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PAPER ON DIRECT PRIMARIES.

Read at the Meeting of the West Virginia Bar Association.  
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By John T. Cooper, since a Vice President of the Association,  
and ex-member of the House of Delegates.  
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The best authorities on Sociology and Political Economics tell us that the two reasons **par excellence** for the granting of universal franchise, are, First that citizens in every walk of life may have ample opportunity to protect their individual interests in the making of laws and in the administration of the government under which they live—"no taxation without representation." Second, that there is great educational value in the intelligent exercise of suffrage. The ballot throws on each adult man the responsibility of thinking out the great principles of government and of choosing the men who will best carry out these principles and best represent his interests. In so doing he not only develops the faculties of observation and reason but, being caused to feel that he has some part in the government, there is awakened in him the spirit of independent manhood. It follows that in proportion as the exercise of this choice is discouraged by complicated machinery and expense to the voter the rights of the people are not only neglected but adult education is also neglected. What, then, should be said of those states where the laws, or lack of laws, encourage party leaders to trickery in the manipulation of conventions so that nominations are practically made by only two or three per cent. of the members of each of the political parties. States where most of the busy men, and therefore the better citizens, are, through a confusing number of mass conventions and delegate conventions held at variable dates, practically prevented from keeping track of their party doings or having any influence whatever in the selection of party candidates?



### Comparative Importance of Direct Primaries.

It has always seemed to the writer that in enforcing the Australian ballot system at regular elections and neglecting to place equal or better safeguards around the selection of nominees to be put up at such elections the laws of this and other states have, so to speak, put the cart before the horse. The benefits derived from suffrage at the election are at a minimum because there is there made simply a choice between two men for the same office. If the voter feels that he has nothing to say in the nomination of either of the two, the one he expects to be elected is regarded by him as a member of the privileged class to be hyped, rather than as his employee to be elected and paid by him for looking after his interests. At the primary, however, the benefits derived from universal suffrage are at a maximum; for not only are the men there chosen who lead the party, which party formulates party principles, which party principles determine the policy of government, but the voter may there choose from among hundreds of good men the man who will best carry out these principles and serve his interests. By this or similar reasoning in a large number of states in the Union the people have come to the conclusion that the method of putting up candidates at elections is of far greater importance than the method of conducting even the election itself and, (with the promptness characteristic of the American people,) have passed laws by which their convictions have been carried into practice. Nearly every state has some form of primary election law or primaries conducted under party rules. The exceptions are West Virginia, Colorado, Oklahoma, Kansas, Vermont and Utah. How far West Virginia is behind the times on this question may be noted by the states with which she is classed in this regard. Only two states east of the Mississippi River have no provisions for primary elections: these are the states of West Virginia and Vermont. Six states, as the writer is informed, have direct primary laws for the selection of nominees for and within the counties only; four have direct primaries by party rules; ten have indirect primaries; and fifteen have made direct primaries optional. Three states in the Union have what are known as direct primary election laws compulsory for the nomination of every officer from United States Senator down to constable. It is principally the manner of conducting primaries in these latter three states that we have in mind when we speak of direct nominating primaries, although the laws of all the other thirty-eight states have some features in common with those of Oregon, Mississippi and Wisconsin.



