

University of Texas
Publications

Publications
University of Texas

University of Texas Bulletin

No. 2211: March 15, 1922

Addresses at the Conference
on
Citizenship, Education, and Home Welfare
at
Austin
March 6, 7, 8, 9, 10, 1922

Auspices of the Bureau of Extension



PUBLISHED BY
THE UNIVERSITY OF TEXAS
AUSTIN

Publications of the University of Texas

Publications Committee:

FREDERIC DUNCALF	J. L. HENDERSON
G. C. BUTTE	E. J. MATHEWS
KILLIS CAMPBELL	H. J. MULLER
F. W. GRAFF	A. E. TROMBLY
HAL C. WEAVER	

The University publishes bulletins four times a month, so numbered that the first two digits of the number show the year of issue, the last two the position in the yearly series. (For example, No. 2201 is the first bulletin of the year 1922.) These comprise the official publications of the University, publications on humanistic and scientific subjects, bulletins prepared by the Bureau of Extension, by the Bureau of Economic Geology and Technology, and other bulletins of general educational interest. With the exception of special numbers, any bulletin will be sent to a citizen of Texas free on request. All communications about University publications should be addressed to University Publications, University of Texas, Austin.

University of Texas Bulletin

No. 2211: March 15, 1922

Addresses at the Conference
on
Citizenship, Education, and Home Welfare
at
Austin
March 6, 7, 8, 9, 10, 1922

Auspices of the Bureau of Extension



PUBLISHED BY THE UNIVERSITY FOUR TIMES A MONTH, AND ENTERED AS
SECOND-CLASS MATTER AT THE POSTOFFICE AT AUSTIN, TEXAS,
UNDER THE ACT OF AUGUST 24, 1912

The benefits of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a free government.

Sam Houston

Cultivated mind is the guardian genius of democracy. . . . It is the only dictator that freemen acknowledge and the only security that freemen desire.

Mirabeau B. Lamar

CONTENTS

	Page
The Budget System Applied to State Government..... Charles Grove Haines	7
Election and Ballot Laws..... P. O. Ray	13
Administrative Reorganization in Texas..... Frank Mann Stewart	15
Problems of Local Government Herman G. James	23
Nominating Processes..... P. O. Ray	27
Elements of a Complete Prison System..... C. S. Potts	31
A Tax System for Texas..... E. T. Miller	36
The Place of the Courts in the American System of Government C. P. Patterson	40
Voting Women and Social Issues..... Mary Roberts Coolidge	47
The Minimum Wage..... W. M. W. Splawn	52
The Social Problem in a Texas Town..... M. S. Handman	55
The Maternity Act..... Grace Abbott	58
What California Women Have Done With the Ballot Mary Roberts Coolidge	60
Malnutrition—Its Causes and Effects..... Jet Corine Winters	66
Present Conditions and Needs of the Public Schools Annie Webb Blanton	69

The Cost of an Efficient System of Education in Texas	74
B. F. Pittenger	
How to Secure the Money Needed to Support an Adequate Public School System in Texas.....	76
A. Caswell Ellis	
Control and Support of Higher Educational Institutions	82
T. H. Harris	
Duties and Limitations of Local and County School Boards	90
W. S. Sutton	
Some Advantages of an Expert Survey of the Educational Needs and Educational Facilities of Texas	95
J. L. Henderson	
The Relation Between a State and a County System of Schools.....	99
T. H. Harris	
A County Unit in Relation to an Efficient System of Education	107
Mary Shipp Sanders	
Training for Educational Leadership in Higher Educational Institutions.....	110
H. F. Estill	

THE VISITING LECTURERS

MISS GRACE ABBOTT—Director Children's Bureau, U. S. Dept. Labor, Washington.

MRS. MAGGIE W. BARRY—A. and M. Extension Service, Texas.

MISS ANNIE WEBB BLANTON—State Superintendent of Public Instruction, Texas.

DR. MARY ROBERTS COOLIDGE—Professor of Sociology, Mills College, California.

H. F. ESTILL—President Sam Houston Normal Institute, Texas.

T. H. HARRIS—State Superintendent of Instruction, Louisiana.

PROFESSOR P. O. RAY—Northwestern University, Chicago.

ANNE RAYMOND—Child Welfare Organization, New York.

MISS MARY SHIPP SANDERS—Superintendent of Schools, Williamson County, Texas.

*Assisted by
Members of the Faculty of the University*

PROGRAM COMMITTEE

ELVA LUCILE BASCOM—Adjunct Professor of Library Science.

A. CASWELL ELLIS—Professor of Education.

MARY E. GEARING—Professor of Home Economics.

CHARLES GROVE HAINES—Professor of Government.

E. T. MILLER—Professor of Economics.

LUCY NEWTON—Dean of Women.

C. S. POTTS—Professor of Law.

T. H. SHELBY—Director, Bureau of Extension.

ADVISORY COMMITTEE

MRS. LEE JOSEPH—President Texas Federation of Women's Clubs.

MRS. S. M. N. MARRS—President Texas Congress of Mothers and Parent-Teacher Associations.

MRS. JESSIE DANIEL AMES—President Texas League of Women Voters.

PRESIDING OFFICERS

MRS. JESSIE DANIEL AMES, Georgetown, Texas.

MRS. FLORENCE FLOORE, Cleburne, Texas.

MRS. LEE JOSEPH, San Antonio, Texas.

MRS. S. M. N. MARRS, Austin, Texas.

MRS. HENRY REDMOND, Corpus Christi, Texas.

MRS. RUTH POTTS SPENCE, Dallas, Texas.

INTRODUCTION

At a joint meeting in Austin, in the late autumn of 1921, the executive heads of the Texas Federation of Women's Clubs, the Texas Congress of Mothers and Parent-Teacher Association, and the Texas League of Women Voters joined in a request to President Vinson for a conference on Citizenship, Education, and Home Welfare, to be sponsored by the University some time in the early spring of 1922. The President acceded to the request and turned the matter of working out the program and of arranging details of the Conference over to the Bureau of Extension.

The program was divided into three sections as follows: (1) Problems of Government and Citizenship; (2) Problems of Social and Home Welfare; and (3) Problems of Education. After the program had been worked out by a committee of the faculty, it was submitted to the executive heads of the organizations as an advisory committee, for valuable suggestions and final approval. The full co-operation of the State and local machinery of the various organizations was had in securing publicity and in stimulating attendance. Leaders among the various women's organizations were asked to preside at the various sessions, and to lead the informal discussions which followed the formal papers. While no stenographic report of the discussions was secured, it is safe to say that they proved a valuable feature of the Conference.

The total registration amounted to 494, besides the classes of students from the University who came from time to time, and the attendance at the evening program, at which no effort at registration was made.

The Conference unanimously requested that the program be repeated next year, and plans are now under way looking to that end.

Only the main addresses are included in this bulletin. They are arranged in the three groups indicated above. It is believed that they deal with vital problems that are of interest to Texas citizens, and this is the excuse for their publication.

T. H. SHELBY,
Director of Extension.

I. PROBLEMS OF GOVERNMENT

THE BUDGET SYSTEM APPLIED TO STATE GOVERNMENT

CHARLES GROVE HAINES, PROFESSOR AND HEAD OF DEPARTMENT OF GOVERNMENT, UNIVERSITY OF TEXAS

Democratic government, according to prevailing theories, for several centuries required the voting of appropriations by representatives of the people. Within recent years the chief responsibility for this purpose, it was thought, should be placed upon the lower branch of the legislature. The theory on which this practice was based was expressed by Edmund Burke in the phrase, "Democracy inheres in the control of the purse string." This theory was originally formed on the assumption that the control of government was in the hands of an aristocratic and select few whose authority should be held in check by the necessity of popular approval so far as public expenditures are concerned. It was also based on the idea that executive and administrative officers were expected to prepare the estimates of expenditures for government purposes and to present their needs to the legislature for a proposed budget. The duty of the legislature was to turn on the light of publicity, to criticise and, in extreme cases, refusal to approve might follow.

This prevailing theory of the basis of representative and democratic government was changed in American colonial and state governments when authority for the preparation of estimates was transferred from executive officers to committees of the legislature. During colonial times and the early nineteenth century government expenditures were small, government functions being very restricted, so that this function of the legislature could then be performed with comparative effectiveness in controlling the government and directing its activities. Under this American practice it became not only the function of the legislature to approve the budget but to prepare an appropriation bill based, of course, upon estimates and suggestions from executive

officers in control of the government. To the preparation and voting of the appropriation bill in American legislatures was soon added the privilege of an individual member to present a bill requiring the expenditure of money and thus to add to the funds voted in the appropriation bills direct.

The chief contrast between the development of budget making in European countries and in America is that European practice required that the estimates and general preparation of the budget be placed in the hands of administrative and executive officers, whereas the American plan provided merely for the turning over of estimates to the legislative body with the independent right in the legislature of adding to or making such changes as that body may see fit. With the increase in the functions of government and the growing complexities of public administration legislators became less and less able to pass intelligently on the items of appropriation. In Europe this fact has resulted in extending the authority of executives in budget-making and in reducing the power of the legislatures in the changing of the items of a budget thus prepared. In America, on the other hand, the legislature has retained and expanded its powers in the control of appropriations with the result that certain evils have developed which have become so notorious that a complete reform of the American system is now under way. The chief evils in American budgetary practice which may be briefly mentioned are: first, log rolling and the "pork barrel" system; second, legislative interference with the details of administration; third, inflexibility and waste in the existing system. To take these up in order:

1. LOG ROLLING AND THE PORK BARREL SYSTEM

Log rolling is commonly understood as a term applied to an arrangement between legislators whereby one champions the proposals of another in order that his own pet project may be supported. The "pork barrel" system is a term used to describe the rush upon the public treasury to secure

appropriations for local interests. The "pork barrel" system in the national Congress has become so notorious as to discredit the appropriation system of the federal legislature. It has been estimated that hundreds of millions of dollars of federal taxes are expended in petty local projects of comparatively little use to the nation as a whole. These practices also take place in our state legislatures, where millions of dollars are likewise voted, the larger part of the appropriations being at times frankly conceded by members of the legislature to be the result of the system of trading and log rolling.

2. LEGISLATIVE INTERFERENCE WITH THE RELATIONS OF ADMINISTRATION

The practice of permitting legislators to prescribe in detail the powers and duties of officers as well as to appropriate money for all the activities of government has resulted in a system whereby the legislature is required and expected to deal with the minute details of administration by which administrative officers are restricted and curtailed so as to render it largely impossible for them to develop any policies or to carry out effectively the duties and functions frequently placed upon them. In many lines the meddlesome interference of the legislature has become so notorious as, for example, in the regulation for officers of the cities and towns, that efforts have been made to restrict legislative activities to general laws. But despite these efforts American legislatures continue to participate actively in regulating with minute detail the mass of administrative activities.

3. INFLEXIBILITY AND WASTE IN THE EXISTING SYSTEM

The American plan of the preparation of the budget by the legislature and the requiring of administrative officers to conform to the details of the budget as prepared by the legislature has resulted in an inflexible system which often

results in either a waste of public funds or inefficient administrative results. The defects of such a fixed budget are:

(a) That too much money may be appropriated owing to the fact that it is difficult, if not impossible, for executive officers to foresee the exact amount required as long as three years in advance.

(b) There may be too little appropriated, owing to the impossibility of forecasting the amount needed by a department. Under such circumstances with no chance to secure additional funds the work of the department is greatly hampered.

(c) Under a fixed budget system no provision is made for emergencies, and frequently at critical times when the government should be in a position to function most effectively no money is available for emergency purposes.

(d) As a result of the foregoing, money is frequently not used where it is most needed and the efficiency of the government is thereby decreased.

In order to avoid these defects of the American plan European countries have provided in the main for an executive made budget, with no changes in details to be made by the legislature. Instead of detailed appropriations, frequently lump sums are granted to departments with the understanding that these amounts will be used by department heads in the most effective manner for the efficiency of the service. European budgets usually contain also a transfer system whereby transfers may be made to the departments most in need of funds.

The American plan to meet the difficulties outlined has taken three forms:

(a) A legislative made budget in charge of a committee or committees from each house with various devices to secure information and check extravagances.

(b) A legislative and executive made budget prepared by a committee composed of executive officers and members of each house of the legislature. This budget is commonly

regarded as advisory only and is subject to such changes as each house of the legislature may see fit to make.

(c) An executive made budget in which the responsibility is placed upon the Governor or a small committee acting as advisors for him.

There are two types of the executive-made budget: first, an advisory budget in which the estimates are prepared by the Governor and submitted to the legislature merely for advice, with the complete responsibility for the making of the appropriations placed upon the legislature itself; second, a mandatory system in which the budget as presented by the Governor is regarded as containing the maximum amounts for all appropriations made with a few exceptions. Such a mandatory budget system has been adopted in Maryland and West Virginia by constitutional amendment. The legislature under such a system has the authority to reduce items in the Governor's budget bill or to eliminate items. The Governor's budget bill takes preference over other legislative matters until it is passed. If a member of the legislature wishes to present bills requiring additional appropriations a proviso must be attached to the bill to raise by taxation or otherwise the necessary funds for such purposes.

The recent tendencies of budget making in the American states are then: first, the concentration of budget-making authority in the Governor; second, the restricted powers of the legislature in increasing items and in changing items; third, improved devices to transfer and allot funds so as to secure better results in government service.

There is need for committees of womens' clubs to study and prepare constructive recommendations to Texas lawmakers as to

1. The state tax system
2. The state budget system

in order that the business of the state government may be put upon a more efficient and economical business basis, and

at the same time the effectiveness of the service in all the units of government may be increased. All improvements along the line of education and social legislation ultimately depend to a considerable extent upon improvements in the field of taxation and the inauguration of an effective state budget system.

ELECTION AND BALLOT LAWS

P. ORMAN RAY, PROFESSOR OF GOVERNMENT, NORTHWESTERN
UNIVERSITY

There is probably no kind of reading matter more unattractive to the ordinary citizen than our election and primary laws; and few citizens ever have the courage to wrestle long with their legal circumlocutions and maddening maze of details which regulate every stage in the nominating and election process, details of which the average voter is only dimly conscious, if conscious at all, when he votes once or twice a year.

Nevertheless, the character and provisions of these election laws are matters of vital importance to citizens generally, for the ballot box is the only point of direct contact between the ordinary citizen and his government. However virtuous, public-spirited, conscientious, and well-intentioned a citizen may be when he goes to the polls, those good qualities or intentions may be neutralized, perhaps nullified, by poorly drawn and inadequate elections laws, by a long and confusing ballot, by dishonest or incompetent election officers. These repellent election laws, therefore, are not to be passed over as the "mere mechanics" of popular government; they, and especially the form of the ballot and the choice and qualification of election officers are all matters which pertain to the very essence of popular government.

In the course of his remarks, the speaker touched upon the different classes of election officers, and brought out the fact that only one or two states have taken serious steps to insure the appointment of intelligent persons who are familiar with the election laws which they have to administer by requiring them to pass a civil service examination before their appointment. New Jersey is perhaps the only state now having such a system in force; but surely no other public officers can more appropriately be required to

pass a competitive, or at least a qualifying, examination than our election officials. Nearly everywhere, however, they are selected more or less in accordance with the principles of the spoils system, and especially is this true in our large cities, where of all places, properly qualified election officials are most needed.

Facts were also brought out showing the magnitude of the preparations required in our great cities in connection with primaries and elections; few people realize the quantities of supplies that are required as equipment for polling places in populous communities. Their cost in recent years, along with that of everything else, has mounted by leaps and bounds; and consequently the cost of elections is now becoming a serious burden in many large communities.

Samples were also shown of the Massachusetts and "party column" types of ballot, and their variations found in different states. The importance of a shorter ballot was also stressed, and likewise, the desirability of separating national from state and local elections.

ADMINISTRATIVE REORGANIZATION IN TEXAS

FRANK MANN STEWART, INSTRUCTOR IN GOVERNMENT, HEAD OF DIVISION OF GOVERNMENT RESEARCH, UNIVERSITY OF TEXAS

The administrative system of Texas consists of seventy-six officers, boards, and commissions, and numerous subordinate officials. A few are provided for in the Constitution of 1876 and its amendments; the rest have been created by statute. In 1876 a few officers sufficed to transact the state's business—new offices have been added by different legislatures, particularly since 1900, until now the administrative machine is top-heavy with separate and independent agencies, many of which could better be consolidated with others.

The officers, boards, and commissions of Texas may be divided, for convenience, into seven groups: 1. Constitutional Officers and Boards; 2. Statutory Officers—Heads of Departments, and Others; 3. Executive and Supervisory Boards and Commissions; 4. Boards of Control for State Institutions—Educational, Eleemosynary, and Penal; 5. Examining Boards and Commissions for Professions; 6. Ex-officio and Advisory Boards and Commissions, and 7. Miscellaneous.

1. *Constitutional Officers, Boards and Commissions.*—Governor, Lieutenant-Governor, Secretary of State, Attorney-General, Comptroller, Treasurer, Commissioner of the General Land Office, Board of Education (ex-officio), Board of Regents of the University of Texas, Prison Commission, and Railroad Commission.

2. *Statutory Officers—Heads of Departments and Others.*—Adjutant General, Commissioner of Agriculture, Game, Fish and Oyster Commissioner, Health Officer, Highway Engineer, Commissioner of Insurance and Banking, Commissioner of Labor Statistics, State Librarian, Commissioner of Markets and Warehouses, Reclamation Engineer, Superintendent of Public Instruction, Tax Commissioner, State Chemist, Entomologist, Forester, Fire Marshal, Legislative Reference Librarian, Inspector of Mines, Ranger Force, State Veterinarian.

3. *Executive and Supervisory Boards and Commissions.*—Fire Insurance Commission, Board of Health, Highway Commission, Industrial Accident Board, Library and Historical Commission, Live Stock Sanitary Commission, Mining Board, Board of Water Engineers, Railroad Commission.

4. *Boards of Control for State Institutions.*—Boards of Regents or Directors for A. and M. College, C. I. A., Grubbs Vocational College, University of Texas, and Normal Schools; Board of Control, and Prison Commission.

5. *Examining Boards and Commissions.*—Boards of Examiners for the different professions: accounting, cotton classing, dentistry, embalming, land surveying, law, library science, medicine, nursing, pharmacy, pilots, teaching, veterinary medicine, and optometry.

