

## THE COMMISSION MOVEMENT IN MISSOURI

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There is no city in Missouri under commission rule. Even in St. Joseph, frequently mentioned as a "Commission City," the council has legislative functions only, and as its mayor, A. P. Clayton, says: "St. Joseph has not adopted a commission form of government. We have merely adopted a new charter."

The commission rule has not made much headway in St. Louis and Kansas City, because these cities, while having the right to frame their own charters, are hampered by constitutional restrictions. Kansas City must have "a mayor and chief magistrate and two houses of legislation, one of which, at least, shall be elected by general ticket;" St. Louis "a chief executive and at least one house of legislation to be elected by general ticket."

While Missouri is classified as a home rule state, this is only partially true. Cities in Missouri having populations over 100,000, meaning St. Louis and Kansas City, may formulate their own laws. The others are classified under constitutional requirements and by general laws into four divisions, determined by population. St. Joseph is the only first class city. No city is now operating as a city of the second class, but Springfield and Joplin are eligible to this class when they, by popular vote, so elect. The third class contains about sixty towns, including for the present Springfield and Joplin.

There is no constitutional impediment preventing any of the classified cities from obtaining, by general laws, the commission form of government, including the initiative, referendum, recall, and non-partisan elections.

When Kansas City, in 1905, appointed a board of thirteen freeholders to draft a new charter, these freeholders decided that it was impossible, without constitutional changes, to adopt the commission rule, and framed a charter concentrating power in the mayor. This charter was defeated, but in 1908, another charter incorporating its main features, was ratified by the people. This

charter was framed with the co-operation of men prominent as municipal experts such as Clinton Rogers Woodruff, F. A. Cleveland, L. S. Rowe and Elliot H. Goodwin, and followed more closely than any other existing charter "The Municipal Program" or "Model Charter" of the National Municipal League.

The double house of legislation was retained and the elective officers were limited to the mayor, the council, the treasurer, the comptroller, and two judges of the municipal court. The administrative work was divided into departments, and put in charge of bipartisan citizen boards of three members each, appointed by the mayor. To these boards was left the appointment, subject to civil service rules, of employees, with absolute right of discharge. The boards were given large discretion in expenditures and in the manning of their departments. The administration work of the city is divided into public works, fire and water, parks and boulevards, and hospital and health, each in charge of a board. These are supplemented by boards of civil service, of public welfare, and a public utilities commission. None of the members of these boards receives any compensation except those of public works, fire and water, and the public utilities commission. Even these excepted boards receive merely a nominal amount considering the amount of work under their charge. None of the board members is required to give his whole time to the city service.

The people of Kansas City are familiar with these sub-divisions of the city's work, and know who is responsible for each of the city's activities. In this way, as in the case of cities under commission rule, conspicuous responsibility is located on these several boards, and on the mayor responsible for their appointment. The mayor has the right to discharge the board members subject to reinstatement by two-thirds vote of the upper house of the common council. Giving this right of reinstatement to the members of the common council was a concession to the old practice under which the common council had the right to confirm or reject the mayor's appointees, and is of doubtful expediency.

From its earliest history Kansas City has pinned its faith to citizen boards. Its schools, for forty years so managed, are among the best. Its park and boulevard system, embracing 2,500 acres of parks and forty-five miles of boulevards, and being an estimated investment of \$16,000,000, is largely the result of the genius and

freely given services of two public spirited citizens, A. R. Meyer and D. J. Haff. Charles W. Armour, head of the Armour interests in Kansas City, has given of his time to the Health and Hospital Department. E. C. Meservey, president of the civil service board, and ex-city counselor, and John H. Thacher, a lawyer and ex-member of the charter board, are inaugurating a new civil service system. The civil service commissioners, in conducting examinations, have made a new departure, extending the Kansas City idea of using its citizen experts to do the city's work. They have appointed for each examination three citizens, experts in the subject matter involved, to frame questions and tests and to grade the papers submitted. Since the inception of the work, a little over a year ago, up to the present time, over 125 citizens have thus helped gratuitously and with no expense to the city to select city employees according to merit. Under the practical leadership of William Volker, acting as a member of the Board of Public Welfare, an institution has grown up having supervision of the various correctional institutions, charities and benevolences of the city, including a municipal farm. It has recently added to its activities a loan bureau and free legal service department.

Thus, our charter and practice thereunder has given incentive to citizens to take part in working out municipal problems. It is a question whether it would not be a loss if this opportunity of service were taken away by commission rule concentrating the city's power and authority in five experts. How far the commission rule would affect municipal institutions existing under present legal adjudications and the status of public improvements based on existing decisions of courts must also be considered. The commission rule is still in an experimental state and, as applied to large cities, is based, not on experience, but on *a priori* reasoning. At the present time it would be to the ultimate advantage of municipal government if all the various new forms, including the "Kansas City Citizen Board System" were thoroughly tried out.

