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PANEL ONE PRESENTATION AND DISCUSSION

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PANEL ONE: REFLECTIONS ON THE CONSOLIDATION
OF GREATER NEW YORK

[David C. Hammack's presentation appears in this issue as a separate article titled *Reflections on the Creation of the Greater City of New York and Its First Charter, 1898.*]

KENNETH T. JACKSON

Professor David Hammack was my student a quarter century ago, but it is still intimidating to be on a platform with him talking about New York in the 1890s because he is *the* expert on the subject. In fact, his book, *Power and Society: Greater New York at the Turn of the Century*, is the standard reference on the subject,¹ and Chapter Seven on the consolidation of New York remains the best study we have of that momentous governmental change.

I would add two caveats to what Professor Hammack said. First, while he is correct that cities are technically minor civil divisions of states, in 1898 the City of New York spent more money than the State of New York. In fact, it spent more money than the State of New York plus the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Virginia, Maryland, North Carolina, South Carolina, Georgia, and Florida combined.

In comparison with Gotham, state governments were minor operations 100 years ago. There were few state colleges and highway patrols, and public welfare was far in the future.

Second, while the building of Pennsylvania Station did give New York direct passenger links with the rest of the United States,² the city still does not have a direct freight railroad link with the rest of the country.³ That was supposed to be one purpose of the Port Authority of New York in

1. See DAVID C. HAMMACK, *POWER AND SOCIETY: GREATER NEW YORK AT THE TURN OF THE CENTURY* (1982).

2. See, e.g., Drew Fetherston, *The Manhattan Connection: Workers in a Perilous Craft Create a Web of East River Tunnels to Speed LIRR Commuters*, *NEWSDAY* (N.Y.), Apr. 17, 1998, at A18 (stating that in 1915, the Long Island Railroad carried 43 million passengers, and that by 1928, the number had risen to 114 million).

3. See, e.g., Ellyn Ferguson, *Feds OK Sale of Conrail in Rail Merger*, *TIMES UNION* (Albany, N.Y.), June 9, 1998, at E1 (discussing how trucks haul ninety-eight percent of all freight into New York City).

1921.⁴ In the 1920s, Mayor John Hylan started to build a tunnel from Staten Island to Brooklyn, but it was never finished.⁵

Rather than add to Professor Hammack's commentary on New York 100 years ago, I will ask a few questions about consolidation. Was it inevitable? Did proponents achieve what they set out to achieve in terms of a metropolitan government? Was it a good idea, especially from Brooklyn's perspective? Finally, is there a theoretical limit to the size of a city?

One hundred years ago it was generally assumed that bigger is better and bigger is more efficient. Thus, virtually every city in the United States added to its territory. Chicago had an enormous annexation in 1889 that took in almost all of the far South Side.⁶ In 1854, Philadelphia grew from two square miles to 130 square miles;⁷ it has not added even ten inches since 1854.⁸ Boston, Detroit, and Cleveland all added pieces little by little. St. Louis had a major expansion in 1856, another in 1870, and another in 1876. The city went from seventeen square miles to sixty-one square miles, and then it detached itself from the county. The city of St. Louis and St. Louis County remain separate. The city achieved metropolitan government for only ten years or fifteen years. After that, St. Louis was hemmed in at less than one-fifth the size of New York City.⁹

You often hear that it was inevitable that Brooklyn and New York would join because of their proximity and the ease of commuting over the East River. As early as 1849, Walt Whitman was writing about river

4. See Fred Kaplan, *Tunnel Dream Could Rouse Brooklyn Port*, BOSTON GLOBE, June 8, 1998, at A1 (stating that the Port Authority of New York was created in 1921 for the purpose of building a tunnel for rail freight).

5. See *id.* ("Mayor John Hylan, not trusting the newly created agency, started allocating the city's own funds for a rail-freight tunnel connecting Brooklyn and Staten Island.").

6. See, e.g., Blair Kamin, *A Century Ago, City Grew In A Giant Leap*, CHI. TRIB., July 16, 1989, at 3 (discussing how Chicago expanded in 1889 to include various cities, villages, and towns); Brian Edwards, *Past Meets Present: Renewed Popularity A Mixed Blessing For Logan Square*, CHI. TRIB., Feb. 15, 1991, at 16 (discussing that Chicago annexed Logan Square in 1889).

