cases in state and local government

edited by
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cases in

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state and local government

This collection is dedicated to the public officials
in state and local government.
Occasionally inept, sometimes even venal,
but more commonly well-intended and unsung—
they are never free from the most direct,
unremitting public scrutiny and controversy.
Their survival is testimony to their ambitions
as well as to their hardiness.
The varied quality of their government is merely
a reflection of the varying qualities among us all.

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preface

This is a collection of cases concerning situations in state and local government. Written by observers and participants, they reflect the vital character of government and affairs at that level.

Because there are fifty states and about 100,000 jurisdictions of government in this country, it is impossible to make any proud claim to "typicality" in the selection of these cases. At the same time, a charter revision *is* a typical problem—and a continuing one, lest constitutions atrophy. An attempt to redevelop the center of a city *is* typical—no city of any consequence can avoid the problem for long. Similarly, the activity of one state legislature cannot be without significance to the others.

It is important to get a "feel" for the governing of men at the state and local level, for it is at this stage that we get our first experiences with the governors, whether they be friendly policemen or august school principals. Much of government's reputation is made here, and here much of the misunderstanding and a great deal of the sloppiness occurs. At the same time, we see some very courageous acts—acts which defy all the theories about power struggles, power elites, and the crass ambitions of men. Greater issues may be resolved or sustained elsewhere, but at the local level, issues take on a very human condition. It is one thing to vote for a relocation program in urban renewal legislation in the Congress; it is quite another to ring a doorbell and inform a

mother that she and her family—and everybody on the block—are to be moved to the other side of town.

There are few heroes or villains to be found here: politics tends to drive men toward the center of public opinion; compromise is not occasional and tolerated—it is normal and sought. Rarely is the hard, extreme position maintained; even more rarely is it successful. Hopefully, the reader, too, will be drawn toward the center—those with a ragged idealism might shed the sweetest of their notions about the unvarying greatness of men, and those who sneer might see that genuine goodness does often occur.

I am indebted to my collaborators, the case-authors. It is they who brought the reality to the collection. One must "be there" in one capacity or another to get a good grip on the events. In almost all of these cases, the authors *were* there.

Richard T. Frost

Princeton, New Jersey

contents

1 the politics of structure

July 12, 1957 is an important date for anyone interested in Pennsylvania's local government. On that day Governor George Leader signed an optional charter law under which the voters of cities of the "third class" (fewer than 135,000 population) could determine whether they wished to continue under the commission form of government. The new law permitted adoption of a council-manager charter, a mayor-council charter, or the retention of commission government.

Although the constitution of the Commonwealth had been amended in 1922 to permit cities to adopt their own charters, a reluctant legislature did not enact enabling legislation until 1957. Meanwhile, all 47 third class cities were governed by a code which had required the commission form of government since 1914.

Since the adoption of enabling legislation, there have been charter changes on the ballots of nine third class cities. In four of these, the effort was to switch to a mayor-council form. All were successful. In five others, charter study commissions recommended the council-manager form. All were defeated. This is the record through 1959.

A Pennsylvania city that agreed to a mayor-council government is the subject of this case. A number of important questions are raised by the narrative. Of major importance is the relationship between structure, policy, and people. One occasionally feels that "reformers" rather forget this relationship, but a closer look at a specific case often demonstrates the contrary. In any event, that structural quarrels are policy and personal quarrels has troubled reform movements for a half-century.

I

YORK GETS A NEW CHARTER

Sidney Wise

On Tuesday, November 3, 1958, 4,906 voters of York, Pennsylvania, said "yes" to a proposal to study the city's form of government. The opposition was only a third as great—1,585 votes. To move ahead with the program, a charter commission of seven men and two women was elected to make the study.

