

CHAPTER VIII

THE CITY CHARTER

WHEN large numbers of people act collectively they should be able to express their will as easily as possible. The machinery for this purpose should be simple and free from confusion. There should be few obstacles between the voter and the object of his desire. In order to insure responsibility those officials who determine policies should be elected, but they should be as few as possible, while their duties should be definitely fixed and easily ascertained. Finally, the issues about which elections turn should be free from confusion; they should be easily understood and be so identified with candidates that a definite result may be expected as a result of an election.

The private corporation is organized along these lines. There is an annual meeting of the stockholders, held in accordance with the regulations of the company, which are brief and easily understood. Stockholders elect a certain number of directors, who in turn choose the president, treasurer, secretary, and in many instances a small executive committee to manage the corporation under general orders from the directors and in harmony with the charter and by-laws of the company. The powers

of the president and manager are ample; there are few checks and balances and few obstacles between the official and the end he desires to achieve. The development of American business is in large part traceable to these conditions.

False Political Philosophy.

This same simplicity should obtain in the transaction of public business. But the reverse is true. The spirit underlying our political machinery is distrust. Fear of officials on the one hand and the people on the other has inspired our constitutions and laws from the beginning. This distrust led to the system of checks and balances between the legislative, executive, and judicial departments as well as to the distribution of responsibility among a large number of officials. It led to the long ballot as well as to the indirect methods of nomination through the caucus and convention and an unwillingness to adopt the pure Australian ballot. The city charter was a reflection of the same distrust. In place of simplicity we find confusion. Where there should be responsibility there is irresponsibility. Instead of local control of local matters we find State interference at every turn. In the performance of his duties the voter is confronted with one obstacle after another which palsies effort and discourages interest. All of these obstacles are devised to check democracy on the assumption that the people cannot be trusted. As a consequence the machinery of the city is unworkable.

This is the second institutional evil of our cities. It is another explanation of our failures. It would have been difficult for any people to have secured efficient government under the charters which prevailed up to a few years ago.

Comparison with Europe.

This indirection and confusion is very different from what we find in Germany and England, where municipal administration has reached its highest development. In these countries the charter is simple; it is easily understood by all. There is but one official to be elected—the councilman from the ward—who in turn meets with his fellow councillors and selects the mayor, clerk, treasurer, auditor, and all the other officials whom we in this country select at the polls. In England the machinery of nomination is equally simple. There are no caucuses or conventions; no intermediary between the individual and his agent, whom any ten citizens place in nomination by petition. Dishonesty or inefficiency are difficult when the representative is known by his constituents and is under constant scrutiny for his acts.

The Evolution of the City Charter.

Up to about 1840 the American city was administered under a two-chambered council, with the mayor chosen by the council or elected by the people. The actual administrative work was performed through council committees, much as in England at the present day. This system worked tolerably well in small communities where the activi-

ties of the city were limited to a few simple functions of a routine sort. But it broke down in the larger cities under the increasing burdens of administration.

Urban population grew quite rapidly from 1840 to 1860. The first disciplined police force was provided for in New York in 1845, while a paid fire department was started the same year. Municipal water plants were constructed in Washington, Chicago, and Baltimore between 1845 and 1855, while public parks began to be planned in the larger cities. Streets were better paved, poor relief became a municipal function, while private corporations began to apply for franchises for the supplying of water, gas, and transportation.

The Board Plan.

Under increasing burdens and the growth of population municipal administration through council committees broke down, and from 1860 to 1880 detached departments or boards were created to which was intrusted the performance of certain functions. The police, fire, water, and park departments were frequently taken away from the council and intrusted to boards sometimes appointed by the governor, sometimes by the mayor. The Ohio law of 1852 provided for nearly twenty officials and commissions. In 1858 the legislature of New York provided for a State park commission for New York and Brooklyn and adjoining communities. In 1860 Maryland created a State police commission for Baltimore, and the following year Illinois transferred the control of its police to a State board. In

1865 the fire and health departments as well as the licensing of the liquor traffic were placed under State boards in New York. In 1870 the legislature of Pennsylvania created a commission to construct the city hall in Philadelphia. The New York charter of 1873 provided for a large number of boards and individuals who were independent of both the mayor and the city council. Terms of appointment and tenure were interlocked in such a way that no individual mayor could appoint all the members. Sometimes the members were appointed by the governor, sometimes by the mayor, sometimes they were elected by the people.

Boston is the only large city at the present time in which a number of municipal departments are under State control. But Boston lies in the centre of a number of smaller municipalities which form a continuous metropolitan area. The park, water, and sewage systems were constructed and are still operated by metropolitan boards, while the police, fire, and civil service departments are in the hands of commissioners appointed by the governor.

In many instances the boards or commissions enjoyed almost complete control of their departments; they not only directed their administration but determined the policy without reference to the city itself. In some instances the boards could borrow money without the sanction of the council and levy taxes the same as an independent corporation.

The board system carried irresponsibility to its limits. There was constant conflict between de-

partments. It was difficult to locate responsibility and when it was located even more difficult to correct it, for the boards were not elected and the terms of members expired in different years. The board system was gradually superseded by the so-called federal or mayor plan, which will be described later. At the present time there are no large cities in the country, with the exception of Boston, in which the State appoints and controls purely local officials. And outside of a few instances the board plan has been abandoned.

The City a Pawn of Politics and Business.

