

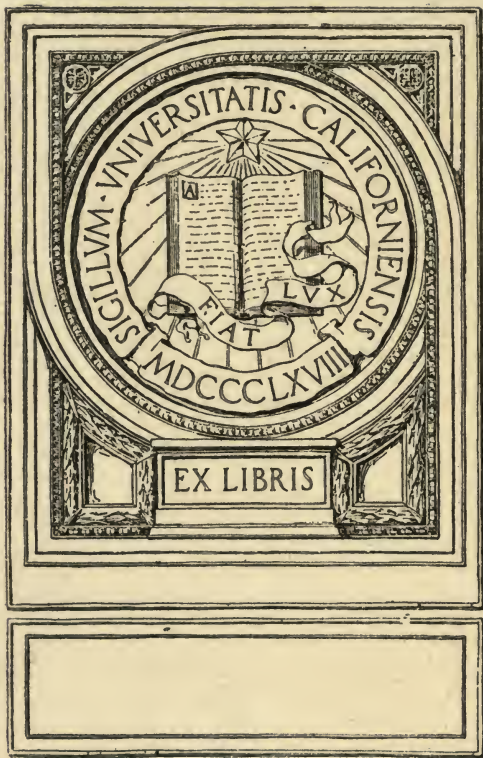
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NEW YORK
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1918

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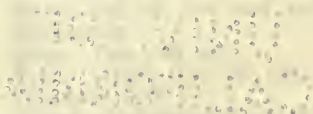
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1918

DIRECT PRIMARIES

PUBLISHED, 1905
THIRD EDITION, 1911
FOURTH EDITION, OCTOBER, 1918



THE NATIONAL BUREAU OF VITAL STATISTICS
WASHINGTON, D. C.

EXPLANATORY NOTE TO FOURTH EDITION

This is the fourth edition of a volume first issued in 1905, yet explanation should be made why it has little connection with that except the title. When the Minnesota Debating League chose the direct primary for its subject thirteen years ago, The H. W. Wilson Company reprinted a small collection of those magazine articles which offered the best arguments for the two sides of the debate. When the edition was exhausted, a second was put forth, with supplementary and revised material. By 1911, when a third edition was needed, the adoption of this feature of popular government had spread so generally that these earlier books were quite obsolete in their information. Therefore practically a new volume was compiled upon the same topic with a selection from late articles. For the first time the Brief, the Bibliography and the Introduction were added, thus fitting the book for inclusion in the rapidly growing Debaters' Handbook Series.

In 1918 the demand still continues for this handbook, hence a fourth edition is presented. In reading the discussions printed during the past seven years, one notices not so many new arguments for and against the principle of the direct primary as more thorough analyses of the strong and weak features of the various state laws. As far as space permits, these summaries are here reproduced. An effort has also been made to collect the endorsements or criticisms of governors in their messages to their legislatures because these are rarely available to the debater.

Special attention is called to the Appendix containing a table compiled by Miss Gertrude E. Woodard of the Law Library, University of Michigan, which presents comparative information not before obtainable in convenient form.

This edition varies from the third in seventy-four new pages of additional reprints, the enlargement of the Brief, the revision to date of the Bibliography and the new feature of Miss Woodard's table.

C. E. FANNING..

June, 1918.

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BRIEF

RESOLVED: That the system of direct primary nominations is preferable to that of nomination by caucus and convention.

INTRODUCTION

- I. History of the movement.
- II. Definitions involved: primary, direct primary, open primary, closed primary, caucus and convention.

AFFIRMATIVE

- I. Caucus and convention system is not satisfactory.
 - A. Caucus not representative of voters.
 - I. Voters do not attend.
 - a. Not over 10% come out.
 - (1) No time convenient for all.
 - (2) Meeting places uninviting.
 - (3) Not well advertised.
 - b. No incentive to attend.
 - (1) All planned out by machine.
 - (2) No deliberation.
 - (3) Not interested in delegates because they are only intermediaries.
 - (4) Independent voter no voice.
 2. Elected delegate does not feel responsible to voters.
 - a. Elected on not more than one issue.
 - (1) Free to use own judgment on all others.
 - b. Doesn't know all names to come before convention.
 - c. Accepts power on unknown issues.
 - d. Own political future dependent on party leaders.
 - B. Convention is not the deliberative body that theory intended.
 - I Action controlled by party machine.
 - a. Chairman named by machine.
 - (1) Under dictation of machine.
 - b. Credential committee named by machine.

- (1) Can seat or unseat delegates.
 - (2) Can pack convention.
 - c. Slate made out in advance.
 - 2. Delegates unduly influenced.
 - a. Unofficial delegates exert pressure upon delegates.
 - b. Votes traded.
 - c. Opportunities for purchased votes.
 - d. After first vote delegates are not held by instructions.
 - e. Vote for probable winner to be in line for party favors.
 - 3. Convention can be stampeded.
 - C. Convention is costly to party.
 - 1. Fixed expenses large.
 - a. Railroad fares.
 - b. Hotel accommodations.
 - c. Hall.
 - d. Clerical help.
 - e. Printing.
 - f. Advertising.
 - 2. Party manager not interested in economy.
 - 3. Those benefited are heavily taxed.
 - a. Tax levied upon
 - (1) Candidates.
 - (2) Office holders.
 - (3) Capitalists interested in legislation.
 - b. Those taxed demand return favors.
- II. Direct primaries return power of nomination to the people.
- A. Candidate appeals directly to the voters.
 - 1. Voter makes his unbiased choice.
 - a. Uses his own knowledge of men.
 - b. Can inquire about unknown men.
 - 2. This method used in England.
 - B. Voter can express choice for each state and local office.
 - 1. State and local issues not confused.
 - C. Character of electorate built up.
 - 1. Every man feels that his vote counts.

- a. Makes effort to attend primary.
 - b. Is ashamed to vote for poor candidate.
 - c. Takes pride in wise selection.
 - 2. Voter made responsible for the welfare of the government.
 - a. His vote at primary as important as at election.
 - b. Party success depends on well chosen candidates.
 - 3. Promotes intelligence on public affairs.
 - a. Voter must inform himself on issues.
 - D. Party bosses less powerful.
 - 1. Can not influence entire electorate.
 - 2. Publicity prevents corruption.
 - 3. Simplicity of method eliminates boss.
- III. Voters attend primaries in large numbers.
- A. Statistics prove that 55%-95% attend direct primaries.
 - B. Direct primaries easy to attend.
 - 1. Polls open half or whole day.
 - C. Worth voter's time to attend.
- IV. Direct primaries insure good candidates.
- A. Method brings forward good men.
 - 1. Any man of integrity can present his case.
 - a. Does not need influence of boss.
 - b. Can enter politics to oppose dominant power.
 - 2. Candidate must offer good qualities to receive recognition.
 - a. Success in public service.
 - b. Success in professional or business life.
 - c. Must present qualifications that win votes.
 - 3. Candidate is before voters several weeks.
 - a. His record open to investigation.
 - b. Dark horses impossible.
 - B. Machine control eliminated.
 - 1. Office holder must satisfy voters for renomination.
 - 2. New candidates need not mortgage future to a machine.
 - 3. Citizens can urge good men to become candidates.
 - C. Voters free to select best candidate.

- V. Experience has shown direct primaries are successful.
 - A. State officers drawn from city and rural communities.
 - 1. In 22 states they come usually from small towns.
 - B. Expense to candidate is reasonable.
 - 1. Filing fee is used towards advertising.
 - a. Oregon issues pamphlet with notice for each candidate.

NEGATIVE

- I. The caucus and convention system is in harmony with our representative form of government.
 - A. Is a direct application of delegated authority.
 - 1. Our other political functions are delegated.
 - a. Legislative.
 - b. Administrative.
 - c. Judicial.
 - 2. Large political units need representatives.
 - B. Is most efficient system.
 - 1. Makes a responsible body for good nominations.
 - a. Delegates responsible to local voters.
 - b. Convention responsible to party organization.
 - 2. Deliberation promotes success.
 - a. Time is taken to inquire into candidate's fitness.
 - b. Candidate's popularity can be tested.
 - c. Second choice possible.
 - d. Candidates can be drafted.
 - 3. Is a school of practical politics for young men.
 - C. Convention perfects party organization.
 - 1. Results in a cohesive, unified ticket.
 - a. Minority elements can have their share of offices.
 - b. Geographical distribution of offices can be considered.
 - 2. Conciliates factions.
 - 3. Arouses party life.
 - a. Inspires party spirit in delegates.
 - b. Delegates carry home enthusiasm.
 - D. Nominating power and platform-making belong together.

1. Candidates should be tested by issues.
 2. Party will be committed to reforms.
- II. The caucus and convention can be made satisfactory.
- A. Evils have resulted from voters' apathy.
 1. Citizens neglected political duties.
 - a. Left initiative to machine politicians.
 - b. Failed to vote at caucuses.
 - c. Failed to inform themselves on issues.
 - B. Well chosen delegates will insure satisfactory convention.
 1. They will follow instructions.
 2. They can not be corrupted.
 3. They will make the public good the first consideration.
 4. They will select honest nominees.
 - C. Voters can demand reliable party administrators.
 1. Good political leadership is an aid to party success.
 - a. In knowledge of practical conditions.
 - b. In co-ordinating efforts of party workers.
 2. Corrupt bosses unnecessary.
 - a. Majority of citizens want clean politics.
 - b. Majority of party can choose the leader.
- III. Direct primary nomination system is not satisfactory substitute.
- A. It gives one party an opportunity to nullify the intent of the other.
 1. Smaller party attends primaries of the other.
 - a. Forces weak candidate on the stronger party.
 - b. Wins office at the election.
 - B. It promotes plurality nominations.
 1. Many candidates split vote.
 - a. No way of limiting the number of candidates.
 - b. No way of uniting vote on good candidates.
 2. Dummy candidates put up to split intelligent vote.
 - a. Corrupt candidates secure remaining votes.
 - C. It creates party bitterness.
 1. Factions created before primaries.

- a. No way of harmonizing them before election.
 - b. Defeated faction is free to bolt.
- 2. Numerically strong group has permanent advantage.
 - a. Can shut out small groups.
- D. It destroys party responsibility.
 - 1. It decentralizes party.
 - a. Small units control action.
 - b. Party leadership abandoned.
 - c. Masses of voters are not organized.
 - 2. Decreases efficiency.
 - a. No one responsible for getting good candidates.
 - b. No one responsible for getting out voters.
- E. It does not bring voters together to make a platform.
 - 1. Platform is as important as men.
 - a. Convention necessary for discussion of issues.
 - 2. Candidates' meetings fail to make good platforms.
 - a. They are interested only in vote-getting issues.
- F. It gives too many opportunities for corruption.
 - 1. Each candidate can build up his own machine.
 - a. Campaign workers expect some return
 - (1) In money.
 - (2) In political favors.
 - b. Hirelings paid for every signer of petition.
 - c. Candidates can unite into uncontrolled machines.
 - d. More opportunities to use money.
 - 2. Bosses can interfere without publicity.
 - a. More campaigns give greater opportunity.
 - 3. The interests can put up several candidates.
- G. It is unfair to country districts.
 - 1. Rural candidates at disadvantage.
 - a. Not as large an acquaintance.
 - b. Campaign more expensive.
 - 2. City candidates take county offices.
 - a. Can reach majority of voters near home.
 - b. County voters influenced by city papers.
 - 3. Rural voters lack leadership.
- H. It is too costly to candidates and taxpayers.
 - 1. Makes two campaigns for candidates.

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SELECTED ARTICLES ON DIRECT PRIMARIES

INTRODUCTION*

In the early days of the Republic the nominating system, as now known, did not exist. Candidates for local office were presented to the electorate upon their own announcement, upon the indorsement of mass meetings, or upon nomination by informal caucuses, while aspirants for state office were generally named by a "legislative caucus" composed of members of the party in the legislative body, or later by a "mongrel caucus" in which legislators and outside representatives of the party united to select party nominees. In the national field, candidates for president were named by the congressional caucus. After a long struggle the legislative caucus and the congressional caucus were overthrown, and a system of representative party government developed. When the delegate system was adopted, it was regarded as a great triumph for the plain people over the aristocracy. Andrew Jackson had been one of the bitterest antagonists of King Caucus, as the congressional caucus was known, and it was the Jacksonian democracy that definitely established the representative party system. By 1840 the delegate convention system had been generally adopted, and entered upon its period of trial. Without interference from the law, the political party was left free to carry on the nominating process in such manner as party tradition, custom, or rules might provide.

*This Introduction is compiled from Charles Edward Merriam's *Primary Elections* published by the University of Chicago Press.

The abuses that arose under a system that staked the immense spoils of party victory on the throw of a caucus held without legal regulation of any sort were numerous and varied. They ranged from brutal violence and coarse fraud to the most refined and subtle cunning, and included every method that seemed adapted to the all-important object of securing the desired majority and controlling the convention.

In short, the primary election, having become one of the most important steps in the process of government, was open to every abuse that unscrupulous men, dazzled by prospects of almost incredible wealth and dictatorial power, could devise and execute. Not all of these evils appeared in one place and at one time; but they were likely to occur at any time when factional rivalry became sufficiently intense. Especially were these abuses felt in the great cities where opportunities were largest and rewards most alluring, and where the shifting population rendered personal acquaintance among all the voters impossible.

These evils might have been remedied by action within the party, either by organized effort on the part of those opposed to such practices, or by refusal to support candidates who had been nominated by such methods. Indeed some attempts were made to regulate party affairs from within by means of party rules designed to secure order and regularity in the nomination process.

But these plans were not as a rule effective in operation and no material, or at least no adequate, improvement of conditions was apparent. The appeal of the voters was generally made to the law, and therefore the progress of primary reform may be traced through the channels of legislation.

Down to 1880 primary legislation had made but little progress. The state of California alone had a law of a comprehensive character, and this was left optional with the political parties. The Ohio law was likewise optional, and was still less complete, and the Missouri law was both optional and local. The New York and New Jersey acts were primarily intended to prohibit only the participation of illegal voters in the pri-

maries. Public regulation of party primaries had barely begun to develop, and was in a rudimentary condition.

During the decade 1880-90, the question of the legal regulation of elections occupied the attention of the public in an increasing degree. The attack upon the evils of the party system was successfully directed against the fraud and trickery in the use of the ballot, and resulted in the adoption of the Australian system in modified form.

Summing up the characteristic features of this period, it may be said that where the laws were at all complete, they were mainly optional in nature; that where mandatory, they were generally local and special; and hence that the primary was still almost wholly under party control. The appearance of the mandatory and detailed act, even though local in application, was a distinctive feature of this period.

The most important problems of this time were whether the expense of such elections should be made a public or a private charge; what form the test of party allegiance should take and by whom it should be prescribed; whether the primary should be fully assimilated to a general election and governed by identical laws; whether the primary law should be optional with parties or mandatory in its terms.

The next period of primary reform [1890-99] covers the decade immediately following the adoption of the Australian ballot, and extends to the date marked by the passage of the regulated convention systems of Illinois, New Jersey, and New York in 1898 and the passage of the mandatory direct primary law in Minnesota in the year 1899.

The legal regulation of the convention system, however thoroughgoing and complete in its provisions, was unable to meet the demand for popular control of the party system. Despite the fact that in many cases the primary had been surrounded by practically all of the safeguards of an ordinary election, the public remained unsatisfied. Advancing even more rapidly than the movement for legal regulation of the nominating process, came the attack upon the convention system and the demand for nomination by direct vote of the party. Direct nomination, however, was by no means original with this

period, but was already a generation old. Pennsylvania had experimented with various forms of it in the 60's, and for many years it had been in use throughout the southern and western states. Here it had flourished without legal protection, except such as was involved in the recognition of nomination so made as legal nominations, which might properly be placed upon the official ballot when certified by the party authorities. This direct system was now demanded as a compulsory method of nominating candidates. None of the early enthusiasm for legal regulation of primaries was abated, but to this there was added the demand for the abolition of the indirect nominating process.

The movement was in part a democratic one, and was animated by a desire for wider popular participation in government. In this sense it was a part of a broad tendency in the direction of popular control over all the agencies of politics. The referendum, the initiative, the recall, and the direct primary are organic parts of a general growth of democratic sentiment, demanding methods by which more direct responsibility of the governor to the governed can be secured.

In the second place, the demand for the direct primary grew out of the general discontent regarding social and industrial conditions. The party system was regarded as an important element in these conditions, and popular opposition converged upon the convention as the source of much of the evil it was desired to eliminate. Startling disclosures respecting the betrayal of public trust by party leaders aroused the people to a crusade for responsible party government.

In the last ten years about two-thirds of the states have enacted direct primary laws varying in types. Some of these laws have been obligatory and others optional; some have been general in application and others merely local.

Although the main outlines of the direct primary laws are similar, yet there are important and interesting differences in detail. The method of nominating the candidates, the majority required, the formulation of a platform, are all questions of importance in recent primary laws and must be carefully scrutinized.

The forty years of primary legislation may be summarized as

follows. Starting with unregulated primaries, the advance was made to the prohibition of flagrant offenses such as bribery and illegal voting, or to optional legal regulation and control; then to compulsory regulation; then on to the abolition of the convention system, and the establishment of the direct primary; and finally we encounter the demand for the preliminary non-partisan primary as in Iowa, and for the adoption of a system of nomination by petition only, as in Wisconsin.

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American Political Science Association, Proceedings, 1907.
pp. 175-8.

Influence of the Primary Election upon Party Organization.
Jesse Macy.

An important change to be effected by the primary election is found in the distinction which it enforces between state and federal politics. The earlier system of party conventions with its vast array of party machinery tended to obliterate the distinction between state and nation. The two governments which the constitution makes distinct were, in the hands of party committees, fused together in such a way as to render intelligent action on the part of the voter difficult or impossible. The new system enforces a separation and compels a distinction between state and federal politics. The convention system and the existing national committees still serve in the management of federal politics, while in the states a radically different system is adopted. This in itself enforces a difference and a contrast.

The new method also furnishes the means for partially removing the one instance of capital maladjustment in our federal constitution. I refer to the provision for the election of United States senators, which has resulted in compelling the voter, in a single act, to attempt the impossible task of expressing an opinion on the policies of two governments which the constitution makes distinct. When he votes for men to make laws for his state, it is a mere accident if these men represent his views in national politics. Through the device of a primary election it has been found possible virtually to relieve the state legislature of the responsibility of selecting United States senators. This makes it possible to develop and maintain distinct and independent policies in the states.

American Political Science Review. 2: 43-7. November, 1907.

Primary Elections and Majority Nominations. Charles K. Lush.

Under the present nominating law it is necessary that the "boss," or leader, should "eliminate" the candidates of the majority before the primaries are held, otherwise the candidate of the minority would be the nominee of the party. Under the second choice feature, which was a part of the Australian law and left off by the drafters of the Wisconsin law, the voters do this "eliminating" at the primaries. Until this opportunity of selection is placed in the hands of the people there can be no true representative government.

Arena. 35: 587-90. June, 1906.

Direct Primaries. Ira Cross.

To-day we find that the caucus and convention no longer express the popular will. Delegates have become the main-shafts of political machines. Corporate wealth and influence dictate the policies of the dominant parties, while candidates and office-holders, instead of being responsible to the voters, are responsible to the boss and the ring which nominate them.

All attempts at reforming the caucus and the convention have resulted in dismal failures. New York, California, and Cook county, Illinois, which have the most highly legalized caucus-systems, are still boss-ridden and machine-controlled.

There can be but one remedy,—the government must be brought back to the people. They must be given the power to directly nominate their party-candidates. If they are sufficiently intelligent to directly elect them by means of the Australian ballot, they are sufficiently intelligent to directly nominate them.

Under the caucus-system, no matter how highly legalized, the voters will not take part in making the nominations. They are not even interested, for in the caucuses they do not nominate candidates, they only elect delegates, and a delegate, no matter how honest he may be, cannot correctly represent the wishes of

his constituents upon all, and quite often not even upon a small portion, of the candidates to be nominated in the convention. Do the facts uphold the argument? Take the caucus-system at its best and what do we find? In San Francisco, New York city, and Cook county, Illinois, which places since 1901, 1900, and 1899 respectively, have had the most highly legalized and reformed caucus-systems in the United States, an average of but 39 per cent of the voters of San Francisco, 41 per cent of those in New York, and 38 per cent of those in Cook county, Illinois, take part in making nominations. If but this small number of people attend the caucuses when such great care is taken to protect the voice and the will of the people, what a handful must turn out in those states in which few if any legal regulations are thrown around the nominating machinery! Under the caucus-system the resulting government cannot represent the will of the majority. It can only represent the will of the minority, and it is to this small minority (composed though it usually is of men who are in politics for what there is in it) that our officials are directly responsible, not only for their nomination but also for their subsequent election.

On the other hand, it cannot be denied that the direct primary greatly increases the attendance at the primaries. The reason for this is that it gives the voters a real voice in making party nominations. They can express their choice upon all candidates from governor down to justice of the peace, and by this means are able to exert a direct influence upon the final results.

In Cleveland, Ohio, under the old caucus-system, only 5,000 voters took part in nominating the Republican candidates for city offices in 1892, but in 1893, when they used one of the most poorly-framed and extra-legal primary systems imaginable, over 14,000 Republicans turned out. This number increased to 23,000 in 1896, to 28,000 in 1899, and to 31,000 in 1901, the vote at the primaries during these years averaging more than 95 per cent of the vote cast by the Republicans at the subsequent elections. In Crawford county, Pennsylvania, where the direct primary has been used since 1860, the average attendance at the

primaries has been more than 73 per cent. In the 25th Congressional district, where the system has been used since 1890, 77 per cent of the voters have made the nominations. Even where there was no contest, as was the case in 1894 and 1900, more than 62 per cent of the voters attended the primaries. What other portion of the United States can show such a record as this? "In Minneapolis," writes Mr. Day of that city, "under a highly legalized caucus-system, but 8 per cent of the voters attended the caucuses." Under the direct primary, however, 91 per cent of the voters attended in 1900, 85 per cent in 1902, an off-year, and 93 per cent in 1904. In Hennepin county, Minnesota, in 1904, over 97 per cent of the voters took part in making congressional nominations. In the same year the returns from eighteen counties, scattered indiscriminately throughout Minnesota (all the returns that could be obtained), showed that over 72 per cent of the voters took part in the primaries. These figures show most conclusively that the difficulty is not the apathy of the people. Their civic patriotism is as strong as it has ever been in years past. They are interested in the government and will attend the primaries, if they are but given the opportunity to directly nominate their party candidates. The difficulty lies with the caucus-system. It is indirect and inefficient.

Arena. 41: 550-6. August, 1909.

Direct Primaries versus Boss Rule. Isaac M. Brickner.

It may be well to ask what is a political boss, what are direct primaries, and in what way, if at all, will they relieve us of this evil. A boss, for the purposes of this paper may be defined as a man who makes politics a profession for purely personal ends, not for the purpose of holding office, but more frequently to control the actions of those who do.

Primaries are the bases upon which in the final analysis this governmental structure is reared. At the primaries we are now accustomed to elect delegates to different conventions, which in turn choose those who, if elected, will be our public servants

for a period of years. The questions naturally arise:—Why have conventions at all? Why not at the primaries choose our own candidates for office? The answer to these questions answers the query. What is a direct primary? It is just exactly that. It is a primary at which the electors of a ward, city or state as the case may be, will name those for whom the people will vote at the ensuing election.

If the people voted directly for the men who are candidates for the various offices, would it not naturally lead to a discussion of the qualifications of the various names proposed? Would it not offer to the people the opportunity of voting for the better of two men or the best of three or more? Would there not be public meetings and perhaps public debates, at which the various candidates would present the reasons why they rather than some opponent should be chosen? Would not more people thus become interested and have a direct personal reason for going to the primary, and express their preference for one candidate or the other? Would this not naturally lead to a better class of public men in office? And would not the burden of choosing the right man for the right place be thus thrown directly where it belongs, upon the shoulders of the people themselves, rather than upon those of some political boss, whose sole aim is to preserve intact the party organization, and perpetuate in power himself and his friends? It seems to me that the answer to all these questions is in the affirmative, and explains why the politicians are opposed to this method of choosing public officials.

Some may argue that all of these things can be done under the convention system. Perhaps so, but every man knows that except in rare instances, conventions might more properly be called farces. They do not represent the people at all, but simply register the will of some boss. In other words, whatever good there might have been originally in the convention idea, it is a fact that the system has broken down. The causes to some extent, it must be admitted, are to be found in the carelessness and indifference of the people themselves and their sometime foolish habit of voting a party label, but the fact remains that we are face to face with a situation. It has been well said,

by a writer on our institutions that "it profits little to know the legal rules and methods of government, unless one also knows something of the human beings who tend and direct this machinery, and who by the spirit in which they work it, render it the potent instrument for good or evil to the people." Yet the character and antecedents of candidates are often overlooked when they are the one real and vital concern of every good citizen.

I have stated above that under the direct primary system, more people would become interested and attend the primaries. Statistics on a matter of this kind are in the nature of the case hard to find, but there have been some attempts made to ascertain the truth along this line. The Attorney-General of Kansas says that while the law is a new one in that state from 60 to 75 per cent of the voters attend the primaries. In Wisconsin the testimony is that 65 per cent of the voters attend. I have seen figures that indicate that in some parts of Minnesota, the attendance of voters at primaries under this system has risen as high as 90 per cent. And in Oregon at the last election for candidates, there was a very large turnout of voters, and I may add a very large turning out of discredited officials as a result. What the percentage is in states where the convention system still holds sway, I have no statistics to show, but I am strictly within the truth when I say that it seldom approaches the smallest percentage set forth above. There are many cases where it would be hard to find that ten per cent of the voters attended the primary.

Another argument advanced by the opponents of direct primaries is that a poor man would have no chance of election, as the expense attendant upon that experience would make it prohibitive. I do not believe this is true. The experience of Kansas again comes to the rescue. The Attorney-General states that in his opinion, from facts in his possession, the expenses under the system are not greater than under the convention plan, and perhaps in many instances much less. At all events, the expense can and should be regulated by law, and once the system is in vogue, the conscience of the people would see that this was done. The main thing now is to establish the

principle. Besides under the old system, men with means have always had a decided advantage. In this state, the Late Governor Higgins' sworn statement showed an expense of \$22,000 for election to an office, the salary of which was only \$10,000 a year and the term two years. And, W. Hearst spent if reports are true, a fabulous sum in an unsuccessful attempt to be elected to the same office. What it cost him to secure the nomination from the state convention at the hands of Murphy and Connors, if known, would probably stagger people, and end the argument so far as the question of expense is concerned. Some years ago, a republican candidate for Congress, in New York state, spent about \$35,000 for election to that office which carried a salary of but \$5,000 a year for a two year term. The expense question will not win a single convert to the side of the antis, among those who have studied the question in the slightest degree.

The third stock argument of the opposition, is that there would be no platform. That is eliminated by the bill introduced at Albany which gives the party committees the power to frame the declaration of principles. But assuming that there would be no platform, what is the difference? Take the last campaign in New York state for example. The Democratic convention which met at Rochester, adopted an elaborate declaration of principles which viewed with alarm all that the opposition was doing and pointed with pride to what the democrats had always done when in power. Among other things they opposed government by commission. They nominated a very respectable young gentleman, Mr. Chanler for governor, and as long as Governor Hughes was in the west, Chanler was safe. But once Hughes returned home and spoke to the people, Chanler shifted his position from pillar to post, until there was not enough left of the anti-commission plank to even cause a ripple. In other words Hughes was his own platform. He stood for administrative reform of a high order, was an approved public servant in whom the people had confidence, and his opponent also was his own platform, because the people knew that every plank on which he stood was erected with the idea of winning converts to the standard to that political pair

of Siamese twins, Connors and Murphy, who controlled the convention. Possibly Chanler had he been elected, would have been free from their baneful domination, but there was nothing in his campaign to justify people in so believing.

Take Bryan for further example. Mr. Bryan has many excellent qualities and even his opponents concede, that he is honest and high-minded. But in the minds of thousands of Democrats he is associated with what they believe a system of financial heresy, advocated by him in his first campaign, and partisans though they are they cannot bring themselves to vote for a man who represents in himself the theories for which he stood when first a candidate. In other words, he too is his own platform. A platform is constructed by the average politician to catch the votes of the malcontents and of those who are out of jobs and want to feed at the public crib. Besides not one voter in ten ever reads a platform, or knows from its contents for what a candidate stands. So much for the three stock arguments of the opposition.

Much respectability is lent to the opposition to direct primaries by the fact that President Schurman of Cornell is in its ranks. President Schurman certainly stands high in the estimation of the people, as a man of principle, intelligence, scholarly attainments, and good citizenship. His attitude on any public question, is entitled to most respectful consideration, and indeed it is fair to assume that there is no abler, fairer or more high minded man in the ranks of the opposition. It is equally fair to assume that his arguments are the result of both study and conviction, and that they rank with the ablest arguments the other side can produce. Yet every point he made in his Utica speech seems easily answerable.

President Schurman started out by saying that he had agreed with Governor Hughes on the race-track question, and the public utilities bill because they were constitutional and moral questions. He disagreed with him on the question of direct primaries, because that was a practical question and political men might honestly differ. Yet President Schurman certainly did not treat it practically. He says: "From the unanimous

testimony, I have received, in western states, I learned that the system of direct nominations discourages self-respecting and independent men from entering the public service and encourages the demagogue, the self advertiser and the reckless and unscrupulous soldier of fortune."

Without attempting to dispute the assertions of Mr. Schurman, though there is ample testimony on the other side, let us carry that argument to its logical conclusion. The people are not to be trusted to select between the self-respecting man and the demagogue, they cannot pick the wheat from the chaff. Yet they have for many years carried on popular government and are choosing annually between the various candidates at each election. By what process of reasoning does President Schurman assume to argue that what they can do at election they cannot do at a primary? And if he is correct, does it not mean that the people are not fit to govern themselves at all, and representative government is a failure? And if it is, it makes no difference whether we have direct primaries or not. Let us frankly admit that we cannot govern ourselves and put a king in power at Washington. But is it not a fact that the demagogue can control a convention, especially if he happens to be a rich demagogue, a great deal more easily than he can control the people.

President Schurman further says, "that men enroll and call themselves Republicans or Democrats, honestly to select a strong candidate for their own party or dishonestly to foist upon the opposing party a weak candidate, whom they intend to vote against at the election."

It must be admitted that no system can be devised that will prevent a trick like that. It is done under the present system; it would be done under any other. It is inherent to some extent in our system of government. But if it be true, that more people attend the primaries under the new system than under the old, and practically the unanimous testimony is to the effect that they do, the influence of these men will count for less than it does now. So that this argument carries its own refutation.

On the same point President Schurman says: "The baser elements of a party thus control the destinies of a commonwealth.

And so you have the anomaly of Oregon, a Republican state with a Republican legislature, just sending a Democrat to the Senate of the U. S. Such a result is not only fatal to party organization, but dangerous to political morality."

It seems to me that President Schurman was unfortunate, to say the least, in the example he cited to prove this contention. The situation in Oregon constitutes the best argument in favor of direct primaries that could be brought home to the people. The Republican candidate for the Senate was a man who in that body had been unfaithful to the interests of people and betrayed his trust. He was part of a system they wished to overthrow. How to accomplish it was the question. His Democratic opponent was a man twice chosen Governor of Oregon, a man of approved public morals, faithful to the interests of the people, and close to their hearts. The people of the state were not ready to turn the state over to the Democratic party, so they pledged the candidates to the legislature to vote for the man who received at the primaries the highest vote for senator, regardless of party affiliations. In this way they chose a Republican legislature and gave them definite, specific and binding instructions to vote for a Democrat to the Senate. I have never known public opinion to express itself so strongly or work so promptly and efficiently. In spite of heavy pressure from high Republican sources, the legislators were true to their pledges, many of them because they knew that any other course meant political death to them. It was the most stinging rebuke that could possibly have been administered to the Republican derelict senator, and the most potent argument in favor of the system which Mr. Schurman condemns.

President Schurman then delivers this very remarkable utterance; remarkable when we consider that he started with the assertion that we are dealing with a practical question:

"A convention gives opportunity for deliberation, for conference, for comparison, for weighing the merits and availability of candidates. The direct system of nominations gives the rein to the impulse of the moment, and makes deliberation difficult. It puts a premium on passing popularity. The

man who trims his sails to catch the breeze of popular favor will secure the nomination. It will almost infallibly put the destinies of the state in the hands of the city of New York, (in combination perhaps, with the city of Buffalo.) By segregating the other political units of the state, it nullifies their power and influence. A delegate convention brings together in one place representatives from every city and county in the state and consequently gives the representatives from the rural districts and smaller cities the same power in determining the final result as is enjoyed by representatives of an equal number of voters in New York City."

One would think that Mr. Schurman had never seen a convention. Deliberation and conference indeed, comparison and weighing of candidates, forsooth. The man wanted by those who control the convention, and who hold the delegates in the hollow of their hands, will win the prize, if prize it be, and no other candidates need apply. We are not concerned with what a convention might be; it is a practical question that confronts us. If conventions did what in theory it was believed they would do, the question of direct primaries would not be a burning issue. What does a convention actually do? That is the point. The committee on credentials throws out duly elected delegates because some ignorant and brutal boss tells them to. The courts hold them to be a law unto themselves. There have been cases, one is reported at the convention that nominated Hearst at Buffalo, where contests were put up by the boss when the defeated delegates at the primary never wanted to contest. And the duly elected delegates marched out of the convention, one of Mr. Schurman's deliberative bodies and were not given the right to represent those whose votes had sent them there, because a boss needed a few more votes to carry his point.

New York and Buffalo, says Mr. Schurman would infallibly control the political destinies of the state. Did he ever see a convention run by Murphy and Connors on one hand, or Little Tim and the Buffalo boss of the G. O. P. on the other? I have, and if anything can beat the combination of New York

and Buffalo, in one of those conventions, it has escaped the attention of most observers.

No, a convention may not be influenced by prejudice or passion. But it is not responsive to intelligent public opinion, nor except in the rarest instances does it ever consider the comparative claims of either candidates or sections of the state. It registers the will of a boss; adopts a meaningless declaration of principles, and adjourns to repeat the farce another year.

President Schurman also says that corruption is rampant where there are direct primaries. But it stands to reason that it is not as easy to bribe or corrupt all the electorate as it is the bosses of those who are delegates to conventions. The larger the number of people who participate in any function of government, the smaller the prospect of a corrupted franchise. Any other theory than that is based upon the assumption that most men are inherently dishonest, and that theory is rejected by the testimony of history.

Finally Mr. Schurman says "The new movement when logical analysis traces it back to its origin or forward to its goal undoubtedly contravenes the principles which were adopted by the founders of the republic."

This too will be news to most students of history. The convention system was never dreamed of in the inception of this government as the means of naming candidates. The first national convention was held in 1836.

But if it had been part of the original scheme, what difference would that make to us as practical men seeing a practical solution of a practical and pressing problem? If the conditions which obtained in 1800, do not work in 1900, is it not our duty to discard those conditions and surround ourselves with new ones?

It certainly was the scheme of the founders that the people conduct the government by taking an active part in governmental affairs. They believed in the people. Mr. Schurman evidently does not. They thought the people could intelligently pick out their own candidates. Mr. Schurman does not agree with them. They held to the opinion that the people could

be trusted to manage their own affairs and regulate their own machinery of government. Mr. Schurman differs from them in this respect.

Another argument that I have heard advanced by the opponents, of direct primaries, and they are resourceful in argument, is that instances are recorded where men defeated at the primaries offer themselves for election to defeat the primary choice. Has it never happened then that men defeated in convention have done the same thing and succeeded in defeating the convention's choice? Men of this kind, who will not abide by the rule of the majority exist in every community, and will come to the fore at times under any system. But it is no argument either way that these things have happened and will continue to happen. No machinery is perfect, but we as sensible men should try to get the best. I believe the direct primaries offer the best available solution for many of our political evils at present.

There is nothing sacred about the convention plan. There is no special sanctity that surrounds it, not even that which sometimes comes with respect for age. It was a device adopted by the people for their own convenience, and for a time it worked well. Like other machinery that becomes worthless with use and rusty with decay, it has broken down and fails to properly perform its functions. Shall we be loyal and patriotic enough to adopt new mechanism to carry on the work the decrepit convention cannot and will not any longer do?

Shall we not be large enough to try on a new scale, the old town meeting? Shall we not in other words return to first principles?

The opposition tells us men may be named that do not represent a majority-vote under the new system. A plan might be devised by which this would not be so. A second primary might be needed to name a candidate. This would entail trouble and expense. But if American citizenship is worth having, it is worth fighting and working for. If we can name ward officers by direct means, I have confidence

enough in the people to believe we can successfully name city and state officials by the same method.

If the people have found that the convention system is wrong, who shall say them nay in their attempt to rectify it? If you point to me the example of Stephenson, in Wisconsin, as an argument against this new method, I point you to Platt and Depew in New York, as an argument against the old one.

We must not be too radical you tell us. I say in reply, let us not be too conservative when conservatism means danger. You say "let us be careful and cautious in political action lest haste shall lead us on to rocks that may wreck the ship of state." I reply, "let us get away from the rocks and shoals we have found near shore, and out onto the broad seas where the sailing is easier and where a harbor of safety at least is in full sight." You say "let us not change our methods because 'tis better to bear the ills we have than fly to others that we know not of." I reply, "we have found by experience that this proposition is not a flight to regions unknown, but is a safe and substantial anchoring on the rock bottom principles of eternal justice and right."

Chautauquan. 52: 324-6. November, 1908.

Defects in the Direct Nomination System.

Already the primary system has disclosed certain defects which will need to be remedied. These defects have led its foes to declare that it does more harm than good, that it has been tried and found wanting. One defect is that voters of one party vote at the primaries of another at the command of powerful politicians. This has happened in Illinois, in Missouri, in Nebraska, in Michigan, and elsewhere. To defeat progressive candidates the spoilsmen of a party make "deals" with those of other parties and secure support of voters who have no intention of changing their affiliations but are willing to lend themselves to interparty "trades" and stratagems. And even where good candidates of one party are helped at the primaries by the voters of another—and this sometimes hap-

pens—it is felt that it is unjust that men who will not help elect should have a voice in nominating.

Another defect in the primary system is the great expense to which candidates are put. The lavish expenditure of money in campaigns is an evil, for it involves practical blackmail of candidates and corporations and the creation of political obligations that cannot honorably be paid without sacrificing the interests of the people. But if the expense is merely to be shifted from machines and organizations to individuals the wealthy candidates will have an undue advantage and the poor men will be discriminated against in the operation of the whole system. The individual candidate must circulate petitions, do a little advertising, pay hall rent and incur other legitimate expenses; and he must do this twice in many instances, before the primary and before the election.

The primary system must be simplified and safeguarded against fraud and waste. It is the friends of direct nominations who must attend to these improvements, for otherwise the spoilsmen and bosses will discredit and undermine the new system by emphasizing its faults and imperfections.

Citizens Union.

Direct Primary Nominations: Why They Should Be Adopted for New York.

The primary, under the present indirect system, is the election by enrolled voters of party officers and delegates to a series of conventions whose principal function is to nominate candidates for public office. A direct primary is one in which the enrolled voters choose by direct vote the party candidates for public office, instead of choosing delegates to nominate those candidates.

The Convention System

The present indirect system of nominating candidates has convinced the average citizen of the futility of attempting any

contest in the primaries, and only a small percentage of the enrolled voters go through the motions of voting for the delegates already selected for them by the leaders. The primary vote for delegates to conventions is largely cast by those who make more or less of a profession of politics. The convention, when assembled, by no means represents the will of even a respectable plurality of the party members. For instance, the Republican delegation to the state convention from Syracuse, in 1908, was opposed to the re-nomination of Governor Hughes. Several thousand postal cards sent indiscriminately to enrolled Republicans of Syracuse, however, revealed the fact that about eight out of every nine strongly desired the Governor's re-nomination.

The convention starts with the handicap of being unrepresentative. The public is handicapped in any effort to enforce its will. This is necessarily so, as long as the convention system is retained. Public opinion cannot express itself except where the issue is defined. The machine, having taken no stand prior to the primaries, and having announced no policy, there is no specific issue which can be made against the delegates which it has picked out. The public is in the position of an individual, compelled to give a power of attorney without knowing what will be done, and powerless to withdraw the power of attorney, if its use is abused. At every step in the process, the public must work in the open, while the machine leaders conceal their hand, and thrive upon the consequent inability of decent delegates to make any effective opposition.

Furthermore, the meeting-place of a convention is about the least conducive imaginable to sober consideration of merit. Rumor flies after rumor. There is neither time nor opportunity for investigation. In a few hours or days, the convention members, now brought together as a body for the first time, will again part, never to meet again as a body. While they fill the hotel lobby, swayed by this report and that, the real business of the convention is being done upstairs in a private room where the leaders make the slate. When the

slate is prepared, the convention is allowed for a few hours to look like a deliberative body.

Suppose a movement is started in opposition to the proposed final slate. Then ensues a contest to control the Committee on Credentials, and which ever faction wins, will generally dominate the convention. Contesting delegations, when necessary, appear almost out of the air, over-night, in response to a telegram, and are calmly seated.

If these tactics do not positively ensure success, there is still a chairman to be elected, and chairmen can be found who never see a member of the opposing faction rise to speak. Though a hundred men yell "No," the chairman can hear only "Yes." Though a dozen written resolutions may be started toward the chairman's desk, they are lost on the way. Finally, in the midst of an uproar in which it is impossible to hear how delegates vote, amidst hisses and cat-calls and cheers, the nominations are declared to have been made.

Proven Advantages of Direct Primaries

Aside from abolishing the evils which have developed in the present system of nominations the direct primary offers positive advantages over all other methods yet devised for choosing party officials and party candidates. These advantages may fairly be summarized under three heads, as follows:

(1) It substitutes responsibility to the enrolled voters for responsibility to machine bosses.

(2) It is simpler than other systems.

(3) It makes the exercise of corrupt influence over the nominating process more difficult.

(1) How the Direct Primary Substitutes Responsibility to the Voters for Responsibility to Bosses

The importance of this feature can hardly be over-estimated. As Governor Hughes pointed out in a recent speech in New York City, *three-fourths of the members of the present legislature come from districts where the nomination of the dominant party is equivalent to election.* When, in such districts,

the candidates are nominated by a method which places the real election in the hands of a few men, then in soberest earnest one may say that the forms of popular government are become but a sham. That this is clearly realized in that section of the country where one party has been longest and most indisputedly in the ascendancy is shown by the fact that in almost every state in the South the rules of the Democratic party have required for years past that its nominations for public office be made by the popular vote of its members. That Republican candidates are not nominated in the same way is due to the purely nominal importance of the minority party's selections. Seven of these southern states have gone further and provided for this method of nomination by state-wide direct primary laws, four of these laws being optional and three mandatory. Why should New York continue to abdicate to party "leaders" or bosses the choice of *any* of its public officers?

Even if in practice under the present system conventions were not boss-ridden, and delegates felt that they owed their positions to the decision of those who participated in primaries, the system would not be truly representative unless more votes were cast in the latter than is the case at present. Commonly, the indirect primaries are not attended by more than ten per cent of the enrolled voters, and frequently by only a fraction of one per cent.

Direct primaries bring out quite regularly from 25 to 95 per cent, and in the majority party, especially where there is a sharp contest, from 55 to 85 per cent of the enrolled voters. This is because every voter has a voice in selecting party candidates. Ask a hundred men who do not attend primaries whether they would attend if they could vote directly for the candidates. Almost every man of them would probably reply in the affirmative.

In Minnesota in 1902, for example, after the direct nominations system had been extended in that state because of the success of its trial in Minneapolis, about the same vote was cast in the primaries as is cast in off-year elections. In Minneapolis in 1900, 69.2 per cent as many votes were cast in the

direct primaries as in the general election. In Duluth, in 1901, in a municipal election, 69.8 per cent of those who later voted in the election cast their votes in the primaries. In the same year the direct nomination vote in St. Paul was 94.6 per cent of the election vote. In the Dodge county primary in 1902, the direct primary vote was 28.6 per cent *more* than it had been in the general election of 1900. The vote in the Republican primaries throughout the entire state in 1902 was 78.8 per cent of the Republican vote in the election which followed. In Minneapolis in 1905, the Republicans cast 97 per cent of their votes in the primaries, and the Democrats 84 per cent.

