In Lieu of Foreword

Instead of a prefatory note—or perhaps in place of an invocation—we copy a letter from Arnold Bennett Hall, head of the Institute of Governmental Research, of the Brookings Institution:

"I am writing to tell you of the thrill that your conception of the Council of State Governments gave me.

"I think that the time has come for a synthetic approach to the whole problem of state government from the political, administrative, and legislative standpoint.

"I believe that a concentrated attack upon the total situation may yield extremely fortunate results at a time when state and local governments are looking more and more to the federal government for support of traditional local and state functions, and when it seems that the states and communities lack the economic capacity to meet the obligations imposed by the present crisis.

"I think that the time is calling for a reorientation in the whole problem of state and local government, to the end that we may utilize the existing emergency to direct governmental development along more constructive and intelligent lines.

"After all, the wealth of the federal government is nothing but the combined wealth of the several states, and I am not willing to agree that the states have passed their period of usefulness, or that they lack either the economic or the spiritual resources essential to make a distinctive contribution to American progress.

"I do think that our state and local governments need overhauling and reorganization to bring them in line with modern economic and technological progress. I think that our relationships to the federal government must be restudied and rearranged.

"And I have faith to believe that when this has been intelligently and scientifically accomplished, the newly organized state and local governments will find a challenging task which they have both the resources and the imagination to perform."

New Needs in Government

New times bring new needs in government, as in other affairs. For more than a century republican government in America functioned moderately well, in spite of the fact that it was confined in substantially isolated compartments. These separate divisions, larger and smaller, were administered respectively by the national government and by the governments of the several states.

But now the increased speed of transportation and communication, and the increased size of business units, have rendered safety and prosperity in every state somewhat dependent upon conditions and practices in other states. Here the difficulty begins. In thousands of instances the laws of the states are in conflict, their practices are discordant, their regulations are antagonistic, and their policies are either competitive or repugnant to one another.

Such disharmony cannot continue. One of two results is inevitable: Either the federal government must continue to take more and more of the control from the states until they become vestigial relics of local self-government, or else the state governments must harmonize their activities and must work together. A reduction of the conflicts between the states is not the only imperative need. More is necessary:
the states' rights must now be justified by a demonstration of states' competence. Unfortunately, however, state governments cannot reconcile their policies, nor act in unison, merely by good intentions.

Spread over an area of three million square miles, governed 120 million persons, headed by forty-eight governors, controlled by 7,500 legislators, administered by tens of thousands of officials, the state governments cannot hope for harmony without organization. Their cooperative impulses will continue to be futile until they are implemented. But today there are better facilities for dealings between the federal government and foreign nations than there are for dealings between adjacent states.

There are scores of broad fields in which governmental harmony and cooperation must be sought. A few examples are: the imposition and the collection of all taxes, the protection of our citizens against criminals, the checking of economic and social menaces; the relief of destitute adults and children, the control of the liquor traffic, the simplification of rules which complicate and burden commerce, the guarantee of convenience and safety on the highways, the establishment of the rights and obligations of employers and employees, the determination of governmental policies toward social usages, such as divorce, and toward commercial agencies, such as corporations.

The American people have discovered that some of the original functions of the states cannot be satisfactorily administered except by the federal government. But this discovery should not blind them to the fact that it may be important for the states to retain other functions. In any event, many of the states' functions are being transferred to the national government, year after year, mainly on account of the failure of the states to adjust and coordinate their own governmental practices adequately. This failure of the states should be corrected.

We must make a careful examination in order to determine which functions can best be performed by the federal government, and which by the state governments. We must check over the hypothesis that the lure of unified federal administration frequently leads to a cumbersome and bureaucratic reality. In other words, we must try to determine what functions the American people would allocate to their states and what functions they would assign to the federal government, if they were organizing a new nation under present day conditions.

Emergencies may justify the states in lending some of their powers to the federal government. But the fact should be faced that indifference to the continuance of the conditions which dictate such loans by the states, or acquiescence in the federal government's retention of such powers, will alter the basic structure of our government.

During a century and a half there has been a one-way valve through which functions have constantly passed out of the states and into the federal government. They rarely return.