### Some Objections Answered.

Among all that has been said by the papers of this state on the subject, nearly all of which have spoken in favor of a direct primary election law, we have noticed one or two that were not inclined to do so. The latter have shown palpable ignorance of even the most salient features of the proposed law; nor can they very well be blamed inasmuch as there are many primary laws, some of which do not by any means deserve the name of direct primary election laws. One instance of how mistaken ideas get their start was a protracted argument recently published against the direct primary, all of which was drawn from the alleged horrible example of the operation of the law in Virginia. As a matter of fact there is no primary election law of any kind in Virginia, but the Democratic party in that state has adopted a rule by which their own nominations are made directly by primary elections under the control of their party leaders. If there is any horrible example in the State of Virginia, it is the result of making nomination under the sole control of a largely dominant party and only goes to prove that nominations should be made under the safeguards thrown around them by law as at direct nominating primary elections. One paper says that one would have to be a millionaire to run for office under such a law; another is of the opposite opinion and says that no money consideration being required, everybody would be running for office. It is true that no candidate would be at the mercy of an executive committee which might assess him for any amount it might see fit and that no money consideration would be required. Yet, one who would have his name placed on his party's ballot will have to work; for he must get the consent by way of petition of two per cent. of the members of his own party in the political division which he would represent under such conditions and restrictions that would make the undertaking no sinecure. These requirements seem to be fair; for if the candidate expects to get the nomination, he must subsequently get the support of not only those who are on the petition but of many other members of his party. It would be a waste of time and effort to allow anyone to come out at the primary who could not command at least two per cent. of his party vote. It will not, under the proposed law, require a cent to get nominated, although it may require some individual work, and the poor man who is a well known and respected citizen may stand as good a chance to get nominated, if the laws are enforced, as the wealthiest. The law against hyping, and the use of money at primaries make it a misdemeanor to even ask a candidate for as little as ten cents



or anything else of value; or to use money in any way to influence voters. There will therefore be no excuse for being hyped. Anyhow, if a candidate cannot be nominated without the assistance of the hyper he had better stay out of the race.

### **Nominations by the Entire Party.**

If universal suffrage is a benefit, it is certainly true that the greater the number that intelligently exercise the right of choice in the affairs of government the greater will be the number that will be benefitted. One of the tests of the direct nominating primary must, therefore be the answer to the question whether or not it will bring out a large number of the members of the respective parties in the making of the party choice. At present, if a loyal member of his party wishes to exercise his right at the nominations of his party candidates to be put up at a general election, he must do so at the expenditure of considerable time and money and may be compelled to attend some five or six conventions. The mass convention to select delegates to the Congressional convention may be held at one time; at another time a mass convention to select delegates to the State Senatorial convention; at another time a mass convention to select delegates to the Judicial convention; at another time a mass convention to select delegates to the state convention; and still at another time we may have a convention to select district candidates. Then coming on top of these, all held at different times, are the State delegate conventions, the Congressional delegate conventions, the State Senatorial delegate conventions and the Judicial delegate conventions. Now all of these conventions, each of which may now be held in West Virginia at almost any time and place which the respective committees may see fit to choose, are confusing to even the most intelligent of our business men, with the result that they never attend mass conventions, much less exercise the right of intelligent choice. Not only does the burden of confusion tend to deprive the average voter of a choice in the selections of his party candidates, but there is the additional burden of expense and loss of time. Especially the man living in the country the attending of so many conventions means the loss of at least five days and costs of travel; it is not strange that the average mass convention of either party is not attended by more than three per cent. of the members entitled to vote at them—when it comes to attending the delegate conventions the individual expense is much larger. All of these burdens act as restrictions on the exercise of the franchise and lessen the benefits for the realization of which the franchise was brought into being.



Under a direct primary law, United States Senators, State officers, Congressmen, State Senators, Circuit Judges, and all county and district officers will, in the year that they are to be nominated, be nominated on the same day. Not only so, but that day will be fixed by law as certainly as election day is at present. Every voter, whether he sees it in the paper or not, will know where and when candidates are to be made. The man in the country who desires to exercise his right to express himself in all his party nominations will not have to travel across the county five or six times in every election year at a great loss of time and money; one trip to his regular voting place will make unnecessary attendance at all the conglomeration of mass conventions and delegate conventions that may be necessary at present. From year to year primary day will become a date fixed in his mind and the primary will be attended with greater certainty even than the November election itself. With candidates out for nomination on their respective tickets for the several offices from U. S. Senators down, there is not a live man in either of the parties but who would be out at the primary election and exercise the right of suffrage.

