



## CHAPTER X

### THE CITY REPUBLIC

We have seen how the privileged interests have woven themselves into the government of the city through the control of the party and the use of campaign contributions, spoils, and corruption. This process has finally perfected itself in many states by the election of the state boss and the owner of privileged interests to the United States Senate.

All this has at last become a conscious organization, perfect in its adjustment to the business ends for which it is designed; an organization in which the spoils of city, county, and state are built up layer upon layer like the tiers of a pyramid the apex of which is the Senate and for the maintenance of which the patronage of the United States Government ramifies back to city, county, and state.

And throughout this organization the interests of the steam railroads, transportation companies, mines, and public service corporations run like the warp of a cloth bound together by the strands of party organization and the spoils system. Or to borrow by analogy from musical composition,

amid the trumpets of party regularity and the flourish of campaign and platform runs the effective refrain of the privileged interests which have allied their business with politics, and in so doing have given us a business men's government.

In organization, power, and entrenched position, the System which has been constructed seems almost invincible, and the prospect for relief by unorganized democracy well-nigh hopeless. For the checks and balances of our government, the division of power among the legislative, executive, and judicial departments render it a comparatively easy matter for a conscious, powerful influence to block democracy by the control of a single branch of the government. Moreover, the removal of the control of local affairs from the city to the state, and the practical control of state affairs by the United States Senate, removes the centre of agitation from the city to the state and federal government. But within the past few years, this movement towards centralization has aroused a counter-movement for decentralization. The jockeying measures of party bosses, the attempted passage of franchise grabs by the legislature, the interference by the state with the police and fire departments, the burden of securing relief from excise and financial problems from the country members, these, with the growing demand for municipal reform in many sections of the country, have created a spirit

of revolt and a feeling of confidence in democracy that is demanding home rule for cities and a larger control of the machinery of government in the people.

This movement is gaining in volume as well as in consciousness. It is inspired by a desire for larger activities on the part of the city, a distrust of the party leaders, and a belief that democracy can best work out its problems when government is responsible, as well as responsive, to the immediate community which it serves.

This programme of municipal home rule contemplates that the city shall be as free from the state as the state is free from the nation at large. It would relieve the municipality from state interference in all matters of purely local concern. It would divorce the locality from the interests which now animate the state in its legislation, and secure to the city the right to adopt its own charter, just as the people of the state now adopt their own constitution. It would authorize the people of a city to call a constitutional convention, made up of delegates from the several wards, with power to adopt, alter, or amend the fundamental laws of the community; to determine what powers may be exercised, as well as the means of raising and expending revenue.

This convention would work out the city's charter, fix the powers of the council and the mayor,

decide what activities should be undertaken by the city, what revenues should be raised, and how they should be collected. Such a programme, in so far as it relates to the form of charter, has already been adopted in Missouri, Colorado, California, and Washington.

In Colorado, the constitution of the state has been amended so as to create a single corporation out of the city and county of Denver. To it, as to the other communities in the state, the principle of home rule has been extended. A charter convention was held in the former city and the results of its labors submitted to the people for approval. The charter was rejected. A second charter was subsequently drawn under the power of the city "to amend its charter, or adopt a new charter, or to adopt any measure."

In Missouri, the cities of St. Louis and Kansas City have both availed themselves of the right to adopt a charter of their own devising. In the State of Washington, provision is made allowing cities of over twenty thousand population to adopt their own charters. In addition to this, "any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws."

In Minnesota, eleven cities have availed themselves of the right to draft their own laws, while

in California, where similar powers are enjoyed, seventeen cities have adopted charters which have been subsequently approved by the public. Equal facility is offered the people in the making of amendments, in some instances the change being brought about through the initiative of the council.

Five states have thus far recognized the right of the city to determine its form of government. But in none of them have the cities been fully endowed with the right to determine what activities and powers shall be exercised or how their revenues shall be collected. With home rule extended to such matters the entire burden of responsibility would be shifted from the state to the city.