The contact of the individual with those who govern him is gradually shifting from the neighboring state capitol to the more remote District of Columbia.

This situation does not call for the development of a still greater amount of conflict between state and federal governments. On the contrary, it calls for more effective cooperation. But until the states provide themselves with adequate arrangements for cooperating with each other, they cannot cooperate adequately with the national government. This fact is clearly demonstrated, for instance, by the conflict between state and federal tax systems. Today most of the maladjustments between state and federal governments are irreconcilable, because there is no governmental provision which facilitates cooperation. This situation and these times demand initiative.

The Present Chaos

Of course in theory we have forty-eight sovereign nations. The only modification of the sovereignty of each of these forty-eight nations, is that which occurred when the states presented certain powers to the Federal Government upon the silver platter which we know as the Constitution. Except for those powers, New York is as much a
sovereign nation as Japan, Illinois is as sovereign as Russia, and New Hampshire is as sovereign as Guatemala.

The entire field of government in the United States is divided into two great areas: the first is the area in which the Federal Government has jurisdiction; the second is the area in which the Federal Government does not have jurisdiction, and in which the forty-eight sovereign nations go their forty-eight independent ways. Nobody knows exactly how far the jurisdiction of the Federal Government reaches, but we will all agree that there remains a tremendous area in which the Federal Government does not have jurisdiction.

**Federatization vs. Coöperation between the States**

Now here is the crux of our American problem of governmental structure:

In the federal area, we have a fair degree of governmental unity. But in the non-federal area, we have chaos between the state governments—among this multitude of sovereign nations. This chaos is due to no fault of the federal government, because no amount of congressional efficiency could have harmonized those functions over which Congress has no control. In that field of government over which the Federal government does not have jurisdiction, this country is struggling to progress as a centipede—or whatever an animal with forty-eight legs should be called—which has no two of its forty-eight legs operating in rhythm with each other. The curious feature of this situation lies in the fact that we have never tried to develop any nation-wide mechanism for the purpose of coordinating these legs, and harmonizing the policies of the states.

Under these circumstances, what lies ahead of us? What will be the solution of this chaotic condition of uncoordinated state governments? One fact is sure: we cannot go on as we now are.

There seem to be only two possibilities: increased federalization or increased cooperation between the states. It is a race between the two. There is no doubt which racer is in the lead. The states are not merely slow in harmonizing their own affairs; they are inert. And meantime federalism is progressing with leaps and bounds. But to quote a phrase, "The states will survive, because they are a tough fact in our system." Nevertheless, it is not at all impossible that the state governments will become relatively insignificant, and that the Federal Government will take over most of their functions.

**A Pattern for Federalized Administration**

At this point we may pause to smile at the fact that the states have developed a tendency to take over the functions of the counties. In other words, the counties are 3,000 little fishes which are being swallowed by 48 large fishes, and the large fishes are being swallowed by one whale.

If the states continue to be so sluggish that federalism wins the day, how will the National Government administer its swollen powers? There is a serious possibility that we will live to see the Federal Government operating with perhaps ten regional centers, which in turn will operate through district centers. One of these district centers will be located in the capital city of each state, and there will be additional district centers in the larger states.

This suggestion is not fanciful. Of course such a readjustment would meet with great resistance, and of course the present control of the United States Senate could not be altered. The states would continue to exist—just as the counties are continuing to exist in North Carolina, for instance, even after most of their functions have been taken over by the state. Certainly most American citizens would regret such a readjustment, even if they believed that it was necessary. At all events, to repeat, it is safe to guarantee that federalization will increase constantly and rapidly unless the states do succeed in developing some device which will bring about closer cooperation among them.

**Compacts between States**

According to present indications, we will be subjected to extreme federalization within a short time. If we are not, it can only be because the states are on the verge of cooperating with each other as they have never cooperated before. And if we are on the verge of such cooperation, compacts be-
tween the states will undoubtedly play an important part in it. It is conceivable that these compacts will become exceedingly numerous. Just as the United States' Steel Corporation may be a party to many different contracts concerning a variety of subjects with various other companies and groups of companies which produce steel products, so each state might find itself a party to various compacts—some with single states, some with regional groups of states, and possibly some with a nation-wide aggregation of states. A large proportion of these compacts would involve the creation of interstate commissions, composed of administrative officials of the contracting states.

