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THE DIRECT PRIMARY

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WAYNE VAN RIPER

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T H E   D I R E C T   P R I M A R Y

By

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## I - EARLY NOMINATING METHODS

The nominating systems of this country have passed through four distinct stages of development. These stages have all been the products of the various political, social, and economic influences which have shaped the destiny of our country from Colonial times down to the present.

Little need be said here of the first two of these stages.

### **Informal Confer- ences**

The first consisted of informal conferences of interested citizens during the early Colonial period whereby nominations of local officials were made for the coming election. This stage quickly passed into the second stage whereby nominations were made by the

### **Legis- lative Caucuses**

legislative caucuses consisting of groups of each party. This system was especially effective with respect to state and national offices, but before it had become firmly established candidates for local office in the townships and cities were often nominated by meetings of the party leaders, or caucuses. Frequently these groups would appoint certain of their members to confer with the representatives of other similar caucuses and thus we have the third system developing independent of legislatures.<sup>1</sup>

### **Conven- tion System**

At its origin the convention system was hailed as a marked improvement over the old system, and was supposed to meet the conditions sufficiently. It made provisions for the voice of the people in the choosing of the party nominees. That is,

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1. Ogg and Ray - "Introduction to American Government." p. 768.  
Beard - "American Government and Politics." p. 150.

Advantages

the choice of each voter could be transmitted from delegated to delegate until it found expression in the party's duly chosen nominee for office.<sup>1</sup> Other arguments advanced for this system are that it furnished an unexcelled opportunity for perfecting their party organization, for estimating the party's strength in various parts of the state or district concerned, for judging the popularity of the rival aspirants for nomination, for arousing party enthusiasm, for conciliating factions by agreeing upon "balanced" or compromise tickets, and for formulating party platforms.<sup>2</sup>

This system continued from about the year 1830 to about 1880 as a general nominating system for local as well as state and national offices and is still used in some forms by a few of the states. Many citizens, especially those with political ambitions, would favor the return of the full fledged use of this system. After the Civil War, however, we find influences at work throughout the country which not only helped to emphasize the already existing defects in the convention system but which also aided in creating more weaknesses. We find that a period of great prosperity on a scale seldom seen or equaled in the life of any nation followed the close of the war. This tended to divert the attention of the people from the course of political events at the very time when intelligent and honest

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1. Ogg and Bay. op. cit. p. 769.

2. Ibid. p. 769. cf. Ostrogorski, -Chs. 2,5,7; Mayer. Pt. 1. Ch. 5 for a full discussion of the rise and fall of the Convention System.



public action was most necessary and consequently offered to an unscrupulous party manager unusual opportunity for corruption.<sup>1</sup>

Dis-  
advan-  
tages      The convention system easily lent itself to the manipulations of certain leaders who became known as Political Bosses and it was believed that the bosses in turn were controlled by the large industrial interests. Cases of bribery and corruption of delegates, prolonged deadlocks, bitter factional struggles, and bargaining and trading of offices for the support of delegates were numerous and contributed to the general conclusion that the results of the Conventions did not fairly represent the will of the rank and file of the party.<sup>2</sup>

Among the specific evils arising from the old convention system were:<sup>3</sup>

1. "The limitation of the voter's choice to a set of delegates committed to one candidate, but uninstructed for others. In such cases a candidate could trade his delegates for votes of delegations controlled by other candidates.

2. "The frequent appearance of the dummy candidate who held the local delegation solely for trading purposes.

3. "Delegations were seated at times by a process of outright fraud or of indefensible trickery.

4. "Frequent objections were made to the qualifications of the delegates appearing in the conventions, many of whom were

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1. Merriam, C. S. - "Primary Elections." p. 4.

2. Merriam, C. S. - "Nominating Systems." in Annals of American Academy of Political Science. Vol. 106, 1923. p.1.

3. Ibid.



deemed to be unfit for the responsible tasks devolving upon them.

5. "The frequent purchase and sale of delegates to conventions; disorder and tumult in conventions; the deliberate betrayal of trust by elected delegates were not infrequent occurrences."