Mayor Darius A. Brown, of Kansas City, who is also president of the League of American Municipalities, has inaugurated an institution having advantages of the commission rule in bringing together for consultation men prominently connected with the city's departments. Every Monday this "Mayor's Cabinet" meets for two hours discussion of civic matters and serves as a clearing

house for the various municipal energies. The members are prominent city officials and one representative from each of sixteen of the leading commercial, professional, and industrial organizations of the city. The city officials represented are, the city counselor, comptroller, treasurer, auditor, engineer, chief of police, municipal librarian, president of the upper house, speaker of the lower house, and the presidents of the municipal boards.

On March 31, 1911, Dr. C. A. Jackson, a member of the lower house of the common council of Kansas City, introduced a resolution providing for the appointment of a joint committee of the two houses of the council to investigate the commission form of government and report its findings by June 29th. The ordinance appropriated \$4,000 for the expense of the investigation. It was reported unfavorably. This ordinance caused discussion. F. F. Rozzelle, an ex-city counselor, in an interview suggested that there was no constitutional restriction to decreasing the number of the council and designating a member of the council to be *ex officio* in charge of a specific administration bureau, nor to incorporating the safeguards of the initiative, referendum and recall; thus accomplishing, in effect, the commission rule. He called attention to the fact that in the charter of 1889 the president of the upper house was also elected as the president of the Board of Public Works. If the city desired, it could, by charter amendment, reduce the number of wards or abolish them altogether.

On April 17, E. C. Meservey suggested at the mayor's cabinet meeting a plan of amending the present city charter so as to have a modified form of commission rule without any constitutional changes. He suggested the abolition of ward lines and provision for a small group of officers, elected at large, combining legislative and administrative functions; each councilman of both upper and lower houses to have administrative charge of a city department and give his whole time to the city; also to incorporate, for safeguard and protection, the initiative, referendum, and recall. In a later interview Mr. Meservey leaned to the view that the parks and the civil service, and possibly some other departments, might be managed by appointive boards. No official action has ever been taken on these suggestions.

Although these two ex-city counselors, one a republican, the other a democrat, thus seem to advocate, or at least approve, the

commission rule, there is a strong tendency throughout the state to adhere to old forms.

On the other hand Governor H. S. Hadley, a republican, in a recommendation to the legislature last January suggested the passage of a measure for commission rule for the smaller cities, and ex-Governor Joseph W. Folk, democrat, says: "I favor the commission plan of city government for the reason that a municipal corporation is a business concern and its government should be modeled after that of the ordinary corporation rather than after the sovereign governments of the state and nation. This is a simplified form of government, and the simpler government can be made the more government by the people there will be."

Mayor Darius A. Brown expresses the prevailing sentiment in Kansas City and St. Louis and the true principle of charter making. He says: "I do not believe that any particular form of government, adopted by some other city, should be taken up bodily and an attempt made to apply it to the conditions existing in Kansas City. However, I believe it is the duty of those connected with the government of Kansas City, taking the present charter and form of government as a basis, to adopt every change in the method of transacting business which has proven successful in the experience of other communities."

On January 31st, 1911, St. Louis, at a special charter election, refused to adopt a charter prepared by a board of thirteen freeholders after two years' study. The chairman of this board was Fred H. Lehmann, now Solicitor General of the United States. The board was of the opinion that while St. Louis could not adopt a commission form of government, a charter might be drawn up having some of its best features. They provided for one house of legislation of fifteen members, elected at large, instead of the present bicameral council. The comptroller was given a seat in the council with right to debate matters pertaining to his department, but without right to vote. With exception of a few elective officers the charter concentrated the appointing power in the mayor with right of removal by him without trial, and left to the responsible heads of departments and boards the power of appointing and removing their subordinates, subject to civil service rules. This charter provided for a board of public improvements of five members, at least three to have technical training and experience,

appointed by the mayor, and gave them control of all public works, parks, boulevards and playgrounds; also it allowed them to serve as a public utilities commission. The members were to have salaries of at least \$8,000 each. It was a loss to experimentation in city administration that the defeat of the St. Louis charter prevented this from being tried out. This plan showed the influence of the commission idea in giving five men such conspicuous and responsible functions on salaries sufficient to attract experts. This St. Louis charter provided for the recall of elected city officers on a 25 per cent basis, but only at the biennial November elections, and for referendum of franchises on a 15 per cent petition, and no initiative. It also had a novelty in franchise legislation by providing a means whereby municipal ownership, if deemed advisable by the people, might be made practically possible by providing that the city should have the right to issue bonds solely upon the credit of the income derived from and the property used in connection with any public utility owned or operated by the city. It was largely due to dissatisfaction with the limitations on the recall and the absence of the initiative, combined with opposition to the civil service provision and to the abolishment of ward representation, that the charter suffered defeat.