6. *Ex-officio and Advisory Boards and Commissions.*—Anatomical Board, Board to Select Auditor for Prison System, Banking Board, Board of Education, Industrial Commission, Board to Select Commissioner of Markets and Warehouses, Board to Review Regulations Relating to Ginning, Intangible Tax Board, Board to Calculate Tax Rate, and Commissioners for Fannin, Gonzales, King and Washington State Parks.

7. *Miscellaneous.*—Bureau of Child and Animal Protection; Naval Board; Text-Book Commission; Assistant Attorney-General in the Court of Criminal Appeals.

Texas State Administration exhibits all of the major faults of state administration in other states, lack of unity, overlapping functions, dependence on the board and commission type of organization, and failure to centralize and locate responsibility for the entire administration in the hands of the Governor.

The movement for administrative reorganization in Texas started in 1917. At the third called session of the Thirty-fifth Legislature, September, 1917, the House and Senate each appointed committees to investigate all departments and institutions of the state government. These committees after several months of careful scrutiny of the administrative agencies made several recommendations for

consolidation of departments, the most important of which were as follows:

1. Consolidation of offices of State Purchasing Agent, Expert Printer, Printing Board, Inspector of Masonry, Superintendent of Public Buildings and Grounds, and the governing boards of the eleemosynary institutions into a single Board of Control.
2. Board of Water Engineers, Reclamation Engineer, Live Stock Sanitary Commission, State Veterinarian, Warehouse and Marketing Department, and State Entomologist, with the Department of Agriculture.
3. Pension Commissioner and Revenue Agent with the Comptroller's Department.
4. Industrial Accident Board, Mining Board, and Inspector of Mines with the Labor Department.
5. Pure Food Department and Pasteur Institute with Health Department.
6. Highway Commission with Railroad Commission.
7. Fire Insurance Commission with the Department of Insurance and Banking.
8. Assistant Attorney-General in the Court of Criminal Appeals with the Attorney-General's Department.
9. Intangible Tax Board and Tax Commissioner—work to be divided between Comptroller and Railroad Commission.
10. Governing Board for Agricultural Experimental Substations with Board of Directors of A. and M. College.

Other recommendations were made regarding improvements in the business methods of the state. The committee estimated that nearly a million dollars annually could be saved by the adoption of its recommendations.

Two offices, the Commissioner of Pensions and State Revenue Agent, were abolished and their duties transferred to the Comptroller at the Fourth Called Session of the Thirty-fifth Legislature, February, 1918. In August, 1918,

the recommendations of the committee were endorsed by the Democratic State Convention at Waco.

At regular session of the Thirty-sixth Legislature, 1919, one important consolidation act was passed—the Board of Control Act. By this act, twenty-three separate agencies were abolished and their duties transferred to the Board of Control. The agencies abolished were: Board of Public Printing, Expert Printer, Purchasing Agent, Board to Advise Purchasing Agent, Superintendent of Public Buildings and Grounds, Inspector of Masonry, Public Buildings and Works, and the governing boards of seventeen eleemosynary institutions.

In 1920, the Democratic Convention again went on record in its platform in favor of consolidation of overlapping departments.

Governor Neff made administrative consolidation a feature of his legislative program, and in a special message to the legislature on January 28, 1921, recommended (1) Division of agricultural work of the state so that educational matters should be handled by A. and M. College and administrative questions should be handled by the Department of Agriculture, (2) Consolidation of the Warehouse and Marketing Department with the Department of Agriculture, (3) Pure Food Department with the Department of Health, (4) Intangible Tax Board and the Tax Commissioner with the Railroad Commission and the Comptroller's Department, (5) Industrial Welfare Commission with the Labor Department, (6) Board of Agricultural Experimental Substations with the Board of Directors of A. and M., (7) Mining Board and Mining Inspector with the Department of Labor.

In July the Governor renewed his recommendations regarding consolidations to the special session of the legislature.

The net results of the Governor's program for reorganization were: the abolition of the Board of Pardons, by executive order, the consolidation of the Pure Food Department with the State Board of Health, abolition of governing board for agricultural experimental substations and

transfer of its duties to Board of Directors of A. and M. College, and the abolition of Industrial Welfare Commission, by acts of the legislature.

Let us now see what could be accomplished in the Texas State Administration by applying to it the standards of reorganization worked out in other states. The seventy-six separate, and to a large extent, independent agencies, could be grouped, according to function, into eleven major departments. Each department would absorb a number of these agencies and they would become bureaus in the enlarged departments. An outline of the proposed departments and the agencies they would supersede would be as follows:

1. DEPARTMENT OF STATE.
Secretary of State, minus functions relating to corporations.
2. DEPARTMENT OF LAW.
Attorney-General.
Assistant Attorney-General in the Court of Criminal Appeals.
3. DEPARTMENT OF MILITARY AFFAIRS.
Adjutant-General.
Ranger Force.
4. DEPARTMENT OF PUBLIC LANDS.
Commissioner of the General Land Office.
Board of Examiners of Land Surveyors.
5. DEPARTMENT OF FINANCE.
Tax Commissioner.
Intangible Tax Board.
Board to Calculate Tax Rate.
Treasurer.
Depository Board.
Auditor for the Prison System.
Division of Purchasing, Printing, Budget, and Accounting of the Board of Control.
Board of Public Accountancy.

6. DEPARTMENT OF HEALTH.

Board of Health.

Health Officer.

Anatomical Board.

Supervision of Pasteur Institute and Tuberculosis Sanitorium.

Boards of Examiners for the following professions: dentistry, embalming, medicine, nursing, pharmacy, veterinary medicine, optometry.

7. DEPARTMENT OF AGRICULTURE.

Live Stock Sanitary Commission.

State Veterinarian.

State Forester.

Expert Entomologist.

Commissioner of Markets and Warehouses.

Game, Fish and Oyster Commissioner.

Board of Water Engineers.

Reclamation Engineer.

Administrative work in agriculture now performed by A. and M. College.

Board of Examiners for Cotton Classing.

8. DEPARTMENT OF TRADE AND INDUSTRIES.

Commissioner of Insurance and Banking.

Fire Insurance Commission.

Fire Marshal.

Commissioner of Labor Statistics.

Industrial Accident Board.

Industrial Commission.

Mining Board.

Inspector of Mines.

Railroad Commission.

9. DEPARTMENT OF PUBLIC WORKS.

Highway Commission.

Highway Engineer.

Division of Design, Construction and Maintenance of the Board of Control.

Board for State Parks.

10. DEPARTMENT OF EDUCATION.

Superintendent of Public Instruction.
Board of Education.
Text-Book Commission.
Library and Historical Commission.
State Librarian.
Legislative Reference Librarian.
Board of Library Examiners.
Board of Examiners for Teachers.
Normal School Board of Regents.
Supervision over following institutions now under Board of Control:
Texas School for the Blind.
Deaf and Dumb Institute.
Deaf, Dumb and Blind Institute for Colored Youths.
Orphan's Home.

11. DEPARTMENT OF PUBLIC WELFARE.

Prison Commission.
Supervision over following institutions now under Board of Control:
Juvenile Training School for Boys.
Girls Training School.
Confederate Home.
Confederate Woman's Home.
Epileptic Colony.
Farm Colony for Feeble Minded.
Five insane asylums.
Bureau of Child and Animal Protection.

Under the plan of reorganization just outlined the Governor would appoint the directors and assistant directors of departments without the confirmation of the Senate to serve during his pleasure. Subordinate employees would be selected under civil service merit rules. The term of the Governor would be extended to four years and his salary raised to \$12,000 a year. Thus the Governor would become the head of a unified, responsible administration and would, in fact, be the real head of the state government.

Only the Governor, and perhaps an auditor, would be elected by the people. The office of Lieutenant-Governor would be abolished and the succession of other state officers provided for by law.

Salaries proportional to their duties should be paid to the directors of departments from \$5,000 to \$7,500. Departments should be divided into bureaus, each in charge of a competent chief.

To adopt such a plan of reorganization would require several changes in the constitution, but many of the recommendations could be carried out with only statutory changes.

The adoption of such a plan of reorganization would make the Governor the head of a responsible state administration and bring about economy by the abolition of many useless and unnecessary offices and boards; and further relief to the tax payers would undoubtedly result from the work of an efficient and unified administration.

PROBLEMS OF LOCAL GOVERNMENT

HERMAN G. JAMES, J.D., PH.D., PROFESSOR OF GOVERNMENT,
UNIVERSITY OF TEXAS

The problems of local government may be regarded as of primary concern to the citizen from at least two points of view. In the first place local government is the aspect of government with which the ordinary citizen comes into most intimate and continuous contact, and which in ordinary times spends more than twice as much of the citizens' money as the state and the nation combined. In the second place, it is the division of government in which the individual voter can exercise the largest amount of control and in which, therefore, active and intelligent citizen participation is best rewarded, and civic apathy and indifference are most heavily penalized in the character of the government attained.

The chief problems of local government may be grouped into three main classes: problems of organization; problems of powers; and problems of the relation of local government to state government. From another point of view the problems of local government may also be divided into those of urban areas and those of rural areas. But the three groups of problems first mentioned are by no means unrelated when considered with reference to either one of the two types of governmental areas last mentioned, nor are the problems of the two types unrelated to each other. For purposes of convenience, however, they may be considered under the main heads indicated.

In an agricultural state like Texas the greater part of the population knows and lives under the one form of local government only, the rural type. Furthermore, all the rest of the population, whether living in incorporated towns of two hundred inhabitants or even less, or in cities of over a hundred and fifty thousand, participate in and bear the

expenses of this primarily rural type, namely county government. The problems of county government, therefore, although barely recognized and all but wholly ignored, may be said to constitute the most important type of problems of local government confronting the citizens of this state.

County government in Texas, regulated in the minutest detail by constitutional and legislative provisions, is the outcome of the adoption in this state of the county system typical of the Southern states at the time Texas became independent of Mexico and entered the Union. Changed but little from its original form as introduced into this country from England to meet pioneer conditions, it is ill adapted to the needs of to-day.

As regards its organization the Texas county is burdened with a complex, inefficient and irresponsible form of government. The organization is complex because the constitution and the laws require a large number of officers, whether the county have a few thousand or more than a hundred thousand inhabitants. It is inefficient because many of these officers have technical duties to perform which should require qualifications that cannot be secured in officers by the method of popular election, the plan whereby practically all county offices are filled. It is irresponsible because the county authorities are independent of each other, independent of state control even though they have state functions to perform, and independent of popular control because of the indifference of the great mass of voters as regards the filling of county elective offices. As regards its powers, county government in Texas is illogical and impotent; illogical because of the fusion of state and local functions in the hands of county authorities, impotent because the county is given neither adequate powers nor adequate financial resources properly to serve the local needs of the population. As regards its relation to the state government the Texas county is charged with important state functions to perform, but no adequate control is provided whereby the state can protect its interests against lax or inefficient performance of those functions.

City government in Texas may be said to have two fairly distinct phases, one relating to towns and to cities with less than 5,000 inhabitants, the other to cities of more than that population. The towns and smaller cities are not faced with serious problems of organization, partly because of their limited size, and partly because some variation is permitted under the laws. But they are faced with serious problems of powers. Neither the extent of powers conferred upon them, nor the means of revenue allowed them, are broad enough to meet the requirements that are made upon them. On the other hand, in the performance of functions in which the state has a vital interest, the means of inspection and control are inadequate.

The cities with more than 5,000 inhabitants have, since 1912, been accorded a very full measure of control over their organization. They are face to face with the responsibility as well as the power of providing a form of organization which will best meet their local needs. This problem of charter making is the most interesting if not the most vital of the problems facing the larger cities of Texas, of which there were according to the last Census fifty-nine. As regards powers, the "home-rule" cities are in a more fortunate position than the smaller places, but they are still rigidly limited as regards revenues and taxation, and these financial restrictions operate to make many of the powers granted them illusory. As regards their relation to the state, it is to be noted that while these larger cities enjoy what is termed "home-rule," they are as a matter of fact at the mercy of the legislature both as regards organization and powers, as well as duties, provided only the legislature acts by general law. So far the legislature of Texas has not been inclined to limit the broad powers extended under the Home Rule Enabling Act of 1913, but that Act is not only obscure but is subject to amendment or repeal at any time.

Finally, it may be noted that among the problems of local government in Texas, there is the one regarding the proper

relation between the county governments and the governments of the cities that lie within them. In the larger cities of this state this problem is becoming acute and in need of immediate careful and intelligent consideration and solution. The solution of all these problems of local government in Texas is vastly complicated by the fact that the state constitution covers many details that should have been left to legislation, and which, therefore, cannot be altered save by the almost impossible method of constitutional amendment.

NOMINATING PROCESSES

P. ORMAN RAY, NORTHWESTERN UNIVERSITY

The speaker began by referring to President Harding's recent speech in which he expressed the hope that we should soon witness a very general return to the old convention system of making nominations for public office, and to the fact that in the messages of a number of governors last year and in the proceedings of numerous state legislatures vigorous assaults were made upon the direct primary. These facts combine to make it pertinent at the present time to re-examine the convention system of making nominations and to ask ourselves whether it is wise to go back to it, or to retain the direct primary, faulty though it may be.

After outlining the theoretical advantages of the convention system, which prevailed generally throughout the country in the last century, the speaker went on to show in some detail what serious defects and evil practices had come to characterize the convention system nearly everywhere by the opening of the present century, and as a result of which states have rapidly adopted, in the last decade or two, the direct primary, until today there are only half a dozen small states without the direct primary in some form.

The defects of the convention were shown to consist in (1) the unrepresentative character of the delegates oftentimes, especially in the largest cities; (2) the opportunities afforded for the corruption of a few delegates, especially in a close race; (3) the unscrupulous use of proxies by absentee delegates; (4) the fraudulent seating of contesting delegations; (5) the high-handed conduct of convention proceedings by unscrupulous chairmen; (6) the complexity of the convention system in the larger states; and (7) the frequency and ease of boss or machine control. These were the conditions, said the speaker, which have led to the very general supplanting of the convention system by the direct primary, in which candidates are nominated *directly* by the

voters, instead of *indirectly* by representatives called delegates, as under the convention system.

It is to that sort of an institution that many politicians are asking us to return; and the New York legislature accepted their invitation last year to the extent of restoring the convention for the nomination of state executive and judicial officers. Unless, however, some guarantees can be given that the *restored* convention system will not prove to be as bad as the old system was, the speaker was strongly of the opinion that we might better frankly face the defects of the direct primary (and admittedly they are numerous), and then make every possible effort to improve that institution before abandoning it. In fact real thorough-going improvement of the direct primary has as yet scarcely been tried.

The *outstanding* defects of the direct primary, the speaker said, were (1) the expensiveness of the system to the taxpayers, and (2) the absence of open, official, and responsible party leadership. He believed that these could be very largely eliminated, but warned that in suggesting plans for improvement of the primary the creation of new complications should be carefully avoided; *simplification and elimination* are needed, rather than the introduction of novel devices for the voters to master. He then went on to outline a plan which he felt met this condition, and which is largely based upon the Hughes-Saxe plans proposed a few years ago in New York. The *gist of it* is the elevation of existing party committees into *nominating* committees, but reserving to the rank and file an opportunity to substitute other nominations whenever the work of the nominating committee proves unsatisfactory to a large group of party members. The plan submitted was as follows:

(1) Elect all party committeemen by direct vote of the party voters, preferably for a two or four-year term; party enrollment to take place at the time of registration. Where personal registration is not required, party enrollment can take place at some regular election.

(2) Candidates for the principal state offices, and for congressional offices, to be selected by the *state committee*

of each party. Candidates for district county or local offices to be selected by the *district, county or local party committee* concerned.

(3) All such selections or designations should be published about three months before the date for *the election*, in order to give time for the party referendum, provided for in paragraph (5), if one should be demanded, as well as for the final campaign.

(4) If the committees' nominations are *acceptable* generally, to the rank and file, no primary need be held, thus saving needless expense to the public as long as the party committeemen work with a fair degree of satisfaction.

(5) If, however, any nomination made by a committee is disapproved by a considerable body of party voters, they should have an opportunity to appeal from the action of the committee. This appeal should take the form of a demand for a party referendum or primary and the presentation of substitute nominations by the appellants. Such an appeal should be taken within one month after the publication of the committee nominations, or about two months before the final election. The referendum primary would be conducted substantially as primaries now are conducted.

(6) *The procedure* for a party referendum on nominations, should adhere as closely as possible to the usual referendum procedure with which the public is fairly familiar. The following procedure is suggested:

(a) In the case of nominations by *state central committees*: petitions for a referendum should be signed by ---- per cent of the party voters, twenty-five (?) of whom shall become the *official sponsors* for the candidates brought forward as contestants or substitutes.

(b) In the case of nominations by district, county, or local committees, a proportionally smaller number of names should be required for the referendum petition, also fewer sponsors.

(7) Whenever a referendum results in a victory for the contestants, their names would of course go upon the official

ballot in place of those previously nominated by the party committee.

No attempt has been made to fit the plan outlined above into the details of any direct primary law; but it is believed that the essential features of the plan could be fitted into almost any well-drawn direct primary law.

The plan is admittedly not without its defects; at the same time it seems to possess *the following merits*:

(1) Friends of the direct primary get what they most highly prize under that system, namely, a better opportunity than under the convention system for the rank and file to exert an influence directly upon the choice of party candidates.

(2) Party leaders get what they desire, or pretend to desire, under the convention system, namely, reduced expenses for candidates and organizations, a freer hand in picking candidates, and the chance to arrange a "well-balanced" ticket.

(3) The rank and file elect, and therefore may reconstitute, the party nominating committees; and through the referendum may veto unsatisfactory nominations put forward by the committees.

(4) Positions on party committees are made more conspicuous and more attractive by being made more powerful; and this fact will tend to evoke greater interest among the voters in the choice of party committeemen, and keener competition for membership on those committees.

(5) Where the selections put forward by the party committees are on the whole satisfactory, the holding of primaries will be unnecessary, thus effecting a great saving to the taxpayers.

(6) Open, official and responsible leadership in selecting party candidates seems to be insured to a far greater degree than under either the direct primary, as now constituted, or under the old convention system.

ELEMENTS OF A COMPLETE PENAL SYSTEM

CHARLES SHIRLEY POTTS, PROFESSOR OF LAW IN THE
UNIVERSITY OF TEXAS

Before taking up the elements that should compose a prison system, I should like to emphasize the importance of preventive agencies. It is very much more difficult to cure crime than to prevent it, just as it is more difficult to cure disease than by proper sanitation to avoid the necessity of curing it.

