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THE FUTURE OF REPRESENTATIVE GOVERNMENT

*Mr. Chairman, Fellow-Members of the American Political Science  
Association, Ladies and Gentlemen:*

In the United States we have seen a revival of the ancient discussion concerning the line of demarcation between national and State authority under our complex federal system, but there is an underlying question which cannot have escaped the thoughtful observer involved in the growing popular distrust of the representative system whereon both federal and State governments are based. This tendency is being manifested in very material modifications in representative government, as understood by the founders of our government, and I therefore ask your attention to the consideration of The Future of Representative Government.

This form of government, wherein the sovereign power of law-making is wholly delegated to deputies elected by the people, is of comparatively modern origin, and in the modern sense of the term it was unknown to the ancients. While its origin is obscure, we know that it was in England that representative government found its development in the form in which it was so greatly impressed upon the framers of our Constitution. Sir Henry Maine in his *Popular Government* says that it was virtually England's discovery of government by representation which caused parliamentary institutions to be preserved

in England from the destruction which overtook them everywhere else, and to devolve as an inheritance upon the United States.

Rousseau, whose influence was so profound upon the active spirits of the French Revolution, declaimed against any delegation by representation of the powers of the people. He required in his policy that the entire community should meet periodically to exercise its sovereignty, and he therefore deemed popular government impossible except in a restricted territory. Mr. Jefferson thought that the New England town meeting was the nearest approach to a popular government, but he doubted that it would be practicable beyond the limits of a New England town meeting.

While representative government was assumed by the founders of our government to be the only possible basis of government over an extended territory, they did not entertain the view of Rousseau that a pure democracy was an ideally perfect government, and that representation would be merely a means of securing an expression of the average intelligence in legislation. On the contrary, they deemed that the ideally perfect government was that in which the intelligence of the community, the fittest men, should be selected, that is, the selectmen were to be secured by this means for the purpose of administering the government.

This was the conception of representative government expressed in the profound analysis of John Stuart Mill, who declared that the ideally perfect government must be representative, and thus those competent to govern would be selected for that purpose by their fellow men in a true representative system. Guizot says, "What we call representation is nothing else but the means to arrive at the result. It is not an arithmetical means employed to count individual wills, but a natural process by which public reason, which alone has a right to govern society, may be extracted from the bosom of society itself."

#### REPRESENTATION IN THE FEDERAL GOVERNMENT

Representation was established in the United States in the creation of our federal government, not only because it was deemed the only means by which popular government could be maintained over any extended territory, but also because it was believed that it was the only means by which the requisite intelligence and wisdom for

legislation could be selected by the people. The all but universal system of American constitutional law rests upon the same framework of government—an executive with a bicameral legislature and this has been adopted not only in our States, but in many of our city charters. The framers of our Federal Constitution were so profoundly impressed with the necessity of deliberate selection in representation that they adopted the system of double representation in the election of the president and also of the senators. These provisions were believed by the founders to be of the most lasting importance in securing a wise deliberation in these selections. Hamilton predicted that this method of electing the president afforded a moral certainty that the office of president would seldom fall to a man who was not endowed in an eminent degree with the requisite qualifications.

The generation of the founders had hardly passed away before the electoral scheme for the selection of the president, so carefully devised, was undermined by public opinion, and the intention of the Constitution framers was completely defeated. The electors for nearly a century have been nominated and selected for the sole purpose of giving the vote of the State to a certain party candidate, and they are as securely bound by custom and honor so to vote as they would be by statute. The electoral college has become a mere voting machine, and the president himself may be selected by a convention of the dominant party, as the result of a deal or a stampede, a result that the framers of the Constitution thought they had effectually prevented by their precautions.

The indirect choice in the election of senators by the State legislatures has lasted longer. This double representation attracted the admiration of Tocqueville (chapter xiii), when he visited this country during the administration of Jackson, and he thought that this plan of election would have to be introduced more frequently into our system, or we should incur no small risk of perishing miserably on the shoals of democracy. Sir Henry Maine<sup>1</sup> in 1886 thought that the great source of the power of the senate was this method of their election by the legislatures of the several States.

