

What was considered by many as an entering wedge to overthrow the direct primary system in Massachusetts was defeated when the legislature rejected measures providing, one for the nomination of minor state offices by convention and another for the endorsement of candidates by pre-primary convention. No significant changes were made in Oklahoma and Colorado nor apparently in New Hampshire.

NEW YORK RESTORES CONVENTION

The New York legislature, in the closing rush of the session, restored the party convention for nominating state officers, United States senators, and justices of the supreme court. Delegates to the state conventions and judicial district conventions are to be designated by petition and elected at party primaries. For a time it seemed that county committees would be permitted to designate without petition one set of organization candidates for delegates. Even *The New York Times* could not stomach this proposal. For local nominations the present primary is retained. This action is the climax of six years of threatening by the

party organizations, during which the violation of the spirit of the direct primary by unofficial organization designations seemed to arouse little hostility among the voters. In no instance in those years did a candidate put forward for a state office by an unofficial convention fail of nomination.

Perhaps some experience with the Minnesota and New York plans will afford guidance in further modifying the nominating process in other states. If the parties in control of the legislatures which made these changes do not fare badly at the next elections, it may be confidently asserted that other legislatures will take courage and persist in the onslaught on the direct primary. But a return to the convention system can hardly be viewed without uneasiness by anyone with knowledge of its history and with a belief in more responsible party government. It is to be hoped that the friends of the primary can agree on such improvements as will make it more conducive to party responsibility, less exposed to attack on the ground of inferior product, and more readily responsive to the control of the rank and file of the party voters.

NEW YORK'S NEW TRACTION PROGRAM

BY RAYMOND V. INGERSOLL

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The governor of New York has forced through the legislature a law creating a transit commission for New York city which supplants the city government so far as traction matters are concerned. :: ::

GOVERNOR MILLER has put through the New York legislature a drastic traction program. While it applies only to the city of New York, the language of the bill covers "all cities containing a population of more than one million inhabitants." This is the usual subterfuge for avoiding a provision of

the state constitution requiring that bills affecting only one city shall be sent to the mayor and may be passed only with his approval or over his veto.

The act concentrates in three commissioners appointed by the governor all powers hitherto possessed by the board of estimate or other city agencies

to deal with transit matters in New York city and all the regulatory and police powers of the state. Every possible power is conferred except that under the state constitution there are certain minor reservations in regard to giving consent for new routes, and there are, of course, very effective constitutional restraints to prevent any commission from taking away contract or property rights from the private companies. It is also true that the new commission cannot directly pledge the credit of the city for the construction of new municipally owned lines. It will be seen, however, that under the plan contemplated the city can be forced to take title to the surface lines and contracts can be entered into on behalf of the city which will bind the car riders for an indefinite period of time.

MUNICIPAL OWNERSHIP EVENTUALLY

Consideration is to be given by the commission to the working out of a plan by which title to the surface lines may be vested in the city. It is set forth that such a plan shall be based upon a valuation to be determined by the commission. Existing railroad securities are to be exchanged for new securities representing this valuation and secured by an operating lease, with a guarantee that such rates of fare will always be allowed as may prove adequate to pay operating expenses and an agreed rate of return upon the valuation.

As originally introduced, the valuation clause was wide open and read as follows: "Such valuation shall be in such detail and shall include such elements of cost or values and shall be made in such manner as the commission may prescribe." At the end of the session, however, this section was considerably improved by the addition of the following language: "Such valua-

tion shall be made with due regard to the estimated prospective earning capacity of the property necessarily used in the public service at the rate or rates of fare that the company prior to the taking effect of this act was entitled to charge in view of the provisions of the contract or franchise under which the property is operated or held or of any lawful order in force fixing or regulating rates of fare and of the competition of other lines and with due regard to all other pertinent facts and conditions; but such valuation shall not in any case exceed the fair reconstruction cost of the property less depreciation."

In addition to its sweeping powers for dealing with the surface lines the commission is authorized to come to an agreement with the companies for a rewriting of the contracts for operation of the subways to which the city now holds title and in which it has invested about three hundred million dollars.

HOME RULE DENIED

Various steps are prescribed for the holding of public hearings on the plans above outlined before binding contracts are executed. The taxpayers, voters, and elected representatives of the city, however, have only the right to criticize and to make suggestions. The commission can finally take action without the consent of any local authority other than itself. This it can do notwithstanding any provisions of law to the contrary in the general city law, the greater New York charter, or elsewhere, and notwithstanding any right which the city may now hold under existing franchises or contracts.