In Crawford county, Pa., where the system has had the longest trial, the average vote cast in the direct primaries for thirty-one years was 73 per cent of the average election vote for the same period.

In the Essex county, New Jersey, primaries last year, a larger vote was cast than in the preceding election for governor.

Under the old caucus system only 5,000 Republican voters took part in the primaries in Cleveland, Ohio, in 1892. Next year the direct primary system was established in the city, and 14,000 Republicans participated. That the great interest in direct primaries is not due to their novelty is clearly shown by Cleveland, for the Republican vote at the primaries increased to 23,000 in 1896, 28,000 in 1899, and 31,000 in 1901, being then 95.5 per cent of the vote cast by the Republicans in the election which followed.

Governor Fred M. Warner of Michigan, in his inaugural address to the legislature this year, calls attention to the advantage gained under direct nominations through increasing the popular participation in primaries. In Michigan the direct nominations system is in force only for certain localities and offices. Governor Warner says:

"The greater the number of offices involved in the primary, the greater will be the interest of the voters therein. At

the last primary in Michigan, 200,000 Republicans and 40,000 Democrats recorded their will."

A candidate nominated in such a primary where the vast majority of the enrolled voters actually express their preference, is forced to recognize that his responsibility is to these enrolled voters. A candidate nominated in a convention created by indirect primaries, where only an exceedingly small percentage of the enrolled voters actually attend and vote, is forced to recognize as the sponsors of his candidacy the men who, by possession of all the strategic advantages, are able to control those primaries. This difference between the two systems cannot be disputed, even by those whose confidence in the voters is so small, or whose selfish interests are so great and compelling, that they prefer any system which will limit to a few persons participation in the choice of candidates.

(2) *Wherein the Direct Primary is Simpler Than the Convention System of Making Party Nominations*

Under the convention system there is a primary, followed by various meetings of delegates. Under the direct nominations system, except where a single convention may be assigned the duty of drafting a state platform, one day's primary election settles everything, and the whole cumbrous and expensive machinery of an out-worn system, with its delegates and conventions innumerable, is at one stroke, and with no loss to the community, abolished.

Enrolled voters, at present, go to the primary and caucus and cast their ballots for the party officers and for delegates to the Assembly district convention and to county, city, congressional district, senatorial district, or judicial district conventions, as the case may be. The delegates meet in the Assembly district convention and elect delegates to the state convention. This is the usual roundabout system.

When Governor L. F. C. Garvin, of Rhode Island, wrote in 1903, "a strong party organization, covering every section of the state, entails a large expenditure, and the money comes chiefly from candidates and holders of lucrative offices and the

beneficiaries of legislation," he had in mind such a cumbersome and expensive system as is made necessary under our present primary law.

An illustration of the uselessness of much of the machinery of this system was furnished when a direct vote was taken in certain New York City districts on the question of whether Charles E. Hughes should receive the Republican nomination for Governor. The County Chairman considered the vote as instructions to the delegates. Why, then, should there be any delegates when we can in every primary secure the direct expression of the enrolled voters as to their choice for the nomination?

(3) *How the Direct Primary Makes the Exercise of Corrupt Influence Over the Nominating Process More Difficult*

It is easier to corrupt the few than to corrupt the many. It has never been demonstrated that the average integrity of the man who makes a business of politics is greater than the average integrity of the average citizen. Under the present system, men who have successfully made a business of politics and who control the nominations are the only ones necessary to be "seen" in order to get an undeserved nomination. Direct nominations, as has been shown, actually bring out to the primaries a large majority of the enrolled voters. This majority, voting directly for the party nominees, has been found more difficult to corrupt than the few who control the nominations under the present system.

Where there have been serious charges of corruption in the direct primaries, the fault has been the failure to place in the statutes proper provisions against corrupt practices, or with such weak provisions as appear in the laws of Wisconsin and Missouri, for example, regarding the participation of the voters of one party in the primaries of another party. In these two states (Wisconsin and Missouri) it is now being charged that the candidate of the majority party was nominated in the primaries by purchased votes. These purchased votes included, it is claimed, practically all of the purchasable element of the

minority party, which went into the primaries of the majority party and there voted for candidates. The fact is that neither of these states has any such provisions regarding party enrollment as are now in force in the State of New York. We should retain these provisions under our direct primary and will extend them to such localities as have not the full benefits of this system under our present law. This is in accordance with the recommendations of Governor Hughes. Further safeguards against corruption at the direct primary are suggested in the following recommendations of the Governor:

"That the Corrupt Practices act be extended so as to prescribe the expenses which may lawfully be incurred in connection with candidacies for nomination and to ensure the publicity of all expense.

"That the amount which may be expended by candidates for nomination be limited.

"That generally, with such changes as may be necessary for adaptation, the safeguards of the law governing general elections be extended to primary elections."

Fallacy of Objections to the Direct Primary

Never was the convention system abolished in any state without a severe struggle against the special interests entrenched by that system. So it is in New York; and the objections offered are in some cases so plausible that they have misled men whose sincerity is unquestioned. That there is in no place where direct nominations are used any considerable sentiment for a return to the old system, while there is a nation-wide agitation for extending the system, is a clear indication of the fallacy of these objections. Yet it may be of advantage to take up in their order some of the points most frequently raised by opponents, and to show what evidence is obtainable bearing upon them.

(1) As to the Question of Expense

It has been charged that by making two campaigns necessary instead of one, and rendering these campaigns more

expensive than under the convention system, the direct primary disbars the poor man in favor of the rich.

The general experience of other states fails to bear out this assertion. Governor Ford of New Jersey, in his annual message of January 12th, 1909, in which he recommends the extension of New Jersey's present direct primary law for local offices to include governor, congressman, delegates to national conventions and members of party committees, says of this assertion that it is "*false and absolutely untrue.*" To the same effect is the statement (quoted from *Collier's Weekly*, January 23, 1909) of Everett Colby, former state senator of New Jersey, "that the man who last received the Democratic nomination for state senator in his county won it against the Democratic machine with an expenditure of \$250; this in a county of 350,000 inhabitants, after an aggressive campaign." United States Senator-elect Joseph L. Bristow, who was nominated in Kansas last summer by direct primaries over Chester I. Long, the candidate of the railroads and the Republican machine, says in a letter to the New Hampshire Direct Primaries Association: "Campaigning before a primary can be made as expensive as the candidate is disposed to make it. Kansas is 200 miles wide and 400 miles long, has a population of 1,800,000 and is subdivided into 105 counties. Our United States senator this year was nominated by direct primary. One of the candidates is reported to have expended \$25,000 and the other \$3,500. The one who expended \$3,500 was nominated. Of the two candidates for governor, one spent between \$6,000 and \$7,000, and the other about \$3,500, and the one spending the smaller amount was nominated." Of this same contest William Allen White, the well-known writer and journalist, speaking from personal observation, says: "His (Bristow's) opponent, Chester I. Long, had all the money that public service corporations cared to pour into the state, and yet Long failed." Mr. Bristow himself adds, in another letter: "It does not cost any more from the practical side of politics to appeal to the people for their support than to pay the expenses attendant to conventions."

Governor Noel of Mississippi bears similar testimony, as follows: "While primary elections involve an expense of travel, there is very little other expense. There were six candidates for governor in this state, and a canvass of fifteen months practically. My expense was about \$6,000. It need not have been over \$2,000, if the campaign had been limited, as it should have been, to about four months, and proper reports required." Ora Williams, Secretary to the Governor of Iowa, says: "The successful candidate for governor (in the recent primary election in Iowa) spent but a few hundred dollars." James A. Frear, Secretary of State of Wisconsin, says: "All of the present state officers in Wisconsin (who were nominated by direct primaries) are what would be known as men of modest means. *Their selection resulted from their attitude on public questions, or their legislative record in recent years.*" Professor John A. Fairlie, a recognized authority on public law, says in a letter: "In a hotly contested primary the necessary expenses will be greater than in a non-contested convention; and a good primary law should contain restrictions on the amount and purposes of expenditure. Personally I succeeded in a direct primary (for the constitutional convention of Michigan) in a district covering two counties, with eleven candidates for three places, at a total expense of about \$25.00 for railroad fare."

These statements, and many others of which they are but a sample, prove conclusively that *the man of limited means is not debarred by the direct primary from obtaining nomination for, or election to, public office.*

Nor is the advantage of wealth greater than under other systems. What benefit did Senator Long derive from his heavy expenditure before the Kansas primaries? His opponent was nominated after spending one-seventh as much. In Washington, Senator Ankeny, the millionaire lumberman, was defeated for re-nomination by Wesley L. Jones, a comparatively poor man. Senator-elect Johnson, of North Dakota, is a farmer of moderate means, and spent almost nothing in his campaign for nomination. His three competitors are said by

him to have spent at least \$250,000 without avail. The chief instance to the contrary, relied upon by the opponents of direct primaries, is that of Senator Stephenson in Wisconsin; yet as a matter of fact this case has no bearing on the question of direct primaries in New York state, and for the following reason: Wisconsin has no law limiting the amount which may be expended by a candidate for nomination. In New York, on the other hand, Section 412 of the Penal Code provides that no candidate shall expend "for any purpose tending in any way, directly or indirectly, to promote, or aid in securing, his *nomination and election*," more than a certain specified amount, fixed by the act according to the office for which he is running. Moreover, the direct primary law itself, as outlined by Governor Hughes, would still further regulate the amount which might lawfully be expended in connection with candidacies for *nomination*. Such a remedy has now been recommended for Wisconsin by Governor Davidson. Furthermore, it is charged that Senator Stephenson's enormous campaign fund was largely spent in corruption, and this charge is being investigated by the Wisconsin legislature. It is true that to control a direct primary by corruption, when possible, is vastly more expensive, as well as more difficult, than to control an indirect primary by the same means.

The critics who dwell upon the alleged expensiveness of campaigning under direct primaries neglect to mention either the *amount*, the *source* or the *character* of the expenses under the present system. First, as to the amount and the source. Governor Warner of Michigan says in a letter: "I am certain that I speak within bounds when I state that there was a contest for the nomination of governor in Michigan a few years ago under the convention system, when more money was expended than will be used in the next ten years under the direct voting system." In his inaugural address to the General Assembly, January 12th, 1909, Governor Kitchin of North Carolina urges the adoption of regulated direct primaries in place of the present unregulated convention system, and says: "*It ought to diminish the expenses of campaigns for*

nominations. Should such expenses for legitimate purposes increase as they have increased in recent years (under the convention system) it will soon be that none but a wealthy man can hopefully aspire to our higher offices unless others pay his campaign expenses for the nomination."

What are some of these expenses under the convention system? Disregarding its peculiar liability to improper expenditures, and enumerating only such as it legitimately entails, there are first of all those incident to the campaign for the election of delegates from all parts of the state or district. Then there are the clerical expenses required to plan and arrange for the convention. Above all, there are the heavy expenses connected with the convention itself—the railroad fares of the delegates, their hotel accommodations, the rent of the convention hall, the printing, telephoning and telegraphing, and finally the decorations, music and miscellaneous entertainment provided. These things are never managed economically. Who pays for them? "The party organization," someone may answer. Yes, but where does the party organization get the money? Some light is thrown upon this question by the records of the Mazet Committee in 1900, where it was shown from sworn testimony that 28 judges had paid from \$1,500 to \$12,000 apiece—in some cases the equivalent of a year's salary—to various party organizations and campaign committees, for the purpose avowed or understood, of obtaining nomination.

All campaign contributions by candidates for *judicial* office have since been forbidden by section 412 (b) of the Penal Code, but the very fact that it was thought necessary to pass this law, and the law above mentioned, limiting the campaign expenses of *all* candidates, indicates that the cost of the convention system, nominally paid by the party organization, really falls in large part upon those seeking nomination. Nor can the expenses of a candidacy for nomination under this system properly be gauged merely by the amount paid out by the aspirant prior to his nomination. A large proportion of the party campaign fund, out of which the various expenses above

specified are defrayed, is obtained from office-holders. Forty per cent of the Democratic campaign fund in New York county in 1907 was contributed from this source. Now if dependence upon the party organization for nomination subjects a man, after his election to office, to these periodical contributions, which are to be used in large part for the payment of other men's nomination expenses, it is evident that the real cost to him of his own nomination at present is far greater than at first appears. May it not fairly be assumed that he would spend less in the long run under a system which at one blow relieved the party of the necessity of holding conventions, placed the whole cost of primary elections upon the state, and made the candidate indebted for his nomination, not to the organization, but to the party at large?

As to that portion of the expense of nomination under the convention system which in no way falls upon the candidate, but is actually paid by the party organization, is it any advantage, looked at from the broadest point of view, that it should be so paid? When a candidate pays the whole cost of his nomination himself is he apt to be more, or less, independent than if part of that cost is paid by an organization, the finances of which, as well as the control of nominations, are in the hands of a small, irresponsible group of men? It is no argument to say that, in any event, the expenses of a candidate's campaign for *election* are partly paid by the party, for in this latter case he is the chosen representative of the party, and, as such, entitled to its assistance. As a candidate for *nomination*, on the other hand, he is merely an applicant for this representative position, and if any portion of his expenses in this capacity is paid by the party the result is merely to render him the more indebted to the little group of men from whom his nomination emanates. Governor Kitchin, of North Carolina, continuing the passage from his inaugural address above quoted, says: "*If others pay his (the candidate for nomination) expenses, he will feel under obligations to them, and will not be in a position to render the people his best service, especially in matters involving doubt as to the path of public*

duty. The public should insist on having every official free from obligation for his nomination for office except to the people."

As to the sources, other than candidates and office-holders, from which the party organization itself derives the money with which to pay the expenses of nominating conventions, Mr. Everett Colby is reported by *Collier's Weekly* to have said: "It is better for a poor man to stump on the streets, speak from cart-tail or soap-box, or make a house-to-house canvass, than to have him elected by money furnished by corporations or by wealthy and interested individuals."

Finally, as to the *character* of the candidate's expenses under the convention system and the direct primaries system respectively—which is of more benefit to the community as a whole, that huge sums of money should be wastefully and extravagantly spent for party conventions, and objects incidental thereto, or that similar amounts should be disbursed by the candidates for nomination themselves, in traveling about making speeches, and in printing and distributing literature in advocacy of their claims? Which form of expenditure is of greater educational value? Here, as elsewhere, one must have in mind, not conventions as they might possibly be, but conventions as they unfortunately are; and to suggest that the state conventions of recent years have exercised over the people at large an educational influence of any sort, save perhaps as horrible examples, is little short of ludicrous. On the other hand, anything which forces candidates for party nomination to go about among the voters and attempt to convince the latter that they should be selected, not only brings the candidates into closer touch with popular needs and desires, but extends to the preliminary campaign for *nomination* those educative features which are so often praised in connection with the campaign for *election*.

(2) *As to Representative Government*

The argument is advanced that direct primaries are a blow at representative government. The truth is exactly the reverse. Even if the delegates to nominating conventions were

chosen by the voters with as much care as would be exercised in the election of candidates for office, and were free to exercise their untrammelled judgment—neither of which assumptions is in line with the notorious facts—nevertheless, the candidates chosen by these delegates are, at best, indirectly representative of a small fraction of the party, whereas those chosen by direct primaries are directly representative of the masses of the enrolled voters who participate in the choice.

As to the *principle* involved, the following passage—from Governor Hughes' speech at the dinner of The Hughes Alliance, New York, January 22nd, 1909—is conclusive:

Representative government is government through representatives. We choose officers to do for us what we cannot do or do not think it wise to undertake, ourselves. For example, we cannot well make our laws directly, and so we elect legislators to make them for us. We cannot as a people at large execute the laws and so we select executive officers to represent us in their execution. We cannot in an assembly of the people decide judicial controversies, and so we choose judges to represent us in deciding cases.

But we do not elect men to choose our governors and our mayors and the members of the legislature for us. We elect our governors, our mayors, and our legislators direct. They are chosen by direct vote of the people. These officers are none the less representative, and we have none the less representative government, because we choose them by direct vote. If any one were now to propose that we should elect a body of men to choose our governor for us we would laugh at him. If any one saw fit to argue that this was necessary to the maintenance of representative government we should think the argument ridiculous.

Now, if we elect a governor by direct vote of the people, how is it a subversion of representative government for the enrolled voters of a party to choose their candidates for Governor by direct vote? If we elect an assemblyman in an assembly district by direct vote of the voters in that district, why should not the members of the party in that district decide directly who should be their representative as a candidate for the assembly? Is the one any the less representative government than the other?

The candidates of a party are the party representatives in running for office, as the elected officer is the representative of the people in discharging the duties of the office. If we are to make party government analogous to the general government then we should elect the party representatives by the direct vote of the members of the party.

(3) *That State-Wide Direct Primaries Favor Populous Centres as Against Rural Districts*

This argument, in various forms has been used, perhaps more widely than any other, to discredit Governor Hughes' recommendation of a direct primary law for New York state.

The statement has been made by almost every opponent of the system that such a law, if adopted here, would result in New York City, Buffalo and Rochester's obtaining all the state offices, and controlling state offices, and controlling state elections, to the exclusion of the smaller cities and the rural districts.

Actual experience does not warrant any such assertion. Governor Warner of Michigan, says in a letter: "This statement that the primary system of making nominations favors the populous centers as against the scattered rural populations is not borne out by experience here in Michigan. At the last primary election there were three candidates for the Republican nomination for Governor. My chief opponent as well as myself reside in villages of less than one thousand population, while the candidate who received the smallest vote lives in the city of Detroit." The Hon. M. M. Beck, of Holton, Kansas, editor of the *Holton Recorder*, writes: "Eastern Kansas is thickly populated, western Kansas sparsely. In the western part of the state many large counties have only from 400 to 1,000 voters, and there is no special kick coming from western Kansas. The primary law is as popular there as in the more densely populated districts." F. S. Jackson, the attorney-general of Kansas, bears similar testimony as follows: "The primary system does not favor populous centers any more than the convention system; in fact, not so much, as under the convention system the populous centres are given very large representation. The delegates are usually chosen according to the dictates of party bosses, and, when assembled in convention, they have every opportunity for trading and arranging to cast the vote of all the populous centres together to defeat the rights of the rural population." Senator-elect Joseph L. Bristow, of Kansas, bears similar testimony: "In our state the primary did not favor the populous centres. The man best and most favorably known will receive the votes of the people, regardless of the section of the state in which he may live." In support of this statement it may be noted that, of the eight principal state officers nominated by direct pri-

maries and elected last fall, six came from cities or towns of less than 3,000 inhabitants, one from a city of 4,851 inhabitants, and one from a city of 10,862 inhabitants. The five largest cities of the state are not represented on the state ticket.

Secretary of State James A. Frear, of Wisconsin, writes as follows: "In Wisconsin, Milwaukee, the metropolis, has over 300,000 inhabitants. The second city, Superior, has approximately 40,000. Of the five state officers elected under the primary election only two, the Lieutenant-Governor and Attorney-General, represent cities of over 5,000 inhabitants, and several of the state officers come from still smaller communities. The unsuccessful candidate for Attorney-General was from Milwaukee."

Of the 21 governors, now in office, who were chosen by direct primaries, six come from towns of less than 1,000 inhabitants, six more from cities or towns of less than 5,000, four from cities of less than 20,000. This makes sixteen out of twenty-one who come from cities of less than 20,000 inhabitants. Of the remaining five, one comes from Birmingham, Ala., population 38,415; one from Portland, Oregon, population 90,426; one from Memphis Tenn., population 102,320; one from Kansas City, Mo., population 163,752; and one from Chicago, population 1,698,575.

These statistics, which were furnished by the Secretaries of State of the several states above mentioned, are a conclusive answer to the assertion that, under the direct primaries system in New York, all the state officers would go to the large cities, and the country districts would be left unrepresented.

The sudden solicitude of convention system politicians for the country voters has its amusing side in this state. One would suppose that the conventions at present were usually strongly influenced by the country delegates, and that the tickets nominated contained at least a reasonable number of rural candidates. If, however, we look at the Republican state ticket of 1908, nominated by a state convention, we find, as shown by the foregoing table, that the candidate for Gov-

ernor came from New York City, the candidate for Lieutenant-Governor from Syracuse; the candidate for Comptroller from Albany; the candidate for Treasurer from Rochester; the candidate for Secretary of State from New York City; the candidate for Attorney-General from Buffalo. Has the rural voter ever heard of these obscure hamlets? The only candidate who came from what might be called the rural portion of the state was the State Engineer and Surveyor.

Who are the leaders in the deliberations of state conventions? Those who control the machines of New York City, Buffalo, Rochester, Syracuse and Albany. A little reflection will further reveal to the fair-minded reader the fact that the cities tend to produce powerful political machines far more than do the country districts, and that any system which ensures to these machines the control of nominations, is not a system which has at heart the interests of the rural portion of the state.

If, then, it is the proved experience of other states that the large cities enjoy no preponderance in the *distribution of offices*, why should not the same hold true in regard to the *general control over nominations*? Any expectation of a contrary result must rest almost exclusively on the unsupported assertions of those party leaders who are opposed to direct primaries.

“Large centers of population would dominate primary elections,” says Mr. Wadsworth. *So they would at the general election if they voted as a unit. But large centers of population do not vote as a unit, at the general election, and neither would they—at the primary elections.* Big cities probably have a greater influence under the convention system than they would have under the direct nomination system; New York county, with Erie, dominates Democratic state conventions. Tammany dominates New York City Democratic conventions. New York county is not without influence in Republican state conventions, as the effect of Representative Parsons’ successful support of Governor Hughes at the last two conventions proves. If Tammany has a bare

majority of the Democratic votes in this city, it casts the whole strength of the city in a Democratic state convention. Under the direct system, if Tammany had only a bare majority, almost half the party votes of this city could co-operate with anti-Tammany elements in the rural districts. *The Anti-Tammany Democrats in this city are voiceless now.* Under the direct system they would be effective in the measure of whatever strength they possessed. This illustrates the fallacy of the Speaker's argument." (Quoted from an editorial in the *New York Tribune* of February 8th.)

What the direct primaries system will really prevent is the present dickering as to these nominations among party bosses, and their geographical distribution between the several local organizations on the same basis as appointive patronage. It may well be that under direct primaries some leaders will secure fewer offices for their henchmen than under the present system, but the average voter will shed few tears over such a result.

(4) *That "Plurality Nominations" Are Unfair*

The argument that the direct primaries system is unfair because it permits the selection of candidates by a mere plurality of the party, has a strange sound as coming from the lips of those who support the present method. If it is such a dire evil—an evil that must be prevented at all costs—that something less than an absolute majority of the enrolled party voters shall be able by direct vote to select the party candidate, what shall be said of a system under which two or three per cent of these enrolled voters in a bare majority of the election districts can name the delegates to each Assembly district convention, and a bare majority of these Assembly district conventions can in turn choose delegates to the state convention, and a bare majority of the delegates so chosen to the state convention can finally have the privilege of registering the decision previously arrived at by a dozen men in a back room! To what extent the average nomination under this system can be regarded as a nomination by the majority of the party, the reader may decide for himself. Instead of rejecting the direct primary

because it fails to ensure the ideal result, namely, that all nominations shall represent the actually expressed will of a majority of the enrolled voters, we should rather hail it as the method above all others by which, under actual conditions, this ideal may be most nearly approximated!

Approach the question from another standpoint. Why should one condemn in the case of the *primary* election a criterion of popular choice what for years has been all but universally accepted as decisive at the *general* election? If a plurality of the people's votes may elect a man to public office, why should a plurality of his party's votes be insufficient to elect him candidate for that office?

(5) *That Direct Primaries Would Prevent "Fusion," and the Non-Partisan Nomination of Judges*

A careful study of the facts fails to disclose any foundation for the above assertion. What is the one controlling influence which first prompted, and has more and more frequently compelled, the party leaders to adopt this policy in regard to judicial nominations? What force has generated such widespread discontent with a dominant machine as to break down the traditional partisanship of majority party leaders, and unite them with independent organizations in a "fusion" campaign? Obviously the answer is to be found in *the development of public opinion*. The party "leaders" have not been the leaders in this movement. Their desire has been for a straight ticket victory and for the distribution of nominations on the basis of services rendered to the party organization. It is not they who have educated the people to disregard party lines, for the sake of independent judges or honest city government. It is an increasingly enlightened public sentiment which has wrung from them a tardy and reluctant recognition. Would the direct primary system—increasing, as it does, the *popular share* in the nominating process, and reducing to a minimum the opportunity of narrow-minded partisanship to obstruct the operation of public opinion—be apt to *decrease* the frequency of non-partisan judicial nominations or fusion tickets? Would it not rather *increase* the likelihood of such enlightened action?

It is perfectly possible to provide in a direct primary law that a candidate for judicial or other office may have his name placed by petition on the primary ballots of all parties.

At least a portion of the press may be trusted to bring the facts in regard to such candidacies to the knowledge of every man who reads and who takes the slightest interest in electoral campaigns. The ultimate decision, then, rests with the voters, and provided only that the situation be clearly brought to their attention, the friends of good government will be content to leave the result in their hands.

Mr. Charles H. Young, President of the Republican Club of New York City, spoke, in a recent address, as if a direct nominations law would make it impossible for party leaders so to control the action of their obstinate and blindly partisan followers as to prevail upon the latter to vote for a candidate of the opposite party. On the contrary, it will leave the average party voter—who sets far less store by regularity than does the average party leader—free to follow that course which the *real* leaders of opinion in the community are constantly making more familiar and more acceptable to him. Under direct primaries it might not have been possible for Pat McCarren—against the protests of all the newspapers—to turn down Judge Blackmar, a Republican, and nominate his personal counsel in his stead. The fact that Blackmar and Stapleton, the non-partisan candidates, were chosen on election day, proves that the people of Brooklyn were more to be trusted in such matters than the party bosses. The only sort of “fusion” which direct primaries will render more difficult is that which Speaker Wadsworth described—either unwittingly, or because it was the only sort with which he was familiar—namely, “fusion” based on a division of the offices between the contracting party machines. The value of this sort of thing was well illustrated by the fate of the Hearst-Republican “fusion” ticket in the New York City election of 1907. However good the intentions of the Republican leaders may have been, their campaign was based on a *bargain* rather than on a *principle*. The loss of this type of “fusion” will be of little moment to the community.

(6) *That Direct Nominations Permit the Voters of One Party to Participate in the Primaries of Another*

In closing we may consider for a moment the argument that under the direct primaries system, the voters of one party are given an opportunity to take part in the primaries of another, for the purpose of forcing upon the other a weak or unfit candidate. In support of this assertion it is urged that in Missouri last fall, the purchasable element in the Republican party, by participation in the Democratic primaries, succeeded in defeating Governor Folk for the nomination for United States senator in favor of William J. Stone. Similar unfortunate results, it is said, have been experienced in Minnesota and in several other states. In order to demonstrate, however, the utter irrelevancy of this "argument," it is only necessary to call attention to the fact that there are two kinds of direct primaries—the "open primary" and the "closed primary." Under the "open primary," which is the system in force in the states above referred to, the voter who desires to take part in a primary election, on entering the polling place either asks for the party ballot, which he wishes to have given him, or in other states, is given a "blanket ballot," containing (as do the ballots at general elections in New York) the primary tickets of all the parties; or, in still other states, is handed a packet containing the separate primary ballots of all the parties, and instructed to use whichever ones he wishes, and leave the rest in the voting booth. *According to all of these methods, each voter may vote for the candidates for nomination of any one party, (though obviously not for those of more than one), and no attempt is made to prevent Democrats from taking a hand in Republican nominations, or vice versa.*

It is not, however, any of these forms of the "open primary" which Governor Hughes has recommended for New York state. It is the other system—the "closed primary"—which he advocates.

Under this system participation in the primaries of any party is limited by law to the members of that party. As in the case of the "open primary," however, more than one form

of the "closed primary" is possible, the difference consisting in the *method by which party membership is determined*.

Under one form, there is no party enrollment, such as we are familiar with in New York state, but the voter, on entering the polling place at the primary election, is asked which of the several party primary ballots he wishes to have given him. He must answer in a good voice, and if any person present has reason to suppose that he is trying to obtain the ballot of a party to which he does not belong, such person may challenge him and compel him to take an oath as to his party allegiance. This provision has often been found inadequate to prevent the members of one party from participating in the primaries of another.

The second form of "closed primary"—the form which Governor Hughes recommends—is one under which the same method of party enrollment which is now in use in New York State for *indirect* primaries would be applied to *direct* primary elections. *Under this form of "closed primary" no voter could participate—any more than under the present convention system—in the primaries of any party of which he was not a duly enrolled member.* It is thus obvious that the argument against direct primaries, which might have some force as applied to the "open primary," or to the "closed primary" without party enrollment, has absolutely no bearing upon the direct primary law recommended by Governor Hughes.

Current Literature. 49: 5-7. July, 1910.

Governor Hughes's Last Political Fight.

To the objection that the elimination of the nominating convention means the destruction of party organization, Governor Hughes replies:

It is not those who seek to control party machinery for the benefit of themselves and their friends who give wholesomeness to party life and afford assurances to party success. The party life will be vigorous and its representation faithful to the extent that the rank and file of its membership, representing broadly its intelligence and spirit, have opportunity to make their wishes decisive in party action. This is not hostile to leadership that is worthy of the name; that will be encouraged. It is hostile to that

spurious leadership which seeks through the use of public offices to construct a virtual despotism, whether it be to gratify an ambition for power or to fill the pocketbook, or both.

Eclectic Magazine. 146: 79-82. January, 1906.

Direct Primary Nominations. William Hemstreet.

In our present spasm of political virtue it would be ungracious to discount any sincere proposition for reform unless something clearly better can be substituted. Individual independence at the late municipal election in New York City was the reaction anticipated from a long period of boss-blundering, and it showed the latent potentialities of the people. We must mark the campaign of Jerome and Hearst as instructive. They, without caucus, primary or convention, and from sheer popularity, were spontaneously nominated in spite of organized taboo. Now a multitude of reformers are urging new methods to correct nominating evils without these violent, expensive and risky revolutions.

The plan now receiving favor is that of the people at the primary directly nominating the party candidates without the aid of a convention. This would only be going backward; for two or three generations ago that was practiced when the population was sparse. The Athenian democracy made laws by a popular vote in the open forum, or market place. But great masses of people cannot come together, so they choose delegates to make their laws. It is necessarily the same with a great party. Our two great parties are here as a matter of fact, with their old-time methods, simplified, which can no more be wiped out than the mountain springs, the creeks and the rivers. Their system is an unwritten constitution of the land. It is a fact that delegates can work with more facility than the mass because they are chosen for having a broader knowledge of public necessities and individuals.

But it would seem that this direct nomination fad is only another device of political dudes for sneaking out of the caucus where the duty of the citizen commences. If independents desire to ignore the caucus and the convention, why do they

not ignore, also, the other part of the system—the primary—and then nominate by popular clamor?

But the worst effect of direct nominations would be their inevitable minority rule. The independents would be so divided by a multitude of clique and personal preferences that the organized machine would easily carry off the plurality vote. Thus the party would have to go before the people with a minority candidate who is always weak. In our country the majority must rule, from stem to stern, or we shall become politically tropicalized. The political caucus is only the natural pre-consultation and pre-arrangement common to all social movement. It prevents confusion and is a simple method of pre-converging the party wish. It does not jeopardize the party by allowing some unworthy but eager candidate to push himself ahead with a plurality vote in the secret and furtive surprises of a direct primary voting. The people might have a trial of it for a year or two, but they would return to the old beaten track. It is doubtful whether even that innovation will arouse us from our apathy. All old-timers say it will not. If system is required in legislation and in the election, it is all the more required in the nominations. Direct nominations for public office would tend to break up all system.

Now a final word as to the organization of the independents without direct nominations, adhering to the old-fashioned way. The reform must begin with the people, the neighbors in each little polling or election district. It has been a trick of the politicians to make that unit of representation so small that there is no place in it for public assembly. Here is a great opportunity for the young patriot of worthy political ambition. His neighbors will be his constituency that will outnumber the machine. Let the New York City voter get from the "City Record," in the basement of the City Hall, for five cents, a printed list of all voters in his Assembly district, with their residence and politics. The board of elections of any borough will give him for nothing, or any newspaper will for ten cents, the election and primary laws. Then he is armed and equipped to go into the caucus of the machine, to

which all are invited, although if not invited, to hold a caucus of his own and draw up his ticket for the primary which the state officers there will honestly canvass. Thus, good men as delegates being chosen they would make up wise and unpurchasable conventions that no boss could control by patronage nor any aspirant by money, and that would make the present election and primary laws good enough, without amendment.

If we undertake to have a popular government we must assume popular responsibilities. The Assembly district committee with its executive member is useful in routine work, but the trouble is that by their concentrated authority they have assumed to dictate nominations and patronage. Then for this new primary district of seven election districts the board of elections could more practically find a meeting room for caucus or deliberation. A delegate from every election district in a county committee would make such a pandemonium of from 800 to 1,200 that they would quickly cry out for a boss. The above new apportionment, along with the amendment of the primary law allowing no one as a delegate or permanent committeeman who is on the public payroll, also voting in all committees and conventions by ballot only, will clear the political atmosphere.

It is these three evils that have reduced the interest of the party, namely: Indirect representation by the election district association, patronage-slavery in committees and conventions, and the crack of the machine whip through voting by voice.

But while conventions should be retained for public official nomination there might be direct voting for party administrators, because they stand in a relation to the party that a public official does to the public. The voter for them at the primary is like a delegate in a convention, voting directly for his object. If a domestic minority wins that is no concern to the public. The principle must be established, that delegates should not vote for other delegates. Direct voting for public officials would be disorganization, but it would be good organization as

applied to the party administrators, such as committeemen and their officers, as that ticket is wholly cut and dried beforehand, and, to save time, the voters would assent.

We are inching along toward electoral perfection, the main step to which is a popular caucus. Without that no new rules will be effective. Let us be patient and persistent or else own up our treason to the country.

Forum. 42: 493-505. December, 1909.

Nomination Reform in America. Clinton Rogers Woodruff.

Party labels having so much value and significance, and the artful politician making such powerful use of them for his own ends, the question of determining who should bear them has become a dominating one in American politics. And the demand for direct nominations is the natural fruit of the awakening consciousness of the American voter to the fact that his part in politics consisted in choosing between two or more lists of candidates set up, sometimes by rival politicians, oftentimes by the same group of men operating under two or more party banners, and in the selection of which, nine times out of ten, he had no say, or real opportunity of saying anything.

The convention was the approved means of the politician to effect his ends. Composed of men unknown to the public and of no further responsibility to those who elected them, but personally known and responsible to the politicians, the convention carried out the will and wishes of its masters and went out of existence unhonored and unsung.

In theory the party convention, like the electoral college, was admirable. Composed of representative men really reflecting the highest aspirations of their constituents, its deliberations concerning candidates would be worthy of the support of their fellow-partisans, on the basis of merit; but the opportunities for manipulation were too obvious and the convention soon became, first in the more populous centres and

then practically everywhere, what we now know it to be, the automaton of skilful manipulators.

The direct primary, which is practically the only immediate remedy suggested for the undeniable and I think generally conceded evils of the convention system, has been bitterly opposed, not only by the politicians, whose nomination monopoly has been undermined and in many instances destroyed, but by the theorist, who still regards the ideal of the convention as feasible, by the natural opponents on principle of the growth of democracy, and by some well-meaning but momentarily blinded believers in the right of the people to rule.

Nomination reform in the form of the direct primary is objected to: because it does not put the "organization" or the "machine" out of business; because it makes it virtually impossible for any one "excepting moneyed men or demagogues to be elected to office"; because it facilitates Democratic voting to make Republican candidates and Republicans helping to choose Democratic candidates; because it results in the election of a Democratic United States senator in a Republican state; because in nine times out of ten there is no issue, no platform, "not one step forward is taken in educating the people in the issues which confront them"; because it unnecessarily imposes two elections and two campaigns upon the taxpayers and upon the candidates or their friends; because the party, as such, has no voice in selecting its candidates; because the ballot is so long; because it takes so long to vote the ticket; because certain candidates unfairly profit by the alphabetical arrangement; because "it takes too blamed long to get returns"—but as the one offering this last objection was frank enough to say: "Under the old caucus one knew in a few minutes after it was over just what had been done, and in most cases one was able to tell with reasonable accuracy just what was going to be done before the caucus was held."

Practically all the objections that have been urged against the direct primary are objections which can, with equal force and effect, be urged against the convention system. The new

system, when fairly tried, tends to diminish rather than increase them. Those who speak of direct primaries making two elections instead of one overlook the fact that all delegates to conventions have heretofore been elected at primaries in form at least, and that therefore there were two elections under that system, as well as under the new one. It is true that under the convention system the primary elections were held under the auspices of the party and the state was under no expense, but the argument in favor of the state bearing the expense of and conducting the primary election rests upon as solid ground as the contention that the general election ballots should be prepared and distributed under public supervision and at public expense rather than by the parties.

The arguments advanced under this head are precisely the same as were urged against the Australian ballot system when it was introduced some years ago. It is now generally conceded, I believe, except by a very small and diminishing group of men, that the preparation and distribution of the ballots at the general election is a proper function and expense of the state. The fact that the old line politicians have fought this particular provision so strongly is an indication that it destroys a part of their privilege and monopoly. On principle it seems to me that there ought to be no question that all that relates to the making of nominations and the conduct of elections (the nominations being a necessary precedent to the election) should be carried on under state supervision and the expense borne by the state.

As to the objection on the ground of the length of the ballot, that is due to the great number of elective offices that voters are called upon to fill. The trouble lies not with the direct primary, but with the American custom of multiplying the number of officers to be chosen by election. One of the main arguments of Speaker Shurtleff of Illinois in opposing the Illinois direct primary law (recently declared by the supreme court of the state to be unconstitutional) was that "it would not be possible for intelligent men to vote

as they wished because the ballot would be three feet long"; but as a leading "down state" paper pointed out, the sample ballots then being distributed showed the utter absurdity of Shurtleff's argument. "True the Republican primary ballot is 'a yard long,' " it declared, "but it is by all odds the simplest ballot that Aurora voters have ever been given. All one has to do is to run his eye down the list and mark a cross in the square in front of the name of the man for whom he wishes to vote. The ballot given the voter at the general election in November with its multitude of names of men in every party is like a problem in quadratic equations as compared to the primary ballot."

The Australian ballot, which for years has been in use in Massachusetts, provides for the alphabetical arrangement of names under the head of each office, and we know that that ballot has not prevented the election of the candidates desired by a majority of the voters of the state. . . . In Philadelphia in February, 1907 at the time of the inauguration of the new primary law, the successful Republican mayoralty candidate's name began with an "R" and he was about two-thirds the way down. The name of his nearest competitor began with a "W." On the City Party and the Democratic tickets, the names of the successful mayoralty nominees began with "P."

The objection that in the large precincts, on account of the fact that it takes so long to vote, voters get tired of waiting for their turn and go home without casting their ballot is almost a trivial one. The remedy for this difficulty is extremely simple. Make more booths and shorten the ballot.

So much for what may be termed the mechanical objections. As to the averment that the new system gives opportunity for all sorts of manipulation by members of one party casting their votes for a nominee to be placed upon the ticket of the other, thus inviting the nomination of weak candidates for the express purpose of overthrowing them, experience has not shown this to be well founded. There have been instances where this has been done, but subsequent devel-

opments showed that the people actually wanted the weaker candidate.

One of the encouraging features of the discussion of the Ames episode is to be found in the editorial of the St. Paul *Pioneer Press* which said with great force and entire truthfulness—"There is no doubt that he (Ames) did receive a large number of Democratic votes, but there is no reason to believe he would not have received the Republican nomination. Furthermore what Democratic votes he received were *bona fide*, the returns of the final election indicating that he held all the Democratic votes he had received at the primaries. Now, if this means anything, it means that the citizens of both parties wanted him for mayor. It was an unwise choice, as every well-posted voter knew at the time, but it was nevertheless the choice of the people of Minneapolis, and certainly that can hardly be called popular government which would deny to such an overwhelming majority as voted for Ames at the primaries and at the election the right to have the candidate and mayor it desired."

It is frequently asserted that where one party is in an overwhelming majority it can dictate the minority nominations. This is measurably true in some places, but it is not likely to continue so, inasmuch as such a policy inevitably reacts on those responsible for it. In Philadelphia in February, 1909, the dominant party nominated one of its men on the independent party's ticket by a successful diversion of its vote and invasion of the other party's camp. The Independents changed their party name and nominated their men under it, and they had a campaign issue ready made for them, and at the succeeding primary election the Republicans had all they could do to nominate their own candidates on their own ticket to attempt any outside job.

The allegation that primary election contests engender so much feeling within the party that it enters a campaign greatly handicapped merits careful consideration. The *Nashville American* has put the case, so far as this point is concerned, in this wise:

A few more state primaries, and Tennessee will land in the Republican column. Nothing is more conducive to party dissension, antagonism and disruption than primary elections. Tennessee has had two state primaries, one for senator and one for governor, and they were both fair in ascertaining the popular will. But each left scars, and each weakened the party loyalty of many voters. The primary plan, if persisted in, will destroy all effective party organization. It means a campaign for the nomination and another campaign for election, with increased opposition. County primaries where one party is in an overwhelming majority may do well enough, but even then they serve to reduce the vote in the regular election, which is a bad result. The primary has been tried in congressional districts in the state, and in every instance the party has suffered. The convention plan is unpopular. There ought to be some other method of making nominations. The *American* has favored the election of delegates from districts to county conventions, the counties to send delegates to the congressional and state conventions, something after the plan of the primary for governor, but even that primary seems to have been an injury to the party, though it was as fair as could be. No matter what anybody has advocated or opposed, the primary system is prolific of trouble.

The editor frankly confesses that even the system he favors is likely to be prolific of soreness and, therefore, an injury to the party at the later election. Such a condition is likely to occur under any system, and after all if the people of a community do not want a man, he ought not to be forced upon them *volens volens*.

Shortly after the defeat of David P. Jones for re-election as mayor of Minneapolis, in 1906, there was considerable hue and cry against the system. The editor of a leading paper wrote at the time that his paper had taken the position that the primary law in its present form in Minnesota was not satisfactory; that it had not produced as good results as were anticipated and that, if possible, it ought to be revised.

"At the same time," he continued,

we have not settled upon any plan by which the defects of the law may be corrected. We find by experience that the primary campaign develops so much friction among members of the same party that the hostility engendered toward the successful candidate among those of his own party is so intense, that it cannot be allayed and the opposition mustered in support of the successful candidate. Ordinarily party support for a candidate is not a matter which concerns us materially in municipal elections, but there are times when party support is important. For instance, in our late municipal campaign there were two candidates for the Republican nomination—one of them Mayor Jones, who put on the "lid," stood for Sunday closing in his campaign, for the abolition of public gambling and other reforms for the promotion of the public morals. He was opposed within his own party by a man who declined to commit himself to anything in particular, but who was understood to be the candidate of the brewing interest.

Mayor Jones was successful in the primary by about 800 votes, but when it came to the regular election it does not appear that any of the Republicans who voted for the other Republican candidate in the primary voted for Jones. They were so thoroughly committed against him in the primary campaign that it was impossible to get them into line again. They seemed to have gone over bodily to the opposition, and Jones was defeated by 3,500 votes in the regular election. The candidate opposed to him on the Democratic ticket in the first campaign speech also declared for the "lid" and his intention to keep the saloons closed on Sunday, although his policy during a previous administration had been very loose as to public vices. If we had had a convention, Jones would have been nominated and nominated without the bitterness of feeling which was aroused in a long primary campaign. The delegates would have been pledged to his support by their participation in the convention and practically a full party strength would have been voted for him, and he would have been elected.

To this the reply was sent—

Of course one cannot judge of your local conditions at this distance, but it would seem as if the people of Minneapolis wanted a wide-open town, and if they did I am enough of a Democrat to believe that they should have what they want, even though they may be mistaken in their desire and ambitions. You speak of the Republicans who voted against Mayor Jones in the primary as voting against him at the general election. It is to be presumed from what you write that they did this because they disapproved of his policy. If they sincerely disapproved of his policy, would they not be stultifying themselves if they voted for him simply because he bore a particular partisan badge?

