

# THE VITAL POINTS IN CHARTER MAKING FROM A SOCIALIST POINT OF VIEW

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**D**URING the last ten years no less than four different and new forms of municipal government have been proposed and are being tried out. The commission form came first. But no sooner was it put in operation than certain serious defects were apparent. So the "form" began to be modified. It has been undergoing that process ever since. Some of the defects appeared to be so fundamental that new plans were proposed—plans that were given new names so as to win attention and approval which the mere commission form could no longer command.

Thus we have had the so called federal plan, the Sumter or city manager plan, and now most recently the representative council plan—all modifications of the commission plan.

It is our purpose in this article to consider the vital and necessary principles in charter making and suggest a plan containing some of the features of all the newer forms, but a plan formulated with reference to the principles and practice required rather than with reference to theories or plans already advanced.

## DEMOCRACY AND EFFICIENCY—BOTH ESSENTIAL

Two things are vital and fundamental to good city government; namely, democracy and efficiency. How to attain the *one* and keep the other, how to adapt our forms and organization to this end—that is our problem.

To attain democracy we require a truly representative body—call it council, commission or what you will—the essential point is that it be truly representative. It should be elected by the people, controlled by the people and should be in all ways a true reflection of the sentiments, ideas, interests and purpose of the people.

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But such a body elected by the people, representing different and often contending forces and factions, changing constantly and sometimes suddenly, never has given us efficiency. And there seems to be no promise anywhere that it ever will. Yet efficiency we *must* have. Especially as we are constantly extending the function of municipal government in every direction. And this is what the socialists desire most of all. They especially, above all others, have reason to desire and insist upon efficiency in municipal government. The whole success of our plans depends upon it.

It is this imperative demand for efficiency, and the lack of it under the old council forms, that has given the greatest weight to the argument for the commission form of city government.

But there are considerations that outweigh "efficiency." Vital as it is, absolutely essential and increasingly so, there is one thing *more* essential and that is democracy. Efficiency may be a detriment and certainly will be unless it can be made to be efficient *in the interests of the people*, in the direction of the common good. Efficiency in the direction of further exploitation and plunder only makes things worse, not better. It is the *direction* of efficiency, the *purpose* to which it is put that determines its value. And the ability of the common need to make itself felt in directing efficiency is even more vital than efficiency itself.

Democracy, then, is even more vital than efficiency. Any sacrifice of democracy to efficiency cannot be regarded as a gain. It is rather a decided danger, a retrogression. The real problem then is to develop a form of municipal government that shall contain the two.

So far, every form of municipal government that has been in operation or that has been proposed (with the possible exception of the representative plan), is defective in the matter of democracy. The representative plan is an effort to remedy this fatal defect.

#### THE REPRESENTATIVE COUNCIL PLAN

This plan of city charter has been worked out by the secretary-treasurer of The American Proportional Representation League, C. G. Hoag.<sup>2</sup> The general idea is as follows:

1. A council elected at large by proportional representation.
2. A mayor elected by the council acting as presiding officer of that body.
3. A manager elected by the council and selected with sole reference to his qualifications as an expert and efficiency in municipal administration.

<sup>2</sup> The plan was outlined in "Equity Series" and has been reprinted as American Proportional Representation League Pamphlet No. 1, January, 1913, and may be secured by addressing C. G. Hoag, Haverford, Pennsylvania. The April issue of *The American City* has a more recent and revised article by Mr. Hoag which presents the plan still more effectively.

4. Heads of departments *appointed* by the manager with the approval of the council, chosen with sole reference to their technical administrative qualifications and kept on the professional basis for indefinite periods during satisfactory service.

It will be seen at once that this plan supplies the one most vital element missing in all commission forms of municipal government, viz., democracy. For, in addition to the initiative, referendum and recall, which are features of this as well as of all the other forms, it adds *proportional representation*, which is the only truly representative system and is the nearest approach to democracy that is possible. We shall discuss the details of this feature farther on.

At the same time it provides for *efficiency* by putting the administrative departments upon a professional and efficiency basis. It really *fixes responsibility*, which the commission form everywhere claims to do, but which, it has always seemed to us, it did not do by centralizing the responsibility for administrative efficiency upon one official head—the manager. And this much more may be said in its favor—it appropriates the best features of the municipal government of Germany and England while avoiding the objectionable ones.