## II - THE RISE OF THE DIRECT PRIMARY

We find that, as a result of these and other serious reasons,

**Decay of  
the  
Conven-  
tion  
System** the convention system soon came into disrepute in various parts of the country. The first active reform agitation came from Philadelphia where the Union League Club of that city offered a prize for the best constructive essay on the subject of party nominations.

**Funda-  
mentals  
of the  
Direct  
Primary** The successful competitor offered a plan whereby all candidates should be chosen by direct plurality vote of the political party, and all such nominations should be made on a fixed day by all parties and should be conducted under the same rules and regulations as control the regular election.<sup>1</sup> These are the fundamental principles of the present system of Direct Primary Elections.

The features of this scheme were first adopted in Crawford County, Pennsylvania, in 1868 and soon after in California and Virginia. There was not, however, much real legislation along this line until after 1880, but by 1890 half of the states had

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1. Merriam, C. S. - "Primary Elections". p. 13.

placed on their statute books laws regulating in various ways the conduct of primary elections. Between 1890 and 1900 primary reform advanced more rapidly due to the influence of the introduction of the Australian Ballot. By 1910 the direct primary was supported by party leaders including Roosevelt, Wilson, Hughes, La Follette, and Johnson, and had been widely adopted throughout the United States. The World War brought about a general wave of reaction throughout the country and has tended to make a successful use of the system more difficult than in normal times.

Forty-five states adopted the direct primary as a means of nominating candidates to office. Connecticut, Rhode Island, and New Mexico were the states which did not pass such laws, and of those states which did pass them New York and Idaho have partially repealed their laws within the last few years. Other states have materially changed the working of their laws until they vary from the very detailed method existing in the Richard's Primary Laws of South Dakota to those other states which have adopted and legalized party methods of making nominations.

### III - FEATURES OF THE DIRECT PRIMARY

	The various primary laws fall into two classes. First,
	we have the mandatory and second, the optional primary. Under
Manda-	the workings of the Mandatory Primary, all, or certain designated
tory	candidates for elective offices, must be nominated at a regular
Primary	primary election. By the terms of the Optional Primary laws,
Optional	all, or certain designated candidates for elective offices may
Primary	

be nominated by a primary according to the will of the governing powers of the party.

There are six states which have optional primaries, namely, Alabama, Arkansas, Delaware, Georgia, Kentucky, and Virginia. The remaining of the forty-five states having primary laws have Mandatory ones. A state having a Mandatory Primary law, however, may, under certain circumstances, use the optional method of nominating candidates. Thus, in Michigan the question of nominating candidates by the primary in cities of less than 70,000 may be submitted or re-submitted to the voters of any biennial primary election, on petition of twenty percent of the voters; villages and townships under the general law, nominate candidates at a caucus, but on petition of ten percent of the voters of any village the question of nominating village officers by means of the primary may be submitted to the voters, and if approved by a majority thereof, candidates are thereafter nominated at a caucus in which ballots are used as in a primary.<sup>1</sup> Any village adopting the primary-caucus system may at any time revert to the system provided by the general law. In townships, the primary-caucus plan may be adopted by the township board on its own initiative, or on the petition of twenty-five percent of the voters the adoption of the plan is obligatory. Minnesota, Massachusetts, Ohio, North Carolina, South Carolina, Florida, and West Virginia also have optional provisions in their primary laws.

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1. Kettleborough, C. - "Direct Primaries." in Ann. of Amer. Acad. Vol. 106, 1923. p. 12.

Other important features of the direct primary system include the Open and Closed Primary and the Non-Partisan Primary.

**Closed  
Primary**

The Closed primary is the most common of these and aims to secure a fair opportunity for the expression of a party's opinion. To accomplish this, only regular members of the party may take part

**Open  
Primary**

in it. Candidates for nomination at the Open primary bear the designation of their respective parties, but no disclosure of party affiliation is exacted from the voters. The Non-Partisan

**Non-  
Partisan  
Primary**

primary provides for the placing of all names on a ballot with no party designation whatever. The two candidates making the highest showing are named upon the general ballot to be used at the regular election.