But then another problem would arise— not so difficult as the present problem, but somewhat similar to it. Suppose, for instance, that the New England states and a few of their neighbors should become parties to a dozen different compacts, each of which created an interstate commission. It is apparent that these commissions should not be entirely unrelated. But how are they to be related to one another?

Or consider a somewhat different case. Suppose that the labor-law compact which the eight northeastern states are today negotiating is consummated, and that a commission is established between these eight states, and then suppose that five similar compacts are executed by five other groups of eight states each. We will then have six interstate commissions each representing a group of eight states. All of the forty-eight states will then be represented by six regional commissions. But then how are these commissions to be related to one another?

Must Relationships between the States Be Random?

At this point we are coming to grips with a stimulating problem. It is stimulating for two reasons: first, because it is vastly important; second, because it is as difficult as it is important.

If the eight northeastern states succeed in agreeing, by compact, concerning certain phases of the labor problem, substantial benefits may result. But these results will be relatively meager unless we can devise means for such cooperation between—not eight, but forty-eight governments. And obviously it will be difficult either to develop or to maintain an entirely satisfactory contact between the forty-eight states if we cannot hold out to them any greater reward than the improvement of certain aspects of the labor problem. We cannot hope to develop and maintain the machinery which will be essential to an adequate working together of our forty-eight states, unless we can say to the people in each of these forty-eight states, and to those whom they have placed in authority as their governors, legislators, and administrative officials: "To the development of this machinery we ask you to dedicate your best efforts in the hope that it will bring together all of the states, in our common determination to replace governmental chaos with governmental harmony in all of our major tasks of government."

At this point the fact should be appreciated that there is a great difference between working in a random way and working in a piecemeal way.

If a community of a hundred citizens should plan a double row of elms and stake it out in advance, each citizen could plant a single tree, at his own convenience—and a handsome avenue might result. The planting would be done piecemeal, but it would be done in accordance with a plan. But if each citizen planted his own tree wherever he felt like it, the planting would be random, and the result would be disorder.

Large programs can be carried out piecemeal, if only a general plan of action is devised at the beginning. But random action always involves subsequent tearing out and doing over.

Now it is certain that such compacts as the states enter into, will be consummated in a sporadic manner. First some northeastern states will agree about minimum wages, and then two years later some southeastern states will agree about the pursuit of criminals, and then after another year some northwestern states will agree about the taxation of busses and trucks. To the casual observer these occurrences may seem to be entirely unrelated. But of course they are not. All of them are expressions of a national desire to bring our states into harmony.
If undertakings of this character can be encouraged and somewhat guided in every part of the country, and if a plan can be devised in advance by which these cooperative enterprises can be somewhat related to one another, these intermittent occurrences will gradually grow together into a project of vast significance. If we have a systematic plan, it can be developed piecemeal. But on the other hand, if every such occurrence is merely an isolated and fortuitous eruption, without relationship to any other occurrence, each will lack the vitality and significance that it might have had if it had been related to a general plan.

To Create a More Perfect Union

It will require a discouraging amount of time to put any plan into actual practice. But the first question is this: Even if the problem of speed were not involved, even if we had ten or twenty or thirty years in which to put our plan into effect, is there any conceivable plan which might practically coordinate all of the cooperative enterprises of the forty-eight state governments? If these interstate compacts and these interstate commissions begin to increase, year by year, can we tie them into a systematic, unifying system—as one integrates the pieces of a jigsaw puzzle.

And the second question is this: Is there any possibility of our working fast enough to save the states? Perhaps no more possibility than there is for our averting war in Europe or war in the Orient. But shall we be victims to an attitude of defeatism? Or shall we struggle to achieve that relationship which we all desire for our own states, in the same spirit as that in which we are struggling to achieve that relationship which we all desire for the nations?

Here are three points which seem almost obvious:

First: All interstate commissions in the same general area should be brought together as much as possible. And this will eventually require perhaps ten regional headquarters in various parts of the United States.

Second: All interstate commissions which are dealing with the same subject—such as minimum wages—in different parts of the country, should be kept in as close contact as possible. And this will require a central, coordinating office.