This plan seems to the writer to be far superior to the old council plan and to all modifications of the commission form. So far it is the nearest approach to a true conception of the proper function of municipal government. Our plan described below will follow the general principles of this proportional representative plan outlined by Mr. Hoag. At one or two points we shall depart from the details of that plan and in at least one very important respect shall differ from all of them.

#### ESSENTIALS OF MUNICIPAL GOVERNMENT

Before discussing the details of the plan, it is well to state what seems to us to be certain essential features of municipal government in general. The following are, we believe, agreed upon by all:

1. *Home rule.* The first and most essential feature of efficient municipal government is home rule—the right of the city to govern itself with reference to all those matters which pertain to the city alone. Everywhere, throughout the nation there has been going on for years a very vigorous and effective movement in this direction, and a considerable degree of success has attended these efforts. Laws granting a greater or less degree of home rule to the cities have been secured in many of the states, notably California, Oregon, Michigan, Missouri, Oklahoma, Washington, Minnesota, Texas, Nebraska, Arizona and Ohio. The recent home rule law adopted in Ohio, as a part of the new constitution of that state, is perhaps one of the best of these home rule measures. Whatever else may be done in the effort to

secure efficient municipal government, this struggle for home rule must go on until it is completely successful.

In this connection, we may say in passing that a recent decision of the supreme court of Wisconsin declaring unconstitutional a certain state law which had been passed by the legislature of that state with a view of securing home rule for the cities, lends emphasis to the contention that has often been made that home rule to be secure must be based upon constitutional amendments. If this is the case, those who are fighting for home rule should not be content with amendments of their state laws, but should keep up the battle until their state constitutions are amended so that the victory may be final and secure.

2. *Direct legislation.* Practically all charter revisionists now seek to incorporate in some form provisions for direct legislation. Whether the charters are commission form, federal form, or whether an effort is made to merely improve the old form of charter, practically all agree in proposing direct legislation. The only point here to be guarded is the matter of percentages and forms required in order to make the provisions effective. The initiative should require only 5 per cent of the voters for the mere initiation of a measure, but 15 per cent or thereabouts—certainly not more than 20 per cent—to require the calling of a special election for the submission of a measure. Provision should also be made, and generally is made, for a “stay of ordinance” for a certain period of time, during which opportunity is given for a demand for referendum on the matter. The percentage required to force the submission of an ordinance which has been passed by the council and without popular vote should not be more than 15 per cent.

On the matter of the recall a special feature should be noted. Where proportional representation is introduced the recall should be made to operate against the whole group and not against a single councilman. For, if the recall could be used against an individual member of the group elected under proportional representation, the minorities would be at the mercy of the majorities. A group in the community, for example, that was large enough to command a single quota, might elect a representative to the council by some small fraction of the total vote. Whatever such a representative did would, presumably, be in conflict with the settled policy of the community as well as all the other representatives. If the recall were operative in such a case, it would be very easy for the majority parties to force such a representative out of office.

The further point to be guarded here is that the percentage required to insure a recall election shall be reasonable. It should not be so small that the stability of the municipal government could be disturbed by constant recall elections. It should not be so large on the other hand as to make it impossible to initiate the recall. We should say that experience has

taught that a percentage of between 20 and 25 is about right for this feature of direct government.

3. *A representative council.* The only way to secure a truly representative council or governing body is by proportional representation. Every other method fails. The present and usual method of election everywhere is by pluralities or at best by majorities. And this is true of the commission forms as well as of the others. Where there are more than two candidates the successful ones are almost always elected by much less than a majority and sometimes by only a little more than a third of the voters. For a number of years Milwaukee was ruled by administrations elected by only a little more than a third of the voters. And this was true of the Socialist administration as well as the Republican and Democratic administrations that preceded it. Such a condition is wholly bad.

This objectionable feature is partly met in some of the commission charters by a system of two elections, the last of which is restricted to two candidates or sets of candidates, thus compelling a *majority* election. In others, as in the case of Grand Junction, Colorado, and Spokane, Washington, a similar result is attained by a system of preferential voting saving the expense and trouble of a second election.

