

CITY OF TOLEDO

VIRGIL SHEPPARD
SECRETARY

WILLIAM T. JACKSON, MAYOR

September 1, 1928

To the Council
of the City of Toledo.

Gentlemen:

I am returning herewith to council Ordinance No. 6705 providing for the submission to the electors of the City of Toledo of an amendment to Sections 1 to 236, both inclusive, of the present Charter of the City of Toledo.

After careful study of the whole movement for a city manager charter, and after making an analysis of the proposed amendment, I am vetoing the ordinance for the following reasons:

1. The passage of this ordinance was a deliberate attempt to deny the people of the city the right to make a free and independent decision upon the work of the Toledo Charter Commission.

When, early in 1926, the city manager movement gained considerable impetus and it was decided by those particularly interested to submit a city manager charter to the voters through an initiative petition, the Republican Organization through the chairman of the executive committee advised the people of Toledo that it would be a more orderly procedure to ask the voters to elect a charter commission, as provided under the Constitution of the State of Ohio, for the purpose of drafting in an open and above board manner a new city charter.

Subsequently the voters on November 8th, 1927 were given the opportunity to name a charter commission. Fifteen citizens of Toledo were elected and the Commission at its first meeting November 17th, 1927, began to draft a new charter.

Early in its deliberations the members of the Charter Commission agreed that any charter drafted by the Commission must be passed by a vote of at least ten out of fifteen members or, in other words, by a two-thirds majority.

During the course of deliberation the question arose as to whether the Charter Commission could submit two charters to the people. An interpretation of the Ohio Constitution convinced the Commission that only one charter could be submitted. This the Commission did by a vote of ten out of the fifteen members.

Now the minority group of this Commission, aided and abetted by the professional politicians who had advised early in 1927 that the orderly method of drafting a charter through the election of a charter commission be followed, are seeking to submit on the same day that the Charter Commission's charter is to be submitted, another charter in the form of a so-called amendment to the present city charter. This is obviously done to confuse the electors and to deprive them of an opportunity to make an independent decision upon the work of the Charter Commission, a duly elected and constituted agency. In my opinion it is a grave injustice to the majority members of the Charter Commission who have worked diligently and faithfully through a period of eight months to frame a charter which in their judgment would be best adapted to the needs of the City of Toledo.

The minority group maintains that the people of Toledo should have an opportunity to show preference on the type of city government which they desire. Why not carry this to a more logical conclusion and submit to the people several other charters, each of which will no doubt be deemed the most desirable by

certain elements of the electorate. I cannot see any justice in any one group, particularly a minority group of the Charter Commission, attempting in any way to confuse the voters for the obvious purpose of defeating the charter framed by the Toledo Charter Commission.

I am of the further opinion that it is eminently more fair to the voters of Toledo if they do not agree with the work of the Charter Commission to permit them to vote down that charter by an independent decision, and then at a later date make a decision upon any other charter that may be submitted.

2. The passage of the ordinance submitting the amendment was effected with the most lamentable, degrading and deplorable example of partisan machine politics ever displayed to my knowledge in the history of local government.

A copy of the proposed minority charter mysteriously appeared in the Council Chamber at the meeting of the Council on August 6th. Word was passed around that it was to be introduced and enacted on that evening. For some unknown reason the legislation was not presented at that time. At the next meeting of council, August 20th, late in the evening the legislation was introduced. Shortly before the title of the ordinance was read for the first time, one of the assistants in the Clerk's office passed a copy of the legislation to each of the sixteen members of the council present. No copies were given to the representatives of the press or to any other persons present. One of the members of the minority group and other representatives of the machine politicians were present throughout the evening and were seen talking to various councilmen, obviously lobbying for the measure. It was definitely stated by a member of the minority group present at the meeting that he had enough votes to put the ordinance

through council at that meeting, but it was later found that he lacked two votes of having enough to take the legislation from the rules and by-laws committee and place it upon passage.

After the meeting all copies of the proposed legislation were collected by the City Clerk and were not distributed again until the special session of council on August 23rd, thereby depriving councilmen of all opportunity to read and study the minority charter amendment. The Clerk of Council admitted that only twenty copies of the minority amendment were given to him.

At the meeting of the council committee on Wednesday, August 22nd, the question of whether or not the proposed amendment should be submitted to the people was discussed pro and con for a period of about one hour and a half. Copies of the legislation were not given to the members of the council committee, hence no attempt was made to read the proposed minority charter section by section or in any way to study it.

