CONDENSED TRANSCRIPT
OF A
MEETING
OF
THE COUNCIL OF STATE
GOVERNMENTS

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DREXEL AVENUE AND 58TH STREET
CHICAGO, ILLINOIS
Conferees

ARIZONA
Hon. John H. Rapp, Chairman of the Arizona House Committee on Interstate Cooperation.

ARKANSAS
Hon. Charles A. Killian, Member of the Arkansas House Committee on Interstate Cooperation.

COLORADO
Hon. Orie L. Phillips, Judge of the United States Circuit Court of Appeals. President of the National Conference of Commissioners on Uniform State Laws. Member of the Planning Board of the Council of State Governments.
Mr. Henry W. Toll, Executive Director of the Council of State Governments. Executive Director of the American Legislators' Association.

CONNECTICUT
Hon. Ernest L. Averill, President of the National Association of Attorneys General. Member of the Planning Board of the Council of State Governments.
Professor Francis W. Coker, President of the American Political Science Association. Member of the Planning Board of the Council of State Governments.

FLORIDA
Senator D. Stuart Gillis, Representing the Chairman of the Florida Commission on Interstate Cooperation.
Hon. S. Pierre Robineau, Chairman of the Florida House Committee on Interstate Cooperation.

ILLINOIS
Mr. Louis Brownlow, Director of the Public Administration Clearing House. Member of the Planning Board of the Council of State Governments.
Senator T. V. Smith, Member of the Planning Board of the Council of State Governments.

INDIANA
Senator Jacob Weiss, Chairman of the Indiana Senate Committee on Interstate Cooperation. President pro tempore of the Indiana Senate.

KENTUCKY
Hon. William B. Belknap, President of the American Legislators' Association. Vice-President of the Council of State Governments.

MARYLAND
Hon. Douglas H. Gordon, Assistant United States District Attorney. Member of the Board of Managers of the American Legislators' Association.

MASSACHUSETTS
Hon. Henry F. Long, President of the National Tax Association. Commissioner of Corporations and Taxation in Massachusetts. Member of the Planning Board of the Council of State Governments.

NEBRASKA
Senator Charles D. Green, Chairman of the Nebraska Senate Committee on Interstate Cooperation.
Hon. W. H. O'Gara, Chairman of the Nebraska House Committee on Interstate Cooperation. Speaker of the Nebraska House of Representatives.

NEW JERSEY
Senator Joseph G. Wolber, Chairman of the New Jersey Senate Committee on Interstate Cooperation. Member of the Planning Board of the Council of State Governments. Judge of the Circuit Court of New Jersey (July, 1935).
Hon. S. Rusling Leap, Member of the New Jersey Senate Committee on Interstate Cooperation.
Hon. Joseph C. Paul, Chairman of the New Jersey House Committee on Interstate Cooperation.
NEW YORK
Senator Julius S. Berg, Member of the New York Senate Committee on Interstate Cooperation.
Dr. Luther Gulick, Director of the Institute of Public Administration. Member of the Planning Board of the Council of State Governments.
Senator Seabury C. Mastick, Member of the Planning Board of the Council of State Governments. Chairman of the New York Commission for Revision of the Tax Laws. Chairman of the Interstate Commission on Conflicting Taxation.
Hon. Frederick L. Zimmerman, Member of the New York House Committee on Interstate Cooperation.

NORTH CAROLINA
Senator Paul D. Grady, President Pro Temp. of the North Carolina Senate.

OHIO
Senator Keith Lawrence, Chairman of the Ohio Senate Committee on Interstate Cooperation.
Hon. J. Freer Bittinger, Chairman of the Ohio House Committee on Interstate Cooperation. Speaker of the Ohio House of Representatives.
Senator Bernard R. Donovan, Member of the Ohio Senate Committee on Interstate Cooperation.
Hon. Frank R. Uible, Member of the Ohio House Committee on Interstate Cooperation.

OREGON
Hon. Hopper D. Angell, Chairman of the Oregon House Committee on Interstate Cooperation.

TENNESSEE
Senator Andrew J. Graves, Chairman of the Tennessee Senate Committee on Interstate Cooperation.

TEXAS
Senator Ben G. Oneal, Chairman of the Texas Senate Committee on Interstate Cooperation. Member of the Board of Managers of the American Legislators' Association.

UTAH
Senator Herbert B. Maw, President of the Utah Senate.

WASHINGTON
Hon. Florence W. Myers, Chairman of the Washington House Committee on Interstate Cooperation.

WEST VIRGINIA
Hon. Joe G. Gentry, Member of the West Virginia House Committee on Interstate Cooperation.

WYOMING
Hon. Henry D. Watenpaugh, Chairman of the Wyoming House Committee on Interstate Cooperation. Speaker of the Wyoming House of Representatives.
Senator Edward T. Lazear, Chairman of the Wyoming Senate Committee on Interstate Cooperation.
THE opening session of the conference of the Planning Board of the Council of State Governments and the Chairmen of State Commissions and Committees on Interstate Cooperation was called to order at ten-thirty A.M., by the Chairman, Mr. Henry W. Toll.

I think we will all agree that we are here working on a major problem of American governmental structure. I believe there can be no doubt of that. It is the basic problem of governmental organization under a system established by the Constitution, which is now beginning to function with some difficulty. That difficulty has, within the last three weeks, reached its most acute stage since the Civil War, and we now find a condition of government in which every one believes that the functioning is unsatisfactory. We have arrived at something almost approaching a stage of breakdown in the combination of governmental and economic organization.

As I see it, we are confronted with three alternatives in this country all of which are bad, unsatisfactory, and somewhat unworkable. What the solution is, I’m sure I don’t know.

The first alternative is administration of the economic affairs of the country by the federal government, under a system of uniform rules and laws for the country as a whole. It is not a satisfactory system because the conditions in California and in Maine, in Florida and in Washington are so different that a uniform system is not applicable.

The second is a system of non-uniform regulation of the country by the federal government. Under that alternative, you have a system by which a government made up, for instance, of men from New England, may determine a different set of rules for the conduct of business in New England than for the conduct of business in Texas. That is not a satisfactory system because the groups from the various regions are not disinterested.

The third alternative is the handling of these matters by the state governments. The state governments have not shown, up to the present time, any capacity for handling their matters in a harmonious way. When we have state administration, we have conflicts. We have acute competition between states and between regions. We have confusion. And so that system does not seem to operate well.

It is also the viewpoint of some people that we might develop a system by which the federal government might be given broad powers but might delegate the exercise of these powers back to the states, somewhat after the fashion of the Canadian system.

Not a Party Matter

It has been my observation that since there has been such terrific pressure upon the federal government to exercise the powers which it has, the constant tendency is for the federal government to extend its jurisdiction and control, whether under a Republican or a Democratic administration.

We have come to this point. We have had a gradual expansion of federal powers by both Republican and Democratic administrations. When the Republicans are in, the Democrats criticize them for the extent to which they are encroaching upon states’ rights. The truth is that both parties do the encroaching. Any party in control of the federal government is going to expand the federal functions as far as feasible.

I use the term states’ rights, but I don’t like it. It is not a question of rights. It is a question of utility. We have to appraise the states and utilize them to the fullest extent to which they can be of service, and
beyond that, we have to make readjustments.

Finally, in this gradual expansion of the balloon of federal powers, the Supreme Court finds itself at a point where it must make a clean cut decision one way or the other. It pricks the balloon. Down it goes, and we are back to the interpretation of the powers of the federal government which was current in the 1700's. As I see it, it is a last chance for the state governments to make good, to show their capacity for handling the economic affairs of the country under a system of local self-government.

Frankly, I am very skeptical as to whether the states can make good. If they cannot, then the inevitable consequence is going to be—within the next decade, perhaps considerably within it—an amendment to the Constitution taking extensive powers from the states and conferring them upon the federal government and then having the states operate, to a large extent, at the "sufferance" of the federal government, to use the phrase of the Supreme Court.

Coordinating Machinery

In that situation, we find ourselves confronted with the problem of whether or not we can develop systematic coordinating machinery for the state governments. There is only one project of that sort in operation in the United States and that is the one upon which we are engaged today. There is no other effort under way in the United States for developing systematic machinery of cooperation and coordination among the state governments.

How is that machinery going to be developed? The American Legislators' Association has been thinking about it for a number of years and as a result of that thinking it began to devise an organization to be called the Council of State Governments. About a year ago, the development of a Planning Board for this Council was completed, and we then began to study precisely how the Council should be developed in the various commonwealths.

Subsequently Senator Wolber of New Jersey developed the plan for a Commission on Interstate Cooperation in each state. Until then the American Legislators' Association had broached the idea of a Standing Committee on Interstate Cooperation in each house of representatives and each senate. The plan, under Senator Wolber's resolution, went further than that and incorporated the original scheme of two legislative committees of five senators and five representatives supplemented by five administrative officials appointed by the governor, all of whom would constitute the state Commission on Interstate Cooperation.

The development of these legislative committees got off to a very good start at the beginning of the current year in various legislatures. At the present time, there are ten states in which there is one legislative committee on interstate cooperation: there are five others in which there is a standing committee in each branch of the legislature; and there are seven states in which there have been established state Commissions on Interstate Cooperation, of fifteen members each.

New Jersey established the first such commission about April 2. Since that time Colorado has established such a commission. The third state was Nebraska, the fourth North Carolina, the fifth Florida, the sixth was Pennsylvania, and New Hampshire is the last addition to the list.

I think we all agree such a record indicates that there is electricity, capable of utilization, in the state governments. The legislatures are responsive to this sort of suggestion. The governors are responsive to it. The administrative officials are responsive to it. If we can get properly organized, we can really start matters moving. If we can develop commissions of this sort in every state, with standing committees in each branch of each legislature, we will have a powerful organization. These official groups will be in a position to deal with any question where there is occasion for cooperation between the states, either among the forty-eight states, or among any regional group of states, or among any group of states economically allied but which may not be regionally contiguous. With that type of organization, regional cooperation will be greatly facilitated.

I anticipate that the time will come
when this Council will have, in the various sections of the country, contact men who will be going around to different capitals. Let us take for instance New York, New Jersey, Pennsylvania, Connecticut, Maryland, and Delaware, a group of regional states. Contact men would be going among the different capitals, keeping in touch with the legislators and with the administrative officials. Then when there came an occasion for cooperation, whether it be with regard to the treatment of criminals or the prevention of crime, or whether it be with regard to milk control, to pollution of waters or whatever it may be, you would have your machinery constructed, your man available and state officials or legislators would simply call on him. He would serve as a sort of secretary to start conferences between the legislative and administrative officials concerned with these perplexing problems. Such cooperation might take the form of compacts, it might take the form of uniform laws, or it might take the form of cooperative administration, regulations, and practices.

At this point I want to call on Senator Wolber, of New Jersey, to tell you something about the way the New Jersey Commission is functioning.

Senator Joseph G. Wolber (New Jersey): In New Jersey we have organized our commission and since the adoption of the resolution last March our commission has had two meetings. At the first meeting, we appointed sub-committees to consider those problems which we thought, from the viewpoint of New Jersey, should be the subject of interstate cooperation. Those sub-committees took up the following questions: crime prevention, taxation, liquor control, milk control, motor vehicle regulation, labor and industry.

The subject which is in our minds particularly, at the present time, is that of labor and industry. On June 28 and June 29 of this month, at Spring Lake, New Jersey, our governor is inviting the governors of all the states of the union and the individual members of the committees or commissions on interstate cooperation to consider the subject of interstate cooperation with respect to labor and industry.

The Spring Lake Conference is also to be predicated on the collapse of the NRA under the recent decision of the United States Supreme Court. Today in New Hampshire a committee headed by Mr. Bingham, and including Senator Parkman of Massachusetts, is preparing an agenda for the purpose of the Spring Lake Conference. While the agenda may be limited to the general subject of labor and industry, it will include the subject of hours of labor, maximum hours and minimum wages, child labor, and the allied subject of unfair trade practices. I expect to receive that agenda upon my return to New Jersey. I look upon this conference as a striking opportunity to move forward in this subject of interstate cooperation along definite lines.

I wish at this time, ladies and gentlemen, to invite you most cordially—in the name of Governor Hoffman and my colleagues on the commission—to participate in this two-day conference.

Chairman Toll: I am glad that Senator Wolber has developed the possibilities in one particular field. Suppose we set up special groups of commissioners in the various states to work on labor compacts. They come together—one or two representatives from a state—in Boston perhaps. If they go back to their individual states and there is no formal organization there with which they can work, they are isolated individuals. They have to go around and try to sell the program to the senators. They then go hack and try to sell the program to the members of the House. They try to sell the program to the governor and other administrative officials. It is a laborious process, and the chances are that the average commissioner who attends such meetings will not have the opportunity or the enthusiasm to carry him through the arduous work which is necessary to realize the aims of the program.