Under existing conditions the city cannot act as to its tenement or building laws, its parkage, its public baths, its civil service regulations; it cannot raise revenues as it will, or expend them, save as the state has ordered. The city cannot regulate the charges of the local companies for gas, electricity, or telephone service, save under authority delegated from the legislature; it cannot receive gifts, punish offenders, inspect conditions of labor in factories, cannot even pay the rate of wages that it wishes, or determine the classification or discharge of employees. Under the present system of state control, the city enjoys only such powers as the state may have granted to

it. Nor has it any rights which the state need respect. It cannot move beyond the limitations of the state law, cannot even protect itself, much less work out the solution of its own problems. All these things, large as well as small, are the subject of legislative control. The result is a series of legal limitations, designed for every event, a lowering down of responsibility, and a system of government which is wholly inelastic to the needs of those seeking reform.<sup>1</sup>

If our analysis of conditions has been correct, the trouble with our cities is not too much democracy, but too little democracy; not too little state supervision, but too much state supervision. We have placed our cities in strait-jackets, and then

<sup>1</sup>The extent of this interference of the state with the city is seen in the number of bills introduced into the New York Assembly during the session of 1905. The total number of measures presented was over 2600. Of these 170 were for the purpose of amending the charter of the City of New York; 642 affected New York City without amending its charter, while 489 were for the purpose of amending the charters of other cities in the state. Exactly one-half of the bills introduced related to local matters, as to which the general assembly could not possibly know the desires or the needs of the communities affected.

Conditions are similar in the majority of our states. The result is that the time of the legislature is almost wholly occupied with purely local legislation instead of state matters. The legislature has no means of knowing the needs or the desires of the communities affected. In consequence, such legislation is passed as the boss dictates, on some corrupt bargain between the representatives from different cities, or alliance between the rural and the city members brings about. It rarely happens that local legislation, or charter changes, are drawn in response to the real desires of the people themselves.

expected them to develop strength and character. We have deprived them of self-government, and then wondered why self-government was a failure.

Under home rule, as suggested, the city of Chicago could purchase and operate its street-railway system, construct a sewage canal, or carry out its parking system without reference to the state. The City of New York could erect an electric-lighting plant, change its police, and treat the excise and Sunday-closing questions according to the will of the community, and not according to the prejudice of the rural assemblyman. Local option, even the state-dispensary system, would be open to trial if desired by the community. Under home rule uniformity would give place to individuality, and the special legislation which now promotes log-rolling and trading in the legislature would be at an end.

Home rule would create a city republic, a new sort of sovereignty, a republic like unto those of Athens, Rome, and the mediæval Italian cities, a republic related to the state as the states are now related to the nation at large. And it is a significant thing that the great cities of the world, the cities in which the talent, pride, and energy of the people have been able to respond to its ideals, have been cities enjoying a large measure of liberty. It was freedom that inspired in these cities local love and patriotism as in no other communities the

world has seen. For a city is a conscious thing. Were it not so the results already achieved would have been impossible. It is a commonplace in the business world that American industry has reached its splendid development through just this sort of freedom, the freedom to incorporate, to organize, to do what it will without bureaucratic interference and supervision. In every realm of life the achievements of the human mind are in direct proportion to its sense of freedom, of responsibility. Just as childhood grows to strength through independence and the desire of self-achievement, so life develops in response to the burdens which freedom imposes. The same psychological motives move government. And were the responsibilities of local administration thrown down upon the shoulders of the people, unrestrained by state interference, the people would respond, and in time there would be created a sense of local patriotism which would raise the American city from its present decadence to a position of splendid achievement.

In such a city-republic the official would be close to the public which he serves. And this is to be desired, for government is efficient in direct proportion to the scrutiny of the public, whose disapproval it fears, and whose approbation and honor it delights to receive. In such a city public opinion would be free to act without that tardy



resort to the legislature that now paralyzes initiative. The effect of such a change would be to create a sense of intimacy with the city on the part of the people. The citizens would find their problems simplified. To-day the burden of reform in many cities is found in the antiquated sumptuary and excise laws passed by the state and applied to the cities. It was this that brought defeat in New York. Pledged to an honest enforcement of the laws, the Low administration was opposed and ultimately deserted by a large class of otherwise law-abiding citizens, whose foreign-bred or instinctive feelings of liberty and personal freedom were violated by a rigorous enforcement of the Sunday-closing laws. And this feeling is fundamental to many people. We cannot hope to compel the population of our cities, the majority of whom are foreign-born, to accept the earlier conception of the Sabbath upon which our state laws are based. Local reform, under present conditions, will always have this burden to carry. And the result will be a sacrifice of the substance of reform to a legislative tyranny in the realm of personal morals. Under home rule the excise question can be determined by the city, and thus eliminated from state politics. And with its elimination the elements of reform, now at odds over this issue, can join hands over larger ones of municipal and adminis-

trative betterment. The same is true of the great economic issues centring about taxation, the tenement, public ownership, and the regulation of corporate abuses. These issues are unknown to the rural districts. Conditions of life in the country are simple. In the city they are complex. And the city can only evolve a solution of these problems fitted to the evil. In this the state can offer little aid.