The fundamental preventive agencies are the home, the church and the school. But unfortunately, these agencies are not sufficiently well developed to prevent the growth of criminal tendencies on the part of the rising generation. Every juvenile delinquent and every older criminal stands as a reminder of the fact that these fundamental social agencies are not perfect, but allow many members of society to slip by, and develop criminal careers. It is very important, therefore, that other child-saving agencies should be developed, such as the juvenile court, effective probation officers, detention schools, and reform schools for the more wayward and criminally inclined.

It is a well established principle that imprisonment should be avoided as far as possible, for every person who suffers a jail or prison sentence is branded as a jail-bird and, to a large extent, loses the last elements of self-respect, upon which alone character can be built. It is, therefore, desirable to make use of fines and of the suspended sentence, combined with probation and restitution, wherever possible, as a substitute for imprisonment.

As to the suspended sentence, as it exists in this state, I wish to say that unless it can be radically amended, I quite agree with Governor Neff that it should be repealed. As it operates in actual practice, it is little else than a means by which shrewd criminals escape from the clutches of the law and go out to engage again in their criminal practices. I have no doubt that a large part of the crimes that now

disgrace our state are being committed by persons out on suspended sentence. In my judgment the suspended sentence should be granted only upon the discretion of the judge—though the constitution would have to be changed, to authorize this—and upon the following conditions: First, that the offender should find someone in the community who would stand for his good behavior; second, that he should not leave the jurisdiction of the court without the permission of the presiding judge; third, that he should report weekly to the probation officer or other responsible person, acting as “Big Brother” to him, giving an account of his earnings and his conduct during the week; fourth, that he should make restitution whenever possible for the property stolen or destroyed, or the injury done by him; fifth, that the sentence suspension should be terminated and the sentence put into effect whenever the offender is found engaged in riotous living or commits any crime, whether felony or misdemeanor, involving moral turpitude. With these modifications, our law would be brought into harmony with the law and practice of New York and other states, and would become, in my judgment, an important social agency and means of saving from disgrace and a criminal career a great many worthy young men.

Where the preventive measures suggested above fail, and it becomes necessary to restrain the individual, a number of different grades of institutions should be established.

1. There should be reform or industrial schools for delinquent boys and girls, which should always be schools in fact, and not at times juvenile penitentiaries, as our school at Gatesville was during the first twenty-five years of its existence. Here the wards of the state should be put through a rigorous but kindly course of training and discipline that would as far as possible, supply for them what they failed to get in many cases—through no fault of their own—from the home, the church and the school.

2. The county convict system, as it exists today, giving rise, as I believe, to quite as many abuses and cruelties as have ever existed in the penitentiary system, should be

abolished in toto, and district farm and industrial colonies should be established and maintained by the state, the counties paying the expenses of maintaining their criminals in these colonies. Such a system would bring together a sufficient number of individuals to make possible the economies obtained only through larger institutions and would permit the development of literary and trade schools, which would enable these misdemeanants to acquire something of value as a result of their prison discipline.

3. There should be established a reformatory for young men, especially for white young men, ranging in age from seventeen to twenty-five or thirty years. These young men are still in the formative period of life corresponding largely to the ages of our college students, and by proper discipline, labor and education in the trades and industries as well as in letters, could be developed into law-abiding citizens in a great many cases. Models for such an institution are found in the reformatories at Elmira, New York, and Jeffersonville, Indiana.

4. Every prison system should also contain a reformatory for women. Every legislative investigating committee in this state has commented on the unsatisfactory provisions made for taking care of women prisoners. They are sent to a farm near Huntsville and put to agricultural labor and are given nothing that will enable them to earn an honest living when after being discharged from prison, they return, as most of them do, and take up life again in the cities and towns. Besides, courts and juries are very loath to send women who ought to be locked up, to the penitentiaries because of the very inadequacy of our arrangements for caring for and training them.

5. A general prison centrally located, with adequate land for diversified agriculture, on which the great mass of our negro and Mexican prison population as well as our whites from the rural districts, could be made to earn as far as is practicable the expense of their maintenance. These lands, in my judgment, should be suitable for the cultivation of the food crops and for stock-raising, as well as for the production of cotton, so that the prison system would produce

its own bread and meat and dairy products—in fact, so that it would become, to a large extent, self-sustaining.

But even in this general prison, intended for the older convicts, repeaters, life-termers, and the like, discipline should be firm but humane, and financial consideration should never be allowed to over-shadow and obscure the fact that prisons exist for the protection of society, partly by locking up the criminal, and partly by reforming him, and equipping him with a trade or other industrial training so that he can earn an honest living, and ultimately be permitted to return to society.

6. Parole and Probation: As far as possible, no prisoner should be discharged from any reformatory or prison until work suited to his training and ability is found for him. He should be sent directly to his employer who alone in the community should know of his prison record, and who would agree to report from week to week and month to month, the progress made by the paroled prisoner. These employers should be carefully selected, because of their honesty, their reliability and willingness to help the man who is down and out.

To carry on the work of finding such employment and of supervising and visiting the paroled men, a number of parole agents should be employed to give all their time to the work, under the direction of the parole board. For many years we have had a parole law on the statute books, but no machinery adequate for putting the law into effect, has been developed, and such use as has been made of the law, for the most part, has been to turn the men over to employers seeking cheap labor, who have for years, exploited the paroled men for their own benefit. According to the report of the Board of Prison Advisers, no reports have been received from many of these paroled men and some of them have been entirely lost sight of.

It can not be too strongly emphasized that parole is not an instrumentality for putting long-term prisoners out of the walls for exploitation by private individuals, but is only

intended for men soon to be discharged, and is not expected to cover more than a period of two or three years, parole being the means by which the prisoner is accustomed by degrees to the freedom of the outside world preparatory to final discharge.

A TAX SYSTEM FOR TEXAS

E. T. MILLER, PROFESSOR OF ECONOMICS, UNIVERSITY OF TEXAS

The main tax in the present tax system of Texas is the general property tax. Under it all kinds of property, except such as are exempt by law, are supposed to be taxed uniformly and equally. It is assessed by locally elected assessors who are practically entirely unsupervised or directed by any state board or commission.

The first outstanding defect of the operation of the general property tax in Texas is the lack of uniformity among the counties in the proportion of assessed value to true value of property, especially land and livestock. There are two remedies proposed for this defect. One is a state board of equalization or a state tax commission. Such an agency should have many duties, but among them should be that of equalizing assessed values throughout the state. The other remedy is complete separation of sources of state and local revenues, or the plan under which the state would derive its revenues principally from corporation and inheritance taxes. In 1920 there were only three states having a direct tax on property which did not provide for state-wide equalization. These states were Florida, Rhode Island and Texas. There were at that time also only three states which had complete separation of state and local revenues. These were California, Delaware and Pennsylvania. The prevailing tendency is for states to have tax commissions with the powers of equalizing values, of assessing corporations, such as railroads and other public utilities, whose property is inter-state or inter-county, of administering the inheritance tax, and of directing and supervising county or local assessors. Such a commission is one of the prime needs of the Texas tax system. Complete separation of sources has both advantages and disadvantages. Its adaptability to a state like Texas is yet to be established.

The second outstanding defect of the operation of the general property tax in Texas is the escape of personal

property from taxation. The farmers because they are the owners of most of the land and of the visible, and therefore easily assessed, personal property are overtaxed for state purposes as compared with the residents of towns and cities. The chief explanation for the breakdown of the property tax as applied to personal property is the high tax rates. Three remedies are proposed for this second defect. The first is more stringent administration. All tax history—American and European—is against this proposal. It is the idlest of dreams to hope to get personal property on the rolls to be taxed at the same rates which apply to real property. At the same time, real property needs to be relieved of the excessive tax burdens it is bearing, and the tax ability of owners of personal property should be reached.

The second remedy is classification of property for purposes of taxation, with either different rates or different percentages of assessed to true value for the different classes of property. This plan is found in its most complete form in Minnesota, and to a less extent in Maryland, Pennsylvania, Rhode Island, the District of Columbia, Iowa and Kentucky.

The third remedy is a state income tax. This tax has been finding popular favor since 1911 and it is now to be found in Wisconsin, New York, Massachusetts, Oklahoma, Missouri, Delaware, North Carolina, Mississippi, Virginia, and New Mexico. It is not equally successful in all of these states. The conditions for its success appear to be that it is a tax which is in lieu of any property tax on intangible personal property, such as money, credits and securities, and on some forms of tangible personal property; that the rate or rates are moderate; that the yield is distributed between the state and the local units, and that there is central, and not local, administration of the tax.

Sooner or later Texas must choose between classification and a state income tax. The latter seems to be the more promising, but without central administration it would not only be no better but would probably be worse than the present personal property tax. One important reason for

a state income tax is that it reaches tax ability, such as large labor and professional incomes, which is not adequately represented by property and which the present property tax does not reach.

Texas taxes corporations and other forms of business organization by means of the general property tax, license taxes, gross receipts taxes, a franchise tax, and a capital stock tax on the Pullman Company. Railroads are subject to taxation on their intangible values as well as on their tangible property, with the result that they are overtaxed as compared with other property and business. One of the most conspicuous defects of the Texas method of taxing business is the lack of the assessment of the property of railroads, excepting their intangible assets, of telegraph, telephone, pipe line and similar businesses by a central agency. The unit method of assessment should replace the piecemeal method of assessment by local assessors. The gross receipts rates are probably guesses; they do not represent careful attempts to have the businesses taxed in part in this way taxed on the whole on an equality with general property. The Model System of State and Local Taxation recommended by the National Tax Association provides for two taxes on business; namely, a tax on tangible property and a net income tax. There is the reservation by the association, however, that if a state has either a good system of ad valorem taxation, as have Wisconsin and Michigan, or of gross receipts taxation, as have California and Minnesota, these taxes should not necessarily be replaced by the proposed taxes. There are the further reservations that certain license taxes might be retained, and that banks, mines, and forests may call for special treatment. The decision on all these matters should be made in Texas only after considerable investigation and study.

There is a place in the Texas tax system for taxes like the severance taxes of Louisiana. Only oil is at present similarly taxed in Texas. The best tax opinion agrees that a generous share of the wealth from the exploitation of the natural resources like oil, gas, timber, coal, sulphur, should

go to the state. The proceeds of such taxes should be constituted a building fund for the higher educational institutions.

The remaining taxes of the Texas tax system are the inheritance tax and the poll tax. Texas has a collateral inheritance tax, locally administered. In 1920, of the forty-five states employing the inheritance tax only three did not apply the tax to direct heirs. Besides extension to direct heirs, with very liberal exemptions and low rates, there should be central supervision or control of the administration of this tax.

Texas is one of the few states which make use of a state poll tax and is one of the fewer number which require its payment as a condition to voting. Other than revenue considerations prevail here, and if for the sake of these other considerations the tax should be retained, its payment might be counted as a credit towards the income tax, if the latter should be adopted. As a revenue measure there would be little justification for the poll tax alongside of an income tax.

The constituents of a good tax system for Texas then would be a light state tax on real property, largely for educational purposes; an income tax in lieu of the property tax on most forms of personal property; a business income tax for some businesses and either advalorem or gross receipts taxes for other businesses, especially for public utilities; a direct and collateral inheritance tax; special taxes on those exploiting the natural resources; and the administration or supervision of all of these taxes by a strong tax commission. Counties, towns, cities and other local units would draw their revenues from taxes on real property and certain forms of tangible personal property, from license taxes, fees and special assessments. The state might find it necessary to divide the yield of the income tax with the local governments.

THE PLACE OF THE COURTS IN THE AMERICAN SYSTEM OF GOVERNMENT

C. P. PATTERSON, ADJUNCT PROFESSOR OF GOVERNMENT
UNIVERSITY OF TEXAS

The important place of American courts in our system of government is not generally appreciated. The American courts are the most heavily burdened department of our system of government. This is due to the fact that all American legislation is subject to judicial review. There have grown up in the last quarter of a century in the American system of government a great many boards and commissions, whose rulings have also been subject to judicial review. The American courts in this capacity have become in the continental sense administrative courts. Again the conflicts between the national agent and state agents of government, brought about by legislation on the part of any of these agents, in the end are settled by the court. It has thus happened that the American judiciary has been forced to perform a great many functions, which European courts are relieved of by virtue of administrative courts, the unitary system of government, and the lack of judicial review. It becomes apparent, therefore, that the American system of government can function efficiently only when the courts are in a position to function in an entirely satisfactory way. The breakdown, therefore, of the American judiciary becomes almost an alarming problem in the administration of American law. The problem of law enforcement, which is one of the most serious issues in the American states, therefore becomes, in the final analysis, a matter of judicial reconstruction.

THE CHIEF FACTORS IN THE PROBLEM OF JUDICIAL RECONSTRUCTION

I. *The Improvement of Legislation*

Since a great deal of the burden from American courts lies in the fact that a large amount of hasty and unscientific legislation has to be adjudicated by them, the improve-

ment of the character and the lessening of the volume of legislation is the first step in the solution of this problem. It has been repeatedly pointed out that our state legislatures enact entirely too many laws. It is generally recognized by students of civil government that a large portion of these laws is not only useless, but also very poorly constructed. It frequently happens that such legislation is absolutely contradictory in its terms. It becomes then the function of the courts to give character and meaning to such legislation. The reconstruction of state legislatures to solve this problem is the initial step in the better enforcement of our law. We need fewer laws and better laws. The chief factors in the improvement of state legislation are:

(1) The improvement of the personnel of the state legislature by the establishment of one-house legislation of a relatively small membership.

(2) The paying of sufficient salaries to this membership to enable it to take sufficient time to legislate in a careful manner.

(3) The establishment of a drafting and revision bureau in connection with state government to which all proposed legislation should be referred at its introduction into the house and after its passage by the house in order that laws may be so worded as to limit litigation in their enforcement.

II. *The Abolition of the Elective System of Judges*

The elective system of state judges has not proved satisfactory. In the first place it is doubted that the masses of voters are capable of selecting such experts as judges should be. It is also contended that the judicially-minded person dislikes the idea of going on the stump in the muddy waters of politics to campaign for a judicial office. In the election of the judges of the lower courts, where the matter is a district problem, it is entirely too easy for one or two political bosses to control the election of such judges. There is certainly no element in judicial administration that is com-

patible with this situation. It has also happened that popularly elected judges have been forced to consider their reelection in the performing of their functions as judges and that this factor has conditioned the administration of law unfavorably. In Texas it has especially influenced the role that the judge plays in judicial procedure. It has been stated that the district judge is the most important official connected with modern government because the lives and properties of the great mass of citizens pass through his court every generation. Such an official should be so securely fixed in office as to enable him to have such independence of mind and position as to make him free to administer the law according to the highest ideals of justice.

III. *The Technicalities of Procedure*

It is known by all students of law that American courts are seriously handicapped in their functions by a very technical procedure. From the filing of a case to its final adjudication, there are innumerable forms and practices that must be satisfied by mathematical accuracy. The slightest error in words, either in spelling, omission, or insertion, may cause a case to be delayed to the next term of court or even to be granted a hearing by a higher court. The slightest negligence of a stenographer may thus work almost irreparable damage to clients by virtue of the fact that substantial justice is not the end sought, but the slavish satisfaction of mere forms. It is generally known that it takes an expert lawyer with years of experience to be able to comply with these forms. A very large percentage of re-trials and appeals are based upon errors in procedure rather than the lack of giving substantial justice. Any system of procedure that makes form rank above the proper ends to be obtained is certainly a serious handicap for judicial administration.

IV. *Weaknesses of the Jury System*

The American system of trial by jury is possibly the greatest barrier in the enforcement of our laws. The chief

defects in trial by jury as practiced in American state courts are:

(1) A great many of our substantial citizens are excused from jury service by the law.

(2) Popularly elected judges do for one reason or another excuse a great many men from jury service.

(3) There are around all courthouses a set of professional jurors, who make their living this way and who maneuver in every conceivable way to be selected for jury service. It thus happens that the better class of American citizens do not sit in the jury box. It has been well stated that the chief end of the law is to put twelve good and lawful men in a box. Our system fails almost entirely in this respect.

(4) The juries in the American cities have usurped almost entirely the old processes of trial by jury. The judge no longer conducts the trial but merely acts as a moderator. Justice, or rather the lack of justice, too frequently, therefore, becomes the result of two teams of shrewd lawyers playing for the verdict of a jury made up of the most incompetent citizens of the community.

(5) In Texas where there is no difference between the common law and equity proceedings, the use of the jury has been extended to cases in equity. The abuses, therefore, have been aggravated by this combination

(6) Another factor that differentiates the American jury from the English is the heterogeneous character of our citizenship. It not infrequently happens that Italians, Mexicans, negroes, Swedes, Germans, Englishmen, Americans, and whatnots are found in the same jury. It is inconceivable that such a polyglot would have a common conception of justice and be able to reach the unanimity required for jury verdicts.

The most conservative students of our jurisprudence are suggesting reasonable modifications of the jury system. These usually take the form of:

(1) The improvement of the personnel of the jury by a more rigid selection of jurors.

(2) The limiting of the use of the jury in civil procedure.

(3) The abolition of the jury in petty criminal cases.

(4) The requirement of only a three-fourths majority of the jury for verdicts in certain types of cases.

V. *Too Many Appeals*

The multiplicity of appeals and opportunity for re-trial that are found in our state courts, the Texas courts being especially characterized by this feature, works for the advantage of the rich litigant, and for the criminal, whether he be rich or poor. The rich litigant is thus able to wear out his opponent by appealing his case through the entire system of courts. The individual who is not financially able to pay this expense must stop his case and be satisfied with a decision that he may not regard as justice. The rich criminal can also secure repeated trials and hope for hung juries and finally acquittal.

VI. *The Inferiority of the Lower Courts*

The most casual examination of the system of state courts shows that the lower courts, which have charge of most of the litigation, are not only so called "inferior," but so in fact. It is these courts that serve the most numerous class of litigants. Their jurisdiction is frequently equal to a man's life or his property. Justice would demand for this most numerous class of litigants that these courts be as capable and efficient as the supreme courts of the state. In fact since these litigants represent the great mass of our population it is unfair for a great state like Texas, which should function in the interest of the masses of its citizens, to deny justice, not by limiting the opportunities for litigation, but by the process of litigation. It is, therefore, maintained that the lower courts of the state ought to be reconstructed in such a way as to provide honest and efficient judges for the lower courts. These courts ought to

have such a dignity as to justify the best legal talent to practice before them. Under the present system such courts are presided over by inferior judges and the best lawyers never practice before these benches.