#### The Question of Expense.

Of the things most sacred to each citizen the greatest are education and self-government—the main purposes for which universal suffrage was granted. If a direct primary election law is the best means for securing these benefits through encouraging the exercise of the franchise, as we have tried to show, each individual is not only the gainer but the State is also the gainer, no matter what the cost in dollars and cents. If the voter through a narrow effort to save a few cents per capita is deprived of these benefits, not only will he lose the educational value and fail in being a part of the government, but he will ultimately be the loser in even dollars and cents. As a matter of fact, however, the direct primary election is the cheapest method of exercising the right of franchise; cheapest, not only for the candidates themselves, but cheapest for the people as a whole and the voters individually. Many illustrations might be cited. In Wood County where the Republican party has for many years nominated their local candidates at primary elections and other candidates through county mass conventions, there are forty-four voting precincts. The officers at the 1904 primary, allowing for three commissioners and two clerks each, cost the party \$7.50 for each precinct, making a total cost for the county, including incidentals, of about \$350. For the same money, or a very



little more, under a direct primary election law all political parties in the county could have made their nominations, because they would have been made at the same time and place and before officers selected by their own respective parties. At the Wood County primary there were 1845 votes cast in the city precincts and 1841 votes cast in the precincts outside the city. With voting places arranged conveniently, as they were in the city, where the employee could vote on their way to and from work, it was not necessary for any voter to spend more than fifteen or twenty minutes in voting, so that for all practical purposes we may say it cost the city voter nothing in time or money to cast his ballot at the primary. There being three voting places in nearly every country district, they were, respectively, within easy walking distance of nearly every voter, and the average time lost by each voter could not possibly exceed a half day. At two dollars per day, a very liberal estimate of the cost of the primary to the country voters would not exceed \$1841, while the cost to the city voter was practically nothing. How much would it have cost if these same voters had attended a county mass convention? There isn't a man in the city but would have lost a half day, while the country voter would have lost at least a day in addition to the cost of transportation which in many cases would have been for travel clear across the county. At two dollars per day, the tax on the city voters for exercising their right would have been \$1845, while it would have cost the country voters \$3682, in loss of time which added to the \$1845 makes a total of \$5527. The cost for transportation, meals, etc., would average at least 50¢ for each country voter or a total of \$920, which should be added to the \$5527, making a total tax, or cost, if these same voters had exercised their right at such a mass convention instead of a primary, of \$6447 instead of the \$350 it cost for a primary. But this \$350 if paid by all the voters of the county by way of the sheriff under a direct primary election law would have paid the cost of making the nominations of, not one, but every party in the county; whereas the \$6447 would have been the cost of making nominations by only one party at a mass convention.

#### **Direct Voting.**

The agitation for the election of United States Senators by popular vote has resulted in many states in each party adopting the practice (whether under the law or party rule) of nominating their candidates for this office by direct primaries and thus placing upon their respective members in the legislature the moral obligation to support their party's choice for that office. The writer understands on good author-



ity that nearly half of the thirty vacancies in the United States Senate in 1907 will be filled by senators selected in this way. This practice of voting directly for candidates is one of the characteristics of nearly all of the primary election laws. The same reasons that are advanced for the nomination or even election of United States Senators by the electorate casting their own ballots for candidates applies to a greater or less degree to every office within the gift of the people. The reasons are chiefly the arguments based on the educational value of the ballot and the opportunity for self protection already mentioned, to which may be added the argument in favor of the removal of inducements to use money at delegate conventions. It also does away with that feeling of dislike, almost approaching self-abasement, which many free citizens experience in voting away to delegates their right of choosing whom their candidates shall be. From the candidate's standpoint, it is surely a greater honor to have thousands of constituents deliberately make him their choice, handing in their ballots with his name on them, than to be chosen at second hand by a dozen or more delegates. From the voter's standpoint again, the nearer candidates are brought to the people whose support they are seeking the nearer will they represent the interests of those who are directly responsible for making their election possible. There is no questioning the proposition that if an office-holder knows that if, instead of having been selected by a few delegates many of whose votes may have been corruptly secured, a majority of all the members of his party directly voted for him, that he will be careful to find out and do what those want who are directly responsible for his elevation to office.