Under the New Jersey plan, after Mr. Paul, Judge Hartshorne, and others go up to Boston to participate in a conference on labor compacts, they return to Trenton to a meeting of a commission of fifteen including the five leaders of the senate, five of the principal house members, and five of the major administrative officials of the state, who are representing the governor. The commissioners report to that group
and they have organized backing for whatever cooperative program New Jersey people consider legitimate and desirable.

I am going to ask Mr. Paul, who is chairman of the House Committee on Interstate Cooperation in New Jersey, if he will now say something giving us more of a general picture as to the operation of the commission in other fields.

**Hon. Joseph C. Paul (New Jersey):**

I am chairman of the liquor control committee. We have had conferences with our commissioner, Mr. Burnet, and we were surprised to learn, through him, of the amount of bootlegged liquor sold in the state. He wanted us particularly to help him get some cooperation in attempting to meet that situation.

We also found that there are three major things to work out. First, the question of licensing, for example, in connection with trucks going from Florida to Pennsylvania. Some states charge a license fee just for the truck to pass through. It is thought that there should be a fee paid both at the beginning of the journey and at the end. The states should cooperate in that program. Another point raised was the question of labeling—proper and uniform labeling. Different states have different laws as to how the label should be made, the size of the bottle, and how the bottle should be blown. It causes confusion. It is the commissioner's thought that we make more uniform the law of labeling.

**Bring Control Boards Together**

New York has a commission on liquor control, as well as Pennsylvania. It is our hope to proceed on the theory of getting the administration of the control boards to cooperate. We are arranging now for a conference with the New York Planning Board so that they may relay the suggestions to their liquor control board. In that way we hope to meet the situation, not directly, but through the medium of this commission.

The New Jersey Commission is also interested in the question of taxation. In New York today, they have a city sales tax. A person from New Jersey can go there, buy anything he wants, and have it sent across the river tax free. In fact, the store keepers will encourage you to have it sent in order that you may evade the tax. The same situation exists in the New Jersey-New York flow of goods. We hope to get some reciprocity measure enacted between New York and New Jersey to avoid that dilemma.

I feel that we should have more uniform motor vehicle control. Upon entering another state the motorist is faced with a new set of laws and a new set of rules and regulations. With the ease of access which we have from one state to another today the border lines are almost unknown. Our sub-committee on motor vehicles is attempting to devise a set of uniform laws which will permit easier access from one state to another in that respect.

**Chairman Toll:** One other member of the New Jersey commission is here and I think it is appropriate at this time to call on him. Senator Leap.

**Senator S. Rusling Leap (New Jersey):**

Food is a very necessary and interesting item. I have the pleasure of being the chairman of the sub-committee on milk control in New Jersey. As we are situated between New York and Pennsylvania, both of which states are large producers of milk, New Jersey is confronted with the situation that we produce about forty per cent of the milk consumed in the state.

Three years ago we found the average price the farmer was receiving for his milk was, approximately, two cents a quart. We made a survey and learned it was costing our farmers approximately two and one-half to two and three-quarters cents per quart to produce the milk. On account of that fact we realized that necessary attention could not be given to the matter of production from the standpoint of health, cleanliness and other things. We attempted to control the situation by providing that no milk could be sold and retailed in New Jersey when it was purchased from the producers at a figure less than the amount which was set for the price to be paid to the producer in New Jersey.
Unfortunately our State Supreme Court could not see any logic in our viewpoint and told us we would have to stay within our limits. If milk was purchased in Pennsylvania or New York state we had nothing to say as to the price that was to be paid to those producers, and, naturally, we could not restrict the sale in New Jersey. It is really quite a serious problem. We have had consultations with New York and with Pennsylvania. We were rather hopeful that under the AAA set up some solution might be offered but, in view of the Schechter case, apparently we are getting nowhere from that angle; so we are now considering the matter of an interstate compact between the producing states that ship into New Jersey.

You might be interested in the suggested list of subjects drawn up by the sub-committee on taxation, of which our State Tax Commissioner is the chairman, and of which I happen to be one of the members: one suggestion is the possibility of an agreement to minimize interstate competition for tax exempt sales in interstate commerce and to minimize avoidance of sales taxes, either by permitting the selling state to impose the sales tax, or by permitting the receiving state to impose such a tax with appropriate provision for enforcement.

Second, compacts tending toward uniformity in regard to competitive taxes. One suggestion is a provision requiring notice of a fixed period, perhaps one year, before any state may reduce the tax rate below some tax standard such as the rates existing at the time of the compact, or rates existing at the time of the change, or the rate then existing in the adjoining state. Another is a compact as to reciprocity and exemption of non-residents in the payment of income taxes. Other suggestions are for agreements for exchange of information, for promoting uniformity respecting taxes in general, for efforts to promote uniformity in tax statutes to simplify the problems of the tax-payers, and for exchange of statistics to promote uniformity.

Chairman Toll: That is a very interesting suggestion. This question occurs to me. You could not have entirely uniform committees, of course, throughout the country. But, for instance, if the beet sugar states had a problem, each of the commissions in the beet sugar states might have a committee on that question.
In the cotton states, there might be a committee on cotton, and so forth. New Jersey would probably not care to have either a committee on cotton or beet sugar.

If it meets with your approval, my plan is to go around the table and call on each one of the conferees. I want to begin by going across the river from New Jersey and call on Senator Berg of New York.

SENATOR BERG (New York): State legislative committees can bring to the legislature a personal touch and the oral arguments necessary to assist their colleagues in intelligent voting, so as to bring about uniformity in the statutes. I believe these state legislative committees, by holding public hearings on these various subjects or problems, should in every instance forward to the American Legislators’ Association a transcript of the proceedings. That wealth of information coming into this Association should then be forwarded to the appropriate committees of the different states by the Association.

If we set up machinery here that will endeavor to cope with local problems, we will have machinery that will be far removed from the people and will be unpopular.

I have enjoyed receiving the literature of this Association. I am glad to know we are trying to establish uniformity of action in the states. We ought to continue along that line. We ought to be able to write in to the central office for material. We ought to consider this office as a clearing house. For example, the book describing the state legislative reference libraries is a wonderful thing.

CHAIRMAN TOLL: Senator Berg, I am glad that you have raised these various questions. There is one distinction which I think should be pointed out. There are two organizations which have a joint secretariat. For ten years the American Legislators’ Association has been functioning, with increasing momentum. That is primarily, as I see it, the organization of which you speak, a professional association of law makers, primarily concerned with such problems as the improvement of the organization and procedure of legislatures, and the maintenance of a clearing house of information for the legislators.

The secretariat here has made a great effort to try to collect such hearings as you speak of, records of reports of committees, and any records of hearings, and it is very eager to bring together all that sort of material in order that there may be a clearance between the legislatures of all the knowledge and counsel available. That has been developed in the respective states, but as time has gone on and the American Legislators’ Association found itself more and more involved in the question of effective contact between the state governments, this situation has come about:

The Pennsylvania Legislature, for instance, entirely spontaneously and without any warning to the secretariat of the organization, passed a resolution requesting the Association to call together a conference of the seventeen northeastern states concerning motor vehicle legislation and control. Then the question came up as to contact between the states in tax matters and so forth. As soon as you get into the question of effective contact on motor vehicle problems, and there is no use in our work if we are not going to make our contacts effective, you find the legislators alone cannot do the job. You have to have the cooperation, the participation, and the understanding of the administrative motor vehicle officials and highway officials. More than that, if you have the legislators and the administrative officials, they cannot do a complete job unless the governors are working with them. You have to have the participation of the legislative, executive, and administrative groups. When you get into the tax field, to attempt to maintain efficient cooperation between states on taxation simply through legislators is hopeless. There must be the participation of the administrative agencies of the state in the tax field, partly because of their technical knowledge and partly because they are going to have to carry out the legislative policies. Then there must be the sympathetic and active participation of the governors. So the American Legislators’ Association felt there must be an agency in which there would be participation by all those groups.

It was thought that there should be a Council of State Governments in which government administrative officials, executive officials, and legislators could all sit
down together and work out these problems of contact between the state governments.

Maintenance of Contacts

The question arose: how are you going to maintain these contacts between the governments? You cannot put your finger on the state government. What is it? Where is it? Who is it? Is it the whole organization? So if you want to have a continuing, effective, systematic contact between the state governments you have to have a contactual group in each state. It was with that thought in mind that the suggestion was made that there should be some such group set up in each state.

This organization does not exercise any power. Power is exercised by the officials of the state governments. These commissions are set up by the respective states. Of course, such a Council does not have any power. We are not trying to develop any agency that will dictate to the state governments. Obviously, what we are trying to do is to make possible cooperation between those people who want to cooperate. The organization is built on the spirit of facilitating the desire for cooperation. The organization is not entitled to demand cooperation from anybody, either for the organization or for other states, but if there are officials who want to cooperate with each other and governments which want to cooperate with each other, then there ought to be machinery so that they can be in touch with each other.

I would like now to go to the extreme northwest and call on Mrs. Florence W. Myers, Chairman of the Washington House Committee on Interstate Cooperation.

Mrs. Myers (Washington): The thoughts which have been presented to us this morning promise to lead to something really constructive. I feel that reports of commissions are entirely too long for legislators to consider thoughtfully. That is where I think an organization of this kind would have a very distinct advantage. There would be some one in the house and some one in the senate studying these problems, not only with a view to the laws in their own states but to the effect of cooperation with neighboring states.

The suggestion was made that perhaps one state might be interested in beet sugar, another in wheat, and so forth. Our state, of course, would be interested in wheat. We would be interested in milk control.

We have a good many laws in the West which you do not have in the East. I think the development of a clearing house would be a very splendid way to get these things worked out.

The question of labor and industry was referred to a few moments ago. I am working in the Department of Labor and Industry in our state. We have maximum hours and minimum wages for women and children and apprenticeship laws, but they do not apply to men. Now that the NRA is ineffective a man can be worked as many hours as he is able to stand on his feet, at as low a wage as anybody can be hired to take the job. You can work women only eight hours a day for six days a week, and the wage must be at least $13.20. You can see what discrimination is made between the men and women. Who wouldn't have sixty or seventy hours of man labor as opposed to forty-eight hours of woman labor? In these days you can employ men pretty cheaply.

I believe these questions open up many things that would be of great value, at least to us in Washington. I shall be glad to hear from some of the other states.

The chairman made general announcements. The meeting recessed at twelve forty P.M.

Saturday noon the conference met for luncheon at International House on the University of Chicago campus, and Saturday afternoon the conferences visited the offices of the secretariats of the various governmental organizations at 850 East 58th Street.
Conferes, Staff Members, and Guests at the Saturday Evening Dinner of the Council of State Governments
THE meeting was called to order at eight P.M. by the Chairman, Henry W. Toll.

CHAIRMAN TOLL: I have asked Professor T. V. Smith to preside at these deliberations, on one condition, that he will not feel he is subject to the limitations that some toastmasters feel they are under; namely, to say nothing except to introduce the other speakers. I have insisted, in getting Senator Smith to serve as toastmaster, that he first give us an inkling of his philosophy of government.

TOASTMASTER SMITH: Mr. Chairman, Ladies, Gentlemen, Politicians, Professors, and Statesmen: I had meant to confine my remarks this evening to the professors and politicians. But sitting beside my colleague from south of the Smith and Wesson line, Senator Orael, and hearing his soft, southern voice, has stirred all of my ancestral but slumbering chivalry. I must begin, I think, with a word to the ladies, who will henceforth be ignored except those who classify as professors, or politicians, or both.

I read some time ago the story of the creation of woman, the Hindu story. It says that when the god of Hindu mythology came to make woman he found he had used all of the solid material he had in making man and the other critters, so he had nothing out of which to make her. After profound and divine meditation he took the roundness of the moon, the undulation of the serpent, the untwining of the climbing plant, the slenderness of the rose stem, the glance of the mist, the inconsistency of the wind, the timidity of the hare, the vanity of the peacock, the softness of the down on the throat of the swallow, the warmth of the fire, the chill of the north, the chatter of the jay, and the cooing of the turtle dove.

After putting all those together for the formation of this divine, devilish creature, he made a present of her to man. Perhaps my story ought to stop there, but for the sake of the moral to be drawn later I shall finish the Hindu story.

Man went his way for five days and then came back to the god, as the scripture goes. He said, "My lord, this creature causes me more annoyance than pleasure. She laments for nothing at all, she is always sick. I beg of you to relieve me of her." And there was granted the first human divorce.

The man went his solitary way for five days more and came back saying, "My lord, my life is very solitary since I returned this creature. I remember she glanced at me from the corner of her eye; she played with me; she clung to me. Won't you give her back?" And the god graciously restored her.