You will understand, of course, that personally I am a great friend and believer in Mayor Jones, but my point is that in the last analysis the will of the people should prevail even though temporary disappointment and embarrassment may result. In short, I do not believe that there is any philosopher's stone of a constitution or of a statute as Governor Russell put up some years ago that will effectually save a people from themselves.

This editor's position, although honorably and honestly taken, was a mistaken one. The cause of democratic government suffered not at all, or at most only a temporary check, through Jones's defeat, whereas it would be checked and seriously hampered if the direct primary laws were curtailed.

The charge that the direct primary facilitates the election of the rich man and "renders it impossible for any except the rich man or the demagogue to be elected" cannot be seriously taken even though urged by men of such high standing in party counsels as former Secretary Leslie M. Shaw. The latter part of the objection contradicts the former. Under the direct primary there has been sufficient experience to furnish convincing replies to the contrary. Certainly neither Chamberlain of Oregon, Gore of Oklahoma, Jones of Washington, or Bristow of Kansas, can be classified as rich men nor

as demagogues, even though one may not agree with their views. Those who urge this objection cite the case of Senator Stephenson of Wisconsin, but the point loses its force when we recall the scandal in connection with the election of W. A. Clark of Montana under the old plan. Any system will afford opportunities for chicanery and corruption. The question is which affords the most resistance to such practices, the old indirect methods or the modern direct primary?

The claim that the direct primary eliminates the party platform, and the education of the electorate in the political issues of the day does not seem to be borne out by the facts. So far as one's observation goes, the system provokes rather more than less in the way of platforms and political discussion. There has certainly been a great increase in the number of organizations designed to assist in the promotion of such discussions, and to guide voters aright through the tangled mazes of the long ballot and the numerous issues involved.

As to the government by the mob, that is an argument that will find little favor in American ears, for with all our shortcomings in the matter of self-government, the charge can hardly be laid at our doors that we act like a mob. There is a considerable measure of emotionalism and no little mistaken or irrational action, but manhood suffrage has so far not been so conspicuous a failure as to lead to any general demand for its abolition. The tendency is toward a broader basis of suffrage rather than toward a more restricted one. We are committed to a government of the people and for the people, and above all by the people, and we might just as well realize it.

Harper's Weekly. 55: 20. March 25, 1911.

Direct Primary in Action. L. J. Abbott.

The direct primary, like the initiative and referendum, the recall, or any other step toward pure democracy, is no civic cure-all. It works or fails to work, exactly as the convention

works or fails to work, depending entirely upon the men who work it.

So far as I know, it has been rejected by no state which has once adopted it. So the judgment in the aggregate is decidedly in its favor. Yet the direct primary, as it has come under my observation for a series of years, has certain palpable defects that can in a large measure be remedied.

The first question to be settled is whether you shall have an "open" or a "closed" primary law. The open primary has the names of all the candidates arranged in parallel columns upon a single ticket. This is the law that prevails in Wisconsin and Nebraska. Under such a system the elector is given a ballot with the candidates of every party upon it. In the booth he is free to vote in any column, although in Nebraska no one is permitted to cross over from one column to another. In Wisconsin, I believe, there is no such limitation.

It is readily seen that by the open primary party distinctions are quickly eradicated. This probably makes for good government. There is no question that, had it not been for thousands of Wisconsin Democrats forsaking their own candidate and voting for La Follette, that bundle of fearless energy would long ago have been relegated to private life. But on the other hand the open primary in Nebraska, this very fall, permitted thousands of "whiskey Republicans" to vote for the "wide-open" Democratic Mayor of Omaha, and thus nominate him for governor over a conservative and earnest Democrat who had made a good record as governor, and was undoubtedly the choice of a considerable majority of his party.

Again, under the open primary it is possible for one party to present but a single candidate for each office; then upon primary day most of its electors can vote for the weak candidate of the opposition, and thus make him the choice of their opponents. This is an expedient much discussed where the open primary prevails, yet I must confess that I have never known the trick to succeed, except possibly in the case of the Omaha mayor mentioned above. It should be explained that

there were two Republican candidates in Nebraska last fall, so this is not exactly a case in point.

The "closed" primary requires all electors to give their party preference when they enter the election booth. A ticket is then handed them in accordance with their previously declared party affiliation. In this way the electors of one party cannot dictate the nominees of another. But on the other hand there are many citizens who do not affiliate with any political party, who are thus disfranchised at the primary. These independent citizens are often the best educated and most thoughtful men in the community, yet under the closed primary they are tabooed from selecting men for office because they refuse to wear a party label. Again, many party men, for reasons of their own, often prefer not to disclose their party preference. They, too, are disfranchised by the closed primary, while the Wisconsin plan allows every one a choice. In this respect, as well as in the facility afforded men to shift from one party to another, the open primary is far more democratic than the closed primary that prevails throughout the South.

Having determined the kind of a primary to be adopted, the next question to be considered, and by all odds the first in importance, is the number of candidates to be subject to the primary law. This is the chief defect of every primary enactment with which I am familiar. To illustrate: In the Oklahoma primary election of August 2, 1910, the Democrats were compelled to make choice among ninety-five candidates who were aspiring for no less than thirty-seven offices. The Republicans had eighty-nine candidates seeking thirty-eight offices.

Out of this grand hodgepodge of good, bad, and indifferent, how could the elector make any intelligent choice? He was assailed with countless letters, handbills, printed speeches, newspaper articles and public addresses. In the hurlyburly of the primary it was all but impossible to get the truth regarding any aspirant for office one did not know personally.

One attending a "candidates' barbecue" just previously to the primary cannot but be nauseated by the fulsome praise candidate after candidate gives himself. A man of keen

sensibilities revolts at the unseemly scramble, at the self-laudation, and the tacking up of his half-tone picture at every cross-roads, like advertisements for patent nostrums. Men of high ideals will not enter such a race, and the field is left clear to the calloused and the demagogue. The man who wins is the hand-shaker, the "jollier," and the fellow with the Sunny Jim smile.

Now this is not true of the men at the head of the ticket. In Oklahoma a blind man, not burdened with wealth, defeated a millionaire banker for the United States Senate merely because the people understood the issue and wanted the blind man to represent them. There are five or six offices that every elector is interested in. For these, men are put forward and nominated that the people really want. But a large number of very important administrative offices are almost totally overlooked. It is true sometimes, for a particular reason, that some minor contest is brought prominently to the front, and then most of the voters will inform themselves regarding the merits of the respective candidates for this office, but this is the exception, not the rule.

I can vouch that I have heard a hundred men of intelligence ask, just previously to voting, regarding the qualifications of certain candidates for offices of highest importance. Quite as frequently the answer was, "I don't know any of 'em, I just voted for the first fellow on the list." And the first fellow on the list got the nomination. This very year an Hon. L. T. Burnes, regarding as hopeless his candidacy for State Commissioner of Insurance of Oklahoma, gave up the canvass, withdrew his name, and went off to Central America. But the ticket had been certified up to the printer, his name went on the ballot, and, beginning with "B," it happened to come first in the list. So in spite of the fact that Mr. Burnes was no longer a candidate and had left the country, he was nominated by a handsome majority.

This same fall Wisconsin outdid even this. In that state a candidate for Attorney-General was nominated who was dead. The Oklahoma aspirant for civic honors was finally lo-

cated and brought back to run his race. Wisconsin could resort to no such expedient.

The remedy is not difficult to suggest: Nominate but a few of the most important officials. Let the executive appoint his executive helpers. Then hold this executive to a strict accountability for his appointees.

Has it not been shown that the direct primary, like every measure requiring the action of large bodies of people, is in theory useful and effective, but in action often crude and unsatisfactory?

Primary Election Law. M. G. Jeffris.

Aside from the candidates for the office of governor, comparatively little will be known of the others beyond their own immediate surroundings, and they must proceed to make themselves known if they desire to attain the first place in the wild race for office. If this bill operates as claimed by its advocates there will be many candidates. Men who are financially able will run up their lightning rod in hopes that in the jumble to follow—in this free-for-all—they will stand just a chance of being struck. A candidate is selected who receives a small plurality, but who, may be, receives less than a tenth of the votes cast. A man who would have no chance whatever if the party of the state through its representatives had selected its candidates. Would it follow that he is the best man, the most available candidate, or that he had any particular qualification for the place—not at all. Who is he bound to be? He will be the one who has best organized his forces—one who has been spending his time in politics and has the most grafters following in his train—one who can get the most newspapers to blow his horn. Will it be said that this is all true of the convention system? It is not true to any such extent at least.

In convention we assemble from all over the state. There are many men from whom to choose. We select the men whom we believe will strengthen the ticket, men well enough thought

of to draw votes, men whom the people can trust, men whose records are clear and are not subject to attack from the opposition on personal grounds. They are put in office by direct act of the party and they feel that the honor of the party is in their keeping. With a hundred and twenty years of American history how comparatively rare are the betrayals of this trust. What is going to be another inevitable result in a law such as is proposed? A candidate will see that he can save money, time, trouble, and be sure of success if he combines with other candidates. A slate will be made up among the candidates, and when you get that and it succeeds, what have you constructed? A machine. And such a machine as compared with any thing we ever have had in that line as the billion dollar steel trust compares with the country blacksmith.

Under this law great power is given to railroad corporations. They can organize enough voters swiftly and secretly to control every nomination. An individual would be powerless as against them. Under our present system they have never dared to take hand in political matters. Where nominations are made on bare pluralities their means of organization are so great that they would be able to dictate. Corruption in one county under this law would affect the entire state so far as nomination of state officers are concerned.

The last Republican state convention nominated all of the candidates by acclamation. It was generally understood throughout the state that it would be done. No contests were made. The conditions were accepted by the Republicans. Yet had this law been in force each officer would have had to have gone through all the steps required in case of a vigorous contest—and probably everything would have been contested. Your acceptable representative must fight for his seat every election. But a claim will be made that with a man in office he will be so much better known that he can easily defeat all comers. If that is so it will apply to the good servant and the ringster alike and will result in the formation of an office holder's machine. Either one of these opposite results would condemn this bill. What is going to be the situation when either party is confronted with a condition such as that which confronted

the Democratic party of this state in the last campaign? Were there good Democrats in this state who would have gone to the trouble and expense of getting out nomination papers to be nominated last fall? The party in convention had to use its utmost diplomacy to prevail upon men to fill out the ticket. If such a law as this had been in force who would have been the candidates on that ticket? Would they have been desirable men to elect? Would they have been a credit to the party they represent? There are scores of districts of political divisions, which are strongly Democratic. Are you going to get good citizens and leading Republicans to circulate nomination papers to be put upon a ticket which is foredoomed to defeat? The result would be that we would have to have caucuses and conventions to prepare for primary elections just as we now have caucuses and conventions to prepare for regular elections. We can, by caucuses and conventions, obtain the consent of men to run, although defeat is certain, men whose very presence upon the ticket strengthens every part thereof. In districts where the opposition is overwhelming the ticket of the weaker party would at least be of little credit to anyone. I well remember an instance where the Republican party of this state was confronted by a most serious situation. We wanted a strong, vigorous, well-known man at the head of the ticket that he might, if possible, bring victory out of defeat. Such a man as I have described was prevailed upon to head the ticket upon the sole condition that he was the absolute unanimous choice of the convention. Our situation was so bad that even he could not save the day, but he reorganized the party, held us together, brought out the best elements of the party and in the next campaign we were victorious. He made that run in the interests of Republicanism. I know that the campaign was a direct personal sacrifice for John C. Spooner. Where would we have been without a convention? We would have drifted further and further from our moorings and in my judgment continued to drift until we called a convention.

This bill is contrary to the theory of American institutions. We are a republic, not a democracy. Ours is a representative

form of government. You gentlemen were sent here, not to represent yourselves, but to represent your constituents. Why do they send you here, one hundred and thirty-three of you, to represent two millions of people? There are two reasons. One is that it is impossible for the two millions of people to get together and agree upon what laws shall govern them. But like the primary election, laws can be proposed and the whole people vote on them. That is not a Republican form of government. It is a democracy and has been tried and found wanting because with widely scattered individuals, every man acting for himself, it is impossible to carry on the business. When a law is submitted to the people every man examines it with reference to its immediate effect upon him, and he will insist upon having a law that is perfect from his standpoint before he will approve, and for that reason proper legislation could not be obtained. In a Republican form of government we must give and take. A law in some of its provisions may not be quite satisfactory to me. In other of its provisions it may not be quite satisfactory to you, but we must get together and agree upon something that will do substantial justice to each of us. The way we do that is by having a committee, or a legislature, or a convention to settle those questions for us. We are represented and take a personal part in it just as much as though we were personally present. There is another reason why the submission of the laws to the people is not satisfactory. A great mass of the people with their own affairs to attend to, are not capable of selecting the best provisions. They cannot hear the arguments for or against and weigh the matter. Therefore we have a legislature, we have a congress, we have a common council, we have a county board. It is all representation. It is all Republican. It is the theory upon which our government stands. The convention system is a part of that same machinery. We hold a caucus, we send representatives to a convention, and they formulate the principles upon which we, as a party, are going to stand, and they select from a multitude of candidates the men who are going to represent us at the coming election. Do they say that these conventions are not perfect? That they don't

always give the people the best candidates? We answer that legislatures do not always give the people the best laws. That our congresses do not always legislate just as they should. They sometimes appropriate too much money. They appropriate money to wrong uses. They adopt laws that are not beneficial, but upon the whole they do for us much better than could be done if every individual citizen should attempt to take part in the proceeding. They give us on the whole better results than could be obtained by a mass meeting of citizens, or by citizens working through a primary election from widely separated standpoints. This law is a step in the line of the introduction of the initiative and the referendum. They both follow as a logical sequence if this law is of value and is in harmony with our institutions. It is an impeachment of a Republican form of government which is guaranteed under the constitution of the United States. It means that a representative form of government is a failure—that each citizen must act upon all questions. Are the American people ready to render such a verdict? . . . The caucus system is valuable because it brings people together to talk of their common interests. Conventions are of great value in that they throw people from all over the state together and matters of common interest are discussed. It is to the interest of professional politicians that voters should be kept apart. The established bureau will furnish all desired information. Tyranny prevents the assemblage of the people. The people in making constitutions have realized the value of the right to assemble and have put that right beyond the power of abridgement by constitutional enactments.

The caucus and convention system grew and are maintained not for the primary purpose of selecting men to fill offices. They had their origin, and their maintenance is for the primary purpose of selecting and promulgating principles and of then selecting men to carry those principles into effect. Under this bill principles are relegated to the rear. Principles are of no importance. Under this bill the vital question before the people all the time is who shall fill the offices? Not what shall a party stand for, not what are its ideals, but who

shall draw the salary? And the bill is so constructed that the men who hold hardest and fastest to the ideals, and the men who believe in the establishment and maintenance of principles, are sent to the background, while the hustling, pestiferous demagogue who is brazen faced enough to chase up and down the state for votes, is the one who shall administer our affairs. The man whose sole motive is to get an office, declares for us after he has got his nomination what we stand for. Are the American people to cast down its ideals by specific acts of law?

This bill puts the cart before the horse. It makes men the all important issue. It nominates men and then permits them to say what are their principles. It makes no difference whether we approve. It is too late to change. . . . This bill will turn our so-called principles into a candidate's appeal for votes. The true American way is for the people to declare what they want and then select men who are willing and who have the capacity to supply that want. This is the natural method—it is Republican in form—it is American. This system pervades every phase of our national existence. Under it we have grown from a handful to one of the mighty nations of the earth's history. We have grown from poverty to be the bankers of the world. We have grown from half-starved common laborers to a nation of mechanics, well fed, well clothed, well housed, well educated. We are an independent and self-respecting people—all can make themselves felt in caucus and convention. The instances of our representatives betraying our trust are rare. Why then this radical change—where the need of pulling out and rejecting one of the foundation stones on which we have been building with success for more than a hundred years?

Primary Elections for the Nomination of all Candidates by Australian Ballot. Robert M. La Follette.

The voter, and the candidate for nomination who desires to represent the voter, must be brought within reaching distance of each other, must stand face to face.

To accomplish this we must abolish the caucus and convention by law, place the nomination of all candidates in the

hands of the people, adopt the Australian ballot and make all nominations by direct vote at a primary election.

Surely this plan is right in principle because it is representative government pure, simple and direct. Is it practicable? Let us consider. Manifestly it cannot be claimed that the plan proposed is unwieldy or cumbersome. Compared with the existing method it is simplicity itself. At present we have one set of caucuses to nominate candidates for the assembly, another for the senate, another for county officers, another for congressmen, another for state officers, each followed by conventions, intermediate and nominating. For all these it is proposed that we have one primary election for nominations. But this will require us to hold two elections, the primary election and the general election, says the objector. True, I answer, but the primary election takes, of the voter's time only enough, to go quietly to the election booth, mark and cast his ballot, in accordance with his previously formed judgment upon the merits of the candidates. How much more likely is he to do this than to attend upon a half dozen different caucuses and twice as many conventions in a vain effort to maintain his right to representation. Besides in attending upon each of these caucuses he must take part in a prolonged struggle over the election of a chairman, the election of each delegate, and perhaps an attempt to make the delegate reflect the will of the voters by resolutions of instruction.

But says the advocate of political conventions, nomination by primary election would not distribute the places on the ticket geographically or according to nationality. I admit it. But instead, men would be nominated, who are so strong as to out-weigh all considerations of geography or nationality. Besides this, the nomination of the candidates of all parties by secret ballot upon the same day, would allow of no opportunity for the slightest advantage to either in respect to locality or nationality. More than this, all local interests are cared for by apportioning the state into senatorial and assembly districts.

But again it may be objected, that with a primary election,

there would be a large number of candidates for each office, and less than a majority would nominate. Supposing this were true, how is it in the convention? One of the common tricks of the machine is to bring out as large a number of local candidates as possible in every section of the state where the candidate they most fear is especially strong, either for the same or some other office, it matters not which, if the local candidate has following enough to enable him to name the delegates from his county, it serves the purpose. Each of these candidates is used as a mere stalking horse to fool a local constituency, and finally carry their delegation into the camp of the machine. But the reasons are all against a large number of candidates in a primary election. The temptation of having his name presented in a glorifying speech of nomination before a state convention would be wholly wanting to the candidate in a primary election. He would be reluctant to diminish his future chances by receiving only a meager local vote in such an election, and being judged upon it in comparison with candidates of real merit, and greater popular strength. Let it be admitted that a plurality might nominate, what then? Election to office is determined by a plurality vote. Is there any good reason to urge against nominations being determined in like manner. An honest plurality in a primary election would be more in harmony with the spirit of republican institutions than a dishonest machine-made-majority in a political convention. Aye, such a plurality would be more in harmony with republican institutions, than the hasty ill-considered majority-action, of a thousand excited delegates, in a political convention, wholly free from machine influence—if that were conceivable in these times.

Literary Digest. 39: 330-2. September 4, 1909.

Value of Direct Primaries in Doubt.

An original turn in the contest over direct primaries in New York state has accentuated the fact that the subject is of national interest. The great difficulty in judging results ap-

pears to be in determining whether seeming failures indicate defects in individual laws or the impracticability of the system in general.

Perhaps the most quoted utterance in derogation of the plan is that of the Indianapolis *News*, which, as a former advocate, confesses its disappointment over the operation of direct primaries in its home city. Says *The News*:

Here we brought about the nomination of some good men for county offices a year ago, but we used occasionally to nominate some good men by the old method. To-day we have five candidates for mayor, not one of whom measures up to the standard which it was supposed we should reach under the direct primary. It is admitted on all hands that if the new machinery is retained we shall have to do something to limit expenditures, or else throw them on the public. For as things now are we have in effect two elections, two campaigns, and as a consequence two large outpourings of money. This of course would be a small price to pay if the results were what it was supposed they would be. But they are not, or at least they have not been so far. The good men who it was predicted would "come out," do not do so. The necessity of making two campaigns, of contributing to two campaign funds, and of twice submitting to the importunities of the 'heelers,' undoubtedly increases the reluctance of representative citizens to offer themselves.

Similarly the Baltimore *American* testifies that in Baltimore under a like system,

The election was a costly one to the city. It necessitated an outlay of approximately \$40,000. As about 14,000, or a little over 12 per cent, of the registered vote was polled every vote cast cost the city about \$2.85.

The Democrats made the better showing for the reason that they drummed out every office-holder comeatable. As there are 5,000 of these employed by the city alone and quite a number in the state offices, it is not surprizing that they should have given a better account of themselves than the Republicans. The Democratic organization also put out a little money to stir up the workers, \$5 being allotted to each precinct.

Yet on the other hand, Governor Stubbs, of Kansas, is quoted as informing the New York Commission that, while before the primary election law of that state went into effect the Republican party of Kansas was controlled by an oligarchy of bosses in the interest of corporations, now, through the operation of the law:

The power has been taken out of the hands of those few men who formerly dictated the list of candidates and made the platform. It is a requirement for success in seeking public office in Kansas now for a man to prove himself honest and capable and to have something of merit to offer to the people. A man to be nominated now must be worth while and offer something for the good of the state, instead of his chief qualification being whether or not he can be handled.

Also, the *Chicago Post* makes merry over the recollection that the New York Commission "which is here looking for weak spots in the direct primary system does not seem to have received much aid and comfort from the Chicago men who address it." As for these Chicago men, it appears:

They not only insisted that the system had worked out substantially as its advocates thought, but their tart retorts to the somewhat adverse comments of the New Yorkers had the great merit of being sound as well as witty. Here, for instance, was a fair tit-for-tat:

"In Wisconsin under the direct primary," said Judge Knapp, "the people elected to the United States Senate, over younger, abler, but poorer men, a millionaire eighty-two years of age. In New York under the old system the legislature the same year elected to the Senate Elihu Root."

"Well," said Professor Merriam, "the primary system in Wisconsin gave that state Senator La Follette and the old system in New York gave that state Senator Platt."

In the recent primary elections of San Francisco, *The Chronicle* of that city finds "much that is encouraging and much that is unfortunate," but apparently the worst features are partly due to the fact that "there is an uncomfortably large element in the city which is reckless and shameless in casting its vote," and this element can hardly be eliminated by the primary law.

**Michigan Political Science Association, Publications. 6:
31-54. March, 1905.**

Forty Years of Direct Primaries. Ernest A. Hempstead.

It was in 1860 that the Republican party of Crawford county, less than six years after its organization, inaugurated the plan known as the Crawford county direct primary system. Although the party had twice carried the county, formerly Democratic, and was seemingly well entrenched in power, its young, vigorous and, in the main, well-led organization had experienced the difficulties which beset all successful political parties. What those difficulties were are clearly set forth in the following brief resolution, offered by Dr. C. D. Ashley in the Republican county convention of June 20, 1860:

Whereas, In nominating candidates for the several county offices, it clearly is, or ought to be, the object to arrive as nearly as possible at the wishes of the majority, or at least a plurality of the Republican voters; and

Whereas, The present system of nominating by delegates, who virtually represent territory rather than votes, and who almost necessarily are wholly unacquainted with the wishes and feelings of their constituents in regard to various candidates for office, is undemocratic, because the people have no voice in it, and objectionable because men are often placed in nomination because of their location who are decidedly unpopular, even in their own districts, and because it affords too great an opportunity for scheming and designing men to accomplish their own purposes, therefore

Resolved, That we are in favor of submitting nominations directly to the people—the Republican voters—and that delegate conventions for nominating county officers be abolished, and we hereby request and instruct the county committee to issue their call in 1861, in accordance with the spirit of this resolution.

This resolution was adopted with but two dissenting votes in a convention of eighty-eight delegates representing forty-four election districts. The system thus demanded was formulated in 1861 by a sub-committee of the county committee, and adopted by the full committee, of which the Hon. John W. Howe, an ex-member of Congress, was chairman. By popular tradition he was its real author. The rules thus put into practice, with a few amendments, have ever since been in use by the Republican party of Crawford county, although they were not formally passed upon by the voters of the party until fifteen years later. It is rather odd that these rules, providing for a popular vote system of making nominations, should have been ordered put in force by a delegate convention, and drawn and put in force by a county committee, without being referred to the voters themselves.

The rules adopted at that time provided for the nomination by popular vote of all candidates, duly announced for at least three weeks in the newspapers, the voting to take place at the regular polling place in each district between the hours of 2 and 7 p. m. on the day selected by the county committee. The voters of the party who have assembled in each district at 2 o'clock choose one of their number for judge of the election to be held, and two persons for clerks. When the polls close at 7 o'clock the board counts the votes cast, and on the following day one member, usually the judge, takes the return to the convention at the Court House in Meadville. Here the returns from the entire county are tabulated, and the result announced by the president of the Board of Return Judges,

the person receiving the highest number of votes for each office being declared the nominee of the party for that office.

For many years each candidate furnished his own ballots. About fourteen years ago the candidates for each office cooperated, printing all their names on one ballot, with instructions to the voter concerning how many were to be voted for. For the past twelve years the chairman of the county committee has printed ballots containing all the names of all the candidates announced according to the rules, grouped according to the offices, the voter erasing the names of all except those for whom he wishes to vote. Thus, without either act of the Legislature, or even a rule of the party, but by the natural process of evolution, a satisfactory solution of the ballot question was reached, and an Australian ballot adopted before its general adoption for regular elections.

The rules now in use are but slightly changed and in minor matters only from those originally adopted. Early in their history it was found necessary to limit strictly participation at the primaries to those either known to be Republican voters, or willing to pledge themselves thereafter to vote the Republican ticket; to require the use of ballot boxes (a hat or an open table serving in some places for many years); and to require lists of voters to be kept and brought to the convention of return judges, in order that in case of dispute and contest it might be possible to determine whether voters not Republicans had participated, or whether there had been fraud. To guard against fraud and the participation of other than the Republican voters, an amendment was also adopted, later, limiting the number of votes which might be lawfully cast in any district at a primary to the number cast by the party at the last preceding presidential election, making allowance for voters who had come of age since that election, and providing for the reduction of the vote pro rata among all candidates in case of excess. To the credit of the party it has not once been found necessary to enforce this amendment. The practice of "ringing in" Democratic voters or voters of other parties, stopped from the day it was made unlawful.

Two opportunities have been given the voters of Crawford county to return to the delegate system. In 1876, after a very full discussion by the press, the system was retained, receiving 1,585 votes; the Clarion county system (the Crawford county system with slight modifications,) 696; the representative delegate system, 533. The two popular vote systems received over eighty per cent of the vote cast. Not satisfied with this result, the friends of the delegate system asked for another test, and in 1879 it was made. The verdict was still more emphatic, 1,945 votes being polled for the retention of the direct primary system as against 416 for the delegate system. For the past twenty-five years no attempt has been made to supplant it, and it will doubtless endure until such time as Pennsylvania shall by general law adopt the direct primary for all nominations for all candidates of all parties.

So satisfactory has the system proven in Crawford county, that in 1888 it was adopted by a nearly unanimous vote by the Republican party of Meadville, the county seat, a city of 10,000 inhabitants, for all ward and city nominations, and has been continuously and successfully in use since.

In 1887 the system was adopted by the Republicans of the Twenty-sixth Pennsylvania congressional district, composed of the counties of Crawford and Erie. It has given entire satisfaction and is still in use, there having been no change in the boundaries of the district since the direct primary was adopted. It has resulted in an average attendance at the primaries of seventy-seven per cent of the entire Republican vote of the district as cast at the subsequent general election. Crawford county had theretofore been part of a district using the conferee system, Erie county of a district using the representative delegate system. The conferee system gave to each county constituting a Congressional district three conferees or delegates, who were generally the personal choice of the candidate who carried each county. These conferees would meet, vote for the candidates of their respective counties, fail to nominate, adjourn again, and so on until perhaps some arrangement was fixed up between the candidates themselves, the proper

order given to the conferees who, like puppets, voted as ordered, and the nomination be made at last. Occasionally arbitrators would have to be called in or the decision would be delegated to the State Committee of the party, and not infrequently no nomination would result, and two or more candidates would claim to be "it," with the result that the opposition would win over the divided party at the general election. I have personally attended many of these district conferences, as a looker on, and never knew of one that was not followed by crimination and recrimination, or charges of barter or sale, and they became such a stench that their abolition became necessary to party salvation.

Erie county, the other member of the present district which has successfully employed the direct primary at eight congressional elections, or for sixteen years, had been a portion of a district in which the representative delegate system was used. The district convention consisted of nearly 200 delegates, and the cost of their railroad fares and entertainment had to be borne by the successful candidate, with the result that only men of considerable wealth could afford to enter the contest. Occasionally these large conventions could or would make no choice at the first meeting, and a second meeting would be held, doubling the cost of the nomination to the successful candidate. The expense of conducting a canvass first in one or more counties to secure the election of delegates to the district convention, and then of the meetings of the convention itself, became a great burden to candidates.

The decision of the party leaders of the new district, formed in 1888, to have all nominations decided by the voters of the party themselves by ballot, came as a great relief to the Republicans of Crawford county, who had become wearied by the scandals and dangers to party success of the conferee system, and to the Republicans of Erie county, who had thoroughly tried the representative delegate and district convention system, and found it sadly wanting in many respects, and burdensome to people and to candidates. The Republican voters of these two counties would feel disposed to ask for a com-

mission in lunacy for any man who would propose a return to either of the old systems. The new system has been completely vindicated by its use. The office of representative has come to be recognized as a district, not a county office. The lists are open to any candidate, and the necessary expenses of conducting a campaign for the nomination are within the means of men of moderate wealth. There are no longer drawn out contests—instead, on one day, within a few hours, the whole question is settled by the great mass of voters interested—what is left is the mere counting and tabulating of the vote and declaration of the result. Every successful candidate has received a clear majority of all the votes cast, not one having been nominated by a plurality. The question of whether the direct primary will successfully replace the delegate system for congressional districts can be answered most emphatically in the affirmative, if our experience in this Pennsylvania district is worth anything.

An objection urged against the direct primary is that it gives the cities an advantage over the rural districts. The city voter, it is claimed, being within easy walking distance of the polling place, can vote at the primary without interfering with his business or taking time from his work, while the rural voter, living perhaps several miles from the polling place, must lose half a day at least in order to exercise his right. The result, it is urged, is to increase the power of the city voter, at the expense of the rural voter. If the primary election day is accompanied with bad weather this advantage in favor of the city is even greater. But this fault is not peculiar to the direct primary system. The rural voter labors under the same difficulty if he tries to exert his political power under the delegate system. If he would attend the caucus called to choose delegates to a convention he must go where the caucus is held. And if he does not go, those who do go choose, without his cooperation, delegates who represent him. In our county the rural voters are thoroughly alive to their privileges and attend the primaries in large numbers. The most careful estimate I have been able to make indicates that

about 60 per cent of the voters in the townships, 70 per cent in the cities, and 80 per cent in the boroughs (incorporated villages) usually attend the primaries.

The gravest objection to the system is that only a plurality is required to nominate, and that therefore a minority may control the nominations. In answer to this objection it may be said that in almost every state in the Union pluralities are sufficient to elect officials, and if to elect, why not to nominate? Hayes, Garfield, Cleveland and Harrison were chosen Presidents of the United States by a plurality only of the popular vote. In actual practice it has been found that at least 50 per cent of the nominations under the direct primary system have been made by a majority of all the votes cast. Finally, when compared with the other systems, the objection to pluralities is found not to be peculiar to this system. Five or ten out of 50 or 100 voters residing in a district may attend the party caucus and elect a delegate. When delegates are elected there is absolutely no assurance that the result will be that desired by a majority of the people. The delegates themselves may be and generally are chosen by a plurality vote. If three delegates, for instance, run in one district, each representing a different candidate, and one receives 100 votes, another 80, and another 70, the vote of the district in the convention on the earlier ballots at least, will be given to a candidate who received only 100 out of 250 votes cast. If this candidate is dropped on later ballots, the whole strength of the district will be thrown to the candidate who received either 80 or 70 votes out of the 250 cast.

When there are only two candidates for any office, a clear majority for one or the other is, of course, ensured, tie votes being very rare. As I have said elsewhere, when there are three or more candidates, the candidate with the largest vote has, in our local experience of forty-four years, had a clear majority in at least 50 per cent of the primaries. And considering only fair probabilities it is safe to say that in at least 30 per cent more, if not 40 per cent, the leading candidate.

although receiving less than a majority, is the choice of a majority of those voting.

The delegate and convention system, by the process of dropping lower candidates, finally accomplishes a nomination by a majority—of what? Of delegates. But how has the result been accomplished? All who are familiar with the system are only too well aware. Not a delegate is chosen with reference to his preference for more than one or two candidates to be nominated. The voters of his district may especially desire the selection of one candidate, Smith, for Sheriff, we will say. They elect delegates, therefore, with special reference to the contest for Sheriff. But the delegates may be for Brown for Treasurer, and the voters, if they could express their views on the Treasurership nomination also, would not be for Brown, but for Jones. But Smith, for Sheriff, is from their town or section. He has interviewed them and talked up his merits and the lack of merit or the positive demerits of all the others who would be Sheriff; the voters become enthusiastic for Smith, and ignore all the other contests. Smith goes to the convention with these delegates, and others from his section, altogether forming quite a "bunch." And he is for Smith, first, last, and all the time. Brown and Jones and Robinson and Johnson, candidates for Treasurer, Judge, Representative in the Legislature, Congress, each has his "bunch" of delegates also, each "bunch" elected with reference to one candidate solely. The owners of the "bunches" spar for a while, search out the fellows with the largest "bunches" of unpledged delegates, then get busy, and by trades, dickers, promises of what they will do for (or to) each other, promises for next year and the year after; they finally figure out a majority of the delegates for this man and that, and this is called making nominations by "majority vote," and by the advocates of the convention system is considered superior to the system which enables every voter to make his own choice among the candidates for every office to be filled, because the latter forsooth, makes it possible for a candidate to receive the nomination who lacks a clear majority of all the votes cast.

I do not hesitate to assert that the direct primary is more effective, nine times out of ten, in securing the real choice of the majority of voters, than the convention system, with its bunches of delegates, controlled by the various candidates, and chosen with reference to their preferences for one candidate only.

No method of direct voting for candidates has yet been devised which makes impossible the nomination of candidates who might not be nominated if balloting could continue until a majority result was at last obtained. This is manifestly impracticable. But one state in the Union, Rhode Island, now requires a majority of the whole number of votes cast to elect. Pluralities are recognized as sufficient to elect in every other state. A majority of the Electoral College is required to choose a President, or, if this fails, the election is by the House of Representatives. But the Presidential Electors themselves may be and often are chosen by pluralities. It is possible that a system of primary voting may be devised which will include the expression of a second, possibly of a third choice by each voter, to be effective in the event that his first choice does not receive a majority. In the meantime, the direct primary plan need not be discarded because it does not always insure a majority vote for the successful candidates, for no other system comes any nearer accomplishing that end.

Primary Election Law. James G. Monahan.

I am opposed to this bill—

First. Because the provision which makes it necessary for a candidate before he can get his name printed on the primary ballot, to secure two per cent of the voters of his party to sign a petition asking him to be a candidate and those voters must reside in five precincts or townships in case of a county office, and twelve counties if for a state office, imposes upon a candidate an unnecessary expense, and will deter many modest men, with but little money, from becoming candidates; increases the activity of the boodler and professional politician,

lengthens the arm of every boss and increases the strength of every machine in the state.

Second. It will practically deprive the farmer vote from any voice in either county or state affairs. It is useless to sneer at this proposition as some do. Sneering doesn't meet the argument. When one class of voters reside within a few minutes' walk of the polls, while the other must come by teams, from one to eight miles, the handicap is too great, the conditions too unequal to contend that the farmer vote can protect itself, or candidates for state offices residing in rural counties could possibly have any show of success. Should this bill become a law, Milwaukee and the other large cities would dominate the state. In county affairs Madison and Stoughton would control in Dane county; Janesville and Beloit in Rock; Darlington and Shullsburg in Lafayette.

The date fixed for this primary election is the first Tuesday in September, when the farmers are busily engaged in threshing and cutting corn. These men must come from one to eight miles to vote. What percentage of them would leave their work to do so? The bill makes primary election day a legal holiday; also registration day in the cities. This will bring out a full vote in the cities, and as a result, candidates from the country districts will invariably be defeated. This argument is met by saying the country vote will combine against the cities. This can't be done unless a combination is made among the candidates and people outside the cities; and when this is done, you have simply built up a machine and installed some additional bosses.

Third. "Unnecessary taxation is unjust taxation." And this bill will impose a tax approximating \$150,000 upon the people of this state. A general election costs even more than this, and men who have examined this bill carefully say it will prove even more expensive than a general election.

In presidential years we will have two primary elections, one in April to nominate presidential electors and elect delegates to the various national conventions; the other in September to nominate state and county officers. This will put the

law in operation twice, for which the people will be taxed in a sum approximating \$300,000 for something which now does not cost them a cent.

Fifth. This bill takes away from the people the right to make the platform, and gives the power to the candidates for state officers, state senators and members of the assembly, and the various parties will have a candidates' instead of a peoples' platform. This is getting near to the people with a vengeance. The bill provides that "The candidates for the various state offices for senate and assembly nominated by each political party shall meet in the assembly chamber at 12 o'clock noon on the second Wednesday after the date of the primary election, and formulate a platform for their party." To us it seems that this provision is one of the lamest of this wholly bad bill. The idea that the people are going to surrender a declaration of their principles to a hundred and twenty-five candidates whose sole object is to be elected, and who would make a platform look like a crazy quilt if necessary to further that end, is a proposition too ridiculous for serious consideration.

Nation. 83: 48. July 19, 1906.

Primary Laws and Party Tactics.

Now that the politicians in so many northern states are compelled to conduct campaigns under the new system, they are already forced to considerable modifications of the old strategy. Direct nominations obviously eliminate such devices as stampeding a convention, trumping up contests for seats, and the cruder dickering and trading of votes. According to the experience of cities which have used it, the direct primary also doubles, triples, or quadruples the number of voters who participate in the making of nominations, a result which alone would offset most of the faults charged against the new system.

But besides these there are considerations of major tactics. One of the commonest methods of defeating a strong candidate for nomination has always been to put up against him a group of candidates, each drawing votes through his local

popularity, so that the first ballot in convention will fail of a choice. Then the opponents of the leading candidate combine on one man, and the thing is done. That was the scheme employed in the effort to beat Folk in Missouri. The president of the Jefferson Club in St. Louis, the popular Mayor of Kansas City, and a Supreme Court judge with a war record made their campaigns separately, expecting to find their aggregate vote larger than Folk's; but they were disappointed. In the same way the movement against Chairman Babcock of the Republican Congressional Committee employed a different candidate against him from every county. This method of fighting is now outlawed by a more effective decree than any Hague conference would make. A faction is compelled to vote in the primary for the man it wants to nominate and elect. A candidate who has a third of the votes to start with cannot be beaten by dividing the remainder among three rivals. This makes for frankness and honesty; for "piecemeal" campaigning is never inspiring.

Nation. 87: 131-2. August 13, 1908.

The Primary No Cure-All.

There is a mixture of ingenuousness and deceit in the complaints of the defects in the direct primary brought out in the recent elections in Kansas, Oregon, Missouri, and Illinois. There are those who really believed that the new institution would be a panacea for all our political ills; that it would, like a magnet, draw every recalcitrant voter to the polls, where he would promptly put the rascals to flight and inaugurate an era of political purity. These innocents are now voicing their disappointment that the primary does not prevent fraud, and that in many cases, the voter being as indifferent to his new opportunity as he was to his old, the noxious machines, party and personal, are not yet completely smashed. On the other hand, the politicians are only too happy to have their doubts about the new law; they can see a hundred objections to it, and are suddenly displaying an altogether amusing solicitude

for the sanctity of the ballot and the free expression of the party's will.

From all accounts the primary was seen at its best in Kansas. There, as elsewhere, the candidates were compelled to go before the people. They met, as did Lincoln and Douglas fifty years ago, in joint debates of great length, answering questions freely and giving full accounts of themselves and their political principles. The result was a vindication of our democratic theory of government; the people chose as their servants the men whom they believed to be freest from the domination of corporations and politicians. Moreover, the interest taken was so keen that from Kansas come no such complaints of small attendance as are heard in Missouri and Illinois. Either Kansans are more patriotic, of a better type of citizenship, or their political grievances are more deeply felt. Be that as it may, they showed their intelligence precisely as did the Oregon voters who selected from a handbook of 125 pages the several dozen propositions that pleased them most and gave the best exhibition of a discriminating electorate this triumphant democracy has seen in many a year. These Oregonians chose a Democrat to represent them in Washington because they knew him as Governor and preferred him as senator to any of the candidates of the ruling Republican party. This is in itself an amazing achievement which the primary alone made possible.

If the vote was small in Illinois, it was not because of any lack of zeal on the part of the candidates. In that state, as in Tennessee and Kansas, there was not a passage of their records that was not published to the world. There was even an attempt to hold Gov. Deneen responsible for the accidental burning of a boy in a public institution. He was able to defend himself, however, by proving that it was against a radiator put in by his antagonist, ex-Gov. Yates, that the unfortunate child fell. Had it been a Deneen radiator it would have been properly safeguarded! Naturally, when the issues are so trivial, there were many stay-at-homes. In Missouri, the complaint of non-attendance and of other defects seems general.

It is thus voiced by the St. Louis *Times*, an excellent independent newspaper:

The people, as usual, were in the hands of the machine as to the cities. Later returns will be needed to show the relation of the country vote to the popular idea. Altogether, the new primary law is a disappointment and small credit to its framers. Its complications are the least of the objections that may be charged to it. There are no safeguards for the purpose of eliminating the bosses and no element to attract the activity of the people. It is not what it was meant to be—a party vote for nominees—but a scramble in which Republicans may become Democrats for a day if they have no business of their own on hand. In some places Democrats voted Republican tickets for local reasons, and in others . . . Republicans stepped in and helped the Democrats. . . . In St. Louis thousands were disfranchised yesterday because of their inactivity. They failed to register; others who were registered failed to reach the polls.

The *Post-Dispatch* and *Republic* take a similar view. But the *Times* sees truly that, aside from certain obvious defects, capable of remedy, the responsibility for the outcome rests with the people:

Under the new order the people cannot resort to the old trick of blaming the bosses. They will find the fault within their own household.

The primary is thus at its worst a means of fixing more clearly than ever upon the voter his responsibility for the welfare of his government. In St. Louis, not less than 63,000 voters, more than 50 per cent of the city electorate, refused to go to the polls. In Illinois the vote is reported to be so small as to give no true indication of the real strength of the two great parties; only one-third of the Chicago voters turned out. The "advisory vote" for United States Senator aroused little interest, and, as in Oregon, the defeated candidates are now insisting that the legislature is in no way bound by the outcome of the senatorial referendum. When we look south, however, to Georgia and Tennessee, it is undeniable that there at least, in the defeat of Gov. Hoke Smith, and of ex-Senator Carmack, the popular will was expressed beyond any doubt.

Serious defects the primary law has, chief among them the ability of Democrats to vote in Republican primaries and *vice versa*. A Republican may assert that he has experienced a change of political faith and participate in a Democratic primary, and yet there is nothing whatever, except his conscience, to prevent his voting for Republicans when he takes

his secret ballot on election day. The state cannot make a voter in a primary stick to that party in the election without restricting him in his right to bolt the ticket if his own primary chooses a man he thinks unfit. But granting all this and more besides, the primary remains, we believe, the best weapon against the boss yet invented, and the desire for it shows no signs of abatement. It must come in New York before long; the bosses' opposition to it is its best recommendation. They are well aware that if New York had this institution to-day, they could not for a moment stand in the way of the nomination of Gov. Hughes; that if they did so, they would be snowed under at the polls. Because Gov. Hughes favors direct nominations is one reason why he is hated by the bosses. The Governor knows, of course, that the primary is no cure-all; it is but another means of maintaining government by the people. The voter may neglect it, if he is as indifferent to his trust as heretofore; but if he is roused and in earnest, he can destroy the politicians who attempt to undo him.

Nation, 92: 232. March 9, 1911.

Cost of Direct Primaries.