### Party Protection.

Another salient principle underlying all of the direct primary laws thus far passed is that of protection of political parties against those who are not members of or in sympathy with the party. This is so well expressed in the preamble to the primary law of the State of Oregon that I quote it in part:—

“The government of our State by its electors and the government of a political party by its members are rightfully based on the same general principles. Every political party has the same right to be protected from the interference of persons who are not identified with it as its known and publicly avowed members, that the government of the State has to protect itself from the interference of persons who are not known and registered as its electors.



"It is as great a wrong to the people, as well as to the members of a political party, for one who is not known to be one of its members to vote or take part at any election or other proceedings of such political party, as for one who is not a qualified and registered elector to vote at any State election or take part in the business of the State."

It has been shown time and again that the floating voter under the present practice of making nominations may, by reason of the mere fact of his being ignorant, practically unknown and without political principles, have twice as much to say in the choice of nominees as a well known Republican or a well known Democrat. He may be voted one day at a Democratic convention and on the very next day at a Republican convention; there is no means for checking him. Under the direct primary law this will be impossible. The nominations of all parties being made at the same time and place, the floater must make choice then and there between the parties—he can not vote the ballots of both. Furthermore he must give good and sufficient evidence of being a member of the party whose ballot he wishes to choose his candidates from.

Nominations as at present made at mass conventions are attended on the average by about three per cent. of the party in the political division for which the nomination is made. What a snap this is for the corrupting public service corporations which we hear so much about. If they can not control three per cent. of either or all of the parties when needed, they had better go out of the business. They do not always want to control them, no doubt, but when they do it offers splendid opportunities. We have tried to show in another part of this paper that by making all nominations by all parties on the same day and that day a definite and fixed date; and by conducting the primary with a minimum expenditure of time and money on the part of the voter, we would get out practically the entire vote of each political party—at a low estimate, eighty per cent. of the vote. Here would be a tough proposition for corrupt corporate or moneyed influences to contend with. In spite of all the yellow journals may say about the degeneracy of public morals &c. there is scarcely an intelligent and well informed man in the State that will contend that eighty, forty, or even twenty-five per cent. of the people in any party can be corruptly influenced. If we can bring about a condition of affairs by which each political party will be controlled by the collective judgment of a majority of its members, there need be no fear of that party being used against the interests of the whole people. Such a con-



dition we have every reason to believe will be brought about by the passage of and faithful enforcement of a direct nominating primary law. It is further evident that the same conditions that make it impossible to control nominations will make it impossible for so-called party machines to control nominations against the wishes of a majority of the members of the party. So that those who argue against the direct nominating primary claiming that it will strengthen boss rule are left without ground to stand upon—it is certainly more difficult to over-ride eighty per cent. of the party at a primary election than three per cent. at a mass convention.







## NOMINATIONS BY DIRECT VOTE.

### No New Thing.

"The fact is that the direct primary is now the most usual system of making nominations in the United States, and in no case has a state, a county or a town turned back from direct nominations to the convention system. It is no longer an experiment, having been tried out under varying conditions in so many states that it is possible to be guided by experience in avoiding the danger of an imperfect direct primary law.

Fourteen states, with a total population of 25,323,039, have mandatory laws requiring the use of this plan in selecting candidates of the principal parties for practically all offices. About one-half of the states, including those in which the system has been established by party rules, use direct nominations for practically all elective offices. The states in which the system is established by mandatory law for practically all elective offices have about 30 per cent of the population of the United States.

Of the thirty-one United States senators elected last fall, seventeen were nominated by direct primaries. Fifteen out of thirty-two governors of states were so nominated."—*Citizens Union of N. Y. City., 1909.*

### Testimony From Direct Primary States.

Nine out of every ten voters of both political parties are for the direct primary after having tried it. I regard the direct primary law as the most important and valuable law on the statute books of Kansas.

W. R. STUBBS,

Governor-elect of Kansas.