This time only three days passed when the man was espied coming back once more. He said, "My lord, I am sure I don't understand exactly how, but I repeat, this creature causes more annoyance than pleasure. I beg of you to relieve me of her."

The god answered, "Go your way and do your best. You cannot live without her either." The man went his way saying: "Woe, woe is mine, neither can I live with her, nor without her."

Gentlemen and Lady Legislators: The world of important personalities in our day falls into two classes, politicians and professors: If there are any professors here tonight who do not acknowledge that, at the same time also, they are politicians, I only remind them of their being here. It is a fact that they are the scavengers after the politicians. Presuming they will not accept this honor, I think I may address you now as, Politicians All.

What Is a Politician?

I always secretly rebelled, when I was a mere professor, at the reputation which politicians have achieved among men of presumption. Long ago, the great specula-
tive thinker of our western world, Plato, wrote this as a definition of a politician. "A politician is one who traces the degree of his art as follows: a man who belongs to the conscious or dissembling action of his art of causing self contradiction, is an imitator of the purist, and is separated from the class of the fantastic, which is a branch of image, into that further division of creation, the juggling of words, a creation human and not divine. Any one who affirms the real politician to be of this blood and lineage will be saying the exact and veritable truth."

When I was a professor, I resented that characterization of this ubiquitous and everlasting symbol of human energy among us. After I aspired to become a regular hard-boiled "he-politician," I resented the remembrance of that characterization, and my blood boiled even more when I read the modern effort to paraphrase Plato in this definition of a politician. "A politician is a gentleman who can tell a lie in such a manner to another gentleman, who is also a politician, that the second gentleman is compelled to let on he really believes the first gentleman, although he knows the first gentleman is a liar, who knows that the second gentleman does not believe him. Both let on that each believes the other while both know that both are liars."

This ancient and modern travesty of our noble art, of which now we are all practitioners, has set me, as a professional moralist, to reflect upon the virtues of politicians, to offset these ancient and dishonorable attributions of vices.

I have asked myself oftentimes in the Senate of Illinois: What are the peculiar, the unique, the differential virtues of the politician par excellence? I have said, too, that in other professions there seemed to be an outstanding crystallization that came as a result of the professional function. I have said to myself that if we called the lawyers keen and at the same time cussed, and if we called the doctors taciturn and serious, whether they be osteopaths, homeopaths, or allopaths (all these paths of glory lead but to the grave), what could we say, in similar vein, and in determined effort, accurately and justly to characterize the politician or his professional virtues?

In answer to that question, I have come to the conclusion, by watching this animal in action, that he is characterized by two virtues which, to my way of thinking, are outstanding virtues from any serious, moralist point of view of the race of mankind.

"If, we think of men as being engaged in the triple quest for safety and income and deference, and then we think of all professional groups as being the servants of this universal triple quest of mankind, we may say of the business man, in general, that, himself centered upon income, he evaluates; and promotes to a level of principle, the notion of income among other men.

If we may say of the doctors and the lawyers and the ministers that, themselves in quest for security or safety, they have evaluated this into a principle of human conduct which they will serve.

Virtue of Deference

Then I think we may say of the politician, as such, that he is out to do deference to men. It happens, I think, as human beings, that we are all deference hungry. We want income and we want safety, but give us the right amount of deference and we will give up our income and ask no more safety than the continuation of the praise.

If one thinks of theology, as the dean of one of our divinity schools, recently retired, once characterized the theologian, as being the transcendentalized politician, then you sit high in the heavens as well as spread over the earth in the notion that since the divine being himself is hungry only for glory, praise, and honor, that this becomes the basic guiding hunger of all animate life.

The politician, above all men of our time, or of any time, I suspect, is the man who sets out, professionally, to feed the hunger for deference. He is himself a deference hungry man, otherwise he would not be in the game. He understands what men rate first everywhere.

Under the guise of answering my own correspondence, which is small—never reaching more than one thousand telegrams a day, which is the maximum, and five hundred letters—when I go into our stenographic pool to watch the mermaids playing at the typewriter, I proceed to dictate. But as I sit around and listen to the other senators answering letters that come
to them, I come to the conclusion that not even the psychiatrist, performing service
for mankind, performs the service of the
politician. For if the letters themselves
approve the politician's stand, the politician
makes it appear that the correspondent has
discovered new and weightier reasons for
this course of action than he himself had
discovered. If the letters are against his
stand, he makes it appear that the question
is evenly divided, and that a reasonable
man might even be more reasonable if he
took the opposite position.

This seems to me, Fellow Politicians, not
a reason for merriment, but a matter for
profound and everlasting gratitude. If the
politician's trade became, overnight, bank­
rupt, half of the respected and well balanced
citizens would be cases for the psychia­
trist, and he would never be able to handle
them.

So we may say, I think, that the politi­
cian in his discovery of the basic motivation
of human nature, and in his well sustained
and artistic efforts to satisfy the deepest
hungers of human nature, is the secular
priest of humanity, sacrificed all too often
to satisfy the hungers of the people.

_Magnanimity_

The second virtue that seems to me to
belong, in extraordinary degree, to the poli­
tician, as such, is the virtue of magnanimity.

Vacationing some months ago in the
Ozarks, I camped for two days with an old
Arkansas farmer, who had tobacco juice
running down both corners of his mouth,
and who, in the course of forty-eight hours,
got pretty friendly and told me the story
of his life. The last hour we spent to­
gether was a revelation to me of what hu­
man life lacks and, therefore, what this
virtue of the politician serves. To make
a long story short—it was an extremely
interesting story to me—he told me of a
neighbor who, fifteen years before, had
moved his fence over on my friend's land
three inches, from one end to the other.
He said, "I got out my shotgun, as any self­
respecting man would, and started out to
make him put the fence back over where it
belonged."

That was an old story to me, born on a
Texas farm and reared on a Texas farm.
This is, as perhaps not all city slickers
know, the perennial problem of the farm—
where the fence belongs—and three inches
is as good, or as bad, as a mile.

He said, "My wife caught me before I
got out of the house and made me put up
the gun, and rather than have trouble with
her I finally decided not to have the trouble
with my neighbor. But I vowed then and
there I would get even with him, if it took
me all my life. That was fifteen years ago,
professor, and last month he got what was
coming to him.

"He was something of a horse fancier.
He couldn't afford to own anything except
just work horses, but he was crazy about
race horses. I came into possession of a
young horse that could do four gaits almost
perfectly, when he was in the mood, which
was not often. Every time I caught him
in the mood I rode him by my neighbor's
house, up and down the road, as many times
a day as I could find an excuse for doing so.
Finally, I found the poison was working. I
cought my neighbor looking at this horse
from under the corner of the barn one
day, and I knew the arrow had struck home.

"Two weeks later he came over to me,
for we were still on distant speaking terms,
and talked about horses. Finally he came
to the question, and wanted to know if I
would trade the horse: I said I would not.
My neighbor had one of the best work
horses in the Ozarks, without a doubt, and
I needed a good work horse. My horse was
good for nothing but going through the
saddle paces on 'fair' days. I nursed him
along for several days and then he offered
to trade even. That was a gorgeous trade
but I would hear nothing of it whatsoever.

Finally, he was willing to give me a sub­
estantial 'boot,' but I wouldn't listen to his
talk. I waited until horse trading on Mon­
day, in town, when all our neighbors and
friends were there, then I let this fellow
drive a bargain with me to give me twenty­
five dollars to boot-and trade these horses."

Again, I'm not sure you city slickers
know that twenty-five dollars, in the Ozarks,
is worth almost a holding company job in
the utilities. It is money, big money.

My friend said, "I took it, but that is
not the point. This was 'off day' for the
horse. I had seen to that. My neighbor
got on the horse to ride him away. The
horse balked. He spurred him a little and
he kicked him off. He had to go through
the humiliation of paying a man a dollar
The politician learns very quickly not to harbour grudges. Even Carter Glass and Huey Long, so the press reports say, had their arms around each other the day before yesterday. The politician learns, first, by behaving as though he liked the guy, and, finally, he does learn to like him. As Carlyle long ago pointed out, "I have had dinner with him, a man whom I despised, but never had breakfast with one whom I disliked."

The great fatality of this human existence ordinarily is that if you subject yourself to one another for a little while you get even to where you understand the other fellow's vices so well, they lose their stain, and you rather sympathize with him. As Clarence Darrow once remarked, "I drag out my murder trials as long as possible because many a man will hang a stranger but not one man in a thousand will hang a friend." The politician learns, if not instinctively, very early—by hard knocks—not to harbour grudges. He acts as though he likes his fellow politicians, and pretty soon he finds he does like them and it is impossible not to like them. In a very small way, perhaps too humble for your sophistication, but in a sense that is very real to me, he possesses the greatest human virtue, the virtue of magnanimity.

A Corner on Virtue

I submit to you that a man whose professional business is to feed everybody else with the deference for which they are hungry, and to act toward his colleagues with whom he is associated in terms of the highest human virtue, that of magnanimity—such a man has the corner on the moral virtues of modern men.

After all, I imagine your experience follows mine fairly closely. In my brief experience the problem is not how to get along with bad men. It has been the problem of how to get along with good men, men who insisted on being good—in such cussedly queer ways, rather than in my way—that it seems impossible to get along with them until you come to recognize there are almost infinite orders of goodness, as there are orders of ability, that each one has to be regarded as sui generis, as it were, and each one looked upon as a phenomenon in its own right.

The politician has achieved the supreme virtue of taking all interests as legitimate, of setting himself to the task, in the light of discredit, by that tolerant recognition of bringing to pass a compromise between conflicting interests, all of which are equally legitimate, at least at the start. He is, in fact, in my opinion, a man who learns to compromise an issue without compromising himself. He is a man who learns to give away an issue in a pinch, without giving himself away, and in a civilization, even in the western world, in which very rapidly we come to the impasse described by one of our New England poets, Robert Frost, who said:

Some say the world will end in fire,
Some say in ice
From what I have tasted of desire,
I think I would hold
With those who favor fire.
But if I had to perish twice,
I think I know enough of hate
To say that for destruction
Ice is also great
And would suffice.

Between the developing lines of the revolutionary spirit, the incarnation, politically, of fire, and the lion's holding of wealth, and distinction, reserved as ice, unless we can grow more of this breed of politicians who can compromise an issue without compromising themselves, we shall find ourselves in worse plight than I expect ourselves to be found in. For the politician, with his determination to feed the deferent hungry, knows how to call upon other men so as to find them there and knows himself well enough so that when he calls upon himself, he finds himself at home.

I will say then, if I may, that in my estimation the politician, whose virtues in one way or another we shall all celebrate tonight, is the man who pours 'oil, crude or refined, upon the troubled waters of this human life.

I am going to turn now to a man who can speak for all classes alike, a man who needs no introduction to this group, the Executive Director of the Public Administration Clearing House, Louis Brownlow, the intangible Brownlow, academic amateur, intellectual
gallant, administrative practitioner of the highest strategy, true cosmopolite!

Mr. Louis Brownlow: It is difficult to attempt to say anything after such a devastating introduction as that. I avoid, of course, admitting that I am a politician. I have avoided with equal skill any charge, which never yet has been made, that I am a professor, by pretending to be, at any rate, an administrator. Administrators, of course, are sometimes known as those persons who attempt to protect the processes of government from the evil machinations of the politicians and also they are those who, because of their ineptitude, have prevented government from enjoying to the full the curative and remedial properties of prescriptions that have been written by the professors, especially those of political science, because very few of us heretofore have had the opportunity to hear a professor of philosophy in full flight.

Novel Problems

As I sat this morning at the meeting of the Council of State Governments, seeing and hearing men and women who are members of commissions or committees on interstate cooperation, hearing only too briefly because they mentioned by title some of the problems that are coming before these commissions and committees; as I heard them one after another, it occurred to me that practically all of these were problems that no one knew anything about when the Constitution of the United States was written.

We are now faced with problems that have come about because of the advance in the use of machinery, the extension of power of mankind, and of animal kind, by the use of the machine in a period which we call the machine age. As we went around the table in that conference, which is to be resumed tomorrow, we heard much about machinery. We heard from one man that this Council of State Governments ought to confine itself, perhaps, to the problem of machinery. We heard throughout all of the discussion the need for developing new machinery by which the forty-eight states could arrange more effective cooperation than they have yet had.

As I listened, it seemed to me that perhaps one of the things we have talked too little about when we are considering machinery is that all machinery is a conflict, that its very operation is built upon a conflict of interests, that there are, as Senator Smith said, a great variety of conflicting interests that are, at least in the beginning, legitimate. It is perfectly legitimate for one piece of metal to resist being abraded against another piece of metal. And the machine age, after all, without taking away any of the deference that has been due to the great contrivers and inventors, never achieved its important place in the social life of the world until we discovered great reservoirs of lubricants.

