

TWO ISSUES: DIRECT PRIMARIES AND JUDGES OF THE RIGHT TYPE

There are certain considerations of good citizenship which rise above all questions of mere partisanship, and certain of these will be at issue next fall.

In New York State the Democratic Governor, Governor Sulzer, has stood for the principle of direct primaries against the bi-partisan combine of the two party machines under the respective party bosses. I have counted myself fortunate in having the chance heartily to back him in this fight, precisely as I backed his Republican predecessor, Governor Hughes, three years ago in the same fight. The principle of direct primaries is essential to proper party control, and one of the best features of the bill Governor Sulzer is backing is the one doing away with the State Convention, which is the chief source of power of the party bosses. Under Governor Hughes the bill that he originally demanded did away with the State Convention. At the very end, in the effort to get something, inasmuch as it was impossible to get all, Governor Hughes accepted a compromise bill which retained the State Convention. All earnest reformers, on the principle of taking half a loaf where they can get no more, supported Governor Hughes when he decided to accept this compromise. But the bosses killed even the compromise, and the time has long gone by when it was necessary to accept such a compromise. Indeed, the event showed that it would have been better if Governor Hughes had refused then to accept the compromise and had fought for the original and better bill, for he gained nothing by the compromise, and the bosses were bound to beat the bill in any form, just as has been the case in their dealings with Governor Sulzer. Personally I think that the so-called Davenport Bill is better than the one originally championed by Governor Sulzer; for, under the limitations of the Davenport Bill, I believe the popularly elected State Committee should be allowed to place before

the voters at the primaries a ticket which they could nominate or not—this ticket to have no advantage of any kind over tickets prepared by petition. But Governor Sulzer's bill meant a long stride in the right direction, and while I would have preferred certain amendments which I indicated in my Buffalo speech, the only proper course for Progressives is to support the bill with or without these amendments, precisely as we supported Governor Hughes even when the compromise that he had accepted was not as good as the original bill.

The prime and simple reason for direct primaries is that the average voter must have the right to choose his own leaders. We do not propose to do away with organization or with leadership, but we propose to make the organization and the leadership responsive to the demands of the average citizen. We propose that a leader shall really be a leader and not a driver; and the only way to make him a leader instead of a driver is to give the average man complete power within his party organization, which power can be secured for him through the direct primary and through the direct primary alone. This would make the leader far more wary than at present of disregarding popular feeling; ordinarily he would lead, just as at present; but the people would have what they do not now have, the power to assert their wishes over him whenever they became sufficiently stirred.

I very earnestly hope that all good citizens in the campaign next fall will stand back of the principle of direct primaries, and support no member of the Legislature who did not himself support Governor Sulzer in this fight, and no member of the Legislature who will not refuse to be bound by any party caucus against the direct primary bill as supported by Governor Sulzer and the Progressive party.

But there are other important issues next fall. One of these is the question of the judiciary. Two Justices of the Court of Appeals, one of them to be Chief Justice, will be chosen. We should choose men of the highest character, and men who are also alert to the social and economic needs of our own day. We have such men already standing high on the bench in New York. There could be no two men in any State of the Union who would more thoroughly fill the requirements of the position than, for example, Judge Martin Keogh, of Westchester County, and Judge Frank C. Laughlin, of

Buffalo. They would be ideal men to have as Chief Justice and Associate Justice on the Court of Appeals, and thrice fortunate would our whole body of citizenship be if the Court of Appeals could be gradually filled with men like them. In the same way, in the city of New York we should put on the Supreme Court men like Judge Hoyt, of the Children's Court, and Magistrate Corrigan—and the entire municipal ticket, from the Mayor down, should be composed of men of just that stamp, men who would render the high character of service that has been rendered by men like District Attorney Whitman, Comptroller Prendergast, President of the Board of Aldermen Mitchell, and Borough President McAneny.

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