Moreover, with the city freed from the nation and the state, party leaders and public officials would be forced to consider their constituents, rather than the party organizations upon which they now rely for protection. No longer could the party in control in the city relieve itself from responsibility by laying the burden upon the party in control of the state. There would then come a real responsibility, a government dependent for support upon the constituency which it served.

This agitation for home rule is but part of a larger movement. It is more than a cry for charter reform; more even than a revolt against the misuse of the municipality by the legislature. It partakes of a struggle for liberty, and its aim is the enlargement of democracy and a substitution of simpler conditions of government. It is a demand on the part of the people to be trusted, and to be endowed with the privileges of which they have been dispossessed. Our cities are com-

ing to believe that local matters can be best administered by local agencies. As well try to regulate the tariff or administer colonial dependencies through one of our cities, as to attempt to regulate the city's functions, its schools, streets, fire and police departments through the state.

As to the proper delineation of state and city functions, there may be debatable ground upon which men will differ. And these activities may change from time to time. But there are certain functions whose place is naturally and readily determined. The administration of justice, the care of criminal, insane, and dangerous classes; the promotion of higher education, and highways, the surveillance of corporations, are naturally state functions, and should be administered by the state at large. But the form of the city charter, the powers of the mayor and the council, the question of whether a community should lease its streets to a private corporation or make use of them itself are matters of purely local concern. So is the method of administering the police and fire departments, the city's schools, the libraries, and health of the city. This is true of all the functions which are local in their nature. The state at large can have no more interest in such matters than it has in the methods employed by the corporations which it creates. Its credit could not be involved by home rule, nor could its officials be embar-

raised. On the contrary, the work of the legislature would be greatly reduced, while the real functions and powers of the state would become clear.

The same is true of taxation. It is a matter of no concern to Congress whether the state raises its revenues from income or from license taxes, from real estate or from corporations. And the state has no more interest in the city than the nation has in the state. Moreover, local conditions differ. If one city sees fit to levy a tax upon land values alone, upon franchises, or upon incomes, it should be permitted to exercise its discretion.

Home rule would produce variety in municipal administration, rather than uniformity. We should thus have in every state a number of experiment stations of administration, taxation, and social betterment, each seeking a solution of its local problem and each contributing to the political experience of the country. In education the same thing is true. New York and Cincinnati have entered into the field of higher education, and maintain metropolitan colleges. The city of Cincinnati has built the Cincinnati Southern Railway to save its business interests from the tyranny of railway monopoly. New York and Boston have constructed subways and entered on an extensive development of parks, docks, recreation, and education. Variety, not uniformity, is what we need.

For we might as well try to clothe all mankind in the same size and style of clothes as to compress all cities within the same charter rubrics.

In addition to all these gains, the divorce of the municipality from the state would strike at the power of the boss. The city would then be able to divest itself of the dominion of selfish interests. No longer would the dual system which now governs the city from the state capital or Washington be able to traffic in franchise privileges, either owned by the boss or traded in by him in exchange for campaign contributions, legal retainers, or legislative bribes.

In fine, home rule is but an attempt to regain those powers which the state has assumed, but which were originally enjoyed by the local community. We still have a survival of this idea in the town meetings of New England, which are jealously guarded by the people. Home rule aims to reclaim to the city those functions of government which passed into the hands of the state at a time when the city was coming into existence, or which have been assumed by the state at the demand of the boss or the party. It would place the responsibility on those who suffer by bad or would be benefited by good government. To-day our tax rate is fixed by those who do not bear the burden, our streets are bartered away by persons who do not use them, our police, fire, and park depart-

ments are managed by legislators who know nothing of local conditions.

Along with this demand for home rule is a growing sentiment for direct legislation through the initiative and referendum. This is but a further expression of the spirit of democracy. It is a movement for government by public opinion. The referendum is being applied to an increasing extent in the matter of public borrowing; in passing upon the question of municipal ownership; in the granting of franchises; in amendments to city charters, in constitutional changes, and the like. In Oregon and South Dakota the referendum has been extended to all matters of state legislation. In all of our states it is employed in many matters. We already use it most successfully in local option on the saloon question. Chicago has recently applied it in a discriminating manner on the question of public ownership of the street railways, on the form of school administration, and for direct primaries. Colorado has invoked it in labor legislation, New York on the canal question, and many other states on matters of supreme importance. Its purpose is to democratize legislation, to enable the people to assume control of affairs, and insure responsible as well as responsive government. It provides a secure defence against corruption. For lobbyists will not buy legislation that cannot be delivered, or which is subject to veto by the people.