THE ESTABLISHMENT OF COURTS OF CONCILIATION AND ARBITRATION

Courts of conciliation and arbitration should be established as part of a county system of courts for the purpose of settling a great many civil disputes, which are frequently not proper matters for judicial adjustment. These courts should be given a limited compulsory jurisdiction as a prerequisite for judicial consideration. An honest effort at conciliation should be required before matters of jurisdiction of these courts could take the form of judicial procedure. The decisions of these courts should be issued by the county court as its own decision. In fact there is among business men in industrial communities a great deal of unofficial conciliation and arbitration. Such matters ought to be made a part of regular judicial procedure.

A PROPOSAL FOR AN ADMINISTRATIVE SYSTEM FOR THE COURTS

I. Judicial Council

It is proposed that a judicial council consisting of the senior justices of the courts, the president of the state bar association, and three members elected by the state bar, be constituted a judicial council, which should be the administrative council for the system. The chief justice of the state should be ex officio chairman of this body, which should serve without pay. It should be the duty of this body to nominate from the best lawyers of the state from three to five persons for each vacancy that develops in the state judges. From this list the governor should be compelled to appoint with the advice and consent of the senate or

with the approval of the state legislature, if it should be a unicameral body.

It also should be the duty of this body to study the system of courts as it works and to make proposals to the state legislature for a modification of that system as experience dictates. It should propose a liberal practice act to the legislature, over which the supreme court of the state should be given control of the procedure of the court.

II. *State Legal Aid Society*

A state legal aid society should be established with locals in every community to aid in the administration of justice to the poor. This society should be maintained by private subscription and should furnish legal aid in those cases where the litigant is not able to have his case properly adjudicated. An American citizen should not be forced to take the pauper's oath in order to get justice. No intelligent and sympathetic community can deny such service.

III. *Convocation of State Judges*

The chief justice of the state should have the power to call the judges of the state into annual convention for the study of the problems of judicial administration. This would acquaint the judges with the practices of the various courts, with the problems of judicial administration throughout the state and would permit a unification of the system.

II. PROBLEMS IN SOCIAL AND HOME WELFARE

VOTING WOMEN AND SOCIAL ISSUES

MARY ROBERTS COOLIDGE, PH.D., PROFESSOR OF SOCIOLOGY,
MILLS COLLEGE, CALIFORNIA

The difference between voting women and those who sit on domestic islands surrounded by oceans of politics which they are not permitted to navigate, is the difference between indirect and direct power and functioning. Intrigue and influence as means to attain political ends have the charm of gambling but are more and more coming to have a sinister color. In practical politics, as a matter of fact, personality, persuasion, and finally, pressure on the part of the citizen are all required to make any substantial progress in a world dominated largely by material aims.

In the latter part of the nineteenth century moral issues became social issues and now are in process of becoming, one by one, political issues. Anything whatever relating to decency and social welfare, even the methods and the amount of profit in industry, may become a burning political question as soon as there arises an intelligent minority who demand that it shall be scrutinized and regulated. Not only liquor and lewdness, but when and how long the children of the poor shall work in factories and fields; what wage the worker shall be permitted to accept; whether the water supply shall be taken from a community without redress; whether the farmer's land shall be ruined with the debris of hydraulic mining; the very price of food, the quality of an egg—a storage egg—now and then may become a political issue.

While this socializing process of everything that touches our common life has been going on, women have risen from indirect to direct relations to Government. The moral issues, once their chief concern in the home, gradually became philanthropic and now political; the horizons of women's

lives have broadened to include everything that touches their children and the quality of future citizenship. At last the circle of women's powers, and the area of human life and industry are, so to speak, superimposed on each other and both are in politics.

No sooner do women everywhere come in contact with reality than they must choose what social issues are of first importance to them and to the state. Naturally the affairs nearest to them affecting their homes and children demand attention, if only because they have been most overlooked by men. It is not an accidental circumstance that women turn at once to questions of education and child protection when they come to direct political power; it merely signifies the existence of a vast subterranean body of dissatisfaction with the conduct of politics for personal ends. By maternal temperament, by necessity, by vocation, they are idealists and reformers; and as they become familiar with larger matters they will apply themselves to socializing even the Courts and the Legislatures. Since women are the central unit of the family and the household and since politics and legislation affect every item of the budget and the welfare of the household, it would be a calamity if women citizens confined their efforts to cleaning up town governments and promoting local schools. They must gain a wider vision and believe with Walt Whitman that "Nothing is alien to me." This is not easy. Enlarging the mind is like developing the muscles, a process accompanied with growing pains. Re-education in adult years is a far more difficult matter than proper development in childhood, whether for women or immigrants, but it brings profound intellectual joy that the child can scarcely have.

Two important social issues which have been transferred from the area of philanthropy to the field of legislation and politics in this decade are: What shall be done to protect our physical integrity from the racial menace of Mental Defect? How may we protect women in industry from their own ignorance and from exploitation? Each of these is a humanitarian issue long discussed but only lately come into

the field of political controversy and each has been neglected by men.

I direct your attention first to the colossal social burden which the feeble-minded constitute. It is only within our generation that psychologists have been able to measure degrees of mentality accurately and only recently that the ordinary person has heard discussion of the various classes into which the sub-normal are divided. The idiot at the bottom and the imbecile somewhat less feeble-minded are relatively few and for ages have demanded some public care; but the far larger class that we now call "Morons," the slightly subnormal, and the borderline cases who are not conspicuously feeble, are the real danger to the race and constitute the tremendous problem of which we are only now becoming conscious. Consider that from one-fourth to one-third of all prisoners in jails and criminals in the lower courts; from one-fourth to one-half of women prostitutes; and a considerable section of the unemployed who are now singled out as definitely unemployed; that large group of ne'er do-wells who have what we call a "screw loose somewhere" familiar to every householder; and lastly a definite percentage of school children, from three to five per cent. of all enrolled, who are incapable of taking the school program, who clog the classes, who torment and distract the teacher; these and others allied to them are the appalling burden that bad heredity brings upon society—as one writer calls them, the Devilgrass running under all society. For these we have begun in California a statewide program of custodial care, training, segregation, and, for a limited number, sterilization. In the schools, particularly in Los Angeles, special classes are provided, and, for those who cannot maintain themselves outside, an institution for training in horticultural and farming pursuits to the extent of their abilities is maintained. But this program is only begun and the citizen and the legislator have to be slowly educated to the need of prevention and custodial care.

With regard to measures for protecting Women in Industry, the prospect is more encouraging. Fortunately for

the State, long before children were any considerable factor in manufacture, a small group of intelligent workers in a Social Settlement in San Francisco educated public opinion and got through the Legislature a child labor law so that when women began to vote they were able to start from this vantage ground on the difficult task of the protection of women workers in industry. Fortunately, too, there was a humanitarian wave in politics which brought about the appointment of a Commission of Industrial Welfare. To this commission were appointed in 1913 four unusual men who were themselves representatives in as many lines of industry and, by the requirement of the law, one woman. All were unpaid "honor" members and they very shortly appointed as their executive officer the woman member. Mrs Katherine Phillips Edson, who has recently been at Washington as one of the four women delegates at the Peace Conference, is still the executive officer of the Commission. Mrs. Edson is one of those miracles in public office that sometimes happen when governors really try to get the best citizens to serve the state. The Minimum Wage Law which had been passed by a Progressive Legislature was of the type which has been so successful in the Australian Commonwealth: The minimum wage is determined after the Commission has made an investigation of the cost of living and after the holding of wage boards and a public hearing. It also fixes the rates and conditions of apprenticeship: it has prohibited night work in certain industries and by making high overtime rates for overtime work in fish and fruit and vegetable canneries and in fresh-fruit packing houses which are exempt from the eight hour law, it has still further limited the working hours of women. It has insured proper working conditions by the issuance of sanitary orders which apply to canneries and laundries and are effective in stores.

Although at first unpopular with many employers and looked upon with suspicion by some labor leaders these regulations have proved so satisfactory to both parties that they are now accepted with slight opposition anywhere. They have served to raise the wages of the inexperienced

and they have not reduced the wages of the experienced woman; and they have vastly improved the working conditions of all grades. The success in the operation of the law is due partly to the distinguished personnel of the Commission which commands confidence; to the judicial and open attitude of the Executive, Mrs. Edson; and to the reasonable compromises which have been made on both sides. The Secretary takes the utmost care to make all the facts submitted widely known and to give this publicity time to take its full effect. When an order has been made, however, it is thoroughly enforced and not allowed to be discredited.

THE MINIMUM WAGE

W. M. W. SPLAWN, PROFESSOR OF ECONOMICS, UNIVERSITY
OF TEXAS

An increasing number of Texas women are becoming wage-earners. In 1910 about 85,000 of the 1,363,000 girls and women of Texas who had reached ten years of age were working for wages in industries other than agriculture. In 1920 there were 1,708,000 who were ten years old or more. The evidence points to the conclusion that a greater per cent of Texas women were working for wages in 1920 than were working in 1910.

Women work because it is necessary. A majority of them contribute of their earnings to the family fund. There is nothing in the contention that women do not have to work and that whatever they may receive is so much gain for them.

It is true that a young woman can live with her parents for less than if she were working away from home. This is because she receives free room, free service by those cooking and serving the meals, much free sewing and mending. She either does her own laundry or benefits from the family's arrangement for laundry. These economies are estimated to amount to about \$1.25 per week. But what right has the girl's employer to the benefits of the economies of the family? They are caused largely by the efforts of the mother. Since her toil contributes services worth about \$1.25 to the daughter, why should the mother not receive that amount from the daughter's wages or at least have the satisfaction of seeing her daughter really benefit from her mother's gratuitous service without having her wages held down because "she lives at home"?

While a woman is working, she should receive enough to support her away from home. If she lives at home, she should be able to contribute to the family budget the difference between the cost of living at home and away from home. The following has been suggested by the National

Consumers League as a minimum weekly budget for a single woman:

1. Clothing -----	\$ 4.00
2. Sundries -----	3.15
3. Board and lodging-----	8.50
<hr/>	
Total -----	\$15.65

Recent wage orders are:

Washington—\$13.50 a week for everything except public housekeeping, which is \$14.00.

North Dakota—Waitresses (country girls), \$14.50; chambermaids, \$14.20; in mercantile industry, \$14.50; in manufacturing, \$14.00; in laundries, \$13.50 to \$14.00.

Telephone operators \$12.00 in towns of less than 1800 and \$14.00 in towns of and over 1800. Wisconsin—25 cents an hour in cities of 5000 and up. Massachusetts, February, 1921, office cleaners, \$15.40.

The Industrial Welfare Commission of Texas found \$14.78 to be the average cost of living for women employed by telephone companies, mercantile establishments, laundries, and factories.

Minimum wage legislation dates back to 1894 in New Zealand. Today thirteen American states and the District of Columbia have minimum wage laws. The legislation has been enforced with great success and helpfulness in Australia, Tasmania, New Zealand, Great Britain and in seven Canadian provinces. Furthermore, we find minimum wage laws in France, Switzerland, Norway and the Argentine Republic.

Miss Dewson points out the following results of minimum wage legislation.*

1. The lowest wages have been lifted toward the level of the cost of living.

2. The industrial efficiency of both employers and employees has been stimulated. Minimum wage laws have

*Outlines for a study course, Mary W. Dewson, National Consumers League, 44 East 23rd St., New York.

promoted better organization and management. Employers have given more attention to the training and the supervision of the women in their establishments. Employers have shown increased interest and have improved the quality of their work.

3. Progressive employers have been protected from the "cut throat" methods of inefficient and unscrupulous competition.

4. The wage boards set up under minimum wage laws have promoted industrial peace.

5. Experience has won support for this legislation. Public commissions investigating industrial problems, statesmen, government officials, employers, employees, and the churches are on record that the legal minimum wage is sound and that it works.

6. Experience has removed fears as to the effects of the laws.

THE SOCIAL PROBLEM IN A TEXAS TOWN

MAX SYLVIUS HANDMAN, PROFESSOR OF SOCIOLOGY
UNIVERSITY OF TEXAS

Contrary to our general idea that the Texas town is too primitive or too fortunate a social group to be troubled by social problems, it will become evident to any one who takes the trouble to look, that the small town has its share of difficulties and vicissitudes which come to the surface as social problems. For a social problem always arises when human living together becomes difficult or involves a very painful amount of strain and friction between human beings.

The Texas town has a housing problem of a very decided, although distinct, character. The northern housing problem is one of lack of air and light; our problem is one of insufficient heating and ventilation, during the winter months, and of unnecessarily oppressive heat in the summer due to the unsatisfactory manner in which our houses are built and unreasonably jammed up against each other, in a country with ostensibly plenty of land. The frame house, a thin shell of a structure, seems to have the effect of being cold in winter and hot in the summer, with a fifty per cent chance of catching fire on the slightest pretence.

Since so many Texas towns are built around and depend for their very existence upon the operation of some railway shops, they are thereby plunged at once into the midst of the industrial struggle with its accompanying problem of unemployment.

It is needless to emphasize that health constitutes one of the most urgent of the problems confronting the Texas town. It is to be regretted that Texas is not yet within the registration area for vital statistics, for then we might have statistical proof of the impression gathered by those who have looked carefully into the situation, that our mortality and morbidity rate is higher than any well organized com-

munity can afford to permit. Living in a semi-tropical region our health problem is that much more difficult and exigent.

The problem of education is not within my immediate province, although education is *the* social problem, and because of that it has been selected for special treatment by a group of experts. But I only need to remind you that in point of education it stands thirty-seventh. It may be comforting to know that in point of ownership of automobiles we stand seventh: higher than Massachusetts, Wisconsin, New Jersey, Connecticut, and other states with an educational system far in advance of ours.

There is no Texas town save one which has ever made an attempt to face the future. The towns grow up like mushrooms without plan, without order, without any provision for the growth of population, without an adequate water supply, with a lighting system insufficient, streets and sidewalks paved at haphazard. Yet every town is making most gigantic efforts to attract inhabitants to it and when they get there they let them shift for themselves. There may be little to be said against this, except when it comes to the question of the water supply and housing. But on that score any town that refuses to make provision for any possible growth is attracting people under false pretences and creating for itself a host of problems which will cost ten times as much to solve as it would have to forestall.

But perhaps the problem that you could be made to realize more than any other is the problem of amusement and recreation for our growing children. There is no town in the state where the grown folks aren't worried over the manner in which the younger generation takes its amusement. This frantic running around in automobiles, this hysterical running after picture shows, this wild restlessness which keeps young people on the go all the time, is something which is appalling to the more serious minded parents. Now there is no doubt that a good deal of this worry is unjustified. The older generation always worries about what the younger is doing, but there is also no doubt that the younger generation of today has at its disposal a whole system of machines

which, under the guise of amusement, expose their nervous system to a most terrific strain from its earliest youth, one may even say childhood. The trouble arises, to my mind, simply from the fact that all these mechanical contrivances are there for children to use because no other method is being made to give them something else. It follows very naturally that when they are left to themselves they will do what is simplest and easiest. The natural course of modern city growth, which has effected the small town as well, has deprived the younger generation of the simpler and more spontaneous forms of amusement which their elders could indulge in. In addition, our modern life has been forced into channels of complexity, which our elders did not know. In addition the older, more rural, types of amusement have disappeared because they do not suit the jaded palate of our modern generation. The only escape from the difficulty would be a conscious recognition that young people are human beings who must be amused and it is the duty of the elders to provide them with the right kind of amusement if the elders do not wish to see them provide themselves with the wrong kind of amusement. The way out concretely, is to make as a part of the school system of every town a playground director. Such a person is trained in precisely the ways and means of keeping the young folks amused and interested under the proper control and decent surroundings. Unless we are willing to do that we have no business complaining when our young people take things in their own hand.

THE MATERNITY ACT

GRACE ABBOTT, CHIEF OF CHILDREN'S BUREAU,
WASHINGTON, D. C.

The Sheppard-Towner Maternity Act, which became a law November 23, 1921, offers a means of State and Federal co-operation in saving the lives of mothers and babies and promoting their welfare and hygiene. Studies have shown that, while efforts of local and private organizations are helping to lower the infant death rate, large sections of the country are not reached. Moreover, the death rate among mothers from causes connected with childbirth is higher in the Birth Registration Area of the United States than in any other country, save one, for which figures are available, and the rate is not decreasing.

The possibility of marked reduction in the mortality rates of maternity and infancy has been demonstrated beyond question. The maternal death rate in New York City has been reduced by from half to two-thirds, according to Dr. S. Josephine Baker, Director of the Child Hygiene Division of the city Board of Health, through instruction of mothers during the prenatal period. Infant mortality in New York City has also been greatly reduced, through the establishment of health centers and the employment of visiting nurses. In Seattle, where the even equable climate, the generally high level of wages and other favorable conditions are conducive to a low infant mortality rate, according to Dr. John B. Manning, now Associate Medical Director of Child Welfare under the American Red Cross in Europe, gratifying results have been achieved in reducing an already low rate through control of the milk supply and education of the mothers in child hygiene. He states that the number of deaths under two years of age from diarrhea and enteritis per 1,000 births has been reduced from 37.1, in 1905, to 4.3 in 1919. The rates in the months of July, August, and September, which in 1905 and 1906 were 51 and 41, respectively, in 1919 had reached the low rate of 2 per 1,000 births.

The Maternity Act authorizes an annual Federal appropriation for a period of five years. For the next fiscal year there will be available to each state accepting the act the sum of \$5,000 outright, and an additional \$5,000 plus a share of \$710,000 divided according to population, if these additional amounts are matched by state appropriations. These amounts are available to the states if their plans for carrying out the provisions of the act are approved by the Federal Board of Maternity and Infant Hygiene, consisting of the Chief of the Children's Bureau, the Surgeon General of the U. S. Public Health Service, and the U. S. Commissioner of Education. The states are to make their own plans, and the Board is directed by the act to approve them if they are "reasonably appropriate and adequate to carry out its purposes,"—namely, the promotion of the welfare and hygiene or maternity and infancy. A sum not over \$50,000 a year is available to the Children's Bureau for Federal administration.