Third: No one of these ten regional headquarters should confine its efforts simply to the work of the sporadic interstate commissions which it is serving. Each of these agencies should do everything that it can appropriately do to bring the state governments in its area into more intimate touch with one another and into a closer working relationship, in all significant matters of policy and operation.

And the central coordinating office should correlate all of the work of all of the regional headquarters. Through such an arrangement, the planning and consummating of appropriate compacts could be fostered, as well as the carrying out of those same compacts after they had been consummated.

A Pattern for Cooperation between the States

To repeat, there should be about ten regional headquarters in various parts of the United States, each of which would serve as the operating center for the appropriate interstate commissions functioning in that vicinity, and for other cooperative interstate projects; and there should be one central office through which contact would be constantly maintained, not only between the various groups of regional commissions which were dealing with similar problems, but also as to all cooperative activities of states in the same region.

The Two Patterns Are Similar

We have expressed the belief that the functions which the states now perform will be harmonized in one of two ways—either, through absorption by Washington, or through active cooperation by the states. We have suggested the type of organization which might result from federalization, and we have suggested the type of organization which might result from interstate cooperation. The interesting point is this: The two types would probably be strikingly similar, in structure, although not in social consequences.

Under one alternative, the federal government may take over the major functions of the states, and build an organization from the top down: Washington at the
top, ten regional offices below it, and the forty-eight states below them.

Under the other alternative, the states may retain many of their major functions, and build an organization from the bottom up: the forty-eight states as the base, related to each other through ten regional headquarters, which in turn would be related to each other through a central headquarters.

Some Rules Concerning Cooperation Between States

During the past decade the American Legislators' Association has been constantly engaged in an undertaking to secure more harmony among the states. This undertaking has involved many practical experiments in attempts to develop contacts between legislators and administrative officials of the various states. As a result of this experience, five definite conclusions are warranted:

First: States cannot be kept in harmony with each other by dropping communications into mail boxes. Conferences are necessary, and the sooner that the American people fully realize that many interstate conferences of state officials are both legitimate and necessary, and not to be characterized as junkets, the better it will be for the American people.

Second: The forty-eight states cannot be kept in close touch and in harmony simply by national conferences. The miles are too great, the travelling time is too long for busy officials, the expenses are too heavy, and the meetings are too large. Most conferences of governmental officials should be regional—although of course they must be supplemented by national conferences of some type.

Third: In extensive matters, each regional group of states which endeavors to develop and to maintain an effective working relationship is likely to require not only conferences, but also a regional secretary, or field man, with headquarters in the region.

Fourth: Various regions cannot possibly coordinate themselves, without some arrangement for a central office.

Fifth: The states should not delegate to agents of the federal government any of the functions involved in maintaining their coordinating structure.

Can the Federal Government Resist Itself?

The fifth point requires some explanation, although probably no fair-minded federal official would disagree with it. In the nature of the case, the tendency of the officials of the federal government is to absorb the states' functions. This implies no criticism of them. The tendency is often sub-conscious. It arises from eagerness to get tasks performed as promptly as possible and as vigorously as possible. It is hardly reasonable to expect them to work whole-heartedly against their own tendencies. But they can render substantial assistance to the states, and many of them are disposed to do so; and such assistance should be fully utilized.

The federal government should encourage the states to integrate their activities. It should counsel and inspire them. But the lines of authority must be clearly defined. The states and the federal government should endeavor to cooperate with mutual courtesy and consideration. But it would be unintelligent for the states to throw themselves entirely upon the liberalism of federal departments and federal agents to facilitate their own cooperative enterprises.

Some Essentials of Cooperation

Effective state cooperation requires some system such as that here suggested—with regional headquarters, and with a central coordinating secretariat. This system will have three principal functions:

First: To encourage interstate cooperation, including a more extensive use of compacts.

Second: To facilitate the interstate cooperation of all state officials, including interstate commissions.

Third: To work with all appropriate federal officials and federal agencies, in attempting to harmonize state policies and federal policies.

