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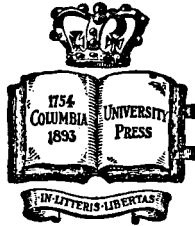


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**THE GOVERNMENT OF MUNICIPALITIES**

THE GOVERNMENT  
OF  
MUNICIPALITIES

BY  
DORMAN B. EATON



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## PREFACE

THE main topics treated in this volume and the reasons for the order of their presentation are so fully explained in the introductory chapter that few words are needed here. The lack of any generally accepted municipal system in the United States and the contrariety of opinion concerning the most important methods of municipal government are recognized facts,—and they must largely affect the treatment of our subject. Conflicts of opinion and serious disputes about theories and methods would be unavoidable even if nothing further should be attempted than a plan of city government formed by compilation and deductions from American precedents and experience alone.

I must think that such a treatment of the matters we are to deal with would be quite inadequate; for very instructive lessons in municipal government can be best studied in the practical methods, and the results of administration in the leading cities of Europe, where municipal experience has been much longer and more varied than in the United States. Nevertheless, our municipal system must be framed in harmony with our constitutional principles and social life; so that, while nothing intrinsically good should be rejected merely because of its foreign origin, nothing can be adopted unless compatible with the fundamental theories of republican government.

Despite the fact that no view of city governments is so uniform and pervading in the United States as the opinion

that they are unsatisfactory, if not discreditable, there will doubtless be readers who will shrink from any attempt to improve them from a study of the enlightened experience of the older nations.

It seems inevitable that the treatment of the subject before us should be controversial as to some important points,—especially as to nominations, minority representation, the choice of mayors, the composition of city councils, and the relation of parties to city government,—but I have sought to avoid all merely theoretical discussions. Municipal government is a very practical affair, which should be based on constitutional principles, and the well-tested facts of experience—and not on parties. Nevertheless, there are some matters as to which a sound theory is so important as to be worth all its vindication may cost.

The difficulty of establishing a sound municipal system in the United States is, I think, much greater than it is supposed to be by those who seem to regard separate city elections and Home Rule as sufficient in themselves for the purpose, though I regard these measures as highly useful. Yet, I am convinced that far more drastic and comprehensive remedies are needed,—remedies some of which are practicable in this decade, at the present stage of civic instruction,—without waiting for that more thorough municipal education which the recently aroused municipal sentiment of the country seems sure to supply.

I have ventured to suggest several remedial measures, some of which I hope may be found available, in the near future, in aid of the municipal reform we so greatly need.

In going over the earlier parts of this volume the reader may regard it as being in considerable measure historical and critical, but, before he has completed it, he may perhaps think it to be in yet larger part constructive and practical.

In the midst of the vast contrariety and confusion of our hastily devised municipal constructions, I have felt the need of a definite plan and theory of city government, — carefully considered on the basis both of principle and experience, — and I have therefore presented such a plan, well knowing, however, that it would encounter fewer objections if it were less definite and therefore less useful for its purpose. Besides, it seems to be essential for our municipal betterment, to bring our indefinite municipal thinking — or lack of thought — and our manifold partisan schemes, of city domination for party and sectarian advantage, to the test of a definite kind, and organization of city government, having its principles defined and its methods organized in the interests of the people and not of any party or sect.

Being much indebted to several gentlemen for valuable information and suggestions, I wish to make some acknowledgments here. Ex-Mayor Hewitt had the kindness to read the first six chapters of this volume before they were sent to the press. President Low and Professor Goodnow, of Columbia University, obligingly read the first seventeen chapters in manuscript, and I am indebted to them for valuable suggestions, and for opportunities for discussing municipal subjects. To Dr. Albert Shaw, I am indebted much beyond my obligation from a study and large use of his volumes on municipal subjects.<sup>1</sup> Ex-Mayor Strong, of New York, has given me very useful information from his experience. Judge Wheeler and Judge Brown — of the United States District Court — have placed me under obligations by their kindness, — the former having read Chapter XVII before it went to the printer.<sup>2</sup> Mr. Andrew H. Green did me the favor of reading Chapter XVIII, and Mr. Horace E. Dem-

<sup>1</sup> See pp. 53, 322.

