

CHAPTER I

Intergovernmental Coöperation

"A Compromise between the Tyranny of Centralization and the Anarchy of Decentralization"

NEITHER the importance nor the seriousness of America's major problem of governmental structure can well be overestimated—the problem of proper adjustment between our forty-eight state governments and our federal government.

Woodrow Wilson once wrote: "The question of the relations of the states to the federal government is the cardinal question of our constitutional government. . . . It cannot . . . be settled by the opinion of any one generation, because it is a question of growth, and every successive stage of our political and economic development gives it a new aspect, makes it a new question."

A heritage in American political philosophy is the belief that it is desirable to have every function handled by the most localized unit of government which can do the work adequately. What the cities can do adequately the states should leave to them; what the states can do adequately the federal government should leave to them. But there are many difficulties which the states singly are unable to settle, and over which the federal government has no jurisdiction.

Every federal administration, regardless of political faith, is forced into an assumption of more powers. The reconciliation of this fact with the desire to avoid overcentralization is not a party problem. Almost every citizen, no matter what his politics, views the decay of local government with regret.

Toward Harmony

What, if anything, can our governments do to secure a reasonably coöordinated, harmonious government in this country and yet preserve a maximum of self-government? How can we coöordinate our govern-

ment without scrapping our system of sovereign states with its accompanying structure of counties, cities, and towns which are not accountable to the federal government?

The primary motive in developing effective coöperation among state governments is to render them more capable of retaining the powers and the functions which they now have. It is astounding that during the century and a half of our national existence, no group of states has ever set up a continuing agency for the purpose of effectuating a long-term, comprehensive program for a mutual understanding.

Learning from Experience

In many respects the conduct of every intelligent citizen is based upon ideas which he acquires from his neighbors. A little of his knowledge comes from the research of technicians; much of it comes from common sense utilization of the experience of others. Similarly, every unit of government can and should learn much from its fellows. Such learning will come in part from the research of specialists and in part from exchange of experience. To accomplish this purpose adequate lines of communication between the state governments and between the municipal governments must be developed. The federal government can conduct extensive studies to determine the direction which its own course of conduct should take. States and municipalities cannot so well afford such studies—and they should not conduct original research in order to ascertain facts which they might easily learn from their neighbors. In many matters they should delegate to their joint agencies the task of intelligent analysis of the governmental services being performed everywhere in the

United States, to determine the most economical and efficient practices.

Toward the Goal

When units of government cooperate effectively, there are usually four steps involved:

1. Discussion and negotiation among government officials; what the lawyers call "a meeting of the minds."

2. Crystallization of the agreement in some definite form or document. This may take the form of an interstate compact, a difficult but less cumbersome uniform statute, a relatively simple uniform administrative regulation, or merely an individual agreement based upon the personal willingness of two or more government officials to cooperate with each other.

3. Governmental adoption of the agreement, if it is in the form of a compact, a statute, or an administrative regulation which requires either legislative, executive, or administrative ratification by the participating states.

4. The development and consummation of plans for a joint agency or mode of operation capable of giving effect to the agreement which has been made.

These steps are necessary when two states attempt cooperation, no less than when forty-eight states try to cooperate.

Types of Cooperation

If the states in any region are to join together for unified planning and the successful carrying out of long term projects, we must have a definite framework of cooperation. But when we say that the states must work together, the phrase is too glib; it is deceptively simple. For what do we mean when we use the term, "State of New York"? The governor is not the state; the legislature is not the state; the administrative departments are not the state. It takes all of them together, and more, to constitute the state. But since the governor and the legislature and the administrative departments do not move together as a unit, the state government is an elusive and an amorphous will-o'-the-wisp. Consequently, any arrangement for cooperation of states over a long period of time must in some way maintain a direct inter-

locking of the governors, the legislatures, and the appropriate administrative departments of all the states involved.

There are at least four fields in which this interlocking should be exercised:

1. Between the three principal levels of government—federal, state, and municipal.

2. Between the various units within each of the levels of government; state with state, and city with city.

3. Between the major departments within every unit of government; the law-making body, the chief executive, and the various administrative departments and agencies.

4. Between the nation-wide organizations of legislative and administrative officials and those of the men who are in the front line trenches of government; highway officials, educational officials, officials concerned with public health and safety, and so on, in order that interchange of experience between men handling similar problems in the various states be facilitated.

