of politics.

Mr. HOSKINS: I would like to ask you what is meant by politics—those who take an intelligent interest in politics or those who do not?

The time of the gentleman here expired.

Mr. WORTHINGTON: I move that the gentleman's time be extended ten minutes. He has been interrupted so frequently.

The motion was carried.

Mr. KNIGHT: Now, as to the objection—the first one that has been repeated so many times that it is almost threadbare—that the short ballot principle removes the administration further from the people because forsooth we do not have quite so much opportunity to select the men whose names we never heard of before we selected them, and whose names we can not remember the next day after we selected them, and, because once in four years or once in two years we do not have a chance to vote for such persons, therefore, the administration of our work is taken out of our hands!

It seems to me that this objection is like some other propositions we have heard—it requires only a little straight thinking to see that it has no important bearing on the matter. I would rather have a competent man selected for me to do my work than have it put up to me to select between two, one or the other of whom somebody else said I had to take when I do not know that either one of them is competent; and with all due deference to the direct primary, I am not so sure that under the direct primary we are going to become suddenly so all-wise as to know in advance all about those men for or against whom we are going to vote.

It is said also that there is danger of a political machine. Well, we are used to those things in Ohio. We haven't any now, of course! We have had. We have had about as bad political machines as the Lord ever let exist in any part of America, and we have had them under the long ballot. Now I am not going to give names, but go back fifteen years, and we all know perfectly well that there have been years when practically the entire state ticket of the dominant party in this state, the party to which I belong, was selected on the banks of the Ohio or pretty close to Lake Erie. We have gone through the motions of ratifying the selection in Columbus, but that is about all we have done and we had such a political machine in those days that I have no great fear that we can have a worse one.

I heard a few minutes ago a challenge of inconsistency of anyone who would support the initiative and referendum and in the next breath advocate the short ballot.

Mr. ELSON: May I ask the gentleman a question?

Mr. KNIGHT: I would rather not be interrupted, if the gentleman will kindly let me have my time.

The PRESIDENT: The gentleman declines to yield.

Mr. KNIGHT: A half minute's thought ought to convince anybody there is no connection between the two. One is the question of the people's determining what they want done in the making of laws or the turning down of laws that they don't want, and the other is the question of selecting efficient men to carry out those laws. Your board of directors or stockholders of a company decide what they want done by the company. They decide whether they want a bond issue or whether they want to increase their stock or whether they want to make an improvement on their plant, and then they expect their manager to do it, and they don't expect to vote on each detail or how many men shall work. They leave all that to the manager and there is no connection at all and no consistency between the two.

It is suggested that there is something behind the proposal and an inquiry I suggested as to the ulterior motive in somebody's mind or in the minds of those who have the nerve to advocate the short ballot. There is no hidden motive. The cards are being played above the table and not under it on this proposition. Is it impossible for men in this Convention to believe that men can advocate a proposition on its merits without having something up their sleeves as a reason for it? We take one another as honest men on these propositions, and we ought not to go seeking and hunting every time a man speaks to find out some hidden motive that is making him for or against the proposition.

In conclusion, it seems to me this proposal simplifies the work of the people. It makes it possible for the wayfaring man to know what he is doing when he votes for two or three officials, when he would not know what he is doing in voting in the dark and taking a chance with the long ballot.

I should have been glad to cite one or two reasons why I can not support the amendment taking the attorney general and the dairy and food commissioner from the appointive list. It seems to me that those officers should be selected not by chance with the long ballot, but by a man that we will hold responsible for the successful working of the state machinery. The auditor, it seems to me, is a check possibly on the misuse of money appropriated by the representatives of the people, and it is probably correct that he be allowed to be elected. Otherwise I, for one, would be entirely willing to see that office stricken out of elective offices too.

Mr. DOTY: Do you think the people are any better able to pick out their auditor than they are the attorney general?

Mr. KNIGHT: No.

Mr. DOTY: Don't you think the auditor of the United States is of as much importance as the auditor of the state of Ohio?

Mr. KNIGHT: I am perfectly willing to vote for the short ballot with that office stricken out also.

Mr. DOTY: Don't you think it should be stricken out?

Mr. KNIGHT: I am not so sure.

Mr. DOTY: I will make a speech directly and I will show you.

Mr. KNIGHT: I knew you were going to and preferred to let you explain those things yourself.

Mr. HALFHILL: Mr. President and members of the

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Convention: Goethe tells us somewhere in his writings "There is nothing so terrible as ignorance in action," and, if I were to paraphrase it and bring it down to the present time and make it applicable to this question, I would say there is nothing so terrible as theories in action. But I do not want to paraphrase it and make it applicable unless I proceed to say that the gentlemen who are so eloquently expounding this proposal are honestly ignorant.

Mr. KNIGHT: And the rest dishonestly ignorant?

Mr. HALFHILL: I believe this gentleman was chary of his time. I will answer any question that is a real question.

The question here before us for consideration requires a little analysis. There seems to be a wonderful confusion of ideas in the minds of those who advocate the short ballot because in talking upon this question, relating as it does to the organization of the executive department of our state, there is constant allusion to the commission form of government, long municipal ballots, blanket ballots with a large number of names, evidently all of which refer to municipal elections and do not refer to this question.

So far as this question is concerned, it is absolutely and purely theoretical. It is a theory that is framed into the form of this proposal upon which you want to launch a new departure in the organization of our state government, and you have not furnished, to my satisfaction at least, one solitary argument for the change of the executive department.

Each and all of you have failed to point to a single instance where the executive heads named in the constitution have failed to discharge their duties in accordance with the law and in accordance with the best interests of the people of Ohio, and if one of you has an instance of that kind, why not name it? You get behind an assault of some ghost, which you call a "machine," or behind something that you call a "party boss," and you claim that that boss or machine or organization nominates somebody to office and the people haven't had anything to do with it. It is as purely a theoretical declaration as was ever uttered outside of an academic discussion in some high school literary society. Now just what is in the constitution of Ohio? I want to call to your attention a portion of article III of the present constitution to see what present power exists in the governor, upon which official you want to confer an additional prerogative by placing in his hands all of the power of these other executive heads.

Section 1 defines what the executive power is:

The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of state, treasurer of state and an attorney general, who shall be elected, etc.

There you have the executive officers of the state named as such in the constitution. When you get down to the commissioners that have been discussed here like the dairy and food commissioner and the tax commissioners and the sinking fund commissioners, they are all statutory officers, created by statutes enacted by the general assembly, and they can be wiped out by a statute. They have nothing to do with the constitution. These I

have named are the constitutional officers, the executive officers of the state of Ohio, acting in that capacity for over sixty years past.

In section 5 we read:

The supreme executive power of this state shall be vested in the governor.

He already has the supreme executive power over all the other executive heads, if you please. Not only is that carried out by the statutes of the state of Ohio, so that this power is supreme in the truest sense of the word, but the constitution, the organic law itself, further defines wherein he is supreme and makes the other heads subordinate. So when you talk about responsibility, no governor can, by the constitution, have any more responsibility cast upon him than is imposed by the constitution of Ohio right now.

Mr. KNIGHT: Will the gentleman permit a real question?

Mr. HALFHILL: Certainly.

Mr. KNIGHT: Does the gentleman contend, notwithstanding all these provisions of the constitution making the governor the supreme executive, that he has any power to control the other offices?

Mr. HALFHILL: I contend that notwithstanding all these provisions of the constitution the governor has the power to control them under the law and the law is greater than the governor or anything else.

Mr. KNIGHT: How can he control them?

Mr. DOTY: When did he ever do it?

Mr. HALFHILL: When did he ever do it?

Mr. DOTY: Yes.

Mr. KNIGHT: My question was first; how can he control them?

Mr. HALFHILL: He can control them by requiring reports in writing from them, which they must give him under the constitution, and if they in any way transgress their duties under the constitution he can set in motion the machinery of the law that will control them.

Mr. KNIGHT: Can he make them do those things that in his judgment, as the supreme head of the executive department, he thinks ought to be done?

Mr. HALFHILL: Maybe not that far.

Mr. KNIGHT: Can he remove them?

Mr. HALFHILL: No.

Mr. KNIGHT: What is it but paper power?

Mr. HALFHILL: I do not want any power in the executive greater than the law gives him. I do not want any power in the executive whereby the will of one man would govern. Professor Knight might be governor of Ohio and he might exalt the office to such an extent that he would remove everybody by his supreme will, but this is a government of law and not of men. There is now a prominent candidate for president before the country who, while he was president, continually sent his messages to congress desiring to have greater administrative powers of government conferred, the French law of Droit Administratif, which is absolutely opposed to our theory of government. We are not to imitate the Europeans and the governor is not a high official person to the extent that he should be exalted above the law. I say it is wrong in theory, and I call your atten-

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tion to other provisions of the constitution which I claim it is well for us to consider now:

Section 6. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices; and shall see that the laws are faithfully executed.

Section 7. He shall communicate at every session, by message, to the general assembly, the condition of the state, and recommend such measures as he shall deem expedient.

Then turn to section 20 and you will see that all the other executive heads are made subordinate to the governor:

Section 20. The officers of the executive department, and of the public state institutions shall, at least five days preceding each regular session of the general assembly, severally report to the governor, who shall transmit such reports, with his message, to the general assembly.

Mr. DOTY: Does not this supreme power upon which you lay such emphasis consist chiefly in requiring reports in writing? Is not that the extent of the governor's power?

Mr. HALFHILL: I do not think so.

Mr. DOTY: Don't you know that is the extent of the power of the governor?

Mr. HALFHILL: I do not know, as a matter of common knowledge, and, in fact, I know to the contrary.

Mr. DOTY: How did the present governor get rid of the members of the board of public works?

Mr. HALFHILL: They are constitutional officers.

Mr. DOTY: And all that he can do is to require them to make reports.

Mr. HALFHILL: I believe in the existing constitution. I believe the people have sense enough to select their officers.

Mr. DOTY: That is all right, but what about this executive authority you are talking about — the supreme executive authority?

Mr. HALFHILL: You are on the president's list to make the next speech. I am perfectly willing to answer your questions, but I don't want you to take up so much of my time.

Now, in addition to those sections of the constitution creating these executive heads, you must remember before you enter upon this work of demolition, for it is purely a work of demolition, that for more than sixty years the general assembly has been working at statute law applicable to each one of these executive heads, and for more than sixty years the courts of the state of Ohio have been construing those statutes and have given scope and extent to the statutory power embraced in the enactments of the general assembly, so that the statute books of the state are filled with acts of the general assembly and reports of the supreme court are filled with the constructions of the court giving effect and scope to the work of the several heads of the executive department, and when you abolish this you wipe out all of the statutes of the state of Ohio and all of the various decisions under those statutes, and you make it neces-

sary to impose upon the general assembly the work of again creating all these statutes, so that the governor will be the principal figure and around him would be the few statutes that relate to those clerks or administrative or ministerial officers that he appoints and which are now executive officers. That is a consideration that deserves very earnest and careful thought before you proceed to demolish the statutes of Ohio and the court reports of Ohio simply to carry out a theory. And I call your attention to the fact that as to the secretary of state alone, in the General Code of Ohio, Title 3, Chapter II, there are sections 155 to 344 inclusive, defining the duties of the secretary of state, in addition to which there are scattered throughout the Code one hundred and sixty-nine other sections, making a total of two hundred and forty-eight sections of the statutes of Ohio, many of which have been there for fifty or sixty years, and all the important ones have received judicial construction. The same can be said of the treasurer of state. Part I of the General Code, Title 3, Chapter IV, sections 269 to 336 inclusive, relate to him, and scattered throughout the Code there are fifty-nine other sections, making ninety-three sections of the Code which apply to the duties of the treasurer of state.

The attorney general, under General Code, Part I, Title 3, Chapter V, sections 331 to 351 inclusive, and seventy other sections, scattered throughout the code, apply to the attorney general, making ninety sections of the statutes. The auditor of state, Part I, of the General Code, Title 3, Chapter III, sections 255 to 295 inclusive, and, scattered throughout the statutes, one hundred and sixty-two other sections, making a total of two hundred and twenty-two sections of the statutes of Ohio which refer to the important office of the auditor of state who has been referred to here as a mere book-keeper when he has most important work that is specifically cut out and fixed by the law.

The board of public works, Part I of the General Code of Ohio, Title 3, Chapter IX, sections 404 to 486 inclusive, and, scattered throughout the statutes, sixteen other sections, making ninety-eight sections which refer to the office of the board of public works, all of the important ones of which have received judicial construction.

