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The Political Clubs of New York City (Book Review)

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treated here and that the constructive trust discussion should have been banned by the stated scope of the work.¹⁸

Among other fundamentals on which no position seems to have been taken are the testamentary or non-testamentary character of tentative trusts,¹⁹ the numerous problems in respect to accumulations as they affect express trusts,²⁰ and the rule in respect to charitable purposes of a charitable trust in so far as a trust for "charity" would be sufficiently definite.²¹ Perhaps it is the intention of the editors that all of these matters be fully treated in the various state annotations. The annotations, however, are not intended to represent the high authority of the reporters of the major work. It is to the latter rather than to the annotators that we look for the settlement of our queries.

In writing about the economic interpretation of law and its various ramifications, Roscoe Pound remarked that "we cannot tell such complicated stories in such simple fashion."²² In like manner it would seem that what the Restatement gains in simplicity, it must lose in thoroughness. The gain, however, seems far more important than the loss. Legal fundamentals have sunk by force of their weight to the bottom of the pile. Much that lies on top is debris in the guise of tinsel. It is high time to consign the tinsel to the flames, lest the fundamentals become as useless as buried treasure.

EDWARD J. O'TOOLE.*

THE POLITICAL CLUBS OF NEW YORK CITY. By Roy V. Peel. New York: G. P. Putnam's Sons, 1935, pp. xii, 360.

Many professional Republican and Democratic political workers will be surprised at the frank and earnest discussion by Roy V. Peel in "The Political Clubs of New York City." The facts publicly discussed in the pages of this book include many which have been deemed, in a sense, to be the private property of the members and political workers within the political clubs.

The information contained in this volume, with few exceptions, gives a fairly accurate picture of the day-to-day life and activity of the local district political clubs throughout the city. On the whole, the author approaches the subject of local political organizations with an open mind, with an air of frank disclosure, and with a very obvious and refreshing absence of partisanship. The clubs of the major and minor political parties are all treated objectively, without any attempt to paint a better picture for one party than the other. The author presents the facts as he has found them, in a straightforward, concise and detached manner.

¹⁸ See note 13.

¹⁹ § 58. It is extremely unfortunate that this problem is not discussed.

²⁰ In § 62 the matter is treated in a very general manner.

²¹ § 368 contains an excellent discussion of charitable purposes and is highly recommended.

²² ROSCOE POUND, INTERPRETATIONS OF LEGAL HISTORY (1930) 103.

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The volume traces the origins and rise of the various clubs, and shows how they have become a commonplace in the local political and social life of the city. At times, in describing the money-raising activities of these clubs, the author has created the erroneous impression that some of the less desirable and even dishonest methods of money raising are common to all clubs. Official investigation has revealed that the financial activities of some of the local clubs and their leaders are open to considerable question. In this, as in so many other matters, the question is one of personalities rather than one of the system itself. This can be said with equal truth of many of the vices of local political clubs discussed in this book. The distinction should always be borne in mind between those evils which come from personal delinquencies and those which are inherent in the system.

The whole question of the desirability of party government, itself, is involved in the discussion of the merits and faults of the political district clubs. So long as our present party system of government persists, and there appears to be nothing to indicate any immediate termination of it, the political club will be an integral part of it. It is futile to point out, as does the author, that there is "essential, basic identity of interests of the district major and minor party clubs". No one will attempt to argue that the district Democratic club has fundamental economic or social views which are different from the district Republican club four or five blocks away.

The policies of the different parties are not formulated, or even adequately discussed, in the local clubs. They are framed in the various capitols of the nation and perhaps in the state and city party organizations. There are, however, as every practical politician knows, other legitimate means of waging political campaigns and winning elections than merely the exposition of policies and platforms of the parties. These other means may be roughly classified as the practical side of politics and electioneering. They do not necessarily include instances of illegality or even lack of ethics in the use of the election machinery. The legitimate activities carried on in the various district club houses throughout the year may have their effect on Election Day in a local campaign, to an even greater extent than the discussion of the platforms and policies of the conflicting parties and candidates. The matter of organization for "getting out the vote", the matter of actual campaigning and of urging citizens to vote for certain candidates, the forming of friendships and loyalties through political favors of a major or minor kind—all of these activities and others discussed in the book, have their effect, and, in many cases, determine the result on Election Day.