The democratic trend was first observable as to the senators in the

<sup>1</sup> *Popular Government*, p. 227.

demand, sometimes acquiesced in and sometimes resisted, that they should obey the instructions of their States. For some years past there has been a demand for the amendment of the Constitution so as to provide for popular election of senators. This has proved unavailing, and a scheme is now being adopted which bids fair to defeat the plan of the Constitution as effectually in the case of senators as in the case of presidential electors. Not infrequently candidates for the senate have been nominated by the State conventions of respective parties and members of the legislature have been bound in honor to vote for the party choice so declared. Recent legislation in some of the States has attempted to give a legal sanction to this evasion, by providing that candidates for each political party for United States senate be placed on the ballot at the general election, and that the persons having the largest number of votes upon the respective party tickets be the caucus nominees of the respective parties in the legislatures. Such an enactment can obviously be effective only in the acquiescence of the members, but public opinion which has so effectually controlled the election of the electors may be equally effective in controlling the election of the United States senators, thus again clearly defeating the express purpose of the Constitution.

#### REPRESENTATIVE GOVERNMENT IN THE FEDERAL CONGRESS

Representative government in the true sense implies government by discussion, and it is therefore obvious that there can be no true representative government when the pressure of legislative business, or the character of the membership renders government by discussion impracticable. The term of service of members of the house of representatives of the national congress is but two years, and under the practice of rotation prevailing generally through the country, the percentage of new and inexperienced members constitutes a very large proportion of the total. A tremendous pressure of business with this large, unwieldy, and generally inexperienced membership has compelled a concentration of arbitrary power in the speaker and committee on rules, in order to secure the dispatch of the necessary public business. The system has been aptly termed one of "hierarchical and centralized power," which each party in turn is compelled to adopt when in power, however much it may condemn it when in

opposition. These peculiar conditions in the membership and business of congress make this concentration of power in the speaker and rules committee more essential and more frequent than in the State legislatures, but the limited short terms of the State legislators prescribed by State constitutions are tending to produce the same result.

#### STATE CONSTITUTIONS

It is however in the case of our State legislatures which unlike congress are vested with sovereign power, as direct representatives of the people of the State, subject only to the limitations of the federal and State constitutions, that we find clearly marked this decline of the representative system in popular favor. The radical change in our State constitutions has been the subject of frequent comment in addresses before this association. The constitutions adopted during the last thirty years are no longer modeled after the Constitution of the United States in setting forth fundamental principles of government in concise and comprehensive terms, but they have become in effect codes of laws full of restraints, regulations, and prohibitions on the exercise of the legislative will. The latest illustration of these constitutional developments is in the case of Oklahoma, the most recent addition to our sisterhood of States, where the constitution contains twenty-four articles, three hundred fifty-eight sections and exclusive of specifications of county boundaries, over fifty pages of closely printed matter.

One of the most important provisions in our modern constitutions in the restraint of the legislative power, that of the substitution of general for special legislation, does not so much proceed from distrust of the legislature as it is necessitated by the changed conditions of our complex modern civilization multiplying the subjects which demand legislation. In some States the constitution declares that the applicability of a general law shall be a judicial and not a legislative question, that is, that it shall be for the courts and not for the legislature to determine when a special law is admissible. The most important instance of this substitution of general for special legislation is in the enactments of general corporation laws in place of grants of special charters to corporations. In the very prevalent adoption

of the corporate form for modern business, it is obvious that the system of special charters would have been intolerable.

Despite these constitutional provisions for the limitation of special and local legislation, it cannot be altogether prohibited, and the flood of such enactments is one of the most characteristic features of American legislation.

Prominent among the provisions of our modern constitutions restraining the legislative power are those defining and limiting the exercise of the taxing power. Not only do they limit the tax rate both in State and local taxation, but in a majority of the States the attempted enforcement of the system of a uniform tax for all kinds of property in the same manner under the so-called general property tax effectually prevents classification for taxation, precludes efficiency and produces an all but universal tax evasion. In this matter over restraint of the legislative power by constitutional restrictions has been the direct cause of the worst abuses of our American taxing system. It was said in a recent address by an eminent authority<sup>2</sup> that the constitutions of at least twenty-four States prevented the adoption of any sensible system of taxation. It should be noted, however, that Oklahoma which has made the most recent contribution to our State constitutions has avoided these errors, in wisely refraining from imposing restraint upon the general assembly which would impair the efficient exercise of the taxing power.