These various types of primaries vary chiefly in the matter of party responsibility for the candidate named. There is no party responsibility whatever in the Non-Partisan plan while the closed primary makes the party directly responsible for the winning candidate nominated by the regular members of the party. The open primary, however, while making the party responsible, may do this by means of electors of other parties who are not regular members of the party in question and the candidate may thus be a man with whom the majority of the party are not in sympathy.

As a precaution, the states having the closed primary system have developed a series of party tests and a complete registration system. Under such a system the voter usually has

to state his loyalty to the party and that he either voted for the majority of the party candidates at the last election or else that he intends to do this in the following election. As a further precaution most of the states have adopted separate primary ballots which are usually of a different color.

The comparisons in Table I show that there has been a decided increase in the number of states officially defining and administering tests of party affiliation and that the primary election is becoming more strictly a closed primary. It should also be noticed that there has been a growing desire for official definition and administration of the tests of an elector's eligibility to participate in party primary elections with thirty-one states providing that the entire tests shall be defined by the legislature. In only seven states are the political parties given unrestricted jurisdiction.

Many states which have closed primaries are so lax in their enforcement of these laws or the laws are so constituted as to give the effect of open primaries. That is, at the time of the election these might be closed according to law, in that each party has separate ballots, but the laws of the state might not make any other provisions for party protection with the result that the members of the minority party might vote the ballot of the majority party and thus influence the candidate elected for which the other party will have to assume the responsibility.

This is especially the effect in those states which have

TABLE I. Showing the Changes in Party Affiliation Provisions of the State Primary Election Laws.<sup>1</sup>

=====		
	-1908-	-1920-
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I. Open Primary.	4	3
II. Closed Primary-		
A - Authority prescribing test.		
1. The political party	14	7
2. The legislature	25	31
3. Party and legislature	5	6
B - The voter's declaration.		
1. Past allegiance only	5	5
2. Present affiliation only	17	13
3. Future intention only	4	2
4. Past action and present affiliation	1	6
5. Past action and future intention	3	3
6. Present affiliation and future intention	5	8
7. Past, present, and future	4	2
C - Record of declaration.		
1. Declaration at primary (no permanent record)	15	12
2. Enrollment under party supervision	7	1
3. Official registration	11	26

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1. Miller McClintock, in the American Political Science Review. Vol. 16, p. 465. 1922.

the system of open primaries with no attempt at keeping them closed. In these states the voter is given the ballots of all the parties. He selects the ballot of the party which he wishes to vote and the other ballots are destroyed after the election. The chief fault of this system seems to be in the opportunity it gives for the voter to shift his party alignment temporarily when he has no intention of voting with that party permanently.

Non-partisan primaries are conducted in practically all respects like an ordinary primary except that the ballots carry no indication of the party alliance of the candidate, and no attempt is made to inquire into the party preferences of those who wish to vote. The two candidates polling the highest number of votes for each office are voted upon at the regular election. This form of primary eliminates the weak candidates and insures the election by a majority vote.

In summary it would appear that of these three methods of conducting primaries, the closed primary and the non-partisan primary are the forms which should be developed and emphasized. These two can be utilized very effectively in conjunction with each other. That is, I would recommend the non-partisan primary for the nomination of local and county officials with the closed primary used for the principal state officers. This recommendation necessarily implies the introduction of the short ballot of which more will be said later. I believe that by a use of these two systems combined we will be able to secure better men in all

offices with little thought given to their political alignment and more to their specific qualifications.

**Advantages  
of the  
Primary**

The advantages of the direct primary are often overlooked by those people who wish to break down the system, so a brief statement of these will enable us to more completely judge the merits of the charges which are made against it. These are, in brief, as follows:<sup>1</sup>

1. The direct primary furnishes an opportunity for active political participation on the part of the rank and file of the party.

