

# IRELAND AGAIN

## THE SECOND P. R. ELECTIONS

BY GEORGE H. HALLETT, JR.

*Assistant Secretary, American Proportional Representation League*

*Dr. Hallett, who has been in Ireland observing the second P. R. elections, tells how proportional representation works in a desperate situation.* :: :: :: :: :: :: :: :: :: ::

THE Hare system has just received a test more severe than any in its previous history. In the latter part of May and the early part of June all the county councils, rural district councils, and boards of guardians in Ireland were renewed and the Hare system was used wherever there was a contest. There was not a single area in Ireland which did not participate in at least one of the elections. This is the second time that Ireland has used the Hare system on a nation-wide scale. On January 15 last all the cities and more important towns in Ireland elected their councils by the Hare system with a success that was heralded by spokesmen of all parties.

### NOT A HITCH

Once again has the entire practicability of the Hare system been vindicated under difficult circumstances. On June 7 Mr. Drury of the local government board told me that the counting of the votes had been carried out without a hitch in the most remote rural districts of Ireland and that in his opinion no one need henceforth hesitate to adopt P. R. on account of the supposed difficulty of its operation. Up to that time all the returns had been made in the proper form and he had not received a single evidence of difficulty in applying the Hare rules when the ballots were counted.

### MODELS OF EFFICIENCY

I had the privilege of witnessing, with Mr. Humphreys of the English P. R. Society, the entire count in two Ulster elections, the election of guardians in the Cromac area of Belfast and the election of county councillors in the Carrickfergus area of County Antrim. In the former, conducted under the supervision of Mr. Meyer, Belfast's town clerk, every operation had been provided for in the minutest detail and the corps of trained assistants worked together like clockwork in counting the 5,890 ballots. Mr. Meyer told me, what was evidently true, that the arrangements made would have been quite adequate for a Parliamentary election under the Hare system for the whole city of Belfast, and that he should not hesitate to undertake a Hare election with half a million or more votes. Mr. Miller, the secretary of the Antrim county council, showed how a Hare election could be conducted satisfactorily with the minimum of expense and elaboration. I witnessed both counts on the same day and still had time for a climb to the top of Cave Hill before dark.

### POLITICAL RESULTS

The complete returns for all Ireland have not been compiled at this writing, but the general results of the elections are quite clear.

Sinn Fein is in complete control of Leinster, Munster, Connaught, and the three counties of Ulster which have been grouped with "Southern Ireland" in the Home Rule Bill. In spite of P. R. Sinn Fein has undoubtedly secured somewhat more than its share of representation for the simple reason that in many places the minorities did not put up a fight. In a great many areas Sinn Fein was unopposed and in many others the opposition polled much less than its full vote. The usual lack of interest in Poor Law elections was a contributory cause in many cases. Another cause was the feeling that the Sinn Fein majority should be made to take undivided responsibility. But the chief reason seems to be that in the present tense situation few people outside northeast Ulster care to risk the odium of opposing the Sinn Fein candidates. There are many charges of actual intimidation and under the circumstances it would be surprising if some of the charges were not true, although it seems almost equally certain that the general policy of the Sinn Fein organization was against such intimidation.

#### SINN FEIN POLICE

Probably what contributed as much as anything else to the impression that the elections were not free was the fact that many of the elections were carried out under the authority of the Irish Republic. *The Irish Independent* of June 7 reports:

Throughout the south, west, and midlands, volunteers, in the absence of police, undertook the task of keeping order at the polling booths, and all reports agree that the utmost good order was observed. The volunteers also guarded the ballot boxes.

#### SOUTHERN MINORITIES

Although the Republican majority is undoubtedly somewhat over-repre-

sented, it is certain that P. R. has given minorities in the south a share of representation which they could not possibly have obtained under the old system. For example, Dublin city elected as its 40 guardians 30 official Sinn Fein candidates, one independent Sinn Feiner, three labor candidates, one representative of the I. T. G. W. Union, and five independents. One area returned one official and one independent Sinn Fein candidate and one representative of the I. T. G. W. U. In the many contested areas a solid Sinn Fein delegation seems to have been the exception rather than the rule.

And even the Unionists have P. R. to thank for a few members in "Southern Ireland." There will be two Unionists on the Donegal county council and one official and one independent Unionist on the Dublin county council.

#### ULSTER DIVIDED

The Unionists retain control of Belfast and the four nearby counties, but with somewhat reduced majorities. The Nationalists and Sinn Feiners worked in close co-operation and secured substantial representation almost everywhere.

An interesting contest took place in the Catholic area of Falls, Belfast, where the contest was exclusively between Republicans and Home Rulers. The Sinn Feiners elected two and the Nationalists one.

The storm centers were Counties Fermanagh and Tyrone, in both of which Catholics comprise a slight majority of the population. The two nationalist parties managed to maintain their majority on the Fermanagh county council and captured the Tyrone county council for the first time, so that there are now Nationalist majorities in two of the six counties

and one of the two county boroughs of "Northern Ireland."