There is another class of constitutional provisions directly aimed not only at controlling the scope, but limiting and prescribing the form of legislation. Thus we have provisions prescribing the titles and forms of laws, original and amendatory, their successive readings on different days in each house, the vote by ayes and noes on final passage, and generally all the details of parliamentary procedure. We also have provisions substituting biennial for annual sessions. In two States the regular sessions are quadrennial; in some States the length of the biennial session is fixed at a prescribed number of days, usually sixty, and adjournment is then forced by reducing to a nominal sum the compensation of the members, if they sit after such day. The inevitable effect of these limited sessions is hasty legislation, often controlled

<sup>2</sup> Ambrose Purdy, of New York.

and directed by special interests, and this ensures the depreciation of the legislative product. The haste with which our statutes are enacted under these circumstances necessarily contributes to the immense volume of litigation involving the validity of such statutes and their conformity to constitutional requirements, thus bringing into new importance the right of the judiciary to pass upon the conformity of statutes with the law of the Constitution, which has become so marked a principle of American constitutional law. Judicial annulment of statutes for non-conformity with constitutional requirements both as to substance and form has become increasingly frequent. The frequent invocation of the fourteenth amendment to the United States Constitution as a restraint upon the legislative power has had a profound effect upon our jurisprudence. The federal guarantee of the equal protection of the laws has come to be frequently applied both in the State and federal courts against forms of special legislation which are claimed to be illegitimate classification, as the guarantee of due process of law has been enforced against the exercise of the police power of the State.

This limitation of legislative authority is also directly associated with the increased power of the executive. There is a general tendency to increase the executive power, as in the enlarged power of veto, both in the matter of the exercise of veto after adjournment and in the right to veto specific items of appropriations. The executive or administrative branch of the administration is also represented by boards, commissions and departments. Thus, we have not only boards for the administration of public charities, and the like, but commissions such as railroad and warehouse commissions, public utilities commissions, which are vested to a certain extent with legislative and sometimes quasi-judicial powers. Thus, in effect, a new department of government has been established outside of the original division of executive, legislative, and judicial, and really enforced by the complicated conditions of our modern industrial civilization, and yet the inevitable effect is the diminished authority of the representative assembly in the legislature.

These detailed provisions in our new constitutions limiting the scope of the legislative power necessarily require frequent revision or amendment to conform the constitution to changed conditions. In some

States where these constitutions exist hardly an election passes without the submission of one or more constitutional amendments to a vote of the people. In eight years 281 amendments to State constitutions have been submitted to the people of the different States and of these 168 were adopted and 113 defeated. In the State of Missouri fifteen amendments to the constitution have been adopted in the last fifteen years and six defeated, and eight amendments are now pending to be voted upon in the November election of 1908. Whether amendment or revision by constitutional amendment is resorted to, the necessary effect is to depreciate in public opinion the importance of the legislature.

It has been said<sup>3</sup> that when we subtract all these limitations of the legislative power, the question may then well arise, whether it will ultimately prove worth while to retain an expensive legislature to exercise its small and petty powers; and that a convention meeting periodically, with well supervised administrative departments, might perform all the legislative functions to entire satisfaction.

#### POPULAR DISTRUST

These conditions involving the depreciation of the legislative product lower the dignity of the legislative position. This lowered standard in the legislature and also in our legislators has in turn intensified the growing popular distrust of our representative system. The complexities of our modern life, the absorption of the best energies and talents of our people in commercial enterprises, the increasing proportion of urban as compared to rural population, the unceasing demands upon the time and attention of our legislatures of measures affecting private interests, the suspicion and even the disclosure of jobbery and of corruption, the control of legislative action through political organization, and the caucus eliminating discussion and stifling individual independence, have all been factors in intensifying this popular distrust of representation. Our citizens are realizing that the representation provided by our existing conditions is not true representation, and as they feel their inability to control these tendencies they are prepared to welcome any remedy.

<sup>3</sup> Prof. Dealey, in *AM. POL. SCI. REV.*, Feb., 1907.