Senator Smith has told us that the politician is the one who pours oil on the troubled waters. May I take a figure of speech from the pre-machine age, when there were rude tools with which men fashioned ships, rude looms upon which men wove sails? Men trusted that vessel in those days with naive ingenuity, dependent as it was upon the use to which he put the winds of heaven. Now he drives his vessel through the waters, or over the earth, or through the air by machinery. That machinery depends always upon the reduction in friction which is accomplished by lubrication.

In the political world, I think the word we have used, for lack of a better word to represent this function of lubrication, is cooperation. Cooperation is not a very good word. Some one said to me a long while ago, and I have repeated it very often, that cooperation is that sort of operation in which the other fellow operates while you are expected to cool. And too often it certainly is an approach, from one side or the other, in that spirit.

Grease on the Axle

After all, we cannot compose our differences. We cannot compromise our conflicting interests. We cannot make the thing go at all unless it is well bridged, and that is the job we have before us, when we attempt to set up machinery for better cooperation. We have to remember that what we are trying to do is to reduce friction. We are not trying to destroy any of the component parts of the machine. There are a few of you who are old enough and rural enough to know what I mean when I say what is needed is grease on the axle. If you destroy either the wheel or
the axe, each of which is screaming at the
other in pain and conflict, the wagon is de-
stroyed.

When we talk today about state govern-
ment, we hear much about the destruction
of states by the encroachment of the power
of the federal government. If any of you
ever were, as sometimes I suspect in meet-
ings of Senator Toll's organization none of
you has ever been, a citizen of a county or
a municipality, you perhaps would hear
also how the encroaching power of the state
capital is destroying local self government.
It is very odd, of course, to see the atti-
dudes we take at different times of the day
with respect to these problems.

You are a citizen of a local government,
of a state government, and of the federal
government. While you may escape it, yet
few of us have endeavored to escape our
rights and privileges and to demand services
from all three of these levels of government.

What I think we have failed to do so
absurdly in this country is, in the first
place, on what I call the horizontal level,
to have no machinery whatsoever for co-
operation among these forty-eight states.
As Senator Toll and others of this organiza-
tion have pointed out, there is more and
better machinery for cooperation between
the government of the state of Texas and
that of the kingdom of Sweden than there is
between the state of Texas and its neighbor-
ing state of Louisiana or Oklahoma. We
have sent senators and representatives to
Washington but we have not a diplomatic
corps in the states.

In every community there is a total sum
of government. One part of that, whether
it be a great part or small part, you may
put as a column down on the left hand side
labeled, "functions performed by the federal
government," and the rest is performed by
the forty-eight state governments and their
political subdivisions. With respect to that
area outside the sphere of the federal
government, those forty-eight states are
sovereign, independent nations. Yet they
are the only forty-eight sovereign, inde-
pendent nations in the world no one of
which had a department of foreign affairs
until these commissions and committees on
interstate cooperation were appointed, most
of them in the year 1935.

That is your job. That is the job of the
Council of State Governments. I believe
it is a job in which a great deal of good
can be done. I believe you are attacking
it in the right way. I have been tre-
 mendously impressed by what I have al-
ready heard at this meeting, greatly im-
pressed by some of the other things, such
as the Tax Revision Council, in which for
the first time, federal, state, and local
governmental representatives are assembled
in one body to study the problem not only
of taxation, but of the proper allocation of
the functions and services of government
among these three levels.

Vertical Coöperation

Partly because I have had some little
experience as an administrator in the federal
government and partly because I have never
been associated with state government, I
believe I shall, nevertheless, hazard this
warning, that in your work of facilitating
the cooperation among state governments
you will do well to remember one thing.
In our complex social, economic, and polit-
cal situation, whatever good you may do
will not be the full good of which you are
capable unless you realize that there is a
possibility of cooperation in the vertical
plane as well as the horizontal.

I believe we are going to get further if
we do not consider that everything a state
government is doing is necessarily inimical
to the interests of the federal government,
or of the local government, and the same
thing is true, viewed from the point of
view of either the upper or lower of these
three levels. Each of us is a citizen of all
three. Each is going to live under all three.
Each of us is going to demand the services
of all three, and each of the three levels
government is entitled to call upon us to
perform and discharge our duties as citi-
zens. Let us then think rather in terms of
federal, state, and local government. Per-
haps some services would be better per-
formed if the responsibility were divided
among all three.

The odd thing about all this is that we
have gone on from 1789 until 1935 and
this is the first time an attempt has been
made to set up machinery to explore the
possibilities of coöperation among the
forty-eight states of this union. It is not
oil—crude or refined—upon the troubled
waters that you are required now to deliver,
but it is a full quantity of the highest quality
SATURDAY EVENING SESSION

of lubricant in the forty-eight cylinders.

TOASTMASTER SMITH: I am glad, ladies and gentlemen, that this is rather a highbrow assembly, because I am afraid at least one metaphor of our distinguished speaker might be misunderstood as some of my early letters to my constituents were. He spoke of grease on the axle. That would be understood, in some legislative circles, as grease in the palm, but he does not mean that any more than when I replied to certain letters relative to a certain issue, that my mind was not yet made up in regard to the issue, that I required further persuasion. I began to get, indirectly, intimations of types of persuasion that I had not intended at all. We have to temper our language according to the levels of life.

I now desire to present Senator Joseph Wolber, of New Jersey, who I am informed, if the legislature of New Jersey ever adjourns, is to become judge of the circuit court in his state.

SENATOR WOLBER: I was very much interested in what the toastmaster had to say about the politician. I find that at the close of a political career, the professor of philosophy has given me the answer I have had so much difficulty in propounding to my political audiences during my campaigns, relative to the politician. I remember very well when you would address a so-called highbrow audience you would like to avoid reference to the politician, because that usually carried with it a shrug of the shoulder or a raising of the eyebrows. In order to withstand the effect of that reaction of your audience, you would say, "Well, I mean the politician in a broader sense, not in a narrow sense."

I am not one of those who think that by the splendid interest in state cooperation, or shall we better call it friendliness between forty-eight states of the union, we have all to go back to the horse and buggy stage. I come from a state which has participated for many years in the use of the compact clause of the federal constitution in trying to promote friendliness among our neighboring states. It was the state of New York and the state of New Jersey, back in 1833, who determined by compact the question of jurisdiction over crimes committed on the Hudson River.

It goes to show how wise the forefathers were when they adopted the federal constitution. New Jersey, notwithstanding the boundary line extended to the center of the Hudson River, let New York assume the jurisdiction over criminal law violations in that waterway, and it is not altogether a long cry from 1833 to 1935, when right in our own legislature in New Jersey, my colleague, Senator Leap, is trying to settle the same question of jurisdiction with the neighboring state of Delaware.

About twenty-five years ago we had a sewage disposal problem in the state of New Jersey. Our neighboring state of New York called us into the United States Supreme Court. While we were permitted to continue a specified amount of treated sewage disposal into New York Harbor, the opinion of the United States Supreme Court in that case admonished us that if the time ever arose when the discharge of that system into waters of New York Bay became inimical or injurious to the interests of the people of the state of New York they would have a right to come back into the Supreme Court to secure relief.

Litigation Not the Best Way

Today, with all the litigation, after trying to use the technical means of protecting what seemed to be our legal rights, we find ourselves in the position of recognizing that the only fair, practical way in which these rights can be handled must be on the basis of neighborliness and cooperation among the states involved.

So I say today that with the Council of State Governments in existence we have a realization greater than ever before, with all the new developments, with the clear enunciation of the distinction between the powers of the federal government and the state governments, a realization that puts us all in a friendly and cooperative spirit. If it were not for that instrumentality how could we, representing the states of the union, understand the viewpoint, the attitude of mind toward those problems which are common to some of us regionally, to all of us as members of one great nation.

Under the Supreme Court decision we must be filled with a wider recognition of the usefulness of the instrument that our forefathers, in their far-seeing wisdom adopted, as it must be applied to our modern conditions, complex and complicated as they may be. I say to you, my
colleagues of the Council of State Governments, here is our opportunity! Let us take advantage of it!

Toastmaster Smith: In a moment I am going to call on representatives of three departments of a university that I shall not name, because it is a great hotbed of radicalism; even of Redism in America, and I do not want to break into the press at this inopportune moment.

May I bring back to you those incisive words of Emily Dickinson long ago:

"How dreary to be somebody,  
How public like a frog  
To tell your name the livelong day  
To an admiring bog."

That is the cry, frequently, of the politician, but the preceding speech from a politician who is so soon to be relegated to a judgeship fits in beautifully with the verbal reluctance—on top of the drive for action—that all politicians have.

I have quite enough on the next speaker, but since I cannot command the right set of polysyllables in which to tell it I am going to let him tell it in his own inimitable verbiage. Professor Lasswell, from a certain political science department!

Professor Lasswell: Mr. Toastmaster, assembled priests, physicians, psychiatrists, moribund politicians, judges: It gives me pleasure to be here this evening and to hear of this achievement of the new mythology, the mythology which enables this holy and long misunderstood profession to rise at last to the verbal grandeur with which it has been enrobèd this evening by Senator Smith.

It seems to me that at last we are dealing with a group of individuals who are coming before us with that proud sense of avowed virtue which they have hitherto left to the professional philosopher, moralist, priest.

Hitherto, politicians, as I understand, have deferred to the sentiments of people whose color is black, yellow, or white; to people whose creeds are eccentric, opulent, profound; to individuals who feel that their local and regional interests must be adequately presented in the high and mighty places.

The forms of collective self appreciation which are competing with one another for acceptance in the modern world have been our mythologies, with which your mythology must compete. I would surmise that this mythology must undergo some reconstruction, technically. You will notice that point one was: we are the individuals who will defer to you. We are the people who know that you are hungry for deference. We are thirsty for it, and we will undertake to do our best for you.

As mythology, I fear that is rather a poor verbal formula. First of all there is a certain kind of candor about it. There is a certain suggestion that peoples' motives are what they are: There is something that is too simple and human, earthy, obvious, and direct about that sort of thing. Many people, I fear, will be prodded into new forms of self realization under these conditions. I strongly suggest that no mythology that forces people to candid self-understanding is one which offers much for the future of those specialists who hope thereby to profit.

The second point—seems to me to be equally vulnerable. This group arises and says, "We have a moral ascendancy. We are magnanimous: we stand for the virtues of generosity and kindliness. Please put your head in our mouths." It seems to me that a profession of moral virtue, as a monopoly of any skilled group, is out-of-fashion in the modern world, that consciously, the future of this mythology would appear to require some supplementation, some achievement of impersonal verbiage which will not provoke people to those heart searching which are implied in the brutal and vicious self disclosure of this remarkable phraseology.

I therefore suggest, and it is with real, genuine pain that I suggest it, that as I look upon this infant in this new myth, which is lying out before us unwrapped, we should undertake to investigate the possibilities for its survival. There are certain auguries which, as a candid observer of the future of infantile creations of various kinds, I regard with some alarm. I therefore, suggest that if this infant which has been produced before us is to survive, it will require some form of disguise, some attainment of paternity, by the investing, if necessary, of affiliation with some immutable and impersonal law or principle in the name of which it can exert suzerainty.
over the taxes, and the blood, and the deference of our fellow citizens.

Toastmaster Smith: I think you will now understand the penitence I feel at not having shot my bolt. I had counted upon a tactic which I did not disclose, that if I did not quote the formula of Professor Lasswell's recent book, "Politics—the Citizens. Who Gets What, When, and How," he wouldn't recognize the rest of what I was saying as also coming from his recent book. But having been caught up in my own guileless style, I only repeat, in answer to all this polysyllabic diatribe that what I have said is as plain as the nose on your face, and of that nose one of my students recently wrote:

"Thou brave comrade, frontier of the face
Pioneer in darkness and leader of our race
Forerunner of fortune and espion of woe
Lead on, my nose, I'll follow
Where'er thou bidst me go."

I take great pleasure in calling upon another professor from a certain university; Professor Nef of the Department of Economics.

Professor Nef: Just two things occur to me on the spur of the moment that I might say to you. The gentleman from New Jersey spoke of these troublesome times, this crisis, and that is, I think, quite the fashion now. It is the fashion, I might say, to think of ourselves as being in the midst of a very special and serious crisis. But I wonder whether it has occurred to you, in another way, that this crisis is something we are not going to escape, in the ordinary sense in which we escaped old crises, at least so it looks. Here I speak with a good deal of deference. I don't feel I have made any special study of the nineteenth century, but at least it looks that way to a mere economic historian who specializes in the sixteenth and seventeenth centuries.