<sup>2</sup> See p. 450.



ing the favor of reading several chapters, and gave me the opportunity of much useful discussion of municipal principles, before these chapters took their final form. I am under obligations to Mr. Richard H. Dana, of Boston, for useful information very kindly supplied. It should be said that in no case are these readings referred to as evidence of an assent to the views advanced in the chapters read, but only as some assurance of my wish to have advice from those most competent to give it.

I may add that it has been many years since I first gave some study to city affairs, and had a practical part in their administration,<sup>1</sup>—facts which may be some excuse for offering this treatise to the public, but cannot justify its defects.

DORMAN B. EATON.

NEW YORK CITY, June 1, 1899.

<sup>1</sup> Notes, pp. 60, 411, 441.

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### APPENDIX. — THE NEGLECTED NEED OF MINORITY REPRESENTATION, AND THE THREATENED DANGER OF STATE POLICE DESPOTISM, IN NEW YORK

1. Breach of Republican party managers with Tammany. Its city administration being investigated by the legislature. Yet, independent voters denied all opportunity of Free Voting, and party tests are enforced against them. Minority representation strangely neglected.

2. Republican party scheme for a state police in Democratic cities. Its sudden presentation at end of a session. Its despotic and revolutionary character. Its incompatibility with our Republican institutions. It would defeat true Home Rule and essential municipal activity. It would prevent effectual inspection of police administration.

3. The need of a police state-school — analogous to those at West Point and Annapolis — for the education and discipline of those seeking to be officers over policemen.

I. SINCE the foregoing chapters went to the printer, proceedings and omissions on the part of the ruling party of the state of New York have occurred which require some notice here. Experience under the charter, when the last chapter was written, had been too brief to justify more than ominous anticipations.<sup>1</sup> But facts of evil significance as to Tammany administration have of late more and more come before the public. On the other hand, the moral tone of the administration of Governor Roosevelt has facilitated a spirit of patriotic scrutiny which has led to some alarming disclosures. In the meantime, the despotic power of Tammany has emboldened her officials for acts of rash indiscretion.

It has now apparently become impossible for the partisan leaders and boss of the republicans to maintain their ordinarily relations with Tammany. As a consequence, the more independent and non-partisan elements in the republican ranks were able to compel the passage (April, 1899) of a new and admirable Civil Service Reform law, — such a law as the boss and partisans of both parties have long opposed, — and also to repeal the vicious old law, which Tammany has been easily able to defy and pervert to its own advantage. This old law was in the spirit of the Greater New York charter, and the two had a common origin and purpose.

<sup>1</sup> See pp. 489, 490, and notes.

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A breach between the managers of the two parties was, therefore, unavoidable. The managers of the republican party, not daring to justify the evil doings of Tammany, found themselves compelled to investigate them.<sup>1</sup> The republican leaders, who, eighteen months before, had forced a partisan, despotic charter upon the Greater New York, — expecting to capture it at the first election, — were now ready to join hands with the independents in resorting to an investigation for arresting the very evils, under it, which the independents had told them from the beginning were inevitable.

II. Though some of these leaders at the outset supported the investigation with fear and reluctance, its first disclosures established its wisdom, supplying direct and conclusive evidence of some of the worst evils of the Tammany system which we have set forth. We cannot take the space needed for even briefly summarizing this evidence. It must suffice to say that it requires no retractions, but makes us desire to emphasize the conclusions we had reached. The state assembly, in view of the evidence taken, has greatly broadened the original sphere of its committee's inquiries, and has extended its term until the legislative session of next year. We cannot doubt that salutary results may be expected from the action of this committee — results to which the new Civil Service Reform law, which much restricts Tammany's vicious discretion, will largely contribute.