But the fatal defect in all these systems is that they do not provide for minority representation. All of them eliminate all minorities from the governing body, either council or commission. This defect the proportional representation system will remedy.

#### ADVANTAGES OF PROPORTIONAL REPRESENTATION<sup>3</sup>

The advantages of this plan are numerous and very important. Among them may be mentioned the following:

The first and most important is, as indicated above, that it permits a representation of minorities. This advantage is so obvious that further discussion, we believe, is not necessary.

A second advantage is in the greater stability of the government. The new idea or new policy that is always struggling for expression will, under proportional representation, be gradually reflected in the council and will be represented there in proportion to its strength in the community. This permits of *gradual* change of policy and lessens the danger of sudden and complete overturning of things such as result from elections by majority or plurality.

<sup>3</sup> For a discussion of the general principles of proportional representation, as well as its history, its application to municipal elections and the details of its workings, the reader is referred to a book by John H. Humphreys, secretary of The Proportional Representation Society of England on "Proportional Representation." See NATIONAL MUNICIPAL REVIEW, vol. 1, p. 743.

This is important also as affecting the administrative side of the work. It is difficult to secure expert and specially trained men to serve in municipal administrations that are subject to sudden overturnings and changes of policy. Such changes are likely to result in interruptions of important undertakings and change of personnel that are fatal to efficiency.

A third advantage is that proportional representation permits, if it does not presuppose, party or group voting. It assumes that there will be differences of opinion upon matters of public policy in the municipality, just as there are similar differences in national and state affairs. It assumes that those favoring a certain policy will seek to work together in its behalf; that they will seek to effect the public policy in the direction of their convictions; and that to do so they will organize and conduct campaigns; will select candidates and seek to elect them; and that to facilitate the massing of their votes at the polls they will have ballots so designated as to enable the voter who desires to support their policies to quickly and readily choose his ballot accordingly.

#### THE NON-PARTISAN FALLACY

All of which is perfectly logical and quite obvious. Yet we have the astonishing fact that our whole host of municipal reformers in America have been swept off their feet with the so called non-partisan idea. As though by the simple device of striking the party name off of ballots we would eliminate, as by the stroke of a magic wand, all the evils of municipal misrule!

And the zeal with which the reformers have hunted out this witch of partisan elections and striven to drive it out is worthy of a better cause. The commission charter recently proposed in Traverse City, Michigan, for example, provides:

The ballots for election of city officers shall be separate from any other ballot *and shall be without insignia, emblem, or designation*, etc. (Section 26).

The charters of Grand Junction, Colorado, and of Spokane, Washington, which are worded identically the same, are even more extreme. They provide:

Nothing on the ballot shall be indicative of the source of the candidacy, or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark or anything indicating his views or opinion.

Nothing could be more complete. These charters are not content with merely denying the Republicans, Democrats and Socialists the right to the use of their names as a means of helping the voter to quickly and readily

select the ballot which will represent his conviction—they prohibit the use of any and all kinds of designations whatsoever on the ballot—anything and everything that would in any way connect an individual's name with the policies he represents.

At this point we dissent entirely from all the proposed forms. To exclude all possible designation from the ballots seems to us unwarranted and abortive. And we frankly believe not only that a partisan or designated ballot is right but that it is the best method for securing desirable results in our civic affairs.

There are distinct differences of opinion and different policies possible with regard to municipal affairs, just as surely as there are in state affairs. There is a wide range of possible legislation and administration in which the cities are free to act as they will. The cities also have large powers in the determination of methods of taxation and the distribution of the money raised. Under the home rule laws that are being passed this range of possibilities is being constantly increased. The question of the municipal ownership of water works, gas plants, electric lighting plants, street railways or other public utility is one upon which there is and must be a difference of opinion. And upon all these matters there are choices to be made among all sorts of policies, ranging "from those of the Marxian socialist through those of the single taxer to those of the out and out believer in plutocracy." Now, the only form of election that will enable the people to settle these questions and settle them intelligently will be such as enables them to express themselves in groups formed according to the policies advocated by the groups. And the form of ballot that will enable the voter at the polls to quickly and accurately express his purpose must be one that has some designation other than an individual's name. If there is nothing on the ballot, no distinguishing mark, that connects the names of the candidates with the policies which they represent, is it not obvious that that kind of ballot fails to supply the voter with the information he needs at the most critical point?