There is food for thought in the story of this new project which is being developed.
The Need for a Broader Agency

During the last decade, the American Legislators' Association has found itself more and more involved in this problem of interstate chaos. But at the same time, the fact has become increasingly clear that the task of coordinating the state governments is not simply a legislative matter. It is increasingly obvious that any undertaking to secure more harmony between the states requires the participation of executive and administrative officials, as well as the participation of legislators. This is especially true because much of the leadership in legislative affairs comes from executive and administrative officials. Consequently, during the last two years, the Association has been engaged upon a project for the development of a separate organization which is to have no purpose except the harmonizing of the policies of the forty-eight states—and a similar harmonizing of state and federal policies.

This undertaking has been given little publicity, but it is now well under way.

The Interstate Assembly

It is unnecessary to elaborate the development of the Interstate Assembly, which has been discussed in Chapter VI.

The first Assembly was convened in February, 1933, with the official support of President-elect Roosevelt. President Hoover delivered the opening address. Most of the states sent official delegates. Each state financed the attendance of its own delegates. The quota of each state was one Senate delegate, one House delegate, and one gubernatorial delegate.

The Assembly was successful far beyond expectations, and it met with unanimous approval of the press in all parts of the United States.

The Interstate Assembly will meet once every two years, and it will become the major conference of the Council of State Governments—corresponding to the annual meeting of associations of the ordinary type.

The Interstate Commission on Conflicting Taxation

This noteworthy Commission, established by the first Interstate Assembly, and described in Chapter VII, is characteristic of the type of Interstate Commissions which are likely to result from the successive meetings of the Interstate Assembly. Without such an agency as the Assembly, and without such bodies as this Commission, it is difficult to see how the Federal Government can negotiate with the state governments, or develop a spirit of understanding and cooperation. When there is only one party to a negotiation, an understanding, or a cooperative enterprise, it is a pretense.

It seems obvious that there should be some means for crystallizing and expressing the consensus of opinion on the part of our forty-eight Commonwealths, when their interests conflict with those of the Federal Government—as they do in matters of taxation.

Legislative Councils in the States

No one can foretell what the evolution of this Council will be, nor what processes it will develop for the work in this field, but here is one possible direction for its energies:

First: To encourage the development in each state of a Legislative Council—sometimes known as an Executive Council. (The National Resources Board, now the National Planning Board, has recently taken an interest in the organization of State Planning Boards, but most of them are of a different character, primarily concerned with physical planning. The Council of State Governments would be interested in the coordination of the state planning boards, but it would be even more directly interested in the organization of Legislative Councils, since they are a sort of governmental-policy-planning-boards.)

Second: To bring these Legislative Councils into close touch with each other regionally, and then to bring the regional groups closer together, by meetings of regional delegates and otherwise.

If this plan were carried forward, the legislative reference bureau in each state could serve as the secretariat of the Legislative Council of the state. This would provide the Council with a full-time staff of trained research workers, who were familiar with the structure of the government. This arrangement would also help to pro-
vide those more intimate relationships be­tween legislative, executive and administra­tive agencies, which are so obviously needed when we look to the future. And the In­terstate Reference Bureau, already estab­lished, is today functioning as the official clearing house and central office for the legisla­tive reference bureaus of the states.

The Planning Board of the Council of State Governments

The Council of State Governments is now a completely organized, autonomous, functioning organization. But it was originally launched by the American Legislators' Association. The Association began by creating an executive committee for the Council. This executive committee is known as the Planning Board. It consists of twenty-one state officials, and twelve consultant members.

Six members of this Board are ex officio, the presidents of nationwide organizations of state officials, namely the presidents of the national associations of:
1. Governors.
2. Legislators.
3. Attorneys General.
4. Secretaries of State.
5. Auditors, Comptrollers and Treasurers.
6. Commissioners on Uniform State Laws.

Of course all of these Presidents are state officials. Thus 'the Council will tend to focus the efforts of all of the active organizations of the major officials of the states toward a unified program to harmonize and integrate the plans and the policies of the states.

Eight members of the Board are Governor­s, including all of the members of the Executive Committee of the Governors' Conference. These eight are the Gover­nors of:
- Illinois.
- Indiana.
- Kansas.
- Mississippi.
- North Carolina.
- Wyoming.