It is common to say that America entered a new epoch when the frontier came to an end. My old and revered teacher, Professor Turner, was, of course, more responsible for that idea than any one else. There is another sense, I think, in which not only America, but western society as a whole, and here I am speaking of western society not in quite the sense of Senator Smith, but in the sense of that society which generated in the middle ages and of which we are, I think, very definitely still a part—the sense in which this western society of which we are a part has also reached a parting of the ways. We have all had it bred into us, as Americans, I think, more than Europeans, that economically, especially, we are progressing, that we are going on, and over a long period of time, which probably reached much further back than the so-called period of industrial revolution, which probably goes back to the reformation, we were progressing in an economic sense.

This process reached its culmination in the late nineteenth and early twentieth centuries. There were various factors which explained the reaching of its culmination. One of them was a movement in the growth of population which began, presumably, all over the western world about the middle of the eighteenth century and took in one country after another. It culminated toward the end of the nineteenth century so we can no longer look forward, as we could in that century, to a doubling or tripling of population over a period of a century.

Again a very happy or unhappy (whatever way you happen to look at it, I by no means wish to use the term happy in a giddy sense) set of circumstances which existed in the nineteenth century no longer exists. We have experienced a very rapid change in the basic construction of goods, first of all from wood to iron and then from iron to steel, which meant that we had to build everything over again. We cannot, in any measurable time, I think, look forward to any process of that sort.

Less Rapid Change

I could go on and cite other examples, but the conclusion I wish to draw is that we cannot look forward any longer to progress in the sense in which we have looked forward to it in the past. We are all adjusted to an extraordinarily rapid change. It is almost inborn. We must now change our thinking along these lines.

The second idea which occurs to me in regard to the very profound change that must come about in our way of thinking is that we are going to produce more goods, perhaps, than we produced back in the nineteenth century, but no longer is the rate
of growth going to be more rapid, consequently our whole make-up has to change. One way in which we have to change, obviously, is a way which I think is in opposition to what was expressed by my predecessors who have spoken tonight. Although I did not hear the address, I believe I could subscribe to every word spoken by the president of the university to which I belong, in delivering the convocation address a few days ago. From what I have heard, he said that corruption is the principal vice which besets us today, and that if we are going to meet this vice we must change our whole way of thinking. We must try to remain what we were like when we were twenty. He was talking largely to men around that age. We must not lose the fresh ideas which we have at that time. More particularly, it is the duty, it seems to me, of men in public office—which this body is largely made up—not to follow, but to lead. By that I mean we can set a very great example, it seems to me, for the margin with which we have to play. The margin of corruption is no longer what it was. We no longer have the same margin to play with; therefore we can no longer afford not to pay heed to some of these things. I think one of the most abused statements I have heard is that honesty is the best policy. If honesty is nothing but policy, if honest is not a good thing in itself, there is no point in honesty.

Toastmaster Smith: In introducing the next speaker, I must say this one word, by calling attention to professors who are not yet politicians as to what they may do in their period of political inactivity toward the furthering of the standards of human life and the improvement of the machinery of political life.

The gentleman who will next speak to you was called upon some time ago to help Illinois out of a predicament that is almost a halter around its neck. We found it so nearly next to impossible that we dismissed in a short time the possibility of changing our constitution. We were in such a position that in the last election, when we voted on a constitutional amendment, if the total number of votes that had been cast upon the issue had been cast for it we still would have been far from adopting this possibility of change. Seeing this situation, this gentleman communicated with the people who were active in politics. One of my fellow citizens of Illinois, whom I believe he does not know personally, has oftentimes spoken to me in the highest terms of the help he has had from this gentleman in working out a scheme that would make it possible for Illinois to get a constitutional amendment and a constitutional convention, if any appreciable number of the people wanted to propose it, under a system of counting straight party votes as votes for an amendment or for a constitutional convention, if the party for whom the vote is cast has endorsed the measure.

The measure which he proposed went through the senate with flying colors and would have gone through the house had not the metropolitan press come down like a ton of brick, out of fear of getting an income tax instead of the miserable sales tax on which we spend our time quarrelling. I am happy to introduce, as a politician under the skin if not on the surface, Professor Sears, of the Law School of a certain university.

Professor Sears: It seems to me the average American really does not care a whit whether he gets what he wants from the local, state, or federal government. He wants what he wants and the government that gives it to him most quickly and to his best satisfaction will be the one, on that particular proposition, that he will favor. He is not much concerned with logical division of functions.

If the states would be more efficient in their government there would not be so much cry about the federal government usurping power. The federal government, as far as I can see, does not usurp things merely because those back in Washington are so eternally anxious to do it. They do it because of the pressure put upon them to take charge of matters where the feeling is that it is necessary to do it "that way," if we are to have satisfaction.

The last constitution in Illinois was adopted in 1870. In forty-four years we have adopted only one important constitutional amendment. Time after time amendments have been submitted. But Illinois, thanks to the research work published in the magazine State Government, we find is one of eight states where it is necessary, in order to carry that amendment toward a proposal to call a constitutional convention, that a majority of those going
to the polls on that particular voting day, favor the proposition. All the indifferent and silent votes are counted against it, under the most vicious system of voting which it has ever been my discomfort to know.

On Party Ballots

In studying the matter, I was amazed to find that between 1870 and 1901 in this state, out of five amendments proposed, five were adopted because at that time in the state, the method of voting on constitutional amendments called for no official ballot. There were written ballots, but the ballots were prepared by political parties and passed out at the polls by the workers of those parties. Therefore, all that was necessary, in order to vote for a proposed calling of a constitutional convention, was for the particular political group to write upon its particular poll ballot "Constitutional Amendment," and the person who took the ballot and cast his vote, assented to the proposition. That system seemed to be quite effective and was a system with which those who framed the constitution in 1870 were familiar.

Having had three changes in the law since that time, it occurred to me that it might be well to go back and try the method of voting with which those who framed the constitution were acquainted. That was the genesis of the movement Senator Smith has spoken about.

TOASTMASTER SMITH: To return now from the individual and specific concerns that engross us daily, to the higher levels of the central note struck in our meeting tonight, let me say simply that we, as politicians, are engaged in a moral enterprise. It is an enterprise of great significance that touches suffering human beings every hour of each of our days. In its furtherance is wrapped up the future hope of our society. May I close by returning to the source from which I have learned all the philosophy I count worth reading, and a source to which not infrequently these days I return, namely, the poets. Rupert Brooke, out of the travail of a world holocaust, has written these simple lines:

THE JOLLY COMPANY

The stars, a jolly company
I envied, straying late and lonely
And cried upon their revelry
"O White Companionship! you only
In love, in faith unbroken dwell
Friends radiant and inseparable."

Light heart and glad they seemed to me
And merry comrades (even so God out
Of heaven may laugh
Each walketh in a wilderness)

But I, remembering, pitied well
And loved them who with lonely light
In empty infinite space dwell
Disconsolate. For all the night
I heard the thin gnat voices cry
Star to faint star, across the sky.

The meeting adjourned at 10:30 p.m.
Sunday Morning Session

June 16, 1935.

The meeting was called to order at ten-thirty A.M. by the Chairman, Henry W. Toll.

Chairman Toll: I shall call first on Senator Grady, of North Carolina.

Senator Paul D. Grady (North Carolina): We in North Carolina are very much interested in this Council and in the American Legislators' Association. The matter came up last winter while we were in session. I was sent to Washington to attend the Second Interstate Assembly. On my return, while presenting my report to the General Assembly, I found that they were very much interested in it.

We were in a deadlock in our state for five months wrestling with the problem of the sales tax. While we didn't like it, we had it. We don't believe it will ever be satisfactory if it is to be adopted as a fixed policy of taxation. We think the tax should be limited at the source, collected by the national government, and distributed to the states on some equitable and fair basis. We think that is one of the matters this Council will handle by proper conference and proper committees from various states.

North Carolina is ready and willing to lend its cooperation. Following the last and most hectic session of the state legislature with which I have had the privilege of working (and I have been at that business for quite a long while), we realized that with the rapid means of transportation and of communication, problems that we once thought were only state-wide and which should be handled only on a state basis are no longer state problems. They have become national problems and require a national viewpoint, national solution, giving to each state its opportunity to be heard, to register its opinion, and judgment and then, out of the whole, to arrive at some solution that will do equity and justice to all the states and all the sections involved.

With the Council of State Governments working along hand in hand with the American Legislators' Association, I believe we are getting into motion a type of machinery that is going to answer the very needs and problems which I know have beset those of you from other states. I believe when you all realize that this Council is in earnest and is putting into this matter of cooperation between states all the best thought and the best judgment of men qualified to consider and to arrive at some solution of these problems, one by one your states will come into this Council as a unit, willing to make such concessions as may be necessary so that we may arrive at a solution which will give us the best system and best plan from a national standpoint.

Chairman Toll: My Gentry, West Virginia.

Hon. Joe G. Gentry (West Virginia): I would like to know if there is a means of informing all of the states of the work this organization is setting about to do. I was talking to representatives of our newspapers at home and they are not familiar with this work, so I gave them the 1935 edition of the Book of the States. I think if we could enlighten the electorate of our states as to what we are trying to do, we would get farther and do more good.

I am sure that in our state, with ninety-four members in the house and thirty in the senate, only a very small group in each of the two legislative bodies knows what this organization is trying to do. I have enjoyed meeting with you.

Chairman Toll: I think your suggestion is very sound—that in order to make the functioning of an organization of this sort effective there must be some popular understanding, both as to the purpose and motivation of the Council. We are endeavoring to do what we can. I think the sort of thing you have done goes further. Actual contact with the press through someone they know personally is a great deal.
more effective than the dropping of letters and releases into mail boxes. It is the personal contact that really interests them and I think that anything you may do in the way of interesting the local press and the people in your community in the work in which we are engaged, will be of great service.

We do occasionally prepare newspaper releases which are sent to the newspapers in various parts of the country. In connection with this meeting, for instance, there will be two or three releases sent out, but, of course, it takes time for the newspapers to become familiar with it, to discriminate, to know whether it is something of significance or simply a newspaper release that has not any substantial background. Any time anyone wants a newspaper added to our release list, if you will kindly inform us, we shall be glad to comply with your wishes.

I shall next call on Mr. Uible of Ohio.

HON. FRANK R. UIBLE (Ohio): We in Ohio are slowly awakening to the importance of this type of work. In the last session we have become interested, as a legislature, in the possibilities of this Council. It seems to me that the general plans which have been outlined so far in our discussion have been practical and probably the most feasible manner of carrying on this type of work.

CHAIRMAN TOLL: We will next hear from Mr. Belknap of Kentucky.

HON. WILLIAM B. BELKNAP (Kentucky): I have long been impressed with the need for some sort of approach to our neighboring states. I once made the statement, and Mr. Toll has flattered me by using it a number of times since, that it was easier for the state of Kentucky to approach China than it was to approach the state of Indiana, across the river. We could go through the State Department of the Federal Government to get to Japan but we have no governmental machinery to approach Indiana.

In the past twelve or fourteen years, that need has grown tremendously. It has not been met by any other mechanism than the American Legislators' Association, at least not by any other organization which I know.

I have had very few original thoughts in my life and have no particular original thought on this subject. I think all of you who have been working in this field have been impressed with the necessity for personal work in a regional way. We can make necessary adjustments through regional secretariats. These men won't know all about any one state, maybe they won't know their own state very well, but after two or three years of experience they will know a region pretty well, they will know the leading men, politically, in those regions, who to contact, who to get together, who, if they want to call a conference, will attend, what men will do the talking and what men they can count on to do some really good work. We need that kind of a liaison officer, as we used to call him during the War.

CHAIRMAN TOLL: I desire at this time to call on Senator Mastick.

SENATOR SEABURY C. MASTICK (New York): My friend Senator Berg made some remarks yesterday relative to voluminous reports issued by state commissions. I think he probably had reference to my latest report on local government reorganization, comprising about 700 pages. It is an interesting summary, but I know it is difficult for every one of us to read it. As I looked through some reports yesterday I found one from Indiana, one from Pennsylvania, and one from North Carolina, each on the same problem. That is one of the things I think this Council will need to give more attention to, a central agency to which we can write and determine whether or not we are duplicating effort. It costs money to do research work. That information should be made available through a secretariat such as we have here in Chicago.

The problems of all states are not the same. That is the reason for regional secretariats. The problems of the New York and New England states are largely industrial. The problems of the western states are largely agricultural, but each state has problems with its contiguous states. In New York we have had a successful experience in our Port Authority compact which went into effect in 1920. A comprehensive bill for the development of the Port of New York was presented in 1921, when I was a member of the Assembly. I think the compact had been made a year before.

The authority built bridges and tunnels and buildings and has issued bonds for the erection and construction of these various
things and has been generally successful. It is composed of equal representation of authorized members from the state of New Jersey and the state of New York.

We have also cooperated with Pennsylvania and Delaware in the matter of our water supply, and with Connecticut and New Jersey in regard to water pollution. We are cooperating with adjoining states now, on the question of labor. I think we will find, as we go on, that there are many such problems which we can adjust mutually.