## THE REFERENDUM

The referendum which is now demanded as a remedy for the evils in our legislative system, is not new in our political system, as the reference to popular vote has been in use in many States in the form of constitutional amendments or charter amendments on tax and bond issues, local option, and the like. Direct legislation by the people through the initiative and referendum has been in force in Switzerland for a number of years, and the agitation for their introduction into this country in general legislation has only recently commenced. The initiative and referendum have been adopted in some form in the State constitutions of South Dakota, Utah, Oregon, Montana and Oklahoma, and constitutional amendments are now pending in the States of Maine, Missouri, and North Dakota. An agitation has been carried on for the advisory initiative and referendum in national affairs, and it is said that over one hundred members of the present house of representatives are pledged to vote therefor. No one can question the sincerity and patriotic earnestness of those who are seeking the adoption of this system. They claim that with the adoption of the referendum our political machines will become without their effective use, the trade of the politician will be rendered undesirable, and the power of the monopolists will be ended. Direct legislation, they say, will do away with class rule, ring rule, jobbery, extravagance, nepotism, the spoils system, and every jot of the politician's influence.

Experience does not warrant us in concluding that the ideal representative government can be restored by the substitution of the average public opinion for the deliberate representative judgment, in the initiation or decision of the details of legislation; but on the contrary it would tend to show that public indifference is uniformly manifested (in the absence of a single absorbing issue), when public measures are at issue, and not the personality of contending candidates. This apathy of the public when public measures and not the candidates are at issue may be discouraging to enthusiasts who anticipate political reform and direct progress through legislation by the people. It seems that the working of direct legislation under the initiative and referendum in Switzerland has been distinctly conservative and has tended to political stagnation rather than progress. Thus, Mr. Bryce

says that its effect upon legislation is rather a bit and a bridle than a spur, and that while the people may be indifferent and apathetic, they cannot be lobbied or wheedled or bulldozed. The sober advocate of the referendum no longer claims that it will be a substitute for representative government, but that it will furnish an additional and needed restraint upon our legislative bodies. This suggests the inquiry whether under our system of constitutional limitations upon legislative authority we are in need of this additional curb. Mr. Lecky<sup>4</sup> distinctly recommends the referendum for England, but he writes from the standpoint of an Englishman, who sees the power of an omnipotent parliament with no constitutional restrictions, and he approves the referendum, because he says it would prove a powerful bulwark against violent changes. He recognizes that it is doubtful that the referendum would have ratified the toleration act of the seventeenth century, the abolition of capital punishment of witches in the eighteenth century or Catholic emancipation in the nineteenth century; but he says it would furnish a remedy under the English system of great growing evils which are difficult to cure, and would do so in a way which is in full accordance with the democratic spirit of the times. He cites the example of America in its effective constitutional restraints upon legislative action, and advocates the referendum in England because of the absence of such restraints. He admits that it would have the effect of lowering the authority of the house of commons, and thinks that would be one of its great virtues.

The referendum, therefore, may have its place in our political system as an *in terrorem* preventive, or even a corrective, but it cannot be a panacea for our legislative evils. It may be an effective method of ascertaining the controlling public opinion on simple and specific subjects wherein public interest may be aroused, and wherein the people may have an opinion before they are called upon to vote, and in protecting the local self-government of municipalities, particularly so in the grant of public franchises. In a great political crisis it may represent the sovereign will of the people, but its warmest friends must admit that it is not and cannot be a means of working out the necessary details of legislation. Great communities cannot be governed by

<sup>4</sup> *Democracy and Liberty*, chap. iii.

permanent town meetings.”<sup>5</sup> As Burke said of the right of revolution: “It is making the extreme medicine of the constitution its daily bread.”

#### REGULATION OF THE LOBBY

Not the least of the causes of the popular distrust of our legislatures is the recognized abuse of lobbying, that is, the attempted influencing of members of the legislature in behalf of private interests. The growth of corporations, which are the creation of and are dependent upon the State, has had a tremendous influence in developing this evil in our representative system, although it has been to some extent reduced by the substitution of general for special legislation. The American legislature however despite constitutional restraints has enormous undefined police power, which may adversely affect in its exercise the interests and fortunes of individuals as well as corporations. Oftentimes we hear of business men looking with apprehension upon the meeting of the legislature; that they are relieved and breathe more freely when the sessions are ended.