The cost of the direct primary in Chicago does not appall its champions in Baltimore, in which city the direct primary has been an integral part of the reform that has raised political conditions above those which prevailed in the old Gorman-Rasin days. As the Baltimore *Sun* very sensibly points out, that part of the Chicago expenditure which consisted in enormous outlays by the candidates should be made impossible by law, while as for the part that falls upon the city, which was about the same per head of the population in Chicago as it is in Baltimore, "the results attained are cheap at the price. A good mayor is a splendid economy, and is cheap at almost any price."

National Conference on Practical Reform of Primary
Elections. 1898: 86-92.

Regulation of Primaries. George L. Record.

We are told to-day that nobody takes any interest in primaries. Did you ever consider why it was that a man sits at home in his slippers by his fireside in the evening and will not go around to a primary? Why is it? There must be some reason for it. Everybody has his choice for a public official and will go out at each election and you have an enormous vote then; there is no lack of interest. Why is it there is no interest in a primary? There is no interest in a primary because you do not do anything at a primary. As long as you elect a delegate at a primary you perform no function whatsoever. Just stop and think about it. Supposing the plan our fathers laid out for the choice of president was actually carried out in practice as it was intended to be. Suppose that every four years we elected so many members of the electoral college, and those men were not pledged to anybody and you did not know whether they would vote for McKinley on the Republican side, or Bryan, or anybody else—had not the slightest idea; would you take the trouble to go to the polls? Would ten per cent of the voters go to the polls to elect a small body of people at Washington, to select a president, without knowing whom they were going to vote for? No, sir. And you must have just the same interest in the primary that you have now, in the election. Have eight or ten men coming together around the corner and picking out somebody you are to rely upon, and you would not get anybody to take interest enough to leave the open fires and slippers to go around the corner in the evening; and the reason is a good one, because when you get around there you do not accomplish anything. You elect a man to go off to a convention for a week or ten days, or two or three weeks, where he is subjected to every kind of oppression, oftentimes to direct offers of money, more frequently to the promise of office or patronage, and you do not know what he is going to do, and for

whom or for what principle he is going to stand on the convention floor. I say you perform no function when you go to the primary under existing conditions, and people will never go to primaries to elect delegates under these conditions. I am satisfied of that. I have tried to get people to go to primaries and I have studied the question of why they do not go, and I am satisfied in my mind the reason they do not go is because they do not do anything when they get there which appeals to their interest. You take the average citizen in any state, from the countryman who sits upon a keg of nails in the country store to the busy lawyer in practice in the great metropolis of the state, and every living one of them has a direct positive choice for every candidate of his party and for every office in the city and state; every one of them has his choice. Ask them their choice for delegates and they would stare at you in blank amazement; they have no interest in it; it does not appeal to them. But ask them who is their choice for governor of New York state on the Republican ticket next fall and every man of this state who is a member of that party would have a direct opinion upon it; and, if you will stop and think about it, he would be rejoiced down to the bottom of his heart for the privilege of casting one vote at the primary for the candidate of his party for governor of this state. The minute you have accomplished that you have aroused interest.

Now take the next question. Another reason why we do not go to primaries is because we do not know where they are. What busy man knows where a primary is? And the average busy man in the city knows that if he goes around the corner, and leaves his slippers and his fire, five or six hundred men who run the district machine will run the thing and put up their candidate and he will poll a tremendous vote, and the other fellows will hustle around for what they can get, and even stuff the boxes if they can't get enough votes otherwise, and you have had all the labor for nothing, because the evil of every machine is not its numbers, but its willingness to commit crime in the nomination of candidates. When you have got around there you will find, as I have many

and many a time, that you cannot prevail, unless you are willing to risk the frauds which dominate that primary year after year. Then you can prevail just as well as they. I put in a year's time with what money I could get contributed, trying to elect a respectable Democrat in Jersey City, and I found the other day that provided I was willing to commit crime, to cheat at the election, and to pay men to do my will, it was perfectly easy to do it, and the reason why we cannot do it and do not do it is because we draw the line at the commission of an actual crime. That is the essence of it.

Now I would like to bring this point before you if I can, without taking too much time: that under the direct voting system—I do not say that a better class of men would be nominated; I think that is very material—but the set of men would be nominated under entirely different conditions. Just listen and see if this is not true. The average set of politicians who run a convention sit down in a room and they say “Shall we nominate So and So?” “Oh, he has got too many enemies.” And one after another the names are checked off because they have got some personality and individuality, as a rule, and finally they elect some dummy who is not known, who has created no antagonisms and is just a negative character. This is the rule. We have many exceptions, but that is the rule—the average politician selects a man because he has offended nobody, and the man who has not offended somebody is not worth having in a public office. Now the people do not do that. The darlings of the people are the bold, aggressive, daring men who have offended hosts of men; and whenever the people of the United States for the choice of President vote through the caucus and the county convention and the national convention and manage to make their will carried through all that cumbersome machinery which is designed to stifle it, and nominate at a convention a man whom they choose, that man is always a positive character who has won his spurs in the field of national politics by national achievements and by the display of brains and ability and statesmanship. You would have a different

class of people; you would have a man run for office who was popular.

By the direct vote we nominate the man, and he is a man of strength among the people and stands high. He is elected by the voice of the people at a primary, by an enormous vote. He is nominated on the Democratic ticket, say, and is elected. In that case he owes nothing except to forty or fifty thousand in my town—it was 160,000 in this town. He owes nothing except to a vast number of voters, nine-tenths of whom must have supported him directly from unselfish motive, because there is no such number of offices to be given out. He wants to run again, and how does his mind work? He says “to run again I must please the people, and to please the people I must do things in office in the popular interest”; and we give him a renomination. I hope that argument will sink into your minds, because to me it is the strongest argument of this whole thing.

National Conference on Practical Reform of Primary Elections. 1898: 96-8.

Convention Plan. Roy O. West.

The arguments offered in this paper in behalf of the convention method of nominating candidates for public office in the United States, rest upon the proposition that a political party is entitled to the benefit of the best thought of its best leadership. This truth is the more apparent now that campaigns are usually fought as contests between representatives of ideas, not as struggles between individuals. It is also conceded that, in governments like ours, public sentiment is generally expressed and always enforced through political parties. These parties must be free to govern themselves and alert to avail themselves of every partisan advantage. If parties have not the right to maneuver attacks and skillfully repel onslaughts, this paper is without purpose. If talented party leadership is not desirable, it were better that this paper

be not read. If parties are to flounder about, aiming at nothing, they will surely achieve it.

The masses have little idea and less concern as to the probable issues of a campaign. They are influenced by personal considerations rather than by party welfare. If party leaders, of undoubted integrity, sagacity, and loyalty desire a nomination to be made, they are powerless. Likewise they cannot prevent bad and unwise nominations. They cannot reach the ear of each voter, were it not ludicrous to confide political secrets to the public. There could be no responsible head. The party could not express and do its own will. It would be limited in its choice of candidates.

It would be possible for voters who subscribed to other political faiths to influence the actions of parties, of which they were not members.

It is probably true that outside influences are equally potent in the selection of delegates to conventions. But rational primary laws, such as the Illinois General Assembly is now considering, will reduce this danger to a minimum. Moreover delegates are known, their names are published; they are responsible to their neighbors who elected them. Delegates are often instructed for whom to vote. Seldom do they violate those instructions. If they do, a new "machine" is apt to be a feature of that particular district at the next convention.

The convention affords the greatest possible latitude for choosing nominees. At the primaries, there is no limit as to the number of different delegate tickets which can be voted. If any citizen is dissatisfied with the list of delegates named on any or all tickets, he has the right to print a ticket of his own, vote it and get for it a majority of all the votes cast, if he can; or he has the privilege of erasing names and inserting others. Manifestly, the successful delegate ticket will be the one on which appear the names of the most representative, best known and most active members of the party. It ought to be so. They do the work. They should have a voice in the party councils. These men are invariably leaders of thought and action in their immediate localities. Delegates from different sections differ as do their respective con-

stituencies. A delegate from the tenement and lodging house district could not secure credentials in the boulevard district any easier than the so-called "silk stocking" could obtain a majority in some of the down-town wards. People like to be represented by officials who worship at the same altars, speak the same language, live in the same community and in the same manner. In a convention, these considerations receive proper attention. The leaders of the party consult these conflicting interests and a ticket satisfactory to a majority is agreed upon. The party can govern itself. It is a powerful, well controlled engine. With a direct vote, one class, or one race or one sect may prevail to the disadvantage of the party and the injury of the people.

What is said against nominating conventions? It is said the great body of electors do not vote. They do when public interests excite their attention; otherwise they would fail to vote under any system. "They do not know where the primary polling places are." Let them learn to read the English language if they do not know it and then read the call for the convention published in the newspapers. It is said that ballot boxes are stuffed, returns falsified and voters slugged. Let the criminal laws be enforced. They are sufficient. The same crimes have been committed again and again under the direct vote system. Another argument is that delegates are bought. The classes of men who are delegates are less subject to financial inducements than thousands of illiterate and degenerate voters, who control under the direct vote system and who can be purchased for a "drink." Finally it is said that on a delegate ticket, the voter is confronted with names, with which he is not familiar. If citizens are so exclusive and have so little patriotism that they do not know their neighbors and the chief men in the few election precincts comprising their primary districts, they ought not to have any voice in public affairs. Good citizens owe it to their country to manifest some interest in the public and the public needs.

During the years, our proud nation has grown and become more powerful. Our cosmopolitan population has been happy

and prosperous. Conventions have nominated and the people have elected wise and patriotic rulers. Some mistakes have been made. They have always been corrected. In times of financial depression and unrest, conscientious and well meaning gentlemen, reinforced by discredited politicians, who hoped to ride again into power on a popular wave, have always seen the dark side of the picture, have proposed impracticable schemes to remedy evil, and, by inflaming the public mind, have enlisted many followers. With returning prosperity, the armies of unemployed being engaged again in the marts of trade, these generals have found themselves deserted by their soldiery. It will happen again. And, with the selection of delegates to conventions guarded by careful laws, this republic will continue to lead the way and our people will continue to be secure in "life, liberty, and the pursuit of happiness."

**National Conference on Practical Reform of Primary
Elections. 1898: 99-102.**

Crawford County Plan in Cleveland. Thomas L. Johnson.

From our experience in Cleveland, it would seem that the ordinary individual has little fitness to judge of the ability of a candidate for office, or having the ability, little inclination to use it. This, however, may be due in a measure, to lack of information. In the practical workings of the system, the nomination seeker, who can make the most noisy canvass, who uses the largest amount of space for pictures of himself, and wonderful stories of his great love for the common people, inherited from obscure ancestors and acquired in the most humble ways of life, is liable to get the most votes, especially when he starts his convincing canvass if he has had some notoriety, either savory or unsavory. It is a consummation devoutly to be wished by a candidate, under the Crawford county plan, that the people know his name, that he be talked about, it seeming to be of small importance whether the speech concerning him be favorable or unfavorable.

In a county having something like four hundred and fifty

thousand people, few persons are known to even a small percentage of the whole population, and it seems that almost any sort of publicity given a man, is sufficient to turn a large number towards him when he becomes a candidate for office. The voters have heard his name mentioned, they have seen it in the newspapers, and knowing no other by name, and having no immediate information as to his honesty or ability, or the honesty or ability of any other candidate, they vote for the person whose name they have seen mentioned the greater number of times. The police bench is considered one of the most advantageous places to start from in a race for any office in Cuyahoga county, from the highest judicial position, on down. And this applies to city offices, as well as county. The police judge is known to many persons; his name is much in the newspapers; he has, if he needs, a great pull with a large class of society, and when he becomes a candidate, is usually invincible in the race. Experience seems to indicate that the official who is well known can not easily be beaten by a comparatively unknown man, though the unknown man may have a fitness for the office far beyond that of the present occupant. The mayor of the city, having held the office and being known to occupy such a place seems to warrant the people in voting for such a one as a candidate, without reference to his ability, or to the ability of his competitors. This has often been observed in Cleveland campaigns. In the country districts these criticisms do not apply.

One of the reasons given for adopting this plan, and the potent one with the people, was the hope of withdrawing the nomination of candidates from the political rings or cliques which exist in every city. This purpose has failed, as this can not be accomplished in a city like Cleveland by the Crawford county plan, or at least it has not been done. In the nomination of candidates for any particular office, those who have been in office, or have controlled it, and desire to maintain their control, so direct their political energies that a few candidates out of the many are chosen, and upon these few the party workers and those interested in maintaining their hold upon the offices concentrate their work, and a particular

effort is made in their behalf, seldom without success. No proclamation is made to the people, and the desires on the part of these political managers are kept in the background, and the dear people wake up the day after the nomination and find that the politician has served his own purpose as completely as though he had controlled the delegates in a convention. This applies as well, in a measure, to the smaller counties, but in such it can not be so successfully worked.

The Crawford county plan, as already indicated, engenders much harshness and bitterness among candidates. Those seeking the nomination for the two or three principal offices absorbing the attention of the voters, and the nominations for the remaining offices are likely to, and often do go practically by default. The contest, for instance, over the nomination for mayor or police judge, will absorb the attention so completely that little notice is taken of the minor candidates. The same is true with regard to county offices.

The practice of newspaper advertising has grown to such proportions that it is quite a source of profit to the press, and considerations of added income from this source have served to blunt the editorial conscience to the faults of the system. The newspapers, I think, as a rule, favor the plan, and it is openly claimed it is because much business comes therefrom. Several efforts have been made to abandon this system in Cleveland, but the Republican press strongly oppose taking from the people their right to say who shall ask for the sovereign suffrages of our only kings, the people.

The ideal of the Crawford county plan of getting near the people, and having them freely and intelligently nominate candidates, is one to be striven for, but that ideal cannot be reached, in my judgment, by this plan, when practiced in a city as large or larger than Cleveland.

National Municipal League, Proceedings. 1904. pp. 321-7.
Method of Nomination to Public Office: An Historical Sketch.
Charles B. Spahr.

Our public affairs have come to be administered by political parties, and yet our parties, until very recently, have been without authorization or even recognition in our laws. The central principle of democratic government is that the real powers controlling the people shall be under the control of the people, and therefore the popular recognition of the fact that democratic government has come to mean party government has brought with it the popular determination that party government shall be controlled by public law to serve public ends.

In this country the center of party government and the recognized sources of its authority is the primary system of selecting party candidates and determining party policies. The origin of this system is practically contemporaneous with the origin of our national struggle for independence. It is true that, according to the memoirs of Samuel Adams, as early as 1725 his father "and twenty others used to meet, make a caucus, and lay their plans for introducing certain persons into places of trust and power." But it was not until the years just preceding the Declaration of Independence that the North End Caucus and the South End Caucus and the Middle District Caucus of Boston obtained a position of recognized power in determining the leaders and measures of the radical democracy of the New England metropolis. Samuel Adams himself is the father of the American primary system, for only in his day did the system become anything more than an informal gathering of individuals interested in political affairs. The part borne by Samuel Adams and the North End Caucus in the Revolutionary war brought the institution to the attention of sympathetic spirits all over the country. What the part was is sufficiently indicated by the following citation from Frothingham's *Life and Times of Joseph Warren*: "As the time approached when the tea-ships might be expected, the subject was considered in the North End Caucus. . . ."

This body voted that they would oppose with their lives and fortunes the landing of any tea that might be sent to the town for sale by the East India Company."

The caucus of Samuel Adams's day, though a much more formal and formidable organization than that out of which it had grown, was itself rather of the nature of a secret meeting of men who by cooperation could obtain control of the political situation. Its honorable history at the beginning was due entirely to the public-spirited type of men who organized it. Like Franklin's little "Junto," which exercised an influence altogether out of proportion to the number or prominence of its members, it was based upon an idea of secret cooperation which can be used as effectively for bad ends as for good ones. The caucus was irresponsible, and in later days irresponsible caucuses came to be the most effective means of corrupting public life.

In the rural districts, where all the voters know one another, the evil side of the caucus has not developed so markedly as in the local towns and cities. In nearly all such districts, not only in New England, but throughout the country, the local party caucus was at first practically a town meeting of the members of the party. The next stage in the development of the system came from the desire to enable members of the party in different districts to confer together and act as a unit. The first means through which such conferences were obtained was by means of committees of correspondence; but a little later the party members of the state legislatures and of the national Congress took it upon themselves to choose party candidates for state and national offices and assumed the general direction of party affairs. During the first two decades of the last century the legislative and congressional caucuses were practically supreme, and it was felt that only through them could all sections be represented in party councils and all sections of the party act together in the contests with party antagonists.

Gradually, however, this instrument for party unity came to be regarded as a party tyrant. Members of each party in districts in which the opposition party was in the majority

had, of course, no representatives in the state legislature or in the national Congress, and, therefore, were without direct representation in the party councils. Furthermore, it came to be felt that the legislators and congressmen were not responsive to popular feeling in the matter of nominations. In 1824 the popular sentiment aroused by the arbitrary rule of "King Caucus" was one of the important contributing causes to the defeat of the candidacy of William H. Crawford for the presidency.

The substitute for the legislative and congressional caucus which democratic sentiment then demanded was the convention—a system which preserved its commanding authority in all sections for one generation, and in most sections for two. The central idea of the convention system was that the members of each party should meet locally and choose delegates to county, or senatorial, or state, or national conventions, instructing them, if thought necessary, just how they should vote in these conventions. It was a further adaptation of the representative system of government to the affairs of the party; but this method of governing party affairs, like its predecessor, became more and more unsatisfactory as the years went on, as population increased and as the desire of the people for direct control of public affairs grew stronger. The mere growth of population formed an important reason why the convention system ceased to meet the needs of the people. When the population was small, the number of delegates sent to county, district, or state conventions was, relatively to the population large, and nearly every citizen knew personally the delegate who was to represent him; but when the population increased, the number of the delegates became relatively small, their personal relations to most of their constituents were remote, and the delegates came to be what the members of the legislative caucus had been before them, a small ruling class. In order, therefore, for the general electorate to regain as much control as it had formerly exercised over party affairs, it was necessary to do away with the convention system and substitute one in which the people voted directly for the men to be nominated and the measures

to be supported by their party. The popularity of this reform, outside the ranks of political leaders, was, of course, in part due to the further development of the democratic spirit, which demanded that government should be directed, not by a special class of citizens, but by the whole body of citizens in order that the interests of all, poor as well as rich, might obtain equal consideration in the party councils.

This new spirit was most marked in the rural districts, and particularly among the substantial farmers in those districts. In the Northwest, as well as the East, the great body of such farmers, at least until the rise of the Populist party and the political revolution of 1896, were identified with the Republican, and therefore it was in the Republican party at the North that the demand for a primary system, in which the ordinary voters should select candidates instead of merely selecting delegates to select candidates, had its first and strongest development. In the South nearly all the farmers of this independent class were identified with the Democratic party, and therefore in the South it was in the Democratic party that the demand for direct primaries had its first and strongest development. In the South this demand was even stronger than at the North, and for this there were several reasons, the chief one being that in the South the choice of the Democratic primary is, in most sections, sure of election, and unless ordinary citizens are given a choice in the primary, they have really no voice at all as to who shall govern them and how they shall be governed. The regular election in most parts of the South is merely a listless and perfunctory ratification of what the Democratic primary has already decided upon. It being clear, therefore, at the South, that the popular control of the primary was essential to popular government, the citizens of this section early began to abridge and to overthrow the power of the delegate conventions, and to require that the nominees to all responsible offices should be chosen directly from and by the rank and file of the voters. It was in South Carolina that this system first reached logical completeness. The triumph of the reform faction of the South Carolina Democracy in the election of 1891, was followed by the

destruction of the convention system and the choice of all public officials, including United States senators, was given over to the voters at the primaries. To some extent this system in South Carolina disappointed the radical Democrats who introduced it; for it was found that the primaries were more likely to select a moderate than a radical for the places of great responsibility. But the new system, like every democratic advance, so thoroughly commended itself to the mass of the people, that no one has dared to suggest a backward step. From South Carolina the system of direct primaries has extended into Georgia, into Alabama, into Mississippi, into Louisiana, into Texas and into Virginia, so that to-day nearly all through the South conventions do little more than formulate platforms; the real choice of Democratic party candidates is lodged with the people of the party.

In the North the substitution of the direct primaries for party conventions has developed somewhat slowly, but during the last few years the advance has been nearly as marked as at the South. Beginning perhaps with Crawford county in western Pennsylvania, which established direct primaries in 1860, county after county throughout the Middle West adopted the plan of having the candidates for important party nominations submit themselves to the suffrage of the voters of their party instead of being selected by conventions. This system was slowly introduced into cities of considerable size; and during the last decade, when the influence of the bosses and professional politicians in nearly all the cities reached a point no one concerned for popular self-government could longer tolerate, there has come strong demand all over the North that the selection of candidates by conventions must end and their selection by ordinary citizens take its place. In Minnesota the first important law providing for the introduction of a new system in a large city was adopted in 1899. This law was confessedly experimental, and introduced a direct primary system in the single county containing the city of Minneapolis. Two years later the Minnesota legislature extended the system so that it applied to all city, county and congressional nominations throughout the commonwealth. In

the Minnesota legislation the use of the Australian ballot was combined with the provision that the voters should vote directly for candidates instead of delegates, and wherever a reform primary system has been advocated in the North, the employment of a secret ballot furnished by the public authorities has been essentially a part of the system. After its triumph in Minnesota the direct primary gathered equal popularity in the neighboring state of Wisconsin, which a year ago, despite the antagonism of the forces which supply and handle political corporation funds, adopted the new system provided the voters should give direct sanction to the new law at a coming election. In Michigan a direct primary system has been tried in the city of Grand Rapids, and both political parties in most parts of the state have in their platforms called for a general law establishing the system everywhere. Similar gains have been made for direct primaries in Indiana and Ohio, and even greater gains in the state of Massachusetts. At first, in Massachusetts, the system of direct primaries was only applied to the selection of minor officers, but under the law enacted a year ago, all candidates for the present state legislature were chosen directly by the voters. The example of Massachusetts and Minnesota bids fair to have a far-reaching effect upon the people of other commonwealths, the demand for the displacement of nominations by a class for a system in which the whole electorate shall take direct part will soon be next to universal. Each step in the development of our nominating methods has been a step to make more real the control of public affairs by the whole electorate. All those who believe in this American ideal instinctively give their support to every movement toward its attainment.

In England the primary system has had a similar development, though a much later one. There, as well as here, the primary has been the organ of democracy, and it has been peculiarly the democratic elements in society which have furthered its development. The word "caucus" in England was not generally used until the early seventies, and then it was applied by the Tories as a term of reproach to the methods by which the Liberals of Birmingham organized their supporters

in order to carry through the civic reforms which have given that city its international reputation, and in order to secure for the Liberal party that strong representation in Parliament for which the city of Birmingham was so long famous. The Liberals would have preferred to keep for their organization the name they themselves had chosen, "The Birmingham Liberal Association," for they felt keenly the discredit which had been brought upon the primary system by the abuses of this system which had been tolerated by the democracy of America, but they accepted the bad name in order to secure machinery by which common men could make their influence effective in the political life of the nation. From the city of Birmingham the plan of entrusting the management of the Liberal party to delegates elected by the whole body of Liberal voters was soon extended to other progressive centers, and soon Mr. Gladstone formally endorsed the National Association of Liberal Clubs, which has come to be the controlling power in all the affairs of the Liberal party. There, as here, the control of the party by the members of Parliament elected by it did not satisfy the needs of the new democracy; and a primary system, similar to the convention system which we are outgrowing, is now the means by which the party of progress in England agrees upon its program and selects its candidates. Years after the Liberals had accepted this institution, the Conservative party unwillingly followed in its footsteps.

National Municipal League, Proceedings. 1908. pp. 171-3.

American Municipal Tendencies. Clinton Rogers Woodruff.

It is averred by some that the new system of nomination gives opportunity for all sorts of manipulation by members of one party casting their vote for a nominee to be placed upon the ticket of the other, thus leading to the nomination of weak candidates for the express purpose of overthrowing them. This was especially a weakness of the convention system, and is likely to disappear very rapidly under the new system as the people become accustomed to exercising their

rights and the privileges of discrimination under the new system. While it must not be overlooked that the notorious Dr. Ames of Minneapolis was nominated under a direct primary and under just such manipulation as has been referred to, yet the fact that he was subsequently elected by a very large majority at the general election, indicated that the people of Minneapolis then wanted him. I do not know of any law by which a self-governing community can be saved from itself. It must bear the brunt of the exercise of its judgment. If it wants men of the Ames type, it must be permitted to have them and learn, by bitter experience, how unwise its choice is. There are people, and good people, too, who seem to think that direct nominations mean inevitably good nominations. They mean nothing of the kind. They simply mean that the people have a right to express their choice directly, and without the intervention of unnecessary machinery. If they don't know any better than to choose badly, the system won't save them.

A stock objection to direct nominations has been that it produces little men. The old system certainly produced its quota of little men, or (what was equally bad) of big men susceptible of manipulation and control. The line of progress lies in simplifying the machinery of nomination and election, and of protecting it against corruption and fraud, and then of educating the people in the exercise of the franchise. So far as I have been able to observe in the western cities and states where direct nominations have been in operation for some considerable time, the results have on the whole been very satisfactory; and a very much higher grade of men, and men much more responsive to public sentiment, have been chosen.

Another objection frequently urged against the new system is, that it produces self-advertising on the part of candidates. It is difficult to consider this charge as a serious one; because there has been self-advertising under both systems. In the one case, however, it is a direct appeal. In the other, it is an indirect appeal by a party committee or a group of citizens. It would seem, however, that if there was any advantage in the one over the other, it was in favor of the direct

appeal. Certainly there is much to be said in behalf of the English system, in which the candidate makes his appeal without equivocation to those whom he seeks to represent. The system in vogue there seems to be much more truly democratic; and while mistakes may be made, as we know they have been in the past, in the long run it will work out best for the community, for democracy, and for the highest welfare of mankind.

We must realize that we are living in a democracy, and that the election machinery must be democratic and must record the wishes of the people and be responsive to their desires. The whole trend of our government from the beginning has been to strike off the fetters binding the people, although the process has often been a slow one. Direct nominations are a step in advance; because they enable the people directly to express their wishes. No doubt they have made their mistakes, and will continue to make them; but they have had to bear the brunt of them in the past, and they must continue to bear them in the future; and this in the long run will prove to be the most effective way of building up an enlightened and efficient democracy.

National Municipal League, Proceedings. 1910. pp. 328-39.

The Present Status of Direct Nominations. Louis M. Greeley.

The popular movement in favor of direct nominations continues in full force. Professor Merriam, in his book on "Primary Elections" published in 1908, stated that fourteen states, to wit, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Washington and Wisconsin had mandatory direct primary election laws covering practically all offices; that three other states, Minnesota, Ohio and Pennsylvania had mandatory direct primary election laws covering all offices but state offices, and that fourteen other states, Alabama, Delaware, Florida, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Rhode Is-

land and Tennessee, had either optional direct primary election laws covering practically all offices, or else optional or mandatory direct primary election laws covering certain offices or certain localities. Since that book was published, Arizona, California, Idaho, Nevada, New Hampshire and Tennessee have passed mandatory state-wide direct primary laws. Michigan, which, when Prof. Merriam wrote, had an optional direct primary law, has replaced it by a mandatory state-wide direct primary law, including practically all offices, the act being, however, optional as to county offices and as to city offices in cities having under 70,000 population. Illinois, which Prof. Merriam classed among the states having mandatory state-wide direct primary laws, including practically all offices, still belongs in that class by virtue of two new direct primary laws, one for legislative offices only, and the other for practically all offices except legislative offices, these acts being passed by a special session of the legislature in 1910, to replace the former direct primary law of 1908, which had been declared unconstitutional by the State Supreme Court.

South Dakota, portions of whose former mandatory direct primary law had been overthrown by the State Supreme Court as unconstitutional, has replaced her former statute by a new full mandatory state-wide direct primary law. So that at the present time twenty-one states and the territory of Arizona have upon their statute books direct primary laws of the most comprehensive character.

Some states having direct primary laws of limited application have brought new territory or new offices within the operation of the direct primary. In no state where the direct primary has ever gained a place on the statute book, has it lost ground. In states where the direct primary does not exist or exists in limited form, determined efforts are being put forth to introduce it or to extend its scope or applicability. A striking instance is the campaign for the direct primary conducted in the state of New York by Governor Hughes, which, though resulting in defeat in the legislature, may yet triumph through the advocacy of the direct primary by the recent Republican convention of that state.

The Governor of Colorado, in his recent message to the special session of the legislature, calls upon that body to redeem its pledges to the people by enacting a direct primary law. An active movement is on foot in Wyoming for a direct primary law.

In Nebraska, North Dakota and Washington recent legislation has excluded certain judicial offices from the direct primary and substituted therefore a non-partisan nomination. The Tennessee Act of 1909 excludes most judicial offices from its operation. On the other hand, the direct primary laws of Arizona, California, Idaho, and Nevada, all passed in 1909, include judicial offices in party primary elections. Montana has provided that judges must be nominated by petition.

The non-partisan primary or double election for municipal offices has gained considerable ground since Prof. Merriam wrote. Under this system a non-partisan direct primary election is held. At the ensuing final election all candidates, except the two highest for each office, are excluded from the ballot. The net result of the two elections seems to be the election of officers by a majority rather than a plurality vote. The system was first introduced by act of legislature of the state of Iowa, applying to cities having a commission form of government. It has since been established for commission-governed cities in Illinois, Kansas and Wisconsin. Wisconsin has also a local-option law for non-partisan direct primaries for all cities. The non-partisan direct primary is permitted by a recent amendment to the Minnesota statute for home rule charters. It has been provided for by charter amendment in the case of Haverhill, Massachusetts, a commission-governed city. Berkeley, California, Grand Rapids, Michigan, and doubtless other cities have also adopted it.

Several of the more recent direct primary acts exclude some or all city or village offices. The Idaho act does not apply to cities, villages or towns. The Michigan act is mandatory as to city offices in cities having over 70,000 population, and is optional as to such offices with cities of smaller size. The Nebraska act applies only to cities having over 25,000 population and excludes village and township offices. The New Hampshire act excludes cities and towns.

Most or all direct primary acts exclude some or all school offices from the operation of the act.

Of the direct primary laws passed within the last two years Arizona requires the voter on challenge to make affidavit that he is affiliated with the party, and has not signed a nomination petition for candidates at the primary, of other political parties, or a nomination paper for an independent candidate. There is no registration of party affiliation. California provides for registration of party affiliation, with provisions for change of registered affiliation. The Idaho law has no requirement as to party affiliation. The voter is given the separate primary ballots of all the parties, pinned together. He votes one ballot only and returns the others to the judges of the primary who deposit them in a box provided for the purpose. The Illinois law requires the voter, on challenge, to make affidavit that he has not voted at the primary of another political party (other than a party local to a city, village or town) within two years, that he has not signed a nomination petition for a candidate at the primary of other political parties, or a nomination paper for an independent candidate, and that he is affiliated with the party. There is no express provision for registration of party affiliation. The Michigan law provides for a registration of party affiliation (in connection with registration for final elections), with provision for change of registered affiliation. The Nevada law makes no provision for registration of party affiliation, but the voter, on challenge, must make affidavit that he intends to support the party nominees. The New Hampshire law provides for registration of party affiliation and for a change of registered party affiliation not less than ninety days prior to the primary. The Tennessee statute requires the voter, if any judge of the primary entertains a doubt as to his party affiliation, to make affidavit that he is a member of and belongs to the party (or in case the voter desires to change his party affiliation) that he now intends, in good faith, to affiliate with and become a member of the party. Wisconsin, which permits the voter to vote the ballot of any political party without regard to his party affiliation, passed, in 1909, a law providing that if all candidates for any given office on any primary

ballot shall receive in the aggregate less than twenty per cent of the vote cast for the party nominee for governor at the last general election, no nominee of that party shall be placed on the ballot for the final election, but the name of the person receiving the highest vote shall be placed on that ballot as an independent candidate. The object of this law was, of course, to keep party voters from invading the primaries of other political parties. The provisions of direct primary laws passed prior to 1908 with regard to party affiliation of voters are summarized in the "Wisconsin Bulletin on Party Affiliations," by Miss Margaret A. Schaffner.

There has been a strong tendency towards limiting by law the expenses of candidates at the primary election. The most elaborate law of the kind is that of Oregon, patterned after the British laws of 1883 and 1895, adopted in 1908 by initiative. The act provides for the publication and mailing by the public authorities of campaign statements in favor of and against the primary candidate and his opponents, the candidates to pay certain fees toward defraying the cost. The act limits strictly the total amount that may be expended on behalf of candidates. Candidates and political committees and agents are required to file itemized detailed statements in prescribed form, with vouchers of campaign receipts and disbursements, failure to file which prevents the candidate's name from being placed on the final election ballot. Corporate campaign contributions are prohibited. The California direct primary law has corrupt practices provisions defining permissible campaign expenses and prohibiting all others, also fixing the total permissible maximum total amount of permissible expenditures and requiring statements to be filed.

The Idaho direct primary law has corrupt practices provisions defining legitimate campaign expenses and requiring the filing of a detailed statement of receipts and expenditures. Arkansas, Connecticut, Florida and Georgia have also recently passed corrupt practices acts applicable to primary elections. Several states have recently passed acts prohibiting campaign subscriptions by corporations. Congress has passed such a law applicable to federal corporations and to congressional elections.

Iowa, Massachusetts, Missouri, Nebraska, New York, Oklahoma, and many other states have on their statute books corrupt practices acts applicable to primary elections.

The decisions down to 1909 are summarized by Prof. Merriam. They unanimously sustain the general power of the legislature to enact primary laws. The cases disagree upon the question whether a primary election is an election in the strict constitutional sense, or whether it is a method of selecting party nominees rather than an election properly so called.

The greater number of cases and the better reason support the latter view. The more recent cases generally adopt this view.

Since Professor Merriam wrote, the direct primary laws of the following states have been upheld by the courts: South Dakota (except certain provisions), Oregon, Ohio, North Dakota, Wisconsin, Nevada and Idaho.

The direct primary laws of Illinois and Tennessee have been overthrown by the courts. Primary legislation has been particularly unfortunate in Illinois. The courts have overthrown no fewer than three successive primary acts, and it is not certain that the present (the fourth) act will not meet a like fate, though a recent decision (without opinion) of the State Supreme Court gives some ground for hope that the present law (or laws—for there are two) will be sustained.

The general result of recent experience with the actual working of the direct primary seems to show that where the voters are alert and interested, the direct primary will accomplish the purpose for which it was intended—the democratization of nominations, the wresting of control of party nominations from the party boss or machine. The results of the recent primaries in New Hampshire, California, Kansas and Minnesota seem to show this. In all of those states the popular will of the party voters prevailed in spite of the efforts of the office-holding machine. No doubt the sharp issue between the stand-pat and insurgent elements of the Republican party drew out an exceptionally large vote at the Republican primaries.

In California the vote for governor at the Republican pri-

mary (the only primary where there was a contest as to that office) the total vote exceeded that cast for President in 1908, and the total vote for governor at all the primaries was only 40,000 less than the total vote at the state election in 1906. The normal primary vote seems to be about fifty per cent of the normal vote at general elections in Kansas. The percentages in Nebraska, Wisconsin and Michigan are a little lower. In Minnesota the percentage varies between 25 per cent and 60 per cent.

As to the expenses of primary candidates, while exact figures seem not to be available, it is clear that they are heavy where there is a contest. Whether they are heavier than under the convention system can not be absolutely determined. There seems little reason to doubt that the legitimate expenses of candidacy are, in general, heavier under the direct primary system than under the convention system, especially in the case of offices filled by the vote of an entire state or other large constituency. This is no doubt an objection to the direct primary system. As I have shown, efforts are being put forth to meet it by corrupt practices acts defining the legitimate expenses of candidates, limiting the total amount that may be expended, and requiring the filing of itemized statements by candidates and political parties. But while corrupt practices acts may lessen, they cannot wholly remove the difficulty. For the legitimate expense of canvassing a large constituency is necessarily considerable, and a corrupt practices act limiting expenses below the necessary cost of a thorough canvass would seem to be unreasonable and undesirable. Sometimes, no doubt, the main contest is at the primary and little further in the way of canvass for the general election is necessary. But in general the primary must necessarily involve the expense to the public of an extra election and to the candidate the expense of an extra canvass.

The Oregon Corrupt Practices Act provides for the publication and mailing to the voter by the state or city of a pamphlet containing campaign arguments for and against the candidates furnished by the candidates and by their opponents. For this the candidates pay a certain price per page. The

amount so paid is not sufficient to defray the entire cost, so that a large part of the expense of the canvass is in effect thrown on the public.

If the direct primary necessarily involves added expense to public and candidates, it at any rate gives the candidate an opportunity to discuss and place before the voters real, vital issues. The added expense goes toward the enlightenment of the voter.

It seems not possible to determine accurately whether or not voters of other parties vote to any considerable extent at the primaries of parties to which they do not belong. The impression prevails that this is done to a very considerable extent. The laws of the various states vary very much as to requirements and tests with respect to party affiliation. Some states like Michigan and California have so-called close primaries, where by law the party affiliation of the voter is entered upon the register of voters, with provision for change of party affiliations upon the register at stated times. Every voter must, in general, be registered with the party at the primary of which he seeks to vote. The Illinois law provides that a voter having voted at a party primary, cannot vote at the primary of any other party for two years. On the other hand, by the laws of some states the party affiliation of the voter is not registered, and the voter is simply required, in case of challenge, to make affidavit as to his having affiliated in the past with the party, or of his intention to support a majority of the party candidates at the final election. The laws of Idaho and Wisconsin permit the voter to select whichever party primary he chooses, regardless of his party affiliation. It seems to me that the Idaho and Wisconsin laws are wrong in principle, that the right to vote at the primary election should be by law strictly limited to adherents of the party, so far as this is practicable. The primary election is intended as a means of selecting party candidates. For that reason only those belonging to the party should participate. If outsiders are allowed to participate at the party primary elections, the primary elections lose all reason for being. If they are not expressions of the will of the party voters in the

choice of candidates, they are nothing. I believe that tests of party affiliations should be made as rigid as practicable and inasmuch as they must necessarily be somewhat vague, I believe that a declaration of party affiliation once made should confine the voter to the primaries of that party for a considerable period.

Experience seems to show that the party convention system of nominations, except in small communities, has broken down in practice. It has everywhere come under the control of party machine. It has become merely a means of registering the will of the party bosses. It has ceased to be democratic in any sense. Efforts to improve matters by statutory regulation of the conduct of the election of delegates and of the convention itself have proved unsuccessful. It would seem that we must substitute some other system of nominations in place of the convention system, if we are to have a democratic form of government in fact as well as in name.

Of the substitutes now in sight it would seem that for general use the partisan direct primary is the most promising. The other substitutes are the non-partisan direct primary above referred to, which is in use in Des Moines and other commission-governed cities. This system no doubt works well for small cities under commission form of government. It is questionable, however, whether it would prove satisfactory for cities of metropolitan size, where the city constituencies are large and the number of offices to be filled by election large. It would seem that some form of partisan primary would prove preferable. This system of nominations has never, so far as I know, been proposed for state or congressional offices. Boston is experimenting with the non-partisan nomination by petition. It is understood the actual result of the first election was not entirely satisfactory to those who proposed the plan. This does not prove that the plan is not a good one. The experiment is a most important and interesting one, and will be closely watched. The experiment is favored by the comparatively small number of offices to be filled by election. This system has the advantage over the partisan direct primary of obviating the necessity of a nominating election. It has the advantage

(in common with the non-partisan direct primary) of tending to exclude from municipal elections questions of national party politics. Whether it will prove popular for large cities with numerous elective offices is perhaps doubtful. That the system would ever be extended to state or congressional elections, seems most unlikely.

Whatever may be the respective merits of non-partisan nominations and the direct party primary so far as municipal nominations are concerned, it seems to me reasonably clear that the partisan direct primary is the system that has the balance of advantages in its favor so far as state offices and members of Congress are concerned. In these matters our practice of party nominations and party designations upon the ballot is too firmly fixed to be uprooted without causing dissatisfaction and confusion. So long as elective offices are so numerous and voting constituencies so large, the party nominations and the party designations on the ballot seem necessary, or at least desirable.

No doubt the success of the partisan direct primary depends on the extent to which the party voters perform their duty of going to the polls and voting. But this is true of any system of nominations. It will not alone put an end to machine politics, so long as the multitude of minor elective offices and the lack of adequate, or of adequately enforced, civil service laws, corrupt practices laws and laws for the punishment of bribery and corruption of voters and public officials make machine politics profitable and safe. No doubt if the voters are to exercise the discriminating choice which the act of voting should imply, the number of elective offices must be greatly decreased. It is practically impossible for the voter to ascertain for himself the qualifications and respective merits of the large number of persons whose names appear on our election ballots. Real choice becomes impossible. The average voter must and does rely largely on the party name. This is an evil which the direct primary cannot cure. It is perhaps the fundamental evil of our electoral system. It is said to have given rise (together with the practice of rotation in office) to our entire nominating problem. So the lack of adequate

civil service reform laws or the adequate enforcement of them has left the jobs as spoils in the hands of those who controlled the elections. Corruption in politics and in office has been safe and enormously profitable because of the insufficiency of our criminal laws and the lax enforcement of them. Our politics will not cease to be venial and corrupt until thorough-going reform is accomplished in all of these directions. It is the opportunity for spoils and corruption money that gives rise to the political machine, and it will continue to exist as long as that opportunity exists.

But admitting all this—admitting that the direct primary will go only a short way towards the reform necessary to purify our electoral system, admitting that the short ballot, the civil service reform, corrupt practices laws, and the overhauling of our criminal laws and procedure are reforms even more fundamental and important, it still remains true, as it seems to me, that direct primary is the initial reform, the logical first step in the path of reform. For to accomplish any of these other reforms we must first elect to our congress, and our legislatures, men free from boss control. The democratization of nominations is the only or the speediest way to accomplish this result. Furthermore, of all nominating systems proposed as substitutes for the convention system, the partisan direct primary, cumbersome as it is, expensive as it is, seems on the whole the most promising for political offices.

National Municipal League, Proceedings. 1910. pp. 533-44.

Minneapolis' Experience. Stiles P. Jones.

The effect of the direct primary in Minneapolis has been to bring practically all the people of the city into participation in the nomination of officers. From 75 to 95 per cent, according to the wards of the city, or according to different conditions in different campaigns, participate in the direct primary, as against 15 to 20 per cent under the old system. That is the first result. It has absolutely eliminated the intolerable evils of the old convention system which are many and serious. It has practical-

ly eliminated the influence of the partisan political bosses. Then, best of all, perhaps, it has broken down partisan lines in the community almost to the vanishing point. We have got to the point now where strong Republican wards are electing Democratic aldermen, and a strong Republican city, of say 12,000 majority for the Republican party, elected for a fourth term, on November 8th, a Democrat for mayor. Then, finally, it has been a tremendous educational influence on the voters. It has given them an interest in their community, in their city and in politics which they never had before, and has brought to them an appreciation of their responsibilities as citizens, which they never assumed before. The educational value of the system, I believe, is its greatest asset. There are many politicians, who would put us back into the groove of the old days, but there are none who will dare run the risk of political annihilation by suggesting it in the legislature. The probability is that at the coming session of the legislature there will be a tremendous agitation, and I think it will result in extending the primary system to state officers and to United States senators. I think that the direct primary movement is almost irresistible in the state of Minnesota.

North American. 190: 1-14. July, 1909.

The Direct Primary. Henry Jones Ford.

The master force which impels the direct primary movement now sweeping over the country is desire for popular control of government. Only partisans and reformers would be interested in it if it were offered simply as a means by which a public man, enjoying popular favor, could beat down his party opponents. The idea which commends the direct primary to the masses, and which rallies them to the support of its advocates, is that it is a means of giving power to the people. I purpose in this article to analyze this proposition, which presents the aspect of the case that concerns political science.

One continually hears the declaration that the direct primary will take power from the politicians and give it to the people.