The passage of the act was so eagerly awaited that up to March 22, four months after its passage, 36 states have signified their acceptance. In eight states—Delaware, Kentucky, Minnesota, New Hampshire, New Mexico, Oregon, South Carolina, and Virginia—the acceptance has been by act of the legislature, and twenty-eight¹ have accepted through action of their Governors, this being authorized by the act for a period extending until six months after the adjournment of the next regular session of the legislature.

¹Alabama, Arizona, Arkansas, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Montana, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.

WHAT CALIFORNIA WOMEN HAVE DONE WITH THE BALLOT

MARY ROBERTS COOLIDGE, PH.D.

What California women have done with the ballot in the last ten years is interesting not only because the direful predictions of the conservatives have failed to come to pass; but still more so because of dramatic results which not even the suffragists anticipated. Women were fortunate in coming to power on a progressive tide in politics which has been favorable to the humanitarian and moral issues vital to them, and which has encouraged them to keep clear of mere party traditions. Unquestionably, the reform of political methods and the great popular awakening which has swept the Pacific Coast in recent years, has been substantially strengthened by the women voters; but the most important thing that they have done is to raise the level of suffrage itself. And they are doing it in a very natural, dignified and effective way.

Elections were pending when women received the suffrage in 1911 and with perfect and practical logic, classes were established by women in nearly every town and city for the instruction of feminine citizens. Whereas before this time there had been no civic leagues among women there now sprang up within a year thirty such groups which first concentrated themselves on civic education and then went on to whatever local reforms their neighborhoods required.

What they have contributed may be illustrated by the work of the Women's Civic Center of San Jose, a town of 40,000 inhabitants, which has been misruled for a generation. After an investigation of official methods these fifty women were convinced that local misgovernment was chiefly due to the fact that responsibility could not be fixed on any official; and that the first remedy to be applied was a change in the type of charter.

After a compromise charter had been voted down by the people, the women of the Civic League proposed to unite all reforming factions in a single movement for a modern Charter. Under their urgency a Citizen's Charter Committee of men and women representing seventeen organizations was formed who accepted their plan to employ an expert from the University of California to write a new charter. They raised \$1000 by a house-to-house, dollar-and-education campaign; they trained women speakers in charter study classes, supplementing the political experience of men with their tact, practical sense and civic devotion. After two elections and a referendum a City Manager type of charter was adopted—in spite of the opposition of the entrenched political ring—and is now in successful operation. Thus fifty women, led by a middle-aged housewife of no political experience and no unusual education, furnished the initiative, the idealism and the persistence for a reform of which men had despaired.

The effect of the use of the ballot in quickening the minds of women of leisure to more serious issues is shown in the expanding civic sections of the Federated Clubs. The Friday Morning Club of Los Angeles, a very large and long-established club of social distinction, formerly devoted to personal culture and social pleasure, has now an influential civic section—a good-sized club within the club—which takes an active part in municipal affairs and in state legislation for the benefit of women and children.

At one election as many as forty-nine proposals were submitted and the spectacle of thousands of women meeting to hear lawyers, professors and politicians expound the affirmative and negative of each of these questions was as amazing as it was encouraging for the future of democracy.

The greatest single contribution of women to better citizenship is probably the non-partisan Forum for the discussion of public questions and the hearing of candidates for political office. In former times democratic candidates were talking to democratic mass meetings and republican to republican—though both parties were always striving

to reach the uncommitted voters. But now, preceding every election, there are definite centers provided by the women to which all candidates for office are invited. No more amusing or instructive gathering can be imagined than these assemblies of women sitting in judgment while relays of prospective office-holders pass across the stage, explaining each in turn and regardless of his party affiliation, why they should vote for him. A congressional candidate said recently that two-thirds of the audiences before which he spoke were composed of women and more than half of the meetings were arranged by them—and all strictly non-partisan, a feature which he highly appreciated because it gave him access to others than his own party.

Women are surprisingly quick, perhaps because of their experience with naughty boys, to distrust candidates who try to hypnotize the voters with loud oratory and who dodge straight questions from the floor. Their intuitions seem to make them keenly alive to the dangers of machine politics and they are more and more the despair of politicians who wish to enforce party regularity and to herd voters ignorantly to the polls. The presence of women has definitely raised the tone of political campaigns for they dislike personal attacks upon candidates and despise the wordy buncombe which is the stock in trade of the second-rate politician. Nor will feminine voters support men whose private record is crooked or indecent—an attitude which is compelling the party managers to put up better candidates. Moreover in their simplicity they demand *clear* issues and when they understand them vote conscientiously; but rather than be befogged into voting wrong they will stay away from the polls.

In their first encounter with the Legislature women citizens showed good sense in the way in which they brought their political power to bear. Instead of demanding many and impracticable reforms, the larger organizations got behind a few measures important to the welfare of women and children and ignored the hundreds of other bills whose supporters clamored to secure the "woman vote." They

sent a delegate from the Joint Women's Legislative Council to watch the session; and every legislator heard from the women of his home district what bills they expected him to support.

At four sessions of the legislature since 1911 the Women's Legislative Council have endorsed the following measures: equal guardianship of children, a detention home for girls carrying a two hundred thousand dollar appropriation, and the (Iowa) Redlight Abatement and Injunction law for the control of the social evil; effective birth registration law; an amendment to the child labor law to regulate street trades and prohibiting children under sixteen from working in certain dangerous industries; a compulsory education law keeping children under sixteen in school until they shall have passed the eighth grade; and a home teachers bill which permits school districts to employ a teacher to go into the homes to teach the English language, sanitation, domestic science and citizenship.

Owing to the four women representatives in the House during the last two sessions, the amount of educational legislation has greatly increased. The greatest single measure has been the increase of money for the elementary schools. In spite of boasts concerning public education the appropriation for elementary pupils had stood at fifteen dollars in California for forty years. At the last session, after a hard struggle, the women succeeded in raising it to thirty. Bills for part-time education, raising the amount of orphan aid and compelling the counties to provide an amount equal to that given by the State; a Bureau of Child Hygiene, which enables us to take advantage at once of the Federal Aid bill; provisions for deserted, crippled and defective children, carrying considerable appropriations; schools for the children of migratory laborers; Junior Colleges added to the High Schools; and Normal Schools turned into Teachers Colleges, so as to raise the standards of teaching. These and several minor matters have owed their initiation and their passage to the urgency of the women's organiza-

tions throughout the State, and to the resourcefulness of our women Representatives in the Legislature.

Women in California evidently do not much care to hold office. At the first state election at which they voted out of 700 candidates for office only twenty were women and fourteen of these were on the Prohibition and Socialist tickets. At present of the fifty-eight county School Superintendents, half are women; a good many serve on school boards and have been elected to other county and municipal offices, but as a rule it is difficult to find a woman who will run for office.

After ten years there are altogether about thirty women in important positions, mostly by appointment from the Governor. In almost every case the woman has been appointed at the request of some body of women or from a list suggested by their organizations, and has had to be urged to take office. It is significant that women at large will not support a candidate merely because she is a woman—they demand that she be superior to the men in line for the same office. The result of this conservative attitude has been that the women appointees have been conspicuously efficient officials.

So far in politics, California women display an unusual combination of idealism and practicability; they want clean, competent representatives, and clear, humanitarian issues; but they are also interested in the efficiency of election machinery. When they first began to vote their housewifely minds were distressed at the disorderly behavior of election officials and the inconvenience of polling arrangements. By their presence and their persistence in demanding the reform of election methods they have civilized the procedure in many precincts. As election officers they are more efficient than men in details, quicker and neater in tallying and quite as steadfast in seeing through the all-night sessions incident to national elections.

In California it is the solid, earnest, domestic middle-class women who are chiefly interested in voting on civic and political questions. They bring to the service of the state the time and intelligence of thousands of wives and

mothers whose judgment has been matured in solving the problems of family life. They desire to serve because they have the habit of useful activity and they enjoy re-educating themselves and widening their mental horizon.

Never before in the history of the world, probably has a body of newly-enfranchised persons set out immediately to study the use of the franchise and to exercise it on the basis of knowledge rather than party affiliations. This new attitude toward citizenship has rapidly enlarged the vision of home-keeping women and at the same time has provided a bond of common interest for all the members of the family. Father, mother and the children, especially as election time approaches, talk of candidates and issues.

The proof of suffrage is after all in the voting, whether by men or women; and so far women have shown themselves an addition to the voting force rather than a duplication of it. They have unquestionably a somewhat different view of life than men—a more intimate and human attitude toward social problems and a greater capacity for detail. Through the use of the ballot they are learning to grasp wider principles and they know at last the difference between direct contact and action and indirect feminine influence.

H. G. Wells has said that the social consciousness of women is an almost unworked mine of wealth for the constructive purposes of the world. The middle-aged woman, largely released from domestic cares, brings to the discussion of political affairs a fresh and essentially non-partisan point of view. She is using her intuitions and idealistic conscience to reinforce reform, to support honest officials, and to do that which men have neglected, and in California certainly, women are finding in the exercise of suffrage a larger life as well as making a substantial contribution to the unpaid service of the state.

MALNUTRITION—ITS CAUSES AND EFFECTS

JET CORINE WINTERS, ADJUNCT PROFESSOR OF HOME ECONOMICS, UNIVERSITY OF TEXAS

The term malnutrition needs to be defined and explained because it may mean many different things. For instance, malnutrition in the United States today, may mean and does mean quite a different thing from malnutrition in Russia or Austria, or any of the countries suffering from severe food shortage. We have been particularly free from any widespread nutritional disease. We have not suffered from famine with its general impoverishment of health, and we have not had a serious shortage of some food staple whose absence causes illness, as in Russia where the failure of the potato crop is invariably followed by an outbreak of scurvy, so limited is the diet of the Russian peasant in scurvy-preventing foods. We have not had large masses of our population living on so narrow a nutritive margin as to be constantly developing deficiency diseases like beri-beri, the situation in some parts of the Orient.

On the whole, because of our large and varied food supply, we have not suffered from specific diseases due to faulty diet, but we have not had the highest ideals of health. We are too prone to accept a certain amount of ill health as inevitable, or to consider ourselves well, because we are as well as we have ever been. Among our adult population, too many are as old at thirty-five or forty, as they should be ten or fifteen years later. Life insurance statistics warn us that the so-called old-age diseases, such as hardening of the arteries, heart lesions and kidney defects are, with each succeeding generation, attacking younger and younger people. They are now as frequent in people of forty as they were thirty years ago in people of sixty.

Just how far faulty diet is responsible for this, it is, of course, impossible to say, but food researches of the past decade have made us realize that food is a more directly controlling factor than we have thought. Dr. McCollum

reports, as a result of feeding white rats diets that are almost, but not quite, adequate, and observing the results through several generations, that the intervals between litters is too long, or mortality of the young is abnormally high; the time necessary to bring the young to the weaning stage is too long and signs of old age appear too early in animals that, during the early part of the reproductive period, appeared to be nearly normal in all respects. In many instances lack of vitality is first observed in the inability of the offspring to develop normally on a diet which would, in the early life of the parent, have been considered entirely satisfactory. Lung infections frequently terminate the lives of these animals. These results are not dissimilar to conditions existing among our adult population today.

The causes of malnutrition may be said, briefly, to be bad economic conditions and ignorance of how to select the right kind of food. The percentage of malnutrition is just as high among our so-called "well-to-do" people as among the poorer classes, so that much of our malnutrition may be said to be due to the "hit or miss" system by which we ordinarily select our food. Such a system is just as likely to "miss as to hit."

Most of the work in combating malnutrition has been done with children, rather than with adults, and, because of the convenience of working with a group already together for another purpose, most of it has been with children of school age. The ultimate aim of the work is to make training in proper nutrition and proper health habits as much a part of the school curriculum as reading, writing and arithmetic.

The under-nourished child may be recognized by the following characteristics. He is usually thin, but may be fat and flabby instead. His skin may have a pale, delicate, wax-like look, or be sallow or muddy. There are usually dark hollows or blue circles under the eyes. The hair and skin become rough. The muscles are undeveloped, and, because of lack of muscular tone, the shoulders are usually rounded and the chest flat and narrow. Decayed teeth, adenoids, and enlarged or diseased tonsils are often present. The mental and nervous characteristics vary greatly. In

fact, as far as these are concerned, there may be said to be two types of the malnourished child. There is the restless, nervous, over-active, unstable child, who may, or may not, be among the brightest in his class as far as school work is concerned. Then, there is the listless, inactive, "tired" child, who is usually more or less retarded in mental development. The number of "symptoms" present depends on the extent of malnutrition. Under-weight is the most universal evidence of malnutrition, and we seldom find a child seven to ten per cent under-weight who does not also have many of the other characteristics.

Insufficient or unsuitable food is generally conceded to be the chief cause of malnutrition. Bad eating habits, such as eating between meals, bolting food, drinking tea or coffee, eating too many sweets or too highly flavored foods, also play an important part. Too little sleep and rest, or too little exercise in the fresh air, sleeping with windows closed, and bad hygienic conditions in the home are also factors. Diseased tonsils, decayed teeth and adenoids must be remedied before we can look for a great improvement in the nutritive condition of the child.

The nutrition class has proved one of our most effective means of combating malnutrition. The children of a school are weighed and measured and those found to be ten per cent or more under-weight are given a thorough physical examination, and their parents are notified of any physical defects which should be remedied. They are then given "talks" on proper food for boys and girls, and are re-weighed every week, and their weight recorded. Many interesting methods of making this material interesting to the children have been devised, and competition as to who can gain the most is usually keen.

By attacking this problem of malnutrition from every conceivable viewpoint, and by getting parents and teachers interested in co-operating with us, we hope to come nearer and nearer to our ideal which, one of our most enthusiastic workers has stated to be "not the survival of the fittest, characteristic of uncontrolled nature, but all surviving and fit, true test of a vigorous civilized life."

III. PROBLEMS OF EDUCATION

PRESENT CONDITIONS AND NEEDS OF THE PUBLIC SCHOOLS

ANNIE WEBB BLANTON, STATE SUPERINTENDENT OF PUBLIC
INSTRUCTION FOR TEXAS

Texas' public schools are facing for next session a crisis which will materially affect their efficiency. This relates both to buildings to house the children, and to funds to maintain the schools.

As regards buildings, reports from all parts of the state show that the scholastic population has increased more rapidly than have the accommodations for the school children. In many districts, rented rooms and portable buildings are being used. Schools in all parts of the state have grades in which two shifts of children per day are being taught. The large majority of the districts which have voted bonds to build additional schoolhouses have been unable to find a market for the bonds. Owing to the fact that payments on land notes and school bonds have been less prompt than usual, the State Board of Education has not been able to purchase the usual quota of school bonds by means of the permanent school fund.

As to the funds for state support, the prospects are that for next session we shall have a material reduction. In 1920, the state per capita apportionment for the schools was \$14.50, which was nearly double the amount of the preceding year, namely, \$8.50. It is well to see how this increase came about. The available school fund is derived from several sources: (1) the interest on the permanent school fund, amounting to approximately \$3,500,000 per year. (2) One dollar out of every state poll tax. (3) one-fourth of all the occupation taxes. (4) the proceeds of a thirty-five cent tax for the support of the schools and the purchase of free textbooks.

The income from oil taxes added largely to the available school fund in 1920. This income decreased for the present

session. The law provides that of the thirty-five cent ad valorem tax, twenty cents shall be used for school support, and fifteen cents may be used for the purchase and distribution of textbooks. All of the proceeds of the fifteen-cent tax that is not needed for textbooks remains in the available school fund.

In 1920, nearly two dollars per capita was added from the textbook tax, and for the present session, more than two dollars per capita was added from this source. We see, therefore, that the free textbook amendment not only gave the children free books, but materially increased the support for the schools.

In addition to these sources, the legislature in 1920, for the first time in the history of the state, made an appropriation from the general funds to be added to the available school fund, to increase the salaries of public school teachers. It appropriated four million dollars for this purpose in 1920, and three million dollars for this purpose in 1921. The per capita for the present session was decreased because of the decrease of this appropriation from the general funds, and because of an increase in the scholastic enumeration.

For next session there has been no appropriation made from the general funds. In addition, as next year is not an election year, fewer poll taxes will be paid.

The country schools of Texas are the weakest part of our school system. We have as good city schools as any state of the Union but two-thirds of our children are in the country schools. Texas ranks thirty-fourth in education, having advanced five points in the last two years. It holds this low rank because it is the greatest agricultural state in the Union; and we have never provided adequate school facilities for two-thirds of our children, namely, those in the country schools. We had, last year, an average of seven months for the country schools, and this was the longest average country school term in the history of Texas. For the past six or seven years, we have made an effort to raise the standards of rural schools. In the sessions of 1919-20, 1920-21, the state appropriated two million dollars per year

for special state aid to rural schools. Through the conditions of these grants to rural schools, great improvements have been wrought in the country schools. Modern, sanitary buildings have taken the place of unsightly huts. Good equipment has been supplied. Attractive school grounds have been laid out and playground apparatus installed. Libraries have been bought and laboratories and workshops arranged for the country schools. Inducements have been held out to rural teachers to improve their qualifications and remain in the same country positions. The legislature for the past session reduced this appropriation for rural schools by 25 per cent, the appropriation for the present session being \$1,500,000. For next session the appropriation is again cut, the amount for 1922-23 being one million dollars.

Having made a material advance in the past few years, our state has now started on the downward trend. It is the uncertainty of school support that hampers the development of our schools. The time has come when we should realize that support for the public schools must be made stable, and this can be done only by making proper provision for school support in our state constitution.

I believe that article seven of the state constitution should be revised and provision made for raising the present thirty-five cent tax for the support of schools to fifty cents, with the stipulation that the proceeds of ten cents of this tax shall be devoted to special aid of the rural schools, under provisions made by the State Board of Education. If this proposal were linked into one constitutional amendment with the proposal for a mill tax for colleges, and the right kind of educational campaign were undertaken, one similar to that of the Better Schools Campaign of 1920, the amendment would carry. We have been giving the money to the schools. It came from the pockets of the people. The question which the constitutional amendment would decide, would be, "Shall the legislature be required by the constitution to appropriate this money regularly for the schools, or shall the schools be the football of politics, with their

support changing, in accordance with legislative whims or attitudes of mind?"