2. It takes away from the politicians much of their former control over nominations and places that control more nearly in the hands of the people.

3. It offers an easier avenue of approach to the election of competent men.

4. It provides a means of approving or rejecting selections of the party leaders and of introducing new ones.

5. In the case of serious conflict, the direct vote seems to give a better opportunity for popular success than the delegate method.

6. It places a weapon in the hands of the party members which they may use with effect in case of need.

7. Bribery and corruption are rendered, if not more

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1. For a full discussion of the advantages of the primary, see F. O. Rhy - "Introduction to Political Parties and Practical Politics", and C. S. Merriam - "Nominating Systems" in Ann. of American Academy. Vol. 106. March, '21.



difficult, at least less potent than formerly in determining nominations.

These are just a few of the improvements which the direct primary has made on the nominating system of the country. The supporters of the system do not say that it is a perfect guarantee of good government, but content that it gives the people a real chance to make their will prevail, which the machine system does not. It is based upon a system of intelligent voting by the people. When the voters lie down they must take the consequences, but the primary gives them a chance whenever they have the will to take it.

**Dis-  
advan-  
tages  
of the  
Primary**

The faults of the direct primary loom up sometimes to mountainous proportions. Especially after some important primary election such as the last one in Pennsylvania where money was spent with apparent abandon in the securing of the Republican Nomination for United States Senator. It is after such affairs that we have a deluge of propaganda filling the columns of the press until we are almost led to believe that unless we immediately repeal our primary laws the democracy will fall carrying all with it.

Some of the most specific faults mentioned in connection with the direct primary are:

1. The elaborate and reckless expenditure of money in the securing of nominations to office.
2. That it creates a ballot which makes intelligent

voting impossible.

3. That it breaks down the party principal of government and lowers party responsibility.

4. That such a system overburdens the election machinery by requiring two campaigns.

5. It ignores the necessity of consultation and conference in the election of the candidates.

6. It aids the efforts of self-advertisers and demagogues.

7. It eliminates many men who would be desired for the office.

8. It results in placing candidates in office by a minority vote when numerous candidates participate.

I do not attempt to discuss all of the suggested faults of the primary system here, but choose only those which I consider to be characteristic of the attitude of the majority at the present time. In my discussion I shall endeavor to present the problems as fairly as possible and consider what improvements, if any, are being proposed and executed in the various states.

Money  
in the  
Campaign

The question of money in the primary campaign arouses the quickest and most complete attention of everyone perhaps because of the important place held by money in the life of every individual. To the average layman such a campaign as recently took place in Pennsylvania is a big graft and should be stopped by any means possible. A total of approximately \$1,900,000.<sup>1</sup> was

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1. Outlook. Vol. 143: June 23, 1926 - p. 274. - "Evils of Democracy."

expended during this campaign and the evidence indicates that much of this was spent corruptly on a system of vote buying. It is in this manner that the expenditure of money is dangerous, for corruption may be easily disguised. Such an expenditure also means that it is necessary for a man to be rich or have the backing of moneyed people if he is to become a candidate with any hopes of success in a state where such expenditures are frequent.

To be nominated in a primary a man must be known to the voters. Unless he is a distinguished man whose views and actions have been freely advertised through the medium of the press, he will have to make use of the various publicity aids and agencies which are all very costly. Thus, in the case of the state of Pennsylvania, if a candidate wished to circularize the regular vote of the state by first class mail it would cost \$43,000.<sup>1</sup> for postage alone, neglecting the cost of printing and clerical help which would be more important items in the expense list. It is thus that we can see some excuse for the expenditure of some of the money during this last campaign and we can admit that the legitimate expenses would run fairly high, but surely not as high as \$1,000,000. for one candidate.

It must not be forgotten that under the old convention system there was also much corruption and excessive money expenditures. It was Jay Gould who said that he wanted the control of the legislatures of several states so he made them with his

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1. loc. cit.

own money. The question which should be answered is which system affords the voter the most protection against such a policy? Under which system will his wishes have an affect?