In contrast to the far-reaching powers of the commission in dealing with the rights and interests of the city is its very feeble legal position where the rights and interests of the traction com-

panies are involved. There are more than thirty separate operating companies and a baffling variety of securities whose holders all have their own special angles of interest. Under the constitution, and by the terms of the bill, every company may "elect" whether it will accept any proposed plan. Sponsors for the bill, however, are hopeful that the present weak financial condition of the companies under their present rate of fare will incline them to be reasonable and make them willing to give something up in order to get other and better things in return.

IMMEDIATE FARE INCREASES AUTHORIZED

Authority is also given to grant immediate temporary increases in fare without waiting for the working out of the permanent plan. In fact, such temporary readjustment of fares was made mandatory by the change of a "may" to a "shall," which was slipped in unnoticed in an amendment at the close of the session. As a partial safeguard, however, to prevent a temporary increase from defeating the permanent plan by surrendering the only power which the city holds over the companies, it is provided that in connection with the granting of a temporary increase the commission may require the companies which are to benefit to execute such stipulations as may be deemed necessary to further and protect the consummation of such plan. Some skeptics think, nevertheless, that the increase in fare is the only part of the program which will ever become effective.

The commission is often spoken of as an impartial tribunal. It may be observed, however, that in so far as the rights of the community are concerned it will be acting for all practical purposes as a principal. This will place

it in an exposed position. It will be dealing with officers and attorneys for the companies, who, after negotiating and bargaining for the interests which they represent, will always have to come back to their own principals for final authority. In the meantime the business community will be expecting the commission to work miracles and will be urging a prompt settlement. The general public will be helplessly awaiting the outcome, and the board of estimate and other city officials will be engaged in obstructive litigation.

There can be no doubt that transit problems in New York have become acute. There is need for a thoroughgoing investigation and the working out of a plan. Unification of the surface lines is to be desired and a considerable concentration of authority was doubtless necessary in order to produce results. Governor Miller was the first to present a comprehensive official plan of action. He has attempted to cut the Gordian knot.

CITY ADMINISTRATION DISTRUSTED

That the principle of home rule could be so ruthlessly swept aside is due largely to general lack of confidence in the ability of the present city administration to deal with so complex a problem. This has been a potent influence in spite of the fact that the present city administration has only a few more months to serve.

In putting forth the program Governor Miller has invoked the full sovereign power of the state and has asserted the ancient legal doctrine that municipal governments are mere agents or instrumentalities of the state for the convenient administration of local affairs, the state always reserving the power to eliminate one agency and displace it with another. There is much law to support this point of view. But

to those who have approved of the recent development of increased local control over local problems a full assertion of this principle may sound as would a claim on the part of the King of England to exercise such of his rights and prerogatives of a century ago as have never been specifically repealed by statute.

The situation invites students of government to reflect upon one of the great anomalies of our American constitutional system. The average citizen feels that his first loyalty is to the federal government and he follows federal elections with an intense interest. If he lives in an important city his interest next in vividness is in the affairs of his own town. Compared with the nation or with the city, the geographical lines of the state are

relatively vague and accidental. State elections are frequently determined not so much on their own basis as according to some sweep in the tides of national political feeling. This was conspicuously true of the state elections held last fall. It remains true, nevertheless, that under our theory of government the state is the original source of sovereign power. The federal government started out with such powers as were granted by the states. Cities derive their authority also from the state government and hold them under a weak and uncertain tenure.

The New York transit commission is made up of men of considerable experience and ability. They have before them a complicated task, and their work will be followed with interest in every part of the country.

A NEW CIVIC ARMY

THE LEAGUE OF WOMEN VOTERS MEETS IN CLEVELAND

BY RICHARD S. CHILDS

The National League of Women Voters, a new, big, dynamic organization with vision and a fixed purpose to improve things. We are glad you're here. :: :: :: :: :: ::

FOR about thirty years we civicians have wallowed and toused around in the jungle and mire of slovenly politics, accomplishing much, so much that when we turned and looked back twenty-five years through the pages of Mr. Woodruff's valedictory we were astonished at the progress we had made.

Yet after thirty years, what are we?

Three thousand, out of a hundred million, in the National Municipal League, and perhaps fifty thousand feebly connected with us in various local municipal leagues, voters' associations, city clubs and the civic commit-

tees of sundry chambers of commerce! A civic army that wins incessant indirect victories by the simple expedient of occasionally thinking a political reform idea all the way through until the idea is so technically solid that it can withstand the merciless hammering of our own debates, whereafter it easily serves other less informed discussions outside and moves serenely to eventual installation because it is right and does not rot with delay! A civic army that never was big enough or widely enough understood to assume the proportions of a crusade! Indeed our effort has often been an effort to be even visible!