III. Taking only this law and investigation into the account, we should feel quite sure that the republican party managers had decided to no longer imitate Tammany methods in dealing with cities; — even that it had decided that the interests of the people, rather than those of the party, should be treated as paramount. But we are sorry to have to say other facts convey a different suggestion. We have seen that minority representation was needlessly disallowed by the Greater New York charter,<sup>2</sup> apparently because the members of the faction which imposed that charter were hostile to such representation.

They preferred that Tammany, rather than the supporters of Mr. Low, should triumph. Expecting to themselves rule the new city, they desired no independents or non-partisans either in the city council or in the state legislature. Facts thus far seem to show that they find it easier to accept a true Civil Service Reform law, than to accept a law which will give a real repre-

<sup>1</sup> See p. 490.

<sup>2</sup> See pp. 476, 477.

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sentation to the 151,000 voters of New York City who supported Mr. Low for mayor.<sup>1</sup>

It seems too plain for argument that to no source of strength in city elections could the worthy leaders of a party turn so naturally or hopefully as to this class of voters, who are supporters of the principles of their party in state and national politics. Yet the voting of all of them is obstructed, if they are not practically disfranchised, by restrictions imposed upon them by partisan laws designed to give party managers the control of elections and the monopoly of offices in cities.<sup>2</sup>

Unless there are in the dominant party of the state of New York powerful leaders who still favor the partisan monopoly to which the Tammany system tends, why has nearly a year and a half passed since Tammanys triumphed, without an effort made in the state legislature to establish any form of minority representation? We have seen that the republican party of New York has been long committed to the principle of such representation, and that it might be established by a law, which the legislature is now competent to enact.<sup>3</sup> Are the vast body of republican voters in the Greater New York, and the many independent democrats that have voted with them,—all of whom demand such representation, —to understand that the republican leaders prefer a few compliant partisans in the city council and in the legislature, whom they secure under the party system, rather than have such a full representation of the people as true minority representation would give? Are the independent non-partisan voters to be permanently excluded from all participation in the counting of the votes, by laws enacted by parties to secure their own monopoly and the aggrandizement of their managers?<sup>4</sup> Can a governor who has nobly championed a Civil Service Reform policy which aims to ensure to young men and women of superior merit—irrespective of party affiliations, favor, or opinions—all the places in the official service of

<sup>1</sup> There is good reason for believing not only that the evil influences of the new charter, but general causes have materially increased the numbers of the independent and non-partisan voters of New York and other cities during the past year. There seems to be an increasing opposition to party monopoly and despotism, especially in cities. The last elections in Chicago, Minneapolis, Detroit, Toledo, Cleveland, and San Francisco indicate this. *Review of Reviews*, May, 1899, pp. 516-521, 570.

<sup>2</sup> For facts on the subject, see pp. 214-217, 294, 295, 487.

<sup>3</sup> See pp. 237, and 477, note.

<sup>4</sup> For facts on the subject, see pp. 494, 495.

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the city and the state, long fail to condemn an election system which, in the interest of partisan monopoly, not only largely excludes their fathers and brothers from nearly all legislative offices in cities, but actually brands them as unworthy to aid in receiving or counting votes anywhere — unless they belong to one of the two greatest parties? Would a mere party test for office be any more indefensible, if applied to clerks who are to count the money in the city treasury, than it is when applied to the clerks who are to count the votes in the city ballot boxes?<sup>1</sup> It seems to be more and more the case, in the state of New York, that Home Rule in cities is, by the politicians, held to be, — and strongly tends, under city-party rule, to become, — *not Home Rule by the city people, but Home Rule by the majority of the largest party.*

IV. A STATE POLICE. The other subject which should have some notice here is that of the exercise of police power — the control of the police administration — as to which a new and seductive policy has been suddenly announced by the managers of the dominant party in the New York legislature. This policy appears in a bill introduced in the New York Senate near the end of its session, April 13, 1899. The bill was defeated; but it is understood that a persistent effort is to be made to establish the theory which it embodies, to which the leaders of the republican party seem to have committed themselves. We have space for only a very brief outline of its leading provisions, and a very inadequate consideration of the principles and theories which it enunciates.