The former Governors of Virginia and New Hampshire are also members.

Six members of the Board are state legislators, all of whom are members of the Board of Managers of the American Legislators' Association. They are mem­bers of the legislatures of:
- Kentucky.
- Massachusetts.
- Pennsylvania.
- South Carolina.
- Wyoming.

In addition to the presidents of associa­tions, and in addition to the Governors and the Legislators already mentioned, the membership of the Board also includes the President of the New York State Tax Com­mission, and the Tax Commissioner of Massachusetts, who is also president of the National Tax Association.

The consultant members of this Planning Board include the President of the American Political Science Association, and a former President of the League of Women Voters.

Also serving as consultants are the Executive Directors of three leading govern­mental research agencies, namely:
- The Brookings Institution.
- The Institute of Public Administration.
- The Public Administration Clearing House.

Other consultant members of the Plan­ning Board are identified with the political science faculties or the law faculties of five leading universities which are actively en­gaged in governmental research:
- Chicago.
- Columbia.
- Northwestern.
- Princeton.
- Wisconsin.

Members of the board on January 1, 1935, are:

Planning Board

HON. ERNEST N. AVERILL
President, National Association of At­torneys-General

HON. WILLIAM B. BELKNAP
President of the American Legislators' Association

HON. MARTIN SENNETT CONNER
Governor of Mississippi

HON. M. J. DESMOND
President, National Association of State Auditors, Comptrollers, and Treasurers

HON. JOHN C. B. EHRLINGHAUS
Governor of North Carolina
DIVIDED WE FALL

HON. ENOCH FULLER
   President, National Association of Secretaries of State
HON. MARK GRAVES
   President, New York State Tax Commission
HON. R. BEVERLEY HERBERT
   Member of South Carolina Legislature
HON. HENRY HORNER
   Governor of Illinois
HON. ALF M. LANDON
   Governor of Kansas
HON. HENRY F. LONG
   Tax Commissioner of Massachusetts and President, National Tax Association
SENATOR SEABURY C. MASTICK
   Chairman, New York Commission for Revision of the Tax Laws
HON. PAUL V. MCNUTT
   President of Governors' Conference
HON. LEON D. METZGER
   Secretary of Revenue of Pennsylvania
HON. LESLIE A. MILLER
   Governor of Wyoming
HON. C. H. MORRISSETT
   Tax Commissioner of Virginia
SENATOR HENRY PARKMAN, JR.
   Chairman, Taxation Committee, of Massachusetts General Court
JUDGE ORIE L. PHILLIES
   President, National Conference of Commissioners on Uniform State Laws
HON. JOHN G. POLLARD
   Former Governor of Virginia
HON. WILLIAM A. SCHNADER
   Attorney-General of Pennsylvania
SENATOR T. V. SMITH
   Member of Illinois Legislature
HON. HENRY W. TOLL
   Executive Director of the Council of State Governments
HON. GEORGE WHITE
   Governor of Ohio
HON. JOHN G. WINANT
   Governor of New Hampshire
SENATOR GEORGE WOODWARD
   Member of Pennsylvania Legislature

CONSULTANT MEMBERS

HON. LOUIS BROWNLOW
   Director of the Public Administration Clearing House
PROF. JOSEPH P. CHAMBERLAIN
   Director of the Legislative Drafting Fund of Columbia University

PROF. F. W. COKER
   President of the American Political Science Association
DR. HAROLD W. DODD
   President of Princeton University
DR. LUTHER GULICK
   Director of the Institute of Public Administration
DR. ARNOLD BENNETT HALL
   Director of the Institute for Government Research of the Brookings Institution
HON. SCOTT M. LOFTIN
   President, American Bar Association
GEORGE FORT MILTON
   Editor of the Chattanooga News
BELLE SHERWIN
   Former President of the National League of Women Voters
DR. LEONARD D. WHITE
   Member of the Civil Service Commission of the United States
COLONEL JOHN H. WIGMORE
   Dean Emeritus, Northwestern University Law School
DR. EDWIN E. WITTE
   Executive Director of the President's Committee on Economic Security

Thus this Planning Board will tend to focus upon this one problem the thought and efforts of five groups, through their chief executives or other representatives:

First: The principal national associations of state officials.