Dwight F. Davis, a member of the Executive Committee of the National Municipal League, and vice-chairman of the defeated St. Louis charter, comparing it with commission rule charters, makes this analysis: "Is it not possible to obtain the undoubted advantages of the commission plan without the dangers incident thereto? The main inherent advantages are simplicity, administrative efficiency and the short ballot. Other features of the later commission charters, such as the initiative, referendum and recall, are adaptable to any system, and therefore, are not arguments either for or against the commission plan itself. In the proposed charter for St. Louis, defeated recently, it was hoped to secure the inherent advantages mentioned above by the election of a minimum number of officials and by giving practically all the important administrative duties to a small body of six men, except certain well-defined special departments, such as the Police and Fire Departments. A small legislative body was proposed with absolute control over the public purse, whose duties were confined to the determination of matters of policy. The Board of Freeholders

believed that, by securing in this way a simple and efficient government, with a comparatively short ballot, most of the advantages of the commission form would have been obtained without its danger. I believe that the evolution from our present system along these lines would be wiser than the revolution involved in the adoption of the commission plan."

In 1908 St. Joseph, then operating under the law applicable to cities of the second class, determined to get a charter passed applicable to cities of the first class and suited to its needs. A committee was appointed to accomplish this. The committee, over twenty in number, consisted of three members of the council, certain city officials, and citizens selected by the city's commercial organizations. A charter framed by this committee in 1909 was enacted by the legislature, and adopted by St. Joseph at a special election, September 7th, 1909. Instead of nine aldermen, one from each ward, it provided for the election at large of five. All legislative powers were vested in the council, subject to the mayor's veto. The executive functions were vested in the mayor and other officers elected by the people. This charter incorporated the initiative, referendum, and recall; the elective officers were cut down in number to the mayor and five aldermen, the judge of police court, auditor and treasurer. The other officers, including a number of citizen boards are appointed by the mayor. The charter incorporated the Omaha Viaduct Law, the Kansas City Park Law, and, copying the New York utilities provisions, assured itself of ample powers to regulate public utilities. Although the committee framing this St. Joseph charter were inclined to the commission rule, still their work showed a tendency to adhere to old charter provisions and those of other cities tested by experience,—especially in the matter of public improvements.

Joplin has always claimed to be the first city in Missouri to advocate commission rule in city government and in 1907 had, without success, submitted to the legislature a charter on those lines framed by a citizens' committee under leadership of Judge O. H. Picher. So that, in 1909, when St. Joseph, as a city of the first class, succeeded in securing a new charter having some features of the commission rule, Joplin began an active campaign for a general law providing the commission rule for cities of the second class, to which it and Springfield then were the only eligibles. The present

form of charter for cities of the third class was good enough for Joplin when a mining town of 5,000, but had become inadequate for a city of 35,000 population, demanding larger expenditures and more liberal provisions for public improvements.

Remembering the defeat of 1907, the leaders recognized that active work was necessary. The Commercial Club of Joplin appointed a committee of about twenty, three from the council, and three each from the Joplin Commercial Club, Joplin Trades Assembly, and the Bar Association, and also representatives from the South Joplin Business Men's Club, and the Retail Merchants' Association. Other men, well known for their ability, who had been connected with the framing of the charter, defeated two years before, were added. This general committee, with Hon. Hugh McIndoe, former state senator, as chairman, appointed a sub-committee to draft a form of charter on the commission rule plan. The members of this sub-committee were Haywood Scott, chairman; Douglass E. McDowell, P. D. Decker, Bert W. Lyon, George J. Graystone, and Thomas J. Sheridan. Springfield was asked to co-operate and a resolution was passed by the council of that city, authorizing the mayor to request the Commercial Club, the Springfield Club, the Trades Union, and the Central Trades and Labor Assembly, and the Bar Association each to appoint three. This committee, though appointed some time before that date, did not meet until December, 1910, when the newly-elected mayor, Robert F. Lee, called a meeting and, on December 22, 1910, the committee, at a conference with the Joplin committee, adopted the Joplin plan already prepared. Seventeen of the men who drafted the bill were democrats, twelve were republicans, and three were socialists.