Mr. FACKLER: Does the gentleman wish to inform this Convention or to convey the idea to the people that the mere changing of the method of selecting these officials could have any possible effect upon the statutes in assigning their duties and powers?

Mr. HALFHILL: I certainly do, and anybody well informed knows that that is the fact. I certainly do because these officials are now our executive officers of the government defined as such by the constitution, and the laws make them responsible to the people who elected them under the fundamental law for their creation. They are not clerks. They are entirely executive officers under the constitution, so that I submit, gentlemen of the Convention, that it is all important for us to carefully consider whether or not we will risk defeating all the work of this Convention at the polls by inserting a lot of theoretical things that will turn topsy turvy the government of the state. I submit the government of the state has been a success. I deny the imputation that the attorney general is appointed by any power in any polit-

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ical convention, and I have been in attendance upon every political state convention of my party for almost thirty years, and such statement is not a fact and it can not be proved to be a fact. It is nothing but a slander upon our form of government as we have executed it. Further than that, I submit that anybody who takes an intelligent interest in politics is not necessarily a politician in the scurrilous way in which that word is so frequently used. The "short ballot" has no place in our scheme of state government.

The gentleman from Cuyahoga [Mr. DOTY] was here recognized.

Mr. DOTY: Now, if anybody wants to ask any questions I will yield now before I start.

Mr. ELSON: I will ask one: Is it not the theory—

Mr. DOTY: You needn't ask it. I am very short on theory. I am going after practical things.

Now, the member from Allen [Mr. HALFHILL] has been carefully explaining to us about the enormous executive authority the governor is supposed to have, and when he comes to enumerate what that is it consists of just what was elicited by the question, that he can compel the heads of the department to write the reports, and we all know that is about as far as any governor in the state of Ohio ever got in any controversy with any head of a department under the present constitution. I have observed for some years that the governor of Ohio has less authority than the mayor of the city of Cleveland or the city of Cincinnati. The governor under the present system is not nearly so important an official as the mayors of those two cities. As I have said, the most the governor of a state can do in the exercise of his supreme executive power is to demand that the heads of those departments write some reports. That is a fine power to have.

Mr. HALFHILL: What would you have the governor do with them?

Mr. DOTY: My supreme authority is to provide for him the same authority as you are to your bank—hire them and fire them. That is supreme authority, to hire them and fire them. You are not interested in any business that is not run that way except your law business, and your employment in your law business is brought about by the carrying out of that same idea by other people. You don't have coming down to your office a mob of stockholders of corporations and citizens of communities employing Mr. Halfhill. There is one man deciding that and one man comes and talks to you.

Mr. HALFHILL: Well, who is that?

Mr. DOTY: The man who hires you and who can fire you, and they don't hire men because they like them. They hire men with brains and that is the reason you are successful.

Mr. HOSKINS: Do you believe in the concentration of political power in the hands of a single man?

Mr. DOTY: I believe in the power of the people and I believe in keeping that power in their hands, and where they can keep their eyes on it, and I know we can keep our eyes on one spot better than we can all around the horizon.

Mr. HOSKINS: Do you believe in the concentration of political power in the hands of a single individual?

Mr. DOTY: I believe in the concentration of power in the hands of the people themselves.

Mr. HOSKINS: That does not answer my question.

Mr. DOTY: Yes, it does. Now take this power of the people. We are all of us agreed, some of us practically and some of us theoretically. My friend from Allen [Mr. HALFHILL] is a pure theorist. We are all agreed on the point theoretically on the sovereign power of the people and Mr. Hoskins and I agree on it practically. We agree in the power of the people. We know that power exists and that it is a tremendous force. It is like the power of the great river we see down on the southern border of this state. It shows its power as it moves. We know there is tremendous power there. Just as soon as the spring freshet comes the power gets more tremendous. It spreads over the face of the country and great damage results. The power is there and the great damage is there the minute it fails to keep in its proper channel. I have observed for the last two or three years about the power of the people—

Mr. HOSKINS: Will the gentleman answer a question?

Mr. DOTY: Not right now.

Mr. HOSKINS: Do you decline to yield?

Mr. DOTY: No; but I don't want to yield now. I want to finish this sentence. I have noticed with reference to the power of the people that when you make it easy for the people to perform whatever they choose you get a prompt performance. The power of the people when it is allowed to be frittered away by party nominations, long tickets, and by bosses—which I agree with the member from Hamilton is a good deal of a bugaboo—then the power of the people can not be properly directed. I find that the power of a community, when you make it hard for them to do anything, will not be exercised, and it is not exercised today in this state to any great degree. Just as soon as you can make it plain and easy for the people to do that which they desire to do in the easiest sort of fashion, the power will be exerted and it will be a power for good and it will never fail in its exercise.

Mr. HOSKINS: I would like to ascertain for my own satisfaction so that I can keep off of my feet and remain seated—

Mr. DOTY: Well, can't you do that until I get through with this question?

Mr. HOSKINS: I had a question I wanted to ask.

Mr. DOTY: Oh, well, go ahead.

Mr. HOSKINS: By making these offices appointive, do you believe they should retain their present statutory duties?

Mr. DOTY: I am not the legislature. They may change it. I can't answer that and neither can you. That was asked simply for the purpose of betraying my ignorance, which is great.

Mr. HOSKINS: Do you believe if an officer is appointed that he should retain in substance all of the statutory powers?

Mr. DOTY: I was inclined to think so, but the member from Allen [Mr. HALFHILL] read us so many things—there are four or five hundred of them, and I don't know about all of them.

Mr. HOSKINS: You are speaking about the present

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statutory powers. Now, if you believe they should retain those powers, why should they retain them? Ought not every one of the statutes to be repealed and, under a statutory provision of the legislature, their powers given to the governor? If not, why not?

Mr. DOTY: Now, that is as Mr. Jones would ask: if not, why not?

Mr. HOSKINS: Well, will you answer that?

Mr. DOTY: I may not be able to.

The PRESIDENT: Does the gentleman decline to yield to the gentleman from Wood [Mr. BEATTY].

Mr. DOTY: No; I have one man on my hands now. Wait until I get through with him. Of course, the member from Auglaize [Mr. HOSKINS] has asked an absurd question and he knows it is absurd, and therefore the answer will be absurd.

Mr. HOSKINS: I don't see wherein I asked any ridiculous question. I want to know if the present duties should be in substance retained and they may be made to perform the duties they now perform. If they become appointive, why not repeal all of those statutes, and why not provide that those duties be performed by the governor, and if not, why not?

Mr. DOTY: For the same reason that when you are cashier of a bank you expect as representative of the board of directors to operate that bank; you don't expect to be receiving teller and paying teller and individual bookkeeper and general bookkeeper and discount clerk and all the other clerks; you simply expect to map out the work and carry it out through the operatives in the bank. You give each man in the bank the duties that he is to perform, but you don't perform them yourself.

Mr. HOSKINS: Do you think that answers the question?

Mr. DOTY: Maybe not, but I thought it did.

Mr. HOSKINS: Do you deny that if these officers are appointed by the governor the governor would be the absolute dictator of everything they did?

Mr. DOTY: Now you are coming to the machine again—

Mr. HOSKINS: Just answer the question.

Mr. DOTY: Oh, I will; don't worry.

Mr. BEATTY, of Wood: I believe you stated that all the officers would report to the governor.

Mr. DOTY: No, sir; I did not.

Mr. BEATTY, of Wood: You said they made reports to the governor.

Mr. DOTY: No, sir.

Mr. BEATTY, of Wood: What did you say?

Mr. DOTY: I said the member from Allen said that.

Mr. BEATTY, of Wood: What does the appointive officer do?

Mr. DOTY: One right now is running a presidential campaign.

Mr. BEATTY, of Wood: Don't they make the same reports to the governor?

Mr. DOTY: And if they make a report and they don't please him he can fire them.

Mr. BEATTY, of Wood: Did you ever know of a governor of Ohio firing one?

Mr. DOTY: No, sir.

Mr. BEATTY, of Wood: Was not the state fire marshal fired once?

Mr. DOTY: His time expired and he was discon-

tinued. He wasn't fired. I have known a lot of them that ought to have been fired.

Mr. BEATTY, of Wood: For making false reports to the governor?

Mr. DOTY: I don't know. I never kept up with that.

Mr. BEATTY, of Wood: The only trouble in the state of Ohio in the last twelve years has been caused by appointive officers and not by elective.

Mr. DOTY: No, sir; that is not true, if you will remember.

Mr. BEATTY, of Wood: Tell me one.

Mr. DOTY: You will get me into personalities, and I don't think you want me to name persons who have gone wrong. There are several matters pending now touching that.

Mr. BEATTY, of Wood: It has not been shown up yet?

Mr. DOTY: They have not had time.

Mr. FACKLER: What about the state treasurer?

Mr. BEATTY, of Wood: It is in court, but he has not been found guilty.

Mr. DOTY: Now how many political machines does it take to nominate a state ticket? You gentlemen who are afraid of a state machine in the hands of the governor don't want to overlook this fact, that there are as many political machines now—and I don't criticize; their existence is a perfectly natural thing. There is a machine in every department and I call your attention, particularly the attention of the gentleman from Auglaize, to the scenes in his party convention, or in the party convention of the other party that he has observed, when they have filled out the "tail of the ticket." Perhaps he has been there and seen that done, and when the time comes for that part of the ticket to be made, what do we see?

We find representatives of various machines are there. The rest of us honest delegates have gone to lunch. We leave our votes to the heads of machines, and they are there doing the work and the result has been that we have seen the "tail of the ticket" built up and nominated by twenty or thirty men; these twenty or thirty men are the men who are on the job, part of one machine or part of another. A candidate for governor, especially one running for the first term, hasn't any machine of his own and he has to deal with the machine of the auditor, of the treasurer, of the board of public works and of the attorney general.

I don't use this word machine as casting any reflection on the men carrying on the work. It is simply the inevitable result of our method of government. We fix up a plan by which this result does come and we have these various machines, and I want to tell you they are some times pretty powerful machines. I had forgotten the dairy and food commissioner's machine. That is quite a machine and with all deference to my colleague, I want to say the power of the head of that department does not come from patronage that is given it, it comes from the powers given the head of that department under the laws that the member from Allen [Mr. HALFHILL] has been enumerating here, and those powers in those laws produce a situation that makes it possible for this official and that official to build up a machine, and who can blame them? It is their only chance for political life in this state.

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Mr. HOSKINS: If all you say is true about building machines, how would it improve it by putting all the little machines into one big machine?

Mr. DOTY: Just so; if we have to have a machine we would then have that machine where we will all look at it and keep track of it and know who is responsible for the appointment of a particular officer and you can not know that now. I want to say now to the member from Allen [Mr. HALFHILL] — he appears to have been in the habit of attending political conventions, and he appears to have been investigating — all of this is not done there. It is done before you meet. You never see anybody meeting to pick out the attorney general.

Mr. HALFHILL: Yes, I have.

Mr. DOTY: No, you didn't see them. You may have thought you did.

Mr. HALFHILL: I have seen them when there was a contest over the position.

Mr. DOTY: Did you ever see the time when an attorney general was nominated that there wasn't a supposed contest? I can get you up the most beautiful contest you ever saw and you would think it was real. Positively sometimes when I knew it was not real I almost thought it was. The attorney general has been appointed before the convention met many and many times.

Mr. HALFHILL: Name one.

Mr. DOTY: I won't do it and you don't want me to.

Mr. HALFHILL: You can not do it.

Mr. DOTY: Yes, I can; and I will tell you about it privately if you want me to.

Mr. HALFHILL: You know you can not.

Mr. DOTY: Yes I can; and he didn't come so far from your town that you don't know it yourself, either.

Mr. KING: The gentleman seems familiar with state conventions — I want to inquire if the entire ticket, so far as he knew, was not nominated four years ago before the republican state convention ever met?

Mr. DOTY: I was a down-and-outer that year and I don't know so much about it; but it has been so many a time, and if the Judge says so I will take his word for it.

Mr. HOSKINS: That was the republican party?

Mr. DOTY: Yes; and the democrats never did it, because they were not in, but they are now in power and watch out.

Mr. HOSKINS: Is it not a fact that every act of an elective official in the state of Ohio is under greater scrutiny than the act of any appointive official in the state of Ohio?

Mr. DOTY: I think so, because as a general proposition the officers who are appointed are not on the same plane as to importance as the elective officer. I think if you would have an auditor appointed to last ten years he would be just as good as the present auditor or his predecessor.