In contrast to this procedure was the consideration given by a committee of council to the street railway ordinance passed in June. This ordinance was taken up section by section and carefully considered. The proposed minority charter, which if enacted by the people, would be the organic law of the city governing franchises and other important matters, received less by far the consideration given to the street railway ordinance. I cite this to show the utter lack of study which the councilmen had given this proposed minority

charter. Throughout the entire proceedings it was quite apparent that back of, and sponsoring this legislation, was the unseen hand directing the entire course of the minority charter, showing exactly what should be done, how it should be done, and when.

And then before the hour of the special meeting called on Thursday, August the 23rd, which was three days after the legislation was introduced and one day after the committee hearing, unbelievable tactics were resorted to in cracking the whip to get some of the councilmen in line for the purpose of voting "Yes" upon the legislation. Some of the representatives of the people in this free city of ours were threatened with political oblivion, intimidated and coerced to a point where they were practically forced to vote for the measure against their better judgment.

I recognize the right of the members of City Council to vote "Yes" or "Nay" upon any piece of legislation coming before them, but I cannot believe that a councilman is doing justice to his constituents by voting for legislation which was prepared by a dissatisfied, disgruntled minority, shrouded in mystery, and rushed through by political connivery and personal threats.

The passage of this legislation, in my opinion, is a serious indictment of representative government in our community. The whole procedure is disgusting to friends of good government.

3. While I recognize that the people of Toledo are entitled to any kind of government which they desire, and while I recognize that council, through orderly and open proceedings, has the right to propose amendments to the present city charter, and while I recognize that as chief executive it

would be unfair for me to veto legislation submitting to the voters any charter passed in an orderly manner, I believe that the attention of the people of Toledo ^{should} be called at this time to the proposed minority charter which the political machine has sought to submit to the people.

If adopted, this minority charter will unquestionably result in complete domination of the city government by shifty, irresponsible and self-elected professional politicians.

The system of election of councilmen which is proposed by the minority charter is one cleverly designed and framed to make party domination of the city government easy and almost certain and to destroy that non-partisan character of local municipal government which has been so much in evidence in the history of Toledo during the last twenty-five years.

Through control of the August primary election, which is very possible because of the lack of interest in such primaries, the machine can readily nominate and at the November election elect six of the ten councilmen from the wards provided for in the minority charter. By electing six councilmen the machine which has never controlled a majority of the voters can select and control the city manager, pass any piece of legislation, and otherwise bring the city government under the heel of "Bossism".

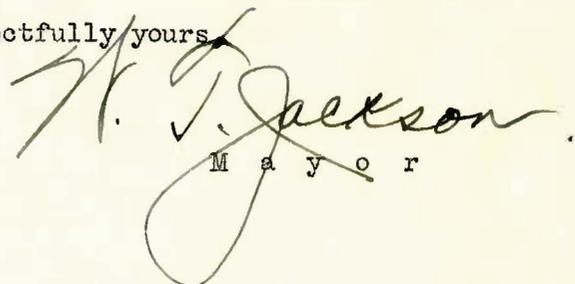
Set against this system of electing City Council, the Charter Commission elected by the people proposes the selection of the councilmen in such a manner as to practically prevent machine domination or domination by any minority group. This system, called the Hare system of proportional representation, has successfully thwarted professional politicians in several large cities, notably Cincinnati.

This the minority group of the Charter Commission and their friends in the machine realize, and consequently are opposed to proportional representation because its adoption would sound the death knell of political chicanery and manipulation. The fact that the minority group and the machine are opposed to proportional representation should in itself be the most striking and forceful argument for the adoption of this system of electing councilmen. Under proportional representation, or P. R. as it is commonly known, each voter is insured the opportunity of voting for his personal representative in Council regardless of where such representative might reside in the city.

Members of Council were lead to believe that with the exception of the election of councilmen, the proposed amendment. was similar to the charter proposed by the Charter Commission. In a careful study which I have made of the two charters I have found that in several instances there are differences. These differences would have been pointed out no doubt if Council had taken the opportunity to have carefully read and studied the minority charter and compared it with the Charter Commission's Charter.

As mayor of the City of Toledo, I have under the present city charter been given the duty of studying all ordinances and resolutions passed by City Council and to express my opinion, if necessary, thereon. Feeling keenly my obligation to carry out the duties imposed upon me, I have prepared the above reasons for vetoing Ordinance No. 6705, and I am consequently returning it to Council in accordance with Section 56 of the Toledo City Charter.

Respectfully yours,


M a y o r

Veto of
Mayor of
Ord. 6705 -
Amendment to
Secs. 1 to 236,
of City Charter,

COUNCIL OF
THE CITY OF TOLEDO, OHIO.

SEP 10 1928

Read to Council
and placed on
file - per motion
of Mr. Wells.