This is pure nonsense. Politics has been, is and always will be carried on by politicians, just as art is carried on by artists, engineering by engineers, business by business men. All that the direct primary, or any other political reform, can do is to affect the character of the politicians by altering the conditions that govern political activity, thus determining its extent and quality. The direct primary may take advantage and opportunity from one set of politicians and confer them upon another set, but politicians there will always be so long as there is politics. The only thing that is open to control is the sort of politicians we shall have. . . . If graft flourishes in American politics, it is due to the existence of ample provision for that institution in our political arrangements. Therefore, when any reform is proposed, we should form our judgment of its merits not by the pretences accompanying it, but by scrutiny of the conditions it will establish and by consideration of the sort of men it will tend to bring into power—that is to say, the kind of politicians it will breed.

When the direct primary is thus tested, its true character is revealed. Its pretence of giving power to the people is a mockery. The reality is that it scrambles power among faction chiefs and their bands, while the people are despoiled and oppressed. The fact that the thing is done in the name of the people, and with the pretence that it is done for the people, ought not to obscure the patent facts of the situation. It is clear that if diamonds were handed out one mile up in the air only those having airships could actually be on hand to get them. If they were handed out to first comers at a distant point in the public highway those having automobiles would practically monopolize the gift-taking. If they were regularly handed out to first comers at designated times and places in the city only those having time, means and opportunity of being first in line would actually get them, no matter how emphatically it might be announced that they should be free to all. Precisely the same holds good when offices of valuable emolument and lucrative opportunity are periodically scrambled. The hand-out may be nominally free to all, but in practice it goes to those able to obtain positions of advantage, whether by force, fraud, cajolery or favor. The existence of

such methods inevitably develops systematic and organized means of controlling the distribution and appropriating its benefits. Hence we have the boss and the machine, as regular institutions of American politics, permanent in their nature, however the personnel of their official staff may change from time to time under stress of competition. We are always pulling down bosses, because transient combinations of would-be bosses and reformers may develop strength enough to overthrow a particular boss or a particular machine. But while bosses and machines come and go, the boss and the machine are always with us. From the standpoint of the public welfare, it is the system that is important and not the individuals who act in it.

The direct primary does not remove any of the conditions that have produced the system, but it intensifies their pressure by making politics still more confused, irresponsible and costly. In its full application it is the most noxious of the reforms by which spoilsmen are generated, for it parallels the long series of regular elections with a corresponding series of elections in every regular party organization. The more elections there are, the larger becomes the class of professional politicians to be supported by the community. Hamilton's law is as constant as any law of physics, and is indeed a corollary of the axioms of physics. The evil consequences are abundantly exemplified by current political phenomena. Many are so subtle and so diffused that it is impossible to catalogue them, but some salient features of the situation may be noted, with specific instances. The following are among the effects of the direct primary:

1. *Graft*.—Nothing is more common than to hear it spoken of as an adventitious blemish upon American politics, whereas it is innate. It is an inevitable outcome of the system; and so long as the system endures, it will flourish in accordance with Hamilton's law. Take the case of the people of New York City, for instance. The law puts upon the community the task of filling the following administrative and judicial positions under the forms of popular election: *State*: Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Engineer and various judicial offices; *County*: Clerk, Sher-

iff, Register, District Attorney, Surrogate, Justices; *City*: Mayor. Controller, President of the Board of Aldermen. The New York City budget for 1909 contains an item of \$1,035,130 merely for the annual expense of holding these elections, and this is but a small part of the aggregate expense. Every candidate for a nomination must spend money. Campaign work costs heavily. Then on the eve of the election comes "dough day," when the party captain in each district receives money for expenditures in getting out the vote. Altogether the expense runs into many millions of dollars every year.

Now, there is no source of wealth but the industry and resources of the community, and hence, in one way or another, the community must bear the expense of filling the offices. So when the system is such as to entail great expenditures, it falls heavily upon the community. And that is not all. In addition to supplying the funds for electioneering outlay, the community must support a vast staff of professional politicians. This is an infliction under which the people continually groan, but the matter is settled not by their likes or dislikes, but by the conditions, and the conditions are such as to afford vast employment for engineers and stokers in running political machines, the most monstrous and complicated that the world has ever seen. So long as the system is tolerated, its incidents will have to be endured.

In the popular magazines of late there has been much about the superior economy and efficiency of democratic rule in Switzerland, New Zealand and some other countries. Well, there is a reason. And the biggest reason is that their institutions are not subjected to the graft pressure to which American institutions are subject. Not one of the offices mentioned in the foregoing schedule of New York elections is filled by popular election in Canada, England, Switzerland, Australia, New Zealand or in any other country where democratic government is genuine and not counterfeit; nor, indeed, in any other civilized country in the world. Their system of responsible appointment saves the people the many millions of dollars imposed by our system of irresponsible elections, and the advantage thus obtained in the way of public economy is immense.

The direct primary necessarily intensifies graft pressure by

multiplying elections. It proposes to parallel regular elections by an antecedent series of party elections to nominate candidates. The typical effect of the system is accurately set forth in the following extract from a Texas paper, the "Krebs Banner":

It costs a big pile of money to run for office in the new state of Oklahoma. This is to a very large extent blamed on the primary election system. The results show, it is claimed, that only wealthy men had any chance in the race for governor or United States senator. One candidate for governor is reported to have spent approximately \$75,000 and another \$50,000 in the primary election campaign. Dr. — of Enid, and — of Guthrie, men of moderate means, got out of the race because they could not keep the financial pace set by the other candidates. Two or three of the leading candidates in the senatorial race, it is said, spent from \$30,000 to \$100,000 in the campaign for the primary nomination. When it is borne in mind that the nominees of the Democratic primaries will have to make another thorough and expensive campaign to win in the "sure enough" election over the Republicans, it becomes evident that, if the Democrats are to win, it will be at a terrible cost to the leading officers. To win the governorship will, it is estimated, cost the successful candidates \$75,000 more or less, to secure a job paying \$4,500 a year, hardly as much as the "Krebs Banner" makes for its publisher, and much smaller honors. And in the case of the United States senator, it is but little better than the governorship, though with vastly superior opportunities for getting ahead of the game by grafting.

There are all sorts of ways "for getting ahead of the game." Public men are frequently subject to attack upon charges of this character. Even the Governor of Oklahoma, a product of the direct primary, has not been exempt. Opinions will differ, of course, as to the merits of any particular case. But it is clear that, when conditions are such that administrative positions can be obtained only by large expenditure, there will be a strong inducement to find ways and means of reimbursement and compensation. The system necessarily means graft, and in all ages graft has been associated with it.

2. *Irresponsibility.*—The whole system of filling administrative and judicial positions under the forms of popular election is a violation of the constitutional principles upon which our government was founded. The fundamental principle of constitutional government is that responsibility shall attach to every act of power. Hence the Fathers attached paramount importance to the principle of executive unity, which provides a definite location of power. The Fathers were in the habit of citing as a maxim of constitutional government that "the executive is most easily confined when it is one." In pursuance

of this principle, the constitution of the United States provides that "the executive power shall be vested in a President of the United States of America." The power which any federal attorney, marshal, commissioner, collector, postmaster or other federal agent exercises is delegated by the President, and may be revoked by the President in his discretion, so that when public opinion acts upon the Presidential office it acts upon the whole administration. Political force flows full and strong in one effective channel. Under the system existing in our states, this force is dissipated among many channels, producing the morass in which we continually flounder in our state politics. Responsibility is too vague, diffused and uncertain to be effectual. Power is not definitely located anywhere. Just such consequences of the violation of the principle of executive unity were predicted by the Fathers. In "The Federalist," No. 63, written either by Hamilton or Madison, it is pointed out that, paradoxical as it may seem, there may be a want of "due responsibility in the government to the people arising from that frequency of elections which in other cases produces this responsibility."

If we turn to private business for an illustration this paradox will become easily intelligible. Suppose the shareholders of a bank should themselves elect its president, its cashier, its secretary, its auditor, its head bookkeeper, its janitor, and in addition a board of directors to pass its by-laws. Suppose that then, in addition, the shareholders in each district of its business field should elect its principal agents likewise as independent authorities. Would any responsibility for business results be left anywhere by this multiplicity of elections? Well, that is the kind of situation which is produced in the public business by the electoral arrangements peculiar to the American state. Responsible government is destroyed.

In this situation, by a prodigy of political talent, a system of party responsibility has been evolved. It is a poor substitute for representative government, for it is unconstitutional in its structure and oligarchic in its authority. It secures its revenues by processes of extortion, justified by custom in consideration of its necessities. Corporations serve

as its toll-takers, turning over to it large sums and receiving legislative favor and official protection in return. They act in this capacity willy-nilly, for the conditions are such that they must feed the brute or his teeth and claws will be on them. Notice what a ferocious onslaught was made on the railroad corporations all over the country when they cut off the supply of free passes to the politicians under the compulsion of the Federal law! So those charged with large trusteeship, having interests closely intermingled with public interests, find it necessary to spend money for political power and influence.

A president of the American Sugar Refining Company, in testifying before a Committee of the United States Senate, blurted out the naked truth about the system. He said: "It is my impression that wherever there is a dominant party, wherever the majority is large, that is the party that gets the contribution, because that is the party which controls the local matters." He explained that such contribution was made because the company had large interests to protect, and he added: "Every individual and corporation and firm, trust, or whatever you call it, does these things and we do them" (Senate Report, No. 606, Fifty-third Congress, second session, pp. 351, 352).

This virtual taxing power, conceded by custom to party organization, rests upon an unconstitutional control which is a product of conditions imposed upon the community by reformers. Those conditions have determined the characteristics and shaped the activities of the politicians. The class interests of the politicians are ordered and graduated in a way that suggests the feudal system and, indeed, is its homologue both in its origin and in its nature. It is a system of personal connection founded on reciprocal duty and service, with its own peculiar code of ethics, stringently enforced. It introduces a principle of responsibility that is gross and imperfect, but is nevertheless genuine. Party organization has a corporate interest that may be reached and acted upon by public opinion, and be held to some responsibility for results. Party government in America is, in fact, a broad-bottomed oligarchy whose administration is costly, negligent and incapable, but which at least sets up barriers against the anarchy and terror-

ism that always in the past have been the outcome of ochlocratic methods. In Greece, Rome and mediæval Italy the distribution of authority among independent authorities, by means of popular elections, made the state the scene of frequent civil wars. Apart from the United States, the only modern country which tried that system was revolutionary France. The scheme of local government devised by the Constituent Assembly and promulgated by the decree of December 14th, 1789, was based upon the principles of the direct primary and the recall asserted with logical completeness. All administrative officials were chosen by the citizens meeting in primary assemblies, and these might reassemble to recall and replace obnoxious officials. Special precautions were taken, so far as statute law can go, to make these provisions practically effective. The faction fighting that ensued soon brought about the state of things known in history as The Terror. In the present French Republic, elections are absolutely confined to the choice of representatives. America is the only country that has even been able to maintain tolerable conditions of public order when authority is split up and scattered among factions. This unique achievement stands to the credit of American politicians, and the fact is recognized by philosophical observers. Bagehot in his classic treatise on the English Constitution says that, if Americans "had not a genius for politics, if they had not a moderation in action singularly curious where a superficial speech is so violent, if they had not a regard for laws such as no great people have yet evinced and infinitely surpassing ours—the multiplicity of authorities in the American constitution would long ago have brought it to a bad end."

Our political class is inordinately numerous and inordinately expensive; but the only effectual way of curtailing their number and diminishing the burden of their support is to have less for them to do. Elections should be reduced in number. The direct primary proposes to give the politicians more to do. It provides for a series of elections in advance of the present series. And, at the same time, it strikes down party responsibility by providing that party agents shall no longer hold

their posts by efficiency, as now, but by faction favor. The practical effect will be to substitute for existing boss rule a far more corrupt, degraded and impervious sort of boss rule. The change will be analogous to that which took place in the mediæval Italian republics, when local oligarchies were succeeded by professional *condottieri*, heedless of aught save their own gains.

A transformation of this order through the direct primary is noted by the Commission that recently reported a new charter for Boston. The Commission in its report on existing conditions says:

The direct primary system was no doubt intended to abolish partisanship in municipal government, but in its practical working there is no longer the partisanship of a great organization bound theoretically by party principles and having some regard for its political responsibility in the state at large. It is a partisanship of ward organizations, calling themselves Republican or Democratic, as the case may be, but representing no municipal policies capable of formulation. . . . It has made it artificially difficult to secure good nominations; it has debarred the best and most representative citizens from participation in the government; it has increased the power of money in elections; it has practically handed the city over to the ward politicians. It tends to create bad government, no matter how strongly the people may desire good government, and to discredit the capacity of the people when congregated together in great cities to administer their municipal affairs.

That is the characteristic tendency of the direct primary everywhere. If the people do everything themselves, then they have only themselves to blame when things go wrong. In practice, government constituted on such principles means the irresponsible rule of faction. Outrages may be perpetrated for which no party organization would dare to assume responsibility. The case is illustrated by certain facts given by Judge Ben B. Lindsay, of Denver, in a pamphlet entitled "The Rule of Plutocracy in Colorado." On the principle that the people should do everything themselves, the grant of a franchise to a street railway company was submitted to the direct vote of the people. Judge Lindsay charges that the proposition as submitted was shaped in the interest of the railway company, and he says that "no more arrogant and outrageous lawlessness in stealing the property of others was ever enacted." Influential politicians of all parties and public officials were employed by the corporation to carry the prop-

osition at the polls. Judge Lindsay says that the market value of the company's securities was increased \$5,000,000 as the result of the election, so that as a business proposition the company stood to win largely even if it took millions to carry the election. Indeed, he estimates that the perpetual franchise the company aimed to secure "would be cheap at \$500,000,000." He denounces the behavior of the politicians and public officials who took fees from the company to work in its interest as treachery to the people. But what legal offence did they commit, so long as they did not practise bribery? The responsibility did not rest with them, but with the people. They were employed as advocates—an entirely legitimate occupation. That the transaction was one of public debauchery, as he claims, may be admitted, but the debauchery inheres in the system. The hired advocates did what, on the principle of the direct primary, they had a perfect right to do. Judge Lindsay makes a detailed contrast between the terms obtained under this system and the terms obtained by Toronto in providing street railway service. There the public treasury receives a percentage of the gross income of the railway company, on a rising scale from eight per cent up to twenty per cent when the income reaches three million dollars. In addition, the stipulations of the contract require the company to sell tickets at the rate of eight tickets for twenty-five cents during morning and evening hours and twelve for twenty-five cents for school children. Judge Lindsay points to this as an example of what might and should be done, but he fails to draw the moral that to get Toronto results American cities should resort to Toronto means. Well, in Toronto there is no direct primary, no initiative and referendum, and no elections to fill administrative or judicial posts; but there is responsible government. Nothing is further from the truth than to describe the direct primary as a democratic institution. It is the negation of democratic rule, and nothing of the sort is found where democratic government really exists.

Plutocracy—The rule of bosses and party machines, while a poor substitute for democratic government, is better than any other substitute available in the conditions to which American

politics has been subjected. It is at least an integrating force and makes towards responsible government. The bosses correspond to "the undertakers," who are described by Lecky in his "History of England in the Eighteenth Century" as an oligarchy founded upon personal connection and "dexterity in party management." He observes that "this oligarchical connection was unpopular with the people on account of its narrowness and corruption," but he remarks that its overthrow resulted in more corruption than its ascendancy, and he holds that its influence in "binding many isolated and individual interests into a coherent and powerful organization was a real step towards parliamentary government." Since boss rule represents power founded on organized personal connection, it may admit poor men to its sphere and may select poor men for its candidates. Thus it has frequently occurred that poor men of ability have been raised to high office by dint of personal ability, and party interest is thus made subservient to public interests. The case of Abraham Lincoln is typical. But when power is conditioned upon ability to finance costly electioneering campaigns, plutocratic rule is established. One of the maxims of the Fathers was that power must exist and be trusted somewhere. Responsible government exactly defines the somewhere, but that crown of representative institutions has yet to be attained in the United States. As the late Speaker Reed frankly declared: "We have at present irresponsible government, so divided that nobody can tell who is to blame." In this situation party organization performs a great service, because it roughly locates power somewhere, thus assuming a vague but real responsibility for the behavior of government. The direct primary impairs this responsibility by making power the football of faction. Power will rest somewhere just the same, but few will know where, so that it will be released from any responsibility for results. The behavior of legislative bodies will be peculiarly exposed to irresponsible influence. It is already plain that the direct primary affords means of setting up secret control. The investigation of the last senatorial election in Wisconsin showed that various members of the legislature were employed as electioneering agents. A

wealthy candidate, as an incident of his canvass, could get a legislature deeply under his influence by pecuniary favors. This would be a development quite in accord with historical precedent. The magnate and his clients were a familiar political factor in the government of the Roman commonwealth when it was conducted on the lines that are now imitated in the American state.

Ochlocracy.—Historically, plutocracy and ochlocracy—the money power and the government of the mob—always appear together. It is a favorite theory of reformers that, if there were no organized control, the people would select their wisest and best for public office. This is mere sentimental cant. Favor decides choice when selection is not accompanied by direct and immediate risk of consequences. On May 7th, 1903, Governor Pennypacker vetoed a bill for popular election of mine inspectors. He said:

Their selection is to be made by the people at an election. The majority of the people, however, have no technical knowledge of mines and are engaged to other pursuits. The selection would be likely to be made upon other considerations than those of the technical capacity of the miners. They would in all probability be determined by association, by political relations and by all those influences which affect the ordinary voter. To state the proposition is enough in itself to show that this would not be likely to result in securing competent mine inspectors. No one would think of determining the selection of a physician or an engineer to run a railroad train, or the occupant of any other station requiring technical information by a popular vote at an election. In fact the selection of mine inspectors would seem properly to belong to the Executive Department of the government.

In the last New York state campaign, Governor Hughes, on similar grounds, opposed the appointment of members of the Public Service Commission by popular election. He said: "In theory commissioners might be elected, but in practice they would really be appointed by irresponsible men." These sensible comments are just as applicable to any other administrative function.

At the direct primary in Atlanta, Georgia, in June, 1908, the contest for the nomination to the office of coroner was between a blind musician and a one-armed Confederate veteran. The issue seemed to be whether blindness or lameness established the stronger claim to popular favor. The blind man won. In an interview published in the "Atlanta Journal,"

he explained that he sought the office because he needed the money. "It has always been my ambition," he said, "to go to Munich and complete my studies in music. That, of course, takes money, and the surest and fastest way of making the necessary money, as I see it, is through the coroner's job."

The system, of course, means that if the public business is attended to, the people have to support one class of officials to do the work and still another class to attend to the electioneering. Some queer mix-ups occur in the differentiation of these functions. The "Memphis Commercial Appeal," on November 18th, 1908, reports an instructive development. A Grand Jury of Shelby county, Tennessee, complained to the court that no indictments were forthcoming on presentments made. The following facts were disclosed: It had been the practice for a deputy sheriff to frame the indictments. During the campaign the candidate for sheriff was so aggrieved by remarks made by the successful candidate for attorney-general that he would not allow the deputy sheriff to prepare indictments until an acceptable apology was made. The "Commercial Appeal's" account of the affair concludes as follows:

Sheriff — said that he was perfectly willing for Mr. — to write indictments, and that at any time the demand he had made was complied with by Gen. —, the grand jury work would be restored to its former status.

Gen. — says that he and his assistants will write the indictments, and that arrangements will soon be made by which the grand jurors will have all the work they can attend to on each meeting-day. The work is yet new to the attorney-general and both assistants, but they declare that they will master it in a short while.

The sort of influence which the direct primary exerts on the administration of justice is illustrated by this extract from the "Kansas City Times" of August 5th, 1908:

Carthage, Missouri, August 4.—Carthage is at a standstill in the — murder mystery. Although at least two plausible theories of the affair have been entertained by the authorities, there has not been an arrest yet. The primary elections have diverted the attention of the officers from murder to politics. While the murderer of Dr. — goes unapprehended, Carthage plays politics. Sheriff — and —, the constable, who have been working on the case, have suspended operations until after the primaries.

Space will not admit of further details, of which I have a copious supply drawn from actual experience. Mention, however, should not be omitted of one feature of the system, and

that is the way in which it oppresses the poor. The recent investigation of social conditions known as "The Pittsburgh Survey" directs attention to the large sums obtained by elective justices and constables by petty prosecution. The men who secure these offices are usually chiefs of local political gangs, whose influence is aggrandized by the direct-primary system. Candidates for high office solicit their support and pool interests with them. The poor are helpless against such combinations, and their only chance of tolerable security is to commend themselves to boss protection by political service as in the feudal period. In the sequence of cause and effect there may be at one end the well-meaning reformer and at the other end the poor ground down by a system they can neither comprehend nor withstand. I have yet to find an instance in which the direct primary has actually tended to promote good government, and it is only by some dire confusion of thought that good men can advocate such a pernicious nostrum.

North American. 190: 222-30. August, 1909.

Representative Government versus the Initiative and Primary Nominations. Henry M. Campbell.

The system of direct or primary nomination of candidates for office involves substantially the same principles as the "Initiative," and is open to the same objections. Its purpose, like that of the "Initiative," is to eliminate the feature of selection by a representative body, and to permit individuals to vote directly for candidates for office—the idea being that every one can have a voice in the selection, and thus the machinations of party politicians be defeated. This system has been adopted in many of the states; and in practice has led to some results quite different from what its advocates claim for it. It has become apparent that only seekers after office become candidates for nomination—the office no longer seeks the man. The system destroys all party organization. Political policies and principles are entirely lost sight of in the confusion of individual ideas. It affords no opportunity for consideration

of the fitness of candidates. Each candidate, whether qualified or not, determines that question for himself.

Voters are limited in their choice to such persons as present themselves. If there are but two candidates, the one selected may be considered the choice of a majority of the people, as between the two; but it by no means follows that some one else would not have been more satisfactory than either if some better method of ascertaining the real wishes of the people were provided. If there are more than two candidates, as is usually the case, the almost inevitable result is that the candidate selected is the choice of but a minority of the party, and as candidates multiply, and the range of selection increases, a correspondingly reduced minority may foist upon the party a candidate who may be altogether objectionable to a large majority.

When the system is extended over a large territory and is used for the selection of candidates for the higher offices, it becomes practically impossible for the mass of voters to make any intelligent selection, while the opportunities for improper control of elections are far greater than under the convention system.

The cost of conducting a campaign for the higher offices, even if the expenses are confined to legitimate purposes, has proved to be so great that all but very wealthy men and those with powerful machines behind them are practically excluded.

The influence of the newspapers is also enormously increased, as they afford the only practical means of information respecting the qualifications of candidates for nomination. Possibly it is because of this fact that so few adverse criticisms of the system have appeared in the public press.

These defects and weaknesses are gradually becoming apparent as the system is put into actual operation, and after a time it will inevitably be condemned as heartily as it is now being commended.

No person should be nominated as a candidate of a party unless he is the choice of a majority of such party, and no method of nomination is sound which does not provide some means by which consideration of the merits of the different

candidates can be had, so as to permit an intelligent selection to be made. Opportunity for comparison of the merits of candidates and for a choice by a majority is as vital in the selection of nominees to office as discussion, deliberation and determination by a majority are in the enacting of laws. This is possible only under the representative system.

The remedy for the evils attending the operation of the representative system is, not to destroy it, but to select better representatives. Under our present system, delegates to nominating conventions are selected at caucuses, more or less informally called. It frequently happens that vicious and corrupt elements secure control of them, and decent citizens are reluctant to take part in what sometimes prove to be unseemly contests. The great majority of the people, however, are decent, law-abiding citizens; and if they would bestir themselves and perform their civic duties there would be little cause for complaint. A small part of the vigilance and attention on their part which would be required to give any efficiency whatsoever to a system of "direct" legislation or nomination would insure the election of delegates who would truly represent them; but no system will protect the people against their own indifference.

Outlook. 60: 146. September 10, 1898.

Direct Primaries in South Carolina.

While this method prevents the "machine" from running the state, and allows the dweller in the remotest community to register his preference, it makes a long and acrimonious campaign for the higher and more dignified offices, and the successful candidate always suffers from the spirit of disrespect engendered during the campaign. As to the minor offices the plan is not so objectionable, as the campaign is shorter and the popular feelings have less time to ferment. The objections to the plan are: That in time it will lower the dignity of the higher offices, and the ablest men will not aspire to those positions which will turn them into office-beggars com-

pelled to go whining about the state, suffering from, if not bestowing, abuse. In order to preserve white supremacy, the Democrats bow to the edict of the primary, however blasting it may be to individual hopes; but under other conditions the primary would wreck any party which attempted to employ it to that wide extent prevailing here. Then, too, it prevents the formulation of any definite party policy, as each candidate makes his own platform and there are as many platforms as there are candidates.

Outlook. 83: 821-2. August 11, 1906.

Direct Primary in the South.

The southern states have found a way by which they can successfully outwit the constitutional provision which prohibits denial of suffrage to the negroes on account of their race or color. Curiously enough, the direct primary, which is advocated as a method of political reform, effectually accomplishes by indirection the practical exclusion of the negro vote. The constitutional provision does not prevent the state from determining the method in which nominations shall be made. The nominations are made, we believe, in eleven southern states by popular primaries, and in these eleven states the Democratic party is in an overwhelming majority; and as negroes are rarely Democrats, the result is that the real election of the state officials is determined by the primary election for the candidates, at which election few or no negroes vote.

Outlook. 90: 383-9. October 24, 1908.

Direct Primary on Trial. William B. Shaw.

When the new primary laws were enacted by the several state legislatures, more than one party boss of the only too well known type staked his reputation as a politician on the assertion that the primary could be "worked," that it would only make "the organization" invincible. Never was a pre-

diction more completely discredited. Whatever else may be said of the direct primary as it exists to-day in New Jersey, Wisconsin, Kansas, Oregon, and a dozen other states, it cannot be alleged that anybody has yet been able to manipulate it in the interest of a party machine. In the fight to defeat Colby for the New Jersey Senate the "regulars" had not only a well-disciplined, seasoned, resourceful organization, but reinforcements from the public service, insurance, and brewery corporations more formidable, perhaps, than ever before entered a like contest. Yet this combination was beaten at the polls by a candidate who asked only the privilege of stating his case to the voters. You will probably not find to-day in New Jersey either boss or "bosslet" who is friendly to the direct primary or who believes that it can be "worked."

Outlook. 91: 91-2. January 16, 1909. .

Governor Hughes on Party Nominations.

The most serious evil of the convention system is the consequence to the people at large. To the extent that party machinery can be dominated by the few, the opportunity for special interests which desire to control the administration of government, to shape the laws, to prevent the passage of laws, or to break the laws with impunity, is increased. These interests are ever at work, stealthily and persistently endeavoring to pervert the government to the service of their own ends. All that is worst in our public life finds its readiest means of access to power through the control of the nominating machinery of parties.

Outlook. 95: 507-8. July 9, 1910.

Governor Hughes, the Legislature, and Primary Reform.

Theodore Roosevelt.

We hold that the right of popular self-government is incomplete unless it includes the right of the voters not merely to choose between candidates when they have been nominated,

but also the right to determine who these candidates shall be. Under our system of party government, therefore, the voters should be guaranteed the right to determine within the ranks of their respective organizations who the candidates of the parties will be, no less than the right to choose between the candidates when the candidates are presented them. There is no desire to break down the responsibility of party organization under duly constituted party leadership, but there is a desire to make this responsibility real and to give the members of the party the right to say whom they desire to execute this leadership.

Outlook. 97: 426-33. February 25, 1911.

Every Man His Own Campaign Manager. Emily Newell Blair.

In Missouri, where we have a primary election law, primary elections are held at the regular polling-places in each precinct on the first Tuesday in August for the nomination of all candidates to be voted for at the next November election. At least sixty days before the primary each candidate for a county office files a declaration of such candidacy with the County Clerk and pays to the Chairman of his County Committee \$5. Candidates for state offices, Congress, and Circuit Judge file such declaration with the Secretary of State, paying respectively \$100, \$50, and \$25 to the chairman of their respective state committees. This money is paid as an evidence of good faith, and goes to the party campaign fund, the expenses of the primary election (judges, clerks, etc.) being paid by the state and county as at general elections. For three weeks preceding the primary the names of the candidates on each ticket are printed in two newspapers in the county, one Republican, the other Democratic.

There are as many separate tickets as there are parties entitled to participate in the primary, the names of the candidates being in alphabetical order under the appropriate title of the respective offices and under proper party designation upon the party ticket. In cities of over one hundred thousand inhabitants the names of candidates are alternated on the bal-

lots, so that each name appears thereon substantially an equal number of times at the top, at the bottom, and at each intermediate place. Each voter receives only the ticket of the party to which he declares himself to belong. The law requires that each voter must be known to affiliate with the party named at the head of the ticket he calls for, or must obligate himself to support the nominees of that party at the following campaign. This provision presents difficulties of practical enforcement which are obvious, the ballot being secret. No person who is a candidate upon one ticket can be voted for as a candidate for such office upon any other party ticket. Such, in brief, is the law.

The primary system was tried out in Missouri for the first time over two years ago. In 1908 it was so new that office-seekers had not discovered its possibilities or how to utilize them, confining their efforts at publicity to a modest card or portrait. Then one candidate scornfully refused the suggestion that he take a small space in the country newspapers setting forth his qualifications; last year all the available advertising space (several newspapers issuing supplements) was taken by 'Would Be's, the advertisements ranging from a whole page of double capitals reciting the merits of a Congressional candidate, auction-wise, to a small two-line "local" of an impecunious aspirant for the office of Justice of the Peace.

But cards and newspapers are not the only means used by candidates to introduce their abilities, advantages and "availability." Between changes of films at the numerous moving picture shows likenesses of various candidates are thrown upon the screen. Letters of all kinds, from the purely personal to the circular, are sent to the voters, while handbills and posters and portraits are posted at every cross-roads.

The county in which I have studied the phenomena is in the rich mining region of the state, and contains about eighteen thousand voters. Of these less than half are farmers, the remainder miners, merchants, clerks, etc., except for the six or eight hundred negroes whose purchasable vote notoriously controls results in certain precincts. There are three large towns, one of twelve thousand, one of fifteen thousand, and

one of thirty-five thousand, and fifteen small mining camps and farming villages. The would-be-nominee must make himself, his ambitions and abilities, known to all these voters during the two months between the filing of intention (June 2) and the date of the primaries (August 2). According to the old convention system, he had at the utmost six hundred delegates to see or convince; now he must win the support of from four thousand to five thousand, the two parties, Democratic and Republican, being nearly evenly divided in number in the county's eighteen thousand votes. This means expense, work, and time. The first thing sought is publicity. This is secured by cards, placards, posters, lithographs, and newspapers; then personal appeal is tried. The first is easy compared to the second. Naturally, the candidate begins with his friends; he approaches in person all he can, and writes to those in outlying districts, soliciting their support, and asking them to say a word to their friends in his behalf. That much accomplished, he commences a man-to-man canvass, day and night, in street cars, on street corners, in offices, lodge meetings, public picnics, churches, along country roads, in factories, mills and mines—wherever one or two are gathered together.

An auto, a box of cigars, a winning smile, and a pack of cards—candidate cards—are his paraphernalia, and the number of these required for eighteen thousand voters demands a rather large bank account, as do his stamps, printing, stenographer, and the workers who circulate through the county advocating his candidacy and reporting daily the public pulse.

This county offers two varieties of candidates: well-to-do men who "like politics" and are willing to invest one to three thousand dollars to secure an eight-thousand-dollar office and the prestige that goes with it; and those with enough gambling spirit to risk what they can scrape up or borrow on the chance of winning.

This year a new kind entered the race. These were the faithful clerks who, with no political pull, have been doing the actual work of the county offices for ten or twelve years at salaries ranging from eighty to one hundred dollars per month, while the elected official worked at politics or had a good

time generally. In five offices such candidates announced themselves as entitled to the office and the whole salary. Yet they must win—if win they should—by the same system the others use: that of appeal, begging, and money-spending.

The majority of the candidates might be termed professional office-seekers. Rarely an election passes by that these men do not aspire to some one or other of the county offices. It seems a chance to get something for nothing (a big mistake, they find later); the salary sounds large for this locality; the work when elected is *nil*. "Spoiled by office" has become a proverb, for, having once held public office and enjoyed a lucrative salary for no labor rendered, an occupation requiring real mental or physical effort becomes abhorrent.

One man on last year's primary ticket had been a successful traveling man, with some money laid by. Once he was elected to a county office, and since that time he has been a perennial candidate. Another was a prosperous farmer; after serving one term in a county office he tried the mercantile business and failed, then a brokerage business and failed; last year he was a candidate for another office. Another—But why multiply illustrations? Of the sixty-seven candidates asking nomination at the primaries, forty-seven had held office or been candidates before. Whether the fascination of the game lures them on, or the ingratiating, harmless manner they assume will not wear off, and hence unfits them for the aggressive walks of trade, is an open question. The fact remains that holding county office so affects previously successful men.

So much for the effect on the candidates. How does this "solicitation of your support," "desire your kind efforts in my behalf," "hope you can do something for me," affect the voter?

There were eleven county offices for which candidates were to be nominated at last year's primaries, and there were forty-two Republican candidates and twenty-one Democratic candidates. This means that each individual voter was solicited from thirty to fifty times by letter, word of mouth (more frequently by both), and by friends and hired workers of the various candidates, as well. A busy merchant intent on selling

to a customer, a doctor engaged in his practice, a farmer getting in his crops," is stopped on the street, detained in his store or office, or waylaid in his field to discuss a man's—a stranger's—private ambition to increase his income at the taxpayer's expense.

My neighbor, a deaf old man, sat on my neighbor's porch the other night.

"Ain't you sick of these office-seekers?" I heard the deaf man say.

"Sick? I'm clean disgusted," the railway conductor answered. "I ain't had any peace this summer."

At our boarding-house table the men were discussing the same subject the morning of the primary.

"What do you say when a candidate asks you to support him?" a young voter queried. "You can't say, 'No, I'm for the other fellow, because I like him better.' If he lives next door, or has married your sister, you have some excuse, but I'll be darned if I know what to say."

"I tell them," spoke up a genial man, "'Oh, I'm for you.' It pleases them and don't mean anything—I'm for them, but I vote where I please."

"Well," said a serious man, "I'm getting to the point where I don't vote for any man who asks me to. It's an insult to his manhood to come begging for my vote, and it's an insult to the privacy of my opinion to be asked my personal choice. I'll proclaim my principles, but not always my taste."

"Yet," replied the genial man, "I've heard men say that they would not vote for a certain candidate because he hadn't asked them. They wanted him to beg. It made them feel important."

"I think it is ruination to a man's self-respect to run for an office that does not involve a principle. There isn't a candidate running that hasn't a Uriah Heep manner that turns my stomach. I've more respect for a downright thief any day than a beggar, and what's the difference between begging for an office and for money?"

There you have the voter's attitude. He resents the attack on the privacy of his opinion; he resents having to be rude

or tell a lie; but he will tell a lie if he has to. An old lady of my acquaintance used to say: "When people ask me an impertinent question, I say, 'I don't know.' It is either say that or 'None of your business,' and I prefer to lie rather than be rude. I'd rather be damned hereafter than now."

Frequently voters at a primary, in their anxiety to see some friend of the other party get a nomination, vote the other party ticket. Sometimes this is done to nominate the weaker man on the opposing ticket, so that he may be more easily beaten at the ensuing election by a favorite on the voter's party ticket. While, as has been said, the law prohibits this, there is no way of enforcing it without swearing every elector as he comes to the polls. This the judges of election seem not to care to do.

Last year the ticket called for by the Republican voter had two candidates for Congress one a "stand-patter" and the other an Insurgent, so a principle was there involved; but, passing on to the judgeship, the voter again found two candidates. He wished to vote for the more capable and honest man. Perhaps he asked some other lawyer, or perhaps he knew the two candidates personally. At any rate, the cards handed to him read just as if his choice should be a matter of political precedent or of the candidate's personal needs—not a matter of public benefit. One candidate asked the nomination because "Republican precedent demands that a short term be followed by a second," and the other because he "wants the office and his children want the salary."

The voter goes on down his ticket: State Senator and Representative involve a principle, as there is a United States Senator to be elected; Presiding Judge of County Court, Associate Judge, Probate Judge, Clerk of County Court, County Collector, Recorder of Deeds, Prosecuting Attorney, Justice of the Peace, Constable. Many of these are clerkships, pure and simple. If the voter has taken the time, he may be able to pick out the three or four really competent clerks who are candidates; if not, he makes a choice in accordance with the recommendation of some friend, and helps his friend's friend

to make a lucky grab at the public purse. Has he served his country or the public interests by his vote?

Against the primary system, then, it is urged:

1. Out of the eleven contested nominations, not one but went to the man spending the most money. The amount spent varies. A Congressional nominee in Pennsylvania published his expense account as \$41,000, the larger part of which went for "educational" purposes. In the county I have described it is estimated that the candidates spent from \$500 to 3,000; and a nomination here on either ticket is far from equivalent to an election.

2. The long-continued campaigning and soliciting of voters—from June 1 to election day in November.

3. The large majority of candidates nominated are machine men. As less than fifty per cent of those entitled to do so voted, the Boss's henchmen, as under the convention system, controlled matters, though a few free-lances slid in.

4. The bitter contests for nomination result too frequently in the defeated candidate for nomination and his friends bolting the party nominee.

5. The geographical location of candidates is important in making up a county ticket. This cannot be provided for under the primary system, hence all the candidates may come from one town or vicinity, at the cost of enthusiasm for a local candidate in other precincts.

6. The nominees, when selected, are not better qualified or better citizens than those selected under the convention system. Almost of necessity they are under more obligations to a greater number of people.

Is the primary system, so far as *county offices* are concerned, a failure?

I asked one candidate his experience and opinion of the system. He said: "I thought I took an interest in politics because I always voted and read what the newspapers said; but that's a small part of being interested, I've found. I am opposed to bosses, and always have been, and I concluded to run for Treasurer. It pays, I find, about eight thousand dollars a years. I thought that under the primary system I would have as good a chance as any one to get the nomination, as I have lived in the county twenty years and knew so many people, and it wouldn't cost much, anyway. I certainly would be considered qualified [he is an expert accountant]. I announced my candidacy and had several thousands cards and placards printed, and interviewed the newspapers and got a 'write-up' in each one, at cost of from ten to twenty-five dollars per write-up. My opponent did the same, and began a very active campaign over the county in an automobile. I was started then, and didn't like to quit, so I rented an

automobile and went out campaigning. I saw ninety per cent of the voters—less than fifty per cent voted at the primaries. I found there was no party organization to help a candidate for nomination, though the Boss's opinion as to who should be nominated cut a large figure—I didn't understand exactly why. I found I had to have a personal representative in each voting precinct—two or three in some—and set about securing them. I was greatly surprised to find that practically every one of the men who know the voters individually, have some influence with them, and are at the polls each election day whooping it up for some particular persons, are not only machine men, but expect and receive pay for their services. And they are absolutely necessary to success; they shape the sentiment of their community towards a candidate, and the voters of the precinct know them as active party men and look to them for information. I was in the race, and meant to win; so I got two men in each of the seventy-two precincts to work for me. So each precinct cost me from ten to twenty-five dollars for election day work alone. Now that I've got the nomination I find our County Committee is hopelessly split and wholly useless because of so much 'soreness' over candidates defeated for nomination, so I've got to continue my personal machine until election—three months—and increase it by adding the workers that were for my opponent. I've got a month's work to do to get my own party in line for me, and I ought to have that time to work on Republicans. For I've got to have a lot of Republican votes and all my own party's votes in order to win. It looks like I'll have to join forces with C—[the Boss], who controls a number of the other candidates, and try to get some sort of a working organization outside the County Committee; otherwise there's no chance for any of us. I'm out about three thousand dollars now, and the real fight hasn't commenced. This primary business sounds nice, but the old convention system beats it. There we'd have had the nominations over in a day, and no time for the voters to get worked up in favor of some certain candidate and sore at his defeat."

"But," I said, "you acknowledge you have become a machine politician, so perhaps you are prejudiced."

"Every one in this county will tell you the same thing," he retorted.

"Perhaps so," I answered; "but there aren't any reformers in this county—just office-seekers."

"I guess you're right there," he agreed; "we're not reformers."

"If a born leader like Roosevelt or Garfield or La Follette wanted to fight a machine for a principle, he could succeed easier than under the convention system, couldn't he?" I asked.

"Sure thing. The primary would render a boss helpless against a Roosevelt."

That, of course, is the prime point in favor of the primary. But must we have this advantage at the expense of county politics? For the primary has debauched county politics into personal politics. It simply has turned the political machine, which had some use as a preserver of party organization, into a personal machine to graft off the county and the boss into a disburser of offices, without regard to party.

If the primary makes plain to thinking people the character of county politics, if it discloses what county office-seeking really is—an effort to work the public for a living—and points the way to correct the situation; if it does all this, in addition to offering an opportunity for real leaders to come before the people when there is a real issue, we will call it a success. But certainly office-seekers with no issue and machine bosses will never approve it.

Outlook. 97: 945. April 29, 1911.

Public Control of Elections [in New Jersey].

By the passage of the Geran Bill, New Jersey, under the vigorous and effective lead of Governor Wilson, has not only extended the application of the direct primary, which was already in practice, under a limited form, in that State, but has put the whole machinery of nominations and elections under strong public control. The view that a political party is a volun-

tary and private association of citizens, whose organization and methods and purposes are of no concern to any but themselves, is still held, or at least professed, by some Americans; but it is fast giving way to the view that a political party is a part of the machinery of government and should be kept under the control of the whole people. This new election measure in New Jersey is a clear instance of the way in which the broader and more intelligent view is finding expression in statutory law. The Geran Act provides that the members of the Election Boards, who have charge in each district of the registering and polling of voters, must be selected from such party members as have passed a civil service examination; that their selection shall be under the supervision of the judges of the Courts of Common Pleas, and that it shall be by lot; that in case of vacancies in these boards, or removals for non-compliance with the law, the places shall be filled through appointment by the judges; that in Presidential elections there shall be an approach to the direct primary through a provision for the election of delegates committed to specific candidates for the presidency; that there shall be an approach to the direct election of United States senators by requiring each candidate for the legislature to say whether he will or will not vote for the man who is nominated for the United States Senatorship at his party's primaries; that all state officials, including the Governor, shall be nominated by direct primaries; that the state committees of the parties shall be chosen by the members of the parties at the primaries; that the party convention shall consist of the party's principal candidates, and, in a year when a Governor or when Senators are not to be elected, that the then incumbents shall be members of the convention of their own party; that voters may be enrolled as members of one party or the other (provision apparently being made only for Republican or Democratic enrollment); that no voter can change from one party to another without the intervention of a general election; that the ballot in use in the primaries shall accord with certain specified provisions, and that in elections the ballot shall be a blanket ballot containing the names of the candidates in alphabetical order, each name being printed but once, but being accompanied with party designations. The Geran Act is one of

the notable achievements of Governor Wilson, for its passage is due to his leadership. It is a wholesome sign that the people are not content with merely the name of self-government, but are determined to use means to secure to themselves its substance.

Review of Reviews. 41: 597-9. May, 1910.

Doom of the Old "Machine" Convention. Robert S. Binkerd.

For two years Governor Hughes has made the question of the direct nomination of candidates for public office a leading issue in the state of New York. In theory both direct and indirect nominations rest upon the will of the voters of a party expressed at a "primary." In the indirect system the voters elect delegates to various conventions (state, county, city, Congressional, senatorial, etc.), which nominate the candidates. In the direct system they vote directly for the men whom they wish their party to nominate.

In 1909 the New York legislature appointed a commission of its members to investigate direct primary laws in various states. This commission, with perhaps two exceptions, was composed of men whose minds were already made up; who had already defeated Governor Hughes' direct primary bill of that year; and who are generally believed to have been interested mainly in securing testimony hostile to the direct primary system.

Nevertheless, in February, 1910, the commission reported to the New York legislature: "That there is widespread and real demand for primary reform cannot be denied." Still, the commission was not for direct primaries. One of its reasons was: "Many eminent men have represented the people of this state in prominent positions, all of whom have been selected by the representative (convention) system."