Second: State officials in their individual capacities.

Third: Leading citizens' organizations engaged in governmental research.

Fourth: Several large universities.

Fifth: Major research agencies engaged in the study of this field of government.

"The purpose of the Council of State Governments is to invent and to install governmental machinery—or methods—by which the states can cooperate adequately with each other and with the federal government—not in legislation alone, but also in planning and in administration."

Major Purposes of the Council of State Governments:

1. The Planning Board. Obviously the first essential in the operation of any organization is adequate planning. The Council has a notable and very carefully
organized Planning Board. When that Board holds its meetings, probably most of the Governors will be prevented from attending by the pressure of their official responsibilities, but it is reasonable to anticipate that most of the other members and consultant members of the Board—who number twenty-five in all—will attend. The Board should meet not less than three times, not more than four times, a year.

Each conference will begin where the last one left off, and through a continuity of personnel and of subject matter, the conferences of this Board will have cumulative value and effectiveness.

2. Regional secretaries. If the Council of State Governments fulfills its appointed destiny, it will ultimately have about ten regional secretaries. Conditions vary so greatly in different regions that a demonstration based upon a single region would not be adequate. If the Council can establish three secretaries at this time, the suitable regions would not be difficult to locate:

1. Certainly one of the secretaries should operate in a group of southern states. In 1932 the American Legislators' Association organized a regional conference in North Carolina, and in 1932-33 it organized presession conferences of the legislatures in South Carolina, Tennessee, West Virginia and Kentucky. All of these conferences were highly successful, and the fact was established beyond doubt that in the southern states the legislators and administrative officials—as well as the Governors—are eager for assistance of this character.

2. Probably a second region should include the New England states, or perhaps all of the eight northeastern states. The New England region presents several distinctive features: (1) Its economic and sociological solidarity. (2) The grouping of many states in a small area. (3) The existence of various influences and agencies which are now working for closer cooperation between the states in the region.

3. A demonstration of this character should also be tried in some region west of the Mississippi River—probably either in the Rocky Mountain states or in the Pacific Coast states. The size of these states presents special problems, especially in connection with the operation of counties and governmental districts. Many problems are much more important in the western states than in the eastern part of the United States—such as irrigation, mining, grazing, oil production and federal lands. The highway problems of the West are also somewhat different in character from those of the East.

What Could a Regional Secretary Do?

The possible accomplishments of a regional secretary must be left largely to the imagination, because a complete statement would require fifty pages. Such a secretary could encourage the development of an adequate legislative reference bureau and an adequate legislative council in each of the states within his region. He could render the Interstate Reference Bureau more useful to the states, and he could render the state reference services more useful to the Interstate Reference Bureau. He could promote cooperation between neighboring states in their policies and activities relating to criminal law enforcement, health, highways, motor vehicles, labor, taxation and many other public problems. He could broaden the perspective of legislators and administrative officials by bringing them into closer touch with corresponding office-holders in adjacent commonwealths, through organized conferences and otherwise. He could do a great deal to promote the improvement of legislative organization and procedure. He could organize a conference of the legislators in each state prior to the convening of each regular session of the legislature, of course working through the local leaders. He could develop facilities for the service of interim committees which would breathe new life into the process of legislative planning. He could facilitate negotiations between states whenever any legislature might see fit to attempt to initiate an interstate compact. And when an interstate compact was consummated, and an interstate commission established, under its provisions, he could serve as the secretary for the commission—in fact, if not in name.

We are approaching this matter in an experimental attitude, and we are regard-
DIVIDED WE FALL.

high interest and importance in connection with President Roosevelt’s move to bring science and system into the present chaos of taxes, federal, State and local. State executives could find no better first items for their cooperative program than rational allocation of taxes between taxing powers, national and State. The next few years will see few more urgent needs in the eyes of American taxpayers. The heavier their taxes the more just their demand for reason, order and economy of collection in the whole tax scheme.