The matter of city government is unfortunately much complicated and embarrassed in the state of New York<sup>2</sup> by having her cities divided into three classes, of which the first and second together include the six largest cities, to which alone this bill at first extends. But the other cities, according to its provisions, are to come under it, and the new state police system it establishes, as soon as their population shall reach the required number

<sup>1</sup> See pp. 494 and 495, as to this test. The New York Law of 1895, Ch. 1035, shows the manner in which the two great parties, through the action of their managers, secure the monopoly of poll clerks, ballot clerks, and inspectors, — whom they are to nominate in all the election districts of cities. May we not hope the time will soon come when we shall directly seek and secure fair-minded, reliable men for such places, as we do for all other positions of high trust, rather than mere pairs of crafty and unscrupulous partisans ready to cheat whenever they can? Why should not ex-policemen be required to serve as election officers? They are not likely to be mere partisans.

<sup>2</sup> See p. 413, note.

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for being in such classes. The purpose, therefore, is to substitute a new state police system — provided for in the bill — in place of the former city police system, which has prevailed in the state of New York, and we believe, with moderate modification, in all the states of the Union, from the time that policemen first existed in the United States. The important question, therefore, is whether a *new police system* should be established.

1. The new state police system, which the bill, if made a law, would create, provides for an original state police department, extending at the outset to the six cities. This department is to have all the *police powers, authority, functions, and duties* which now belong to or pertain by law to the six cities; and not only these powers, but, generally, the new state department is also to have *the property and income* of these city police departments, which are to be suppressed by their absorption or consolidation into the new state department. This new state department is to have its central office at Albany, the capital of the state. The local city police organizations and activities are to be discontinued. 2. The head of this state police department is to be a single “commissioner of state police,” upon whom all state police power is to be concentrated. He is to be appointed by the governor and confirmed by the Senate for the term of six years. It is not provided that this commissioner shall have any advisers or assistants, his authority being possessed by him as absolutely as any acknowledged despot could possess his powers. But he is required “to appoint, and *at pleasure* remove, a deputy commissioner of state police and a secretary of state police.” These three officers — one supreme and his two subordinates — are to have all the police powers of the six cities, with others given by the bill. The commissioner has also the vast power of appointing and removing a police treasurer in each city, who is to be the *purchasing agent* of the police department. There are no conditions that such appointments by the governor or the state commissioner shall be made in reference to any experience, capacity, or other standard of qualifications; on the contrary, this appointing power of the latter is declared to be exercisable “at pleasure,” and therefore may be exercised according to the theory — as it is conferred in the language — of the party spoils system. The governor’s appointing and removing power is not less absolute.

3. It is not by inference merely, but by the express provi-



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sions of the bill, or new state police system, that the vast police powers of cities to be thus transferred are to go to him as a *single state officer*, to be possessed so absolutely by him that he may at pleasure transfer any part of his power, authority, functions, and duties to the "police chiefs" of the cities, who are to be appointed by him. These chiefs are to detail policemen to the election polls of the cities, obviously a *great political power*. All paramount police authority, therefore, is centred absolutely in one state police commissioner, save as he may temporarily delegate fragments of it to his appointees, the police chiefs of cities. It is further declared the state commissioner "may make, adopt, and enforce such rules, orders, and regulations, and do such other acts as may be reasonably necessary (of course in his view) for the exercise of his powers." He is, therefore, to be equally a despot in the legislative and in the executive spheres over the whole domain of our police affairs. Both the commissioner and the city chiefs have the *vast political power* of appointing an unlimited number of special state policemen, practically at their discretion.<sup>1</sup>

The state police commissioner, with slight exceptions, is also the ultimate executive authority to whom appeals must be made as to every question of police administration, duty, or discretion which can arise in the cities, and *his decision is to be final*.