Passing over the failure of the commission to comment on the general character of candidates selected by the "representative system" for positions not so prominent, the commission could have explained the "widespread and real demand for primary reform" had it amended the above sentence to

read: "Many corrupt and unfit men have represented the people of this state in prominent and other positions, all of whom have been selected by the representative system."

For this so-called "representative system" has not been representative in New York state. For instance, in 1908 the Syracuse delegation to the Republican state convention was solidly opposed to the renomination of Governor Hughes. A postal-card canvass conducted indiscriminately among enrolled Syracuse Republicans revealed the fact that nine-tenths of them wished the Governor renominated.

Democratic conventions have been even more unrepresentative. No impartial observer of the Democratic state convention at Buffalo in 1906 would demand affidavits in support of the following statement by the late Senator Patrick H. McCarren,—hardly a radical reformer!—to the Kings County Democratic Committee on October 16, 1906:

There were men (delegates) thrown out of the convention who had been for years leaders of the party in their respective counties. It was necessary to unseat a certain number of delegates, and they were unseated.

Not only have nominating conventions not been representative, but they cannot be made so. Public opinion, even among the enrolled members of a party, cannot express itself except where the issue is defined. Party organizations can seldom, if ever, be compelled to take a stand before the primaries to elect delegates to conventions.

The boss or organization having taken no stand prior to the primary, and having announced no policy there is no specific issue which can be made against the delegates proposed for election. The party membership is in the position of an individual compelled to give a power of attorney without knowing what will be done, and powerless to withdraw that power of attorney if its use is abused. At every step in the process of constituting nominating conventions machine leaders conceal their hand and thrive upon the consequent inability of the decent electorate to make any effective opposition. For this reason, however they may bow at times to overpowering public sentiment, nominating conventions are representative

of the mass of the voters only by chance. Such is now the situation in New York and other states.

So generally has this been true that in the past ten years the direct primary has become the more usual system of making nominations in the United States, and in only one case has a city, a county, or a state turned back from direct nominations to the convention system.

Of the thirty-one United States senators elected in 1908, seventeen were nominated at direct primaries. Fifteen out of thirty-two governors of states elected in 1908 were so nominated, as were a majority of the "insurgent" Republican Congressmen. To speak of direct nominations as a "dangerous experiment," as has been done in New York, is only to reveal our provincialism.

World To-Day. 19: 940-4. September, 1910.

Illinois Primary Election Law.

The history of primary legislation in Illinois begins with the year 1904. In that year there was a notable and historic contest for the Republican nomination for governor. In that campaign Charles S. Deneen, then state's attorney of Cook county, became the leading exponent of a reform in the old system of nominating candidates for office, under which there had been many flagrant abuses that were well recognized. There was an insistent demand on the part of certain Chicago newspapers, which had vehemently denounced the so-called party bosses for their supposed power in dictating the selection of delegates to conventions and the nomination of candidates for various offices. Mr. Deneen went into the campaign as the leading champion of primary-election reform. It was still the over-shadowing issue in his mind when he was inaugurated as governor, in January, 1905; for a discussion of a proposed compulsory primary law occupied first place in his inaugural message. Through the influence of the governor and in response to a supposed popular demand, the legislature in that year enacted a primary law; but before there was an op-

portunity to put its operation to a practical test it was invalidated by the Supreme Court. So important did a primary-election law appear to the governor that he immediately convened the general assembly in special session in April, 1906, for the purpose of passing another law. The response of the legislature was prompt. Another primary law was hurriedly put through, becoming effective July 1, 1906. Now came a great surprise to the people of the state at large. The surprise came in the extraordinary course of Governor Deneen. Scarcely had the ink dried on his signature approving the new law, when the governor boarded a train for Chicago to join a number of the old-time party bosses, who proposed that their time-honored avocation of slate-making should not be interfered with by so slight a circumstance as a primary-election law. This was some weeks before the law was to go into operation. It had been supposed that the new law would enable the people to decide for themselves upon party nominations; and that, possibly, was what the governor and his allies feared would happen unless they should make an organized effort to put through a slate of their own selection. For some weeks the governor spent a good part of his time in Chicago, helping in the slate-making. A county ticket was finally agreed upon, and it was agreed further that the governor's friend, Smulski, should have the support of the slate-maker for state treasurer.

The primary law of 1906 was not a direct plurality primary law, but divided the state into so-called delegate districts and provided for the election at the primaries of delegates to county, senatorial, congressional and state conventions. Provision was made for the instruction of these delegates for candidates for various offices, by a plurality vote. Thus, if a candidate for state office secured a majority of instructed delegates, his nomination on the first ballot was a foregone conclusion. But, after the first ballot, if no candidate received a majority vote in the convention, the delegates were released from their instructions and thereafter could vote as they pleased. In this situation came the opportunity of the political boss—an opportunity that Governor Deneen, the great champion of the popular voice in party nominations, was

quick to seize upon and use to his advantage. In the state-primary campaign Andrew Russell, of Jacksonville, had secured a plurality of the popular vote, but he lacked about one hundred votes of a majority of instructed delegates in the state convention. It is a matter of well-known political history in Illinois that Governor Deneen, foreseeing that Mr. Russell could not be nominated on the first ballot, called in his office-holders from all parts of the state on the day and evening before the convention, and through them forced into line a sufficient number of delegates to assure the nomination of his friend Smulski, who was practically without support in the convention on the first ballot outside of the Cook county delegation. Thus the governor was completely victorious as the boss of the state convention under the new primary law, which had been heralded as the death-knell of the party boss.

The primary law of 1906, like its predecessor, was short-lived. As soon as a test case reached the Supreme Court, the law was declared invalid. This was in October, 1907. The legislature had taken a recess in May and was just on the eve of reconvening. The governor at once sent a ringing message to the assembly urging the enactment of a third primary law. In the legislative fight which followed, the governor exerted all the influence of his powerful office to force through a primary law to his own personal liking. He freely threatened to wage a warfare upon any member who stood in the way of primary reform. After some months of discussion, the assembly finally enacted a direct plurality primary law. This was a far more radical measure than its immediate predecessor, for it robbed all conventions of nominating power and provided for nominations for practically every elective office by a plurality vote at the primary election. The power of the slatemakers was again in evidence, and Governor Deneen was again a conspicuous party in the constructive work of the bosses in Cook county, though his own fight for renomination, involving his very political existence, kept him so thoroughly occupied that he refrained from attempting to dictate the make-up of the state ticket. The primary law of 1908 became null and void as soon as the Supreme Court got a chance to pass

upon it. The governor, still the great champion of the people, once more called the members of the legislature together in extra session. The legislature convened in December, 1909, and, after several months of strenuous effort, enacted another direct plurality primary law, almost identical in its general provision with its immediate predecessor. Again the governor had used his influence to force the legislature into line for this law. While the bill was pending, and at a time when its enactment appeared doubtful, he had announced his purpose to make a speaking tour of the state, in order to arouse the people and defeat any legislator who had the temerity to stand out against his primary program. In fact, the governor did make several speeches in various parts of the state, but for some reason—possibly because the popular response was not what he had anticipated—he abandoned his oratorical program. But he persisted in his threat to go into the district of any member of either house who might stand in the way of primary reform.

Thus we have among the statutes of Illinois, Primary Election Law No. 4; and again we have the spectacle of Governor Deneen becoming the central figure in a party of slate-makers in Cook county, who have essayed the task of performing the important function which the primary law was supposed to have delegated to the people themselves. We witness the interesting spectacle of Charles S. Deneen, the governor of Illinois, and four other widely advertised political bosses, meeting together in secret conference and agreeing upon a county ticket for the Republican party from top to bottom. On September 15, when the primary election is to be held under the new law, the voters of the Republican party will be asked to go to the polls and ratify the slate made up by these eminent gentlemen. It is almost superfluous to point out the tremendous advantages possessed by any candidate fortunate enough to get on the slate. In this instance the slatemakers represent whatever of party organization there is in Cook county. The selections of the slatemakers are the selections of the so-called bosses. For a half dozen years we have been told in the columns of reform

newspapers—we have heard it proclaimed hundreds of times from the stump by Governor Deneen—that the way to destroy the power of the boss in politics is to make party nominations under the beneficent provisions of a primary law. Yet within a few hours after the new law goes into effect we find the biggest bosses in Cook county politics in a formidable combination to dictate the make-up of the party ticket, thus in effect nullifying completely the very purpose for which the primary law was enacted. More than that we find Governor Deneen, the man chiefly responsible for primary legislation, the most conspicuous figure among all the bosses who have been engaged openly in the work of slatemaking. It is clear to any novice in politics that the candidate who attempts to secure a nomination against the combined influence of these powerful slatemakers must meet obstacles which few will be strong enough to overcome. Among the Democrats practically the same procedure has been followed. The old-time bosses have gotten together and made up their slate, which the rank and file are to be called upon to endorse. But candor compels us to note an essential difference between these two bands of slatemakers—that the Democratic bosses never have pretended to be the champions of primary reform and so can not be accused of the offense of hypocrisy.

Even before the passage of the present primary law, Governor Deneen was planning to thwart the will of the people and deprive them of their right to rule. Early in the special session, in January, 1910, he framed up a bipartisan plan for the express purpose of getting through some sort of a direct plurality primary law for political capital, and of putting through such a law as would prevent the people from regulating the number of nominations in each senatorial district. Sincere advocates of direct pluralities and many good lawyers held that the only proper and the only constitutional manner of drawing a bill governing nominations for the lower house was to permit each voter to indicate on his ballot whether he favored the nomination of one, of two or of three candidates by his party in his particular senatorial district. This method was known commonly as the "McGoorty Amendment," but

the governor would have none of it. He insisted that the senatorial committees of each party should determine the number of nominations in a district and thus retain control. Governor Deneen's finest stroke, however, was in the defeat of the amendment to give every candidate an even chance with every other candidate and nullify the advantages of slatemaking. This amendment provided for the rotation of candidates' names, so that John Smith's name might be at the top for the first ten ballots, second for the next ten, third for the next ten and so on, each candidate having his name appear first in the list for a given office an equal number of times. "Circular insanity" was the name given by Governor Deneen to this practical amendment, which among other things would have rendered impossible the disgraceful scene now attendant on the filing of nominating petitions.

ADDITIONAL ARTICLES

Academy of Political Science, Proceedings. 1913. pp. 210-19.

Direct Primary versus the Convention.

Albert Bushnell Hart.

Another difficulty with the convention is the feudal side of it. The truth is we are always illustrating what the eugenic people call the reversion to an original type, always going back to the middle ages in our politics. We have substantially a series of feudal systems, in which you, the voter, put your hands between the hands of the district captain; the captain pledges allegiance to the county chairman; the county chairman accepts the suzerainty of the state boss. There is a lordship and an over-lordship all the way up; you perform military service—that is, you vote—and your over-lord protects you. There was in Europe a century ago, a breaking-up process called immediatization, by which a man jumped over the lord and went straight to the king, and the primary is a system by which the candidate may come into direct communication with the men who are to elect him.

Election expenses have seemed to increase, but it is publicity of accounts that makes it seem so. The investigation at Washington shows how much smaller are the outlays this year than in any campaign for twenty years. The primary system almost prevents carrying contests to a convention. If more states had adopted the primary system, there would have been no row at Chicago, for if the delegates had all brought certificates of election from their state officials, there could not have been any difficulty in their taking their seats.

Academy of Political Science, Proceedings. 1913.

pp. 220-8.

Advantages of the Convention. Edgar T. Brackett.

I want to stand for the proposition that never yet has the wisdom of man devised a scheme for ascertaining the will of a free people so good as that of caucus and convention. The opportunity to come together, whether in the little caucus in the barn back in the alley, or in the large convention, to look each other level in the eyes, to tell, each to the other, the reasons actuating one, and to press one's views upon his fellow citizens, this is a privilege which, if awake to their true interests, the people will never consent to surrender. It is a method ingrained and bound up in the conduct of every other business involving the concurrence of different individuals. No board of directors of any corporation can legally act without a majority coming together. Separate concurrence by each director individually sending in his vote in writing reaches no legal action. And why? Because each member has the right to try to impress his views upon his fellows; and unless and until he has the opportunity to exercise that right, no result may be reached. Suppose that a jury, after hearing the evidence and the arguments of counsel, should separate, each man going to his own room and sending in his vote to the clerk—what sort of verdict would they reach in that way?

The overruling power has constructed us on certain lines. One characteristic of humanity is that the attrition of mind with mind will promote harmony and reach a satisfactory result. It is so in matters political as in any other activity. And while it is so, you can never get a better system than one that lets this attrition have its full course and result.

Given a convention of a hundred members, no boss on earth can carry it against fifty-one of such members, if they have serious wishes on the subject. If an elector has no serious notions on the subject, nothing will protect him. And, after all, I am not sure but that it all comes down to

having serious notions and being willing to fight for them. There is no method of procedure that will make a lion into a sheep, or a sheep into a lion. And I want to lay it down as a postulate, that nobody is ever really bossed politically, who, way down in his heart (whatever he may say about it) is not willing to be bossed.

American Political Science Association, Proceedings.

1910: 138-62.

Direct Primary in Illinois. Walter Clyde Jones.

When the party organization presents a unified slate, it has been found difficult to prevent the success of the organization slate at the primary. The direct primary, however, requires the political leaders to show their hands prior to the primary election, and in this respect the primary law has been advantageous. Under the old delegate convention system the people went to the polls at the primary election and selected delegates and subsequently the delegates named in the convention the candidates upon whom the party leaders had agreed. The electors thus had practically no choice in the matter. Under the direct primary the party leaders must act first. They must present their slate for the approval of the electors and the electors are free to accept or reject the recommendations. The leaders are confronted with the importance of presenting the best possible timber available, from a vote-getting standpoint, otherwise their recommendations are in danger of being rejected wholly or in part by the electors.

If the slating of candidates is to become the accepted practice certain collateral improvements should be made in our primary system to insure the slating of ideal candidates and the defeating of objectional candidates when slated by the organization.

Inherently there is no reason why a direct primary should be any more expensive than a primary held under the old delegate convention system; in fact, statistics would probably show that as much or more money has been spent by candidates under the

old system when compared with the expenditures under the new system.

In order to equalize candidates from the standpoint of wealth the publicity pamphlet feature which has been adopted with success in Oregon, is receiving consideration. The publicity pamphlet does away with the necessity of mailing campaign literature and expenses due to other forms of publicity.

The experience with the direct primary in Illinois has shown it to be a marked improvement over the delegate-convention system. No human institution is perfect, and defects have developed in connection with the direct primary, particularly as applied to a populous center like Chicago. Substantial amendments to the primary law and to collateral statutes are necessary to improve the working of the primary principle. It would seem probable, in view of the experience to date, that the great mass of the voters prefer the direct primary to the former system of delegate nominations. In this former system the voter had little or no influence upon nominations. In a direct primary he has, if he will avail himself of the opportunity, a forum wherein he may exercise his influence. Before the direct primary is fully effective the voters must avail themselves of the opportunity to participate in the primary election. This is a matter which cannot be corrected by statute but only by personal reformation. I believe that if a vote of the electors of the state were taken they would overwhelmingly vote that the direct primary system in Illinois has been a marked success.

American Political Science Review. 11:494-518. August, 1917.

The Direct Primary in New York State. H. Feldman.

A study of the detailed figures of the last few years shows conclusively that at its introduction in 1914 the direct primary was accompanied by a great increase in the amount of participation by the people, as, for example, in New York City. A second fact is that although this increase has been sustained in the Republican Party, there has been a considerable decrease in the Democratic Party, resulting in a percentage which is actually

lower than that before the direct primary was introduced. It is too early to make deductions, but it is a subject worthy of speculation as to the probable future of the primary from this point of view. Every new broom sweeps clean. Whether the people will get tired of bothering with elections, whether it will always be necessary to "get out the vote" by partisan exertion, and whether there is any virtue in holding a primary in which party workers and club members chiefly find interest are questions which will be asked more and more as the novelty of having nominations "by the people" wears off.

The percentage of voters participating in the primaries must be accorded its proper significance, in spite of the difficulty of judging the effectiveness of government by numerical records. The smaller the number of voters participating, the greater the power of the "inner circle." The larger the number, the smaller becomes the percentage of political cogs and machine men and the more formidable becomes the influence of party sentiment. In the latter case the machine must put forth a candidate who can get greater support from the people as a whole, and this is apt to produce better candidates.

It is evident that under the present system of direct primaries a machine only needs harmony to win. It is apparent, even from a cursory glance at the membership list of the numerous political clubs that the political powers can easily nominate their candidate, although their actual following may be a small percentage of the actual party membership or of the population at large.

Expense of the Primary

There are many reasons why a man may not wish to become a candidate. The following quotation from a letter by a well-known member of the New York State Assembly gives the point of view of the candidate in homely terms and indicates another disadvantage of the anti-machine man:

The direct primary system has given the knock-out blow to the poor man. It has duplicated the election process. It would not be nearly as bad if public offices were long in tenure and liberal in remuneration, but take my job, as an example. As assemblyman, my term is only one year, and my salary only

\$1500. It costs me money to get the nomination—straight money, I mean, for the state does not give us any publicity, as in other states, and it costs me much more for election. I get elected. But I have hardly warmed my seat before another primary starts and then another election. Again I have to dig down, and my salary, small enough as it is, dwindles down to a negligible sum. To a man who wants to stay in politics, this is an endless process.

This kind of thing takes the fun out of the work. It drains your desire for service because you have got to do too much campaigning and grand-stand play. It takes away your independence and increases the temptation to join the insiders—for the smile of the boss who can deliver the nomination to you cut and dried without trouble assumes an ineffable halo.

In your letter you quoted some primary expense accounts filed by candidates. I don't doubt you copied them correctly, but pardon me if I call these figures bunk. Everybody knows that the law is a dead letter, and that not one candidate out of ten fills out his expense accounts correctly.

In an effort to get at the facts, the writer examined the reports filed by the candidates of New York City for the 1916 election, and it was these figures of which the assemblyman made light. In an amazing number of cases the candidates entirely ignored the stern-looking corrupt practices law and had filed no account of their primary campaign expenses; and there does not seem to have been any effort whatever by the officials to secure compliance with the law. In other cases the amounts reported as spent were so much at variance with common opinion on this point that the figures seem valueless. Still it may be of interest to present a summary. Fifty candidates for the assembly reported that they had no expense—eight Republicans, four Democrats, one Progressive, twenty-seven Socialists, one Independence Leaguer and nine who sought nomination in more than one party. Of the candidates for state senator, twelve reported in like fashion, as did also twenty-one candidates for Congress in the various parties. Of those whose reports did show expenses, nine candidates for Congress spent \$30 or less, three from \$30 to \$100, three between \$100 and \$200, four between \$200 and \$300, five between \$300 and \$400, one over \$500, and one spent \$1519, of which \$1137 came as contributions. Eight candidates for the state senate reported having spent less than \$40, one \$60, two some \$250 odd, and one candidate \$517. Fourteen candidates for assemblymen reported having spent less than \$30, six between \$30 and \$65, one \$145, two between \$200 and \$300, two between \$300 and \$400, one over \$500, and

one over \$600. As an indication of the expenses of other candidates may be quoted that of \$3000 reported by a contestant for district attorney of Kings County (Borough of Brooklyn, New York City), and \$1200 by an aspirant for the supreme court from a judicial district including Kings County.

In rural districts the candidates frequently reported high expenditures. One candidate claimed that his opponent for the nomination for state senator had probably spent over \$10,000. The unsuccessful candidate for the nomination for Congress in the Republican party of one rural district regrets the expenditure of \$3000, and a candidate for state senator in the same party claims an expenditure of \$1395.

The striking features of the primary campaign expenses appear in the more important state offices. This is shown for 1914 and 1916 in a table [not reprinted.] A few main offices have been selected, and only the expense accounts of those candidates in the major parties who had opposition are noted.

It must be borne in mind that these are personal expense accounts. They show that primaries are not for the man without means. In addition, much money was spent by political committees. Governor Whitman's nomination presents an excellent example. On paper it looks very neat—naught spent. As a matter of fact, a White Book, reviewing his accomplishments, was issued early in the fall before the primaries. This was used as a campaign document with which to impress all the voters and especially the Progressive Party whose endorsement Whitman finally received. It was sent broadcast to about a million people, and the postage alone is said to have cost \$25,000. Mr. George W. Perkins spent \$45,542 on Whitman's election. And Mr. Perkins was only one contributor, and Mr. Whitman was only one candidate. One legislator characterizes the primary campaign as a "scramble between those whose friends can put up most money," with the richest in the lead.

In December the New York Evening Post began a series of articles on the 1916 election. The writer of these articles, who had been about the state investigating conditions, charged that in one small county alone (Herkimer) the purchasable vote on primary day was conservatively estimated

by politicians as 2500; that one political party spent \$25,000 in the Saratoga County primary in direct violation of the law; that fifteen or more county boards, not to say innumerable candidates, had failed to file expense accounts; and that "The New York Corrupt Practices Act is a work of art as far as it goes—but its enforcement is quite another matter." It is not charged, however, that actual violence or ballot stuffing occurred. Except for an occasional instance of favoritism, the New York law is now being properly administered by the poll clerks on primary day.

One of the hardships that works most severely on the independent candidate is the filing of petitions. One may know a good many men in a district, but where two or three hundred signatures are needed, all of these by duly enrolled voters of one party, it provides business for the professional hawker. Expenditures of from \$50 to \$200 for this purpose are not unusual. One candidate for Congress reported an expenditure of \$79 for notarial services alone, as these are necessary to authenticate the signatures. Occasionally a charge of fraud is heard, claims being made that names are forged or copied from the graveyard; but such an evil must be regarded as slight and easily remediable by efficient administration of the law. What has added to the difficulty is the tendency of candidates from the major parties to invade the minor parties, except the Socialist. One candidate for Congress spent \$75, \$213, and \$346 in the respective primaries of the Independence League, the Republican and the Progressive parties. One candidate presented himself for nomination in five parties and received five endorsements.

Usually, though, the petitions of the minor parties are a farce and their nominees a joke. Under the provisions of the law requiring 3 per cent of the enrolled voters of a subdivision to nominate a candidate for that subdivision, any member of the "American" party who had one friend in this organization could have had his name on the primary ballot. There is no minimum. Mr. Whitman became the official candidate for governor of the American party because he had 38 votes on primary day, while Mr. Seabury had one less—

this for a state office. In this same party there was for some time a doubt as to the candidate for senator because the nomination hinged for a few days on one up-state vote which might have "turned the tide." In the eleventh congressional district, a total primary vote of two made one Socialist the official candidate for Congress.

All this costs money. It raises tax rates. No figures as to the cost of direct primaries to the state as a whole are obtainable, because the 62 counties do not report to any state authority, and many county boards do not themselves know what the primaries cost. A number of counties which reported their expenses differed so widely in the items included as to make the data of little value. Fortunately, however, the New York City board of elections, in its annual report for 1916, gives some valuable facts as to expenses:

In 1902 the primary election cost \$94,150, while in 1916 the primaries (spring and fall) cost \$448,325. The ballots at primaries . . . alone add nearly \$100,000 to the cost of a primary election. . . . Designations of candidates to be placed upon the primary ballot in the fall were made by petitions bearing 147,025 signatures. . . . Nearly 2,000,000 ballots were printed for 2,079 election districts, and these, together with 6,000 election booths, 16,000 ballot boxes, and about 50 tons of stationery, were delivered to the polling places; 16,632 election officers were employed. The cost of the fall primaries of 1916 was \$215,325.

The best opinion from unofficial sources, although very general in its terms, may be worth taking into account, viz.: that the cost of elections up-state aggregate about twice as much as the cost in this city.

Some of the reasons for opposition to any change in the primary law are not hard to perceive. On the one hand, the faults of the direct primary are not sensational in nature. The general citizenry shows no sentiment for a change. Moreover the alternative presented of having party conventions does not capture popular imagination.

Another reason, advanced in a letter from an opponent of the direct primary, is of significance:

The present direct primary law will have almost the unanimous support of the press, for it has provided such a vast amount of extra and useless printing that every little two-column weekly throughout the state, to say nothing of the large dailies, will strenuously object to losing their share of the pap, and all of the old theoretical and far-fetched arguments in favor of the monstrosity will be resurrected and printed broadcast in aid of it.

That New York's direct primary law has not proved a success is a general opinion among those who understand

it. The question to be answered, therefore, is why it has worked so poorly. And the answer to this, apart from more general considerations as to the propriety of having primaries at all, is not a difficult matter.

One reason is that the governmental organization of New York State was not ripe for any such measure of popular control. The passage of the direct primary law in 1913 was equivalent to the proverbial process of putting the cart before the horse. As a result, the law has become so entangled with a complicated set of governmental defects that it is hard to see how, under the circumstances, any such measure could be what its enthusiasts hope. As long as the attention of the people is distributed by a long ballot over a host of unimportant, nonpolitical offices, primaries are bound to involve decisions which the majority of citizens are incapable of making. As long as elections come frequently, and at set periods that are not at all correlated with important issues or political crises, the manifestation of little interest in the process of nominating candidates is bound to be the usual thing. So long as assemblymen are elected for a term of only one year and are given a stipend of \$1500 annually, the direct primary will be another stumbling block and a deterrent to possible candidates for nomination. It is only after such defects have been remedied that some form of direct primaries will, perhaps, be made to operate successfully.

Apart from these general considerations concerning the condition of New York's government, the form of the direct primary bill itself was ill-adapted to its effective operation. It provided no privileges to the candidates, such as free publicity, which would have relieved some of the hardships of the primary campaign. By forbidding designations of candidates by party organizations, it relieved the latter of all responsibility for poor nominations although it stripped them of little real power. It has thus become doubly difficult to distinguish the "independent" from the "regular." Perhaps, too, the corrupt practices act could have been more tightly drawn so that so many of its provisions would not have become dead letters.

If at some future date the New York direct primary law is amended, it will probably be of the mixed type advocated by Governor Hughes. As such, the direct primary will become merely an emergency measure,—a weapon for popular defense against a very corrupt machine. It will be used mainly in those cases where popular sentiment is strong against a party group or candidate, or when the bosses wrangle among themselves. Occasionally, of course, some man will put up an independent fight. But in the main it will be a latent power to be exercised only in protest.

Albert S. Bard. The Primary and Election Laws of the State of New York.

No distinction is made in the New York law between judicial and other candidates, either at the primary or at the general election. With governors, mayors, legislative representatives, state and municipal fiscal officers, state engineers, and coroners, the judges—and the state—take their chances with the electorate's somewhat undisciplined instinct for natural selection.

The weakest point in the New York system for electing judicial candidates has seemed to be, not the indiscriminating ballot, serious as that defect has been, but the original selection of the group from among whom the ultimately successful candidates must almost inevitably come. And the present handicap of a double election, operating inevitably, in the case of an office in which there is strong political, but slight popular, interest, in favor of the political machines, would seem to intensify the weakness at this critical point. One need not go back to the time when Chief Justice Bosworth was denied a renomination because he had rendered judicial decisions unsatisfactory to Tweed, or to the time when Judge Daly was denied renomination because he had refused to take orders from Croker as to the referees he should appoint. Judicial nominations and renominations have been and are being made and denied in our own day for considerations having only slightly greater weight when judged by the public and professional standards that ought to

prevail. That the bench or bar has played and still plays so often the rôle of suppliant at the feet of a party dictator or ring remains an extraordinary and sinister page in our judicial history.

**Gov. Emmet D. Boyle of Nevada. Address to Legislature,
January 15, 1917.**

The Legislature, in 1909, in recognition of a popular demand for the abolition of the convention system for the nomination of party candidates, went to the direct primary and, during the six years following, tried three direct primary laws, none of which proved entirely satisfactory. The last of these laws, enacted in 1913, met with very general criticism on the grounds that: (1) the expense to the taxpayers and the candidate was excessive; (2) that candidates of a party seeking nomination by that party were committed to no set of principles excepting such a platform as they themselves might adopt after their nomination; (3) that the plan lent itself admirably to political machinations designed to permit an improper interference with the selection of the candidates of a particular political party by persons not affiliated with such party; (4) that no provision was made for the bringing out of candidates who might be reluctant to enter the public service without urging, thus leaving the electorate a choice between only such men as, because of political ambition, saw fit to enter the primary contest, and (5) that, in such a free field as the system offered, primary candidates who were not the choice of a majority of the party might still receive the party nomination. Some of the defects complained of are perhaps inherent to any primary law, while others are subject to correction.

The Legislature, in 1915, passed an indirect primary law by which delegates to a convention were selected at a primary election, and it was hoped that the plan would put into effect the good, while eliminating the bad, features of both systems. A single trial of this compromise measure has indicated that it is neither practical nor popular. Serious study of the convention and primary systems of other States and of the defects

which resulted in the repeal of our own experimental laws here have been made by a number of public-spirited citizens at a series of conferences initiated and conducted by members of your own body. It is hoped that from these conferences will grow the draft of a law which will eliminate the features not found satisfactory in the earlier Nevada statutes. In the belief that our people demand a return to the primary system, you are respectfully urged to provide again for direct nominations on the ballot.

**Gov. Frank W. Byrne of South Dakota. Address to
Legislature, January 2, 1917.**

People are going to insist on choosing by primary vote the candidates for the important offices. While they justly find fault with many features of the primary law, this is one of the matters on which they are going to insist. I think the people would accept a change, providing for the minor and less important officers to be chosen by the convention system, providing it was done under a system similar to our former "Honest caucus law" and providing further that there was no opportunity to "job" the selection of delegates in the county convention.

One of the worst weaknesses of the primary law is that it sometimes results in a minority choice of some candidate very objectionable to the majority of the voters of the party, where there are a large number of candidates in the field. Experience has shown that this can be avoided by first and second choice voting, in which case no man could be nominated that was not the first or the second choice of a majority of the voters.

**Gov. Arthur Capper of Kansas. Address to Legislature,
January 13, 1915.**

Several amendments should be made to the primary and general election laws to improve them, but such changes must in no way interfere with a full and free expression of the people's choice in naming the candidates to be voted on at gen-

eral elections. The direct primary law of Kansas has become a part of our political system and our efforts should be to simplify it, to render it more direct, rather than to weaken or discredit it.

**Gov. Arthur Capper of Kansas. Message to Legislature,
January 10, 1917.**

The people of Kansas look with favor upon the Kansas primary election law. Some minor changes doubtless are needed, but any effort to repeal it will meet with general disapproval. The popular primary election has come to stay.

Case and Comment. 23:396-9. October, 1916.

Primary Elections as an Instrument of Popular Government.

William H. Wilson.

I now desire to direct your attention to the most prominent defects of the primary election system of nominations, except in purely local and nonpolitical elections.

1. The primary election system prevents the people from selecting the ablest men and the men of highest character as candidates for office, and restricts the choice of the people to those who are willing to rush forward and inject themselves into what is frequently a vicious election in order to obtain nomination. This defect of the primary election nominating system is particularly unfortunate in the selection of candidates for the higher judicial offices, since it is well known that the men who are best fitted to perform the duties of judge of the courts of civil appeals or of the Supreme Court are men who are willing enough to accept the office if tendered them, but entirely unwilling to engage in a political contest to secure the office.

2. Another defect in this primary election system is that there is no deliberation or weighing of the merits of the various candidates combined with the discussion of their merits with people who possess first-hand information respecting them.

3. Another defect of the primary election system for nominations is that there is no referring of the candidate, of the candidate's history and political beliefs and opinions to the fixed standards and policies and principles of the organized political party in which he offers as a candidate.

4. Another objection to the primary election system of nominating candidates, and really one of the greatest and most fundamental, is that where the population is large or the territory widely extended the voters in the primary do not know the candidates or their qualifications for office, nor have they any means of finding out what the character of the candidates or these qualifications are.

5. Another defect in this primary election system for nominating party candidates is the tremendous expense of the thing. How can a citizen who wants to run for governor or member of the Supreme Court get himself before the public throughout the whole state? If he wants to interest the newspapers throughout the state, and if he wants to interest the minor political leaders throughout the state, he has got to turn loose the cash. His postage bill and bill for stationery is something enormous.

6. Another most serious objection to the primary election system is that it absolutely destroys party organization and party principles, owing to the fact that men of opposite political views not only vote in the primary elections of other parties, but run for office in them and are elected.

7. In principle it seems to me that the primary election system for nomination of political parties dethrones the natural leadership of men, which always asserts itself unless interfered with by arbitrary regulations, and substitutes for it the stupid, unintelligent, uninformed action of the masses. It is utterly in contradiction to the American principle of representative republican government. Most people will admit that the mass of people know very little of governmental affairs, especially of the somewhat complex system of national and state governments, and the proper limits in principle and practice of each. What most people do not know, and what no politician will admit, is that a very large percentage of the voters not only do not know, but do not care. The convention system is a system by

which the final political power is located in that number of the voters who care enough about public affairs to be to some extent informed on the subject. The convention system, therefore, as opposed to the primary election system, has the advantage that the action taken is more intelligent, and in the true sense of the word more honest, since men are not undertaking to act on serious matters in which they take too little interest to be informed.

In a sentence, the system of primary conventions is a part of the system of representative republican government, and the system of primary elections is a part of the system of direct democratic government. As before stated, this thing will not work, and if we desire to maintain in the United States the local popular governments in their integrity, we must get them in workable shape. If we do not, all real authority will ultimately fall into the already powerful central government, which neither is nor ever has been democratic in the slightest degree, and which is only republican to a limited extent.

**Gov. George W. Clarke of Iowa. Message to the
Legislature, January 9, 1917.**

The nomination of candidates for public office in this State by a primary election has been in vogue for a period of ten years—a long enough time to give its efficiency and adaptability to the purposes designed by its advocates a reasonable test. Results from the beginning have not been entirely satisfactory. Changes from time to time have been made in the hope of making it an approved instrument of popular government. No improvement has been perceived. It seems to have been continually losing ground in the minds of thoughtful men sincerely interested in good government. To test the public mind of the state on the subject I some weeks ago sent out quite a large number of letters to men of all parties and former factions asking whether they were satisfied with the law, not simply in theory, but in its practical application, and if not, why, and whether they

would recommend a change, and if so in what particulars. Almost all responded and not one said he was entirely satisfied. All but two or three expressed thorough dissatisfaction and disappointment. Nearly all recommended very radical changes, many denounced it as subversive of representative government and favored its repeal. Many of those who were its staunchest advocates in the beginning and who were in considerable measure responsible for its enactment were as severe in their criticism of results as many of those who never regarded it with favor.

As to the further practical operation of the primary laws it may be said that nobody is responsible for results. Nobody nominates candidates for public office. They select themselves. The question of fitness is not discussed and passed upon by anybody. They are found in the field. Multiplied thousands of voters know nothing about their qualifications and do not and cannot take the time to investigate. If they could, to whom could they go? To everybody only. And everybody is nobody. The voter simply ratifies the candidate's selection of himself. He has nothing to do with selecting the agents of his government. The most intelligent voter does not know how to mark his ballot below the head of the ticket. It is manifest that it would be better if candidates were selected by representatives chosen by the people in small units of government. Then there could be some canvass as to fitness. Then responsibility could be located. Then the people would indeed select their candidates. That would be democratic. It is not democratic where the voter expresses no opinion as to nearly the whole of the ticket he casts. He makes no selection. He votes blindly. He simply makes a thrust in the dark. Why insist that he wait until he is twenty-one years of age before he does this? He could do it as well at fourteen. Or why insist that the voter be a male? A sixteen-year-old girl could make a stab at the field with just as much certainty of impaling the best man. That it is mostly a chance, a lottery, was humiliatingly admitted when the legislature ordered a rotation of the names on the ballot. That it could be nothing else was

conclusively demonstrated when no better results followed. There could not possibly be a greater delusion than that a repeal of the primary laws would deprive the people of their power of direct participation in their government. The fact is that the primary prevents that very thing. The people cannot proceed with the greatest efficiency, precision and intelligence by multitudes. All experience establishes with unshakable certainty this fact, not only in government but in business and every other department of life where large issues are involved. This principle is recognized and acted upon everywhere else but in government where it ought to obtain with greatest force.

The primary tends to exclude the best, most unselfish and capable men. The rule is that they will not undergo the methods which seem necessary to success. The meaningless circulation of petitions, the harassing and long-drawn out primary campaign within the party, tending to disrupt and weaken the party, a great evil where government must proceed by parties, the enormous and disgraceful expenditure of money, all tending to corrupt public morals, lower and contaminate the political and public ideals of youth—all this with reference to the questions that must touch every citizen, really the most momentous questions with which he has to do. Then must follow the campaign for the general election with all of the convulsions and disappointment and bitterness of the primary campaign carried over into it. The tendency of it all is to develop the demagogue, lower to debasement the tone of our political life, deprive the country of great leadership, inspired only by a desire for the common good, for a commonwealth that shall be an example and attract the admiration of the whole country—a leadership that is not based upon and which would scorn to appeal to the prejudices and want of vision of men, but which is on fire, with the great things of life which develop great citizenship and build states upon enduring foundations.

The tendency of our present system is to grow worse. Such has been the result. A new movement having the approval of great numbers brings with it a pride in its success

which seems to start it well, but its inherent weakness is sure to develop. Hence it has come about that in more States than one, dead men have been voted for as candidates. In other instances men of notorious weakness in character and mind have polled thousands of votes for important State offices, putting the public service in actual peril—indeed there is a constant peril. Besides, it has been demonstrated that the less intelligent voters, those whose personal prejudices are most easily aroused, vote with the greatest unanimity. Thus an analysis of a primary vote in Michigan reveals the fact that “in the seven counties containing the most foreign-born and illiterate voters the Republican vote has been far above the percentage for the State, in the last three primaries exceeding the party membership; while in the seven counties containing the least such vote the percentage has been considerably below that for the State. In Detroit the vote in the four wards conceded to be the ‘worst’ has always been markedly heavier than in the best wards and in 1914 the Republican vote in the worst wards was over twice the party membership. The voting is quantitatively best where the electorate appears to be qualitatively worst.” I think this would be found to be generally true under the primary system.

The non-partisan judiciary law, as it stands, has also demonstrated its utter futility to effect its purpose. It has moved the judiciary into politics. It invites into a political game that has not one thing to commend it, but everything to condemn it. It starts the candidate for the office of judge out as a suppliant. He must appeal to people whom he may soon have before him as litigants and who have extended the helpful influence. If he rises into the region where the recollection of favors do not abide, those before him may be on a lower level where the memory is ever alert and suggestive. So far as it is humanly possible the judge should be placed beyond every suggestion or suspicion of bias. If he were nominated by a convention he would be very much farther, although not altogether, removed from this; but selecting himself as a candidate and appealing to the people,

he is subjected to every sort of obligation and entanglement in the primary. The field is open for every mediocre to become a candidate. It invites to the arts of the demagogue to gain a judgeship. It may easily lead eventually to the loss of fitness, ability and courage on the bench.

It has been said of this matter by a great lawyer of nation-wide renown: "Those ripest in wisdom are not willing to engage in a campaign where the arts of the demagogue and the use of money are such potential factors; and we must make up our minds that unless we withdraw our judicial nominations from these strenuous primaries, our judges, in time, will be our most skillful politicians rather than our most learned lawyers." This law ought to be repealed. The presidential preference law should be repealed. The office of judge should be appointive. It is so in every country on earth but Switzerland and the United States and is so in eight of our states.

Niels Henriksen Debel. The Direct Primary in Nebraska.

The state-wide direct primary law has now been in operation long enough to enable one to form a fairly definite opinion as to its merits or demerits. On the whole the people of Nebraska believe in the direct primary. There are many who believe that it is the instrumentality through which the people have come into possession of their own government. The system has had its violent critics, however.

The purpose of the direct primary is not easily defeated through "slates" or lists. This is the testimony—three to one—of sixty-eight prominent political leaders, legislators, and newspaper men, in reply to a circular letter sent out for information. The secret caucus, so powerful under the old system, has been very generally put out of business. No doubt an endorsement of this sort is often more of a detriment than an aid to the candidate whom it is designed to benefit. The voters are suspicious of any attempt to influence the free choice of the primary.

One of the many objections urged frequently before the adoption of the direct primary was that it would greatly increase the number of candidates. They would become a drug on the market so to speak. While this has often been true at the first trial of the direct system it is by no means common. During the years under investigation little danger of either extreme has been found. Only once has it happened that there has been no candidate for the nomination for a state office. In the year 1907—the first year of the state-wide primary—no Democratic candidate sought the nomination for the office of railway commissioner. The other extreme occurred in the year 1908 when the Republican nomination for state auditor was sought by eight candidates. The successful candidate, Silas Barton, received 12,527 votes, or 25 per cent of the total vote cast for that office.

During the six years, 1907-1912 inclusive, the average number of candidates for state offices in the Republican and Democratic parties varied from an average of 1.83 for each office in 1909 to 3 in 1911. The total average for these same years was 2.75. These figures show that the charge that there would be too many candidates is groundless. It also shows that there is little ground for that other charge that the "expense of the double election" deters candidates from running for office.

From the point of view of the vote it gets out, the direct primary in Nebraska is a success. To say that 79,273 votes were cast in 1907 and that it had risen in 1912 to 133,603 may not mean much. The size of anything is a relative matter. The relation that the primary vote bears to the election vote is the real test. In 1907 the percentage of the primary vote calculated on the basis of the election vote was 38.8 per cent. In 1908 it fell to 36.2 per cent in spite of the fact that the total primary vote itself rose from 79,000 to 98,000. From 36.2 per cent in 1908 it rises to 45 per cent in 1909, falls to 44.4 per cent in 1910, rises to 57 per cent in 1911, and falls again to 51.5 per cent in 1912. It will probably reach 60 per cent in 1914. The total average is 45.5 per cent. But if the last four years are taken the average is all but 50 per cent."

The fluctuations of the percentages of the primary vote would be misleading, however, if not subjected to closer study. The primary vote does not fluctuate much. Only once has there been a falling off from the preceding year. The vote shows a constant tendency to rise, indicating that the direct primary has an educative value. More and more voters get out to take part in the nomination of candidates.

On the other hand, the election vote fluctuates violently. It reaches its highest points in presidential years and falls to its lowest depths in odd years, when judges and regents were elected. Under the new biennial election law of 1913 the fluctuations will not be so great. Furthermore, the fluctuations were largely caused by the herd of voters who do not go to the polls except when there is some excitement. They vote at these few elections but are undoubtedly largely absent from the primaries. Nor is this a valid objection to the primary. The door is open. The right to exercise their vote is there if they choose to do so. In the meantime no one can object if they permit the more intelligent to nominate their candidates.

The cost of the primary election is heavy. The cost in Lancaster [County] is 32 cents per vote; in Douglas, 48; in Washington and Howard, 63; in Dawson and Custer, 71; in Lincoln and Brown, 90; and in Thomas and Hooker, \$1.81.

As would naturally be expected, the cost rises with the sparsity of population. There is one exception, however, in the cases of Douglas and Lancaster counties. In Douglas county, where the population runs from forty-five to ninety per square mile, the average cost is 48 cents per vote. In Lancaster county, on the other hand, where the density is from eighteen to forty-five, it is only 32 cents. That is, calculated on the basis of the cost in Lancaster, the Douglas vote costs 50 per cent more. At the other extreme it is interesting to note the example of the Hooker county primaries in 1907. Forty-one voters turned out. The total cost to the county was \$123—an average of \$3 per vote.

There has been a great deal of criticism of the heavy expense of the primaries. Objectors are prone to forget that "under any

system of selecting candidates certain expenses must be borne and that the present law merely transfers the burden from the few to the many." Under the old system corporations and individuals furnished the money. This gave them a great deal of control, not only over the choice of candidates but also over their conduct after election. The expense should be borne by the public. If it is too great at present, the machinery should be simplified or its operation should be made efficient.

The individual campaign expenses are limited by the corrupt practices act. The limit varies from \$100 for 5,000 voters or less to \$650 for 50,000 or more. It must be remembered that the double campaign may cause the expenditure of double this amount. However, in the second campaign the candidate is relieved of a great deal of the burden by the party.

The effect of the direct primary upon the party system is another question which is largely a matter of opinion. It will be recalled that the party machinery is chosen under the old caucus and convention system. To get the opinion of party leaders on this point the following question was submitted: "Does the primary destroy or impair the efficiency of political parties in promoting the public welfare?" Sixty-five replies were received. Five were doubtful, twenty-eight held that it does, while thirty-two held that it does not impair the efficiency of parties. It is well to note that parties still exist, that they still perform their functions, and that there has been no talk of disbanding.