“It is not enough,” Governor Winant says, “for modern Jeffersonians to clutch the air and declare for State rights now and forever. The cold fact is that a claim of States’ rights must now be justified by a demonstration of States’ competence. The American people have discovered that some of the original functions of the States can be more satisfactorily administered by the federal government. But year after year many of the States’ functions are being transferred to the national government simply on account of the failure of the States to adjust and coordinate their policies and to deal constructively with the present interstate chaos in legislation and administration.”

This is true of the administration of criminal justice. It is true of labor legislation. But nowhere is it more true than in the field of taxation. The new Council of State Governments has picked the right spot for an auspicious start.

The New York Sun: The newly organized Council of State Governments, which will make its first appearance in joint session with the Interstate Commission on Conflicting Taxation at Washington on January 18, has explained the purpose of its organization in these words:

“One striking fact emerges from the welter of argument concerning the relative merits of State and of Federal administration of various government functions, namely, that there is absolutely no adequate medium through which the States may cooperate. Today there are better facilities for dealings between the Federal Government and China, or other foreign nations, than there are for dealings between adjacent States, each of which is theoretically a sovereign nation.”
The association of the States in this council is particularly calculated to help in making regional agreements among a group of States. The newly formed council, working toward this end, is expected to establish nine or ten regional headquarters and a central office, through the last of which contact will be maintained with all cooperative activities in all the States. The present staff of the American Legislators' Association, which might be described as the parent organization of both groups which are to meet in Washington on January 18, will provide a trained nucleus for a larger staff. In a remoter fashion, the new organization may be said to stem from the Governors' conferences and other similar previous movements.

The Saturday Evening Post: It requires no profound study to appreciate the dangers involved in the continual federalization of government in this country. Nor is the subject one on which men need differ because of their political affiliations; it is not a topic which flares up during campaigns and can be laid on a dusty shelf between elections. The centralization of government did not begin on March 4, 1933; it began long before that, and if it is to be discussed in terms of political-party guilt, the Republicans have many sins to answer for during their long reign, whatever may be the more recent responsibilities of the New Dealers.

Quite regardless of partisan accountability, there is every present indication that we will be subjected to extreme federalization within a short time. It would be supposed that the difficulty encountered with prohibition might have warned the nation against such a course, but apparently not. Centralization is increasing by leaps and bounds, and there is the likelihood that in the not distant future the National Government will be obliged to administer its swollen powers through ten or twelve regional centers, which in turn will operate through district centers.

Obviously, there is only one alternative to the present tendency, and that is constructive, vigorous, aggressive cooperation on the part of the states themselves in the tremendous area which still exists outside of Federal jurisdiction. Unfortunately, though there is a semblance of unity in the Federal area, outside of it there are thousands of instances of conflicting laws, discordant practices, antagonistic regulations, and policies which are competitive or at least repugnant to one another. Progress in this area has been compared to that of an animal with forty-eight legs, no two of which operate in rhythm.

Unless there is to be an extreme increase in federalization, the states, with their forty-eight governors and thousands of legislators, must shortly cooperate with one another as they have never cooperated before. Nor is this an impossibility. Today as in no previous time there is discussion of the advisability of forming pacts among different groups of states on specific subjects; an illustration is the labor-law compact which the eight Northeastern States are now negotiating. Among other subjects fairly crying for compacts are highway control and safety, crime, liquor control, taxation, divorce and corporation laws.

If these interstate compacts and the interstate commissions to effect them begin to increase year by year, it may be possible to tie the commissions together into a systematized unifying system, with all those in the same general area brought together as much as possible, and with all those dealing with the same subject brought into close contact as possible. Instead of the Federal Government building an organization of ten regional centers from the top down, it may be possible for the states to build a similar voluntary organization of ten regional centers from the bottom up.

Only a few years ago a group of state legislators organized the American Legislators Association, and from that has grown the Council of State Governments, including governors and executive officers as well as legislators. Regional conferences of state officials, with regional secretariats tied in with the interstate commissions, might afford the beginnings of a device, even though voluntary, needed to bring about cooperative action.

It may be too late to save the states, but it is well worth trying. Certainly it is too late to insist upon their "rights," but it is just the time to insist upon a demonstration of their competence and to seek mechanisms by which they can work together. Failure of the states to act in this matter is sure to take us further and further into the engulfing forces of bureaucracy and regimentation.