Finding the Way

If we are to pull ourselves out of the slough of governmental confusion in which we find ourselves today, it will be done primarily by three processes:

1. By careful planning and careful organizing. There are persons who are afraid of the word "planning." We all know that intelligent planning means simply the preparation of a course of action; we all know that any course of action is unworthy of intelligent men unless it has been carefully planned.

2. By wholehearted cooperation between administrative departments in each level of government.

3. By developing personal acquaintances, friendships, and interchange of experiences between the men who are in control of our various units and departments of government.

The Council of State Governments is beginning the work of bringing order out of the existing complexities of American Government. In the words of Arnold Bennett Hall, it is "a synthetic approach to the whole problem of state government, from the political, administrative and legislative standpoints."

Although it is today only in its beginning, incomplete and inadequate, when compared to the responsibilities which will devolve upon it, the Council has nevertheless demonstrated the truth that intergovernmental coöperation is necessary, valuable, and practical. As a demonstration project it has secured private philanthropic support; and more recently states which have participated in, and derived benefit from, the work of the Council have

made appropriations for the continuation of its activities. Through the State Commissions on Interstate Coöperation it is endeavoring to establish a pattern for organized coöperation in a spirit of interdependence in order to form a more perfect union.

The spirit of the movement is embodied in the Declaration of Interdependence read at the Third General Assembly of the Council of State Governments, January 22, 1937.

IN COMMON COUNCIL JANUARY 22, 1937

The Declaration of Interdependence of the Governments within The United States of America

When, in the course of human events, it becomes necessary for a nation to repair the fabric which unites its many agencies of government, and to restore the solidarity which is vital to orderly growth, it is the duty of responsible officials to define the need and to find a way to meet it.

A way does not come of itself. The maintenance of just and efficient government is as intricate, as arduous, and as imperative as any human endeavor. One hundred and fifty years ago our forefathers faced their necessity, and formed a new union. They found a way.

And from that beginning in 1787 sprang history's finest example of the democratic form of government—a government dedicated to the preservation of every man's endowment of life, liberty, and happiness.

Inevitable changes have come. The fundamental pattern of states, united for the benefit of all the people, remains the same as it was when the founding fathers wove it. But the far-flung tapestry of our many governments has stretched so taut that the fabric has weakened. The essential thread of coöperation too often is lacking.

Now, for the first time since that memorable day when the form of our Constitution was determined, official delegates of the

states are gathered together with representatives of their central government and with representatives of their local governments, as good neighbors, seeking to revive the original purpose—"to form a more perfect union."

It was meant that the states, while creating a nation, should yet preserve their own sovereignties and a maximum of self-government. But now if the claim of states' rights is to prevail, it must be justified by a demonstration of states' competence. When our union was formed, there was no land transportation, nor any remote communication, except by the plodding foot of horse or man. But since that time, our society has been revolutionized by the advent of transportation as swift as the wind and of communication more rapid than lightning. Our area has trebled. The number of our people has increased beyond belief.

How have our governments met their mutual problems brought by this modern era?

They have developed a "No Man's Land" of jurisdiction.

In thousands of instances their laws are in conflict, their practices are discordant, their regulations are antagonistic, and their

policies are either competitive or repugnant to one another.

In taxation alone, scores of conflicts between federal and state laws exist.

The interstate criminal is a standing headline on Page One of every newspaper.

The forty-eight states pass laws on crime, labor, taxation, relief, corporations, parole, domestic relations and other questions momentous to our social and economic system, with no thought of harmony. And this discord has been further stitched into our pattern of life by all other agencies possessing the power of legislation.

This is not as it should be.

The trend of federal-state projects, exemplified by social security, demands immediate action if those projects are to succeed completely.

All officials should conduct their own governments properly. But we hold that they must act with earnest regard also to the other units of government. The bonds

of good will and the lines of communication which connect our many interdependent governments must be immeasurably strengthened.

Through established agencies of cooperation, through uniform and reciprocal laws and regulations, through compacts under the Constitution, through informal collaboration, and through all other means possible, our nation, our states and our localities must fuse their activities with a new fervor of national unity.

We, therefore, as representatives of the officers of government here assembled, do solemnly pledge our loyal efforts to the accomplishment of such purposes.

As our forefathers by the Declaration of Independence affirmed their purpose to improve government for us, so do we by this Declaration of Interdependence affirm our purpose to improve government for our contemporaries and for our posterity.