The state of Texas can not afford not to educate its country children. The safety of our democratic institutions and the prosperity of our state depend upon the training which we give the masses of our people. The great majority of Texas' people obtain in the elementary grades all of the education which they receive. One-fourth of our children leave school at the fourth grade; only one-tenth reach the high school; only two per cent graduate from the high school. The average time of leaving school in Texas is the sixth grade.

An immediate remedy for the situation facing us next year can not be found without a special session of the legislature. In my opinion, the legislature should be called in special session and should be asked to make a sufficient appropriation from the general funds of the state to place the state per capita at \$14.50 and to raise the appropriation for rural schools to two million dollars. The situation as to school buildings could be improved if the legislature would make an appropriation of three million dollars to retire this amount of bonds of the state of Texas, owned by the permanent school fund. This money now brings three per cent, and the state has not paid the interest which is due. This money could be invested in school-house bonds bearing six per cent interest, and this would increase the available school fund and would aid many school districts in the state to erect new school buildings.

Next to this matter of school support, is our great problem of administration of the country schools. In my opinion, the state should adopt the county unit plan of managing the rural schools. The county, instead of the district, should be made the unit of local school taxation and of school administration. I favor the form of county unit in which all the schools of the county are placed under the management of one school board, with one superintendent at the head of a school system. By such a plan, great economy is effected, and the efficiency of the schools under such management is increased. By such a plan, small, weak dis-

tricts are given the same advantage in the county system as the large and rich districts. The school funds of a county as a unit are drawn upon for the support of all the schools of the county. I believe that the time is not far distant when the state of Texas will adopt such a system

So long as state and county superintendents are chosen by popular vote, we can not remove our schools from political domination. Petty politics are the bane of progress in the schools. We all subscribe to the doctrine of local self-government. We have ceased to apply this doctrine to the idea that each man must have a school in his home; we have ceased to apply this doctrine to the idea that each ward in a city must manage its own schools. We have come to realize that the unit of school control and school support must be larger than the city ward or the small district, if the child is to have a chance. The state of Texas must cease to consider the politician and his wishes; but must remember that the school is for the child; and we should adopt the methods for Texas, which, in other states, have proved effective in giving equal school advantages to all of the children, regardless of the accident of birth or residence.

THE COST OF AN EFFICIENT SYSTEM OF EDUCATION IN TEXAS

B. F. PITTENGER, ASSOCIATE PROFESSOR OF EDUCATIONAL
ADMINISTRATION, UNIVERSITY OF TEXAS

The most practicable way of estimating what the schools of Texas ought to cost is by inference from the cost of education in other states.

The latest available comparable statistics for all states (for 1917-18) show that Texas then ranked thirty-seventh in school support. The average cost per pupil enrolled in that year was: Texas, \$22.35; all states, \$36.62. Two years later the Texas average cost had reached \$27.99. If that of all the states increased proportionally (its increase in truth was probably greater), then the average cost per pupil enrolled in the United States, in 1919-20, was \$45.85. In 1919-20, Texas actually expended for her public schools thirty and one-half million dollars. At the average rate of expenditure for the whole United States, she should have spent forty-eight and a half millions.

But possibly Texas cherishes the ambition to be better than average in this respect. Perhaps she desires to pay as generously as do those states whose schools now lead in recognized efficiency. The average cost per pupil enrolled in the ten leading states, in 1919, was \$67.16. If this amount be multiplied by the school enrollment of Texas for that year, there is yielded a total cost of over seventy-one million dollars. If it be multiplied by the scholastic population of the state for the same year the product is more than eighty-seven millions. If Texas, in 1919-20, had spent for schools as liberally as did the ten leading states, she would have multiplied her actual expenditure by two and a third if upon the basis of actual enrollment, or by almost three if upon the basis of scholastic population.

Possibly some Texans are still more ambitious. Some may wish to adopt the ratio of expenditure shown in the

most generous state. If this ratio be chosen, and if in 1919-20 Texas had spent as freely as did Montana, on the enrollment basis, her schools would have cost more than one hundred million dollars. On the basis of scholastic population they would have cost one hundred and twenty-two millions.

To assume that Texas must necessarily pay at the same ratio as does Montana to get similar results would be fallacious. It may cost more to provide educational opportunity in Montana than in Texas. But this probability is not so great in the case of the ratio of expenditure in the ten leading states. If Texas wishes to rank among these ten leaders she will probably have at least to double her present budget of school support.

So far we have left out of account the cost of higher education. What has been said applies only to public schools. In 1919, the ten most generous states in this respect gave to their higher institutions of learning, not including normal schools, \$1.36 per inhabitant. At this rate Texas, in 1920, would have spent nearly six and a half millions for higher education. To this amount probably should be added two millions more for the support of normal schools.

If we add together the estimated costs of elementary, secondary, and higher education, and of teacher-training, and confine our figures to those having to do with actual enrollment, we reach a total of nearly eighty million dollars. Subtracting from this total the annual income from permanent educational funds, we have left the sum of approximately seventy-five million dollars to be raised through taxation.

The writer does not maintain that Texas can not have satisfactory schools for less money. Neither does he believe that Texans would be finally satisfied with what they could get even for this sum. But if this state desires to rank among the ten leading states of the nation, in elementary, secondary, and higher education, and if she wishes to maintain adequate facilities for training her teaching staff, she probably will be forced to find taxable resources which will bear the burden of at least seventy-five million dollars annually for educational purposes alone.

HOW TO SECURE THE MONEY NEEDED TO SUPPORT AN ADEQUATE PUBLIC SCHOOL SYSTEM IN TEXAS

A. CASWELL ELLIS, PROFESSOR OF THE PHILOSOPHY OF EDUCATION, UNIVERSITY OF TEXAS

As I understand it, my problem is very simple. I am to show how we can secure \$75,000,000 per year for the public schools of Texas without taxing anybody or arousing any opposition. But let me say, frankly, in the beginning, that I do not intend to attempt the solution of any such problem. It can't be done. In the words of Governor Hogg: "If the people ever expect to have an efficient system of public free schools, they must prepare to pay for it." Excepting only war, schools are the heaviest expense of government. They are costly; but ignorance is far more costly.

Let us see first whether there is any money to spare in Texas for education. If we go on the theory that Texas, which has one-twenty-fifth of the population of the United States, spends for luxuries one-twenty-fifth of the amount spent in the United States for luxuries—which I think is a reasonably fair estimate—then the report of the Federal Treasury on luxury taxes for 1920 will show that Texas spent that year:

For cosmetics and perfumes-----	\$ 30,000,000
For tobacco -----	84,000,000
For jewelry -----	20,000,000
For joy-rides and excursions-----	120,000,000
For food luxuries -----	200,000,000
For luxurious service -----	120,000,000
<hr/>	
Total for the six luxuries-----	\$574,000,000

This estimate of \$574,000,000 spent in Texas on six kinds of unnecessary luxuries, which is based on actual luxury taxes paid to the government, is still \$150,000,000 less than

the amount estimated by Mr. McAdoo as that spent for all luxuries. These are the two best sources of information available on this matter, and are reasonably accurate. The same year that we spent \$574,000,000 dollars on six kinds of luxuries in Texas we spent only \$18,000,000 on teachers' salaries; that is, we spent thirty-two times as much on needless luxuries as we did on teachers for our children; nearly three times as much on jewelry and cosmetics alone, and nearly five times as much on tobacco as on teachers.

We have one other way of knowing whether anyone has any spare money in Texas. The national income and excess profits taxes do not touch small incomes of less than a thousand dollars at all, and tax very slightly incomes of less than ten thousand a year, getting the heavy taxes from large incomes and large excess profits. In 1920 Texas paid the Federal Treasury \$52,000,000 of income and excess profits taxes. This could not be unless there were an enormous number of large incomes and a tremendous amount of excess profit that could not be hid out.

In the face of the facts that we pay the national government \$52,000,000 of income and excess profits taxes, and after that still spend thirty-two times as much for six kinds of needless luxuries as we spend for teachers in Texas, no reasonable man could hold that we are not able to spend more money on our schools.

You say, "But we already have a very high tax rate and are paying heavy taxes. How can we stand further increases?" I reply that some of us are already paying too much taxes and that these taxes should certainly not be increased. The trouble is that half, or more than half, of the real wealth of the state pays almost no tax, with the result that those who do pay, have to bear the entire expense of civilization.

Let us see what is the actual wealth of Texas that ought to bear the expense of the institutions of civilization. The estimated actual wealth, not merely that which was assessed on the tax rolls, in 1904 was \$3,815,000,000, according to the report of the National Census Bureau. In 1912 it had risen to \$6,552,000,000. At the same rate of increase it

would be, in 1922, \$12,449,000,000. Therefore, if all the wealth of Texas were taxed alike, a tax of 61 cents on the hundred dollars would provide the whole \$75,000,000 per year, estimated by Dr. Pittenger, in the previous address, as necessary to give us an adequate school system. The state, county, and local taxes for schools would be, on a \$5000 home, only \$30.50 all together.

The trouble is that we have an antiquated, unjust, and inefficient system of taxation, inherited from pioneer days. When a new country is being settled, there is nothing to tax except the lands, houses, stock, implements, and other such personal, physical property. But each year, as crops and minerals are taken from the soil and converted into other forms of wealth, and as density of population produces certain additional values, there arises a constantly increasing volume of wealth in the shape of stocks, bonds, franchises, privileges, patents, trade names, and so on. Year after year these more or less intangible forms of wealth continue to increase until they may become more valuable than the actual land and houses and cattle of the state. In Texas, for example, according to the U. S. Census Bureau Report, these intangible forms of assets amounted in 1904, to about 32 per cent of the total wealth of the state. In 1912 they had increased to 40 per cent of the wealth of the state. At this same rate of increase, this form of wealth would represent 50 per cent of the total wealth of this time; yet this half of the wealth of the state is paying less than one-fourth of the taxes necessary to carry on the government.

As long as we allow this to continue, just so long will education and every other institution of civilization in Texas languish, and Texas remain around the tail-end of the list of states in this nation, even though our farms and home are paying a heavy tax rate.

Now what definite forms of taxation for school purposes would enable Texas to meet her school needs without undue burden of any legitimate interest in the state? The two taxes that have been proposed—the mill tax for higher education and the raising of the limit of state ad valorem tax for school purposes—both fail to meet the situation, because

both would merely add some more taxes to those citizens who are already paying more than their share; namely, the owners of homes, farms, stock, and implements. As a Democrat, I believe citizens should be allowed to tax themselves for schools to whatever extent they please, and it is clear that a mill tax is a more stable and dependable form of appropriation than the form we now have. I, therefore, think that each should be passed, but that it is folly to expect additional ad valorem property taxes or full-remission laws to solve our problem. The sooner we quit trying to go that route, the sooner will we arrive at a solution of our difficulty.

The exact forms and amounts of the several types of taxes needed are matters that demand careful study; but the kinds of taxes needed are plain to anyone who will face the facts without the prejudices produced by special, personal interests. The additional money now needed for education could be raised justly and without oppressing anyone from the following sources: inheritance taxes, severance taxes on natural resources severed from the soil or water, and income and privilege taxes.

That Texas is not making any reasonable use of those forms of taxation is apparent when one compares Texas in this regard with a progressive state like California, and our next-door neighbors, Louisiana and Oklahoma. The last available published report of the national government on taxation in the several states is for 1917. While the actual figures would not be the same for the present year, the relation between the figures for Texas and California would be substantially the same. Texas has nearly the same wealth as California; yet Texas secured only \$173,000 from inheritance taxes in 1917, while California secured \$3,409,000. Texas received only \$600,000 from corporation stock taxes, while California received \$5,000,000. Texas received a paltry \$40,330 from public service corporation taxes, while California received \$2,224,000. Galveston does a shipping business through her port one and one-half times as great as does San Francisco, yet Texas gets no taxes from the privileges enjoyed by those operating wharves and

docks, while California gets over two millions from her shipping. From taxes classed in the Census Bureau Report as "business taxes," California received \$13,000,000, while Texas was recorded as receiving nothing at all. It is no wonder, then, that California can give \$30 per elementary pupil, and \$60 per high school pupil for education, and can rank among the best in the nation in public education; while Texas gives thirteen dollars per pupil and ranks thirty-ninth. Furthermore, California is still prospering

Texas now has a severance tax on crude oil of one and a half per cent. Louisiana has a tax of two per cent, and Oklahoma has three per cent. While Louisiana has also a two per cent severance tax on lumber, sulphur, coal, lignite, and all other natural products severed from soil, water, or air, Texas puts no tax at all on her annual cut of 1,735,000,000 board feet of lumber (figure for 1917), or on any other natural resource except crude oil. The result is that the public schools of Louisiana are going ahead by leaps and bounds, and her university has just been given a new campus and a new plant to cost over \$5,000,000; while the University of Texas remains in wooden shacks and the public schools of Texas slide steadily backward.

You probably know that at the last published report for 1918 by Dr. Ayres, Texas reached the humiliating position of thirty-ninth in public education in America; but you doubtless have not yet seen the chart of the National Bureau of Education published this April showing that Texas has fallen back more since 1918 than any other state in the nation in the amount of education possessed by her high-school teachers. In short, Texas's progress in this important matter for the past three years has been a large minus quantity, and in this regard she stands below every other state in the Union—forty-ninth instead of first.

I have shown you that there is plenty of money in Texas to have good schools for our children, without burdening anyone. I have shown that we can not have good schools by our present unjust and ineffective method of taxation for school purposes. I have shown how neighboring states are supporting good schools by inheritance taxes, severance

taxes, and business or privilege taxes, taxes that reach forms of wealth now escaping in Texas their just share of the burden of supporting the institutions of civilization. The line of duty seems clear to me. We must make it plain to our governor that we want good schools and that we will back him to the limit in calling the legislature together, and in demanding that the money needed for education in Texas be raised and that it be drawn from those who have so long escaped the payment of their just share of the expense of government.

CONTROL AND SUPPORT OF HIGHER EDUCATIONAL INSTITUTIONS

T. H. HARRIS, STATE SUPERINTENDENT OF PUBLIC
INSTRUCTION FOR LOUISIANA

I shall give an outline of the machinery by which the state educational institutions of Louisiana are governed and also a statement of the finances by which they are supported. No claim is advanced that either the machinery of control or the financial support is perfect, for, as a matter of fact, improvements could be made, I think, in several respects.

I wish to make it very clear from the outset that I do not appear upon this program with the feeling that the little state of Louisiana can instruct the big state of Texas in matters concerning the public schools. I am sure that it is quite safe to say that you have utilized your greater resources to outstrip us of Louisiana in most of the essentials of public education.

I make this preliminary statement that you may understand thoroughly that I am not here with the idea of converting Texas to a better way of organizing and conducting the public schools. When your chairman invited me to attend your conference to discuss the public school machinery of Louisiana, he probably had in mind that I might be able to make a suggestion here and there which directly or indirectly would prove of benefit to Texas. My acceptance of the invitation was based upon the feeling that Louisiana would profit largely by your achievements, the story of which I shall hear during the two days of my visit.

THE LOUISIANA STATE UNIVERSITY—GOVERNMENT

Our State University and Agricultural and Mechanical College are combined in one institution and is usually referred to by us as the Louisiana State University. This institution is controlled by an overlapping administrative board appointed by the Governor, who is himself chairman

of the board. This board administers the affairs of the institution, appointing the president and teachers, prescribing courses, erecting buildings, and performing all other duties required in the administration of the institution's affairs.

The State Board of Education has visitorial authority, that is, it is authorized to investigate the work of the board of administrators and to recommend to that board, or to the legislature, policies. This provision of the law really amounts to nothing, for it will probably never occur to the State Board of Education to attempt in any way to interfere with the administration of the board of supervisors.

When we wrote a new constitution in 1921, there was a rather determined effort to place the affairs of the university under the control of the State Board of Education. Personally, I believe that this action should have been taken, for I am strongly of the opinion that the state department of education should, in reality, be at the head, in all respects, of public education in a state. The argument was strongly urged, however, that for the next three or four years the active building campaign of the university would require much of the time and energies of a board and that it was too much to require the State Board of Education to add these onerous duties to its other duties, which require a considerable amount of time and attention. At any rate, a separate board was provided for the university.

SUPPORT

For the two-year period ending July 1, 1922, the university is supported by a direct legislative appropriation and by the residue of what is known as a severance tax on such products severed from the soil as oil, gas, sulphur, lumber, etc.

Two years ago the legislature passed an act placing a two per cent tax upon the gross output of all natural products, and a year later a provision was written into the constitution that such products shall always pay a tax of not less than two per cent on the gross output and that as much as

two per cent of such a tax shall be devoted to state purposes.

The legislative act of two years ago appropriated out of the two per cent severance tax about a million dollars a year to be devoted to such institutions as the insane asylums, charity hospitals, schools for the deaf and blind, and the negro state university. The balance of the funds from that source were appropriated to the state university. These university funds in this period of two years will amount to something like a million and a half dollars.

The constitution of 1921 provided that the entire amount of a two per cent severance tax for the period July 1, 1922, to January 1, 1925, shall be dedicated to the state university up to a maximum of five million dollars for that period. There is little question that the two per cent severance tax for the two-and-one-half-year period mentioned will amount to as much as five million dollars. The constitution also provides that the legislature shall have authority to appropriate any additional amounts to the university that may be deemed necessary. It is probably true, however, that during this two-and-one-half-year period the legislature will not see fit to appropriate any other funds for the support of the university.

Practically none of the one and a half million dollars already accumulated for the university out of the severance tax has been spent, and the institution will have, therefore, for buildings, equipment and support during the next two and one-half year period something like six and a half million dollars.

A new site of two thousand acres of very superior agricultural lands has been secured adjoining the City of Baton Rouge and separated by something like a mile from the present site of the institution. A program of building and other developments has been adopted extending through probably fifty or seventy-five years. This work was done by a firm of architects enjoying a national reputation, and it no doubt represents the last word in university planning. The board of control of the institution is now actively engaged in perfecting its plans for building the new institution.

This ambitious plan for a great university including an agricultural college represents the vision of our present Governor, John M. Parker. Governor Parker is a business man of wide experience and large means. He is especially interested in the agricultural development of Louisiana, believing that the future prosperity of the state depends upon intelligent agriculture, and that the agricultural college should be the directing force in showing the people of the state how to farm successfully.

If the management of the institution should prove wise and practical, as it no doubt will, his fondest hopes should be realized, and Louisiana should be able, within the next few years, to point to one of the most successful agricultural colleges in this country.