The reasons given are many and various. Some of those criticising the system feel that the party organization has been devitalized. There is little real responsible work for it to do, hence a lack of interest. It has taken "all the ginger out of politics." There is "little chance for the boys to get together and get acquainted."

However, the better reasoning appears to be on the other side. Says a progressive editor out in the state: "It not only doesn't destroy but it builds up a party for principle." A prominent Republican leader says: "It tends to destroy organization but does not render the candidacy of a positive man all but impossible." It would seem likely that what the party organization may lose among the class of professional politicians it will probably gain

in the added support of the rank and file, who were largely disfranchised under the old system.

Nor is there any serious danger of split or faction in the parties over the results of the primaries. This is the sentiment—two to one—of the leaders. Violent factional fights were common under the old system. Under the present system, the vote ordinarily settles the fight. An exception must be noted here in the gubernatorial campaign of 1910. Mr. Dahlman, the Democratic nominee, was bolted by many Democrats. They justified their action because Mr. Dahlman was appealing to Republican voters on the ground that the issue was a non-partisan one. And no doubt he owed his nomination to "wet" Republican votes.

True leadership is taking the place of demagoguery. Of sixty-two replies to this question only seventeen believed the power of the demagogue had been increased. The demagogue depends largely upon the presence of his admirers. An excited convention is an ideal place for him to do his best work. Under the direct primary everything he says and does is subjected to the severe test of newspaper criticism and private discussion. The decision of the direct primary expresses the result of sober judgment and not of spell-binding.

As a result of this new system the press will more and more come into its proper sphere as a moulder of public opinion. There is no evidence that any large number of editors abuse this position of trust and honor. There is a temptation, it is true, for the press to profit by the advertising of the candidates. This temptation should be removed by introducing the publicity pamphlet. The average intelligence of the voter may be trusted to detect the unworthy motives of a corrupt editor. He will soon lose his influence. On the other hand, a free and virile press can not but render the greatest service. It is safe to assume that just as the press of the state was the strongest champion of the direct primary when it was adopted, it will be found among its most efficient and faithful servants in the future.

Conclusions and Suggested Amendments

So far as Nebraska is concerned, the direct primary has come to stay. During the years 1896 to 1907 in Lincoln, and from 1907

to the present time in the state as a whole it has been thoroughly tested and not found wanting. It has endured much severe criticism; yet few seriously propose to repeal it.

The law has been given an excellent chance to demonstrate its superiority over the old caucus-convention system. Little attempt has been made to interfere with its operation. The voters are jealous of their power. Interference is likely to prove a boomerang to those who attempt it. At any rate nothing would prevent "good government" leagues or similar organizations from meeting these attempts with equally effective counter moves.

Perhaps there is no other point on which so much conviction has been developed as on the relative merits of the open and the closed primary systems. As stated above, the primary was opened in response to a strong demand on the part of the independent voters. The experiences of the campaign of 1910, when Mayor J. C. Dahlman of Omaha was nominated over A. C. Shallenberger, so displeased strict party men that the closed primary was reinstated in 1911. At the present time sentiment is very decidedly in favor of the retention of the closed primary. Later in this chapter an attempt will be made to show that perhaps the result of the primary campaign of 1910 was really in favor of the open primary, and that there are strong theoretical reasons in its favor as well.

Opinions differ as to the relative merits of candidates selected under the convention and the direct primary systems respectively. It would not be fair to demand of the direct primary that it justify itself by the selection of distinctly abler men. One of the charges against the convention system was that it favored the selection of candidates devoted to special interests. Now who can doubt that the "interests" themselves are served better by able men, and that they know where to pick them? All that can reasonably be asked, particularly during this period of transition, is that the primary shall secure a class of candidates, less subservient to special interest and more responsive to the popular will. When the question is put thus the primary will answer for itself. As one editor put it, the direct primary secures "without doubt freer men." That alone is sufficient justification.

The size of the vote cast at the primary is very gratifying. Practically half of the vote gets out. Moreover, the vote is steadily rising, not merely in actual number, but relative to the election vote as well. That indicates that the direct primary has an educational value. If a comparison is made with the number of voters taking part in the old caucuses the figures assume even greater significance. Then the nominations were left to a mere handful of politicians. Now they are made by one-half of the voters. And it is safe to assume that that half consists of the best voters.

The cost of the primary has been discussed from two points of view, the cost to the candidate and to the public. There is a general sentiment that the cost of two campaigns is too heavy for the candidates. This could be remedied largely by the use of the "publicity pamphlet," printed and distributed by the state, which will be discussed later. On the other hand, the cost to the public can not be shifted. It is admittedly very heavy in thinly populated counties. However, it is believed that good government is worth all that it costs. The remedy is not the abolition of the direct primary law, but rather the improvement of it so as to promote the greatest economy and efficiency in operation.

Theoretically the provision of the law requiring only a plurality of the vote for nomination is a weakness. In practice, however, this objection has proved negligible. Only 11 per cent of the candidates nominated during the years 1907 to 1912 have received the nomination with a vote as low as 35 per cent; 89 per cent have received more; 65 per cent received a clear majority. Still, the adoption of the preferential vote would doubtless strengthen the law considerably.

Sentiment is quite evenly balanced on the question of the effect of the direct primary on party organization. Many feel that the organization has so little responsible work to do that it must eventually break up. However, this does not necessarily follow. The present is a period of transition. Doubtless the fact that nominations are taken out of their hands cause many old spoilsmen to withdraw. They had been rewarded more or less directly. Under the present system as much sacrifice is re-

quired, but the rewards are less tangible. However, it is believed that in the future these positions of trust and honor will prove very attractive to many public spirited men who would not have considered them under the old system.

While the direct primary law as a whole has worked quite successfully, nevertheless its operation could doubtless be facilitated by the adoption of various reforms. Four are submitted for consideration: the open primary, the publicity pamphlet, the preferential vote, and the party council.

1. *The Open Primary.*—One of the weaknesses of party government is its lack of flexibility. Party discipline is too rigid to permit a free and spontaneous alignment on new and important issues. The welfare of the state is being sacrificed constantly for the sake of a mere party name or the interests of a few office-holders.

The open primary demonstrated its efficiency in 1910. A very important issue had arisen. Two candidates for governorship had taken a definite stand upon it. Any system of primary that would not permit the voters to align themselves freely on one side or the other is defective. If constantly found wanting in emergencies it would almost surely be discarded.

Every voter has an equal right to exert his influence in determining the policies of the government. Anything that tends to debar a class of voters from exercising that right is unjust. The independent voter has as much unselfish interest in the government as does the partisan. He is now debarred from participation in the most important step in choosing elective officers. If constantly refused his rights he will some day arise and abolish party government altogether.

2. *The Publicity Pamphlet.*—An important criticism of the direct primary law is the expense of candidacy. This could be lessened considerably by the introduction of the publicity pamphlet. Besides reducing the expense of the candidates it would serve the purpose of placing reliable information in the hands of the voters. It should be prepared by the state and at public expense. A definite amount of space might be allotted to each candidate, for which a small charge could be made. A copy should be mailed to every voter far enough in advance of the

primary to permit a full consideration and discussion of its contents.

The contents of the pamphlet itself might be left to the discretion of each candidate. The latter should be held legally responsible for any misstatement of facts. Or, again, the contents might be regulated by law to cover certain definite information. For example, the candidate might be required to state his age, qualifications, such as education and experience, his occupation, and a personal platform. The voter is entitled to facts and definite pledges from every candidate for public office.

3. *The Preferential Vote.*—While the plurality system of nomination has worked remarkably well the adoption of the preferential vote would greatly strengthen the law. Whenever a voter is confronted by a number of candidates for his vote his ballot should be capable of expressing perfectly the gradations of his preferences. Now, in practice, it would not be necessary to give more than three. There are very rarely more than three candidates for the nomination for the same office. Generally there are only two. The number of cases in which the preferential vote would be required would be so small as to add little to the expense of the count. The practical advantages would by far offset the disadvantages. It may be added that the sentiment of the state as indicated by the replies received on this question are four to one in favor of this change.

4. *The Party Council.*—The present method of holding a state convention before the primary to formulate a platform is illogical. It discourages the adoption of new policies. It is in the primary that men with new, progressive ideas come forward. Delegates to the county and state conventions are not chosen on account of policies they may advocate. They are chosen rather as a reward for past services. On the other hand, candidates are chosen or rejected on account of their policies. The successful candidate represents the policies of the voters who send him.

Most of the adherents of the pre-primary convention method maintain that the party and not the candidates should make the platform. But who are the party? Is it the convention? By what system of logic can it be maintained that the candidates

selected by 50 per cent of the voters—the better half of the electorate—are less representative of the party than are delegates chosen by a handful of politicians?

The platform should be made by a council of party candidates for legislative and state offices. They will be held responsible by the voters. The platform will then mean something. It will not be a mere contraption to catch votes but a definite statement of principles and policies actually to be carried out in legislation and administration.

Allen H. Eaton. The Oregon System.

It is just to state that in the convention system, Oregon's ablest citizens and best men participated. To draw the gloomy, one-sided picture of the convention as an enemy of the people, and as the subservient tool of the corporations would be as unjust as it would be untrue. But in spite of the high ground taken by many an Oregonian, the convention often deteriorated into an arbitrary machine, controlled by certain cliques and special interests. Candidates were selected for places of favor and power by the controlling elements in each convention. In many cases the interest had named the candidates in both party conventions, so that in electing either one the people merely exercised their right of franchise to the advantage of the controlling interests.

As to the advantages of the Direct Primary Law, the first thing which it accomplished was to eliminate from politics the too active political bosses whose sources of strength lay in the convention. It gave equal opportunity to all, for any man who wanted to run for office could enter the contest on equal terms with any other man. It annulled that system of elimination by which all the candidates went into a convention and practically pledged themselves to stand by the one who received the largest number of votes. There is no question but that under the Direct Primary Law every man has an opportunity, and advantage which he did not have under the old political system. If the new system has weakened parties, it has increased the power of measures and it has therefore put principles ahead of men.

It is safe to say in regard to the Primary Election Law, that the voters of the state of Oregon would not think of doing away with it although certain defects have appeared and are appearing which must be corrected in order to render it a satisfactory measure.

We will now note some of the principal defects. The law has practically done away with political party organization in this state. Considerable disappointment among the partisans of the state has resulted in the selection of candidates not in good standing with the political parties. This has been partly due to the fact that in the primaries, Democrats have registered as Republicans and *vice versa*.

Some of the best men in the state of Oregon have practically bankrupted themselves in their endeavor to acquire office.

Another disadvantage which applies particularly to thickly settled localities where candidates are not known to the voters, is that the candidates are not sought out by the electors; that is, the office does not seek the man, but the man almost invariably seeks the office. With no provision by which the qualifications of the candidates are to be considered by the political organizations, with no organizations to seek out men for official positions, with the active political leaders of yesterday out of the field entirely, the result is that men generally become candidates upon their own initiative.

Another disadvantage which the people of the state are coming to realize is that in the distribution of offices, centers of population secure practically all the plums.

Jay W. Forrest. Direct Primaries Will Broaden Manhood.

Why there should be an opposition to the principles of Direct Primaries it is hard to understand. In truth there is no open opposition, for it would take a courage that is not possessed by the average politician to get up and tell the people that they are not fitted to govern themselves; that they must delegate to politicians the art of choosing the men who are to represent them. In order that the masses of our people may be governed for the benefit of the few, it is necessary that the many have no direct

hand in their own governing. It is necessary that the many delegate to representatives the art of governing, and that such representatives should be influenced so as to become the representatives of the few, in order that governing may be carried on for the advantage of rulers, not of ruled.

So the opposition to direct primaries among those who design to make of our government an instrument for the oppression of the many and the enrichment of the few is an opposition that is covert, for to avow it would make it ineffective.

I do not want to be harsh, but he who, understanding, opposes direct primaries is no better than a monarchist, for he holds that the people are not fitted to govern themselves, that the few are fitted by divine law to rule; that the many are condemned to be ruled for the benefit of the few by a law equally divine. This is the law of kings; it is not the law of democracy. It does not breathe the spirit of our Declaration of Independence; he who holds it is false to our theory of government, a worthy monarchist, but an unworthy republican.

No one who believes the people are fitted to govern themselves, capable of discerning what laws are good and what bad, can honestly oppose direct primaries, which means nothing less than government by and for the people.

Direct primaries, or the rule of the people, is only democracy applied, and its growth demonstrates that at the core our people are still democratic—not in a partisan sense, but in the true meaning of that noble word—and they are determined by using direct primaries to change this from a government of the people, by the politicians and for the corporations, to one that, while it is of the people, is actually by the people, and hence is really, and truly for the people.

**Gov. Winfield S. Hammond of Minnesota. Message to the
Legislature, 1915.**

The people believe in primaries. They realize that there are defects in the primary election system, but they prefer that system as it is to a return to the old convention plan, and unless it be to cure some defects in the present law or some

unfortunate conditions that the statute permits, there should be no change in our primary election law.

It is a matter of common knowledge that many Democrats vote in Republican primaries and help nominate Republican candidates. Undoubtedly many Republicans likewise vote in Democratic primaries, and members of other political parties assist in nominating candidates for whom they do not intend to vote. Perhaps on the whole no great harm is done by this kind of voting, but the spirit of the law is violated. It was intended that each political party should hold its own primary; should nominate its own candidates, and that only members of that political party should participate in their selection. Heretofore in many portions of the State the minority parties presented no candidates for county and legislative offices. In the general election the members of those parties voted for men others had nominated. They could then qualify under the law and many felt justified in voting in the primaries where a choice of candidates was offered because in the general election there was no opportunity for selection. It may be that at times they supported a candidate for the nomination because they believed him to be more likely than another to be defeated in the general election by one of their own party; but the number who indulged in that practice is comparatively few, and to repeat what was said a moment ago, there is probably no great harm done by the voters of one party going into the primaries of another. Many times because of their participation in the selection men best fitted for the offices they sought were chosen and became the party nominees. Now if a large number of Republicans are voting in Democratic primaries, why would it not be well to allow all Republicans to vote in them? If a large number of Democrats are voting in Republican primaries, why not let all Democrats vote in them? Suppose the Progressives do take part in nominating the candidates of the Prohibition party, and the Socialists assist in making the selections of other parties, the nominees for public office would probably be as good men and as good party men as they are now. If such voting were permitted by law none

would refrain from exercising the privilege that others take. The judgment of men who are unwilling to violate the spirit of law ought to be of value, not only in the selection of public officers, but in the selection of candidates for public office. Should the Legislature see fit to amend the primary law so as to permit all electors to participate in each primary, considerable criticism of the system would be avoided; no harm would be done, and on the whole, probably better nominations would be made. In the Republican primaries, of course, the only candidates to be voted for would be Republicans, and in the Socialist primaries only Socialists would be considered, but all voters, irrespective of party, would select all the nominees.

While no material change need be made in our election laws, it is very desirable that their provisions be re-arranged in a more orderly manner, and that many passages difficult to understand be re-written. It is quite necessary, in my judgment, that there be a thorough going over of these laws, and the perplexities and apparent inconsistencies now found in them removed. If this is done, I am confident it will meet the approval of our citizens, especially our election officers and the judges of our courts.

**Gov. William L. Harding of Iowa. Message to the
Legislature, January 11, 1917.**

It has been seriously proposed by some that the primary principle be abandoned by this commonwealth, and that election laws embodying that principle be repealed. The same proposal has been made touching the same principle as applied to the non-partisan selection of the judiciary.

When the Fathers drew the Declaration of Independence and framed the Constitution, upon which our liberties rest, they declared a new confidence in the individual, and in the capacity of the average man to have his share of power and responsibility in framing the laws of his government, and in choosing the men who should administer them.

Since those great days in the history of freedom, every piece of machinery which has been designed to enlarge that participation by the people, has justified itself, by the capacity which it has developed in the people for its employment to that end, and the force of public opinion is a vital one in just the degree that such machinery has been developed for its exertion.

The primary principle is fundamental. By it, the unit for the expression of public opinion has been reduced from the mass meeting to the individual, and no man's voice need be drowned by the crowd. His right to be heard, and to be counted, has been transferred from the will of the presiding officer to the quiet protection of the ballot box, and this right to be so heard in the preliminary selection accomplished by the primary is as sacred to the individual, and as valuable to the commonwealth, as the major right of suffrage.

The arguments for repeal are fundamental, and of great antiquity. Their base is the distrust which the Tory of all ages has felt of the populace. That feeling has made war upon every enlargement of the franchise. It is the essential belief of those who hold that the people must be trusted, that a confession that they cannot be is a confession that our form of government is doomed. This does not assert that the people make no mistakes, but that they learn to use power rightly by being given it to use.

The use of the primary will better it. Even now, there speaks for its retention, one great fact which outweighs all objections made—that it is better for the State, that those who administer its affairs cannot know with dangerous exactness where their redeemer liveth—that he is best guarded against giving what he has in trust, to satisfy a sense of obligation, who is obliged to unknown thousands.

If you shall feel, as I do, that the preservation of this principle is vital, I am sure you will, no more than I, hear with patience, pleas for saving money by abolishing the machinery by which it is given play.

No saving of money which involves curtailing the liberty and power of the individual citizen is an economy.

Gov. Henry D. Hatfield of West Virginia. Message to the Legislature, January 13, 1915.

I strongly favor a primary election law. The people must be given the opportunity to pass upon the aspirations of each man of each political party, from those who would secure nominations for Governor and United States Senator down to the district officers in the respective counties of the State, including the selection of party committeemen by the direct votes of the people.

Gilbert L. Hedges. *Where the People Rule.* pp. 91-2.

It was earnestly urged by the opponents of the Direct Primary Law [of Oregon] during the campaign for its adoption that only the incompetent and egotistical would seek to nominate themselves for office. At the first primary election held after the law became effective, the names of many unworthy and incompetent candidates appeared on the ballot. These names appeared to the exclusion of many who would be willing to accept office, who possessed the ability to perform the duties of the various offices and yet who disliked self-nomination. The people generally used good judgment at this first election and the sycophant, professional politician, and bombastic nominee found out their standing in the community. The votes cast for such people were indeed small in number. Good men were selected and from that time on the primary ballot has not been burdened with a swarm of drones. To be sure, pin heads and effervescent fizzers occasionally summon themselves to nominate themselves, but the stamp of popular disapproval of their candidacy is invariably placed upon their petty ambitions. At present, those who aspire to office, however modest and sensitive they may be, follow the provision of the Direct Primary Law without compunction. Justices of the Supreme Court cause their petitions for nominations to be circulated without feeling that they are committing a breach of ethics.

Members of the minority party have at times registered as belonging to the majority party in order to help out a candidate at the primary election. This practice has been strongly condemned by the press and people generally. Too much importance has been given to this subject. While the Direct Primary Law sets forth in its preamble that "political parties are useful and necessary at the present time," the time is not far distant when political parties within a state of the Union will be eliminated.

The Direct Primary Law destroyed the corrupt convention system. The importance of this result can not be overestimated. Before its adoption, the rule of the party boss was supreme. He selected his minions and servants and made them members of the nominating convention. The boss-ridden conventions apportioned the various offices among the friends and fellow political pirates of the boss. Nowhere in the system was there a place for calm deliberation. The people saw these things but were powerless to remedy the condition. In the Direct Primary Law they found the weapon which has served to destroy forever the corrupt convention in the state of Oregon.

Frank E. Horack. Primary Elections in Iowa.

Thus far the Iowa primary has been subjected to no little criticism—especially from the press of the state. As already pointed out, those who opposed the passage of the law seem to see their objections verified in the workings of its provisions; while the friends of the measure are only confirmed in their faith in the system. It is, however, a significant fact that there is no real demand for the repeal of the law, although suggestions for its modification are frequently advanced.

The Light Vote

The most general criticism of the Iowa primary has been provoked by the light vote, the contention being that the failure of the system to bring out a full vote was in itself dis-

crediting. But this criticism overlooks the fact that the participation of from fifty to sixty per cent of the voters in the primary was vastly more than the total of the many small caucus groups which previously assembled to select delegates to county conventions.

Unintelligent Voting

Another serious charge advanced against the primary method of choosing candidates is that most of those who vote do not cast their ballots intelligently. Iowa boasts of a very small per cent of illiteracy in proportion to the total population; yet the public press of Iowa rings with the assertion that the majority of voters at the second Iowa primary did not vote intelligently. Some attribute this apparent unintelligent voting to a lack of knowledge of the candidates on the part of the voters. The primary election returns seem to justify the statement that "in counties where a contestant's name appeared first on the ballot he invariably carried that county."

The Long Ballot

It is safe to say that, if the short ballot is adopted in connection with the primary law, many of the present criticisms of the primary will disappear.

The Primary a Menace to Party

It has been frequently urged that the primary tends to destroy the integrity of parties. This same argument was raised against the adoption of the Australian ballot, and later against the proposition to take the party circle off the Australian ballot in Iowa. That these changes have promoted greater independence in voting can not be denied; but that they have given a more wholesome tone to elections is equally evident. No one would now seriously advocate returning to the old system of the unregulated ballot. In fact, there is a growing demand for the adoption of the original Australian ballot with its office grouping instead of the party column. It must be admitted that all of

these changes tend to minimize the party influence. The so-called open primary has been especially assailed because it permits the voter without any test of party affiliation to vote for the candidates of either party so long as he does not vote both tickets at the same time. It is objected, further, that without some test of affiliation party responsibility ceases.

Perhaps the solution lies in the adoption of the second choice plan as an addition to the present system. This would seem to make the Iowa primary law more satisfactory—more especially since the present thirty-five per cent rule frequently breaks down when there are several equally strong candidates.

The Cost of the Primary

The cost of candidacy under the Iowa primary law has been very generally criticised. The Dubuque Telegraph-Herald, a Democratic paper, has demanded a stringent statutory regulation of expenditures by candidates, asserting that as much as \$2,000 had been spent in a single county by a contestant. A poor man, it is declared, can not afford to go into a primary contest with a man of means. The Washington Democratic laments that it cost \$1,500 to determine which of two candidates should be nominated for sheriff, and that places on the Board of Supervisors involved expenditures of money far in excess of the salary attached. "The man with the largest purse," says the Waterloo Times-Tribune, "is most likely to get up the most enthusiasm and get most of the votes at the polls." "Judge Prouty," says the Story City Herald, "spent \$5,000 in his primary campaign for the congressional nomination." The Charles City Intelligencer remarks that "the recent primary campaign cost Lafe Young, candidate for Senator, nearly \$10,000."

The expense of the primary to the state is also criticised. The Des Moines Daily Capital asserts that the primary election costs ninety-six cents per ballot in Scott County. One dollar per ballot is frequently asserted to be the cost of the primary to the taxpayers of Iowa. "The present primary law," says the Anita Tribune, "is an expensive luxury which could be easily denied the people as a whole, and would be a saving of not less than

a quarter million of dollars to the tax-payers of the state during each biennial period."

A Congressman from Iowa informed the writer that he had found it necessary to run a twenty dollar political advertisement in each of the seventy newspapers in his district. It is generally conceded then that primary campaigns as now conducted are more expensive to the candidate than a contest for delegates under the old system. The public, however, can not obtain too much information relative to candidates and issues; and as long as the expenditures for such purpose are not so great as to bar the man of small means the expenditures are probably justified.

Some General Observations

The Iowa primary law has perhaps been criticised too much from the standpoint of "political" results: whereas it should be judged rather from the viewpoint of the opportunity which it presents. The old convention method was open to as much criticism and more abuse than the primary. The new system has not as a matter of fact destroyed the party, although it has overthrown some of the old party practices. The primary law is not perfect: it will require considerable revision and amendment before it will be entirely satisfactory. Moreover, it must be remembered that the enactment of the primary law was bitterly opposed, so that many of its provisions represent compromises.

Gov. Charles Evans Hughes of New York. Message to the Legislature, 1909.

The present [convention] system tends to discourage participation by the party voters in the affairs of the party. Entrenched power is so strong and the influence upon the choice of the party candidates is so remote that it requires an unusual situation to call forth the activities of the party members to the extent desirable.

The candidates selected by the present method too often and not unnaturally regard themselves as primarily account-

able, not to their constituents nor even, broadly speaking, to their party, but to those individuals to whom they feel they owe their offices and upon the continuance of whose good will they deem their political future to depend.

But the most serious consequence is to the people at large. To the extent that party machinery can be dominated by the few the opportunity for special interests which desire to control the administration of government, to shape the laws, to prevent the passage of laws, or to break the laws with impunity, is increased. These interests are ever at work stealthily and persistently endeavoring to pervert the government to the service of their own ends. All that is worst in our public life finds its readiest means of access to power through the control of the nominating machinery of parties. Party organization needs constantly to defend itself from these encroachments, and the people for their proper security must see that the defenses are built as strongly as possible.

There have been and are conspicuous illustrations of party leadership won and held in opposition to those who have represented special interests, and endeavoring faithfully and honorably to perform its proper function. But this does not alter the fact that our present method facilitates the control of government by those whose purposes are antagonistic to the public welfare. Nor should we be unmindful of the extent to which the force of enlightened public sentiment in indirect ways mitigates the evils inherent in our present system. But this sentiment works under conspicuous disadvantages, and it is a defect in our system requiring remedy that the actual power of nomination should reside with those who are under strong temptation to disregard the public interest in favor of private advantage so far as that course may be deemed to be safe.

The time has come, I believe, when nominations by all parties for elective offices should be made directly by the enrolled voters of the parties respectively. This will promote true party representation. It will tend to strengthen and dignify party leadership by making it less susceptible to misuse and more in accord with general party sentiment. By

increasing the direct influence of the party voters their participation in party affairs will be encouraged. It will make the elective officer more independent of those who would control his action for their selfish advantage, and enable him to appeal more directly to his constituency upon the basis of faithful service. It cannot fail in the main to prove a strong barrier against the efforts of those who seek, by determining the selection of candidates, to pervert administration to the service of privilege or to secure immunity for law-breaking. It is a reform which is instinct with the spirit of our institutions, and it is difficult to see how any party man, however earnest in his partisanship, can oppose the right of the voters of the party really to decide who shall represent them as candidates.

The object of our primary legislation has been said by the Court of Appeals to be "to permit the voters to construct the organization from the bottom upwards, instead of permitting leaders to construct it from the top downwards." This is not only important with regard to offices in the organization, but the object cannot be effected so long as nominations may be dictated and the power to make them does not actually reside with the party voters.

**Gov. Charles Evans Hughes of New York. Message to the
Legislature, January 5, 1910.**

It is no more complicated or expensive to have a primary election, under due protection and with an official ballot, at which the party nominees shall be directly chosen, than to have a similar election of delegates. There are no greater opportunities for fraudulent practices in the former case than in the latter, nor as many. It is difficult to interest the people in intermediaries, and general participation of the voters in the primaries is conditioned upon their appreciation of the fact that they accomplish something by such participation. If it is to be desired to have the form without the substance, to have representatives who as a rule do not represent and those chosen for deliberation who usually do not deliberate,

and to transfer the absolute decision to party leaders with the alternative to the party voter of bolting his ticket and meeting the reproach of party disloyalty, the present system may be defended. But if it be desired to have true party representation and that the party members should express decisively their wishes, this may be accomplished through a direct vote.

Indiana Bureau of Legislative Information. Statements on Direct Primaries.

Three hundred and ninety-seven members of the House of Representatives out of 934 including the 13 from Indiana are nominated by direct primaries.

Seventy-four out of 96 United States senators are nominated by direct vote.

Thirty-eight out of 48 governors are nominated by direct vote.

In 40 out of 48 states the candidates for state offices other than governor are nominated by direct primaries.

The states which have no state-wide primaries are: Connecticut, Delaware, Indiana, New Mexico, North Carolina, Rhode Island, Utah, Vermont.

Maryland and Tennessee nominate candidates for governor and United States senator by direct vote.

Governor Locke Craig of North Carolina recommends the passage of a direct primary act for his state in his 1915 message. The Utah legislature is considering the adoption of the direct primary. Vermont voted heavily in favor of the enactment of a state-wide primary act and a preferential vote for president by the state legislature at the 1914 election. Governor Hatfield of West Virginia recommended a state-wide compulsory primary act for his state this year. The Republican party has nominated state and congressional candidates by direct vote for many years.

Twenty-one states provide in their primary acts for the direct election of party committeemen at the primary. They are: Arizona, California, Florida, Idaho, Illinois, Iowa,

Kansas, Louisiana, Massachusetts, Montana, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Washington, Wisconsin, Wyoming and Texas.

The average vote polled for governor in the 1914 primaries in nine typical states was 55 per cent of the final November vote while the average for United States senator in seven states was 56 per cent of the final vote.

The following table shows the percentages in each state for governor and United States senator:

Primary vote and vote at final election, 1914, by percentages
Governor

Wisconsin	65%
Kansas	37%
California	56%
New York	35%
North Dakota	87%
Minnesota	79%
Michigan	51%
Massachusetts	34%
Pennsylvania	52%
Average	55%

United States Senator

Wisconsin	63%
Washington	34%
Missouri	62%
Kansas	40%
California	58%
North Dakota	86%
Pennsylvania	49%
Average.....	56%

The Indiana Legislature is interested in the enactment of a law to provide for the direct primary nomination of candidates for all or certain state and county offices. Direct primaries have now been tested sufficiently to admit of a critical opinion of their effectiveness. For the purpose of formulating a symposium of opinion on this subject, will you please answer the following questions?

(1) On the whole, is your opinion of the direct primary favorable or unfavorable?

(2) What are the vital defects of the direct primary, if any and how may they be eliminated, if, in your opinion, they can be eliminated?

(3) Has the direct primary been the means of making government more responsive to popular needs?

(4) Has the direct primary improved the character of men chosen to public office?

The above letter was sent out by the Bureau of Legislative and Administrative Information to all members of the United States Senate, representatives in the lower house of Congress, governors of states, some forty-five mayors in cities of more than 20,000, members of the Republican, Democratic and Progressive National Committees, Republican, Democratic state chairmen, and the Legislative Reference Librarians.

Replies were received from twenty-five United States senators, eighty-five members of the House of Representatives, twenty-eight governors, fifteen mayors, nine members of the Republican National Committee, six members of the Democratic National Committee, seven members of the Progressive National Committee, twelve Republican state chairmen, seventeen Democratic state chairmen, three Progressive state chairmen, and twelve Legislative Reference Librarians.

In answer to the first question, the following answers were given:

United States Senators: 14 favorable, 4 unfavorable, 1 doubtful, 1 advocated an election under preferential ballot and 5 evaded answers to the questions.

Members of the House of Representatives: 68 were favorable, 5 unfavorable, 2 doubtful, 5 said the primary was successful for local or small districts and 4 evaded answers.

Governors of States: 16 were favorable, 5 gave no definite answers and 6 no answers at all. One was unfavorable.

Mayors of Cities: 10 were favorable, 2 unfavorable and 3 evaded answers.

Republican National Committee: 3 were favorable, 5 unfavorable and 1 gave no answer.

Democratic National Committee: 2 were favorable, 2 unfavorable, 1 doubtful and 1 gave no answer.

Progressive National Committee: 5 were favorable, and 2 doubtful.

Republican State Chairmen: 7 were unfavorable, and 2 doubtful, 2 were favorable, and one said he had no experience with the law.

Democratic State Chairman: 11 were favorable, 5 unfavorable, and 1 was doubtful.

Progressive State Chairmen: 3 were favorable.

Legislative Reference Librarians: 10 were favorable and 1 said he had no experience with direct primaries.

In answer to the second question, out of the 219 replies received from all persons, the following defects were cited:

Twelve said the voters are indifferent to the merits of candidates.

Nine said primaries limit the aspirants to public office to men of wealth.

Two maintained that men with newspaper connections have an unfair advantage.

Seven urged that the voter cannot become familiar with the candidates in large districts.

Eleven presented the argument that minority nominations are the rule in primaries.

Six urged the multiplicity of candidates as a serious defect.

Thirty-three urged the expense of direct primaries as a vital objection.

Two claimed that bosses control the primary.

Five said no party organization is possible under the direct primary system.

Twelve presented the long ballot as a defect of direct primaries.

Thirteen maintained that the closed primary is objectionable.

Nine maintained that the open primary is objectionable.

Four said personalities enter into campaigns.

Two urged the small vote cast as an objection.

Three objected to preferential voting.

Eleven said there are defects in the primary laws.

Two objected to the circulation of petitions.

Three objected to the length of campaign under the primary system.

One each maintained that nominations are made in a hit or miss style, that it is more difficult for the "office to seek the man" under the primary system, that there is no opportunity for framing a party platform, that dishonest counts result, that defeated candidates and their friends do not support the ticket, that there are defects in the registration system, and that the primary gives an advantage to thickly settled sections.

In answer to the third question, the following answers were given:

United States Senators: 15 yes, 4 no, 6 no answer.

Members of the House of Representatives: 61 yes, 7 no, 1 doubtful, 12 no answer.

Governors of States: 8 yes, 3 no, 17 no answer.

Mayors of Cities: 1 yes, 1 no, 13 no answer.

Republican National Committee: 2 yes, 4 no, 2 doubtful, 1 no answer.

Democratic National Committee: 2 yes, 2 no, 1 doubtful, 1 no answer.

Progressive National Committee: 3 yes, 2 doubtful, 2 no answer.

Republican State Chairmen: 13 yes, 5 no, 1 doubtful, 3 no answer.

Democratic State Chairmen: 11 yes, 3 no, 3 no answer.

Progressive State Chairmen: 3 yes.

Legislative Reference Librarians: 6 yes, 1 no, 5 no answer.

In answer to the fourth question, the following answers were given:

United States Senators: 14 yes, 3 no, 3 doubtful, 5 no answer.

Members of the House of Representatives: 40 yes, 14 no, 5 doubtful, 20 no answer.

Governors of States: 5 yes, 5 no, 18 no answer.

Mayors of Cities: 4 yes, 5 no, 6 no answer.

Republican National Committee: 1 yes, 5 no, 1 said eventually, 2 no answer.

Democratic National Committee: 1 yes, 3 no, 1 doubtful, 1 no answer.

Progressive National Committee: 2 yes, 1 no, 1 doubtful, 3 no answer.

Republican State Chairmen: 2 yes, 7 no, 3 no answer.

Democratic State Chairmen: 1 yes, 10 no, 4 doubtful, 2 no answer.

Legislative Reference Librarians: 5 yes, 6 no answer, 1 no.

Progressive State Chairmen: 1 yes, 1 no, 1 doubtful.

[The following extracts are from letters received in reply to this questionnaire:]

Senator John W. Kern, Indiana

(1) My opinion of the direct primary is distinctly favorable.

(2) There are no "vital defects" in the direct primary system. There are serious defects in many of the direct primary laws. A study of the several changes and improvements made in such laws in states where the system has been in operation for a long time will disclose the character of defects to be avoided.

(3) Where the primary laws have been perfected by giving the elector a right to vote for a first and second choice, and where the machinery provided is not cumbersome, the direct primary has been the means of making government more responsive to popular needs.

(4) The direct primary has been the means of improving the character of men chosen to public office.

Governor E. W. Major, Missouri

On the whole the direct primary law is favorable. There are a number of good people who believe that the Governor, United States Senators, etc. should be elected by direct primary, and that the minor officers should be elected by Convention. For myself, personally, I am in favor of electing all of them by direct primary. It has been the means of securing good public servants who have responded in their service to the interest of the people.

Speaker Champ Clark

A father naturally likes his own child. I started the Congressional Primary system in the United States in 1896.

I think it works very well. I don't believe it is a cure for all the ills that flesh is heir to but I do think it is an improvement on the convention system.

Governor James Withycombe, Oregon

- (1) The direct primary is working most satisfactorily here.
- (2) There are, no doubt, some defects in the primary law, but their elimination is altogether too complicated to go into in detail here.
- (3) The direct primary has made government more responsive to popular demands, surely, if not always to popular needs.
- (4) The direct primary, I believe, has raised the general character average of those in public office.

Governor W. P. Hunt, Arizona

In Arizona the direct primary law is applicable to all elective State officials, as well as to officers of lesser importance. The system as exercised in this State has, on the whole, proven very satisfactory, and has accomplished a great deal toward doing away with the power of the political boss, and the influence of the corrupt political machine.

It is well, in fairness, to state, however, that a direct and active interest of the electorate in matters pertaining to State government and to the nomination of capable men for office is essential under the direct primary system; otherwise an incompetent individual backed by corrupt influences may, under certain conditions, secure the nomination in the absence of a proper interest on the part of the citizens. Any danger on this score can, of course, be obviated by a proper campaign of education and by reasonable activity on the part of the forces of good government.

In conclusion, however, I will say without hesitancy that the system of direct primaries applicable to all officers is immeasurably better than the older method of nominating by Conventions.

Senator Luke Lea, Tennessee

I beg to advise that Tennessee has no direct, compulsory primary law. I am of the opinion, however, that direct primaries are right and the best means of nominating candidates. I think the direct primary has resulted in making the government more responsive to popular needs and the character of public officials has been improved.

Senator James E. Martine, New Jersey

My opinion of the direct primary system is very favorable. I do not believe there are any such vital defects or deficiencies in the system as to require elimination.

I believe that the direct primary has been the means of bringing public men more into sympathy with public ideas than ever before.

Governor David I. Walsh, Massachusetts

My opinion of the direct primary is distinctly favorable.

Certainly the direct primary "has been the means of making government more responsive to popular needs" because it has most decidedly freed the electorate from public officials who in the old days were nominated by political bosses.

Governor Winfield S. Hammond, Minnesota

[Reported by his Secretary]

(1) The Governor's opinion is favorable toward the direct primary.

(2) The Governor finds that there are defects in the primary.

(3) The Governor believes that the direct primary has been the means of making government more responsive to popular needs.

(4) The Governor feels that there is perhaps not much difference in the character of the men chosen to public office. Good men were chosen under the old convention system, and bad men, and under the direct primary it is often possible for a bad man to get in.

Democratic State Platform, March 21, 1912

We favor such amendments to the present primary election laws of Indiana as will insure the honest and fair selection of candidates to be voted for by the people.

Democratic State Platform, March 19, 1914

We declare in favor of a state-wide primary election law, carefully guarded as to simplicity and economy, at which the people shall nominate all candidates for office: that all the provisions of the corrupt practices act and general election laws shall be made to apply to such primary elections—the state convention to be retained for the purposes of counsel, organization and declaration of party principles, and precede the nominating primaries.

Republican Platform, 1912

This convention indorses the enactment of a law providing for the primary election of all delegates to the congressional, state and national conventions, the same to be safeguarded by the Australian ballot system and a corrupt practices act.

Progressive State Platform, April 18, 1914

We believe that the Progressive party is entitled to the support of the people of Indiana in seeking to accomplish the following results:

2. Direct primaries for the nomination of all elective officers, including candidates for president and vice-president, and of all officials of party organizations, to be held by all parties on the same day, which day shall be a registration day, these primaries to be governed by the corrupt practices act.

**Albert M. Kales. Unpopular Government in the
United States.**

Not only is the compulsory primary for all elective offices entirely ineffective to break up the power of the extra-legal government to direct the nomination of its loyal adherents,

but in the long run its presence exaggerates the very condition which necessarily causes the existence of a centralized extra-legal government controlling a decentralized legal government. That condition is the burden of political duties cast upon the voter which he will not and very likely cannot possibly carry. It is that which makes him politically ignorant and forces him to fall back upon the assistance of the professional political adviser. When the primaries double the burden on the voter they increase twofold the necessity for permanent organizations for directing and advising the politically ignorant voter how to vote. Consequently, so far from disrupting an extra-legal government, the universal and compulsory primary makes its continued existence even more certain.

Literary Digest. 42:445. March 11, 1917.

Chicago's First Direct Primary.

Other cities watched with peculiar interest last week Chicago's experiment in nominating her mayoralty candidates by direct primary, and the result apparently leaves them thoughtful rather than converted. The vote was unexpectedly large and surprisingly expensive. With ten candidates in the field—five Republicans, three Democrats, one Socialist, and one Prohibitionist—more than 250,000 votes were polled, at an estimated cost to the city, the candidates, and the organizations of nearly \$700,000, or about \$3 a vote.

Michigan Law Review. 15: 21-37. November, 1916.

Direct Primary Legislation, in Michigan.

Arthur C. Millspaugh.

Michigan's direct primary legislation, as it now stands, is still far from perfection. The most thoughtful politicians are not satisfied with it. They say it occupies a half-way position: it must either return to the old system or advance to a more simple and effective means of popular expression. The

direct primary acts have been not only experiments; they have also been sops.

The state has experimented with certain features of the direct nomination system such as party enrollment, the forty per cent provision, the fifteen per cent provision, the second election, and the blanket ballot, and has either partially or wholly abandoned them, but on the other hand it has shown little inclination to try the preferential vote.

Throughout this legislation, at least one consistent principle has been maintained: that the conduct of direct primary elections should be removed from the control of the party organizations. Yet, in legal theory, the direct primary is a party, not a public affair. Said the state supreme court in 1908: "A primary election is not an election to public office. It is merely the selection of candidates for office by the members of a political party in a manner having the form of an election." Accordingly, when the direct primaries fail to nominate, or when a vacancy occurs in the party ticket, the appropriate party committee is uniformly empowered by the primary laws to fill the vacancy. The direct primary is a method of nomination, not of election.

**Gov. Charles R. Miller, of Delaware. Address to the
Assembly, January 11, 1917.**

There is a strong feeling throughout the state that the Direct Primary Election does not fulfil the object intended to be obtained by the enactment of this law.

The purpose and intention of this law was to confer upon the electorate a greater and more direct influence in the selection of party candidates for office by the people. Experience appears to have demonstrated that a considerable majority of the voters of the state neglect to avail themselves of this privilege.

Minneapolis Journal. October 12, 1917.

Direct Primary in New York.

If Greater New York fails to re-elect the man who has admittedly been the best Mayor it ever had, the direct primary will be the blame.

Of course, the masses of New York Republicans should have turned out to the primary and put Mitchel through. But they didn't. They assumed he would go through, and they stayed away while every enemy the Administration has made by going straight, religiously went to the primary and voted for Bennett.

One of the worst things about the direct primary, unless it is fitted out with a convention adjunct, is its deadening influence on party organization. When party organization fails, interest in governmental affairs sinks to a low ebb. The primary then offers golden opportunities for self-seekers and demagogues. Government degenerates, too, because it is conducted on a personal and individual responsibility, instead of on the responsibility of parties whose principles and aims are known.

**Gov. Keith Neville of Nebraska. Message to
Legislature. 1917.**

Considerable dissatisfaction with the primary law has been engendered by reason of certain abuses that have grown up under it. There are perhaps some who feel that the primary system is wrong in theory, but they are so few in number that their views need not be considered. Each succeeding primary election attests the growing popularity of the principle. At the recent primary over 200,000 voters participated in the nomination of the candidates—over three-fourths of the vote cast at the general election in 1914.

The dissatisfaction with the present law can be traced to three sources:

First: The ease with which unqualified men may become candidates for the higher offices in the state and even in the nation.

Second: That an elector receiving the votes of two or more parties at the primary, though defeated for the nomination of the majority party, frequently is the nominee of a minority party by virtue of an insignificant number of votes.

Third: That the primary election is not always final and that men without substantial support can be injected into the race by petition after candidates have been legitimately nominated for the office.

To correct these abuses, legislation should be enacted as follows:

First: For all offices created under the constitution of the state and nation any qualified voter may become a candidate by presenting to the Secretary of State a petition with signatures approximating 1 per cent of the total vote cast for all candidates for such office at the last general election, such signatures representing voters in at least two-thirds of the counties of the state or district.

For legislative offices and that of county judge, the only county office established by the constitution, as well as all other county offices the present system should be continued, for the reason that in the small units the voters have in a general way at least an idea of the qualifications of candidates for such offices.

Second: In instances where a candidate seeks nomination on two tickets, if he loses the nomination of the majority party, he should not be permitted to accept the nomination of the minority party, unless the vote received by him from such minority party was in excess of that received by him from such majority party.