It may very easily happen that certain individuals may be prominent in the advocacy of certain ideas, while the actual candidates put forth may be much less prominent. The name of the individual, therefore, is not a reliable guide to the voter. In many cases it may be no guide at all.

Furthermore, allowing the names only to stand upon the ballot, with no distinguishing or explanatory remark, gives the advantage to the men of wealth and prominence. Elections carried on upon that basis put the working classes and the common people at a disadvantage.

The strong personalities are on the other side. Individuals who own banks, railroads and great daily newspapers are not on an equal footing with individuals of the working class. The latter have no hope of matching the power and influence of the former except by group action. And the possi-

bility of that group action must be maintained up to the very moment that the ballot is cast.

In all of this the power of the press must not be overlooked. A minority party never has a strong press at the beginning. The press is generally on the side of the majority. By constant and imposing advertising, by judicious and adroit editorial writing, and a news comment now and then, the people may be made to believe that a certain candidate stands for things for which he really does not. This is one of the most common and most dangerous tricks of a capitalistically controlled press.

The people need the assistance of very possible device with which to meet these difficulties, and above everything else, they need a designated ballot to help them connect the individual candidate with the principles he is supposed to represent, and which also serves to connect the individual with the group of people that have put him forward as their candidate, so that they, too, may be held to account for him and his course after election. These principles, it seems to us, are fundamentally essential to the integrity of municipal as well as state and national elections.

Against the elimination of national party names and national issues even more may be said. Upon this phase we quote the report of the committee on the commission form of government made to the last convention of the Socialist party at Indianapolis, May, 1912:

There is hardly a serious problem of municipal government that can be solved at all aside from a state and national movement. Take the question of home rule. Here in the very nature of the case the city is powerless in the hands of the state legislature. The fight for home rule itself is a state and national fight. Take the question of the commission form of government itself—it has been an issue for state legislation very largely. Or consider some of our commercial and industrial problems. The real difficulties that concern a people in a city, involve state and national issues. For example, the supply of coal for a city—what can any city in America do on a problem of that sort without state and national action? The city may establish a coal yard? But that is only the merest fraction of the problem. The coal must be shipped to the city over railroads that are owned by the monopolies and trusts. The transportation of the coal becomes a problem of interstate commerce. Thus the most elemental problem of the city becomes a state and national problem, a question requiring a consistent and comprehensive program for state and national action. To undertake to solve problems of this kind by limiting our efforts to local issues, and separating our cities from state and national issues, is absurd.

It may be quite true that neither the Republican nor the Democratic national parties have anything in their platforms or programs looking to the relief of the people that live in cities. But to attempt to find relief from the evils that torment them, without state and national action, is the height of folly. If the Republican and Democratic parties have no program and no principles that apply to the great problem of municipal government, so much the worse for them. Let the people know it, the sooner the better.



Such is not the case with the Socialist party. It has a program—municipal, state and national. And each is a part of one consistent whole. The same principles for which the Socialist party stands in the state and nation apply with equal force, though with different details, to the city as well. And what is more, there is no solution of municipal problems apart from the principles of social democracy. And the principles of social democracy cannot be applied except through state and national action. The effort therefore to eliminate national and state issues and to prevent the organization of a state and national political party that shall have also a municipal program, is to block the way to a final solution of the problems of municipal government.

There is an issue in municipal government that is bound up inseparably with the state and national program. It is impossible to solve the municipal problems apart from these larger state and national problems. So the lines of this struggle may as well be drawn sharply and as closely as possible. We believe it to be the task of the Socialist party to bring this issue into the open and to make the people of this country realize that the struggle between plutocracy and the common people is not only a municipal struggle but a state and national one as well. And the effort to conceal this struggle by detaching the city and its issues and problems from the state and national situation, serves only to deceive the people and to prolong the period of their enslavement.

One of the chief advantages, therefore, of the proportional representative plan is that it makes possible and provides for the group or party, or, if you like it, partisan voting.

Some attempt has already been made to provide for proportional representation in some of the municipal charters. Amendments prepared by the Peoples Charter Conference of Los Angeles, 1913, include among others a provision for proportional representation. Although this particular measure was defeated the idea is evidently gaining favor in Los Angeles and its adoption seems to be only a matter of time and better understanding.

