

FOLDER NO.

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RECOMMENDATIONS FOR IMPROVING
STATE GOVERNMENT

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Pressing demands are being made on all levels of government. In a country as large and diverse as ours, the historic dynamism and balance of our federal system must be maintained if we are to remain strong and free. For this reason, the American Assembly believes that the continued existence and strengthening of our state governments is imperative. The states must accept promptly their changing responsibilities if they are to continue to be strong and vital parts of our federal system.

The central concern of this Assembly is the capacity of state governments to perform their appropriate functions responsibly, democratically, intelligently and efficiently. The dimensions of its task prevented consideration of the state judiciary and of the interrelations among local, state and national governments.

Some state governments are well geared to handle their responsibilities and have earned the confidence of their citizens; some have taken steps to qualify for confidence; but a large number are poorly prepared to meet the problems that press upon them. Unless these latter states make substantial improvement, they will not win the confidence of their citizens and, in the natural course of events, power will gravitate to other levels that meet more nearly the standards of democratic and competent government.

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I.

The making of policy decisions is the most important responsibility of any government. For policy making in a representative government the legislature is of crucial importance. It needs to represent the people in whose name it acts. It needs leadership. It needs to reach its decisions on the basis of informed, orderly deliberation.

Most state legislatures do not accurately represent the people. In most state legislatures one or both houses are elected by a system of apportionment that represents acres or towns or counties rather than people as individuals. In many states this has been carried to the point where legislative action very frequently reflects minority rather than majority opinion. This has encouraged the majority to turn to methods that by-pass a legislature so inequitably apportioned. The majority often looks solely to the governor who has been elected on a statewide basis; it adopts constitutional amendments that are in effect statutory measures; it writes into the constitution detailed restrictions on the scope of the legislature's powers; it displaces the legislature through excessive use of the initiative and referendum; or it turns too often to the national Congress for relief. These are some of the results of a bad apportionment system.

To restore the people's confidence in state government, the revision of legislative apportionment in most states is imperative. How fast the states can move toward this objective will vary, but we support the goal of more representative legislatures.

The Assembly agreed that every state should constitutionally

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provide a sure method of compulsory reapportionment promptly after each census.

Other specific measures would further improve the legislature's capacity to serve as the central policy making organ:

1. The legislature should meet annually without limits on the length or scope of its deliberations.
2. Adequate compensation should be provided for legislators, which in many cases will require substantial increases. Special consideration in this respect should be given to the legislative leaders and such compensation should be on an annual rather than on a per diem or a per session basis. Conflict-of-interest statutes should apply to legislators as well as to other state officials.
3. Legislative councils, interim, legislative committees and citizens' committees can contribute much to informed consideration by the legislature. Adequate staff services--for bill drafting and research--and uniform and comprehensive reporting of state activities through a central agency -- interstate or national -- should improve the quality of legislative consideration.
4. In many states the legislatures should provide more fully for public hearings, adequately announced in advance, on contested legislative measures.

II.

The effectiveness of state government is profoundly influenced by the character of its political party system. Strong continuing parties in genuine competition for the voters' favor seem to us the clearest instruments for getting issues formulated, presented to the voters, adopted by the legislature and respon-

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sibly executed by the governor.

Political parties presenting programs related to state government can buffer and channel in the larger public interest the narrow and fragmented concerns of lobbyist and special interest groups. This is not to discount the constructive influence organized groups have upon the formulation of legislation and the administration of laws in areas of their interest and special competence.

The governor is the obvious person to provide the political leadership necessary for effective policy making. He can always propose and usually can veto policy measures.

Party responsibility to the people is strengthened where the governor, instead of an invisible boss, is head of his party. It is difficult for the governor to be an effective leader of his party if he serves only a two-year term or if he is ineligible for reelection. To strengthen party responsibility, we recommend that the governor's term be four years, that he be eligible for reelection, and that the voters, rather than the constitution, determine how many terms he shall have.

A representative legislature, a governor empowered to lead and a responsible two-party system are long steps toward effective state government. Yet another step is needed. State elections should be disentangled from national elections. The important issues of state government are too frequently obscured by the drama of national contest. The American Assembly recommends that state elections be held in non-presidential years.

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III.