7. See KENNETH T. JACKSON, *CRABGRASS FRONTIER: THE SUBURBANIZATION OF THE UNITED STATES* 142 (1985).

8. See Tom Bower, *Philly Plan Touted for San Antonio: Expert Discusses Downtown Renewal*, SAN ANTONIO EXPRESS NEWS, June 23, 1998, at 1B (stating that Philadelphia has been unable to annex and enlarge its city limits since 1854).

9. See Robert D. McFadden, *A Taste of the City's Centennial*, N.Y. TIMES, Sept. 8, 1997, at B4 (stating that New York City is over 320 square miles); Editorial, *Declining Population, Declining City?*, ST. LOUIS POST-DISPATCH, Dec. 1, 1997, at B6 (stating that the city of St. Louis is over 60 square miles).

crossings and people running to the boats in his poem, *Crossing Brooklyn Ferry*.¹⁰ When the Brooklyn Bridge opened in 1883, consolidation did seem inevitable.

But few things are inevitable in history. It was not inevitable that Brooklyn would become part of New York. After all, Brookline, Massachusetts, rejected Boston in 1874.¹¹ Chicago was rejected by Oak Park and Evanston.¹² Alameda County, California rejected Oakland.¹³ Can you imagine New York annexing Nassau County today? Times were beginning to change by the 1890s.

Did consolidationists achieve what they set out to achieve? In some ways they did. New York had a kind of metropolitan government until World War II. There are now twenty million people who live within sixty miles of Times Square,¹⁴ and only a third of them live in the City of New York. Obviously, we don't have metropolitan government now.

On the other hand, as Professor Hammack said, the city is able to pay for sewers, schools, roads, and fire departments.¹⁵ As he notes, New York City is more active in the bond market than any other city.¹⁶

Did consolidation promote, as its backers hoped, the unified and comprehensive development of shipping and railroads? Maybe, maybe not.

As for efficiency, consider that New Jersey has almost exactly the same number of people as the City of New York, but has 567

10. See Walt Whitman, *Crossing Brooklyn Ferry*, in LEAVES OF GRASS 134 (Emory Holloway ed., Doubleday & Co., Inc. 1948) ("On the ferry-boats the hundreds and hundreds that cross, returning home, are more curious to me than you suppose . . .").

11. See Roger Michel & Beth Teitell, *Good Question! Down East a Matter of Perspective*, BOSTON HERALD, Aug. 13, 1995, at 62 (stating that Brookline refused to be annexed by Boston).

12. See Michael H. Ebner, *The Scourge of the Dual Metropolis*, CHI. TRIB., Dec. 6, 1993, at 17 ("Evanston rejected annexation to Chicago in 1894.").

13. See JACKSON, *supra* note 7, at 149.

14. The Regional Plan Association defines the New York Metropolitan Region as the five boroughs of New York City, plus twenty-six surrounding counties in New York, New Jersey, and Connecticut.

15. See David C. Hammack, *Reflections on the Creation of the Greater City of New York and its First Charter, 1898*, 42 N.Y.L. SCH. L. REV. 693, 706 (1998).

16. See *id.* at 695.

municipalities and 600 different school districts.¹⁷ I think New York City is better than New Jersey. I vote for one government.

One of the problems in New Jersey, and throughout the United States, is unfair allocation of the tax burden. By moving to Scarsdale, N.Y., or Darien, C.T., or half a hundred other places, you can escape part of your responsibility to your fellow man. If you live in the City of New York, however, there is one taxing authority. If it is better that we share responsibility for our communities, then New York City has achieved a kind of an equity. The wealthy on Fifth Avenue pay a higher tax than they would if they lived in Greenwich or Bronxville.

Was consolidation good for Brooklyn? That depends on your perspective. If you were trying to maintain the Protestant character of your neighborhood and culture, you were overwhelmed. Today, Brooklyn is Jewish, Catholic, and black. White Protestants have gone elsewhere.

John Tierney wrote in the *New York Times Magazine* recently that "Brooklyn could have been a contender[.]"¹⁸ He argued that it was a mistake for Brooklyn to join with New York City, noting that Silicon Valley outside of San Francisco has prospered. He argued that Brooklyn could have become a center of popular culture on its own.

Brooklyn might also have been in trouble if it had gone it alone. In general, cities across the river from bigger cities do not thrive, as Newport and Covington across from Cincinnati, West Memphis across from Memphis, Camden across from Philadelphia, or East St. Louis across from St. Louis demonstrate. They suffer from both low status and serious financial trouble.