4. The proposed law would obviously suppress all legislative action in cities, and also all local officials, so far as they have any function or duty of inquiry or discussion concerning police matters. Local, city authority, therefore, for making ordinances, so far as police affairs are concerned, would be suppressed. Not only would all Home Rule officers be practically extinguished, but the very sphere for Home Rule action in the police domain would itself be abolished. The state power, exercised by a single, absolute state police commissioner, would consequently be omnipresent and supreme in every city, in every detail of city affairs, and as to the duties of every police officer who may patrol its streets, so far as police action is concerned; and this police authority is the most important, potential, multifarious, and pervading of all authority known in municipal life.

<sup>1</sup> We have no space — nor is there any need — to consider the provisions of the bill as to the rights and duties of ordinary policemen. They are, in substance, the provisions of existing laws, so compiled as to be almost certain to lead to much needless uncertainty, confusion, and litigation.

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5. We cannot go further into the details of the official machinery of the new scheme, most of which is highly centralized and despotic. Such a bill, if made a law, would not only declare the people of a city should have no part in the police administration they must accept, but that no local executive officer or legislative council should possess either authority, duty, or liberty as to making or enforcing the ordinances under which they must live, regulating the streets which they must travel, or compelling obedience to the moral standards to which they may conform. Such a law would reverse the whole police—and a large part of the municipal—policy which has prevailed in every state of the Union and in all the most enlightened cities of the world. Tested by American constitutions and precedents, it is the most un-American and anti-republican scheme ever proposed. It proclaims city residents to be unworthy of having the least direct police authority as to matters at their own doors. It condemns the elementary principles of the American government. In spirit, it declares the theory of local Home Rule—whether in cities, villages, counties, or towns—to be a mistake, and that the great effort should be to make state rule supreme and exclusive, by absorbing all local jurisdictions; and why should not the nation make similar claims against the states by giving us a national police commissioner and making us a republican Russia? Such a law would establish a police system more centralized and despotic than that existing in any leading nation of modern times except Russia, and perhaps Germany. It would preclude the possibility of that excellent police system of England,—the best which has ever existed for a free state,—and from which nearly all that is most valuable in our police system has been borrowed.

More than this, it would so weaken the forces of local government, and so much augment the central powers of the state, as to seriously impair the counterpoise between them, upon which the constitutional and legal systems of American states repose.

We have no space for adequately illustrating the extent to which this state police scheme would diminish the sphere of legitimate city activity and protection and enlarge those of the state. Every power given to the state police by this bill, as to mere city affairs, is a part of the measure of this diminution—a declaration of the incompetency of city residents to deal with their own affairs. We can mention here only two examples, startling in themselves:

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(1) absolute state control in the future of the purchase, location, and ownership of all police station-houses, and other erections and equipments, for which the city must pay, without any chance for a hearing as to their cost or location; (2) the fixing of all *police salaries* and other police expenditures, for which the city must provide the money, also without a hearing as to their amount. But in the note we give a few examples of the subjects as to which, according to this bill, the state police control would *deny the city any authority, grasping the whole of it arbitrarily, and exercising it exclusively by its own officers*, thus accomplishing a great revolution,<sup>1</sup> and making fearless, non-partisan, or effective debates in cities over city affairs impossible. This scheme, in principle, declares that we need no municipal government; that city councils and all local control are useless; that only

<sup>1</sup> The bill declares, "It is hereby made the duty of the *state police* in the cities . . . to regulate the movement of teams and vehicles in streets, bridges, squares, parks, and public places, and remove all nuisances in the public streets, . . . inspect all places of public amusement, all places of business, all places having excise or other licenses to carry on any business; all houses of ill-fame or prostitution, . . . all lottery offices, . . . all gambling houses, cock-pits, rat-pits, and public common dance-houses, . . . enforce and prevent the violation of all laws and ordinances in force in such cities, . . . possess powers of general police supervision and inspection over all licensed or unlicensed pawnbrokers, venders, junk-shop keepers, junk-boatmen, cartmen, dealers in second-hand merchandise . . . and auctioneers, . . . premises, . . . dealers in second-hand merchandise. It shall be the duty of the (state) city chiefs, each in his city, to provide and cause to be enforced . . . rules and regulations for excursion steamers, yachts, and all crafts taking part in regattas or races, . . .

