

*Second Vice-President*, Mr. Edward Porritt, of Hartford, Conn.

*Third Vice-President*, Professor A. R. Hatton, of Western Reserve University.

*Secretary-Treasurer*, Professor Chester Lloyd Jones, of the University of Wisconsin.

The following persons were elected members of the council for the term ending in 1920: W. F. Willoughby of Washington, D. C., T. R. Powell of Columbia University, Karl F. Geiser of Oberlin College, Lindsay Rogers of the University of Virginia, Clyde L. King of the University of Pennsylvania.

On motion of John A. Fairlie, managing editor of the *REVIEW*, all of the members of the board of editors were reelected.

The executive council was authorized to decide whether a meeting of the association shall be held in 1918, and to determine the time and place.

For the committee on the preparation of a critical bibliography of political science, Professor Edgar Dawson reported progress.

It was announced that the council has provided for a special committee of five to inquire into and report upon the status and methods of training schools for public service, and also a standing committee on instruction.

The following resolution was adopted:

"The American Political Science Association, in annual session at Philadelphia, pledges its support to the President and government of the United States in the prosecution of the present war. The association and its members stand ready to render any service that may be within their power."

Professor W. W. Willoughby was instructed to communicate this resolution to the President of the United States and was appointed a committee of one to serve as an intermediary between the association and the various branches of the government in placing the services of the association and its members at the government's disposal.

FREDERIC A. OGG

**Impeachment of Governor Ferguson.** The recent removal from office of Governor James E. Ferguson of Texas as a result of impeachment proceedings has a two-fold interest for most readers of the *AMERICAN POLITICAL SCIENCE REVIEW*. On the one hand it has a unique governmental interest, as one of the very rare occasions on which an American state executive has been removed from office. On the

other hand it reveals the attempt and failure of a megalomaniac in the governor's chair to dominate the state university by political methods for political purposes. These two aspects of the case, though distinct enough in their nature, were, of course, closely intertwined throughout the proceedings and can with difficulty be separated in their treatment. But for the sake of clarity, some of the interesting governmental points involved will first be considered.

The first question that arose was whether, under the Texas constitution, the house of representatives could assemble for impeachment proceedings at all except on the call of the governor, and if so what authority could call it together. The constitution provides for regular biennial sessions and for special sessions on call of the governor, but for no others. The speaker of the house called a special session on his own motion for the purpose of preferring charges of impeachment. At first the governor and his friends were inclined to ignore the call, as being utterly without constitutional authority; and hence, they claimed, all proceedings taken thereunder would be without any validity whatever. Indeed, not many weeks before sending out this call the speaker of the house is reported to have declared that he had no authority to issue such a call; consequently his change of attitude was interesting. But that is another story.

When it seemed apparent that the opponents of the governor would assemble in sufficient numbers in answer to the call to constitute a quorum and transact business, his advisers were afraid to let matters take their course and leave the proceedings to the governor's opponents. Taking the bull by the horns, the governor at the eleventh hour issued a call for a special session of the legislature to meet on the same day as the one set for the assembling of the house to consider impeachment proceedings. The declared object of this hurried special session was to consider the University of Texas appropriation bill, which the governor had attempted to veto at the close of the regular session of the legislature. The real object of the called session was of course obvious. Fearing to rely on the alleged invalidity of proceedings that might be instituted by the house assembling on the call of the speaker, the governor now trusted to forestall impeachment by calling the legislature together for a special purpose, in the hope that it would be accepted that in such a case no other business might be taken up. The really doubtful point for which there was no precedent, namely, the assembling of the house on call of the speaker, was therefore waived; and reliance was placed on a contention which was clearly

involved in the Sulzer case in New York, and settled in that case in favor of the power of the house when called in special session to take up impeachment proceedings.

The first business the house took up was the filing of charges by the speaker, and the hearing was begun immediately. After some weeks of testimony and investigation the house formally voted by a large majority twenty-one articles of impeachment, thereby suspending the governor from office. The prosecution of the charges was entrusted to a board of managers selected by the house, aided by special counsel. The senate spent some weeks in a hearing on the charges, and then voted on the articles separately, a two-thirds vote being necessary to sustain them. Ten of the articles were so sustained and judgment of the senate was pronounced on September 25, removing the governor from office and disqualifying him from ever holding any office of trust or profit under the state. A number of points were raised on demurrer by his defenders, but they were not considered separately, being decided adversely by the vote on the separate articles. Among the contentions so raised and decided was one that the proceeding before the senate was a criminal suit and entitled the governor to a trial by jury.

