

The People's Will Overridden

On the 4th May the city of Lincoln, Neb., held its biennial election of five commissioners to conduct the municipal government. Of the ten candidates three, Charles W. Bryan, Frank C. Zehrung and George C. Mason were openly seeking the mayoralty. Three of the ten were men who were up for re-election, and it was generally conceded that these would be elected. They disavowed any desire to be mayor, but openly stated they wished to be retained in the various capacities which they had been filling.

Under the commission form of government the people do not vote direct upon mayor, but in all elections those who seek this honor and responsibility indicate that fact, and the contest in this instance, was openly between the three men named. Mr. Mason was eliminated in the final election, but both Mr. Bryan and Mr. Zehrung were elected. Mr. Bryan alone of these two polled a majority of the votes cast, having over 650 more than Mr. Zehrung. Hundreds of Mr. Bryan's supporters voted for the other three who were elected assuming that they would take the result upon the mayoralty as an instruction, as had always been the case in the past. Two of them, in fact, had stated to inquirers that they would support for mayor the man who received the highest vote.

When the newly-elected board met to select a mayor, all four of them, including Mr. Zehrung voted for the latter for mayor, and assigned Mr. Bryan to the unimportant position of head of the streets and public improvements department. In this way they disfranchised the majority of the voters, and disregarded their openly expressed wish that Mr. Bryan be chosen mayor. A recall movement is now under way.

The reason given by the commissioners for their flouting of the public will and for their embezzlement of power was that everybody knew the electors were not voting for mayor and that the law gave the commissioners the power and duty of electing the mayor.

The real reason was that the business interests of the city were determined to prevent the selection of Mr. Bryan because he had been elected on a platform that promised the people relief from extortionate and profiteering prices. He pledged himself to use his efforts to secure a municipal coal yard, a municipal ice plant and a municipal market, and to take such other steps as would break the power of the combination of business interests in the city. Mr. Zehrung was chosen instead because Mr. Zehrung had no views on issues and no platform and when mayor six years before had shown his sympathy with the cause of business by refusing to prosecute a coal dealer who had been caught by city officials selling coal short weight.

To the protests of citizens the commissioners responded that as a member of the council Mr. Bryan would still have the power to propose ordinances to remedy the existing conditions, but the insincerity of this plea is evidenced by the fact that if it made no difference in his status as a municipal legislator, then there would be no valid reason for refusing to obey the plainly-indicated will of the people to name him mayor. The fact is that there is a wide difference between a department head who has no power to investigate other departments and make recommendations for the general good and a mayor who has such power. Just after the commissioners had taken their oath of office and before balloting for mayor, Mr. Bryan addressed the commission as follows:

MR. BRYAN'S ADDRESS

"We have met here this afternoon as public officials elected by the people to discharge certain duties. Before we organize to take up the respective duties, I want to present a few thoughts that I believe are proper at this time.

"A few weeks ago I filed as a candidate for city commissioner with a view to the mayoralty. There has been a discussion in this city for two or three months over the high cost of living. I had suggested some remedies to meet that condition. I had no personal interest in the campaign, and have no personal interest in it now. I had no desire to hold office at that time, and I have none now. I was and am vitally interested, however, in conditions in this city and what can best be done to remedy those conditions. After presenting the remedies as I saw them and making an effort to have men file as candidates who would present those issues and those remedies, and failing to do that, had reached the point where I either had to give up the thought of securing these remedies for the public as far

as my efforts were concerned or I had to file as a candidate myself. I chose the latter course because I believed that these issues and these remedies are of vital importance and that they should be presented.

"Under the law known as the commission form of government, the contents of which I felt I was familiar with and with the intention of the law, I realized that unless the issues are presented by candidates, and unless the candidates suggest the positions to which they aspire or which they prefer, there is no way for the public to have any voice in the election. When the commission form of government was suggested in this city, we had men here from Des Moines and other places to present the issues, stating the intent of the law, the provisions of the law, etc. They made it clear, and it was made clear in the legislature when this bill was before the legislature, and it was again made clear what the provisions of the bill were before this city for adoption that the only way in this bill that people could consider and have a voice in the election was to let it be known what their desire was through candidates expressing themselves in the campaign. The idea of providing for the councilmen after election to determine by vote what place each member would be assigned to was made very clear as to the intent of that provision. It was this: Under the old councilmanic form there had been a great abuse over promising positions as deputyships and various places when they were voting on the election of candidates direct. In order to remedy that abuse it was made possible under the law to change the official to another department to protect the people. No thought was ever intended or suggested that a representative of the people who had been elected would believe that that provision of the law was intended to give that responsibility to the council without simply acting to carry out what they considered the desire of the people as expressed in the election.