The lobby has become known as the third house in American legislatures, and its abuses have been the subject of extensive public comment and denunciation. The evil is closely associated with the abuses of party management, as the chiefs of the lobby are not infrequently the bosses of the party organization, who may control the political futures of the legislators. Efforts have been made to remedy this abuse both in congress and in many of the State legislatures. Illegitimate lobbying has in some States been declared a felony, and anti-lobbying bills have been enacted requiring legislative advocates to be registered with the secretary of state. There is an obvious difficulty in discriminating between legitimate and illegitimate legislative advocacy. Those whose interests are at stake have a right to appear and explain their views and defend their rights before their representatives. The legislators, in the nature of things, must be presumably ignorant of the matters which they are to vote upon and they must have information from some source.

In this connection, I must call attention to the very successful expedient adopted in this State, in the establishment of a department

<sup>5</sup> Prof. A. B. Hart in *New York Nation*, vol. 59, p. 193.

of legislative research. This is a bureau for the assistance of legislators in the preparation of bills and in the investigation of subjects which are involved in measures pending before the legislature. It is the experience of every legislative session that hundreds of measures are submitted whereon even a body of experts could not be expected to pass intelligently. Many of these measures profoundly affect private interests which are represented by skilled advocates. This bureau of legislative research does not interfere with the legitimate legislative advocacy, but does afford the legislators the means of learning the experience of other States, and secures the necessary professional assistance with reference to any proposed subjects of legislation. This plan, which I may call the McCarthy plan, after the gentleman who was mainly responsible for the reform in this State, I regard as one of the most hopeful signs for the future of representative government.

#### STATE REGULATION OF PARTY ORGANIZATION

Maine says that party feeling is probably more a survival of the primitive combativeness of mankind than a consequence of political differences between man and man. We are shocked by the ferocity of partisan hostilities in ancient and mediaeval times, and Washington in his farewell address solemnly warned us against the abuses of party spirit. It is a significant fact however that in this country and in England two distinct party alignments have been continuously recognized in the practical conduct of the government, without the tendency to split into personal factions and political groups as in the continent of Europe.

Until recently these political organizations have been maintained by voluntary associations of the people, ignored by the statute law. Nominations for public office have been made through conventions, delegates whereto were selected by the party adherents, in mass meeting or primary elections, and thus the whole system was based upon the voluntary application of the principle of representation in city, county, and state. This theory of party organization operating through voluntary action on the principle of representation operates fairly well in rural districts, but necessarily breaks down in practice in crowded populations of our cities. From these conditions, the party

committee, the caucus, and the party boss are a necessary evolution. Those who can afford to give the time and attention to the business and have the requisite fitness therefor, necessarily control the party machinery, and thus hold in their hands the nominations for public office, for whom the citizens of their respective parties are compelled to vote. Such conditions not only affect the government of the city, but in the crowded urban as compared with rural populations have a powerful if not dominant influence in the politics of the State. The relations of those thus in control of party machinery to those who are interested in legislation in public franchises and otherwise are too obvious to need recital.

As a result of these conditions public opinion has demanded public control and regulation of the machinery of party nominations. This was first effected through the regulation of party primaries. This proving inadequate, we have had a demand for what is known as direct primary laws, such as have been enacted in some of the States, and are being extensively considered in others. These laws, or at least some of them, abolish the principle of representation in nominations for offices and require candidates to be nominated at primary elections of the respective parties held under public regulations on the same day throughout the State.

The limits of this paper will not permit the discussion of the details of such legislation, but it is sufficient to call attention to its very serious bearing upon the principle of representation in our government. In lieu of the selection of candidates by their fellow citizens represented in conventions, we will now have only the voluntary office seekers who will be compelled, under this system, through themselves or through exertions made in their behalf, to exploit their respective claims for office. Whether the bosses will be eliminated more than temporarily in this new form of the selection of candidates is a matter of very grave doubt. If he is a natural evolution from the conditions of society, wherein the masses are so absorbed in the business of bread-winning that they cannot give attention to the business of the details of government, or the selection of candidates, all such legislation must necessarily be futile in the prevention of the influence of organized effort in controlling nominations for office.