Many independent cities in the Frost Belt have seen drops in their populations. Cleveland is an example. Despite Jacobs Field, the Rock and Roll Hall of Fame, a new night life along the Flats, and a generally more

17. See Dale Mezzacappa, *Teachers Union Rejects Merger: Jersey Unit Leads Foes to Leadership's Plan*, STAR-LEDGER (Newark, N.J.), July 6, 1998, at 3 (reporting that New Jersey has nearly 700 school districts); James Ahearn, *A Modest, Useful Proposal*, THE RECORD (Northern N.J.), Mar. 15, 1998, at 2 (discussing that New Jersey has more towns, 566, than the total number of towns in Arizona, Delaware, Hawaii, Maryland, Nevada, New Mexico, Rhode Island, and Wyoming).

18. John Tierney, *Brooklyn Could Have Been A Contender*, N.Y. TIMES, Dec. 28, 1997, § 6 (Magazine), at 2.

optimistic feeling about the city, Cleveland's population, almost a million people in 1950, is now 500,000.¹⁹ Brooklyn is not down nearly as much.²⁰

Brooklyn has also benefitted because tax collections in the metropolitan region tend to flow from Manhattan outward. Secession would benefit Manhattan, not Brooklyn. Per capita, Manhattan is the richest county in the United States.²¹

Is there an optimum size for a city? A city is a corporate or voluntary form of government. None of us can escape the jurisdiction of a county or a state. But a city is theoretically a voluntary group of people who come together to make you stop at a red light, get a license for your dog, or not blow your horn at 3:00 a.m.

Is there a size that is optimal? Why should Japan not be a city, or the area that runs from Boston to Washington with its sixty million people? Ebenezer Howard a century ago said the perfect size for a city is 32,000.²²

My argument is that the 1898 consolidation did not go far enough. It did not include all of Westchester or all of Nassau or any part of New Jersey. The government is too small to deal with today's regional transportation issues or the environment and pollution.

I have obviously asked more questions than I can answer, but Professor Hammack and I will have a few minutes to answer questions.

PANEL ONE DISCUSSION

DEAN HARRY WELLINGTON

That was really terrific. The part I'd like to annex is the Meadowlands. I want the Giants back. Questions or short comments? We have microphones here, and there are television cameras. If you would like to ask a question or make a very short statement, we invite you now to step up to the microphone.

19. See Kate Uhlir, *Battle-Zoning in Suburbia Large-Lot Homes; 'Elbowroom' Looks Like Sprawl to Proponents of Land Conservation*, PLAIN DEALER (Cleveland), July 12, 1998, at 4D (letter to the editor discussing how Cleveland's population is just over half of what it once was).

20. See Larry McShane, *Once Upon a Time, Brooklyn Had Its Own Baseball Park*, L.A. TIMES, Mar. 30, 1997, at C1 (stating that since 1960, Brooklyn's population is down about 700,000, and its present population is over 2,000,000).

21. See Paula Forsys, *New York Metro Area Is Primed for Growth*, REAL EST. WKLY., Jan. 28, 1998, at B8 (stating that Manhattan's per capita income is more than double the national average).

22. See STANLEY BUDER, VISIONARIES AND PLANNERS: THE GARDEN CITY MOVEMENT AND THE MODERN COMMUNITY (1990).

AUDIENCE MEMBER 1

I appreciate Professor Jackson bringing out the point that our population has been relatively stable compared to other cities, because one of the flaws in Tierney's article was that he said that jobs per capita have been declining in New York.²³ In most major cities, jobs have declined a bit, but in most other cities, populations have dropped even faster. Therefore, our jobs per capita ratio does not look as good as theirs, but it is because we are keeping our people.

DEAN HARRY WELLINGTON

Other comments? Yes?

AUDIENCE MEMBER 2

With all the attention given to the consolidation, especially to Brooklyn's role, I think one of the most interesting postscripts that often gets lost in the hub-bub of fighting for or against consolidation is that once the Charter was proposed, Brooklyn became one of the strongest advocates for its passage. New York, which thought it was getting the short end of the stick, basically started to oppose it. Any further illumination about that whole process?

DAVID C. HAMMACK

This is going back to 1898?

AUDIENCE MEMBER 2

Yes.