**Tax Revision Council**

I wanted to speak particularly of the question of competitive taxation, the problem of conflicting taxation, and the organization of the Tax Revision Council—although the Tax Revision Council is more interested in fairly allocating taxation than doing away with competitive taxation. In New York, we frequently hear the statement made—that some company or individual or industry is going to go away from New York and move to some other state because the taxes are more favorable in the other state. It seems to me that is something to be ironed out by conferences between the different states.

I was impressed at the Tax Revision Council meeting in Washington by the point which was brought out, it may be by way of criticism, that every time a motion was made to take something away from the federal government and give it to the states it went through, but when a proposal was made to take something from the states and give it to the federal government it did not go through. It is an entirely one-sided proposition. You cannot trade when the trading is only one sided. We tried to trade some taxes—tobacco for electric energy or tobacco for gasoline. We found, however, that it was all right to trade only on something where we were going to get the benefit.

There must be give and take in this thing and I think we have to give up the selfish notion that any one state can avoid a proposition which would lead to a proper integration of that most important subject of the proper allocation of taxes and the proper allocation of the burden of taxation on the citizens of the locality, of the state, and of the federal government.

As Mr. Brownlow said yesterday, we are citizens of all three levels of government. All three have their functions to perform and all three must have taxation to support those functions. It must come from you and me because we are the citizens who pay the bill. Therefore, we are interested in seeing how these taxes are integrated and how the functions are allocated. That is the problem the Commission on Conflicting Taxation is trying to settle between the federal government and the states, and that the Tax Revision Council is trying to meet in connection with the three levels of government in this country.

**CHAIRMAN TOLL:** I think you can see from what Senator Mastick has said that if there is any one problem which we have an organization set up to tackle, it is the tax problem.

I shall call next on Senator Oneal of Texas.

**SENATOR ONEAL (Texas):** After four months and four days of continuous talk, in a body where there is no limitation on the talking, I shall ask you to notify me when my limit has expired.

When I received the invitation to come here, I was very glad to have it. I came with a question mark in my mind. That question mark didn't mean that I doubted the sincerity or the earnestness of purpose of this meeting, but rather as to what we might be able to do. I think there has never been a more opportune time for representatives of the states to do something than now, immediately after the decision of the United States Supreme Court, which throws back upon the states the matter of cooperating among themselves or of having taken from them, by constitutional amendment, the powers they have had heretofore.

We have had some experience with interstate compacts. Recently, as you men from Colorado, Kansas, and other states know, the oil states entered into a compact with reference to the production of oil. It is probably not all it should be, but we hope it is something that will stave off absolute federal control of the oil business and will permit the oil people to operate their industry. Oklahoma started this movement. Texas joined in it. The meeting was held in Dallas, Texas. Colorado has joined in this compact, has ratified it, and I think Kansas
and California have also done so. It remains for the federal government to enforce that compact. We frequently have had, and now have, compacts with adjoining states, with New Mexico in reference to water on the Pecos River, with Oklahoma in reference to the northern boundary of the state, with Oklahoma, also, in reference to building bridges.

In 1931 when the cotton situation became serious, we had a special session, and if at that time the idea of state compacts had advanced to the present level, I think the cotton states would have put some limitation on production. Texas produces one-third of the cotton in this country and at that time, the marketing price didn’t pay for the picking. We passed a statute in Texas limiting the amount that could be produced for two years. In view of the fact that the other states did not follow suit and we did not go at it in the right way and one of our courts held the law unconstitutional, the effort did not produce results.

CHAIRMAN TOLL: Mr. Angell has, as angels should, flown here from Oregon to attend this meeting. It is a great pleasure to call on him.

HON. HOMER D. ANGELL (Oregon): We in Oregon have problems as you have, local problems and regional problems which go across state lines. On the Columbia we have the development of the hydro-electric problem which is not an interstate problem, although the state immediately adjoining it is interested. We have, in addition, the fishing industry which cannot be confined to state lines in connection with those states bordering on the Pacific. It is a large industry in our section of the country and has always been a big industry in the United States. It goes out beyond a single state’s sovereignty, as our neighbors, the states of Washington and California know, and so we are all very much interested. We have attempted to solve those problems by cooperation among ourselves, voluntarily, without any outside help. We have not had very much success.

I think we, as an organization, can do a great deal in the way of cooperation and suggestions and advice, but if we become resigned to the fact that we are going to have a great deal more power lodged in the federal government than was intended by the Constitution, I think we will upset the apple cart completely and be back where we started.

There are many problems, questions of taxation, and trucking legislation, and liquor control—myriads of problems which a single state cannot solve alone. Yet I think it would be a great mistake indeed for an individual state to give up its sovereign rights over those problems. We in Oregon are very jealous of our rights. I think the states should continue to be jealous of their rights and of their sovereignty. I think we should do nothing as an organization to override that. The farther we proceed along that line, the more we will be defeating our own purpose.

CHAIRMAN TOLL: I shall next call upon Senator Weiss of Indiana.

SENATOR JACOB WEISS (Indiana): The first thought that occurs to me is: how can state compacts be made effective? I don’t know of any way in which we can make the observance of a compact compulsory. I don’t know how the state of Indiana is going to impose any penalty on the State of Kentucky for not observing interstate agreements. We make truck and bus compacts with the state of Kentucky. We try to cooperate in many different ways.

We have the Ohio River as a boundary line between Indiana and Kentucky. A court once said that the boundary line, as it existed at the time the boundary was fixed, should not be altered by the changing flow of the stream. We have a community in the state of Indiana known as Dade Park. Part of it lies within the city of Evansville in the state of Indiana and the remainder in Kentucky. Dade Park has gambling, horse racing, and every vice which confronts a legislature. We cannot do anything about it. We have tried compacts time and again with the state of Kentucky, without avail.

The thought occurred to me that we are overlooking in this meeting and, generally, in the United States something which has just been brought to the fore as a result of the recent Supreme Court decision. A very important point was made in the Supreme Court decision in the Schechter Case and the oil case that preceded it a month before, in regard to the delegation of power and authority to the executive branch. Are not we, in our present approach to the question of
state commissions, doing this same thing? I am speaking of Indiana and cannot speak for the condition in any other state in the union. No administrative body, no executive deputy can come before the General Assembly and get anything done. Phil Zoercher has attended your meetings. He has been our tax commissioner for twenty-five years and knows taxes as I believe no other man does, and it is with all due respect for him that I say this, but he couldn't come to the General Assembly of Indiana and get any kind of report adopted.

My suggestion with regard to a set-up for cooperation between the several states is this: that we build legislative machinery. Let us say that the committee on interstate cooperation in the senate, which is now a standing committee by resolution, and a committee on interstate cooperation in the house, which becomes a standing committee by resolution, shall comprise the Indiana Commission on Interstate Cooperation, with a continuing appropriation for its expenses and for the maintenance of whatever it needs in the way of a secretariat.

In Indiana we have a permanent Legislative Reference Bureau. Perhaps this reference bureau could become the permanent secretariat for the permanent commission created by statute. Then if you want the cooperation or need the expert advice of an administrative head or executive head of the several departments of the state, call them in; by law, provide they must assume and perform the delegated job presented to them by this permanent commission on interstate cooperation.

We in Indiana have a practice, and I assume other states follow the same practice, of complying with agreements in which we are a party. I believe that if you can set up a permanent organization of that kind within a state you might be able to get something done. If you drag in the executive or the administrative branches with equal authority on this commission you will get nothing done. I speak with the highest regard for our governor and administrative officials, but I speak from a practical viewpoint.

CHAIRMAN TOLL: I think Senator Weiss has raised some interesting questions. I shall not participate in the discussion as to the present set-up of the commission, which will be a matter of discussion among the conferees, except to say I think your suggestion as to an integrated relationship between the commission and the Legislative Reference Bureau is very sound.

Senator Graves, of Tennessee, has been active in this field. I might say at the outset that at the Second Interstate Assembly, Senator Graves headed a delegation of eight members, I believe, from the Tennessee Legislature who came to Washington—each man at his own expense—to attend the meeting.

SENATOR ANDREW J. GRAVES (Tennessee): We have not done a great deal about interstate cooperation in Tennessee, but I want to say to you that after that committee of ten visited and attended the conference in Washington there was a great deal of interest manifested upon our return to the legislature.

I found in our legislature, which recently adjourned, that there was a great deal of literature pertaining to the American Legislators' Association and the Council of State Governments. I feel that my state will soon make an appropriation to help take care of the expenses of this organization. I have been working on that for some time. It is a matter of education. You have to educate people as to what you are doing here.

CHAIRMAN TOLL: Apropos of one question raised as to whether the members of the legislature are conscious of the existence and function of the American Legislators' Association, I might say no one is more conscious than I am of the fact that there is great variation among the states. In some states the legislators are hardly aware of the existence of the organization; in others you find a very different situation.

We would like to hear from Senator Maw, President of the Utah Senate.

SENATOR HERBERT B. MAW (Utah): As I have been sitting here, I have been particularly impressed with one or two facts. The first is the need of an association such as this. I shall speak from the standpoint of Utah. Our state has a population of about half a million people, and an area of some eighty-three thousand square miles. Yet in that state we have some of the greatest wealth of the world. They tell us you could close down all the coal mines in the world except those in Utah and we would have enough to supply the world
for five hundred years. Some of the largest coal mines are in Utah, and I think my state leads the United States in the production of silver and many other metals. Some of these mines are owned by outside capital and although enormous wealth is taken from our state, yet every year we get very little of it. For example, one Utah copper mine alone paid in dividends, two or three years ago, thirty-four million dollars. Utah receives almost nothing, in comparison, from taxes on these mines. The primary reason is that a majority of the legislators are afraid to tax them. The same people who own the Utah mines own the Montana mines and the Arizona mines, and if we tax them they threaten to shut down in Utah and operate in Montana. They can go to Montana and say, "You tax us and we will shut down and go to Utah." If, through this organization, the Utah, Montana, and Arizona groups could get together and devise a uniform method of taxing this one industry we would solve a tremendous problem.

I suggest that it should be a duty of whatever committees are appointed, whether they be national or regional, to lay upon the desks of the legislators uniform laws to be passed and let the legislatures pass those laws with whatever variation may be necessary to fit their own particular state. If the mining sections could have uniform laws, the coal groups could have uniform laws, and all the states have uniform tax laws and liquor laws and things of that nature, we could do much to preserve states' rights and we could accomplish a great deal for the people.

CHAIRMAN TOLL: I would like to call next on Mr. Killian who is the chairman of the House Committee on Interstate Cooperation in the Arkansas legislature.

HON. CHARLES A. KILLIAN (Arkansas): It is a source of genuine pleasure to have this opportunity to be here, to listen, and to learn. We have had our troubles in Arkansas, just as you have had them in Colorado and New York. I was impressed by one or two statements made here in this respect. One gentleman referred to the industrial situation. Arkansas is, of course, an agricultural state and, incidentally, we have a small beginning of the textile industry down there. The New England states are highly organized. They have strong unions. We can work our men and women unlimited hours. We have a state law but our wages are low. It causes a serious situation in competition with the highly organized centers. Directly or indirectly, it is a problem for the different sections of the country to solve.

I think this organization has a wonderful opportunity to get together and formulate plans for bringing the states closer together. They should be willing to cooperate. It is a matter of finding means and methods of doing that.

CHAIRMAN TOLL: We are very pleased to have with us the President of the National Association of Attorneys General. That organization, which has great possibilities, has been given a very distinct impetus during the administration of General Averill.

HON. ERNEST L. AVERILL (Connecticut): After attending the last meeting of the Interstate Assembly and before that, the meetings of the Planning Board of the Council of State Governments, it occurred to me that the attorneys general might experiment. So I called into conference the attorneys general of the New England and Middle Atlantic states. Our discussion at that conference was confined to interstate cooperation and found there was unanimous opinion among all present that they were heartily in sympathy with this movement. The interstate relationships between attorneys general have always been cordial. They have always stood ready to aid, through their legal departments, any sort of reciprocal agreements which might be devised among the states.

I think probably the most outstanding result of that conference was this: it was the opinion of those present that you can go farther, and can accomplish more, if you can get a group of people together to know each other, and to sit down and talk about their common interests. It impressed them favorably that we have an invitation from the attorney general of Massachusetts to hold another regional meeting in his state, and the conference voted to accept it.

At the last session of the Connecticut legislature it was provided that the new highway bridge which is to unite New York and Connecticut should be placed in charge of our highway commissioner, who is to
make an agreement with the highway department of New York State, providing for its construction and the allocation of expense. A similar law was passed in New York, so these two states are willing to cooperate.

Provision was also made at the last session that the motor vehicle commissioner might arrange with any other state so that public service motor vehicles might come into our state without registration, providing they would permit ours to go into their states without registration.