Now I want to call attention to a strange fact — and you just inquire around and see if it is not true — that every man in this Convention and every man in any convention who is in favor of the long ballot, is in favor of party tickets on the ballot or is against state-wide primaries or all three. They all go together because the long ballot produces a hazy situation so that the people can not know what they are doing.

Mr. HOSKINS: Is it not a fact that you are at-

tempting by this proposition here to shorten the shortest ballot we ever had in the state of Ohio?

Mr. DOTY: What do you mean?

Mr. HOSKINS: By cutting out the elective state officers don't you cut down the shortest ballot we have ever had?

Mr. DOTY: I don't recall how many are to be elected, but I do know that the committee on Municipal Government, of which the member from Hamilton [Mr. HARRIS] is chairman, is proposing to bring in a proposal to allow the cities to have as short a ballot as they want. Therefore, if we adopt this measure for a short ballot for the state, it will be a shortening all along the line.

Mr. HOSKINS: Is not the proposition of Mr. Harris, of Hamilton, merely applying the principle of home rule?

Mr. DOTY: I don't know that this has anything to do with home rule.

Mr. HOSKINS: This proposition is to let the municipalities make the ballot as short as they want.

Mr. HARRIS, of Hamilton: And make it as long as they want.

Mr. HOSKINS: Don't you think it would be better to begin with your short ballot and your commission form of government in municipalities and counties, where the people can be judges of their own local affairs, instead of applying a proposition like this?

Mr. DOTY: Sure; you want the other fellows to begin — you don't want to begin yourself. Now it is being provided that the municipalities can shorten their ballot if they want it, but how can the people of the municipalities shorten their ballots, if, after they are through shortening it, we put on another long list of state officers to be voted for. They can not make it short unless we make it short too.

Mr. BROWN, of Highland: A question has occurred to me just during this discussion regarding the evils of a long ballot. I have looked over the matter of the ballot, long and short, and this question has occurred to me: In view of the evils of a long ballot is not the long ballot in the state something that will have to be corrected in order to let the municipalities have their short ballot? Is it not true that the state ballot should be made shorter?

Mr. DOTY: Of course, that is a matter of opinion, but I am inclined to think that we will not be doing our duty with the matter in hand unless we make it possible for other people to cure their own troubles, and that is what the Convention seems to be in favor of.

Mr. ANDERSON: Have not all of those who advocated home rule for cities said that they wanted it so they could have the commission form of government and the short ballot?

Mr. DOTY: I always understood that until I heard the member from Hamilton [Mr. HARRIS]. I have always understood that that was his position. The seeking after the commission form of government is not really because they want the commission, but it is to get the short ballot. It produces the short ballot.

We have had all kinds of experiences in Cleveland. There was a time in the history of Cleveland when we elected a councilman in each ward and the mayor and after that we had a law that provided for the election of mayor and three or four directors and six councilmen

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at large, making a long ballot, and then that got so large that they cut out the election of the directors and they elected the mayor and the auditor and the treasurer and the city solicitor. So we have had a short, a long and a medium ballot in the last twenty-five years. And it has been our observation up there that if you concentrate the power in the hands of one man you can hold him responsible for the administration of his office, but if you scatter the power among four or five officials you scatter the responsibility and you don't know just whom to blame if something goes wrong.

The time of the gentleman here expired and on motion of Mr. Halfhill was extended ten minutes, everyone voting in favor of it except Mr. Doty himself.

Mr. DOTY: I will have to vote no on that for I have been voting no on all similar motions.

Mr. STALTER: In view of all the abuses and wrongs that you have mentioned, would not they be removed by abolishing the nominating convention?

Mr. DOTY: Yes; but after you have abolished the convention you will have a long primary ballot, and it won't do much good. If you will shorten the primary ballot and remove the convention then you will obtain some real good. Then you will have gotten down to where you can elect the governor not because he is opposed to free silver or for free silver, but because he has some kind of a state platform; and that will come when the people can concentrate their attention on him and can point their finger at him, and you can shoot forty or fifty guns at once if the first shot doesn't bring him down.

Mr. HALFHILL: That would be a repeater.

Mr. DOTY: Yes.

Mr. HALFHILL: Do you believe in political parties?

Mr. DOTY: Yes.

Mr. HALFHILL: And party responsibility?

Mr. DOTY: Yes.

Mr. HALFHILL: And party organization?

Mr. DOTY: Yes.

Mr. HALFHILL: Don't you know under the law of Ohio that the party now is organized by electing a committee?

Mr. DOTY: They call it an election.

Mr. HALFHILL: Is it not an election?

Mr. DOTY: No; the same man that appoints the attorney general usually fixes up the committee.

Mr. HALFHILL: Don't you know that every ward and precinct committeeman must be elected?

Mr. DOTY: Yes; and after he is elected he never gets called to a meeting and he never does anything.

Mr. HALFHILL: Have you been a member of any committee?

Mr. DOTY: Not for a while. And I am trying to get out of this one too. They were elected two years ago and have never done anything.

Mr. HALFHILL: That is at Cleveland?

Mr. DOTY: Yes.

Mr. HALFHILL: That is kind of outside the pale?

Mr. DOTY: Yes. Now I take it that the question of having a state policy for our officials is one of very great importance. Under the present method of party management and party ticket, there is a bunch of asparagus when we vote for it, but it doesn't amount to any-

thing, and so instead of having a bunch of asparagus, is it not very much better to take all the power of the people and delegate it for a limited time to as few people as possible, namely, to one, and then hold him responsible for it? When you have done that, is he not much more apt to get away from the political boss? You will find your governor coming out on a platform and leaving out the question of tariff, free silver and national government and running on a state platform.

Mr. HOSKINS: Don't they do that now?

Mr. DOTY: No; they don't do it now. They always have a platform that includes some of those things. But what happens with that platform in the campaign? All the congressmen are out from Washington whooping things up for the G. O. P. and the principles of the party and very little is said about state matters, and that will be the result as long as you have a lot of pyrotechnics shot off.

Mr. HALFHILL: And is it not perfectly conceivable that the governor, with this great power that you have mentioned, may grossly abuse it?

Mr. DOTY: Yes.

Mr. HALFHILL: And if he does, what is the remedy?

Mr. DOTY: The recall.

Mr. HALFHILL: But you can't recall him before his time is out?

Mr. DOTY: Well, with the short term of two years it doesn't make much difference whether you have the recall or not. The only trouble is under the present system you don't know who does it. The work goes on, but you don't know who does it.

Mr. HOSKINS: Is it not a fact that experience goes to show in the state of Ohio that the voters hold the party responsible instead of the individual?

Mr. DOTY: No, sir; when Governor Harmon was elected the first time every republican on the ticket was elected except the candidates for governor and treasurer.

Mr. HOSKINS: You picked out the only one.

Mr. DOTY: No; when Campbell was elected it was about the same way. You have had only four in fifty years, and the last time when Governor Harmon had one hundred thousand majority there was one man on the same ticket elected by less than ten thousand majority.

There is not a farm in the state of Ohio that is run with anything like the inefficiency with which you want to run the state of Ohio. **There is not a bank or a factory or any other kind of a successful business run in any such shape.** If the member from Auglaize were to go to California and were going to leave his farm here to be operated for him, do you suppose he would call together all of his people and say, "I am going to turn this farm over to all of you and you want to work in harmony and report to each other." He would not run the farm that way. He would pick out one of his men, the one he thought was best — he might make a mistake, but he would anyhow attempt to pick out one of the best — and say to all the rest, "Here, boys, here is your boss. Here is the scheme that I want my farm run on, but here is the fellow that I am going to hold responsible and you have to report to him and you will have to obey him."

Mr. HOSKINS: But if ten men owned it equally, should not they have an equal voice in the matter?

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Mr. DOTY: If ten men owned the farm equally and attempted to run the farm with equal authority and without a boss over the farm they would break, and you know it.

Mr. HALFHILL: You don't believe in equality of the people.

Mr. DOTY: Yes; I believe in equality of the people. I believe in the people taking all the power they have and I believe in giving it to the governor and holding him responsible.

Mr. HALFHILL: If you made all of these men appointive, is not that the best way to have them hiding everything?

Mr. DOTY: No; it is the poorest way. It is more difficult to hide things when you have a lot of men doing the hiding. Your attention is scattered too much.

Mr. HALFHILL: Didn't you answer a question a few minutes ago that the big elective office was more evil than the appointive?

Mr. DOTY: No, sir.

Mr. HALFHILL: I think you have answered that way.

Mr. DOTY: No, sir.

Mr. HALFHILL: You have forgotten.

Mr. DOTY: I didn't say it.

Mr. HALFHILL: Is it not a fact that the elective officers of the state of Ohio are the subject of greater public scrutiny than these department heads?

Mr. DOTY: I think that is true, and for the reason that larger functions are delegated to the particular officers who are elected. Of course, you and I both know that this whole scheme of boards and elective officers produces a mix-up in this state perfectly dreadful. Why we have more kinds of government in the state of Ohio than in any state in the United States. We have boards that are governments within themselves. We have boards with other departments in them, and it is difficult to tell, without studying, exactly what we haven't got. Now all of these have a machine. We have a machine within a machine.

Mr. HALFHILL: Well, when you add all of those little machines into one what do we have?

Mr. DOTY: Well, let us see what the results would be? Instead of having a whole lot of machines, all mixed up and arranging matters, there might be one machine, but that is under the eye of the people. And a machine can't exist when it is under the eye of the people; it soon ceases to exist. If you have a machine, or if the governor attempts to build up one, how long does it last? If we would have the state-wide primary it wouldn't take very long to break the whole machine. Of course, with all these little machines, with the present mix-up in our state, the primary wouldn't accomplish very much good.

Mr. HALFHILL: Suppose the governor of Ohio has his appointees in all the remote precincts of the state, has his fire marshal and his deputies and all of the employes in this, that and the other department, could not they be used for perpetuating the power of the governor or perpetuating his regime?

Mr. DOTY: No; you simply have the people exercising power over that one man and watching him. They will simply defeat him. He will simply increase the danger of his defeat. If you keep things mixed up as you

have them now, with the auditor's machine and the board of public works machine and all the various machines — you have combinations here, there and everywhere — you can't keep them under a single eye.

Mr. HALFHILL: In politics is it not better to have the machines divided up and not all concentrated?

Mr. DOTY: No, sir; you could break one that may be powerful easier than a number that you don't know anything about.

Mr. HALFHILL: Now you bunch them up and put them in the hands of a governor and nobody can break them at all.

Mr. DOTY: You will have the primary law and that will give the people a chance to break all machines.

Mr. HALFHILL: Haven't you read the story of the boy and the old man and the breaking of the sticks? They could be broken singly, but couldn't be broken all in one bunch.

Mr. DOTY: That doesn't apply at all.

Mr. DWYER: What machine nominated Taft for president?

Mr. DOTY: If you spread around one hundred and seventy-two people among a million and a half of voters, how much influence do you think they can exercise?

Mr. HOSKINS: There are ninety-two in one single department.

Mr. DOTY: There may be, but there are only one hundred and seventy-two in all. I have heard the figures quoted. I don't care whether there are seventeen hundred and twenty. That would be only a little over one to every thousand voters in the state of Ohio and they couldn't cut much figure.

Mr. PIERCE: Mr. President and Gentlemen of the Convention: There has been considerable said this afternoon that I agree with and also quite a lot with which I do not agree. The gentleman who last spoke [Mr. Doty] tried to place every man who took an opposite view of this question with himself in a class all by himself. He said if you will trace it down you will find every man who opposes the short ballot is opposed to state-wide primaries. I want to assure the gentleman that that is not true. I am in favor of state-wide primaries and I am opposed to the short ballot as proposed by Mr. Elson. I want to say further that I am also opposed to party tickets. If I had my way every democrat, every republican and every socialist, from governor down, would be on one ticket, and there wouldn't be any eagle or rooster or any other designating mark or emblem to indicate whether they belong to one party or another. I say further I am in favor of the commission form of government. I am going to vote for it when I get an opportunity, but I am going to vote against this proposal for the short ballot, although I am for it if it is properly safe-guarded, but the advocates of this place are not proceeding along the right lines to secure it. I shall give my reasons, and if you will pay attention I believe this Convention will adopt some of my ideas.

The other day when the author of the short ballot, Mr. Elson, was speaking, I inquired how he expected to prevent the governor of the state, in the event of its adoption, from building up a political machine. He assured me that he would come to that phase of the question shortly, but if he answered it at all it escaped my attention.