As the events of that day were analyzed, feelings in the community were mixed. To be sure, the fact that York might at long last abandon its oft-criticized commission form of government was deeply appreciated by many of the most civicly conscious. Most active on behalf of a "yes" vote in the referendum was the League of Women Voters. In

addition, the York County Labor Council supported the measure and actually endorsed three of the candidates for the charter commission. The Chairman of the Republican County Committee and his Democratic counterpart also supported the study. When the city council had discussed the question of putting the measure on the ballot, the meeting was brief, the talk casual, and the vote unanimous. Indeed, a consensus seemed to have settled all over town where such problems are discussed—along lawyers' row on Market Street, the civic club luncheon circuit, as well as the P.T.A. meetings and church groups. York's only morning newspaper, the liberal *Gazette and Daily* also echoed the call for a charter commission. To ask one's friend to vote "yes" had become a way of exhibiting civic pride.

The proponents had indeed won, and yet it was impossible not to associate a certain uneasiness with the victory. To begin with, the proponents recalled that only a week before the deadline for the filing of nominating petitions, only three had been filed. While the ballot finally contained 21 candidates for the nine commission posts, ten of the nominating petitions were filed only a half hour before the deadline. That nine of these ten petitions were filed by the Democratic County Chairman and the party treasurer came as a disappointment to those who had hoped that the entire campaign would be outside of "politics." The failure of the Republican organization to associate itself with any specific candidates was also a blow to those who had hoped for a solid bipartisan endorsement. Others had taken the position that if the plan to change the city charter had the enthusiastic support of the Democratic organization, this in itself would guarantee victory. They argued that even though a bipartisan or non-partisan victory would be most desirable, the Democratic organization alone, with its string of municipal victories, could easily carry the day for reform.

The results were somewhat disheartening from several other perspectives as well. To some, the low vote was particularly discouraging. Even though the vote for some commission candidates was over 18,000, only one third that number had voted on the charter issue. To be sure, the "yes" votes were heavy, but many observers were disappointed at the failure of precinct committee workers to encourage their voters to support charter reform. This was especially curious in the light of the affirmative positions of the two county chairmen. Of the nine candidates supported by the Democratic leaders, four were defeated. All three of the candidates supported by the Central Labor

Council were defeated. Of the five members of city council who had voted to put the matter to referendum, none had actively campaigned for reform, and several were actually taciturn whenever the topic was raised. Members of the newly elected charter commission were not heartened by the rumors of foot-dragging in city hall, rumors which indicated that to the people at the hall the *status quo* was preferable to a leap into an unknown which might jeopardize jobs.

But the most serious anxieties which the charter commission confronted on the day after victory were implicit in the news which arrived from similar Pennsylvania cities. In Butler, Pottsville, and Johnstown, the recommendations of charter commissions that the council-manager form be adopted were defeated in tension-charged, acrimonious campaigns. In Butler and Pottsville, the recommendations were overwhelmed by two to one majorities; in Johnstown by 900 votes. What concerned many of the members of the York group was not so much that commission recommendations elsewhere were defeated; it was the extent of the wild, extraneous, undocumented, and personal arguments which arose.

For example, in Pottsville the mayor had charged that a city manager would be a "dictator." He was soon joined by three Republican councilmen in opposing the plan. The fifth council member was neutral. The *Pottsville Republican* ran several articles which suggested that "gambling interests" were spending huge sums to defeat the manager plan. The day after the election, the newspaper stated, "It was reported that 1,000 workers for the gambling profession were busy at the polls, each instructed to bring in ten votes at $10.00 a vote—that is 1,000 votes and $10,000."

In Butler, the Democratic mayor and two Republican councilmen formed a citizens' committee to oppose the recommendations while the other two councilmen (Republican) called for adoption of the new charter. The city controller charged that the cost of running city hall would go from $19,000 to $61,000 per year if the manager plan were accepted and also insisted that the manager would create a vast political empire for himself. The chairman of the Butler charter commission later complained that the issue had become so controversial that business and civic leaders were reluctant to support the charter commission publicly. The intensity of the feeling against the charter commission was best evidenced by an advertisement which illogically sought to link its members with a controversial zoning ordinance. "Lest we forget," said the ad, ". . . some of the very same clique that