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THE CONTINUING IMPORTANCE OF LOCAL GOVERNMENT*

EVER since the transition of the United States from a rural to an urban civilization, local government has been a stepchild. In times of prosperity it was slighted because communal efficiency and savings seemed unimportant in contrast with private gains. In periods of adversity, the ailing waif received only the ill-conceived prescription of diminished revenues and curtailment of essential services, together with, in the last great depression, the worse nostrum of assumption of powers and performance of functions by the federal government. In war periods, the concentration of interest on foreign affairs and the united attack on the alien foe make the citizen unmindful of insidious internal assaults on the very things he is fighting to preserve and low politics, the enemy of good government, entrenches itself and flourishes unresisted.

Local government is the most vital element in a democracy, but it is not generally recognized as such. The terminology, "levels of government," describing federal, state and local government is a misnomer and should be abandoned unless municipal government, in the broad sense, is placed at the top. National government, with us, is, in substance, government in Washington by representatives of local political machines. These groups choose from their numbers the Representatives and Senators comprising the Congress. The local politicians (in the bad sense), masquerading under the name "Republican" or "Democrat," control through patronage and the granting of illicit favors the selection of candidates, the election machinery, the voting and the acts of administrative, legislative and often even of judicial officials. The local bosses become national committeemen and are otherwise influential in the affairs of national parties. In practice, the nominal appointing power yields, for judges, marshals, postmasters, collectors, United States attorneys, etc., to the "recommendations" of the local heads of the national parties. The local independent is an Ishmael so

*It is the purpose of this series of editorials to direct the attention of the legal profession generally to the importance of good local government and specifically to its portion of the task of making local government work as an exhibit of the functioning of democracy.

The opinion of the writers, in which the editorial board of THE REVIEW concurs, is that the duty of the legal profession extends beyond the earning of a living by it technical skill; beyond even a zealous regard for the administration of justice uncoupled with a willingness to take an active part in the making of law.

These editorials are directed to the elimination of the narrowness of vision which too often by the unwillingness of good men to engage in "politics" has thrown the field of local government into the hands of incompetents. Comment of readers upon the subject matter of the editorials is invited.

far as concerns the national parties, whose hoplites work actively against attempts on a non-partisan and unselfish basis to improve local government. The cities and counties are regarded as spoils grounds for the fructifying of the national parties. This is made possible largely because "best citizens," persons of means, education and position lend themselves, without shame, for personal gain or in order to attain office, to the machinations of the bosses.

Mr. Rix, in his trenchant leader, "A Widening Horizon," in the February 1943 issue, has pointed out that

"we cannot have good administration of justice in poor or corrupt systems of municipal government."

Judges who are appointed or elected under this system, as a *quid pro quo* for activity in behalf of the prevailing political group, have no understanding of good local government or sympathy with aspirations and experiments for its improvement and for the efficient workings of the merit system. All these are dealt with repressively in political court decisions, bottomed on the judge's experience as a politician or influenced by "suggestions."

This is a serious accusation against government in our country. It may seem to some an inexcusable jeremiad. But, as a generality, it is not exaggerated. There have been bright spots, but they have not burned for long. The technique of good local government has been developed by study, but the will to bring about good local government has not been infused into the residents of our cities. Democracy must be preserved. It is under attack as never before. Faults which make it vulnerable must be recognized and overcome. There must be general education in schools, colleges and graduate schools respecting the menace and wickedness involved in bad local government. The bench must be removed from all suspicion of political influence. The "political" lawyer and the fixer must be banished by his brethren and an aroused public opinion. The courts and the bar will be restored to public esteem when once they purge their membership of those who profane the temples of justice.

Local government must be made a matter of honor and importance in order that government may properly conduct sound post-war readjustment. Instance of citizen leadership and participation in local governments, such as were mentioned by Mr. Rix, must no longer be "sporadic" but pervasive and constant. Only by education, unselfishness and the development of a high system of public morality will the chinks of bad local government in the armor of democracy be soldered and free institution made invulnerable.

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