"Each city chief shall in his respective city from time to time, with the consent of the (state) commissioner, establish, provide, and furnish stations and station houses, or sub-stations and sub-station houses, . . . Each city chief is hereby authorized and empowered to furnish horses and wagons, to be known as precinct wagons . . . The board of estimate and apportionment . . . are *directed* to appropriate a sufficient sum of money in each and every year . . . for the purpose of furnishing such horses, wagons, and apparatus connected therewith, and . . .

"The number and boundaries of precincts in any city shall be fixed by the (state) city chief in said city. The commissioner shall have power to erect, operate, supply, and maintain . . . lines of telegraph and telephone . . .

"The state police may . . . procure and use and employ such rowboats, steamboats, and boats propelled by other power as shall be deemed necessary and proper. It shall be a *misdemeanor* for any person *not being a regular member* of the *state police* established in any city of this state . . . to serve any criminal process within the cities affected by the provisions of this act. The *commissioner of state police* shall have power to *apportion any general expense incurred for the general conduct, maintenance, or equipment of the state police . . . salaries and expenses of any officers, members, or employees . . .* It is the intent of this act to give to the *commissioner of state police cognizance and control of the state police* throughout the cities affected by this act."

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central, irresistible, omnipresent, executive state force is necessary, before which city people must bow, stagnate, and be servile and silent. It is a striking fact that the whole course of our study has shown that the tendency and progress in good city government, even under a police system so despotic as that in Berlin, have been made through increasing Home Rule and bringing unofficial citizens more and more into participation in the management of their local administration, but this despotic bill and scheme of a state police, in a republic, would reverse this tendency, and substitute those methods of centralization and state autocracy which all enlightened monarchies are abandoning as dangerous and indefensible.

6. If the state may thus appropriate and exercise all local police powers, why may it not do the same thing with all local sanitary powers, with all local authority over schools, taxation, transportation, and other matters, until real Home Rule, and consequently effective local activities, which are the peculiarity and strength of republican governments, shall substantially cease to exist, and state domination shall become alike universal and absolute?

It is obvious that without a right and duty on the part of city officers to take an active and responsible part in governmental affairs at their own doors, of which police matters are among the largest and most essential, the vitality and utility of local government cannot be preserved, nor can a debasing subserviency to central despotism be avoided. Central party tyranny has, as we have shown,<sup>1</sup> already become despotic and debasing, especially in cities; and this police scheme is a desperate demand for a sort of tyrant in the police sphere—a demand which naturally arises when the legitimate forces of government have been perverted, and party despotism has become unendurable. Such a tyrant would make true city councils—that is, representative government in cities—impossible.

7. But we have seen—modern municipal experience shows—that one of our greatest municipal needs is city councils, representing not parties, but the people, competent to frame municipal ordinances, and especially police ordinances—bodies that shall be fearless and potential enough to keep the whole police department upon its good behavior and to be great forces in leading the benevolence and civilization of the age. With

<sup>1</sup> See pp. 493-495.

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such councils, mere state police domination would be impossible — almost unthinkable.

We have also shown how, through a uniform police code, the payment of a part of police expenses by the state, and inspections by state officers, the state may easily secure proper subordination and discipline on the part of the local police without resorting to revolutionary measures.<sup>1</sup> Nothing of this kind is proposed by this bill. The state, under it, proposes to take all the police property of the cities, to suppress all police activity by their people, and to fix the measure of their police expenditures, without paying any portion of police expenses.

8. It seems to be an unanswerable objection to this scheme of state police despotism that it provides — and in fact permits — no adequate method of police inspection by the state, such as we have, in the second chapter, shown to be useful and essential. A state bureau or officer which does not actually carry on the local police administration is independent to deal with it. He is naturally inclined to inspect and report upon it severely. He will fearlessly compare the results in cost and method in each city with those in the others, with excellent results, as we have shown, especially from the English practice. City councils and other city officers — if made competent as we have proposed — will also contribute their useful criticisms.

