

The annual meeting of the National Municipal League was held June 5-6 in New York City in conjunction with the National Conference on War Time Economy called by the Academy of Political Science and the New York Bureau of Municipal Research. The Association of State Leagues of Municipalities, the Governmental Research Conference, and the Association of City Managers were in session at the same time and place. The subjects taken up at the sessions of the National Conference on War Time Economy were executive leadership in democracy, war economy in financing local improvements, the government as an employer, the new era in budgets, and new duties of city and state governments in war times. The principal papers included: "The Recent Growth of Executive Leadership," by Dr. Frederick A. Cleveland; "The Pay-As-You-Go Policy in New York City," by Comptroller Charles L. Craig; "Regulation of Capital Issues for Local Improvements and Maturing State and Municipal Debts," by Paul M. Warburg; "A War Chest for Public Improvements," by Mayor A. J. Peters of Boston; "First Steps toward a Budget System," by W. F. Willoughby, of the Institute for Government Research; "Budget Reorganization in Illinois," by Governor Frank O. Lowden; and "The First State Executive Budget," by Governor E. C. Harrington of Maryland.

**A Program of Responsible Democracy.**<sup>1</sup> When a program of political reform is offered, an illimitable field is open for discussion. The character of the proposals, the nature of the principles they embody, their accordance with the spirit of the Constitution, their suitability to American conditions, their harmony with American ideals, their acceptability to popular sentiment, their relative importance in comparison with other reform projects, are all matters that admit wide range of treatment and furnish occasion for endless consideration; for the subject is really inexhaustible in its connections.

In addition to this inherent difficulty a program of reform suffers from the special disadvantage that experience has shown that reforms never fulfill the expectations with which they are introduced. We have already had much reform; have the results been satisfactory? At the 1907 meeting of this association a program of reform was discussed under the title, "The Newer Institutional Forms of Democracy,"

<sup>1</sup> A paper read at the annual meeting of the American Political Science Association at Philadelphia, December 28, 1917.

by which were designated such reforms as the direct primary, the initiative, referendum, and recall. In the decade that has elapsed since that discussion those reforms have been extensively introduced. As a matter of fact, has any one of them accomplished what was expected? Is it not a question whether the actual consequence has not been to make practical politics more confused, irresponsible, and costly than before? The August (1917) number of the *AMERICAN POLITICAL SCIENCE REVIEW* contains an analysis of the working of the direct primary in New York State, which is exhibited as proof that "the political powers can easily nominate their candidate, although their actual following may be a small percentage of the actual party membership." But the ground on which the direct primary was urged for adoption was that it would transfer power from the professional politicians to the people; so it appears that the practical result has been exactly the reverse of what was intended. It seems to me that the actual situation with respect to all the items of the program of reform considered by this association ten years ago is this: that the extent to which they are still approved is on the score of what ought to be and not what is. Faith in them is justified by the merit of their purpose, and failure in practice is excused on the ground that it is the fault of the people. Whether or not this is a sensible way of viewing the subject is not now to the point. Be the cause what it may, the fact is manifest that results have not fulfilled expectations.

Turning from our own experience to constitutional history in general, is it not the case that the only thing certain about any reform is that it will never work in the way that had been expected? I am not saying that the consequences need necessarily be bad; I admit that salutary reform may be instanced. My point is, and I think all history will verify it, that results always differ from what is anticipated. This characteristic fallibility of anticipation is further illustrated by the fact that great constitutional developments are apt to arrive unobserved, establishing themselves in practice before their nature is perceived. I suppose that everyone will admit that the most important political forms now extant are nationality and representative government. It is well-known that in neither case was the rise of the institution perceived by the generations that produced it.

If, then, reform is incalculable in its results, and constitutional development has the habit of taking people unawares, what is left for us to do? Where is there any field for the application of political science? The answer is that we can make our object improvement instead of

reform; that instead of trying to create new conditions we can accept present conditions as the basis of endeavor and make the best of them by the historic agency of redress of grievances. The distinction may be illustrated by observing that a program of reform aims at cutting new channels for political force, while improvement seizes upon the existing channels and confines itself to the task of clearing them of snags and obstructions. Political science stands in relation to such a process simply in the capacity of engineering knowledge. As an incident of improvement great reform may take place, but with the important qualification that it will not be due to imposed requirement but to spontaneous development. History abounds with exemplifications of this tendency. It may be doubted whether salutary reform can be obtained in any other way.

If it should be the case that the course of our political development has raised definite issues of practical improvement, which have already attracted public attention, it is easy to see that there is tactical advantage in concentrating efforts upon them. While a program of reform opens endless discussion, particular demands require specific answers. If the demands are so urgent that they cannot be ignored, then the question at once comes up—if not, why not? This issue is joined and matters are put in shape for decision. Is it not the fact that our national politics, through their own gravitation, have produced issues of this character in two closely related subjects: (1) legislative procedure; (2) budget procedure? If such be the case, then I submit that it would be wise to discard reform and to address effort to the improvement of the conditions actually existing in those fields, not with the idea of making new channels of action, but of clearing and straightening the present channels.