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I shall be glad to vote to simplify political conditions if any improvement can be pointed out. I want the people to rule. It is time to discard the political boss. It is time to vote for measures, not men; for principle, not party. The eagle and the rooster have done party service long enough. It is time to relegate them to the rear.

Mr. ELSON: May I ask the gentleman a question?

Mr. PIERCE: I would rather you would wait until I get through.

If any plan can be devised by the author of the proposal whereby the average voter can have a more intelligent conception of his duties, I shall be glad to give it my support. Only the other day this Convention adopted the initiative and referendum to bring the government nearer to the people. I gave it my support in order that the average citizen might have wider opportunities to participate in the affairs of government.

But what are we in effect saying if we adopt the short ballot? Are we not giving the people more power on the one hand and limiting it on the other? Why give it in one instance and withhold it in another? If the people have too much power, take it away; if too little, give them more, but don't try to do both at the same time.

If the power of appointment is vested in the governor, what will prevent him from abusing it? How will it be exercised — in the interest of the public or in the interest of selfishness? Will it be used to build up a political machine, or will it be used to promote the general welfare? If the present governor of the state had a lot of officials to appoint, who would get the offices? Would they be selected for their efficiency alone, or would the politicians parcel them out among the faithful to advance the political ambitions of their chief? If the appointing power was not used to promote selfish ambitions instead of public good, it would be an exception. I am afraid if this power is placed in the hands of the governor it will be used to defeat the popular will. I believe it is dangerous to place so much power in the hands of any one man. It is taking power from the people when the tendency is to give them more. They have too little voice in their own affairs now. The politicians have usurped it. It is time to restore it where it rightfully belongs — to the people.

It seems to me there is danger in the short ballot as proposed. Instead of curing an evil it will create a more dangerous one unless the right of recall is coupled with it. If the governor or his appointees can be recalled in case he abuses the appointing power, I shall vote for it. I favor the principle, but I am opposed to too much power in the hands of any one man, whether he is governor or not.

If the people of this state are competent to elect a few of their officials, why are they not competent to elect all of them? Where shall we draw the line? If they are competent to elect a governor, why should they not have the right to elect a supreme court judge? If they are competent to elect a treasurer of state, why are they not capable of electing a commissioner of common schools? Is not the commissioner of common schools as important to the public as the auditor of state? Is the supreme court — the last appeal of litigants for justice — of less importance to the people than the lieutenant governor? Why elect the one and not the other?

Mr. KNIGHT: Will the gentleman permit a question?

Mr. PIERCE: I would prefer that you wait until I get through.

It will be argued that the people cannot know much about their officials. Granted. But will they know more about four or five officials than they will about twelve or fifteen? How many people of the state know the governor personally? How many more would know him if the short ballot is adopted? It appears that such argument is lame and impotent.

A better way, perhaps, to shorten the ballot, would be to divide the state officials into two groups, and elect them for four years with the right of recall. Each group should be ineligible to re-election for a successive term. If this plan were adopted, an election could be held every two years and it would shorten the ballot one-half. This would meet the objection urged that the voters do not know much about the character of the candidates for public office. This plan would give them a chance to inform themselves; besides it would be more in harmony with the spirit of the times. The people are rightfully demanding a larger share in the affairs of their government. There is almost a universal demand for the election of United States senators by direct vote of the people. Why? Because the legislatures have ceased to represent them. They are electing men who stand for special interests, men who have nothing in common with the great mass of citizens. Only the other day the United States senate gave one of its members a certificate of good character, yet he admitted he spent \$107,000 to secure the office. It is time to adopt new methods. It is time to get the power in the hands of the people, the source of all authority. If the people want representative government, it is time to elect our servants, not appoint them as proposed by the short ballot.

If it is advisable to adopt the short ballot — and it is under certain restrictions and limitations — the shorter, the better.

Why not elect the governor of the state and let him appoint all other state officials if the short ballot is so desirable? This would render it less complex. Of course, it would be the federalistic idea, but when the power is to be taken from the people why not do it effectually? This plan would enable the voter to cast a more intelligent ballot, as he would have to examine only the record and qualifications of a single individual.

I shall never vote to appoint the judges of our courts. They should be elected. It is true a good and wise governor might possibly appoint more competent men, but the people will never consent to the appointment of the judiciary. The people will have more confidence in it if the judges are compelled to submit their claims to the electors.

I believe in the short ballot when properly safeguarded. I shall vote for it as applied to cities, but not as applied to the state, unless the people are granted the right of recall or the appointments are subject to confirmation by the state senate or other competent authority.

It is said the short ballot will concentrate authority. This is true. But the power can be too much concentrated. The short ballot applied to municipalities with the right of recall would be a good thing for cities. It

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would practically eliminate boss-made, machine politics from them.

The author of the proposal, if I understood him the other day, said the short ballot is the plan adopted by the national government. I differ with him on this point. There is one essential difference. In national affairs the citizens vote for president, vice-president and congressmen. The president appoints all other officials "with the advice and consent of the senate." Herein is the difference. No one is to pass upon the appointments of the governor. They are not to be confirmed by the senate. He is to have free rein, which is dangerous. There ought to be some check. If not he may perpetuate himself in office.

Under proper restrictions and limitations the short ballot may be made an instrument of reform, but the present proposal does not safeguard the public against the ignorance, dishonesty or machinations of an unworthy executive.

The most efficient way of shortening the ballot, without taking power from the people, is to elect all officials for a term of four years, making them ineligible to successive election, and elect one-half of them every two years. This plan will shorten the ballot fifty per cent without danger of centralizing too much power in the hands of the governor. If we do not believe the people are capable of self-government we should not advocate the adoption of the initiative and referendum in governmental affairs.

Mr. KNIGHT: Is not the gentleman aware that there is nothing in this proposal that suggests the appointment of judges of the court? Part of the argument of the gentleman seems to be based on the idea that this affected judicial officers.

Mr. PIERCE: My idea is — I heard it said you were to elect only three officers, the governor, the lieutenant governor and auditor of state, and all the others are to be appointed.

Mr. KNIGHT: Does not the proposal distinctly state that this applies only to the executive department and that there is no reference directly or indirectly to the judicial power?

Mr. PIERCE: I don't know. It is now proposed to elect only three.

Mr. KNIGHT: Then read it before you commence your argument.

Mr. LAMPSON: In national elections don't we vote for a long list of candidates for presidential electors?

Mr. PIERCE: We do vote for them, but it is distinctly understood that they are to vote for a certain man if they are elected, and consequently we are voting directly for president and vice-president.

Mr. KRAMER: Mr. President and Gentlemen: I can say in a few minutes all I have to say in reference to this question.

In the beginning I may say that it is a subject that is absolutely new to me. I am willing to trust the people, as I said in a little talk I made in reference to the initiative and referendum. I believe in the popular will and the people expressing their choice, and in the people having control of things and all that sort of thing, but I know very well that when we talk about that we are loading the people up often with a great many things

that they have not the ability to handle. I have thought the same thing in reference to this question of the short ballot. I have been voting for twenty years for the state ticket and in those twenty years I never cast one intelligent vote. I never ascertained for whom I should vote unless for one or two men on the ticket, and for the rest of them I simply voted as my father voted, and whenever we do that we belittle ourselves as electors. We are making mere machines out of ourselves and we lose all interest in voting on election day.

I think I can say without any appearance of egotism whatever that I have about the average intelligence of the voters of the county which I represent, or at least, if I have not the average intelligence, my intelligence doesn't fall far short of the average intelligence of my county. Hence, when I say for myself that for twenty years I have not cast one intelligent vote on election day in reference to the state ticket, I say that for almost every other voter in the county of Richland.

I was reared a good ways from the city of Mansfield, and I remember for a number of years I voted the county ticket very much the same as I voted the state ticket, namely, unable to discover the men for whom I ought to vote. I am here to confess that often I went into the booth when I would have given a dollar or two if I had had somebody along with me to tell me for whom I ought to vote. I have often gone away from the election booth humiliated to think I was compelled to go in there and vote with no more intelligence and no more discrimination than our old horse Charlie could have done had he been in the same place that I was. That is why the short ballot appeals to me, not that it may make the state government any better or that it may remedy some of the evils which we all concede exist, but for the benefit of the voters of the state, half of whom don't know for whom they are voting on election day.

Let me give you what I would like to have and what I would like to see enacted, although I am not going to introduce an amendment. I would like to see the people of Ohio elect a governor, lieutenant governor and then let the governor appoint not only every executive officer for the state of Ohio, but I would like to see the governor be given the power to appoint the supreme court judges as well as the circuit court judges. I have not voted intelligently for a supreme court judge during all the days that I have voted. I never knew whether I was voting for the best or the worst man. Hence, I say, I would rather place that power in the hands of the governor and say to him, "You are responsible now for the choosing of the executive officers and of the judicial officers of our state as well, and we will hold you responsible for the choice you make." I know the people wouldn't adopt that. I don't know that the people of Ohio are ready to go as far as that, but so far as I am concerned I would be willing.

Mr. WATSON: Would you favor the extension of this same plan to the county and township?

Mr. KRAMER: I am in favor of making every officer hold his term for a period of four years and make him ineligible for re-election. I am in favor of making county commissioners hold for six years, one man to be elected every two years, and I am in favor of the commission form of government in cities.

Mr. WATSON: The point I want to draw out is

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this: Do you want to have them elected and have them appoint all the other officers?

Mr. KRAMER: No; I would not like that for this reason: The people of the county are generally able to choose their officers. They know a great deal about the men living in their own county, and I believe the people of a county can elect their officers without any trouble.

One of the objections offered to the plan proposed is that it is liable to build up a system or a machine. Now, gentlemen, I would rather have the boss in office than out of office. As I said when I talked on the initiative and referendum, not all the rascals get into office. There are just as many rascals outside of office as there are in office, and I would rather have the boss in office, where we can watch him and know what he does, than to have a half dozen bosses outside of office controlling everything. So I don't believe the question of bosses is so vital in this matter after all. I said to myself when we started out on the question of the short ballot that I hoped we could eliminate the question of the influence of the corporation and the banks and the like. If there is anything that is disgusting to me in every question that is up for discussion in this body, it is the eternal howling of those persons opposed to corporations. I have not sworn for twenty years, but I have heard that kind of talk so much here that I have to close my teeth and grit them together to prevent swearing. We can not discuss a question without somebody lugging in the question of corporation influence. Bless your souls, I wish you would get through with that sometime. We all know that half the members of the Convention would be glad to wipe out every corporation and blot them off the face of the earth. Now, gentlemen, don't torment the rest of us by lugging into every question the terrible effects of corporations. I don't like that thing. It doesn't appeal to me. Talk about the governor appointing corporation men! He may and he may not. The people may elect a corporation man and they may not know it, but the question of corporations ought not to be brought into a matter like this.

Then one gentleman said that the primary system would remedy the evils that come from the convention system. I feel that the primary system in the main will get to be a great big farce. Certainly primaries outside of cities and large centers are farces. You will not remedy any of the evils of a convention to any great extent by applying the primary system. Why, over in Richland county the biggest township I think had eight men at the primary and six of them were the judges and two were the central committeemen. They all voted because they were there. The people didn't come to the primary to vote.

The main reason I am in favor of this proposition as submitted to this Convention is because the way we are doing now produces evil effect. We are no more than machines. We simply go into booths and in the main vote as our fathers voted, and when we do that we stultify ourselves as men. Hence, I am willing to support the proposal. I would be glad to see the auditor taken out of elective offices also. I certainly am not in favor of the election of the attorney general; neither am I in favor of the election of the dairy and food commissioner. I would be glad to see the question put up to the voters of the state to elect the governor and lieutenant gover-

nor and let the governor appoint all the other officials so far as the executive department is concerned.

Mr. EVANS: I have made a study of political conditions and political science all my life. I have lived in the city of my residence forty-six years, and the first eighteen years of that time I was inexperienced and didn't know so much about things, but the last twenty-eight years I have been studying political questions more intensely than before. In my county I belong to the majority party, but since 1884 I may as well not have had a vote for all it meant to me. I think I have given as much study to political conditions as any citizen in the state of Ohio, and I have arrived at the conclusion that the proper plan is to elect the governor and lieutenant governor, and let the governor appoint during his term all the other state officers including the judges. I will speak as to them separately. I would elect the legislature and I would elect the members for at least four years. I am giving you simply my own views. When it comes to the county I would elect a board of supervisors and I would elect them for at least four years. I would have one from each township or ward, and I would allow that person to be selected by the voters of the township from the whole body of the county, and I would require that board to exercise all responsibility and appoint all the county officers. In townships I would have the trustees elected and allow them to appoint all the other officers, and in no case do I think it is wise or proper to elect an officer for less than four years.