After the charter was completed, Mayors Guy Humes, of Joplin, and Robert F. Lee, of Springfield, of opposite political parties, accompanied by twenty-five representative citizens of the two cities, took the bill to Jefferson City. Those appearing in its behalf included professional and business men, and representatives of the various civic and labor organizations. A request was made of the representatives of the two counties to introduce the measure in the legislature, and early in January the bill was introduced into the senate by Senator Kirk Hawkins, of Springfield, and Senator J. F. Dunwoody, of Joplin, and in the house by Representatives McLain Jones, of Springfield, and Charles W. Fear, of Joplin. It was

referred to the house committee on municipal legislation, of which F. H. Farris was chairman, and the same committee of the senate of which M. E. Casey, of Kansas City, was chairman, but was never reported out. While the bill was pending, petitions from Joplin and Springfield, having long lists of signatures were filed both for and against the bill. Both sides claimed that the "interests" were against them. The chief opponent of the bill was Mr. Gilbert Barbee, of Joplin, influential locally in politics and formerly owner of the *Joplin Globe*, and for years political dictator of the town, who succeeded in persuading politicians that this was the breach that meant the ultimate overthrow of party organization. He summoned to his aid men from all over the state upon whom he had conferred political help, and, although no cities except Springfield and Joplin were affected, encompassed the defeat of the bill. From some source the report was sent abroad among the legislators that it was a political move to give the republican party an advantage, a strong argument with a democratic majority. T. K. Bowman, of Springfield, gives as reasons for the defeat of the bill: "One of the chief objections was the provision to nominate and elect councilmen-at-large. Another objection was that each member should be elected for a specific department." Both parties in their last municipal campaign in Joplin endorsed the commission rule.

The Joplin-Springfield proposed charter was an up-to-date commission charter providing for a mayor and four councilmen elected at large and well paid, and incorporated the initiative, referendum, and recall, non-partisan elections, and civil service for minor employees. Any citizen might pay \$10 and file with the city clerk a statement of his candidacy for the council, including a declaration of principles, not exceeding 300 words, to be printed at the city's expense and mailed to the registered voters. Each member of the council had the right to appoint all officers and employees in the department under his supervision and to remove them at will.

At the same time that Joplin and Springfield were arousing sentiment for commission rule in their communities, the smaller cities, a large number of which were associated in the "League of Missouri Municipalities" were working to the same end for themselves. This organization having over thirty-five Missouri towns on its membership, had appointed a committee consisting of E. C.

Yeater, of Sedalia; Dr. Isadore Loeb, of Columbia; Lee T. Montgomery, of Sedalia, and L. E. Bates, of Webb City, to prepare the bill. When the bill was presented in the legislature by Samuel H. Pickler, of Adair county, on January 27, 1911, it was accompanied by a statement of the League of Missouri Municipalities giving arguments for its favorable consideration. The bill, while embracing in its terms cities from 3000 to 100,000 population, and covering cities of the second and third classes, was not intended in any way to interfere with the Joplin and Springfield bill, but was a modification of that act for smaller cities. The bill provided that twenty-five per cent of the voters of the municipalities affected might petition for a special election to vote for the adoption of the proposed system. A board consisting of two, three, or four councilmen, according to the size of the city, and a mayor, elected at large, was to manage the several city departments and to select the subordinate officers and employees necessary for the city's business. All franchises were to be submitted to popular vote. The initiative, referendum, and recall were provided for. This bill was referred to the municipal legislation committee and never reported.

Aroused by the discussion of these two bills the state senate appointed a committee consisting of Senators George W. Humphrey, Francis M. Wilson, Thomas F. Lane, Josiah W. Peck, and J. F. Dunwoody, to visit cities operating under commission government, and report its findings, with recommendations, to the next general assembly in 1913. This committee expected to make a study of commission ruled cities this fall and winter and to make an exhaustive report in 1913, but only recently E. W. Majors, prominently spoken of as the next democratic nominee for governor, and now attorney general of the state, has rendered an opinion denying authority of one house of the legislature to incur expenses for this purpose; and also the right of such committee to act in vacation.

It is probable that the next legislature in 1913 will enact a law giving to the smaller cities the option of adopting the commission rule—and it is certain that Joplin and Springfield will renew their fight for commission rule for cities of the second class at that time.

The larger cities in their enthusiasm to adopt the "new idea" should at the same time take care to "hold fast to that which is good" in charters drawn with labor and care for their needs. There is a value in citizen service rendered without pay by men of brains

and wealth who could not afford to give their whole time to city service. In the argument for commission rule as being merely the adaptation of business methods to municipal administration, the fact should not be ignored that, in business organizations, directors of the companies, with the exception of an occasional officer, are not the experts who do the business, but are men who, successful in other lines, in protecting their own interests, serve as directors without pay, appointing and supervising experts, and determining policies.