Proceeding now to details, the fact is well-known that the policy of the administration is the master force that advances measures and brings them to determination. Well, then, let it be so; but is there not room for improvement? At present the process goes on in the dark. Conflicting and vague accounts reach the public of conferences with party leaders, of negotiations with committees, of caucus action, of concessions and adjustments to placard dissident factions, of delays, obstructions, exactions and demands which must be dealt with to obtain action. It is a dark, confused hubbub of activity, the particular elements of which can never be clearly discerned by the public, nor can the extent of their respective participation in what is done be computed. Moreover it appears that Congress itself is not much better

situated for knowing just what is taking place. Enactments may contain features of which Congress was not aware in passing them, their presence being due to private opportunity supplied by the darkness in which bills take their final shape. Notorious instances of this occurred during the last session of Congress. Is not this darkness a genuine grievance that calls for redress? What improvement could be more natural and desirable than to bring the process out of darkness into light?

The specific demand for improvement in legislative procedure need therefore go no further than this: that the administration shall propose and explain all its measures—the bills and the budget—openly in Congress and fix the time when they shall be considered and put to vote. That is all, no more and no less. Aside from those particulars, the existing deposit of authority, both with the President and with Congress, will remain unimpaired. There will be no change whatever except this one change caused by making the administration do openly and publicly what it now does hiddenly and privately. Undoubtedly this one change will breed more change, but that will come spontaneously under the prompting of party convenience. Just what form the adjustments would eventually assume cannot be anticipated and speculation on this point is sheer futility. All that it is safe to say is that it will not be the parliamentary type of government as in England. The definite term and the independent authority of the presidential office is a solid circumstance that will condition all our constitutional development. The eventual type will probably differ from any existing type of government. It will be a distinctly American type, the product of our own needs and experiences.

The part which political science can take in such matters is quite subordinate and altogether accessory. The starting point of political improvement is not a theory, but a condition—the existence of a popular grievance demanding redress. But the mode of redress is a proper concern of political science. In this accessory relation, and there only, political science has an important function to discharge. Any real improvement has to overcome the resistance of interests attached to existing conditions. There are those who love darkness rather than light. Their tactics can give the members of this association plenty to do in correcting perversions of organic principles and misrepresentations of our constitutional history. For it is a fact that may be authenticated by political science, that this particular improvement in procedure would be a restoration rather than an innova-

tion. This fact is obscured by the habit of taking the adoption of the instrument of 1787 as the beginning of our constitutional history, whereas the true beginning is the organization of the Continental Congress. The measures of 1781, by which executive departments were created to administer the public service and to act as advisors of congressional action, were prompted by considerations of the same character as those now inciting action. The close relation of these departments with Congress explains the peculiar and now superfluous clause of the Constitution which confers upon the President the right to require the written opinion of the principal officer in each of the executive departments upon any subject relating to his duties. Evidently the departments contemplated by the framers of the Constitution were such as then existed, whose habit was to work in conjunction with Congress.

The action taken at the first session of the new Congress, breaking off direct relations with the heads of departments, was a relapse to the behavior of the Continental Congress prior to 1781, producing the same kind of consequences. The actual system introduced by this relapse was incongruous with that feature of the Constitution which makes it the duty of the President to "give to the Congress information on the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient." No public means now exists for the discharge of that duty, unless the theory be adopted that this signifies no more than that the President may request Congress to take the subject under consideration. Exactly that language was used in the French constitution of 1791, such being the intention of its framers. But our Constitution makes no such statement, nor has such an interpretation ever been successfully applied in practice. On the other hand, the Constitution says nothing as to the form in which the President shall present his measures or the means by which he shall get them before Congress and obtain its decision. The consequences of that defect are written large in our constitutional history. They are discussed judiciously in Story's *Commentaries*. They are impressively characterized in Senate Report No. 837, 46th Congress, 3d session, February 4, 1881, subscribed by leading statesmen of both the great national parties.

While political science may abundantly justify from our own history the propriety of introducing public means for the discharge of the presidential function of legislative initiative, it may also cite the experience of other nations. The Swiss constitution provides that the

Federal Council—corresponding to our President and his Cabinet—“shall introduce bills or resolutions into the Federal Assembly;” that it shall “introduce the budget,” and that its members “shall have the right to speak, but not to vote, in both houses of the Federal Assembly, and also the right to make motions on the subject under consideration.”<sup>2</sup> It will scarcely be claimed that the character of Swiss government has suffered because of those provisions. In fact, the present reputation of Swiss government for economy and efficiency has been established since those provisions were adopted. There has been a strong disposition in this country to look to the experiences of Swiss democracy for instruction to American democracy; and wisely so if the study is thorough. Upon no point will consideration of Swiss experience be so salutary in its lessons as in this matter of open and direct relations between the executive and legislative branches.

But all this examination of possibilities of service by political science is contingent upon the assumption that demand for redress of grievances will take the direction that has been noted. There are unmistakable indications that it will. The issue of budget procedure has obtained an urgency that has drawn to it special thought and effort for some years past. In his message at the opening of the present session of Congress, President Wilson confronted that body with the need of improvement in budget procedure in terms that do not admit of further avoidance of that task. The improvement of legislative procedure is a cognate task quite as urgent in its foundations; and now the country is confronted with the need of making its constitutional system fit to cope with tremendous problems of subsistence and defense. Now that national legislation involves the management of every system of transportation and the direction of every important industry, now that it penetrates every home and reaches every income, defects that were formerly an occasional annoyance have become a constant peril. Is it supposable that in such a situation the people will put up with legislation by chance medley in the dark? No such combination of elements generating political force as now exists has ever occurred in all history without producing deep effects upon political structure. Either the times will mend existing institutions or else will make new institutions.

HENRY JONES FORD.

*Princeton University.*

<sup>2</sup> Swiss constitution, Articles 101 and 102.