A final advantage in the proportional representative council lies in the fact that by making the body truly representative of all the interests and opinions that actually exist in the community, it will obviate the necessity of constant appeal to the initiative, referendum and recall. This is, we believe, a decided gain. For while these devices are

admirable for the retention by the people of the power to check or to supplement the council's legislation *if necessary* and to disentangle at any time one issue from all the others that may have been involved in the election of the councilmen, their use involves, nevertheless, a sacrifice of those opportunities for the threshing out and the amending of legislation by leaders which are offered by a representative body. A political system, therefore, which forces the people to have frequent recourse to the initiative and referendum, in order to avoid one-sided legislation, is gravely defective. The way to combine excellence with democracy in the determination of a city's policies is to provide for the use of the initiative or the referendum on the demand of small percentages of the voters, but to provide also so

truly representative a council that the initiative and the referendum will be demanded very seldom.<sup>4</sup>

4. *A responsible executive.* Another essential feature in efficient municipal government is a responsible executive. It is very desirable that there should be some point at which responsibility for the administrative work of the city can be located, and through which administrative efficiency can be secured. This is accomplished in the representative council plan by separating the functions of the official position, usually known as mayor, from those of administration. To do this it is proposed that the city council shall elect both a mayor and a manager. The mayor is the official head of the city, is presiding officer of the council, and holds an honorary position at a nominal salary. This follows the English system. The manager on the other hand, is the administrative head of the city government and represents executive efficiency. He corresponds to the German burgomaster. This official, being given the power of appointing the heads of the departments, makes him at once the responsible head and gives him the power to secure efficiency.

The council should be free to select a manager solely with reference to his ability and efficiency in municipal administration. They should be free to seek for such a manager anywhere in the country or in the world, for that matter. He should not be required to be a resident of the city preceding the time of his selection. This idea follows the practice of the German municipal government, which is notoriously efficient.

5. *Efficient administration.* Equally important as an essential of municipal government is the requirement of efficient administration. To this end the heads of all purely administrative departments should be chosen solely with reference to ability, experience and efficiency in the particular lines for which they are chosen. In other words, the heads of the departments, as well as the chief executive officers, should all be upon a professional basis rather than upon a political basis. For this reason, provision is made in this form of government for the selection of the manager by the city council rather than by a popular vote. The idea is that the city council will be able to more effectively consider the necessary qualifications of a manager for technical administrative purposes than it would be possible for the popular electorate to do.

In the same way the manager is given the right to appoint the various heads of departments. The only restriction is that these appointments shall be subject to the approval of the city council. It would be desirable that even this limitation should be exercised with utmost care so as to give the manager the greatest possible degree of freedom in the selection of those who are to work out with him the various administrative policies.

<sup>4</sup> *Representative Council Plan*, p. 8.

With the two features of this form of government outlined above, we have a very decided improvement over all other proposed forms. The policy determining body being elected directly by the people reflects in exact proportion the will of the people as expressed in the various groups, organizations or parties. The administrative body, however, is selected with reference to another principle, i.e., that of efficiency.

6. *Provision for progress.* To the features of the municipal form outlined above, another one should perhaps be added. We shall undoubtedly have a steadily increasing extension of the functions of municipal government. The city which today owns and operates only its water plant will within the next few years undoubtedly undertake the ownership and operation of its gas plant, lighting plant and possibly its street car system. At any rate, this is the experience of cities in various countries. Again, the city which today has merely an ordinary health department will tomorrow extend its functions to care for children, to give free medical assistance to those who need it, to conduct day nurseries and perhaps to teach the mothers and help them in the care of their children. It is very desirable that these functions shall be carefully worked out and gradually introduced, so that the greatest degree of efficiency may be secured and the greatest assurance of their successful operation attained. To this end a suggestion from foreign municipal governments has already begun to be applied in some American cities. Non-salaried commissions are selected by the mayors or councils for the study of some new phase of municipal activity and perhaps for the development and conduct of the same during the period of experimentation. After the system is well wrought out and in successful operation, it then may be turned over to some department of the municipal government or made a separate department and thus take its place as one of the regular functions of the municipal government.

Where such an arrangement seems desirable, it may be provided for by the election of such commissions by the city council.