The abuses sought to be corrected by this recommendation are minimized by the fact that two minority parties have ceased to exist as such by failure to fulfil the requirements as provided by law. Members of those parties can present a ticket, however, in counties, legislative or congressional districts where their party candidates polled 1 per cent of the total vote cast at the recent election and where the requirements of the law have been met.

Third: No candidate, whose name appeared on the primary ballot, should be permitted to file by petition and the number

of signers required upon the petitions of persons desiring to become candidates after the primary should be greatly increased.

**New York Senate. Report of Special Committee of Senate
on Primary Law. Submitted with Bill to Establish
State Wide Judicial Conventions.
March 1, 1918.**

In the year 1917 there were enrolled in this state as members of political parties 829,971 Republicans, 692,519 Democrats, 30,653 Socialists, 18,102 Prohibitionists. The total number of those voting at the presidential election of 1916 was 1,715,768.

It will thus be seen that about 91 per cent of the voters of this state have indicated by their own act their desire to be associated with some political party. As the voters of the State have extended the suffrage to women, it is likely that the figures above quoted may be nearly doubled in 1918.

It must be assumed that voters, when they voluntarily affiliate themselves with a political party, are doing so because they are in sympathy with the aims of the party with which they enroll. The present election law provides that the candidates of these enrolled voters shall be nominated by a plurality of those participating in a primary election, but it provides no method whereby these groups of voters may assemble to declare their purposes to all the voters. That right to assemble, of course, cannot be constitutionally denied, but it is physically impossible for six hundred thousand individuals to assemble. The only method of assemblage which they have therefore is through elected representatives.

We propose an amendment to the election law which will provide for the election of such an assemblage of each political party in the state, that each may make manifest, after consultation and deliberation, what its aims are, and at such meeting or convention, propose candidates in support of such aims. Every member of a political party, and every citizen, should know what are the purposes and principles of the parties existing in this state. No such purpose can be established by any direct action

at a primary. It can only be made clear by a convention of representatives chosen at a direct primary in which all the enrolled voters of each party will have the right to participate.

The present law makes any such expression impossible, in that it provides only for nomination of candidates, who may or may not write their own platforms, making them in effect, independent candidates for office, and not representatives of a group organized for the political purposes in which it believes. The present law provides for a complete party machinery for each political party by the election of county and state committeemen, placing the sanction of law and the control of law upon the party organization, but in effect denying to political parties the right of representative assemblage. Party aims and purposes cannot be articulated by candidates who may be nominated, because they, themselves, have no method of discovering what is the party will, unless there be an assemblage of representatives regularly chosen through direct action of the members of the party.

What we propose is not a state convention as formerly constituted, the delegates to which were elected in many cases without direct action on the part of the enrolled voters of the party, but a convention of delegates from each Assembly district in the state who must be designated, as candidates for office now are designated, by petition for the party position of delegate, and be chosen by a majority vote of the party in the district.

The right to sit in the convention will be derived solely from the electors and will be officially certified subject to review only by the Court. There can therefore be no contested seats in the convention.

We have provided also opportunity for such electors joining in a petition in behalf of proposed delegates that such proposed delegates may be pledged to the nomination of a certain candidate for a State office, if these enrolled electors so desire. Thus the enrolled voters are given every opportunity to express their will for candidates, as well as for delegates who will meet in party assemblage to declare the representative party will.

We are also proposing that candidates for Judges of the Supreme Court in the several judicial districts, shall be similarly

nominated by delegates directly elected on primary day. It is inherent in the functions of the judicial office that the office should seek the man, and not the man the office.

We have given careful consideration to the question of direct primaries, and submit as a part of this report, a detailed statement of the expenditures of the several counties under the present law. The cost in presidential years is a million dollars, and in other years approximately one-half that sum. With woman's suffrage, it will be largely increased and may be double. In several counties the average cost per vote at the direct primaries is from two dollars to six dollars. We are of the opinion that relief from this burden cannot be had before the re-establishment of conventions, and when they are re-established the way will be clear for relief in some way in harmony with the public demand.

[A table summarizes the cost of conduct of primary elections for the years 1914, 1915, 1916 and 1917 by counties. The cost per vote for 1916 varied from 9 cents to \$3.46, with the average per county as \$1.09. In 1917 the cost varied from 6 cents to \$6.32, with the average per county as \$1.38.]

**Gov. E. L. Philipp of Wisconsin. Message to the
Legislature, January 11, 1917.**

Despite all that has been said against conventions it has been fully demonstrated that there is a strong demand among the people for political gatherings. The fact that every political party of any consequence in the state holds conventions or conferences (which are in effect conventions under another name) is a complete answer to the argument that party conventions are unnecessary or undesirable. Party conventions should be provided for by law to enable members of the parties to meet and agree upon a declaration of principles that the party stands for. The present system of permitting successful candidates to meet after primary and decide upon a platform with which to go to the people for election is wrong in principle and destructive of political parties. Under that system the candidates may promise most anything to the voter before the primary and completely

change their political views after the primary, if in their judgment it is necessary to make such changes to meet political conditions.

Public. 17:895. September 18, 1914.

When the Primaries Fail. John S. Pardee.

As an attempt to eliminate the politician, the primary is a failure. The politician is the man who attends to political duties. He cannot be retired by men who do not attend to political duties. The machine is an agency for collecting the available strength of any political group. It can be overcome only by a force of numbers vastly superior. Upheavals sometimes come which carry everything before them, but ordinarily the only way to get action in politics is by political action. The non-political brand of politics never has been a success and never will be for any length of time.

Under any system the people can get anything they want any time they want it bad enough. Under the primary system, it is easier to get what the people want, or rather it is harder to thwart the well-defined will of the public. But the primary is no automatic device for registering the unconscious desires of the public.

P. Orman Ray. Introduction to Political Parties and Practical Politics. pp. 140-64.

The specific *advantages* claimed for the direct primary may be enumerated as follows:

(1) Active political work on the part of the rank and file of the party is encouraged because the direct primary makes it easier for the ordinary voter to exert an influence on the choice of the committeemen and candidates.

(2) It brings out a larger vote to the primaries. From twenty-five to seventy-five per cent of the party voters quite regularly come out to the direct primary, and when an especially sharp contest is on from fifty-five to eighty-five per cent come out.

(3) The direct primary is simpler than the convention system. Under the latter there is a primary followed by the various conventions. Under the direct system, one day's primary election usually settles everything, and the whole cumbrous and expensive machinery of the delegate convention is abolished.

(4) Where the party committeemen are chosen directly by the voters, the system "promotes true party leadership by making it less susceptible to misuse, and more in accord with general party sentiment."

(5) It is claimed that the direct primary "secures the nomination of better men by making their nomination depend upon the presentation of their claims to the voters, instead of upon secret manipulations." A more conservative statement would be that the direct primary is an institution for bringing out a conspicuously fit person, or for attacking a conspicuously unfit one or one whose alliances are conspicuously unfit.

(6) The direct primary takes away from the politicians much of their former control over nominations, and places that control more nearly in the hands of the people. The result is to make "the elective officer more independent of those who would control his action for their own selfish advantage, and enables him to appeal more directly to his constituency upon the basis of faithful service." Thus it proves "a strong barrier against the efforts of those who seek to pervert administration to the service of privilege, or to secure immunity for law-breaking."

(7) Bribery and corruption are rendered, if not more difficult, at least less potent than formerly in determining nominations.

(8) The simplification of our large and confusing ballot is a result that may ultimately be looked for. While the direct primary does not reduce the number of elective offices, it will have a constantly increasing influence to that end, because it will serve to keep before the voter the magnitude of the political burden unnecessarily loaded upon his shoulders.

Against the direct primary system a large number of *objections* have been raised. They are often advanced by the old type of machine politician and bosses who appear to believe that their power and influence will be destroyed by the new system. Irrespective, however, of the character of the objectors, the objections themselves deserve consideration. They may be briefly enumerated as follows:

(1) The character and efficiency of public officials have not been improved under the direct primary system.

(2) Corruption in politics has not been diminished. On the other hand, it is claimed that the new system "tends to promote, rather than check, electoral corruption. A primary election is merely another election, and as elections are now conducted we have enough of them. A primary is merely another opportunity for the 'floaters' and the 'grafters.' A large and corrupt use of money is encouraged."

(3) It makes it virtually impossible for any one "excepting moneyed men or demagogues to be elected to office," because of the great expense involved in canvassing for two elections, the primary and the regular election which follows.

(4) Since the expenses connected with the conduct of the direct primary election are borne by the public, the system involves a large increase in taxation.

(5) The petition method of placing names on the primary ballot has created a class of mercenaries, hired for the purpose of soliciting signatures to such petitions.

(6) The direct primary tends to weaken and disorganize the party, since it renders more difficult the harmonizing of differences and jealousies and misunderstandings. It affords no security for a geographical distribution of the candidates which is calculated to strengthen the party throughout the State. As tried in some States, it facilitates Democrats nominating Republican candidates and Republicans assisting in the nomination of Democratic candidates.

(7) No satisfactory method has been provided for the making of a party platform. In those States where the platform is drafted by the party nominees it is asserted to be a

mere "catch vote" affair, and not a true embodiment of the party's principles.

(8) The new system has not dethroned the political boss or put the machine "out of business." It does not remove any of the conditions which have produced the system of machines and bosses, but intensifies their pressure by making politics still more confused, irresponsible, and costly. It parallels the long series of regular elections with a corresponding series of primary elections in every regular party organization. The more elections there are, the larger becomes the class of professional politicians to be supported by the community.

(9) The direct primary tends to a multiplicity of candidates, with a resulting confusion of the voters. The "ring" influence can easily cause a number of respectable candidates to be brought out, and thus divide the vote of the best citizens, while the ring or machine candidate may easily obtain a larger number of votes than any of his opponents.

(10) Direct primary elections are a blow at representative government and tend toward pure democracy.

(11) State-wide direct primaries favor populous centres against rural communities.

In determining the weight which should be attached to these various criticisms of the direct primary system, it should be noted that many of the objections could with equal force and effect be urged against the convention system. It is believed that the new system, when fairly tried, tends to diminish rather than to increase the evils of the older methods. It is safe to say that no remedy for the evils of the convention system can be considered perfect "because human nature cannot be changed by legislation, and opportunities for political mischief will exist under any system." After all, the direct primary method must stand or fall by the *comparative* value of results achieved through its use.

**Gov. S. V. Stewart of Montana. Address to Assembly,
January 2, 1917.**

I do not believe the people would approve any measure attempting to abolish the principle of the primary law, but they will certainly welcome any amendment that will make it less expensive and less cumbersome.

William Sulzer. Why Direct Primaries?

I know that the people of the State of New York in common with the people of other states believe that if they are qualified to choose by their votes on election day governors, judges, senators and congressmen, they are also competent on primary day to nominate these same officials—not some of these officials, but all of them.

If it is wise to trust the people with the power to nominate some public officers, I am sure it is just as wise to trust them with the power to nominate all public officers. I believe that it is as wise to trust them to nominate a Governor as to trust them to nominate a constable, and as wise to trust them to nominate a judge of the Court of Appeals as to trust them to nominate a justice of the peace.

So if anyone tells you that a direct primary law is not a good thing, you deny it, and point to what other states have done through the agency of this beneficent system.

No man fears direct primaries, except a man whose character, and whose ability, and whose mentality, cannot bear the searchlight of publicity. No man fears direct primaries, unless he wants to be the creature of invisible government rather than be the servant of popular government.

U. S. 62d Congress. 3d Session. Senate Document No. 993.

What is Progress in Politics? Nicholas Murray Butler.

The method of the direct primary is doubtless advantageous within relatively small and homogeneous communities, where men know each other and where candidates

for office can be discussed with some degree of understanding and personal acquaintance. That it will be highly disadvantageous to substitute the direct primary for the method of the convention and conference when large areas are involved, such as a great State or the Nation as a whole, I am entirely certain. It will, among other things, exalt the professional politician and the man who can provide or secure the great sums of money needed to carry on a campaign for several weeks or months before a large and widely distributed body of electors. True progress will consist in freeing the convention system from abuses, not in abolishing it.

U. S. 63d Congress. 3d Session. Senate Document No. 985.

The Preferential Ballot as a Substitute for the Direct Primary. Lewis Jerome Johnson.

Bad as is the plurality system in elections, it is perhaps more dangerous still in the direct primary. Whoever else may appear at the primary, those with axes to grind are pretty sure to be there to a man, and of these the largest single faction, or plurality, is more than likely to be machine ridden. A minority goes to the primary. A minority of that minority is more than likely to carry the primary. A nomination is made by a minority of the minority because the procedure divides the majority. The party label is thus captured for some machine candidate, as readily as of old, perhaps, and with less of that sense of responsibility which sometimes exercises wholesome restraint upon a party management. The party as a whole, when it comes to election, meekly votes for the party label and the damage is done. The direct primary looks like a failure and, worse yet, the whole forward movement with which it is identified naturally drops in public confidence.

Vermont Bulletin. 11:3-19. December, 1913.

Direct Primary.

Following the statements that have been made about the direct primary, it remains to analyze the results of the move-

ment as a whole and to ascertain, if possible, what would be the result if direct primary elections were established in this state.

In doing this it will not be necessary to indulge in idle speculation. Experience in a wide variety of conditions shows the possibilities of the system. While these conditions are not exactly similar to those found in Vermont they may safely be taken to indicate the probable results in this state.

(1) *Is the Direct Primary popular where it has been adopted?* Though laws have been amended in many states these amendments have been for the purpose of strengthening the law or extending its application. In no state has a direct primary law, once adopted, been repealed. In California the law was declared unconstitutional. Rather than abandon the reform the voters of the state amended the constitution. In Crawford County, a rural county in Pennsylvania, the Republican County Committee adopted the direct primary system of nomination in 1860. It has been in force ever since. Twice the voters have been asked to decide whether it should be continued and twice they have voted overwhelmingly in the affirmative. The last of the two votes was taken after nineteen years of experience. The average vote cast in the direct primaries for thirty-one years in this county was 73 per cent of the average election vote for the same period.

(2) *Would the Direct Primary bring out a larger number of voters than the convention system?* The estimate stated earlier in this study places the vote in caucus as about one-third, though that is on the average high. Estimates made by the secretaries of state of three states places the proportion at between five and eight per cent. Probably the eight per cent more accurately represents the facts than does one-third.

Direct primaries bring out quite regularly from 25 to 95 per cent of the voters, states one authority. The ratio in percentage of the vote cast at the primaries in 1908 for governor in direct primary states to the vote for governor at the succeeding general election in seven states was:

Illinois, 52%,	Missouri, 58%,	Washington, 65%.
Iowa, 51%,	Wisconsin, 46%,	<i>Average, 58%.</i>
Kansas, 45%,	South Dakota, 63%,	

Some instances of still higher ratios are:

Republican Governor, Dakota, 1908, 99%.
Republican Governor, Washington, 1908, 93%.
Democratic Governor, Missouri, 1908, 72%.
Republican Governor, Illinois, 1908, 75%.

These are but samples of facts that indicate in many places the larger number of voters that become interested through the new method. Throughout the country there is a decided opinion that this result will always follow. Instances may be found where the direct vote is lighter than it was under the delegate plan, yet they do not constitute the majority of cases. Drawbacks are often experienced due to the time of holding the election. The effects are more noticeable from this cause in rural communities. Summing up the evidence it may safely be said that there is no doubt that a larger percentage of the electorate participate in the primary under the direct system than under the indirect. The personalities that are thrust into a primary campaign, the sensational nature of the personal contest, the great importance of the individual, all tend to swell the primary vote.

(3) *Does the Direct Primary increase the cost of being a candidate?* On this question there is much difference of opinion. Some concede the fact. Others do not. It should be kept in mind that abuse of money is possible in any circumstances. It is not limited to politics. If more money really is used, it is not so easy to use it corruptly. It is very important that the contest be carried into every town and village however remote. Supporters won in a rival's home district may prove decisive. Personal contact is hence very important and it all costs money. Besides expense for personal canvass there is advertising in newspapers and magazines, the circulation of literature, the expense of meetings, putting workers into the field, all of which contribute to the cost of maintaining a direct primary. This expense can be

overcome to some extent by a "corrupt practices" act similar to those in use in many states, where a candidate is not permitted to give anything of value to a voter, not allowed to contribute to worthy causes, as buying tickets to a church fair or a sociable, and not allowed to expend money for newspaper advertising. Nevertheless, if the public mind is educated, if the average man gets a clearer conception of the government of our country, if public intelligence is increased, then the outlay will be doubly repaid. Of course, this amount should not be so large as to make it absolutely impossible for the average man of good character and ability to compete.

Striking instances show that lack of money is not a handicap, if a candidate goes to the people with issues in which they are interested. In Washington, Senator Jones, a comparatively poor man, won against a millionaire rival who spent money freely. Joseph L. Bristow won the nomination in Kansas against Chester I. Long. Long spent seven times as much as Bristow. Senator Johnson, of N. Dakota, a farmer of moderate means, spent "almost nothing" against three competitors who spent altogether over \$200,000. Governor Warner of Michigan made the statement that in a contest for governor just before the change to the new system "more money was expended than will be used in the next ten years under the direct voting system." One well acquainted with conditions in New Hampshire says: "In New Hampshire less money has been spent for nominations under the primary than under the old system." It is well known that too much money is spent anyway for securing nominations and elections; and this may be regulated at any time that the people wish a law fixing the amounts.

(4) *Is the character of the candidates of a higher type under Direct Primaries than under the convention system?* This is a question which cannot be briefly answered by "yes" or "no"; as in the end the people themselves will determine the answer. The direct primary affords the people the chance to have candidates of the highest type, but whether this type will be chosen cannot be foretold. Several in-

stances have shown that the poor candidates are certainly not eliminated. If the candidates are of no higher type they are far more responsible to the people when elected by the people under the direct primary than when elected by the machine under the convention system. They feel the tremendous force of public opinion which they know can make or break them and it is to this public opinion that they are responsible. If this responsibility is developed among those who govern the people of the United States, a great step will have been taken towards better and more democratic government. The opportunity is theirs; the people can choose between a notoriously unfit candidate and one who is conspicuously fit to hold an office of public trust. In no case will the direct primary guarantee the choice of the proper candidates. This remains in the hands of the voters themselves.

(5) *Will the number of candidates be large; and how will a large number affect the election?* It is evident that if the special interests should all be centered on one man, his chance of election would be greater if there were three candidates against him, than if there was only one. Here is a possible weak spot in the system where there might be a chance for the boss to exercise his control. This weakness may be overcome by the system used in Minnesota for obtaining a majority. This is done by the preferential ballot.

There is much evidence however that this danger of a large number of candidates is after all an imaginary one. To keep the number down by requiring a large percentage of signatures results practically in the hiring of workers by wealthy candidates to collect the necessary number. In New Hampshire a candidate may secure a place on the ballot either by securing a very small number of signatures to a petition or by the payment of a small fee. Many thought this would greatly increase the length of the list of candidates. Experience has shown that it does not do so. The feeling is that "it is clearly better to let anybody who will cast his hat into the ring leaving the voters to select the candidate whom they want. Experience proves that men do

not ordinarily care about being beaten in a primary any more than elsewhere, and that they will not declare as candidates unless they expect they can be nominated."

(6) *Do Direct Primaries destroy party organization?* This is not the case where the direct primaries have been given a fair chance. The party organizations are as flourishing as under the old system. There has been some talk of factional disturbances and inharmony, but this criticism is ungrounded because there are no more factional disturbances of a personal nature under the new system than there are under the old.

(7) *Do State-Wide Direct Primaries favor populous centers against rural districts?* Upon this point the answer is positively no. Experience shows this answer to be correct. Facts furnished from authorities in twenty-two states show that the state officers come mostly from the smaller towns and rural districts. Of 21 governors chosen by direct primaries, 16 came from towns or cities of less than 20,000 inhabitants.

In Illinois	5	out of 6	state officers	from towns	less than	16,000.
Iowa	6	" "	7	"	"	2,500.
Kansas	7	" "	8	"	"	5,000.
Missouri	5	" "	7	"	"	12,000.
Nebraska	7	" "	8	"	"	8,000.
Oregon	2	" "	6	"	"	2,000.
Washington	6	" "	8	"	"	10,000.
Wisconsin	5	" "	6	"	"	20,000.

Vermont. Legislative Reference Bureau. Direct Primaries.

There has been much discussion of the direct primary and many arguments have been advanced pro and con. The following have been compiled from various sources and are here arranged in opposing columns. This method of arrangement does not result in a continuous logical development of the argument on either side of the question, the aim having been rather to make a compilation of all or nearly all of the arguments than to make a consistent presentation of either side of the case. The preferential primary is not

treated in these arguments because the results of experience under such a system are not available from which conclusions might properly be drawn. However many of the arguments given below regarding the direct primary might be applied one way or the other to preferential primaries.

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If it was thought that the convention did not represent the will of the people a very simple remedy is at hand. Unless a candidate receive a two-thirds vote at the convention a primary could be held. Thus the primary could be used as a safety valve, as a guarantee to the people that their wishes would not be disregarded.

The argument for direct primaries is based upon the assumption that the voter is either corrupt or ignorant; corrupt in that he has used his vote in violation of his duty or ignorant in that he has unknowingly let himself be used by unscrupulous politicians. If this be the case it is a condition which a mere change in nominating machinery will not remedy.

As the number of voters who participate in the caucus under the convention system is not a matter of record no accurate comparison can be made. But it is a matter of fact that at the last general election in the states of Maine, New Hampshire, Wisconsin, Kansas, and Oregon, typical primary states, the total vote for governor at the primary was 573,254 while the vote at the general election for governor was 1,020,533.

The convention is in harmony with the representative system of government. If you abandon it in favor of the primary you are but taking the first step toward the pure democratic

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The convention has always been a tool easily handled by a clever boss. By trading off minor places and by sharp practices the boss has brought the convention into disrepute as an instrument fitted to express the people's will. Even when honestly and fairly conducted, a convention gives an undue advantage to aggressive, unscrupulous men, which they would not have in a direct primary.

Direct primaries are based upon the assumption that the rank and file of the voters are honest and intelligent, and that they should each and all be allowed to express their views on all candidacies at their usual voting place instead of delegating that duty to a few delegates who, away from home and under pressure, may be led into mistakes, or worse.

It is a matter of common knowledge that only a small per cent of the voters participate in the caucus but there is a large vote at the primaries because the voters know that their vote amounts to something; therefore they come out to the primary. By bringing all the candidacies before the voters at one time, state, congressional and county, the interest and vote will be larger and more representative than by handling them in sections as at present.

In this nation and in this state, the will of the people is and should be the supreme law; and that that will may be made effective, you need public officers who owe their nom-

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form of government, a government which history proves absolutely unworkable for any but the smallest political units.

The curse of the evils of bossism is not in the machinery of politics. It is chiefly in the frequency of elections and the enormous number and absurd variety of places to be filled by elections. Not more but less elections is what we want.

It must be remembered that Vermont does not have the same convention system that many of the Western states where they now have direct primaries, formerly had. Where the voters in the town elected delegates to the county convention who in turn elected delegates to the state convention which nominated the state officers. In Vermont the town elects directly the delegates to the state nominating convention and holds those delegates directly responsible. Vermont laws should be framed not to meet the needs of some far off Western state but to meet the needs of Vermont.

Where the direct primary concentrates the burden of the expense of making nominations in a few candidates, the convention scatters it among a large number of delegates who were each able and willing to stand the small expense requisite to attend the convention.

No law can be framed which will adequately limit the expenditures of candidates. Everyone knows that the active candidate begins work years before the actual campaign and if he

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ination as well as their election directly to the vote of the people.

We are using 19th century machinery to nominate officers under 20th century conditions. The methods of politics no less than those of business must be in accord with the spirit of the times. Anything which will tend to increase interest in public officials and public affairs as does the direct primary is of inestimable benefit.

The direct primary movement is one that is sweeping the country. Vermont is out of step with the march of progress and it is high time she got in line.

Any indirect method of representation destroys responsibility. The management of caucuses and conventions has become so complicated that they are practically removed from popular control and fall into the hands of professional politicians.

The delegates elected to attend upon the nominating convention are confronted with the expenditure of a considerable sum of money and a still further contribution of time to make a journey to the place of holding the convention. They must undertake this expense either from a pure loyalty to party, devotion to the interest of some candidate or because they personally aspire to receive some political preferment, and regard the time and money spent in the light of a political investment.

Under the convention system it is a matter of common report that large sums of money have been expended. A primary law properly guarded by requiring publicity and limita-

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has abundant money to spend in thus early advancing his candidacy he will spend it. Moreover there are many indirect ways of spending money which in states having the primary it has been found impossible to reach by publicity laws.

Not only is the expense of candidacy increased but the expense to the state is doubled by virtue of the fact that a second election is held. In some of the states where direct primaries are in force the states pay for publicity pamphlet advertising the merits of the different candidates and in other of the direct primary states there is an agitation for this so-called reform.

The party convention must be retained to frame the party platform. The platform should not be framed by the nominees of the party as thus they would be given all the power of the party and having been nominated the party can have no redress if the platform fails to express its principles. The people should instruct the candidates, not vice versa.

There has been a strong tendency in states having the direct primary for the party managers to submit a complete slate at the primary and through the influence of their organization to nominate it in its entirety. This practice, common in certain states makes the nomination of a candidate objectionable to the party organization a practical impossibility as he would have to build up an organization in every district throughout the state to stand a chance against the firmly entrenched party machine.

The following important elements of party success can be considered in making a well balanced ticket at a convention but not at a direct primary; geographical distribution

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tion of campaign expenses would make clear to everyone just how the money was spent, and that in itself would cure the extensive and improper use of money.

It is quite proper that the state should bear the expense of candidacy in a measure and one of the principal evils of the convention system lies in the fact that the candidate must pay his own expenses or allow them to be paid by some interests under obligation to whom he will thereby be placed.

A convention composed of all of a party's candidates would make a platform which would be more binding upon them than a platform made by a convention of which they were not members.

Granted that the party managers do submit a complete slate; under the primary system the people have the chance to reject it, while under the convention they do not.

The one test we should apply to candidates for office is, can he do the work required honestly and efficiently? Whether he lives in one end of the state or the other is

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of the candidates; their nationality; their social standing; the class represented; the commercial, industrial and agricultural interests, etc., that they stand for; the shades of political idea entertained.

The delegates to the convention being the prominent citizens of the community are likely to have been members of the legislature and thus to have become acquainted with the candidates for the minor offices who in reality conduct most of the business of the state and regarding whom the ordinary voter would have no knowledge.

The process of deliberation and debate in a convention secures an attention to all the circumstances that a primary cannot obtain. Under a primary system Seward, not Lincoln, would have been nominated, in 1860. Lincoln is a typical product of the convention system.

The well-known man regardless of what he is noted for has an advantage in the race for the nomination over one better qualified but less generally known. It is notoriety and not worth that counts under the direct primary.

The people are compelled to depend almost entirely on what the newspapers say about the candidates while under the convention system the people's representatives at the convention meet the candidates and can form their own judgments of them.

Willingness on the part of adequate men to serve the public in office is rare enough at best, and willingness on the part of adequate men to undergo one protracted and necessarily expensive campaign of personalities for the right to undergo another protracted and

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not a common sense, business like requirement. What the state needs is genuine service, not a lesson in geography, social standing or commercial interests.

In Vermont the minor officers are town, village and city officials, and in these cases we have a fairly good primary system now. In this state the direct primary should apply to state, congressional and county officials only, and every voter should have the right to pass on every one of these nominations.

The talk of the "calm and deliberate judgment" of the convention is pure farce. What more disorderly, more turbulent, and generally uproarious assembly can one imagine than the average political convention?

To say that the people of Vermont would elect a man merely because he had some notoriety strongly questions their good sense, to say the least. And it is a fact that the men who are well known are those who in turn know the state well, its conditions and needs.

The newspapers are one of the greatest powers in modern life and they will exercise their power regardless of what nominating system we have.

It can be well argued that unless a man has interest enough in a governmental office to work to get it, he isn't the man we want for that office. We want men in office who are interested in their work. There is no difference between the two systems in the

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expensive campaign for the right to serve the public in office is more than can be expected normally except from those at once very rich and very patriotic.

The primary makes possible the choice of a candidate by a small faction of the party decidedly in the minority. If there are six candidates and the vote is somewhat evenly divided it is possible that the highest candidate may receive not more than 17% of the total vote cast. There is not sufficient guarantee that the successful candidate really commands sufficient general support in the party to warrant his choice as a representative. Any second choice system is too complicated to receive the consideration of practical men.

The direct primary increases the power of the large towns at the expense of the small towns. At a nomination by direct vote of the people the vote for Chittenden County would be practically dominated by Burlington and Winooski and Washington County by Barre and Montpelier and a similar domination by the large towns would be the result throughout the state. The vote in Essex County would be more than balanced by the vote of either Bennington, Brattleboro, or St. Johnsbury.

No plan is honest that permits a Democrat to participate in a Republican caucus, whose nominee he has no intention of supporting, or the reverse. And if you do not have such a plan you must have one whereby the voter declares in advance his

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length of campaign or in the expense. There was probably never a primary campaign in the country so expensive in proportion to the area and population of the state as was the convention campaign of Vermont in 1902.

Under the convention system it often happens that candidates are nominated who receive no votes whatever in the caucuses, but are put in through manipulation and trading, regardless of any expression at all on the part of the voters. The primary system gives the majority a much better chance of forcing their will than any other system ever introduced.

The direct primary does not weaken the power of the small town. It strengthens the power of the individual voter, and aids the rank and file both in the small towns and in the large ones. The only power weakened is that of the bosses, the political worker, and the selfish interest. Under the present convention system a small town sends one, two or three delegates to a convention, held in a city or large town. On these delegates is massed all the pressure that the big town, the big interests and the big politicians can produce. Under a direct primary the voters go to their regular polling place and vote their preference without outside pressure, and manipulation.

Our political life is largely dominated by parties and so a man must as a practical means of making his will felt, ally himself with one party or another. Any man who refuses such a simple requirement as that should not complain if he

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political allegiance, and having done this he has lost his independence as a voter.

The direct primary, through doing away with the party convention and all the enthusiasm and sentiment created thereby, lessens party responsibility and interest and the loss of the efficiency of the party as an organization logically results.

The primary calls for another complete election and preliminary election campaign with all the waste of time and money and political turmoil entailed thereby.

There are so many candidates at the primary that the voter cannot vote intelligently on any but the most important officers.

It is a fact that in nearly every state where direct primaries are in force there have been constant and continual demands for supplementary legislation to make primaries efficient. As one writer has expressed it "it is like using drugs, the more they use the drugs the worse off they are."

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is no better off under the present nominating system.

The argument that the primary destroys the party power is based on theory and not on experience. For it is a fact that in the states where direct primaries are in force parties are as strongly entrenched as ever.

The primary system substitutes for the elaborate system of unregulated caucuses and conventions a simple method of nominating all officers at one election.

Primaries enlarge the field of public service by increasing the range of men who can have hope of getting into office. And it is not a fact that the voters of Vermont are so unintelligent as to be unable to choose their officers.

Direct primaries have called for no more supplementary legislation than have caucus and convention systems. The only difference is, that as the primary system is newer, supplementary legislation is more recent and therefore more prominent in the public mind. Then too, we must remember that the direct primary laws in some states were prepared by those who opposed them, driven to it by public pressure. There is no serious trouble in states like Oregon, Washington, Wisconsin and others where the primary laws have been written by friends of the system and not mutilated by enemies in the course of enactment.

APPENDIX

Primary Election Laws

Gertrude Woodard

For citations to state laws previous to 1910 see Merriam, C. E.
Primary Elections, (1909) p. 298-302.

- Alabama.....1911 no. 479, p. 421.
1915 no. 78, p. 218: no. 410, p. 364.
- Arizona.....1912, Special, c. 84, p. 272.
1915 c. 48, p. 89.
- Arkansas..... 1909 act 165, p. 505
1917 act 175, p. 951. (Absent voting.)
- California..... Political Code §1373.
1911 c. 398, p. 769: c. 713, p. 1393.
1911, Extra, c. 17 p. 66: c. 18, p. 85.
1913 c. 690, p. 1379.
1915 c. 135, p. 239. (This act was referred to the
electors, Oct. 26, 1915 and was not approved.)
1915 c. 137, p. 279.
1916 c. 1, p. 6: c. 2, p. 36.
1917 c. 711, p. 1341.
- Colorado.....1910 c. 4, p. 15.
1915 c. 76, p. 221. (Absent voting.)
- Delaware..... 1897 v. 20, p. 375.
- Florida..... 1913 c. 6469, p. 242.
1915 c. 6874 p. 143.
1917 c. 7380, p. 241. (Absent voting.)
- Georgia..... Code 1911 v. 1., c. 8, p. 46.
1917 p. 183.
- Idaho.....1909 p. 196.
1911 c. 178, p. 571.
1913 c. 85, p. 347.
1917 c. 142, p. 453. (Absent voting.)
- Illinois.....1909-1910, Special, p. 47.
1913, p. 310, p. 646.
Callaghan's Ill. Laws, Ann. 1913-1916, p. 637.
1917 p. 434. (Absent voting.)
- Indiana..... 1915 c. 105, p. 359: c. 4, p. 13.
1917 c. 117, p. 354.
1917 c. 100, p. 317. (Absent voting.)

- Iowa.....Code Supp. 1913 §1087 et seq.
Code Supp. 1915 p. 96.
Code Supp. 1915 §1137 b, p. 100. (Absent voting.)
- Kansas.....G. S. 1909, c. 36, art. 12, §3289 et seq.
1911 c. 182, p. 310.
1913 c. 190, p. 305; c. 193, p. 309.
1915 c. 204, p. 249.
- Kentucky.....Thum's Supp. 1915. §1550 et seq., p. 332.
1918 c. 37, p. 106. (Absent voting at general elections.)
- Louisiana.....1912 act 198, p. 385; act 21, p. 27.
1914 act 67, p. 162; act 266, p. 519; act 277, p. 547.
1916 act 35, p. 66.
1917 act 34, p. 54 (Electors in military service.)
- Maine.....1911 c. 199.
1913 c. 56, p. 49; c. 127, p. 131; c. 221, p. 313.
- Maryland.....Poe's Code (Elections) Art. 33, p. 1027.
1912 c. 2, p. 3; c. 134, p. 289.
1914 c. 475, p. 792; c. 761, p. 1337.
1916 c. 293, p. 585; c. 160, p. 273.
- Massachusetts..1911 c. 550.
1912 c. 254.
1913 c. 835, p. 983, c. 996.
1915 c. 36, p. 33; c. 105, p. 91; c. 283, p. 337.
1916 c. 16, p. 12; c. 81, p. 59; c. 315, p. 596.
1917 c. 79-81, p. 72-73.
- Michigan.....1912 act 9, p. 17.
1915 act 219, p. 370.
C. L. 1915 v. 1, c. 77.
1917 act 203, p. 427. (Absent voting.)
- Minnesota.....R. L. 1905, amended 1912, amended 1913 c. 389,
p. 542.
1913 c. 520.
G. S. 1913 §307 amended 1915 c. 76, p. 106.
1917 c. 26, p. 41.
1917 c. 68, p. 82 (Expressly excludes absent voting
at primaries.)
1917 c. 133, p. 183 (Presidential primary law re-
pealed.)
- Mississippi.....Code 1906, c. 111, p. 1034.
1912 c. 237, p. 309;
1913 c. 149 p. 193.
1916 c. 161 p. 224.
- Missouri.....1909 p. 481.
1911 p. 242.
1913 p. 330-335.
1917 p. 279.
1917 p. 275. (Absent voting.)
- Montana.....Code Supp. 1915 p. 951, 972, 975.
1917 c. 155, p. 352. (Absent voting.)

- Nebraska..... C. S. 1911 §3326, c. 26, p. 919.
 1911 c. 46, p. 218.
 1913 c. 149, p. 383; c. 96, p. 247.
 1915 c. 32-34.
 1917 c. 37, p. 112; c. 33, p. 103.
 1913 c. 200, p. 613. (Absent voting.)
- Nevada..... 1913 c. 284, p. 510.
 1915 c. 283, p. 453.
 1917 c. 155, p. 276.
- New Hampshire 1909 c. 153, p. 520.
 1913 c. 97, p. 569; c. 167, p. 711.
 1915 c. 124, p. 145.
- New Jersey..... C. S. 1911, p. 2162.
 1915 c. 319, p. 566.
 1916 c. 41, p. 72.
 1917 c. 197 p. 569.
- New York..... 1909 c. 22.
 1911 c. 891.
 1913 c. 820.
- North Carolina.. 1915 c. 101, p. 154.
 1917 c. 23, p. 78. (Absent voting.)
- North Dakota... 1907 c. 109, p. 151.
 1911 c. 207-213, p. 314-330.
 1913 c. 222, p. 360; c. 223, p. 362.
 1913 c. 155, p. 206. (Absent voting.)
 1915 c. 150, p. 192.
- Ohio..... 1913 (103) p. 476.
 1914 (104) p. 8.
 1915 (106) p. 542.
 1917 (107) p. 25,400.
 1917 (107) p. 52 (Absent voting.)
- Oklahoma..... R. L. 1910 c. 28, p. 745.
 1915 c. 152, p. 245; c. 169, p. 303.
 1917 c. 184, p. 347-348.
- Oregon..... Lord's Laws (Elections) Title 27, c. 3, p. 1318.
 1911 c. 5, p. 19.
 1915 c. 242, p. 348; c. 124, p. 124.
- Pennsylvania .. 1913 c. 400, p. 719.
 1917 c. 278, p. 753.
- South Carolina.. Code 1912, v. 1, c. 13.
 1915 c. 118, p. 163.
 1918 no. 574, p. 1076. (Voters in U. S. Service.)
- South Dakota... 1916 Special, c. 3, p. 6.
 1917 c. 234, p. 320.
 1917 c. 233, p. 317. (Absent voting.)
- Tennessee..... 1917 c. 118, p. 338.
 1917 c. 104, p. 305. (Absent voting.)
- Texas..... Rev. Civ. Stats. 1911 c. 10, title 49.
 1913, 1st called, c. 39, p. 101; regular, 1913 c. 46, p88.
 1918 c. 90, p. 191.

- Vermont.....G. L. 1917 c. 9, p. 107.
- Virginia..... 1912 c. 307, p. 611.
1914 c. 305, p. 513.
1916 c. 369, p. 633. (Absent voting.)
1918 c. 40, p. 96.
- Washington.... R. & B. Code, v. 2, title 29, c. 4.
1913 c. 58, p. 194.
1915 c. 52, p. 174.
1917 c. 71, p. 233.
1917 c. 159, p. 712. (Absent voting.)
- West Virginia...1915 c. 26, p. 222.
1916, 3rd extra, c. 5, p. 14.
1917 c. 61, p. 187.
1917, 2nd extra, c. 13, p. 54. (Absent voters in U. S. service.)
- Wisconsin..... Statutes, 1917 (Elections) title II, c. 5, p. 23.
1917 c. 570, p. 956. (Absent voting.)
- Wyoming..... 1911 c. 23, p. 25.
1913 c. 128, p. 192.
1915 c. 74, p. 71; c. 160, p. 242.
1915 c. 102 p. 120. (General elections, absent voting.)

Table of Comparison of the State Primary Laws

State	Offices	Presidential Primary	U. S. Senator	Absent voting
Alabama.....	State, county and municipal officers.		X	
Arizona †.....	All elective senatorial, congressional, state, county and precinct offices.		X	
Arkansas.....	Legalizes party primary election to nominate candidates for U. S. senator, congressman, or legislative, judicial, state, district, county, township or municipal office.		X	X
California †.....	All elective public officers except certain local offices.	X	X	
Colorado †.....	U. S. senator, congressional members, all elective state, district, city, county, ward, precinct officers; except certain local officers, delegates to political assemblies and presidential electors.		X	X
Florida †.....	All candidates for all elective state, congressional and county offices, U. S. senator, and members of state, congressional and county executive committees . . .		X	X
Idaho †.....	All elective state, district and county officers and all candidates for congress.		X	X
Illinois †.....	All elective officers, except certain school and township officers and presidential electors.	Advisory	X	X
Indiana †.....	All state, congressional, county, city and township officers, judicial and legislative officers, prosecuting attorneys, senators and representatives in congress, delegates to conventions for nominating state officers, U. S. senator and presidential electors.	Repealed	X	X
Iowa †.....	U. S. senators, congressmen, electors, all elected officers except judicial officers.	Repealed	X	X

† = Mandatory.

Tables of Comparison of the State Primary Laws

State	Offices	Presidential Primary	U. S. Senator	Absent voting
Kansas †.....	All elective officers, except at special elections to fill vacancies and certain local elections.		X	
Kentucky.....	All elective officers except certain local and school district officers and presidential electors.	Repealed		X
Louisiana †.....	All nominations for U. S. senators and congressmen, all state, district, parochial and ward officers, state senators and representatives, city and ward officers in all cities, towns and villages.		X	
Maine.....	All state and county offices, U. S. senators and congressmen.		X	
Maryland †.....	Candidates for public office in Baltimore and the counties of the state, judges, U. S. congressmen, and delegates to county, legislative district, congressional, city and state conventions.	X	X	
Massachusetts †	All offices to be filled at a state election.	X		
Michigan †.....	Governor, lieutenant-governor, U. S. senators, congressmen, members of the legislature, county officers, certain city and local officers.	X	X	X
Minnesota †.....	All elective officers except certain local ones.	Repealed		
Mississippi †....	All state, district, county and county district officers, judge of supreme court, U. S. senators.		X	
Missouri †.....	All elective officers except certain school and local officers.			X
Montana †.....	All candidates for public office.	X		X
Nebraska †.....	All elective officers and judicial officers, except certain local and county officers.	X	X	X

† = Mandatory.

Tables of Comparison of the State Primary Laws

State	Offices	Presidential Primary	U. S. Senator	Absent voting
Nevada †.....	U. S. Senators and congressmen, all elective public officers, except certain local officers.		X	
New Hampshire †..	U. S. senators and all elective officers except certain local ones.		X	
New Jersey †...	State, county and municipal public officers but not presidential electors.	X	X	
New Mexico....	In commission cities.			
New York †.....	All offices to be filled at general election, except town, village and school district offices and presidential electors.			
North Carolina †....	U. S. senators and congressmen, state and district officers.	X	X	X
North Dakota †.....	U. S. senators and congressmen, state and county officers, district assessors, judges of supreme and district courts, members of legislature, county commissioners, party delegates to national conventions, presidential electors and national committeemen.	X	X	
Ohio †.....	U. S. senators and congressmen, state and district officers.	X	X	X
Oklahoma †.....	U. S. senators and congressmen and all state, district, county, township and precinct officers.		X	
Oregon †.....	U. S. senators, presidential electors and all elective officers.	X	X	
Pennsylvania †.	U. S. senators, congressmen, elective state, county, city and ward officers but not presidential electors.	X	X	
South Carolina †....	Direct primary is under rules of dominant party.			X

† = Mandatory.

Tables of Comparison of the State Primary Laws

State	Offices	Presidential Primary	U. S. Senator	Absent voting
South Dakota †.....	All elective offices; presidential, congressional, state, county, legislative and district, presidential electors and all party delegates and committeemen. Optional for city, town, township and school district officers.	X	X	X
Tennessee †.... (1909, unconstitutional. 1917 c. 118, p. 338.)	Members of general assembly, governor, railroad commissioners, U. S. senators and congressmen, but not presidential electors.		X	X
Texas †.....	All state officers, candidates for congress, all district officers and those of cities and towns.	X	X	
Vermont †.....	U. S. senator and all officers to be chosen at a general election.	X	X	
Virginia.....	U. S. senator and congressmen and all elective officers.		X	X
Washington †...	U. S. senator and congressmen, state, county and city officers.		X	X
West Virginia †.....	U. S. senator, congressmen, presidential electors, state, county and district executive committees, delegates to national conventions and all candidates of political parties except judges and certain city officers.	X	X	
Wisconsin †.....	U. S. senators, congressmen, state, county and city officers.	X	X	X
Wyoming †.....	U. S. senator and all offices to be filled by direct vote of the people.		X	

† = Mandatory.



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