I am opposed to all limitations forbidding men to be re-elected. I say that we have no right or authority and it is not proper for us to put in any limitations on the people. If the people want to re-elect a man after his term is out they should do so. We have a member in this Convention, a gentleman whom we all honor, who held the office of probate judge in his county by successive election for a period of forty-two years. That is the best argument I can adduce against limiting men to one or two terms. The theory of this limitation seems to be that a man is fit for one term, but becomes unfit by holding office to succeed himself for another term. I do not believe any doctrine of that kind. I do not believe any gentleman present really believes that. I am opposed to any limitation on the power of the people. If they want a man let them have him. In Virginia the clerks of the courts are elected for eight years, and I know one county where a father and son have held office for ninety years by successive re-elections and everybody is satisfied.

Had I lived in the days of Alexander Hamilton, Chief Justice John Marshall and George Washington, I would have been a federalist of their kind. It always offends me to hear men speaking about public officers and saying anything against Alexander Hamilton. There was the greatest statesman of his time. Why elect all these officers? It simply preserves the political bosses. We can not tell anything about the state officers that we are voting for. Who nominates them? It is not the governor. I tell you the system of political bossism is a natural evolution. I am in favor of having the political bosses elected to office and having them take an oath of office and give bond. If you can find the best political boss in Ohio let him be elected governor and let him appoint the others and then he is responsible.

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If you adopt the system proposed in Proposal No. 83 upon removal of officers, which applies to every officer in the state, whether elective or appointive, any mistake in making appointments by the governor or county board or commissioners can be easily corrected by the removal of the appointees. I am opposed to the Arizona plan. I think every man has a property right in an office to which he has been elected, and I do not think he should be deprived of that by public vote of condemnation. I think he should have a hearing and he should have an opportunity to defend himself against charges brought against him.

It seems to me that what we ought to want is experts. Your state auditor ought to be the most expert public accountant in the state and the governor ought to be responsible for his appointment. Your attorney general ought to be one of the best lawyers in the state and the governor ought to have power to select him. I say to you, in my judgment, the governor of this state or the president of the United States is a better representative of the people, of their respective jurisdictions, than congress or the legislature. The executive officers are nearer the people and that is why I favor the short ballot and I would apply it to everything but the executive officers, the head of government and the legislative body. If the people of Ohio have the control of their legislative body, if they can elect them and turn them out of office when they choose, as they can now under the plan before the body, they have all the power that they need to have. This matter of appointing the minor officers is a mere matter of detail, the exercise of which by the people is an injury to them, because if they have not the ability to do a thing intelligently they should not attempt to do it. That duty should not be put upon them.

We are obliged now to elect our state officials, other than the governor, by their political labels, or by what some newspaper or group of newspapers say about them. Is that the right or proper thing to do? Why not elect your governor and let him be responsible for the whole state administration? That is the better plan.

We have had the federal plan ever since the 30th of April, 1789. It has worked well. This government is one of the most powerful governments in the world. We are one of the world powers and we have the greatest credit of any nation on the face of the earth. Not only that, but we have the greatest wealth. If that plan has succeeded so well, why not adopt it in the state? There is no reason that I can see why it should not be adopted, and therefore I say to you, as a member of this Convention, I shall support and endeavor to carry out this short-ballot idea with all the force I have. I thank you for your attention.

Mr. HARRIS, of Hamilton: I am opposed to the short ballot because in my judgment it is fundamentally wrong in principle. It is the most revolutionary and undemocratic proposition that has yet been presented to this Convention. I confess also that I myself am unable to see how any one who conscientiously believes in the principles of the initiative and referendum, which have for their basis the putting of all political power back into the hands of the people, can advocate the short ballot. They are diametrically opposed to each other in principle, because the fundamental basis of the short ballot is the taking away of power from the people.

At times I grow a little weary when I hear this talk of efficiency and inefficiency. I acknowledge that I am so democratic that I prefer to sacrifice some efficiency to retain a democratic form of government. I will concede to you that possibly the great cities of Germany and England are governed with more efficiency than any cities of the United States, but I would not change the form of government in the United States for the form of government in England or Germany. Those who advocate a radical uprooting of the old institutions seem to forget the very philosophy of our political life, which is based on the elective system. It is true that at times we make mistakes, and that under the duress of political machines some men creep into office who do not represent the highest type, but I submit to you that the average of our public officials is fairly high. I do not find it necessary in my scheme of government to insist that the governor shall be given increased power or that the governor shall have a great system which he wishes to impose upon the people of the state. I still am foolish enough to believe with some of the philosophers of old that "that state is best governed which is least governed."

As a matter of practical politics we all know that the appointed official is not subject to the same scrutiny as an elected official. If the governor has a large number of appointive officials in his official family for which he is primarily held responsible by the voters of the state, you can readily understand that there is a motive on his part to cover up any shortcomings that may develop in the office of one of his own appointees, for the public disgrace of that official reflects on the governor. The same is not true of elective officers. I consider it no hardship that the elective officer may be of a different political faith from the governor, nor can I see any inconsistency between the advocates of the commission form of government and the opponents of the short ballot. In the municipality you have a compact organization. The people all live in the same small community and they are able to put their hands directly on the officials. Further the home-rule theory of government does not necessarily mean that it shall be a commission form of government. The very essence of home rule is that it is democratic and so formed as the people themselves may determine—

Mr. DOTY: You yourself, however, believe that the commission form of government is one of the best that ever existed. Is that true?

Mr. HARRIS, of Hamilton: I prefer you to ask questions, but not to answer them for me. I thought you were a Yankee the way you asked the question.

Mr. DOTY: Oh, I am a Yankee all right.

Mr. HARRIS, of Hamilton: In my judgment many of us here now and many who advocate the commission form of government, if we could come back in a generation from now, might be shocked by what the commission form of government may develop in American municipalities and American political life. My own judgment is that it will break down by reason of corruption far greater than has yet appeared in our elective system of government, but even though I may hold this opinion it is no reason why I should not advocate home rule for municipalities—

Mr. DOTY: Do you actually hold that opinion?

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Mr. HARRIS, of Hamilton: Yes.

Mr. DOTY: Why do you hold that opinion?

Mr. HARRIS, of Hamilton: It is based on my opinion that in a republic wherever power is concentrated in a few hands there is always danger of the abuse of that power.

Mr. DOTY: Is that the reason you are in favor of concentrating the power of municipalities in the few hands?

Mr. HARRIS, of Hamilton: I have not said I was in favor of it. I said that my personal opinion was that it will prove a failure, but I shall not put my personal opinions against the wishes of the people of Ohio.

Mr. DOTY: Are you talking about the short ballot or the commission form of government?

Mr. HARRIS, of Hamilton: I am speaking of the commission form of government.

Mr. DOTY: You are not an advocate of that at all then?

Mr. HARRIS, of Hamilton: Personally I am not an advocate of the commission form of government.

Mr. DOTY: Would you mind stating just what you do believe on that subject?

Mr. HARRIS, of Hamilton: No; it is not germane to this proposition.

Mr. DOTY: It may be if you will answer the question.

Mr. HARRIS, of Hamilton: We may not know and we may not care about the names of our candidates for state officers, yet we have the very best opportunity to form our judgment as to their supposed integrity and fitness for the position which they are called upon to fill, because three months before the election, namely, from the time of the convention until the time of the election, those men are under the scrutiny of the public press, and if there were anything in their private or public careers which would reflect seriously upon them the public press would expose them. We would have no such scrutiny of appointive officers.

Mr. DOTY: Are you confounding or confusing the so-called scrutiny of the public press with the scrutiny of the lock-tender, so far as the board of public works is concerned, and the corporations of Cleveland, Columbus and Cincinnati, so far as the public attorney is concerned, and other interests, so far as other officers are concerned— are you not confounding those?

Mr. HARRIS, of Hamilton: Not in the least. I think those are ghosts set up by you solely for the delightful purpose of howling them over—

Mr. DOTY: They are very real ghosts if you will go around and look at them.

Mr. HARRIS, of Hamilton: So that all the arguments of the advocates of the short ballot seem to me to have no merit. I have yet to hear a single reason for advocating it. You would revolutionize our political traditions; you will revolutionize our political form of government; you will help build up power in the hands of one man, all for the purpose of carrying out a theory which you yourselves have not been able to defend successfully, and no less a person than Mr. Doty acknowledged in a reply to an inquiry of Mr. Hoskins that elective officers are under a much closer and much more severe scrutiny than appointive officers.

Mr. DOTY: I didn't do it.

Mr. HARRIS, of Hamilton: I understood you to.

Mr. DOTY: You misunderstood me.

Mr. HARRIS, of Hamilton: What was your answer to Mr. Hoskins?

Mr. DOTY: Mr. Hoskins asked me if the state officers who are elected didn't have greater scrutiny on them than the state officers who were appointive. My answer was not the way you put it. My answer was that it was probably true under the present circumstances, the present elective officers being under greater scrutiny than the appointive because they are charged with duties that are much more important than the appointive officers. Therefore, naturally, they would be under greater scrutiny than the so-called appointive officers, which is quite different from what you say.

Mr. HARRIS, of Hamilton: Is there any real difference?

Mr. DOTY: A very material and a real difference, as the member well knows.

Mr. HARRIS, of Hamilton: I do not know it.

Mr. DOTY: I will tell you at supper then.

Mr. HARRIS, of Hamilton: Now I can not imagine what compensations there are in the short ballot for which you are willing to sacrifice so much in comparison with the disadvantages that I have tried to point out. To me it is a very serious thing to change the political theory of our government when the present form of government seems to have worked out reasonably well for over sixty years.

Mr. DOTY: If the revolution is as great as the member appears to imagine, is it any greater than the revolution we have already proposed in the initiative and referendum, for which the member voted?

Mr. HARRIS, of Hamilton: I say to you there is no revolution in the initiative and referendum; that, in my judgment, the principle of the initiative and referendum is written into every line of the federal constitution.

Mr. DOTY: Is not the short ballot written into every line of the federal constitution as instanced in the method of appointing officials?

Mr. HARRIS, of Hamilton: I say to you that the short ballot is an absolute revolution in our system of government. You were discussing the federal system.

Mr. DOTY: You were comparing one with the other on the short ballot, and why not compare one with the other on the other matter?

Mr. HARRIS, of Hamilton: The initiative and referendum are written into every line of the constitution as shown by the great writers in the Federalist. Naturally, the enemies of the initiative and referendum have tried to make it appear that they are revolutionary.

Mr. DOTY: I agree with you that they are not revolutionary, and no more revolutionary than the measure you are now advocating.

Mr. HARRIS, of Hamilton: The short ballot is revolutionary. The whole theory of our government in the state of Ohio is to elect state officials and the change from the election of officials by the people to their appointment by the governor is changing the whole theory of our state government.

Mr. DOTY: And we are proposing to change our method of legislation too, are we not?

Mr. HARRIS, of Hamilton: How?

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Mr. DOTY: The initiative and referendum.

Mr. HARRIS, of Hamilton: I say that is no change.

Mr. DOTY: Where does the member draw the line at revolution and change — what is revolution and what is change?

Mr. HARRIS, of Hamilton: The line is very clear. There is no question about it. We are not, however, now discussing the initiative and referendum. Unfortunately, I was unable to take part in that discussion last week or the member would have gotten the benefit of my views on that question. We are discussing now and here the short ballot, and I contend that the short ballot is a political revolution in the state of Ohio in that it changes the system of government by elective officials—

Mr. DOTY: So do the initiative and referendum.

Mr. HARRIS, of Hamilton: I have nothing to do with what the initiative and referendum do. This is the short ballot. If you consider that the initiative and referendum are revolutionary—

Mr. DOTY: I must decline to let the member put into my mouth words that I did not utter. I never said the initiative and referendum were revolutionary.

Mr. HARRIS, of Hamilton: I certainly understood you to say that the initiative and referendum were revolutionary.

Mr. DOTY: You misunderstood me.

Mr. HARRIS, of Hamilton: If I am in error the report of the official stenographer will correct me.

Mr. DOTY: I said they are no more revolutionary than this.

Mr. HARRIS, of Hamilton: I disagree with you. I say the initiative and referendum are not revolutionary and I say the short ballot is revolutionary. You do not object to my disagreeing with you?

Mr. DOTY: Not in the least.