#### THE OMAGH CONTEST

The Hare system usually shows to best advantage where the contest is hottest. In these elections the hottest contest was furnished by the Omagh area in County Tyrone. In three of the five Tyrone areas the Nationalists and Unionists had agreed to an even division of the seats on the P. R. principle without a contest—a notable fact in itself. A fourth was hotly contested, but the even division which resulted was foreseen. Due to the division into four-member areas, which the nationalists refer to as an attempt to gerrymander, the only chance for the Nationalist majority to secure a majority on the county council was to win three of the four Omagh seats.

Accordingly both sides marshalled all available forces—and more, if the charges on both sides may be believed. However that may be, they conclusively demonstrated the fact that the most ignorant voters can be taught to use the Hare ballot effectively. For although more than 90 per cent of the voters on the register were recorded as having voted, less than 1 per cent of the votes were spoiled—an enviable record under any system.

Furthermore, the large number of ballots transferred from one Nationalist candidate to another is evidence that the Nationalists, who in Derry are certainly no better educated than the Unionists, were able to mark their ballots intelligently for second and further choices. On the count of first preferences two Sinn Feiners and one Unionist candidate received the necessary quota of votes and were declared elected. Of the remaining three candidates, the second Unionist candidate had a lead of over a thousand

votes. But when the surplus ballots of the elected candidates were distributed and the ballots of the low Independent Nationalist candidate were transferred, the third Sinn Fein candidate overcame the lead of the Unionist and secured the coveted fourth seat. This was in strict accord with the relative strength of the two parties, as shown by the first preferences polled:

Nationalist candidates 5,884 votes—73 more than 3 quotas.

Unionist candidates 3,820 votes—54 less than 2 quotas.

#### THE GERRYMANDER CHARGE

It is interesting to note that in both cases where an attempt to gerrymander under P. R. has been charged in Ireland, the deadlock anticipated has failed to materialize. The Londonderry elections last January were carried out in areas so arranged, the Nationalists charged, that though in a majority they were likely to get only half of the members on the city council. In that case also the Nationalists secured a majority. Whether or not there was any intentional attempt to gerrymander in these elections, the Nationalist victories in both cases bear out the contention that P. R. makes effective gerrymandering next to impossible.

#### THE INDEPENDENT AND THE MACHINE

Once again the considerable number of independents elected throughout Ireland bears witness to the fact that the Hare system plays no favorites and gives even the non-party man a chance. But, more interesting still, voters have in some cases availed themselves of the opportunity given by the Hare system to pick their own candidates *within the party* without danger of decreasing the party's rep-

resentation, and have elected party candidates not endorsed by the party organization. The case of the independent Sinn Feiner elected in Dublin over one of the official Sinn Fein candidates has already been referred to. Another example is furnished by the Carrickfergus area of County Antrim, where Mr. Edward Coey, a member of Sir Edward Carson's advisory council who had served on the county council for twenty years, was one of the two defeated candidates although there were no Nationalists or Sinn Feiners in the field.

All the nationalist parties appear to be unanimous in their support of P. R. Sinn Fein shows no signs of repudiat-

ing the stand of its leader, Mr. De-Valera, favoring it on the grounds of the rights of minorities. Most of the southern Unionists are also in favor of P. R.

The Unionist organization of north-east Ulster, whose actual hold on the people of Ulster has been shown by P. R. to be much less than the old system made it appear, is opposing P. R. rather strenuously. They have the unenviable distinction of being the only protestants against the catholic doctrine of representation for all—using the terms "protestant" and "catholic" not in their sectarian sense. But even among Ulster Unionists some advocates of P. R. may be found.

## THE PRESIDENT'S VETO OF THE BUDGET BILL

BY THOMAS REED POWELL

*Professor of Constitutional Law in Columbia University*

*The President's veto of the budget bill denied the constitutionality of the method of removal of the proposed comptroller-general. Congressional surveillance of expenditures as contemplated by the bill is here discussed by a distinguished student of constitutional law.*    ::    ::    ::    ::    ::    ::    ::    ::    ::

IN the endeavor to secure an independent national audit congress proposed in the budget bill to give an indefinite tenure to the comptroller general and assistant comptroller general, to forbid their removal by the president and to provide for removal for cause by concurrent resolution of congress. These provisions as to removal caused the president to veto the bill. The veto message declared:

It has, I think, always been the accepted construction of the constitution that the power to appoint officers of this kind carries with it, as an incident, the power to remove.

I am convinced that the congress is without constitutional power to limit the appointing power and its incident power of removal derived from the constitution.

The president's conviction finds no direct support in any language of the constitution or in any decision of the supreme court. Though the court has had several opportunities to interpret the constitution in accord with the affirmation of the president, it has gone out of its way to avoid doing so. It has also carefully refrained from conveying the implication that the president may be deprived of power to re-