## EXPENSE OF OFFICE SEEKING

In this connection it should be observed that this effort to dispense with the principle of representation in party nominations will necessarily add enormously to the expense of individual office seeking. The candidate must spend money to make himself known to the people, and either he must have the money himself, or someone else must furnish it for him. There is a large legitimate expenditure involved in the promotion of individual candidacy for public office, as well as in the advocacy of public measures before the people. In our busy industrial age, where we have practically no leisure class, the expenditure of time by or for any one, as a rule, costs money. The practically universal adoption of the public ballot printed at public expense is a partial recognition of this necessity. It is true that the line between legitimate and illegitimate expenditure is not always easily drawn, and the latter is not easily detected. The corrupt practice acts are a public recognition of the danger of the use of money in elections. The president of the United States in his recent message has impressively called attention to the necessary expense of conducting national party campaigns, and has suggested the propriety of public appropriation therefor. The competition of cities for the incidental advantages growing out of the holding of conventions therein has been made a means of providing funds for national political campaigns. Public opinion condemns and properly condemns the payment of such expenses, which are in themselves legitimate, by the corporate and other interests which may be dependent upon legislation. But apart from this expenditure incident to the maintenance of party organizations, there is a large legitimate expenditure connected with the individual candidacy for nomination for selection to public office. Unless the candidate is exceptionally prominent, he has little chance of nomination for a State or city office, much less for an election, unless the people are informed of his ambitions and his qualifications. The salary of a public office is as a rule based upon what is deemed a reasonable compensation for such service, and the terms of service in this country are comparatively short. It is obvious that the cost of candidacy is a very serious problem in connection with the future of representative government under these conditions.

## DECREASE OF ELECTIVE OFFICES AND MUNICIPAL REFORM

In this connection is suggested one of the most effective remedies for the existing difficulties in representative government, and that is in the decrease of the number of elective offices, both municipal and State. Mr. Bryce, the most thoughtful student of our political system, dwells upon this multiplication of elective offices, particularly in municipal government, as one of the most fruitful sources of the power of the caucus and the boss. He truly says that the effect is not to increase public control but to lessen it. Public control to be effective must be concentrated.

Where a long list of elective officials is set out upon the official ballot, it is obvious that the average voter must be dependent upon organization of some kind in making up his ballot. The necessity of reducing the number of elective offices, as an essential condition for the restoration of representative government, is peculiarly applicable in our cities. It is in the government of our cities that representative government has had its most conspicuous failure, and it is therefore clear that the future of representative government is closely connected with and indeed dependent upon reform in municipal administration. The first step in such reform is in the substitution of a business for a political control of the public service, that is civil service reform. It is in the abuse of the spoils system, which is so rampant in our municipal system, that the worst evils of party government, which have had so deplorable an effect upon the workings of our representative system, have had their source.

In connection with this reform in municipal representation should be noticed the novel and interesting feature known as the right of Recall, whereunder a given number of votes may require any official, municipal, legislative or executive, to submit his name as a candidate at a special election; and the result of such election determines the official's continuance in office.

In any effective reform, there must be a diminution in the number of elective offices, a public service on a business and not a party basis, and a reform of the representative system to make it truly representative of the people, thus insuring an effective popular control. It is a cheering fact that there is now so much intelligent interest in this

subject of municipal reform, and this may properly be deemed a most hopeful augury for the future of true representative government.

#### PROPORTIONAL REPRESENTATION

The discussion of representative government would be incomplete without reference to proportional or minority representation. Mr. John Stuart Mill, while declaring that representative government was the ideal and best form of government, as that in which the sovereign or supreme control or power in the last resort is vested in the entire aggregate of the community, declared that representation was inadequate and incomplete and not truly representative without representation of the minority. The profound reasoning of Mr. Mill induced an extended discussion of proportional or minority representation some forty years since, and the cumulative or limited vote was extensively advocated and adopted in Illinois in the constitution of 1870 in the election of the legislature for that State. Public opinion apparently was not prepared for the innovation, or the measures proposed were inadequate, and it seems that further agitation has remained in abeyance until very recently, when it was revived in the prevailing discontent with our existing representative system.