"I have been following this commission form of government where it has been in operation. I studied it as it was in operation before we adopted it, and I know of no city in this state or elsewhere where it has not been made clear to the people what position each candidate had in mind so that they could consider his qualifications for his respective place. They understood that he could not be voted on direct for the place, but I have never known a member of a city government who did not so recognize it who was not willing to find what the people wanted, and do it, and I do not feel now that anyone has the intention to do otherwise.

"I make these statements to meet the various comments, misrepresentations, etc., that have appeared in the press as to the intent of this law and as to what the custom has been. The paper the other day stated that it had never been the custom to decide in favor of the candidates for the various places as they had been determined in the campaign by the people more particularly as it applied to the candidates for mayor.

"I want to state that there is no foundation for that statement in this city or in any other city having the commission form of government. That statement was a misrepresentation of facts, and I challenge anyone to substantiate that statement. Six years ago under this form of government, the contest was made the same as has been in this contest. It was discussed and the issues were made clear. Four years ago it was the same way, and two years ago it was the same way. They discussed issues, outlining their principles to the people, and they passed upon those men and those issues when they voted and they elected the people's choice for mayor.

"At no time in this city or elsewhere has that direct instruction been violated. Today in the city of Omaha they have the same condition under the same law that we have, and no one will question the verdict of the people in recommending the mayor. Otherwise we would not have a people's government, as that is the only manner in which the people can express themselves and direct their public servants. In presenting the program as I did in this city, I did it to relieve conditions, and the people passed directly on that program. I also stated and bought advertising space to make it clear that I was a candidate for commissioner with a view to the mayoralty, that if I did not receive a larger vote than either of the candidates whom the people understood were candidates for mayor, I would not permit myself to assume that place as mayor, and

I would not permit myself to be put in there because I would feel that the things I stood for had been rejected and that I had been rejected, and if they had been rejected, I should not be in a position to try to recommend or carry out what the people had declared against. The only way to get an issue into the council after the election results is through the candidates that represent those issues.

"I will not question anyone else's position in that campaign as to whether they were avowed candidates or whether they were not, but I do know that in making the campaign the public understood that there was a direct issue between the candidates for mayor. The result of that election showed that they believed it. Examining the votes, as I recall it, there were about 8,500 votes cast. The vote that was credited to my candidacy, as I remember it, was 4,600. The vote credited to another candidate that the people discussed as candidate for mayor and was introduced at two meetings where I spoke as a candidate for mayor was 3,900, and the vote of the two of us was about 8,500. The line was directly drawn between those two candidates, and the returns show that that was a fact. Having received about 400 votes above one-half of all the votes cast, I felt that the things that I stood for in this campaign were approved and endorsed by the public and that I was selected by them to carry out their will. The program which the people endorsed contained a provision for the establishment of a municipal coal yard, a municipal ice plant and a municipal public market, opposition to buying the traction company under any consideration. My position was in opposition to buying the gas company under the present law because the people do not have an even break under the present law, and I favored the adoption of the gas bonds. We find that the gas bonds carried.

"I said in every speech that I have made that if you do not believe in what I am advocating, you should vote against me at the polls, that I did not want to be elected unless I would be free to do what I could as mayor to inaugurate the remedies for the purpose of giving the people relief from the profiteering that they were being subjected to. A mayor's duty under our charter requires him to constantly investigate all business pertaining to the city, investigate all departments and to make recommendations to the council that he considers in the interest of the welfare of the community.

"The commissioners holding the other departments serve in an administrative capacity and are not authorized under our charter to make recommendations of a general character as the mayor is, and a commissioner of some other department could not press recommendations for the establishment of municipal enterprises that appropriately belonged or would be attached to some other commissioner's department without being accused of attempting to usurp the duties of the mayor, which would naturally be resented by the mayor and other commissioners. If I should be assigned to some department other than mayor, I could not therefore be of service in carrying out under my initiative the things which I have been elected for and the things that the people want done. In accepting another department, it would be with the knowledge that I was being transferred to a department other than what the people selected me for, for the purpose of preventing me from keeping my pledges to the public. If I accepted another department other than mayor, I would be accused of making promises to the people for the purpose of being elected and then accepting another position where I knew I could not be of any real assistance, and that while I would be drawing a salary, paid by the taxpayers, the taxpayers were still being held up on their coal, ice, vegetables, produce and other necessities of life.

"To assign me to some position other than mayor is to deny to the public their right to decide their own public policies and to decide who they want as mayor to carry out those policies. If city councilmen claim to be superior to the public and do not feel obligated to carry out the people's will as expressed at the polls, then a larger question is raised than the mere question of who is to be mayor and what policies are to be considered.

"If you can construe the commission form of government to give you the right to disregard the people's expressed wishes at the polls, then the commission form of government is a failure. No such a construction has ever before been placed on the commission form of government either here or elsewhere, and I deny the councilmen's moral right to do so now. In carrying out what you may claim is your legal right under the law, you would be violating the spirit of the law,