But the moment — local councils and local police activity being suppressed — a single state officer shall be made supreme and universal in his control of local police affairs, there will be no competent authority to expose his wrongdoing or make any form of fearless or effective inspection. This state police despot will not expose his own maladministration; nor will he show his own incapacity by comparing results in one city with those in another of his police realm. He will always declare it well governed. He will not dare act in opposition to the wishes of the party-elected governor. The governor, his only superior officer, will not order inspections, unless, indeed, he is seeking for grounds for a removal, most likely for party reasons. Do we desire that the legislature should be made an inspecting body for cities, and as such have additional reasons for interfering with reasonable Home Rule in every city?

9. We must not wholly ignore the party interests and possibilities which such a state police scheme involves, nor the very

<sup>1</sup> See Chs. II. and XVI.

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unsatisfactory manner and time of bringing it before the public. The majority of voters in the six cities to be at first subjected to the new law belong to a party with which the authors of the state police scheme expect an anxious gubernatorial contest a few months hence. Who can doubt that the vast political influence this scheme would put in the hands of the party in power would greatly increase its chances in this election, — unless, indeed, a disastrous revolution within its own ranks should occur, similar to that which happened when the apparent promoters of this scheme attempted to ensure their domination by imposing a partisan charter upon the Greater New York?

The last scheme, like the first, seems to have been secretly matured in the councils of the leaders, and to have been brought forward, as a party measure, just at the end of a session, thus precluding — whether by design or not — that fair and intelligent consideration which so great a revolution in our police system requires. It is, therefore, a just cause for congratulation that, contrary to the facts when that charter was pending, there were a few men in the Senate who had the statesmanship and moral courage to resist the party demand for servile obedience.

10. The duties of statesmanship — we might, perhaps, say of ordinary justice and discretion — in dealing with so grave a subject are very plain. Even if no more than superficial methods were intended, the people of the cities directly affected should have been first consulted, and a bill and report should have been brought in at the beginning of a session. The bill should not be a conglomeration — like that before us — of all the laws applicable to any of the six cities, but should be in the nature of a systematic state police code, which should supersede the whole of these laws, and tend to order and definite authority, rather than to the confusion, distressing doubts, and needless litigations which this crude and hasty bill suggests. An adequate bill would, of course, be drawn in the direct and paramount interest of the people both of the cities and the state, without any reference to mere party advantage. If the public interests in regard to the subject were adequately conceived, the governor would be authorized to appoint a commission, having a police expert and a statesman upon it, to first examine and report upon the best police systems of Europe, — those of England, France, and Germany, whose long and varied police experience can give us much information which we greatly need. A police bill

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drafted and enacted in the light of such information—like that which Sir Robert Peel championed—might be an honor to all concerned in its production.

11. If, from such objections to this police scheme, we turn to the reasons given for it, these most deserve notice: (1) It is said it will tend to simple methods and vigor of administration. A despotism always does this, and the local government essential for a free people can hardly be as simple as a centralized tyranny. (2) It is said it will relieve us of bi-partisan commissions. We have dealt with the objections to such commissions elsewhere, and have concluded that, bad as they are, they are preferable to police domination by a single party, which this new scheme will facilitate. (3) We are told it will give us a single head of the police, which is claimed to be a great advantage in the way of simplicity and vigor. This is the old argument of despotism. It is the justification of the Russian police system and of the worst parts of that of Germany. We have shown how much confusion of thought and how many fallacies there are, connected with a certain measure of truth, in the seductive and superficial theory of a single head of the police. It has been made plain that a single head, such as the new scheme provides for New York City, could not properly dispose of police trials alone, even if he did deal with anything else.<sup>1</sup>

(4) But the chief reason given for the new scheme is a claim that it will take police administration out of party politics—a most desirable result, certainly. We must think this claim to be utterly unwarranted, and that the new scheme would make the police power a more potent party force than it ever has been—in both state and city politics.<sup>2</sup> The politicians in both parties—like the independents—regard the bill as a party measure for party advantage. Are they all mistaken?