We gave our milk administrator the power to confer and to make agreements not only with the federal government but with other states. We have a Boston milk shed and a Providence milk shed. We have a problem with Wisconsin and other mid-western states in regard to cream. So we have put our milk administrator in a position where he has the power to cooperate. We have passed three uniform laws—a uniform narcotic law, a uniform machine gun law, and a uniform excise tax law. In addition, we continued the Tri-State Commission on Long Island Sound and New York Harbor. We passed a bill establishing an interstate compact commission on labor and industry, which is cooperating with other states. It will be composed of one representative of labor, who will probably be our labor commissioner, one representative of the manufacturing industry, and one of the general public. We also provided for an interstate compact commission on waterways, which will apply to all New England states.

Senator Weiss: I am very much interested in finding some way out of the problems presented. I think they are very important for the welfare of our several states and the country as a whole. As I said before, I don’t know how interstate compacts can be made effective when one of the states refuses to observe the provisions of the compact. Can someone help me with that problem?

General Averill: That question came up at the conference in Providence. In the first place, as I recall, the Supreme Court of the United States has the jurisdiction to enforce any compact between states. There are some compacts which provide that the courts of each state may be open to each of the parties to that compact. In some of the compacts between Vermont and New York, at least, and perhaps some of the other New York compacts, they have introduced, recently, a provision that in case of any disagreement between the parties it shall be submitted to arbitration. Those are three methods which are in existence for the enforcement of compacts.

Chairman Toll: It is a great pleasure to call on Professor Coker of Yale University, President of the American Political Science Association.

Professor Francis W. Coker (Yale University): I suppose I have the distinction of being the most temporary conferee here. If there is anything an outsider can do for you who are continuing in your immediate relations with this Council and Association it is to evaluate what you have done. Rather from the outside, I think you are entitled to take a much more optimistic view than you do. You have already accomplished a great deal.

Already your regular publications and the reports of your activities are among the most valuable material there is available to students of government, both undergraduates and graduates. They have been utilized with a great deal of interest. To one with at least rather lengthy observation of organizations of various sorts, all the signs seem to indicate that this organization has one of the most promising futures of any organization I have observed in the last twenty-five years.

Our fundamental problems are not much different than they were at the beginning of this country’s history, but the entire social, political, economic, and industrial environments are obviously changing, and we are too virulent a people not to solve our problems. The two alternative methods are to solve them by putting all the responsibility in Washington or to leave it with the states. It seems to me there is absolutely no hope of leaving it to the states unless they are going to consult and cooperate in just the way this organization is providing.

Chairman Toll: We are also glad to be greeted by the arrival this morning of Dr. Luther Gulick, Director of the Institute of Public Administration, one of the two or three most important active research agencies in the field of government in the United States.

Dr. Luther Gulick: I was much impressed by the statement made at the very
opening of our session today by Senator Grady of North Carolina, who spoke of the way in which problems grow up in this country. We see a problem arise in some particular area. It may impress itself only upon a given state, a little later we find that it is present in several states, and still later on it becomes what we call a national problem.

These problems don’t wait. They boil up and something has to be done at the time the people suddenly become excited about them. If we don’t have the machinery to meet these problems when they come to the threshold of public opinion we are going to see them handled by agencies that do exist. That is the greatest danger, as I see it, in the handling of problems by the local elements of our governmental structure.

Therefore, it seems to me as I look into the future, that it is of tremendous importance that there be established through the regional secretariats, through the Council, the American Legislators’ Association, the Association of Attorneys General and these other groups, machinery that will be oiled and ready to act when a problem boils up.

The Senator from Indiana referred to problems of control through compact. There we tackle an entirely new problem with which we have not yet had adequate experience. The framing of the federal constitution came as a result, in part, of the failure to deal with economic controls through a confederation which was, in effect, a compact system. It may be that after we have experimented further with the development of control through compacts, particularly in the economic field, we will discover that the most effective and only satisfactory method of enforcement will be through the carrying of those problems into the field of the federal government. I think as state representatives, but as those who believe the function should be placed where it can most effectively be performed, we want to be prepared to face that situation.

It does not seem to me that that implies giving up any powers which the states can exercise. It means the transfer, to the national administrative mechanism, of the control over powers which the states cannot themselves effectively exercise; therefore, there is no real loss of states’ rights provided the institution of the program is so planned as to fit into the manifest needs of the country as a whole.

CHAIRMAN TOLL: Before we adjourn for lunch, I want to call on Mr. Zimmerman of the New York legislature, the author of the resolution which established the standing committee on interstate cooperation in the house and the corresponding committee in the senate of New York State.

HON. FREDERICK L. ZIMMERMAN (New York): I have heard something said about consciousness on the part of the legislatures of our organization. I think, in New York, I might define that as a state of semi-consciousness. Possibly my state is awakening to the usefulness of this organization because we did succeed in getting an appropriation through again this year.

My own personal opinion is that this is one of the most important pieces of work in which the state has engaged and there are others in New York who agree with me. Some of us in the legislature feel that in the process of centralization, or the tendency toward centralization which we have today, possibly the only way of saving some of our states’ rights and at the same time solving our problems will be through an organization of this kind. If, after a time, we are willing to admit that we cannot seem to find a solution, then we must submit to centralization.

Recess at twelve-thirty p.m.
Sunday Afternoon Session
June 16, 1935.

The meeting was called to order at two-thirty P.M. by the Chairman, Henry W. Toll.

Chairman Toll: I shall now call on Senator Lazear, chairman of the Wyoming Senate Committee on Interstate Cooperation.

Senator Edward T. Lazear (Wyoming): There is no doubt in my mind but that this body can be one of the most effective organizations in the country. There is no end to the possibilities connected with the purpose of cooperation between the states.

I am very much wrapped up in this work and very enthusiastic. I do regret that under our form of government a man can build up interest and enthusiasm in this project, when he is a member of the senate or the house today, and yet be gone tomorrow. That is unfortunate, I believe. On the other hand, if other people come in and take our places, sooner or later we are to get more and more people interested in the work and it will not be long before Mr. Toll and the rest of his organization will have the whole-hearted interest of all the states. Some day we shall find former members of these committees attending these meetings in other capacities; a constantly growing number of people will be vitally interested and enthusiastic about the work. Then when we go into the different states with these proposals and different measures, gradually we are going to see, in the background, the influence of members of the third house, people whose enthusiasm was built up long ago. As I see it, our whole problem is to keep going along, having regional meetings and national meetings, such as the Interstate Assembly, with the idea of creating interest and enthusiasm.

As some gentleman said this morning, I don’t think any newspaper publicity is very effective in a matter of this kind unless there is personal contact. I would rather have fifty people leave this room enthusiastic than 5,000 people just lukewarm.

Chairman Toll: The reference which Senator Lazear made to the Interstate Assembly prompts me to mention this fact. I am not sure whether this relationship is definite in your own minds, whether you realize what is going on here as to the Interstate Assembly. There have been two sessions of the Assembly, one in 1933 and one in 1935. At each of those meetings, each house and each governor was invited to send one or more delegates. At the 1935 meeting forty-eight states, either by legislative action or by the governor, or both, named official delegates to the meeting, and forty-two of the states actually got their delegates there. So it was an unprecedented gathering of the representatives of the states.

When a commission of the New Jersey type is established, in a state, you have a chairman of the house committee, a permanent position: you have a corresponding chairman of the senate committee; and you have an administrative official appointed by the governor as chairman of the commission. Those three represent delegates of the type whom we have invited the states to send to the Interstate Assembly in the past. Were there forty-eight commissions of the New Jersey type, the personnel of the Interstate Assembly would be determined in advance, with each man holding a permanent, regular position in his own state. There would not be any occasion to ask the states to name delegates to the Interstate Assembly because there are these three chairmen from each state who would automatically be considered the official delegates.

I would like to call next on Speaker Watenpaugh of Wyoming.

Speaker Henry D. Watenpaugh (Wyoming): Certainly many problems can
be advantageously discussed at meetings of this type and at regional conferences. It has been brought forcibly to my mind, and I think to the minds of most of you here, that it is strictly up to the states whether we are going to have a continuance of state control, or whether the powers are going to be delegated to an authority entirely outside the states by reason of our failure to coöperate.

In connection with the matter of transportation, I think that motor vehicle regulation is an outstanding example of an instance where the states must coöperate if transportation regulation is not to be taken over by the Interstate Commerce Commission. That is something which is not sectional, although there are sectional problems which do affect each particular region governed by its trade areas, not by state lines, which are altogether man made, but by economic buying-and-selling trade areas.

We in Wyoming and some of the adjoining states would not be interested in some of the things that the eastern or southern states are interested in. However, we do have problems which are just as vital to us as your problems are to you.

A great difficulty in the western states concerns the equitable distribution of water for irrigation purposes. The states of Colorado, Nebraska, and Wyoming are continually having disputes over this question. There are cases in the Supreme Court of the United States now covering the use of water in those states.

Nebraska and Wyoming have had trouble, to a certain extent, over hay control. We have an irrigated district close to the border and hay is produced in Wyoming, Montana, and Nebraska. Wyoming and Nebraska won't let hay be shipped from Torrington, eight miles from the state line, down into the dry land sections of Nebraska, where they need hay. Of course, we know we have superior country in Wyoming, but apparently the alfalfa weevil doesn't infest the Nebraska hay, although the weevil is prevalent in Wyoming hay, according to the Nebraska entomologist.

Another thing which has been mentioned here has been the turnover in legislatures. At the Interstate Assembly in Washington, I learned that the science of government must be conducted by those who have first mastered the art of getting elected and that after the next election some of us are going to find our political futures behind us. The best we can do is to preach the gospel of coöperation wherever we go, whether we are in the legislature or not.

CHAIRMAN TOLL: I should have said that Speaker Watenpaugh is himself serving as the chairman of the Wyoming House Committee on Interstate Coöperation. It now gives me pleasure to call on the chairman of the House Committee on Interstate Coöperation of the Washington legislature, Mrs. Myers.

MRS. MYERS: In the matter of coöperation, I cannot say that our state has done very well. Our neighboring state of Oregon sent a delegation to our state last winter. Their law calls for a three day lapse between the announcement of a marriage and the marriage itself. They wanted the state of Washington to do the same thing. Portland claims that a lot of so-called "gin marriages" come over into their state from other areas. They wanted us to do something about it. Unfortunately, the Washington legislature was just a bit irritated to have a representative delegation from the neighboring state come over the line, not to dictate to us, but to ask us to do something about their problem. I think the irritation was caused mostly by the fact that they came toward the close of the session, when each of us was trying to do our own particular job as well as we could. At the same time, that irritation did exist. The older members could appreciate what that cooperation meant and what it would mean to themselves and a neighboring state.

CHAIRMAN TOLL: Going from the extreme northwest section of the country to the extreme southeast portion, it gives me pleasure to call on the chairman of the Florida House Committee on Interstate Coöperation, Mr. Robineau.

HON. S. PIERRE ROBINEAU (Florida): This is my maiden appearance at one of your assemblies, therefore I am not versed in your project or purpose except insofar as I have been able to gather it from these discussions. All I can do is to give some impressions I have received from what has been said.

The thing which impresses me more vividly than ever is the fact that we still
have two definite schools of thought with reference to our government, as to whether it is a nation of one sovereignty, or a nation of forty-eight sovereignties, or whether it is a nation of forty-eight sovereignties and one super-sovereignty. As you may gather from my geographical location and from my political faith, it is my opinion that there are forty-eight sovereignties and no more, and that there is one agency to keep those forty-eight sovereignties in a state of amity, mutual cooperation, and protection.

It impresses me that the doctrine of forty-eight sovereignties has proved itself, accommodating itself, as it has, to the individual rights of states, which have been growing by leaps and bounds in economic wealth and political thought, which has provided greater political freedom and a wider distribution of wealth than has ever been enjoyed by any human society in the history of man. It is unreasonable that it could be said to have failed within the short period of a few years, after 150 years of wholesome, progressive, advantageous development.

What are the troubles? Our troubles are that when any two sovereignties adjoin, each is jealous of its rights, prerogatives, privileges, and hopes of expansion. We find conflict between their two purposes, and, of course, the whole theory of universal peace is going to be based on just what we are going to work out. We have demonstrated for 150 years, with one slight unpleasantness, that it has been possible for this family of sovereignties to get along and do so progressively and advantageously. The whole world is sometime going to find out that the thing can be done.

The beginning of that doctrine of universal peace is in the laboratory of American government. It is to be the result of cooperation, a voluntary sentiment carried out between neighboring states so their regional problems can be solved by mutual discussion and earnest desire to reduce conflicting attitudes, which is the only human and sound way it is ever going to be done.