The activities involved cannot be carried on in a city like New York in any centralized city-wide fashion. They must be disintegrated. Not only does the size of the city require it, but existing differences in classes of people, neighborhoods, economic and social interests, religions and races, all require the breaking down of the routine political work into smaller geographical units. The most obvious basis of decentralization is the assembly district. It has happened, through several reapportionments of assembly districts, that in some districts there is more than one central club. Except for this breakdown, the unit of political activity in this city has normally been the assembly district. There are, of course, other political clubs in each district. It is a defect of the volume under consideration that it ascribes too much importance to the so-called

political clubs other than the "regular" district clubhouse. The author points out that there are thousands of such clubs within the city. Outside of the organization district club in each district, however, few of these other thousands have any real political significance. They may call themselves political clubs, and, indeed, believe that they are. In fact, however, they are really only social clubs. The only political activity they have is to vote on primary and general election days. The officers or other leaders of such clubs are important only in so far as they can influence the votes of their members. It is a mistake, however, to consider these clubs political clubs merely because they so designate themselves. The only real political clubs are those in each district under the guidance of the so-called district leaders. To these should be added, of course, the few revolt clubs—that is, those clubs organized in the district for the purpose of promoting the political fortunes of some rival who is a serious contender for the leadership in that district. It is to these district and revolt clubs that the students of the local political situation in New York City should devote their main attention.

The author, in his chapter on Conclusions, disagrees with the contention here urged that these clubs are essential to party government as it now exists. The author, in fact, believes that they should be dispersed; and that in their place there should be erected one central political club, "one community centre, one forum for the initiation, elaboration and discussion, presentation and propagandization of the local demands of the group". He even urges that ultimately such a "territorial re-regimentation would gradually evict the two-party system and might, if properly directed, result in a nobler, truer or efficient Americanization of our polyglot metropolitan groups". Such a dream does not seem practical, even if it be assumed that it is desirable.

True reform in the clubs should come from a realization, firstly, that the clubs are with us with reasonable permanency because of the work which they do in our party system of government, and secondly, that the clubs may be beneficial or harmful, according to the personality of the leader or leaders of the clubs.

The overwhelming mass of our citizens become interested in politics only on Election Day. Therein lies the secret of the power of the political boss. He is interested in politics three hundred and sixty-five days each year. Election Day to him is merely the culmination of the other three hundred and sixty-four days. Under existing laws regulating our party government, citizens have the power, to a great extent, to control, or, at least, influence, party organization. To exercise this power, however, requires a continuous active participation in politics. This the bulk of our citizens refuse to do. There is not space here to discuss the fallacies contained in the various reasons assigned for this lack of interest and participation. The fact is that the lack of interest and participation is the very thing which gives the professional politician his opportunity to control the party or the local subdivisions thereof, and, through them, some of the processes of government itself. The author speaks of this lack of interest, particularly with reference to the direct primary law. The problem of reform in political clubs is the same as the problem of reform in politics generally. It is the problem of how to awaken the people themselves, to a new activity in politics. The natural field for such activity in each locality is the local political

clubhouse. A new personnel will not obviate all of the evils of party government. It will, however, eradicate a great deal of the downright dishonesty and many of the more flagrant abuses.

Many of the activities of these clubs—social, welfare and charitable—are acknowledged by the author to be commendable. Some others are obviously anti-social. An aroused public opinion, expressed through personal activity in the local political organizations, will go a long way towards removing anti-social tendencies.

The book is admirable in its searching analysis of the facts of the existing system. It leaves an impartial reader, as well as an informed political observer, with the distinct impression that the local political club is not entirely hopeless, that it may still be used to good civic advantage, and that with effective changes in some of its activities and some of its objectives, it may be turned into a more potent vehicle than it has been in carrying on good government.

SAMUEL I. ROSENMAN.*

CASES AND MATERIALS ON THE LAW OF MUNICIPAL CORPORATIONS. By E. Blythe Stason.¹ St. Paul: West Publishing Co., pp. xxix, 761.

The City of New York celebrates this year the 250th anniversary of the granting of the first American charter in 1686,² by Thomas Dongan, then colonial governor of New York. This fact and the appearance of Prof. Stason's excellent volume suggest a review of some aspects of the municipal corporation. We note first the course of development of the municipality, ably sketched by Prof. Stason in his "Introductory Notes."

I

The "city states" of Athens, Rome and Carthage were independent, owing allegiance to no superior authority. With the growth of the Roman Empire and the concomitant development of strong central authority, there arose provincial cities, subject to the authority of the Empire and lacking almost entirely any local autonomy. Here developed the concept of municipal corporate personality—a city possessing legal capacity to own property and to sue and be sued.³ After the Dark Ages, cities emerged on the continent of Europe as commercial centers with feudal overlords exercising plenary jurisdiction. In

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² The City of Albany, in the same year, acquired its Dongan Charter. For a brief examination of same, see ANDERSON, *AMERICAN CITY GOVERNMENT* (1932) 393. For an analysis of the Dongan Charter granted to New York City, see PETERSON AND EDWARDS, *NEW YORK AS AN EIGHTEENTH CENTURY MUNICIPALITY* (1917) 13.

³ P. 2.