Of the ten articles of impeachment which were sustained, the majority referred to the misapplication of public funds by the governor. Three of these ten were sustained by a vote of 27 to 4, the four senators voting "no" on these three articles voting in the negative also, without discrimination, on every one of the twenty-one articles.

So much for the governmental aspects involved. All through the proceedings and the steps that led up to it, however, runs the controversy between the former governor and the university. Starting from a very small beginning, the governor's animosity towards the institution gradually grew until in the fall of 1916 it culminated in his demand that certain members of the faculty be removed by the board of regents without a trial or hearing, even without reasons. "I am governor of Texas. I don't have to give any reasons," was his seventeenth-century conception of the executive power of the state, as unblushingly expressed by him. The regents held an investigation and completely exonerated the members of the faculty in question. There is no space here to go into the nature of the charges brought forward by the governor at the hearing. Suffice it to say that they referred in large part to alleged political activity of some of the professors.<sup>1</sup>

<sup>1</sup> See printed record of proceedings before the board of regents in *University of Texas Bulletin*.

"Biting the hand that feeds them" was the view the "outraged" governor took of the situation.

Failing in his attempt to have the regents take the desired action, the governor waited until the expiration of the terms of three members of the board to fill the places with men who he thought would stand hitched. By bullying the independent members of the board, he succeeded in getting one to resign and threatened to remove others, which was clearly not within his power, finally actually appointing a new member in the place of an objectionable one who refused to resign. Meanwhile the newspapers of the state had rallied to the cause of the university and the alumni had organized effectively, until the governor, enraged by a student parade and by his inability to accomplish his ends, vetoed the entire university appropriation. That is, he attempted to veto it, and thought he had, though the attorney general ruled the veto was ineffective for several reasons. Injunction proceedings were resorted to in order to prevent action of the regents, but in July the board met and dismissed a number of the faculty members who had been objected to by the governor. No semblance of a hearing was held, the names were just dropped when the budget was taken up. The governor meanwhile was making speeches attacking the university and defending his action, while the friends of the university were urging impeachment proceedings.

While the real motive for calling the house together was not primarily opposition to the actions of the governor with regard to the university, it is also true that the governor made the university matter the chief issue and that three of the articles of impeachment which were sustained dealt with the governor's action in trying improperly to control the board of regents. It was, therefore, in a very real sense a university fight from start to finish and its outcome a clear victory for the friends of a university free from political domination.

The sequel is quickly told. The legislature which impeached the governor repassed the identical appropriation vetoed by him. The senate approved new nominations to the board of regents made by the new governor, in the place of the unconfirmed appointments made by Ferguson and of some members who had resigned. The reconstituted board reinstated the faculty members who had been removed and passed the budget as prepared by the president of the university. The last "kick" from the defeated opposition took the form of an application for an injunction suit to restrain the payment of the university appropriations on the ground of unconstitutionality. This

application was denied, and thus terminates an episode in American state university development which is of the greatest significance for all such institutions in every part of the country.

**Massachusetts Constitutional Convention.** For the first time in sixty-four years, Massachusetts is submitting its constitution to the scrutiny of a constitutional convention. The last body of this kind which met in this state was in 1853. All of the amendments which it submitted were rejected at the polls, but several of them were afterward proposed by the legislature and ratified by the people. Fortunately the constitution of 1780, which is now the oldest written instrument of government in force anywhere in the world, deals with general principles rather than with details, and the enormous social, political, and economic changes which have taken place since its adoption have not necessitated a corresponding change in its terms. There were a few questions of state policy, however, which it seemed could be best dealt with through the instrumentality of a constitutional convention; and Governor McCall's recommendation that such a body be summoned in 1917 was accepted by the legislature and adopted by the people.

The convention is a body of 320 members. It is much larger than similar bodies which have recently assembled in other states, as the Michigan convention of 96 members, the Ohio convention of 119 members, and the New York convention of 168 members. The Massachusetts convention is composed of sixteen delegates elected by the voters of the state at large, four delegates elected by each congressional district, and two hundred and forty delegates chosen by the legislative representative districts. The candidates were nominated and elected without party designations. The convention met on June 6 and chose ex-Governor John L. Bates to be its president.

Three months before the assembling of the convention the governor appointed a commission to compile information and data for the use of the constitutional convention. This commission, which consists of Professor William B. Munro of Harvard University, Roger Sherman Hoar, and the undersigned, prepared a series of bulletins dealing with those topics which seemed likely to be of most interest to the convention and also compiled such data as was called for from time to time by the delegates. Later, when the proposals before the convention began to take shape, the undersigned was appointed technical adviser to committees; and in that capacity has had much to do with the