The referendum will reestablish democratic forms, which have been lost through the complexity of our life, the great increase in population, the misuse of federal and state patronage, and the illegal combination of the boss with privileged interests.

The initiative carries this reform one step further on. It enables the people to originate legislation and secure an expression of opinion upon it. It involves the right of the people to demand the submission of any ordinance which may have been passed by the council to the final consideration of the public. It enables them to supervise franchise grants and any other legislation affecting their interests or their pockets. Positive movements are also open to inauguration through direct legislation. Through it tax reform, school legislation, parks, the excise question, the care of the poor and dependent classes, municipal regulation in ownership would be open to control by the popular will.

Further than this, legislation by popular opinion enables the people to discriminate as to measures. While an official's character and integrity may be respected, some measure which he supports may not be. An opportunity to initiate or vote upon measures rather than men enables the public to act without that confusion which now imposes upon the elector the necessity of accepting all of

an official's views in accepting the man himself.

A modification of direct legislation has been adopted in the city of Los Angeles, California. Under the power of the city to adopt its own charter, provision was made for the "recall" of any official distrusted by the people or one whose action is not approved by them. The law is set in motion by a petition signed by twenty-five per cent. of the voters of the ward or city. Some time after the adoption of the charter certain contracts and franchises, believed to have been corruptly awarded by the council, aroused the public to action. One of the councilmen was attacked by petition and a second election ordered. Upon this election he was defeated by a vote of two to one.

The growing demand for direct primary election laws, by which all candidates are nominated under state rather than party machinery, and by direct voting rather than through the caucus or convention, is a manifestation of the same spirit. By this plan, which is already in use in many states, the primaries of all parties are held simultaneously. Repeating is prevented, and the offences which now prevail in party organizations are checked. The citizen then comes to attend the primaries just as he now attends the election.

A much better method of nominating local officers is by petition, all party nominations being



abandoned. By such means, men will be placed in office through the activity of their neighbors. They may be retained without reference to political affiliations.

Through this means, local affairs will be divorced from those of the state and the nation. The official will be freed from the control of caucus or party organization, and his retention in office will depend upon the excellence of his service rather than the caprice, prejudice, or hostility of the party machine.

All of these movements are opposed by the party leaders. They threaten the boss, impair his control of the party machinery, and enlarge the power of the people. The opposition with which they have been met is both conscious and intelligible, for home rule will break the chain by which our cities are governed from the state capital and, to an increasing extent, from the United States Senate, while the initiative, referendum, and recall will enlarge the legislative body until it embraces all the people. It will dissolve the alliance between the boss and the privileged interests and put an end to the corruption which follows a control of the party. Direct primaries will not cure the ignorance of the voter, but they will free the game so that the popular will may express itself.

A large part of the uplift which has come to our cities in recent years is traceable to the activity

of women. Through them most of the movements which relieve the burdens of the poor have been inspired. Back of the settlement, the small park, the kindergarten, the crèche, the juvenile court, the schools, and the libraries; back of the Consumers' League, the movement for the abolition of child-labor; back of many a movement for bettering the conditions of life in home, shop, or factory, is the influence of woman. To woman the city is more than an incidental problem. It touches her in a thousand ways. No one suffers more from bad government than does she, and no one is more interested in good government. Moreover, municipal administration is a housekeeping agency. That is what the Germans call it. Its activities are social and domestic. To man the city is primarily a centre of industry. He measures it by commercial standards. He views its activities and efficiency from his office, his factory, his pecuniary interest. Woman, on the other hand, sees the city in the light of the home. The vice, the saloon, the schools, the libraries, the water, gas, and transportation questions are to her questions of the family, of the child, questions of comfort, of happiness, of safety. We should coördinate these interests, should open the ballot to her voice on these questions. Probably no single reform would mean more for the ultimate, if not the immediate, betterment of conditions than the

adding of woman's voice and counsel to the management of city affairs.

With these ends achieved, democracy will become a substance rather than a form. The boss will be shorn of much of his power. At least the responsibility for good or evil will settle down upon the public, while problems involving the industrial and social welfare of the people will be open to inauguration.

Not that this is all, not that these suggestions offer any panacea to the problems of popular government, for they are as complex as is our Protean civilization. But that such means should be offered, means that are open, familiar, and easy of application, is imperative, if we would conform the government to its traditions and render it expressive of the popular will.