Policy decisions are futile unless they are carried out effectively. The governor is the appropriate person to direct and coordinate state administrative activities. If he is not in reality chief executive, each department becomes responsible only to itself and to the narrow and particular interest groups regulated or served by its activities. The result is not one state government but twenty or thirty in the same state, each with a special function and with but a fragment of the public as its clientele and controller.

It has been argued that certain activities should be insulated from control by the governor and sometimes from control by the legislature as well. To accommodate these arguments we would have to dissolve state government as an entity; indeed this is virtually what has happened in a number of states. To endorse autonomy for agencies as a general principle would be to deny that state activities have interrelations and that they need coordination in the general public interest.

To assure the governor's administrative leadership, the American Assembly recommends that the ballot be shortened to provide for popular election of only the governor, the lieutenant governor and the auditor with exclusively post-audit functions (although legislative selection of the auditor is an alternative). Heads of agencies should be appointed by the governor and their terms should coincide with his.

Every design for government has to face up to the possibility that an occasional chief executive may be weak or bad. But to shape a state government so that an error by the people cannot

bring bad consequences is also to shape one that prevents sound decisions by the people from bringing good consequences. We must count on the people, the parties, the press, the legislature and the courts to hold a governor responsible.

The elimination of boards standing between the governor and the agency administrators does not mean the loss of the advice of interested and public-spirited citizens. We favor advisory boards attached to the departments to assure maximum consultation by administrators with citizens on questions of both policy and administration.

We recommend that the states maintain or adopt appropriate devices to periodically survey the efficiency and expenses of state governmental machinery.

Competent people are needed in state government. The states' record on personnel needs substantial improvement. More of our able men and women must be attracted to the top administrative and professional positions, for they are among the most influential persons in setting the whole tone of state administration. Salaries for these posts need reconsideration. The problem of personnel runs deeper. States need to develop complete modern programs of personnel policies and personnel administration at all levels. They need to look critically at the effects of veterans' preference provisions on the state service and they need to encourage selected employees to broaden and deepen their training and experience.

IV.

The power of the purse has been for centuries a major instrument of popular control of executive and administrative

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activities. The American Assembly believes that constitutionally or statutory earmarking of specific taxes for specific purposes eats away this important power. In some states more than three-fourths of state expenditures are thus beyond effective control by the legislature and the governor. Earmarking, which has its defenders, has gone much too far and the process should be reversed. It feeds on itself. Each agency without earmarked income covets the position of those agencies that have their own particular tax. In important instances the national government requires earmarking of specific revenues as a condition for certain federal grants-in-aid. Congress should repeal these requirements. Legislatures and governors should repossess the power of the purse.

Proposing to the legislature a comprehensive budget program that covers the whole range of governmental activities is properly the job of the governor. Most states have recognized this principle, but it has limited significance in practice so long as extensive earmarking continues.

In a number of states the governor is authorized to veto individual items in an appropriation bill, and so is not forced, like the president, to accept all the bill or none. The item veto should be adopted in every state.

The states' capacity to govern is often crippled by constitutional limitations on taxing and borrowing powers. These shackles should be removed. Zeal for new tax levies is not characteristic of state legislatures. In addition, we recommend that the governors and the legislatures carefully scrutinize the efficiency of the collection of existing taxes and the revenue

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opportunities developed by other states.

V.

The American Assembly recommends that those states which have not already done so, should take steps to secure a modernized, short, basic state constitution; further, that in every state citizens be given the right to call constitutional conventions at periodic intervals.

We recognize that the state governments must earn the confidence of their people before the people will dispense with detailed constitutional restrictions. Representative legislatures, a governor who is the leader in policy initiative and administration, comprehensive budgeting and party responsibility will all contribute to that confidence. In addition, such confidence can be increased and maintained if responsible officials of all branches of state government recognize the critical importance of the people's right to be fully and completely informed about the public business.

VI.

Throughout its deliberations the American Assembly has considered state governments as they are and state governments as they could be. Its recommendations are not utopian, for progress toward the goals outlined in this report is observable in many states. The objectives can be achieved.

Success will not come automatically, however. Realistic steps will be taken when the leaders of important economic and civic groups, joining with scholars, journalists and party chiefs, move through awareness to action.

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The Assembly has emphasized in these findings the importance of improvement in the machinery and operation of our state governments, but it also stresses the extreme importance of citizen interest and participation as the only final assurance of effective and responsive government.