DAVID C. HAMMACK

I think Brooklyn got a great deal out of the consolidation. I mentioned uniform taxes and assessments and access to the greater city's borrowing

23. See Tierney, *supra* note 18.

capacity.²⁴ I left to Professor Jackson to comment on the achievements after consolidation. I would add that Brooklyn had thousands of miles of unpaved streets in 1898. The streets were paved to a standard throughout the area. Firehouses were built. Police stations and schools were expanded. Brooklyn had inadequate access to water and gained access to New York City's water system through consolidation.²⁵ I think people in Brooklyn began to become aware of these practical advantages to joining New York City. I share Professor Jackson's sense that if you want to see the impact of consolidation, you need only look at cities in New Jersey, such as Jersey City, Bayonne, Hoboken, and Newark, and ask, was a municipal standard of facilities developed there comparable to what was developed in Brooklyn and Queens in the period up until the 1960s? I lived in New Jersey for many years—taught for half a dozen years at Princeton. I am very fond of New Jersey, but I do not think its physical facilities compete with those on this side of the Hudson or on the other side of the East River.

DEAN HARRY WELLINGTON

We can take two more, and then we will go on to the next panel.

AUDIENCE MEMBER 3

Professor Hammack, do you think that the Supreme Court gave short shrift to the history you described in its ruling that the Board of Estimate was unconstitutional?²⁶

DAVID C. HAMMACK

I appreciate your raising that issue because it allows me to come back to the point I made at the outset. In the nineteenth century, there was a great deal of attention given to the fiscal responsibility of municipal governments, and not much attention given to political "one man, one vote" principles. I am referring to the period before women's suffrage. There was a different standard for political representation. The 1890s were

24. See Hammack, *supra* note 15, at 709.

25. See HAMMACK, *supra* note 1, at 185-229 (chapter entitled *Urbanization Policy: The Creation of Greater New York*, containing a discussion of the relative benefits Brooklyn had to gain through consolidation).

26. See *Board of Estimate v. Morris*, 489 U.S. 688 (1989) (holding that the City's Board of Estimate was unconstitutional because it violated the "one person-one vote" rule).

the decade of *Plessy v. Ferguson*,²⁷ and by 1900 African Americans were being driven out of the southern electorate at gun point. The Supreme Court accepted all of that. Constitutional standards for political representation, have since changed all over the country, and not surprisingly those standards apply to New York as well as to Alabama. I think that is because the Supreme Court is now applying different standards than those applied by the Supreme Court in the nineteenth century. I do not think many of us would argue that this is wrong.

DEAN HARRY WELLINGTON

Over here?

AUDIENCE MEMBER 5

Professor Jackson, I was looking through Calvert Vaux's²⁸ files at the New York Public Library, and he proposed that New Jersey's coastline be annexed by New York in some crazed fashion. Obviously the idea did not go anywhere because of the jurisdictional problems.

One other issue concerning the notion of the wealthy paying higher taxes—because of the greater sense of equity in the large city—was the rise of business improvement districts in New York City. These districts seem in many ways to allow businesses to evade responsibilities to the greater city while providing services for themselves.

KENNETH T. JACKSON

That is a pernicious movement. On the other hand, given that New York City is part of the United States, we have to live with it. At the end of the twentieth century, when capital and people are more mobile than they were 100 years ago, if the city does not make allowances for people with relocation options, the wealthy will simply move away from the city.

27. See *Plessy v. Ferguson*, 163 U.S. 537 (1896) (sustaining a Louisiana law of 1890 that required "equal but separate accommodations" for "white" and "colored" railroad passengers).

28. Calvert Vaux was the nineteenth-century landscape designer and architect who designed Central Park, among other major New York City parks. See Rick Beard, *Calvert Vaux*, in *THE ENCYCLOPEDIA OF NEW YORK CITY* 1226, 1226 (Kenneth T. Jackson ed., 1995).

I share your concern about the business improvement districts, but they seem to be a necessary compromise in order to encourage people with options to stay in the city.

ROSS SANDLER

I want to thank you both. This was an enormously stimulating panel. David Hammack's book *Power and Society*²⁹ is still current and available, and the *Encyclopedia of New York*³⁰ is in its fifth edition.

We thank you so much for sharing your comments with us.

29. See HAMMACK, *supra* note 1.

30. See THE ENCYCLOPEDIA OF NEW YORK CITY, *supra* note 28.