The constitution provides that after January 1, 1925, all of the severance taxes will be turned into the treasury of the state for general governmental purposes, and the university will be supported by a half mill tax on the assessment of the state plus any additional appropriations which the legislature may deem necessary. Based upon present values, the half mill tax will yield approximately a million dollars a year, and this, with the building program completed out of the severance tax, will probably be sufficient to support the university rather adequately.

Our legislature will meet in May of the present year, and it seems safe to predict that the severance tax will be placed at three per cent on the gross output of natural products, the additional one per cent to be allotted to the parishes producing the oil, gas, lumber, etc.

THE OTHER STATE EDUCATIONAL INSTITUTIONS

The other state educational institutions, in addition to the university, which are controlled and supported entirely by the state, are: a state normal school, two polytechnic institutes with large teacher-training departments, a school for the deaf, a school for the blind, a negro university and agricultural college, and a negro school for the blind. A provision of the constitution of 1921 places all of these state

institutions under the direct and complete control of the State Board of Education. The State Board of Education is given authority to appoint such auxiliary boards or committees as may be necessary to administer expeditiously and economically the affairs of each institution, but it has complete control over such boards or committees. This arrangement should result in wisely coordinated courses of study in the various institutions, in properly balanced faculties as to ability and salaries, and in the finest spirit of co-operation, in all respects, among the different institutions.

SUPPORT

The constitution provides that a minimum of \$700,000 a year shall be set aside for the support of the institutions mentioned and that this sum shall be distributed among the different institutions upon the recommendation of the State Board of Education. The legislature has authority to make any additional appropriations that it may think necessary.

The provision requiring the State Board of Education to recommend the distribution of the funds to be appropriated to the state schools is of tremendous importance. Under our old scheme of a separate board for each school we faced the situation whenever the legislature met of the different institutions pulling at cross purposes, each attempting to secure the largest possible appropriation, without reference to the demands and needs of the other institutions; and in pursuance of this policy it was not uncommon for antagonisms of the bitterest nature to be fostered among the institutions interested. Our State Board has recently held a meeting and adopted a resolution recommending the distribution of the million dollars which it is asking the legislature to appropriate for each of the next two years for the support of the state institutions which it controls. The Board called in the heads of the various state institutions and had submitted a statement of the needs of each school. After full and frank discussion, an agreement was

reached in which all heartily concurred. This agreement will be submitted to the legislature, having behind it the enthusiastic support of all the educational interests of the state. With such harmony and co-operation, it should not be difficult to realize the program submitted.

There are two items in the scheme which we have adopted for the control and support of our state educational institutions which I desire to mention:

(1) The control is continuous. It is probably of little concern as to whether a governmental board is elected by the people or appointed by the Governor. In our case, the board which controls the university is appointed by the Governor. The State Board of Education is partly appointed by the Governor, and partly elected by the people. It is highly important, however, that control should not be interrupted. Even if we assume that a new board can be depended upon to represent the highest ideals in educational government, new boards are unfortunate, because they have not been in touch with past development and in policies for future growth and advancement. In the case of an overlapping board which keeps in office permanently something like two-thirds of the membership of the board, policies can be adopted providing for many years of growth without fear of interruption upon the change of political administrations. Unfortunately, it can not be assumed that the highest type of wisdom will always prevail in the creation of new boards. New administrations frequently come into office with the feeling that complete and revolutionary changes are necessary to satisfy public demand, and unless there is a balance wheel in the board of control in touch with the past history of the institution and acquainted with its policies for future growth to demand the careful consideration of all proposed changes, irreparable injury may be the result.

We have for many years entrusted our school machinery to overlapping boards, and this applies to the public schools proper as to the state institutions, and the good results of this provision, I think, are not questioned by any one.

FUNDS PROVIDED BY CONSTITUTION

Generous minimum funds for the support of the state educational institutions should be written into the constitution. The proper development of these schools requires the adoption of a program extending through a number of years, and in order to realize such a program, funds must be permanent and continuous. Education is too important in the life of a people to be subjected in its support to the whims of a legislature. It happens too often that no matter how large the available funds may be, other governmental interests are first satisfied and the schools receive the residue of finances, if there should be any. There should be no question as to the adequate support of state educational institutions, and the only way to guarantee such support is to write it in the constitution and thus place it beyond the reach of legislatures.

Our constitution provides for the support of our state university quite generously. The funds available for this institution and made certain by constitutional provision are probably as large as can be wisely used. The job ahead of the Board of Control of that institution is to secure the brains in the management that will use the funds to the best interests of the people of the state. The question of finances is not one to give the board any concern.

The constitution should have provided a larger support for the other state institutions. Some of us urged strongly a minimum of a million dollars a year. We found it necessary to agree to \$700,000. This sum, while not adequate, is far in excess of the funds heretofore available for the support of these schools, and represents a remarkable step forward in the development of these important institutions. We are now in position to make definite plans extending over a number of years as to departments that shall be maintained, buildings, and the like, and we know when we make our plans that a definite sum will be forthcoming for their realization.

We believe, too, that the placing of all of these institutions under the control of one board will result in harmo-

nious development; jealousies and antagonisms will disappear; and hearty co-operation will take their place. Then we believe that the laymen constituting the personnel of the State Board of Education will become practiced in the administration of educational affairs, with the result that wisdom will be seen in their efforts.

DUTIES AND LIMITATIONS OF LOCAL AND COUNTY SCHOOL BOARDS

WILLIAM SENECA SUTTON, DEAN OF THE SCHOOL OF EDUCATION,
UNIVERSITY OF TEXAS

I. PRELIMINARY

The subject assigned me can not, in thirty minutes, be discussed in the manner that its complexity and importance demand. The duties of either a local or a county school board could not be treated within the time allotted nor could the limitations of these duties be given the consideration to which they are entitled. I must, therefore, be content with the presentation of certain general principles which determine the duties of school boards, either local or county, and which fix the limitation of school board functions.

The evolution of the school board in America is unique: America is the only country in the civilized world that entrusts to bodies composed of laymen the control of her public schools, elementary, secondary, and higher. Many thoughtful people believe that this plan for controlling schools is one of the very significant and valuable contributions which have been made by our country to educational progress.

II. DUTIES

1. The all-comprehensive, underlying principle by which the duties of school boards, either county or local, are to be decided and regulated, is this: A school board is a representative body, selected to exercise for the people by whom they are chosen general control of educational affairs. The schools belong to the people, and not to the board; they belong not to one class of people—industrial, social, political, or religious—but, I repeat, to *all* the people. Every member should keep constantly in mind that, every time

he casts a vote, it should be in the direction of establishing and maintaining the educational standards of the entire community or communities which he is supposed to serve.

There too frequently prevails a mistaken notion that the schools, including the superintendent, the principals and the teachers, as well as all others connected therewith, belong to the school board. Here again the fact that it is a representative body is forgotten by its members. Men and women composing a school board are selected to serve, not to boss. Of course, they are responsible for seeing that the educational will of their masters, the people, be honestly and effectively carried out. They should ever keep in mind that the exercise of official power is vicious and dangerous whenever manifested by one who is unduly puffed up with the sense of his own superiority and who has little, if any, regard for the rights and feelings of other people.

2. Another principle which should guide school boards as to their functions, is that their work is very largely legislative, not administrative. Its business, chiefly, is to determine what educational policies shall obtain. The establishment and promotion of these policies should unquestionably be left to professional experts, to men and women who have devoted their lives to the study of education. It is about as ridiculous for a member of a school board to attempt to play superintendent or teacher or architect, as it is for a football player to imagine that he is equipped for successful service as an aviator, or for a minister of the gospel to imagine that he is fully prepared to argue a question of law before the Supreme Court of the United States.

3. In the choice of its administrative agents, the school board, representing the entire people, is under bond to select the best talent available. Home talent should neither be prescribed nor proscribed; but every honest and sensible board lays emphasis upon *talent*, not upon *home*. In this connection, the friend of educational progress in Texas sincerely regrets that no one can serve as a superintendent of schools of any one of her counties unless he is a *bona fide* citizen of that county. The law governing this matter,

which is really a bar sinister to the evolution of an efficient school system in Texas, should be repealed at the earliest date possible, and in its place there should be enacted a measure which would, at least, give every county a wider range in the selection of the county superintendent, and which, I may add, would provide for the selection of the superintendent by the county school board instead of by popular vote. No more certain means for closely tying up schools and politics has yet been devised than to compel the superintendent to remain constantly in the arena in which running for office is a necessary activity. Education and politics are very much like religion and politics or the judiciary and politics; whenever politics enters either a court, or a church, or a school, justice or religion or education say farewell.

The school board is responsible to the people, to illustrate once more, for the kind of supervision that it establishes and maintains. It is, therefore, of supreme importance that great wisdom be shown in the selection of the school superintendent. He should, therefore, be chosen only after the most careful examination of the records and qualifications of the men and women available and only after a thorough-going comparison of their respective merits. Inasmuch as the superintendent is to be the professional educational leader in the community, and inasmuch as he is to be the expert adviser and chief executive officer of the school board, it is easy to reach the conclusion that, perhaps, the one greatest duty devolving upon a school board is the wise selection of its superintendent of schools.

4. Another important phase of the legislative function of a school board relates to questions of finance. The raising of sufficient revenues and the proper distribution thereof, are questions which primarily belong to the board, and its responsibility in these matters should not be shifted to the shoulders of the school superintendent, or any other individuals connected with the schools. A school board, like a business corporation or any other institutions run upon a rational basis, should certainly look after the business side

of the organization. Here again, in the discharge of this duty, the board may be advised by business experts, while the administration of its financial policies should be carried out by these expert agents.

5. I shall take the time to mention only one more general principle relating to school board duties, which is that whenever the board is called upon to act in a judicial capacity, its members should be blessed with the qualities of sound judgment, fairmindedness, and a love of justice. No more unseemly scenes have ever happened in the educational world than have occurred in more than one city of America when a teacher or a principal or a school superintendent has been brought to trial before a school board, the members of which, seeming to be incapable of non-partisan activity, have engaged in sensational and outrageous proceedings.

III. LIMITATIONS

As to the limitations respecting the functions of a school board, time is left to make only the barest mention. In the first place, the fact that members of the board are not experts in educational matters at once limits their activities. As set forth above, the administration and supervision of schools must be left to agents of the board who are distinctly qualified to discharge technical duties.

The second limitation is that of public opinion. The people are responsible for the very existence of the school board and for whatever merits or demerits may attach to the work of the schools. The wise board, therefore, realizing its obligations to the people, will so act in efforts to improve school conditions as to be safely within the limits of the people's desires. The member of the school board should not level down to the spirit of the ultra-conservative element of the people of his community, for this would be cowardice; but he would simply be a plain fool if he should absolutely disregard public sentiment as to educational affairs. The one strongest force in America is not the law, it is not the officers of the law; but it is public opinion that

gives sanction to law, and power to the executives that enforce the law.

Finally, the qualifications necessary for efficient service as a member of the school board, to quote Jefferson's rule, with respect to public servants, are honesty and competence. In view of the experience of the people of Texas and other states of the Union with school boards, a study of which experience demonstrates the fact that much genuine progress has been made, one may even yet exclaim with no small degree of justice, that an honest and capable member of a school board is the noblest work of God.

SOME ADVANTAGES OF AN EXPERT SURVEY OF THE EDUCATIONAL NEEDS AND EDUCATIONAL FACILITIES OF TEXAS

JOSEPH L. HENDERSON, PROFESSOR OF SECONDARY EDUCATION,
UNIVERSITY OF TEXAS

In all civilized nations various types of educational institutions have grown up, at first, without proper systematization. Later, the states became supporting and controlling agents for the better education of their entire citizenships. This has almost always led to greater efficiency and economy in organization and control.

The different states of the American Union present the widest variations possible in the organization and control of educational institutions. Since the National Constitution gives to the states the right to control matters pertaining to education we have, within the United States, forty-eight different so-called school systems. Many of these may be called "school systems" only by courtesy. They may be parts of efficient school systems but the parts have never been put together.

Within the last ten years, educational leaders have taken a more scientific attitude toward the solution of educational problems. They have been looking upon the school business as a "big business," worthy of the use of scientific methods. No "big business" today attempts to get along without scientific experts.

The wisdom of using experts in making educational surveys has been proven in many cities and in many states. The great services rendered in the better organization of state school systems, by expert surveys in such states as Vermont, Virginia, Ohio, Alabama and the Rocky Mountain States, are familiar to educational leaders everywhere.

The absolute necessity of securing expert surveyors, not connected with a state's educational system, to organize the work is usually conceded. The physician does not attempt to diagnose his own personal ills. The fever in his system

may bias his judgment. Men and women connected with a state's school system are in danger of being influenced by personal or institutional ambitions.

That Texas is in sore need of a complete educational survey seems to become more evident every day. Just what the educational needs are even the leaders do not seem to know. Is it more agricultural and mechanical colleges or is it more normal schools? Or is it both or neither?

Few people know how to answer our many perplexing educational questions. And yet these problems may be adequately solved. In order to solve these problems a careful analysis of our population and professions, a study of products and industries will be necessary. Also, an inventory of the present facilities for meeting the present and future demands must be made.

A study of the population of the state will disclose different race, social, and industrial problems, cognizance of which must be taken by our educational system. We have the Spanish belt, the German belt, the negro belt and the cosmopolitan centers. These belts and centers have their own peculiar problems.

The vast expanse of territory presents many varieties of soils and products. The people who live on the different soils should be trained for different vocations. Here we have presented the problem of vocational education. Just what types of educational institutions will be best suited and will render the largest service to the different sections of Texas?

Again, how many people are needed in the various professions? Engineers? Lawyers? Doctors? How many artisans of any one kind are needed for any given population? It may be that we are training people for overcrowded occupations and are failing to prepare men and women to meet the real demands of their own lives.

When we know better what the real educational demands are, we may then enter more intelligently upon a definite program. The numbers and kinds of institutions may be determined. Locations of institutions may then be based

upon scientific data, and all parts of the educational system may be better correlated.

Following the adoption of wise plans, must come a just and adequate provision for financial support. All children are entitled to fair consideration. Cities and towns are dependent upon the country. The great clamor arises everywhere for the enrichment of rural life. The educational system of Texas today is, in part, responsible for draining the country and crowding the city. Intelligent human beings will always be drawn where mental stimulation may be found. Reasonable and fair-minded men and women will not want to array the city against the fields, or one part of an educational system against another.

Not only do we need a better organization of all the parts of our state school system, but we must also have a much more efficient system of school administration. The internal as well as the external organization of various parts of the system may be greatly improved.

No reasonable citizen, or institution, in Texas has reason to fear the results of a scientific survey of the state's school system. Surveys, in other states, have opened up vast opportunities for all types of educational institutions. It may be reasonably predicted that a careful and thorough survey in Texas would lead to a great forward movement along all educational lines. Furthermore, it is confidently believed that when the conditions are set forth and supported by data, which may be easily assembled, that the people of the state will provide proper financial support for all of the educational system.

An educational survey should be supported by every patriotic man and woman in Texas. So long as would-be educational leaders attempt to array elementary schools, high schools and colleges against one another, so long as different types of higher institutions spend their time in antagonizing each other, so long as law-makers continue to organize and locate institutions without regard to well established demands, just so long will educational waste prevail.

The overwhelming testimony from states that have had scientific school surveys is to the effect that in every case great good has accrued to all classes of people. Educational leaders have rejoiced in enlarged opportunities for service; educational institutions have been called upon for larger efforts; legislators have secured for their constituents the types of educational institutions most needed; taxpayers have exulted in a wiser expenditure of school moneys; and, best of all, the kinds of education most needed have been made available for the future citizens of the commonwealth.

THE RELATION BETWEEN A STATE AND A COUNTY SYSTEM OF SCHOOLS

T. H. HARRIS, STATE SUPERINTENDENT OF PUBLIC
INSTRUCTION FOR LOUISIANA

In discussing this question of state and county systems of schools, I shall outline the public school machinery of Louisiana. In doing this, I make no claim that we possess the best possible school machinery. I discuss it because I happen to know more about it than any other scheme of school government, and because it seems to work satisfactorily with us.

STATE SCHOOL MACHINERY

Our constitution provides for an overlapping state board of education of eleven members. Eight members are elected for terms of eight years, one from each congressional district, and three members are appointed for four years by the governor of the state. The elected members are elected at the congressional elections, when there is a minimum of political excitement in the state. This arrangement is new, and I am, therefore, not in position to state how satisfactorily it will work out in practice. We hope to be able to induce broad-gauged, successful business men who have demonstrated a deep interest in public education to run for membership on the board in the various districts. How successful such efforts will be, it remains for the future to determine.

The State Board of Education will have direct control of all of the state educational institutions except the University, and, in addition, general control over the public school system of the state. It will elect the state superintendent of public education and fix his salary within the limits of five thousand and seventy-five hundred dollars a year, and

it will elect all other employees in the State Department of Education upon the recommendation of the state superintendent. The state superintendent is secretary of the board, and he can be discharged at any time by the board upon proof of unfitness to fill the office.

The board, to a very great extent, determines the policies of the public schools throughout the state; it prescribes the qualifications which must be met by parish superintendents, a question of tremendous importance. We are soon to organize under this new arrangement, and it is perfectly safe to predict, I think, that the board will require that parish superintendents of education shall meet at least the standard of college graduation and five years of successful public school experience. This regulation will make it impossible for an uneducated, inexperienced man to fill the office of parish superintendent. The board makes any rules and regulations which it may think necessary for the government of the public schools. It prepares courses of study which must be used in the instruction of children; it adopts textbooks; and, of greatest importance, perhaps, it governs absolutely the certification of teachers. It not only fixes the educational standards which teachers must meet, but it passes upon all diplomas of college and normal graduates and conducts examinations of public school teachers. It controls the matter of the renewal or extension of teachers' certificates, and it has authority to require such teaching experience or professional advancement of teachers in service as it may think necessary as a prerequisite for the extension of a certificate. In other words, the board has complete control of the matter of the certification of teachers.

There was a time when the department of education prepared the questions used in examinations and left the grading of papers and the issuing of certificates to local authorities—with unfortunate and chaotic results. If the public schools are to be taught by teachers of ability, the State must have control of standards and certification.