The generation which followed the Civil War was the darkest period of our municipal history. The cities were sacrificed to national politics. In the Northern States local issues were subordinated to the preservation of the protective tariff. Partisanship ran high and corruption was general. The police were necessary to make possible the commission of ballot frauds, while the spoils of office were invaluable to the machine. By means of ripper legislation the party in control of the State controlled the offices of the city. When the Democratic party was in power it legislated in the interests of the Democratic party; and when the Republican party was in power it legislated for its exclusive advantage. Local questions were of secondary importance and public opinion acquiesced in the sacrifice of the city to national questions with but little organized protest. This sacrifice of the city to national questions and especially to the protective

tariff was the beginning of the degradation of our cities which characterized the last twenty years of the century.

All kinds of interests took advantage of these conditions. There was a carnival of franchise grants to public service corporations, especially to the street-railway companies, which secured perpetual or long-time franchises. Sometimes they acquired them from the State legislature, as was the case in Ohio, where fifty-year grants were made of the streets of Cincinnati, but more frequently they issued from the city councils. The Broadway franchise of New York, the attempted Yerkes grants in Chicago, and the exploitation of Philadelphia and a dozen other cities were examples of a condition that was universal. Other interests were also active. There was a merger of politics and business, of the underworld and vice, that began with the city and extended to Washington. The city was a pawn of national and State politics to be used by the party or interests in power.

These conditions prevailed very generally up to the end of the century. There was a bipartisan organization within the city which was an integral part of the bipartisan machine of the State. The average citizen, who wanted nothing but honest government, was at a hopeless disadvantage. There were no direct primaries. In making nominations the citizen had first to find honest delegates and then hold them responsible to the will of their supporters. City elections were held at the same time

as those of the State and the nation, all the nominees being on the same blanket ballot. During these years popular government in city, State, and nation reached its lowest ebb.

The Nominal and the Real Government.

The boss was a natural product of this confusion. He alone was able to control the caucus, the convention, the multiplicity of offices, and make the machinery work. He gave out jobs to his friends, who in turn delivered votes at the caucus and election. In this way a hierarchy of spoilsmen was established running from the precinct, through the ward, up to the city as a whole. With a voting army at his back the boss was able to dictate a slate; he was in a position to trade legislation for money or influence, to relieve property from taxation or grant franchises to his friends. He disposed of contracts for paving and street cleaning, for building sewers, collecting garbage, erecting schools and police and fire stations. He could decide the kind of paving to be used and the prices to be paid. He allowed encroachments upon the streets and granted immunities to his friends and supporters in the saloon, gambling, and vice business. This, in turn, created a corruption fund to be used in elections. In a city like New York the tribute from these sources amounted to millions of dollars a year.

“The System.”

Out of this a new system evolved. Business privilege became dominant. The boss graduated from his vulgar position and became an ally of the big

business corporations, especially those enjoying franchises from the city with which he was affiliated. Politics became the most profitable kind of business, and the business men who had received privileges from the boss became greater than their benefactor. For they owned or controlled the banks and the press, they were ascendant in State and federal politics. Finally, business interests superseded the boss, who became their agent, as was the case in Pennsylvania, Ohio, Indiana, Illinois, and in almost all the States which contained large cities.

As a result of these conditions there came to exist a real government on the one hand and a nominal government on the other. The nominal officials were voted for by the people but were really selected by the boss and by special interests which supported the boss. The real government was invisible; it stood behind the nominal officials elected by the people.

These conditions were the product of bad charters on the one hand and our *laissez-faire* philosophy on the other. Each reacted on the other. It was difficult to secure either responsive or responsible government under the charters which obtained, while privileged interests made use of these charters to prevent any reforms which imperilled their power. And back of the charter and the public service corporations was an attitude of mind which distrusted any increase in the powers of the government and approved of the checks and balances which were the characteristic features of city charters up to the close of the nineteenth cen-

ture. When one studies the charters of the American city which preceded the reforms of the past fifteen years the wonder is not that our cities were so badly governed but that they were governed so well. For municipal charters violated almost every principle of responsible or representative government and scarcely pretended to be democratic.

Summary.

Municipal, State, and national politics in America have been organized on the basis of distrust. This is the animating motive of our federal and State constitutions as well as the charters of our cities. As a consequence of this fear of the people the machinery of nomination and election has been very confusing. There are a large number of officials to be elected. In consequence the voter is confronted with many obstacles in the carrying out of his will. The same confusion prevails in the administration of the city. Independent legislative and executive agencies selected by different constituencies have blocked efficiency and impaired initiative.

This condition prevailed up to the end of the nineteenth century. It made the city an easy prey to political parties on the one hand and business interests on the other. The parties sacrificed the cities to their own advantage and ultimately became allied with business interests seeking franchise grants and other privileges which the parties in power were able to grant through their control of the city. This combination of party organization and business interests brought about the almost complete degradation of the American city during the generation which followed the Civil War. Through it the boss was elevated into power. He created a political hier-

archy which despoiled the city for the benefit of special interests. Finally, big business privileges superseded the boss and became dominant. They, in turn, became the real government.

These conditions, in the last analysis, were the product of the *laissez-faire* philosophy which has moulded our politics for over a century. The distrust of officials on the one hand and the people on the other led to the denial of home rule, to unworkable city charters, and the ascendancy of private interests which turned these political conditions to their own private profit.