Professor Commons in a recent thoughtful discussion of proportional representation deems it the legitimate and logical sequence of the referendum, and the reform of the public service. While many of the plans of proportional or minority representation are open to the objection of being too cumbersome for practical use, it cannot be denied that there is reason for the view that individual representation is inadequate for the complex condition of our great cities, and that the path of progress lies in the direction of some form of proportional or class representation.

#### THE ESSENTIALS OF A REPRESENTATIVE SYSTEM

Mr. Bryce in commenting upon our frame of government says that there are four essentials to the excellency of a representative system: first, the representatives should be chosen from among the best men of the country, and if possible from among its natural leaders; second, the representatives should be responsible to their constituents for their speeches and votes; third, they should have courage enough to resist

the momentary impulse of their constituents which they think mischievous; and fourth, they should have a reflexive influence on the people in giving them the benefit of their experience and the superior knowledge they are presumed to possess.

He comments as do all foreign observers of our institutions upon our system of electing by districts, and of requiring by custom or law the residence of the representative within the district. The force of custom in this matter is shown in the fact that while the law does not require that a representative in congress should be a resident of the district which elects him, it very rarely happens in this country (and then only in the case of a large city) that the representative to congress is not a resident of his district. The absence of this restriction in Great Britain has enabled that country to maintain in public service and power some of its most eminent statesmen, when, in this country, they would have been permanently retired to private life, and the country would have lost the benefit of their services.

This review of the tendencies directly affecting our representative form of government clearly shows that the democratic trend of our times in its demands for direct popular control is in danger of defeating itself, in that some at least of the measures adopted tend towards making an effective popular control impossible, and that our attempts to correct the abuses of representation may only aggravate the evils from which we seek to escape. Thus the enforced shortening of legislative sessions, results in hasty and ill-considered legislation, numerous elective officials, and complicated election machinery make more essential the intervention of organization and the boss. The more we fetter and encumber the office with constitutional and other restraints, the less dignified and the less worthy of honorable ambition it becomes. The more we confine public office to the office-seeker the more we exclude the worthy citizen who would accept public office as an honor, but would not seek it by personal solicitation and at personal expense.

The very means by which we seek to secure direct and effective popular control, that is, in frequent elections and in numerous elective offices, directly tend to lessen that control. It has been said that the root of corrupt politics and machine rule is in frequent elections and short terms, and that the American people have been so dissatisfied

with their law-making bodies, that they are persistently depriving them of power, because they are unrepresentative and inefficient. While there is a measure of truth in this, it is also true that the inefficiency of our representatives is in a measure the result of the conditions rather than a cause of them. The more we depreciate the office of representative by our constitutional and other restraints, the less attractive we make the office for men who are worthy to receive it.

Without going into the details of any projected scheme of proportional or class representation, it must be conceded that we must make our system of representation more truly representative to meet the changed conditions of our times. In the last analysis, however, whatever our devices for improving the form of representative government, and facilitating the expression of popular will in the selection of qualified representatives, we fall back upon the trite yet never-to-be-forgotten maxim that popular government cannot run itself, and can only exist when there is a public opinion willing to make the necessary sacrifices of time and trouble for its maintenance. Representative government implies that the citizens are capable of the self-sacrifices involved in giving the requisite time and attention to the selection of the fittest men for public office. Citizenship in a representative government has its duties as well as its rights. We cannot insist upon the latter while neglecting the former.

Not the least of the causes of the decline in the character of our representative assemblies, certainly in our cities, is in the intense commercialism of our time, and the absorption of our citizens in the demands of professional or business life. While this tendency may be remedied in part by improvement in governmental methods and in facilitating the expression of public opinion, the effective and permanent cure must be found in the development of the public spirit, which is willing to make the necessary sacrifices of popular government. Without it all efforts for administrative reform are in vain. The civilized world is now watching with interest the struggle for representative government, where heretofore from the dawn of history autocracy has had an undisputed sway. It is for this country to show that the hopes and anticipations of the founders of our government will be realized through the only means whereby self-government can be preserved over an extended territory, and that is by true representative government.

In this presence, assembled as we are in the halls of this great university, where valued contributions have been made to the solution of these weighty problems, we cannot but be hopeful for the future of representative government. In this and the other institutions of learning lie the mightiest forces, whereby the self-government of the American people will be triumphantly vindicated. *Si testimonium quaeris, circumspice.*