We have seen that the state commissioner, who has all controlling power, is to be appointed and removed by the governor—the political head of a party—“at pleasure,” subject to confirmation by the Senate, and that the commissioner appoints and removes city chiefs of police practically in his discretion,—absolutely “at his pleasure,” during the first year of his term. It is

<sup>1</sup> See pp. 431-434.

<sup>2</sup> The bill referred to contains some commendable provisions—most of which of any value are taken from existing laws—against policemen interfering in party politics.

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only down in the common ranks of mere policemen, who must absolutely obey, where non-partisan provisions are to prevail. Those high police officers who wield paramount power may be mere political representatives of the state executive and the Senate, — doing as they please, as to their appointments and removals. Here, apparently, we see the reasons why no non-partisan or adequate qualifications are required on the part of nominees of the governor or of the state commissioner. If it can be said with truth that the present governor is not likely to freely nominate an active, partisan republican for state commissioner, it may be answered that the present Senate would confirm no other. Does any one doubt the party purpose of the republican senatorial leaders in urging this bill? Does any one believe they do not expect great gain from state control of the police? Does any one think they would support a law which declared that the state commissioner should be a graduate of West Point, or a non-partisan of long police experience? Besides, the next governor may be an extreme politician. Would he and his party hesitate to retaliate for this partisan attempt to control the police in democratic cities? Can any well-informed man fail to see that state police scheme has already made the police question more than ever before a party issue? In every city to which it extends, this question has already become an absorbing political issue. Can one doubt that party contest for the election of members of the next state Senate will be more bitter, partisan, and intense by reason of the control of the state police having been made a party question? If the control of election machinery has, in one particular, been taken away from the police, it has been handed over to officers whom the two great parties nominate and practically appoint, thus making elections in some respects more partisan than ever before.<sup>1</sup>

V. We think the reader must have been impressed with the need of there being more men than we now have who are well instructed for the discharge of the higher police functions, — for the duties of commissioners, police chiefs, inspectors, and captains. The number of policemen must rapidly increase in our cities and villages. The duties of police officers not only in their legal aspects, but in their administrative complications, are fast becoming more difficult. It is essential not only that there should be more complete theoretical instruction, but more prac-

<sup>1</sup> See pp. 494, 495.



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tical experience for such positions. Above all, it is necessary that we should reënforce every means through which the needed competency can be attained, while at the same time increasing the facilities for gaining the chief offices in the police force without coming under debasing obligations to parties, their managers, or the boss. We must also strengthen the feeling that to be a true policeman requires independence of all mere party passion.

It is being more and more clearly seen that in various ways the qualifications, duties, and proprieties of police life are analogous to those of military and naval life. More and more the people are recognizing the facts that the thorough instruction of our officers of the army and navy are of inestimable public advantage, not merely in providing more competent officers, but in raising these two branches of the public service above the low standards and interests of partisan politics. That these results have been mainly due to the discipline, technical instruction, and character-forming influences of the technical schools at West Point and Annapolis, is the common conviction of all competent judges. What would our army and navy now be but for those schools?

Why should we not have similar schools for training young men for holding police offices? Why should not the state of New York take the lead by establishing such a school, to which other states would, perhaps, send students? Its graduation standard should be high enough for admission to the position of officer over policemen, but there should be, of course, an opportunity — as there is in the army — for official elevation from the police ranks. We believe such a school would soon develop a patriotic, honorable, and non-partisan spirit, which would do much to elevate police administration, and prevent a monopoly of office in it by mere politicians. The school could also be made to largely supply such instruction and discipline as would better qualify young men for officers in the military service of the state and in its penal and other institutions.<sup>1</sup>

<sup>1</sup> There is an increasing appreciation of the need and utility of such instruction and discipline. Several of the public institutions of the state of New York now support schools for training those who are to take part in their administration. Mr. Bonner, the worthy ex-Chief of the New York City Fire Department, is now exerting himself in behalf of the establishment of a school he hopes to have, aided by the city, for the better instruction of those who are intending to become firemen.

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