Mr. HARRIS, of Hamilton: I am glad of that. Now if the advocates of the short ballot would come out frankly and say that they are tired of the form of government that we have in the state of Ohio, that they are tired of a republican form of government, that they want gradually to get around to a constitutional monarchy, limited, it is true, but that they want our chief executive to have concentrated in his hands all political power, then we would know how to meet the statement, but until they do so it is proper for every delegate of this Convention to understand that when he votes for the short ballot he is voting to overturn the present form of government in the state of Ohio. There is absolutely no escape from that position. It is not whether it will be better or not, but it is simply whether you are going to change by constitutional proceedings the form of our government in the state of Ohio, and that is the question which you must meet when you face your constituents.

Mr. DONAHEY: I move that Proposal No. 16 be referred back to the committee on Short Ballot.

The yeas and nays were demanded by a number of members.

Mr. HARRIS, of Ashtabula: It seems to me, after the amount of discussion we have had on this proposal, that the member from Tuscarawas [Mr. DONAHEY] should give some reason why this motion should be made now.

Mr. DONAHEY: I believe it can be reconstructed

and presented in a more intelligent form and secure a greater number of votes.

Mr. ANDERSON: I believe it will save a great deal of time if this is recommitted. If you will turn to your books and look at Proposal No. 169 by Mr. Worthington, with reference to civil service, you will see that it properly belongs in the proposal for the short ballot. In addition to that, the governor's term ought to be limited to four years only. Now, those things ought to come in together. In other words, the short ballot, the limitation of the governor's term to one term of four years and the civil service ought to all be put together, and I think it will save time if we recommit this measure back to the committee and have it come in in that form.

Mr. HOSKINS: It seems to me, after having spent so much time in the discussion of this proposal, we ought to dispose of it instead of recommitting it to the committee which has had it under advisement for many weeks. Therefore I move that this motion and all other pending matters be laid on the table.

Mr. DOTY: On that I demand the yeas and nays.

The PRESIDENT: The question is shall the whole matter of the short ballot be tabled, and the yeas and nays having been regularly demanded, the secretary will call the roll.

The yeas and nays were taken, and resulted — yeas 45, nays 57, as follows:

Those who voted in the affirmative are:

Beatty, Wood,	Harbarger,	McClelland,
Brattain,	Harris, Hamilton,	Miller, Crawford,
Brown, Highland,	Hoffman,	Miller, Fairfield,
Cody,	Holtz,	Norris,
Collett,	Hoskins,	Okey,
Cordes,	Hursh,	Partington,
Cunningham,	Johnson, Madison,	Peters,
Davio,	Johnson, Williams,	Riley,
Dunlap,	Keller,	Rockel,
Dwyer,	Kunkel,	Roehm,
Earnhart,	Lambert,	Rorick,
Farrell,	Ludey,	Stalter,
Fluke,	Malin,	Tallman,
Fox,	Marshall,	Thomas,
Halfhill,	Matthews,	Walker.

Those who voted in the negative are:

Anderson,	Fess,	Nye,
Antrim,	Hahn,	Peck,
Baum,	Halenkamp,	Pierce,
Beatty, Morrow,	Harris, Ashtabula,	Read,
Beyer,	Harter, Huron,	Shaffer,
Bowdle,	Jones,	Smith, Geauga,
Campbell,	Kehoe,	Smith, Hamilton,
Cassidy,	Kerr,	Solether,
Colton,	Kilpatrick,	Stamm,
Crites,	King,	Stevens,
Crosser,	Knight,	Stewart,
DeFrees,	Kramer,	Stilwell,
Donahay,	Lampson,	Taggart,
Doty,	Leete,	Tannehill,
Dunn,	Longstreth,	Watson,
Elson,	Marriott,	Wise,
Evans,	Mauck,	Woods,
Fackler,	Miller, Ottawa,	Worthington,
Farnsworth,	Moore,	Mr. President.

The roll call was verified.

So the motion was lost.

The PRESIDENT: The question is now on the motion to recommit.

Mr. HOSKINS: I move that the motion to recommit be tabled.

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Mr. DOTY: On that I demand the yeas and nays. The yeas and nays were taken, and resulted — yeas 44, nays 58, as follows:

Those who voted in the affirmative are:

Beatty, Wood,	Halfhill,	Malin,
Beyer,	Harbarger,	Marshall,
Brattain,	Harris, Hamilton,	Miller, Crawford,
Brown, Highland,	Hoffman,	Norris,
Collett,	Holtz,	Okey,
Colton,	Hoskins,	Partington,
Cordes,	Hursh,	Peters,
Cunningham,	Johnson, Madison,	Riley,
Davio,	Johnson, Williams,	Rockel,
Dunlap,	Jones,	Roehm,
Dwyer,	Kehoe,	Stalter,
Earnhart,	Keller,	Tallman,
Farrell,	Kunkel,	Thomas,
Fluke,	Lambert,	Walker.
Fox,	Ludey,	

Those who voted in the negative are:

Anderson,	Harris, Ashtabula,	Read,
Antrim,	Harter, Huron,	Rorick,
Baum,	Kerr,	Shaffer,
Beatty, Morrow,	Kilpatrick,	Smith, Geauga,
Bowdle,	King,	Smith, Hamilton,
Campbell,	Knight,	Solether,
Cassidy,	Kramer,	Stamm,
Crites,	Lampson,	Stevens,
Crosser,	Leete,	Stewart,
DeFrees,	Longstreth,	Stilwell,
Donahay,	Marriott,	Taggart,
Doty,	Matthews,	Tannehill,
Dunn,	Mauck,	Watson,
Elson,	McClelland,	Winn,
Evans,	Miller, Fairfield,	Wise,
Fackler,	Miller, Ottawa,	Woods,
Farnsworth,	Moore,	Worthington,
Fess,	Nye,	Mr. President,
Hahn,	Peck,	
Halenkamp,	Pierce,	

The roll call was verified.

The motion was disagreed to.

The PRESIDENT: The question now is on the motion to recommit.

Mr. STALTER: The proposal has been ably discussed in the committee on Short Ballot and I think it rightfully belongs to the committee on Legislative and Executive Departments anyway, and I move that it be referred to that committee.

Mr. DOTY: A point of order. The rule provides how motions to commit shall be put.

The PRESIDENT: That is right. The question will be first on the motion to recommit to the committee on Short Ballot.

The motion was carried.

The PRESIDENT: The question is now on the adoption of amended Proposal No. 51, which the secretary will read.

The proposal was read the second time.

Mr. MILLER, of Crawford: Mr. President and Gentlemen of the Convention: I shall occupy but a few minutes in attempting to explain why this proposal is before you.

I regret the necessity for having to ask for the injecting of an insurance proposition into the constitution, and the only excuse I have to offer is the written opinion of the attorney general to the bureau of public accounting, dated April 28, 1911, which I shall now take the privilege of reading:

Bureau of Inspection and Supervision of Public Offices, Department of Auditor of State, Columbus, Ohio.

Gentlemen: I beg to acknowledge receipt of your communication of April 20, wherein you inquire as follows:

"Is it a violation of the constitution of the state of Ohio for a board of education to insure the property of the school district in a mutual fire insurance company, where, in case of loss, the board of education could be compelled to meet a pro-rata share of such loss? (See article VIII, section 6)"

I am of the opinion that as a fundamental principle the board of education of a school district could not legally have the right to make a contract of insurance wherein the amount of premium for which such board might be liable is indefinite and uncertain, that is to say, that the board of education has no statutory authority to make any contract whereby the board may become liable for an indefinite and uncertain amount.

Section 9593 of the General Code, as amended in 101 O. L., page 294, reads as follows:

"Any number of persons of lawful age, not less than ten in number, residents of this state, or an adjoining state, and owning insurable property in this state, may associate themselves together for the purpose of insuring each other against loss by fire and lightning, cyclones, tornadoes or windstorms, hailstorms and explosions from gas, on property in this state, and also assess upon and collect from each other such sums of money from time to time as are necessary to pay losses which occur by fire, and lightning, cyclones, tornadoes, windstorms, hailstorms, and explosions from gas to any member of such association. The assessment and collection of such sums of money shall be regulated by the constitution and by-laws of the association which shall require such assessments to be made directly and specifically upon the members and to be paid directly and specifically by them and not out of any fund deposited with the association or other trustee in anticipation of assessments or in any other manner except that any such association may borrow money for the payment of losses and expenses, such loans not to be made for a longer period than the collection of their next assessment; and such association may accumulate a surplus from its assessments not exceeding two dollars on each one thousand dollars of insurance in force, such surplus to be used in paying losses and expenses that may occur and if invested to be under the provisions of sections 9519 and 9518 of the General Code. Such associations may only insure farm buildings, detached dwellings, school houses, churches, township buildings, grange buildings, farm implements, farm products, live stock, household goods, furniture and other property not classed as extra hazardous, and such property may be located within or without the limits of any municipal-

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ity; provided that an association whose membership is restricted to persons engaged in any particular trade or occupation and its insurance confined to any particular kind or description of property may insure property classed as extra hazardous and located in any county or counties in this state."

In construing the said section, I might add that the board of education does not own property in their respective school districts in the sense as such ownership is understood by the term "owner" in the said section, but holds it only in trust for the purpose and uses to which the public of such school districts have dedicated the property. It is therefore my conclusion, as deducted from the foregoing, that the board of education, being unable to meet the requirements of the said section 9593 of the General Code, cannot therefore legally insure the property of the said school district in a mutual insurance company. Article VIII, section 6, of the constitution, to which you refer, would make unconstitutional any attempted act on the part of the legislature to even authorize a school board to become a stockholder in any joint-stock company, corporation or association.

I trust I have fully answered your inquiries and beg to remain,

Very truly yours,
Attorney General.

This would evidently apply to all public property, whether it be school, township, county or state.

I do not wish to question the opinion of the attorney general, but it is thought by some of our best legal authority that at least he has drawn a rather fine distinction. If the opinion is correct, then our constitution denies the very thing it proclaims in the bill of rights.

Knowing, however, that we will have the opinion to contend with, be it correct or otherwise, we have concluded that the safe thing to do is to ask that the constitution be cured of this discrimination.

Mr. President, I desire to state, briefly, some facts relative to mutual insurance. This is decidedly the oldest form of insurance. It is older than the nation, and perhaps dates back to the time when Jacob and Laban were in the sheep business.

Mr. DWYER: What is there in the present constitution prohibiting the doing of the things that you are after?

Mr. MILLER, of Crawford: The attorney general has ruled that article VIII, section 6, prevents us insuring public property in mutual companies or mutual associations. That is one reason for asking for this provision.

Mr. DWYER: You want the mutual companies to go into partnership with the municipalities?

Mr. MILLER, of Crawford: No.

Mr. DWYER: There is nothing in the present constitution preventing them from having insurance in mutual companies.

Mr. MILLER, of Crawford: The attorney general

has ruled that public property cannot be insured in mutual companies or mutual associations.

Mr. DWYER: What prevents it?

Mr. MILLER, of Crawford: Article VIII, section 6.

Mr. ANDERSON: It is your explanation that by reason of article VIII, section 6, which provides that the general assembly shall never authorize any county, city, town or township by vote of its citizens or otherwise to become a stockholder in any joint stock company, corporation or association that that prevents insuring in mutual companies?

Mr. MILLER, of Crawford: That is the position the attorney general takes.

Mr. ANDERSON: And it is your desire to permit the counties, cities, townships, etc., to become a partner in mutual companies?

Mr. MILLER, of Crawford: Only to the extent of being insured.

Mr. ANDERSON: And that is the reason the constitution prevents the counties, cities and townships from insuring in these companies?

Mr. MILLER, of Crawford: I do not think the member from Mahoning [Mr. ANDERSON] would contend that the object of the provision was to cover a case like the insuring in a certain class of companies, because they are liable for nothing but the assessment.

Mr. ANDERSON: It was the decision of the attorney general, because article VIII, section 6, prevented any city, town or township from becoming a stockholder in any company, that therefore they could not insure in any mutual company?

Mr. MILLER, of Crawford: Yes, sir; but we are not asking to become partners.

Mr. ANDERSON: But, conversely, if they would insure they would become stockholders according to the opinion of the attorney general?

Mr. MILLER, of Crawford: We have not attempted to cure that part of the section. We only want to get permission to insure — not that they may become stockholders.

Mr. KNIGHT: But would it not be true that insofar as they insure in such companies they would become stockholders and liable for their share of the losses upon other property?

Mr. MILLER, of Crawford: Not a stockholder in that sense. They are members of the association and agree to pay their share of the losses.

Mr. KNIGHT: They are assessable.

Mr. MILLER, of Crawford: All property insured in those associations bears its share of losses.