We act upon the theory that the State Department of Education should be at the head of the public school

system and that its function is wise leadership. We may fall short of that ideal, but our machinery of school government is built upon that basis. In pursuance of this policy, the State Department is separated into a number of divisions, with heads and assistants in the various fields of public school endeavor, such as a high school division, an elementary school division, a negro school division, a physical education division, a certification division, an industrial education division, comprising such departments as agriculture, home economics, and trades and industries.

The function of these various divisions is to advise with the State Superintendent of Education in the outlining of proper policies and to assist to stimulate the local authorities and schools throughout the state to put the adopted policies into effective practice.

Under this centralized scheme, it is easy to have every public school in the state to pursue any course which may be prescribed by the State Department of Education.

The dangers from such a centralization of power will be apparent to any one. An arbitrary, unsympathetic, and unwise state regime could do much harm, and the determining factor in providing for an elective state board of education was the desire to connect the people of the state vitally with the state office of education. Theoretically, there may be some force to the argument; practically, I think there is none. In any department of government, responsibility must be placed on some one's shoulders, and always there is danger of placing government in wrong hands; but this is no argument against a plan which presupposes ability and wisdom on the part of those in charge of the machinery of government. Usually, the men entrusted with great authority fully measure up to their requirements. At any rate, the centralization of school government in Louisiana has not resulted, so far as I know, in the abuse of extraordinary powers.

COUNTY SCHOOL MACHINERY

In the discussion of county school machinery, I shall use

the term "parish." It means the same thing as county. Each of our parishes has an overlapping school board elected by the voters of the parish for terms of six years. This board has complete control of all the schools of the parish, including those of any cities which may be located in the parish, subject of course to the provisions of law and of the regulations of the State Board of Education. We have only two cities in the state, Monroe and Lake Charles, which enjoy endependence in the administration of their schools, and the machinery in these two cities is organized exactly as that of a parish. We do not believe that city school government should be separated from parish school government, and we are of the opinion that a mistake was made when independence was granted the two cities mentioned.

The most important function of the parish school board is the election of a parish superintendent. This official must meet standards prescribed by the State Board of Education. He is not required to be a citizen of the parish or of the state—he may be selected from anywhere, provided he measures up to the necessary qualifications. As a matter of practice, only one out-of-state superintendent has been selected; but it frequently happens that the selection is not confined to the parish concerned.

The parish superintendent has never been elected by popular vote in Louisiana and it is the opinion of the people of our state, and I think this is true of laymen as well as school men, that no more unfortunate method of selecting the executive head of a local school system could be devised. The man who possesses the qualities that enable him to secure the necessary votes for election may not possess the qualities that are required for the successful administration of the affairs of the schools. The ablest and most competent executive who could be selected to head the school system of a county is frequently devoid of all of those qualities that would enable him to induce people to vote for him. As a matter of fact, it generally happens that the best qualified men for the office of superintendent cannot be induced to

enter the hurly-burly of a popular election; and even when the best of men offer for such an office, they are required in order to secure election to place themselves under obligations to individuals and to political factions that result in injury to the schools that they are to serve.

A small board, the majority of the members of which have been in office for a number of years and are more or less familiar with the needs and requirements of education, can quietly and dispassionately look the field over and make a better selection for the office of superintendent than can possibly be made by all of the voters in an election.

We entered the field of public education late in Louisiana and at a time when the resources of the state had not been developed. We think that we have made some substantial progress in the development of our schools, and I believe that no one familiar with the situation would think of questioning the fact that our progress has been due, in great measure, to the fine caliber of the men who have filled the office of superintendent in the various parishes. Their leadership has been sane and progressive, and they were obligated to no individual and to no political faction. Their one duty has been to serve the children of their parishes, responsible only to a small board which has authority to discharge them whenever they prove unequal to their tasks.

In the matter of state and parish school government, I wish to emphasize these facts:

First: The control should be continuous, and authority should be highly centralized. It is a great mistake, I think, to change boards of control completely at definite periods. At least a majority of the membership of the boards should be continuously in office, in order that policies may not be interrupted and that political hysteria may not work to the injury and ruin of the schools.

Authority should be centralized. It should be somebody's business to adopt policies and then to employ executive officers charged with the duty of executing these policies, and this work of execution cannot be done to the best advantage by an elected executive.

Second: It is essential, I think, to write into the constitution permanent funds for the support of the state educational institutions. It is even more essential that a generous minimum support of the public schools proper be made permanent, that is, that they be provided for in the constitution. It cannot be contemplated for a moment that state school funds shall be under the control of the legislature, and that local school funds shall be under the control of some local division of the government. These funds must be in the constitution, so that educational plans can be adopted with the assurance that the funds will be available for their execution.

Our constitution provides that a minimum state tax of two and one-half mills on the state assessment shall be distributed to the various parishes for the support of the public schools. I think that the state tax should be larger than this minimum, for I am strongly of the opinion that the state government should bear a large portion of the burden of school support. This opinion is based upon the fact that wealth in a state is irregularly distributed. Much of it will be found in a few centers, and I think that these rich centers should contribute generously to the education of all the children of the state, thereby lifting the burden of taxation from the shoulders of poor communities which are not in position to raise much money for school support. Two and one-half mills, however, does give us something like four or five million dollars a year for the support of the schools, and it represents a much more substantial sum than we would ever be able to induce legislatures to contribute; and even if that is not true, it is a fixed and permanent sum. We know that it is available and we are therefore in position to make definite plans for financing the public schools of the state.

A minimum tax of three mills on the assessment of each parish (with the exception of Orleans Parish) is required to be set aside for the support of the schools of the parish. This is a definite amount that the school board can depend upon. It knows in advance when arranging its budget that

this three-mill tax on the parish assessment will be available and that no governmental agency can withhold any part of it.

It is impossible to overestimate the importance of these constitutional provisions. Progress would simply be out of the question if legislatures and local governmental agencies had to be appealed to every year or every two years for appropriations for the support of the schools.

In addition to these fixed amounts named in the constitution, the parishes and districts in the parishes are, of course, authorized by the constitution to raise by elections such supplementary funds for buildings and school support as may be needed, and much of our school support is provided in that way.

Third: All questions connected with education should be in the hands of school officials, and no other governmental agencies should have anything to do with them. There was a time in our state when other agencies than school officials had to do with public school control. The legislature fixed the state appropriations for schools, and the police juries in the various parishes determined the amount of local appropriations, and they also conducted all special elections for school purposes. We have disconnected all other agencies from public school control and placed the public school machinery entirely in the hands of public school officials, and we think that is where it belongs.

Fourth: We believe in Louisiana that the entire parish should be treated as the school unit and that cities or other districts in the parish should not be allowed to "secede from the union" and control their school affairs.

Occasionally we have a demand from a city in Louisiana to set up an independent school government, and invariably it is based upon selfishness—somebody has figured the revenues and discovered that some of the city's taxes are being used to maintain the country schools and the independent city school government is desired in order to save a little money. Either that, or certain forces in the city are desirous of controlling the city's school affairs.

We are of the opinion that school funds should be sent where the children are and that the question of where the funds come from is of no importance whatever, that it is the duty of the state to use the wealth of the state to educate every child within the state's borders, and that it is the duty of the wealth of the parish to give equal educational opportunities to all the children in the parish, irrespective of where the funds come from.

Fifth: Further, we are immensely interested in Louisiana in the question of the supervision of classroom instruction. We believe that proper subject matter should be selected and that it should be wisely presented to children. A scheme of sane supervision of classroom instruction is possible only where there is concentrated control providing for an executive officer who has authority to go into all of the schools and put into execution such policies as may have been adopted.

A COUNTY UNIT IN RELATION TO AN EFFICIENT SYSTEM OF EDUCATION

MARY SHIPP SANDERS, COUNTY SUPERINTENDENT OF SCHOOLS,
WILLIAMSON COUNTY

The weakest place in the educational system of Texas is the rural school. In spite of marked progress under the stimulus of the rural aid law and supervision by the State Department of Education, Texas still has hundreds of short term rural schools, ungraded, poorly attended, inefficiently taught, turning out annually thousands of children who will never enter a high school. Where shall we place the blame?

We have in Texas the ancient pioneer district system of rural school administration, in which the school is governed by three local trustees who employ teachers, determine the length of the term, locate and build schoolhouses, and in general carry out the policy of the community which elects them and which provides or does not provide a local tax for school purposes. Thus we have as many standards as there are communities—or better, no standards at all. Rural children are fortunate or unfortunate in their education according to the degree of enlightenment in their communities. Most of our good rural schools are monuments to the vision, the energy, and the unselfish patriotism of rural trustees, but every district in Texas does not have such leadership and such monuments; and “where there is no vision the people perish.”

We have a county board of education with practically no power to establish and maintain educational standards; we have a county superintendency that is political and not professional. “The root of Americanism is equality of opportunity.” If the people of Texas as a whole are to be educated, definite standards affecting the opportunity of each child must be demanded for all schools. Such definite standards can be established and maintained only through responsible officials with the authority and the ability to direct the schools. Not the rural trustee, not the county board of

education, not the county superintendent, but the antiquated, unjust, and undemocratic system of school administration is at fault in Texas.

In view of the glaring inequality of opportunity for the rural child, educational leaders throughout the nation have for some time advocated the establishment of the county as the unit of administration. Twenty-one states, including ten Southern states, have adopted some form of the county unit plan, and time has proved the wisdom of their choice. One has only to hear of the marked improvement in teaching through adequate supervision in Louisiana, or the astonishing story of rural school consolidation in Alabama to believe in the system that has made such progress possible.

Briefly the county unit plan is as follows: The administration of the rural schools by a county board elected by the people with the following duties and powers: to enforce laws relative to education; to elect and fix the salaries of the county superintendent and necessary assistants; to employ all teachers on nomination by the county superintendent; to have direct charge of all county schools outside of incorporated city districts, including the closing of unnecessary schools, building new schools, consolidating schools, organizing central high schools, and conveying children to school; to levy a uniform county tax on all the taxable property of the county under legal limitations, and to expend the funds thus procured to equalize educational advantages for all the children of the county.

Under the present system, poverty in some districts is taxed at a high rate for the support of schools, while great wealth in other districts escapes with little or no taxation. The uniform county tax makes an equitable distribution of both the burden and benefits of taxation. Greater economy in the expenditure of school funds results from a county-wide budget, which stops the many financial leaks due to unbusinesslike management of many small schools.

Under the district system the work of consolidation of schools and establishment of central high schools is at best haphazard, ineffective, and impermanent. Under a county board a comprehensive and effective plan is possible.

The effect of the county unit plan upon the quality of teaching and supervision is the most important consideration. All the conditions under which country schools are operated call for a higher degree of professional training, more initiative, and harder work of the county superintendent than is required of the city superintendent except in the largest city. Yet this most important county educational officer is chosen on a political instead of a professional basis, with lower professional requirements, smaller salary, and more uncertain tenure of office than is the superintendent of even the small town. It is no more undemocratic for rural voters to delegate to their chosen representatives on the county board the duty of employing a competent superintendent and well qualified teachers for their children than it is for city voters to delegate to their school board a similar responsibility in the choice of the supervising and teaching force of the city schools. Country children have greater need than city children of supervision by the best superintendents that can be found anywhere. As long as the county superintendency remains the football of politics, country children will suffer.

The Texas State Teachers Association has repeatedly gone on record as favoring the county unit plan as the solution of the rural school problem in Texas. All who have at heart the interests of rural children and the future of the state should join in the demand for the equality of opportunity for the rural child which has been secured to a marked degree in other states through the county unit plan.

TRAINING FOR EDUCATIONAL LEADERSHIP IN HIGHER EDUCATIONAL INSTITUTIONS

H. F. ESTILL, PRESIDENT SAM HOUSTON NORMAL INSTITUTE

In the field of education, sane and fearless leadership is essential to the welfare of the state. From the days of Socrates there have appeared here and there through the centuries great teachers—men and women of intellectual and spiritual vision—who have blazed the pathway of educational progress. All honor to Comenius, to Pestalozzi, to Arnold, to Horace Mann, to Joseph Baldwin, to Ella Flagg Young, and other leaders now gone to their reward. The hindrance to educational progress in the past has not been the lack of wise and capable educational teachers—though these have been too few and far between. Our vital weakness has been the lack of the quality of leadership in the great body of teachers in the ranks.

To our sorrow we must admit the absence of this quality of leadership in the rank and file of those who follow teaching. Teachers as a class have had little vision. We—that is, the majority of us—have been unable or unwilling to see beyond our daily tasks. Walking in the ruts of tradition we have been content always to teach the same subjects, and to teach them always the same way. We have not believed in our work and we have received the inevitable recompense that comes to men and women of little faith.

Let us briefly analyze this all-important quality of leadership in the rank and file of teachers which I am endeavoring to emphasize. It may be said to include several elements.

1. Leadership in the field of teaching. Leadership means mastery of the job and more. It implies alertness, initiative, self-reliance, resourcefulness, looking beyond the job—qualities needed by the humblest teacher in the grades. It is based on scholarship but not traditional scholarship alone. It requires a knowledge of subjects related to life and to living conditions. It means knowledge of the history and science of education; study of the best modern educational

practice; a scientific spirit that tests educational results and is ever seeking more rational educational aims and processes. The teacher who possesses this quality of leadership is a skeptic in things educational. Refusing to be governed by past traditions, she questions the right of every subject of study to a place in the curriculum, she challenges the wisdom of past educational procedure. She expresses her doubts earnestly and respectfully to her principal or superintendent, yet loyally follows his directions. Looking beyond the task of actual instruction, she studies the relation of the subject taught to the needs and tastes of the individual pupil and to his home and community life.

2. The quality of leadership in the teacher must extend beyond the school room and its immediate interests. The public school is the one institution that binds together all classes of society, all industrial and professional groups, all sects of religion. The schoolhouse is the center of the community, the strategic point for launching campaigns for social welfare and civic betterment. The teacher is the key-man or the key-woman in the situation. Teacher leadership, therefore, must include a spirit of service and the capacity for helpfulness in the life of the community. Human interest, knowledge of people and things as well as of books should make the teacher the originator or at least the intelligent promoter of movements for the uplift of the community along social, sanitary, industrial, civic and aesthetic lines. Community leadership, particularly in the rural districts, is a definite function of the teacher.

3. Moral and religious leadership—robust and wholesome—is a third element in the essential qualifications of the teacher. Ours is a Christian land. More and more teachers need to be men and women of positive moral and religious life and influence—recognized forces for righteousness in the state.

The need of educational leadership being admitted and its requirements recognized, what is the definite responsibility of our higher educational institutions in relation thereto? Or to quote the language of the subject assigned

me, how may these institutions train for educational leadership?

1. There is an old recipe for cooking rabbit stew which begins: "First catch your rabbit." If our normal colleges and the education departments of our universities are to develop leadership in education, they must first secure suitable raw material with which to work. "Sheep, mules, and machinery must be driven. They can not be taught to guide themselves"—much less to lead the way for others. The fundamental task of teacher-producing institutions is to attract to their student bodies an increasing number of red-blooded, ambitious, capable young Americans—the best products of the high schools. An editorial in a recent issue of the *Journal* of the N. E. A. gives forcible expression to this thought: "While efforts are being made through higher salaries, better tenure, pensions and improved working conditions generally to secure a longer period of service for teachers, the serious necessity of attracting highly promising young people into the profession must not be overlooked. There is no better way to spend the nation's choicest talent than in the training of its youth for citizenship. To this great task should be dedicated the finest and strongest lives that are produced in locality, state and nation. No government can afford to send its second best to fight its battles on the frontiers of citizenship." Teacher-producing institutions need to inaugurate a systematic campaign of information among the high schools, setting forth to high school seniors the unequalled opportunities for enduring service which the profession of teaching offers, its increasing financial rewards, and the growing recognition of its dignity and importance.

2. Institutions of higher learning may promote educational leadership by insisting upon legislation that will raise the standard of admission to the teaching profession. The competition of the inefficient is the curse of teaching—holding down salaries and preventing the teacher's calling from taking its proper rank among the professions.

Teaching will be respected and will have its appeal as a profession when four years of college education of a pro-

fessional nature is required of every teacher of the elementary as well as of the high school.

3. In order that incompetent teachers may be supplanted by instructors thoroughly qualified in scholarship, professional training and capacity for leadership, it is absolutely necessary that the agencies for preparing teachers be first class educational institutions in every respect. The scholarship and professional skill of their faculties should be equal to those of the best colleges in the land.

Mediocrity has no place in a teacher's college. A mediocre institution of learning will attract a mediocre student body and will turn out a mediocre product. A teacher's college so characterized will bring disaster to the public schools and unspeakable injustice to the children.

4. Educational leadership will be promoted by the establishment in higher educational institutions of strong schools or courses in educational research, investigation, experiment. Teacher's College, Columbia University, is an outstanding example of an institution in which education is studied as a science and educational leadership is developed. The Department of Education of our own University of Texas, under the leadership of its veteran dean, who has been on the firing line of every forward movement in education, is also taking advanced ground in this important field.

5. In the preparation of the teacher, study of the social sciences is of equal importance with that of the purely professional courses. Teacher-producing institutions must emphasize the courses in history, government, sociology, economics.

6. Lastly, the institution that educates teachers must remember that capacity for leadership needs to be directed by a spirit of service. It must inculcate pride and joy in teaching. There can be no leadership by men and women who are everlastingly "sorry for themselves." The professional atmosphere and the spirit of service should permeate campus and classroom from the higher institutions which educate our teachers.

In conclusion, it may be said that in this matter of development of educational leadership, Texans have cause for encouragement. Organizations of cultured and patriotic women, like those at whose request this conference was called, constitute a new force in American life—an increasingly powerful factor in leading the people along the upward paths of educational and civic progress.

Our State Department of Education, under the splendid leadership of the present Superintendent, has advanced the frontiers of public education in Texas and has formulated a far-reaching program of future development which is a challenge to patriotic effort.

Our State Teachers Association, under its new organization, with president, executive committee, and an efficient executive secretary, is doing constructive work for education.

The State University, the A. & M. College, the College of Industrial Arts, our denominational and private colleges are developing leaders in the various fields of thought and action who will also be leaders in moulding educational sentiment throughout the state. And lastly the development of the State Normal Schools into standard teachers colleges—in line with the educational movement in other states—is one of the most significant features of modern educational progress.

The future of education in Texas is bright with promise. But the greatest victories are yet to be won.

“Let not him boast who puts his armor on
As he who puts it off, the battle done.”