I believe that considering all sides of the case there is less actual reason to object to the primary system on this count. It is only the excessive cases which we hear about and when one of these does appear public sentiment usually causes a reaction which either carries the office holder out of office or makes him refrain from running for reelection. The late Newberry case in Michigan was a good example of this and the Smith case, now pending in Illinois, with the Pennsylvania case, both seem fair to equal this with results.

It is reasonable to suggest that considering that one-third of the Senators are elected every two years there were thirty-two elected at the last primaries and election. Surely of this number twenty-five were nominated at the primaries of the various states seeing that forty-five of the states have primary laws. Yet, out of this number of nominations by primaries, we only heard of two states in which excessive expenditures of money had taken place. What happened in the other states? Surely if such conditions had existed here we should have heard of it. One of the most powerfully contested primaries of this group was that in Iowa where Mr. Brookhart and Mr. Cummins were running against each other. These men both carried on extensive campaigns, but when the campaign reports were in, Mr. Brookhart, the successful



candidate, had spent only \$1,479. during his campaign, while Mr. Cummins spent \$4,899.

Many other campaigns took place in which the expenditures were no more than this and there is reason to believe that the people's wishes were effective in the results. If states like Pennsylvania and Illinois would enact reasonable laws regulating expenditures and make punishment for offenders a sure thing, then the menace of excessive money expenditures would be greatly diminished.

It is in the length of the ballot which the direct primary in its present form necessitates that a real problem exists. At the present time, in most states, all of the state and county officers are nominated at the primary. This array of offices make a list of candidates which make it almost impossible for any qualified voter to intelligently make his choice. One of the many examples of this was manifested in Detroit in 1924 where the voters of Wayne County had to select from among 216 candidates those best qualified to serve in the various county offices. In reference to this the Detroit Free Press stated editorially, "It would puzzle an experienced politician to identify a good many of them, while to the average man in the street or woman in the home, knowledge extends no further than a vague recognition here and there of the names of some present office holder. The rest is a blur." <sup>1</sup>

Short  
Ballot

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1. Detroit Free Press. Editorial, Aug. 11, 1924.



Such an array of candidates unknown to the voter usually results in the voter voting for the first name on the ballot with no thought given to the qualifications of the various candidates. With experiences of this in mind the laws of many of the states usually provide that the names shall be rotated on the primary ballot in such a way that all the names appear first an equal number of times. This equalizes the number of chance and ignorant votes and helps to bring a fair choice by emphasizing the intelligent voting.

The fault lies in the necessity of leaving so much to chance. If there were fewer offices to choose candidates for, then the voters would be able to know the individual qualifications of each and consequently vote intelligently. It is this evil that the short ballot is devised to remedy. There are very few of the county offices which should be elective and there are many of the state offices which could be eliminated from the ballot. It is proposed that those offices eliminated should be placed on a merit system of appointment. The remaining offices would create a ballot of important offices which would not be excessive for the voters to take an interest in and which would allow them to vote intelligently.

Such a system would bring more people to the polls also. At the present time many argue that the people do not vote at the primary. This is true mainly because the voters refused to waste their ballot and they have not the time to investigate



every candidate thoroughly. It is a well known fact that when we have a real issue between candidates at primaries, the people get out and vote. Such a condition would be brought about by the short ballot. The offices would be few and the issues defined and a voting interest would be aroused in many people who are now inactive.

#### IV - THE TREND OF THE DIRECT PRIMARY

**Attacks  
Against  
the  
Primary**

It has been previously indicated that a general wave of reaction against the primaries has swept the country since the World War and tended to make a successful use of the direct primary more difficult than in normal times. This has been evidenced by many attempts to overthrow the system. This has been successful in some states. Thus, New York abolished the primary for the nomination of officials elected on a state-wide ticket.<sup>1</sup> The state continues, however, to use the primary in nominating representatives to congress, members of both branches of the assembly, and city and county officials. Idaho also has returned to the convention system for the nomination of congressional and state candidates after an attempt for the complete repeal of the primary had failed.<sup>2</sup>

More recent attacks with less success have been made in several other states. The Colorado legislature passed a law in

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1. Congressional Digest. Oct. 1926. Editorial Research Reports, Sept. 11, '26.