Mr. KNIGHT: That would be the result of it then?

Mr. MILLER, of Crawford: Yes. In our history we still have in operation the mutual plan originated by Benjamin Franklin, which association is still doing a flourishing business after a lapse of one hundred and forty-four years.

In Ohio it dates back forty years, but the first law recognizing this kind of insurance was enacted in 1877 and since that time it has grown from an experiment to wonderful achievements. There are now 140 mutual associations in Ohio, with a membership of 200,000 and carrying an aggregate of \$350,000,000 of insurance. The cost of carrying this vast sum was only \$620,695.84 in 1910. This same amount of insurance carried in a cash

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company would have cost \$1,000,000, so that it is obvious that the saving to the insured was over \$300,000, the proof of which is afforded in the report of the insurance department.

These associations are not organized for profit, but solely to furnish protection to the members at actual cost. No dividend. No profit. Assessments are only made to cover losses and expenses.

These associations are under the supervision of the insurance department of the state. They make reports the beginning of each year and are subject to examination by the department, and no greater compliment can be paid them than the fact that the department does not average one examination per year. Of the farmers mutuals there has not been a failure of one of these associations for twenty years. Some have discontinued, but none until every dollar of their obligations was paid.

Hon. A. I. Vorys said in 1902, while he was superintendent of insurance, in an address delivered in this city before the Federation of Ohio Mutuals, that "If the department was not required to give any more time to other classes of insurance than is required by the mutual associations of the state there would be no need of an insurance department."

A few years ago I had the pleasure of representing Ohio at the American Association of Mutual Insurance. At Denver I was pleased to learn that all of the western states, and middle and eastern, are giving the fullest encouragement to this class of insurance. They realize that every dollar raised by these associations is kept at home, being paid out for losses and actual expenses for conducting business.

Ex-Governor Harris said in an address before the federation in this city in 1908 that the low rates on which these associations do business has had the tendency to keep down the cash companies who write farm insurance, and were it not for these associations farm property might find itself in the same condition that city property finds itself today.

Under the great demand for the suppression of trusts, I submit to you, could there be a more potent weapon to prevent the fixing of rates and the monopolizing of the fire insurance business than these associations afford?

Are we to allow a weapon to be placed in the hands of cash companies whereby they can by imputation discredit the standing and stability of this economic plan of insurance? I have too much confidence in the good judgment of the members of this Convention to think that the relief will be denied. To keep intact the proper spirit of these organizations requires the aggressive influence of men actuated by motives divorced from selfish interest, an influence which creates an atmosphere into which the sordid element can find no congenial home. Mr. Keller, president of the Ohio Federation of Mutual Associations, said:

It should be a source of inspiration to any one to reflect the operations of the forces at work in the world and consciously apprehend the fact that in the general uplift we have come to that period in our progress where considerations of the general good become paramount, where the subservience of each other's rights dominates and the standard of mutual good becomes all persuasive.

The fact should appeal to us with such force that our peculiarly selfish interests are subordinated by that degree of enlightenment where motives of selfishness are displaced by motives for the general good, where by the breadth and scope of our views we see that our interests are involved in the interest of our fellowmen and our own interests are only secured and perpetuated by perpetuating theirs.

Gentlemen, we know that the dominant word of the twentieth century is "organization." The infectious spirit of that word has captured every field of human endeavor, and doubtless the problem of the future will be to find a way of doing the world's work with the strength that comes from united efforts without destroying individual rights or healthy individual incentives.

I know of no class of men whose common motive so fully justifies an organization in harmony with the spirit of the times, or of no organization which so clearly discloses these purposes of mustering together the strength of all for the security of each, as those who are banded together to mutually protect from sudden disaster or misfortune our humble homes where live and grow the loftiest virtues and where materialize our highest ideals.

Mr. President, I sincerely hope that this Convention will recognize the necessity and merits of this proposal and sanction its adoption.

Mr. BROWN, of Highland: Is it not true that the mutual insurance companies are not conducted for profit?

Mr. MILLER, of Crawford: I attempted to state that fact.

Mr. BROWN, of Highland: Then I want to ask further if it is not true that they are much cheaper and that it involves a great saving of money to insure in them?

Mr. MILLER, of Crawford: I have stated that the cost of carrying the insurance of \$350,000,000 in 1910 was something over \$600,000 in the mutual companies, while the same amount would have cost in the cash companies about \$1,000,000.

Mr. BROWN, of Highland: Persons who sustain fiduciary relationships could not be accused of any favoritism in insuring in that kind of company then—there is nothing about them that is for profit to the individual?

Mr. MILLER, of Crawford: Certainly not; there is no profit. The law creating the association prevents that. All there is to it is what the officers are paid, and if you take the commissioner's report and examine it you will find they are paid very meager salaries. I can cite you to some farmers' mutuals in Ohio that have \$5,000,000 of assets and five or six thousand members, and they pay salaries of only \$300 or \$400 a year. The business is so satisfactory that the commissioner has not found the slightest fault with the management and has not said that anything could be improved.

Mr. NYE: I will ask you if all of those mutual insurance companies do not require notes?

Mr. MILLER, of Crawford: Not the mutual associations. There is a distinction between a mutual company and a mutual association. The mutual company

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requires notes to be given and the mutual association just has a contract that the party will bear his share of any losses.

Mr. STALTER: I observe in article VIII, section 6, of the present constitution, this language: "No county, township, city, town, village, or other political or municipal division of the state, shall become a stockholder, either directly or indirectly, in any joint stock company, corporation or association; or raise money for or in aid of, or loan its credit to, or in aid of any such company, corporation or association; or purchase or construct or in any way aid in purchasing or constructing any railroad, canal or appurtenance thereto."

Mr. MILLER, of Crawford: Is that the present constitution you are reading from?

Mr. STALTER: Yes.

Mr. MILLER, of Crawford: I don't think it is. You are evidently reading from the wrong constitution.

Mr. STALTER: Yes; I did read the constitution of 1874. I withdraw the inquiry.

Mr. DWYER: Suppose insurance is affected in that way, by a township or county, and a disastrous fire occurs which requires an assessment on all the parties interested, how would the county raise the funds to meet the assessment?

Mr. MILLER, of Crawford: I would suppose they would pay from their contingent fund, just as they pay premiums in cash insurance companies.

Mr. DWYER: Suppose there were a conflagration?

Mr. MILLER, of Crawford: No one ever heard of a mutual company being wiped out, but if it were possible the same result would happen if all the buildings insured in a cash company were burned down. The insured would lose his insurance because it would bankrupt any cash company in existence. It is not a possible thing. I am safe in saying that not in twenty years—and I think I would be safe in saying never—has a mutual association failed, because all of their property is back of the assessment, and the assessments in ten years have averaged less than two-thirds of what the payment of premiums in cash companies would have been.

Mr. DOTY: Now, you have just said that all of the property was behind the contracts?

Mr. MILLER, of Crawford: Yes.

Mr. DOTY: What property?

Mr. MILLER, of Crawford: All of the property insured.

Mr. DOTY: Does that mean in case of township insurance of public buildings—does that mean all the property of the township is behind it?

Mr. MILLER, of Crawford: Yes.

Mr. DOTY: And if all the members of the association should duck out—

Mr. MILLER, of Crawford: How could they duck out when all are insured?

Mr. DOTY: In other words, outside of the negotiability the contract they sign is just as much of a debt as the note would be?

Mr. MILLER, of Crawford: Perhaps it would be except that where they give a note they usually assess on that note.

Mr. DOTY: It is a contingent liability?

Mr. MILLER, of Crawford: Yes.

Mr. DOTY: And there would be no way in which you could know exactly what it is?

Mr. MILLER, of Crawford: No.

Mr. TANNEHILL: Would it not be better to let the state and the counties insure their own property and let the whole citizenship be responsible than to insure with a little bunch of citizens that haven't property enough to cover a big loss? For instance, in my county we have a mutual insurance company and we might insure our court house with that company and it has not enough to pay the loss. So would it not be better to insure with all the people?

Mr. MILLER, of Crawford: I don't know; that may be right.

Mr. TANNEHILL: Why not throw this aside and bring in a proposal directing that to be done?

Mr. MILLER, of Crawford: I don't want to put myself in the position of trying to take away business from the cash companies. I am simply putting in something here to provide the insured the most economical system that is possible.

Mr. HARBARGER: I would like to ask you if there is any difference between mutual companies and mutual associations?

Mr. MILLER, of Crawford: Yes.

Mr. HARBARGER: Does not the last clause cover both associations and companies?

Mr. MILLER, of Crawford: Yes; it does.

Mr. HARBARGER: It permits insurance in either?

Mr. MILLER, of Crawford: Yes; we wanted to do that. They are on the same plan, only a mutual company is organized for profit and there is some profit in a mutual company, but in a mutual association there is absolutely no profit. The association only pays for losses and a little for expenses of running.

Mr. HARBARGER: But the point I want to make is that it could be insured in a mutual company or in a mutual association?

Mr. MILLER, of Crawford: Yes.

Mr. ANTRIM: You stated there were different kinds of associations?

Mr. MILLER, of Crawford: I said there were a hundred and forty mutual associations, but I didn't say they were different kinds of associations.

Mr. ANTRIM: Under your amendment you could insure in any mutual association?

Mr. MILLER, of Crawford: Yes.

Mr. ANTRIM: It would permit of insurance in all mutual companies and associations?

Mr. MILLER, of Crawford: Yes; we expect that, and it is only natural. The contention has only arisen on school houses and we don't care so much about the amount of the insurance. It is only the inference that it gives, which the cash companies are using, that this is not a safe kind of insurance.

Mr. ANTRIM: The point I want to make is that some of these associations and companies are not as good as others.

Mr. MILLER, of Crawford: That may be true. We have mutual associations that only take in a township or two, and they include all the property in that township and every farm house. If there were a school

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house insured among them it would be just as much protected as they are.

Mr. DOTY: Right there—if all the farmers and all the people in a township have the risk upon the school house, which they own, and it burns down, is there any difference in the loss that they would sustain that way from what it would be if they would simply pay out of their pockets to build the school house again?

Mr. MILLER, of Crawford: No.

Mr. DOTY: Then is there any difference in the proposition of allowing the public buildings to be insured?

Mr. MILLER, of Crawford: Yes; the cash companies have an opportunity to say that the mutual companies and mutual associations are not safe if you say that no public property shall be insured in them.

Mr. LAMPSON: Suppose the board of education insures a school house in one of those companies; what would be the liability of the board for the debts of the company?

Mr. MILLER, of Crawford: Their liability would be the extent of the loss sustained.

Mr. LAMPSON: Suppose the board of education was the only responsible party in it?

Mr. MILLER, of Crawford: The gentleman from Ashtabula [Mr. LAMPSON] is supposing an impossible thing in a mutual association. You can go out all over the state and look at the property insured in mutual associations and mutual companies and you will find that two-thirds of it is farming property and there is no possibility of that arising.

Mr. HOSKINS: Is not the answer to Mr. Lampson's question this: That in the articles of incorporation of the mutual companies and in the rules governing them that there is a limitation on the liability of three or five times the amount of their annual premiums, so that if the annual premium on a certain school house was \$10 the ultimate liability would be not over \$50.

Mr. MILLER, of Crawford: I want to be entirely fair and I am glad you spoke of that. There is a difference between a mutual company and a mutual association. In the mutual company that thing exists. You are only liable for a certain amount. I am not so familiar with that. In a mutual association all of the property is liable for the losses, but it is impossible to have such a loss as suggested.

Mr. KING: You read that letter from the attorney general and I didn't understand whether he thought the insurance of a school building by a board of education in a mutual association or company would be a violation of this section of the constitution or not?

Mr. MILLER, of Crawford: Yes; that is what he said.

Mr. KING: Regardless of the fact that the board of education or the school district is nowhere mentioned in the constitution?

Mr. MILLER, of Crawford: Yes.

Mr. KING: Then the attorney general read something into the constitution that is not there at all.

Mr. MILLER, of Crawford: There was a special committee of the association visited the attorney general and we had his opinion rendered to the committee. The whole matter was discussed there, and he still in-

sists that school buildings cannot be insured in this class of associations.

Mr. STEVENS: Does not your proposal involve this idea that public property when insured furnishes an indirect method of pledging public property to enhance the credit of a private enterprise?