The law has worked very well and there is not a county of the 78 in the state in which a proposition to repeal it could be carried.

E. F. NOELL,

Governor of Mississippi.

The primary system, for candidates who stand for something is satisfactory. For candidates who can not identify themselves with an issue, it is not. But the people like it, and once they secure it, will not surrender it.

VICTOR MURDOCK,

Member of 58th, 59th, 60th, and 61st Congress.

I am in favor of the primary election law. Have been ever since I had anything to do with politics.

A. J. McLAURIN,

U. S. Senator from Mississippi.



I believe that a direct primary properly conducted will leave less soreness and cause fewer fractional fights than the convention system. I believe the primary has come to stay.

WM. B. BORLAND,  
Member 61st Congress.

A fair primary law is a long step in the direction of a truly representative form of government. The greatest value of the primary law is the power it gives the people to endorse the faithful officer and repudiate the faithless. Under the old system the man in public life was usually able to control the convention and secure his nomination, whether he had been faithful or otherwise to the people.

NORRIS BROWN,  
U. S. Senator from Nebraska.

It is not my experience that a direct primary system of nominations is more expensive than the old method.

G. M. HITCHCOCK,  
Member 58th, 60th and 61st Congress.

The statement that the direct primary makes campaigning expensive and practically prohibits any but rich men from entering politics is not true.

ROBERT C. OWENS,  
U. S. Senator from Oklahoma.  
"It is more American in principle than the old delegate system."

JOHN K. TEMPLE,  
Member of 61st congress and  
Past Grand Exalted Ruler B.  
P. O. E.

"The convention system was rotten beyond redemption. It was merely a question of bargain and sale."

HENRY W. PALMER,  
Member of 61st congress.

"I believe a voter should be required to ask for his party ballot. This would make it certain that the nominees were selected by the members of that party. I would maintain the principle of direct primary, but would so frame the law that only members of a given party should have a voice in the nomination of the candidate of the party."

JAMES H. DAVIDSON,  
Member 55th to 61st congress.

(Note—the West Virginia bill avoided this defect in the Wisconsin law from the beginning, see, Sec. 14 of the bill.)

"Under no condition could we be induced to go back to the old caucus and convention system."

C. I. CRAWFORD,  
Governor of South Dakota.

"At least 90 per cent of the people are in favor of the direct primary law. The men who had the most money and spent the same were not nominated at our direct primaries."

C. W. HERR,  
President Civic Union, Seattle.

"There is less bribery than under the convention system."

GUSTAVE KUSTERMAN,  
Member 60th and 61st congress.

"The people were enabled under it (direct primary) in all cases to give certain effect to the choice of the majority."

JOHN C. SPOONER,  
Ex-U. S. Senator.

"This method dethrones vice and enthrones the people. It brings the government nearer the governed. It helps to make the will of the majority the law of the land."

T. P. GORE,  
U. S. Senator from Oklahoma.



### Leading Features of West Va. Direct Primary Bill.

- (1) State committees selected by direct vote.
- (2) Every member of a party given the right to vote directly for candidates.
- (3) Party registration required at the primary.
- (4) Nominations of all parties made on same day.
- (5) One primary substituted for 13 or more conventions.
- (6) Each voter required to vote in precinct where he resides.
- (7) Platforms drafted by State assembly of nominees and committees.
- (8) Determines the choice of each party for U. S. Senator.
- (9) Invalidates nominations secured by expenditures in excess of a fixed maximum sum.

### History of the West Virginia Direct Primary Bill.

Recommended by Judiciary Committee of the House of Delegates in 1907.

Passed second reading in the House same year by a vote of 58 to 22.

Amended in Senate Judiciary Committee.

Adopted in its entirety by the Republican state conventions in 1908.

Endorsed by Democratic state convention in 1908.

Received the votes of eight State Senators in 1909.

Passed House of Delegates (on Washington's birthday) in 1909 by a vote of 65 to 13, without a single amendment.

Respectfully submitted

**WEST VA. DIRECT PRIMARY ASSOCIATION.**