2. Ibid.

1925 repealing the primary laws of the state, but the system was saved by the Governor's veto.<sup>1</sup> The Vermont law was saved in the same year by the deciding vote of the Lieutenant Governor in the Senate. In Ohio the people took the initiative and by a petition signed by 242,000 asked for the repeal of the direct primary system.<sup>2</sup> In New Jersey the republican state convention committed the party to a platform looking to the abandonment of the system while in Indiana both parties would abolish the direct primary.<sup>3</sup>

At the present time the legislatures of forty-four states are in session and it was freely predicted<sup>4</sup> that in at least thirty of these active organized drives would be made to have the primary laws repealed. These predictions have as yet proved baseless and the primary laws have not been changed by the legislatures of these states.

The active agitation against the primary is given an impetus by the leadership of Vice-President Dawes who is supported by many of the active political leaders of the day and the organized industrial associations of the country. Those leaders who are foremost in the support of the primary are Senators Beveridge of Indiana, Borah of Idaho, Johnson of California, and La Follette of Wisconsin. These leaders are supported by such organizations as the American Federation of Labor, the Anti-Saloon League,

Leaders  
for and  
Against  
the  
Primary

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1. Congressional Digest. Oct. 1926. Editorial research reports, Sept. 11, '26.
  2. Ibid. Petition filed Aug. 3, '26.
  3. Ibid.
  4. Chicago Tribune. Jan. 22, 1927.



the National League of Women's Voters, and the People's Legislative Service.

A  
Suggested  
Reform

There are also many who instead of trying to tear the system down are really trying to do some constructive work and consequently have made numerous suggestions as to improvements. In April, 1924, the editor of the Independent Magazine made the following noteworthy suggestion. "If elections are held in November, set the date for the nominating convention in April, the nominations to be made by the representatives of the party voters in convention assembled. After the convention allow the qualified voters a reasonable period, say sixty days, in which to record dissent from the findings of the convention by filing with the proper authorities petition for the nomination of other individuals. In the event that such petition carry the names of a considerable number of voters, at least twenty percent of those qualified, then the authorities shall declare that the nominations have been contested and that a primary shall be held not later than sixty days from that date, the successful candidate at the primary to be declared the official nominee of the party."<sup>1</sup> The chief importance of this suggestion is that it would do away with the primary in those cases where there is no opposing candidates names. It is the usual case these days that the primary election contests are chiefly over a very few offices while the remaining contests are usually put in as a

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1. Independent. Vol. 112. April 12, '24. p. 189.

matter of form. In a lot of cases also there is no opposition for any of these offices, especially in the minority party. Such a plan would help to eliminate much of the expense to the government by eliminating one of the elections. In other respects this plan is very much like the pre-primary plan which has been put in operation in several states either by legislation or by practice.

The Pre-  
primary

The pre-primary, or informal convention, combines the old and new plan of nomination and provides that a convention of delegates shall meet and provisionally nominate one candidate for each office. These men are now recommended by the convention to the voters of the party. If any element of the party does not like the list of men provisionally nominated by the convention, it can propose other names, and if such independent nominations are made, the voters decide between the two at the primary.<sup>1</sup> This plan has the merit of giving the people the benefit of recommendations from their party leaders, at the same time permitting them to choose other candidates if they so desire.

The pre-primary system has been adopted by three states, namely, Maine, Nevada, and Wyoming, while two other states, Maryland and Washington, have placed the question entirely in the hands of the state central committee.<sup>2</sup> In several other states these conventions are occasionally held without any

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1. Munro, W. B. - "Current Problems in Citizenship." pp. 96-102.  
See also Wallace, S. C. - "Pre-Primary Conventions." in  
Annals of American Academy. Vol. 106. March '23. pp. 97-105.