Mr. MILLER, of Crawford: I think not. If it were a class of insurance that was far from home or out of the state, where you could not know what kind of a risk the company is getting, that might be true, but all of these associations are local associations and they are confined to one county. Some operate over the state and all of them take risks mostly on that class of property known as farm insurance, but what we object to is that the fact that the law saying public property cannot be insured in these companies gives the cash companies the opportunity to make the claim that these companies are not solvent and sound.

Mr. DOTY: I offer an amendment.

The amendment was read as follows:

Strike out lines 10, 11 and 12. After "association" add; "nor shall any public property in Ohio be insured against loss by fire."

Mr. DOTY: I am opposed to this proposal for two reasons. One is set forth in the amendment, but above that there is another reason. I will say first, however, that the member from Crawford [Mr. MILLER] has given us a careful analysis of mutual companies and I suppose we are all surprised at the figures he has given.

Now, I am not contending against mutual companies or mutual associations, but my first reason for opposing this matter is that it is not a subject of enough importance to submit in the way of a separate amendment to the constitution. It is now the plan of this Convention to submit amendments separately and I do not think this would arouse any discussion whatever, and it is not a matter of any very great importance.

Mr. MILLER, of Crawford: Is there any other amendment that would interest more than two hundred thousand people?

Mr. DOTY: Yes.

Mr. MILLER, of Crawford: Directly?

Mr. DOTY: Yes; I call your attention to the liquor proposal, the good roads proposal and the initiative and referendum proposal.

Beyond that the question of insuring public property is one that the member from Crawford didn't touch upon except casually. What is the object of any kind of fire insurance? It is to spread out the loss so that one individual will not bear it. There cannot be any other reason for any insurance, life or fire. But especially with reference to fire insurance the only object of insuring your house is because you alone cannot afford to take the risk of loss by fire at any time through the next year. There can be no other reason but that. If you can afford to lose a house occasionally you do not insure, but if you cannot afford to lose it—and most people cannot—you undertake to go into some kind of insurance that seeks to divide the loss if any is sustained. That is all there is to this insurance proposition; that is, you go to these insurance companies that are big or little but strong enough and well able enough

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to bear the loss of any individual, and for a certain amount they take that loss from your shoulders.

No insurance company, however, is stronger than a well-to-do community.

Mr. Doty here yielded the floor for a motion to recess and Mr. Hoskins moved that the Convention recess until 10:30 o'clock tomorrow morning.

The motion was lost.

Mr. Doty, having yielded the floor for the motion to recess, was again recognized by the president.

Mr. BROWN, of Highland: Your amendment, Mr. Doty, is an inhibition against the insurance of state property?

Mr. DOTY: Yes, and township property and county property. There is not a subdivision in Ohio where, if there were a loss that loss would not be spread out over more people than an ordinary loss would be in any ordinary fire insurance company; and if you consider mutual companies that are confined to a township itself you are not spreading it out any further than if it were spread out on the taxpayers of that township as it should be. There is no part of the people of that township as well able to bear the loss of public property in that township as are all the people of that township. A part cannot be greater than the whole and the loss spread upon the few, assuming that a part only of those in the township were in the company, would not be as strong as if spread over the whole township by the method of taxation. We cannot have any township mutual company, but one which is only a part of the township, and if you are going to spread the loss on any public property upon those in that community it should be spread out as far as possible; that is, extended to every taxpayer in the township. I do not believe it is a good policy to insure a piece of property in part of a community when the loss might easily be spread over the whole community.

Mr. WATSON: Why not extend this and have state-wide insurance.

Mr. DOTY: My amendment, which prohibits the insurance of any public property, amounts to that. It is a practical way of spreading out your insurance. There is not an insurance company in the world that is as strong as the city of Cincinnati or Cleveland or Columbus and there is none of these mutual companies that is as strong as any subdivision. The risk is very small. It cannot be defended in any way, this insuring of public property; it is a pure waste of money. I agree with the member from Crawford [Mr. MILLER], if you insure public property the mutual company should be let in on it, but I take the stand, and I think that anyone who will consider the subject will agree with me, that it is an economic loss to insure public property.

Mr. HOLTZ: Ought not the schools be insured?

Mr. DOTY: I agree with you that where the school property is cut up into different buildings in a township, a kind of buildings that I have never myself been in favor of, it might be proper to insure them.

Mr. HOLTZ: Take this example: We have a number of districts that are not very wealthy, but they maintain a high school. That property is a nice building. Would you advise them to carry that risk themselves.

Mr. DOTY: It is impossible to get all the facts in

the question. Of course, generally, I would advise them to carry the risk themselves, because they cannot find any company that is better able to carry the risk than they are themselves. There may be a few situations in the state where there are some local reasons why they ought to carry insurance. I cannot conceive myself of any such situation, but it might be true and if that is so they can carry their insurance in the cash companies. Of course, if my amendment were put in and the whole thing adopted as a part of the constitution they would be cut out from that, but the great benefit would be to the greater number of people by stopping this economic waste in trying to insure when we are already insured. Every public building in the state is really insured.

Mr. HALFHILL: But your amendment proposes to prevent even the exceptional instances.

Mr. DOTY: Yes; that is true.

Mr. HALFHILL: As a matter of policy, would it not be unwise to put such a thing as that in the constitution?

Mr. DOTY: I think not. I think it should be the established policy of the state notwithstanding it is barely possible there might be half a dozen exceptional cases.

Mr. HALFHILL: Could not the county commissioners in the county or the board of education in the city determine that matter?

Mr. DOTY: The trouble is they usually interpret it to give the insurance. That is the trouble about having a friend in politics. They want to give the insurance to their friend. That is the real reason. There is no economic reason for insuring public property. There is not an insurance company in the world that is as strong as the city of Cleveland, worth \$600,000,000, or even as strong as the gentleman's [Mr. HALFHILL'S] town, which I suppose is worth at least \$30,000,000.

Mr. HALFHILL: Oh, yes; twice that.

Mr. DOTY: Where is the company that has \$60,000,000 of assets ready to levy taxes on to pay a loss, because that is all it amounts to whether mutual or ordinary? The city of Lima is better able to carry its insurance than any insurance company in the world. So with the smallest school district. Take the very village the member from Seneca [Mr. HOLTZ] speaks of — do you know how many people you have there?

Mr. HOLTZ: I don't know — about two hundred.

Mr. DOTY: Is that the number that pay taxes?

Mr. HOLTZ: Yes.

Mr. DOTY: How much of a school building?

Mr. HOLTZ: About \$3,000.

Mr. DOTY: Don't they tax some property outside of that for the school?

Mr. HOLTZ: No; only a little territory.

Mr. DOTY: And not more than two hundred inhabitants?

Mr. HOLTZ: That takes about all.

Mr. DOTY: What is that village worth in money?

Mr. HOLTZ: I couldn't say.

Mr. DOTY: Is it worth \$100,000?

Mr. HOLTZ: Yes, about that.

Mr. DOTY: Well, just look at that. Here is a risk of less than \$3,000 and the premium is, I suppose, about \$15 a year, and they throw away \$15 because the own-

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ers of \$100,000 of property cannot afford to take a risk of losing \$3,000.

Mr. HOSKINS: Suppose the school house should burn down; how could they replace that under the one per cent tax?

Mr. DOTY: I think the one per cent tax is worse from an economic standpoint than the insurance.

I do not think this matter ought to go to the people on a separate amendment, but if it does the state of Ohio should declare its policy upon the insurance question and declare it upon the side of economic right.

Mr. PECK: Do you contend that it is an economic waste of money by the cities and towns to insure?

Mr. DOTY: Yes.

Mr. PECK: That they can better afford to carry their own property than to allow an insurance company to carry it?

Mr. DOTY: Yes.

Mr. PECK: In other words, it is a waste of money?

Mr. DOTY: Yes.

Mr. PECK: I happen to know of several large estates in New York where they take the same view. The estate has so much property that they prefer to insure their own property. It is cheaper to insure their own property than to insure in a company.

Mr. DOTY: We have the same thing illustrated in business, where property is so widely scattered that fire can reach it only in spots; owners of such property carry their own insurance. We have several big concerns that do that.

Mr. MILLER, of Crawford: Then your amendment would cut out all insurance of public property?

Mr. DOTY: Yes; all of it. The important matter with me is not to tack this matter on to the constitution. We should have some regard for how many items we want to put up to the people.

Mr. MILLER, of Crawford: Do you think a school board would be censured if a school burned down and there were no insurance?

Mr. DOTY: I think so and because of the sentiment that now thoughtlessly exists that public buildings should be insured.

Mr. STEVENS: I move that the whole thing be tabled.

Mr. HOSKINS: That is absolutely unfair until the matter is discussed.

The yeas and nays were regularly demanded; taken, and resulted — yeas 33, nays 61, as follows:

Those who voted in the affirmative are:

Anderson,	Fess,	Matthews,
Antrim,	Hahn,	McClelland,
Brattain,	Harris, Ashtabula,	Okey,
Campbell,	Harris, Hamilton,	Shaffer,
Cassidy,	Johnson, Madison,	Solether,
Collett,	Jones,	Stamm,
Colton,	Kehoe,	Stevens,
Cunningham,	Keller,	Stewart,
Dwyer,	Knight,	Tallman,
Elson,	Leete,	Tannehill,
Evans,	Malin,	Walker.

Those who voted in the negative are:

Baum,	Brown, Pike,	Donahey,
Beatty, Morrow,	Cordes,	Doty,
Beatty, Wood,	Crites,	Dunlap,
Beyer,	Crosser,	Dunn,
Bowdle,	Davio,	Earnhart,
Brown, Highland,	DeFrees,	Fackler,

Farnsworth,	King,	Riley,
Farrell,	Kramer,	Rockel,
Fluke,	Kunkel,	Roehm,
Fox,	Lambert,	Rorick,
Halenkamp,	Lampson,	Stilwell,
Halfhill,	Longstreth,	Taggart,
Harbarger,	Ludey,	Thomas,
Harter, Huron,	Miller, Crawford,	Watson,
Hoffman,	Miller, Ottawa,	Weybrecht,
Holtz,	Moore,	Winn,
Hoskins,	Nye,	Wise,
Hursh,	Partington,	Woods,
Johnson, Williams,	Peck,	Worthington.
Kerr,	Peters,	
Kilpatrick,	Pierce,	

The roll call was verified.

So the motion to table was lost.

Mr. CROSSER: Probably there is some merit in this proposition if it is properly safeguarded, and I move to amend Proposal No. 51 as follows: In line six strike out the words "by vote of its citizens or otherwise."

Mr. ANDERSON: I move to lay the Crosser amendment and the Doty amendment both on the table.

Mr. DOTY: On that I demand the yeas and nays.

The yeas and nays were taken, and resulted — yeas 67, nays 28, as follows:

Those who voted in the affirmative are:

Anderson,	Halfhill,	Miller, Ottawa,
Antrim,	Harbarger,	Moore,
Baum,	Harris, Ashtabula,	Nye,
Beatty, Morrow,	Harris, Hamilton,	Okey,
Beatty, Wood,	Holtz,	Partington,
Beyer,	Hoskins,	Peck,
Brattain,	Johnson, Madison,	Peters,
Brown, Pike,	Johnson, Williams,	Pierce,
Campbell,	Jones,	Read,
Cassidy,	Kehoe,	Riley,
Collett,	Keller,	Rockel,
Colton,	King,	Solether,
Cordes,	Knight,	Stamm,
Crites,	Kramer,	Stevens,
Cunningham,	Lambert,	Stewart,
Dwyer,	Lampson,	Tallman,
Earnhart,	Leete,	Tannehill,
Elson,	Longstreth,	Walker,
Evans,	Ludey,	Winn,
Farnsworth,	Malin,	Wise,
Fess,	Matthews,	Worthington.
Fluke,	McClelland,	
Fox,	Miller, Crawford,	

Those who voted in the negative are:

Bowdle,	Farrell,	Rorick,
Brown, Highland,	Hahn,	Shaffer,
Crosser,	Halenkamp,	Stilwell,
Davio,	Harter, Huron,	Taggart,
DeFrees,	Hoffman,	Thomas,
Donahey,	Hursh,	Watson,
Doty,	Kerr,	Weybrecht,
Dunlap,	Kilpatrick,	Woods.
Dunn,	Kunkel,	
Fackler,	Roehm,	

The roll call was verified.

So the motion to table was carried.

Leave of absence for Thursday was granted to Mr. Cassidy.

Indefinite leave of absence was granted to Mr. Marriott and Mr. Ulmer.

Mr. KERR: I now move that we recess until tomorrow morning at 10:30 o'clock.

Mr. BOWDLE: I move to adjourn.

The motion to adjourn was lost. The motion to recess was carried.