2. Wallace, S. C. - op. cit. p. 97.



legislative provisions. Thus, in 1922, the democrats of Michigan inaugurated the system and candidates have since been chosen by this means by the party. That the republican party recognized the effect of this system in the state is evidenced by a section of Governor Green's inaugural address of January 1, 1927. He says, "the pre-primary convention is a splendid innovation as it gives political parties, rather than individuals, an opportunity to draft platforms and makes it possible to call for service distinguished citizens who would not inject themselves in a contest. It is not necessary to make any laws to provide for pre-primary conventions. The national conventions are conducted under laws of their own making, and this system has a distinct advantage for it has been proven in Michigan that judges can be found who will interfere with conventions when the hand that makes them asks for political aid. Whatever changes are proposed in our election laws, there must always be given to the people the right to finally choose their candidates."<sup>1</sup>

Besides stating the status of the primary in Michigan, this statement of Governor Green shows conclusively that for the present the primary is to remain unchanged in this state. Mr. Green is a strong party man and his opinion here expressed may be assumed to represent the party attitude. Nevertheless, the opponents of the primary have not stopped work, for in a recent editorial in the *Detroit Free Press* the following statement was made; "Good

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1. Green, Fred - Inaugural Address. January 1, 1927.

government throughout this country as a whole is utterly impossible of maintenance as long as the primary persists. The two things are as unmixable as water and oil. The primary, imposed on the country by misguided 'reformers', has done more to pull down the level of the general administration of public affairs and turn the control of government machinery over to cliques, blocs, demagogues, incompetents, and adventurers, and to substitute government by men for government by law than have all the deliberate plots ever conceived by bosses and crooks." <sup>1</sup>

Changes  
in the  
Michigan  
Law

One important addition to the primary law of the state of Michigan has been made as the result of the workings of the system in the last few years. A bill has been passed which definitely permits recounts after primary elections when requested. <sup>2</sup> This point has caused much trouble in the past with recounts refused. Also in this law is a minor point advancing the date of the fall primaries one week.

Influence  
of a  
Recent  
Supreme  
Court  
Decision

The nation as a whole will be extremely affected by the decision of the United States Supreme Court rendered March 7, 1927. <sup>3</sup> This decision declares the Texas law unconstitutional which undertook to bar the negro from participation in the Democratic Primaries of that state. It was assumed that the constitutional amendment, which protects all citizens from being deprived of their right to vote, applied only to the

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1. Detroit Free Press. Editorial. April 19, 1927.

2. Lansing Capital News, March 24, 1927.

3. U. S. Supreme Court Decisions. March 7, 1927, (see current papers).



final election. The supreme court takes the attitude that any election in which the public participates must admit all who apply. Consequently the primary elections must be conducted on the same basis as the final elections.

The main question which will affect the nation is not the question of the vote as it is that by this decision the primaries are included in those processes which are under Federal supervision. This will involve all the states as well as Texas, for if one state is under Federal supervision than all the states are subject to the same regulation. It will remain to see what attitude the Senate takes when it passes on the credentials of Senators elect Smith and Ware from Illinois and Pennsylvania whose primary campaign expenses were excessive. Many claim that these cases do not come under Federal supervision, but the group headed by Senator Borah of Idaho point to this decision as giving the Senate the right to inquire into the primaries.

#### V - CONCLUSION

It has been my purpose in this paper to present the primary situation as it exists today. It is in no stable condition and many changes are to be looked for in the near future. What these changes are will depend mainly upon the various localities and the attitude of the people. The evidence all seems to indicate that there will not be any complete return to the convention system as long as the present powerful influences are behind it.

Certain improvements and changes which are most dominant are the short ballot, more rigid state control over the primaries, the non-partisan primary, and the pro-primary. All of these are live questions at the present time and it is the firm belief of many that with the increased interest of the public in the question, a system of primaries may be worked out which will give the maximum of service to the people. Until some proved better system of making nominations is brought forth, we should keep the direct primary and give the suggested improvements a fair trial.

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