That is not a relinquishment of sovereignty in my opinion. On the contrary, it is an emphasizing of the right to bargain with personalities or states of equal dignity and power. Insofar as our Council is concerned, the problems are largely, in my opinion, the frontier problems between the states. It is only on the frontiers that you have the acute perplexity. You have the motor vehicle situation. You have the matter of prevention and apprehension of crime. You have extradition of criminals, and so forth. You have the matter of overlapping taxation going from one boundary to the other as emphasized especially by the sales tax where, through the agency of interstate commerce, one non-taxing state gets an advantage, by mail order shipments and interstate commerce shipments, over another state that does not have the sales tax.

To a large extent, it seems to me that these interstate problems, especially among bordering states, can easily be solved by mutual cooperation. There are other things that go further than the regional situation, necessarily, especially those problems of interstate commerce involving the matter of equality and equity in the determination of freight rates. For instance, in the bringing of produce to centralized markets, the differentials imposed by a federal body make the freight rates from one state so different from freight rates in another state, that the same product, with identical production costs, cannot be placed at the same value in those markets.

I am very happy to be here and I hope to participate in further deliberations.

CHAIRMAN TOLL: It gives me pleasure to call upon Senator Green of Nebraska.

SENATOR CHARLES D. GREEN (Nebraska): Nebraska, under its unicameral system, will probably present something new and something that you will all watch. I am not going to claim any virtue for it yet. I believe it will expedite the action of the legislature about fifty per cent. As to the quality of legislation, I have nothing to say.

The gentleman from Wyoming remarked a while ago about our alfalfa weevil. We have a little peeve against their state in regard to the North Platte River. As you know, in our section of the country the waters of the streams are valuable assets. In the water shed of the North Platte River we have been spending over sixty million dollars in the development of irrigation works with the result that we produce a large quantity of sugar, which is our only industrial activity.
For the benefit of the gentleman from Indiana, I wish to state we have successfully entered into legislative agreements between the states west of us. We have one with Colorado, dealing with the waters of the South Platte River. The compact is strictly observed since it was wholly satisfactory to the state of Colorado. Colorado got all the water. They observe it strictly. We have no recourse. Wyoming and Nebraska have not yet settled their difficulty and the suit is now pending in the Supreme Court of the United States, trying to establish the water rights on the North Platte River. I don't know how this case will come out but we do hope it will be equitable.

We have the problem with the mountain states on the slope to the west. 'Living in the western end of Nebraska, my community has identical interests with Colorado and Wyoming. I am closer to the capital of those states than I am to my own. So that the cooperative movement had an appeal to me from the start, and I became active in it two years ago. I am strongly of the opinion we can do a great deal with our regional meetings. Along that line I wish to bring out another idea in the fact that the eastern half of Colorado is similar to Nebraska but the west half of Colorado is essentially mineral. In the organization of a regional meeting, Colorado, Wyoming, Montana, and New Mexico should be in the agricultural states and also in the mineral states meeting in the west, because they have an interest similar to those of the western states and also an interest similar to those of the eastern states.

Chairman Toll: I desire at this time to call on the chairman of the House Committee on Interstate Cooperation in Arizona, which incidentally is a very cooperative state. Mr. Rapp.

Hon. John H. Rapp (Arizona): In Arizona we are interested in interstate cooperation in various ways. We will be glad to confer with the senator from Utah, at some time, in regard to the matter of taxation and other laws affecting mines. If we did that, it would eliminate one of our major political problems. When we undertake to pass a tax law or any other item of legislation covering these mines we enter into the situation referred to by the senator from Utah. If we apply such legislation in Arizona, the cry is that they will open the copper mines somewhere else. That situation needs immediate attention.

I would like to take this opportunity to express my appreciation of the work of these various organizations. I think maybe I have pestered the American Legislators' Association for information as much as anybody in the last few years.

From my contact with laboring elements and other groups, I believe the mass of people are going to demand some sort of governmental action aimed at trying to remedy the lack of individual opportunity and the lack of favorable economic conditions. If the states cannot supply that action, they will want the federal government to do it. If the federal government cannot supply it, under the constitution, I am afraid we will have tremendous pressure to go ahead and disregard the constitution and do what many people want done. So we can render a very distinct service in this phase of our economic development by fostering, as much as possible, interstate cooperation and by that means help satisfy the demands of the people for remedial action.

I, personally, am rather skeptical as to just how we are going to come out of the situation in this country. It is going to take a lot of thought and effort. Our prosperity in the last hundred years or more has been a matter of course. In the future I think we are going to be able to obtain the standards we want in America only through a great deal of thought and effort. We cannot continue on a hit or miss plan, but we must have a plan carefully thought out, well directed, and backed up by hard work.

Chairman Toll: It is a great pleasure to call on the President of the National Tax Association. I might say, in connection with that Association, that we have had a very close and beneficial relationship with it for a number of years. It is very appropriate that Henry Long, who is the Commissioner of Corporations and Taxation in the Commonwealth of Massachusetts, should be the President of that Association, for there is no state official in the United States who is better known in the tax field than is Mr. Long. It is a pleasure to call on Mr. Long.

Hon. Henry F. Long: We in New
England have been compelled to do that which you are suggesting here. We have fought in terms of New England and I think, on the whole, we have worked quite harmoniously together. It occurs to me that with New England and New York working harmoniously together we can protect ourselves to a certain extent and, by example, over a long period, we have given to the other states of the union and other sections of the country, a model path which they can follow to even greater heights in cooperation.

The fact that Arkansas now sees that there may be some relationship between the textile industry of New England and their own industrial problem is a growing sign of what is developing generally, with which I am in hearty accord. The National Tax Association, for about thirty years, has been offering an opportunity to those who had thoughts in respect to tax proposals, some that had been tried, some that had not been tried, some that were wise and a great many more unwise—an opportunity, through annual conferences, to express their views. Those views are embodied permanently, in volumes available for any one who wants to study the problem of taxation. I think you will find, in the proceedings of the National Tax Association, many of the things you are discussing and thinking. It is with a great deal of satisfaction that I thank Director Toll in behalf of the National Association for his acknowledgment of the benefit which the collection of those various addresses has been to him.

I believe thoroughly in what the American Legislators' Association and the Council of State Governments are trying to accomplish under the direction of Mr. Toll. The regional secretary idea is excellent, with the proviso that there must always be contact with the central office, to get the benefit of what is happening in other parts of the union.

There is still wide open opportunity for development along the lines of uniform corporate laws and uniform municipal-accounting laws and uniform reporting, so his able associate, Mr. Martin, cannot again come to a meeting such as this saying that he has found a great paucity of information which ought to be, but which is not, gathered by the states. I suggest those lines along which states can be very cooperative.

Chairman Toll: It is now my privilege to call on the representative of the Florida Senate Committee on Interstate Cooperation, Senator Gillis.

Senator D. Stuart Gillis (Florida): I am impressed with the regional idea of cooperation, because in this great nation of ours we have a wide diversity of interests. It might be interesting to you to know that I am now as far from my home city as my home city is from the city in which my distinguished colleague, Mr. Robineau, lives. In other words it is as far from my town to the southernmost part of the state of Florida, as it is from Chicago to the Florida line.

I have said I regard the regional idea as a most valuable one. Although the subject has been banned by the chairman, I cannot help but make this reference to the matter of taxation, because as Senator Mastick of New York said, the principle business of government is collecting and spending money, and the only way we can get the money is by taxation. We have upon our northern boundaries and western boundaries the states of Georgia and Alabama. We have struggled with the same sales tax idea that some of you other gentlemen have mentioned. Neither one of those contiguous states has a sales tax. A Florida sales tax would drive the commercial industries, the business patronage to these other states. We have successfully resisted that movement regardless of the economic soundness of the sales tax idea.

We are also confronted with another subject that has been very interesting to me but not discussed at length. That is liquor traffic. Neither of these adjoining states is wet. Florida is wet. I was told by people who deal in liquor in Florida that the distilleries and breweries in the city of Cincinnati, Ohio, under the permit issued to dealers in my state, ship liquor indiscriminately under those permits to Alabama, Georgia, and Mississippi, without consultation of the permittee, of the man who would be entitled to exercise the right. That is a very serious problem and seems to be one that could be followed up and solved by adjustment between the states most vitally interested.
CHAIRMAN TOLL: I want to call next upon a gentleman from Maryland, who, despite his apparent youth, has been the president of a college, has been a member of the legislature, and is now Assistant United States District Attorney, Mr. Douglas Gordon.

HON. DOUGLAS H. GORDON (Maryland): It seems to me we are agreed, clearly, on the importance of regional work leading to compacts. In the crime convention which was held in Washington last fall, Mr. Toll was very much interested, and so was I, in a speech on compacts. At that time the federal government was still going strong, the NRA was being enforced, and some of us felt that possibly compacts would retain the last vestige of local feeling in the various sections. Now, however, with the NRA clearly out of the way and with an apparent tendency to return to states' rights and state action, certainly the states have their last chance to cooperate if there is not to be a constitutional amendment. With that situation, the compact idea comes very much to the fore. We have heard that word more in the last ninety days than in the previous ninety years. It seems to me the question is, how are we going to start arranging any regional work? When we came here yesterday we represented a good many people from all over the country and even our versatile chairman confused an Oregonian with a Floridian.

However, if these regional conferences are held, there will be a much larger percentage of attendance from the regions. In the second place, each person present will know each other's problems and will be able to get things actually done.

CHAIRMAN TOLL: We now come to the Chairman of the Senate Committee on Interstate Cooperation of Ohio. Mr. Lawrence.

HON. J. FREER BITTINGER (Ohio): I think the Supreme Court decision has thrown a bomb shell into the reasoning of a great many state officials. As Senator Lawrence told you, I just came from Biloxi where I attended a meeting of the governors. Their discussion was practically along this same line. However, in my own right, and speaking personally, I do not agree with the regional idea. I might agree with the regional idea if it affects certain kinds of legislation. I am opposed to the regional idea for this reason: I am afraid
if we break up this assembly into four or five regional groups, the first thing you know we will become sectional. I think that is a grave danger.

CHAIRMAN TOLL: I would like to call on another presiding officer. You have heard from Senator Maw, President of the Utah Senate, from Speaker Watenpaugh, presiding officer of the House of Wyoming, and from Mr. Bittinger, Speaker of the House of Representatives of Ohio. I am now happy to call upon Mr. O’Gara, Speaker of the House in Nebraska and chairman of the Nebraska House Committee on Interstate Cooperation.

HON. W. H. O’GARA (Nebraska): There is one feature of a vested law making body which I desire to call to your attention. That is the Legislative Reference Bureau. The value will be fully realized under our new system which is being set up in Nebraska. I believe it was in 1913 that the Legislative Reference Bureau was created. We had no idea at the time that we would ever get away from the two house system. I am sure that every state which does not have a bureau of this type should hasten to create one, to work in harmony with the central clearing house of the American Legislators’ Association. We realize now that without this Legislative Reference Bureau we can get nowhere. One of our governors tried for two sessions to dispense with it and refused in his budget to recognize its existence. Still there were those of us who realized its value and insisted on its continuance. We realize now, more than ever, that if legislation is to be successful in the state of Nebraska we must depend upon this fact-finding body and also depend upon it to assist us in the framing of legislation.

With the unicameral legislature, we realize there is not going to be such a great number of bills introduced, and we are likely to develop a continuing legislature. Just how we are going to work this out we don’t know, but we do know we can make a success of the unicameral legislature. We are not going to look upon it as many look upon it—as a passing movement.

I would like to say that this effort in which we are all interested would not have made any progress whatsoever if the state of Nebraska had not been for the appearance of Mr. Toll during the legislative session of 1933. I am sure we are all anxious to make progress and that we will make progress as long as we have men with us like Mr. Toll.

CHAIRMAN TOLL: Various references have been made as to the comparative plans of legislative committees, as distinguished from the commission plan of the New Jersey type. I wonder, Senator Wolber, if you care to say anything in that connection?

SENATOR WOLBER: I disassociate the idea of study commissions or temporary commissions, from our Commissions on Interstate Cooperation. In the state of New Jersey we have been active in recent years in using the compact clause of the federal constitution in problems that are geographically allied with those of neighboring states. Mention has been made today by representatives of those neighboring states as to the boundary question, the water and water diversion problem, pollution, and interstate transportation facilities.

New Jersey, by reason of its location with respect to New York, Pennsylvania, and Delaware has problems like that arising all the time. We would set up a special commission, not legislators, but outstanding men and women. They would build up their material, bring it to the legislature, and then the trouble would begin, as you practical legislators know. They would have to sell the soundness of the plan to the members of the legislature. It would take a long time. There is pending, in this session of the New Jersey legislature, a proposed compact between the states of New Jersey, New York, and Connecticut, with reference to the pollution of the waters of the New York Harbor and of Long Island Sound.

I participated in the set-up of a non-legislative commission appointed by the governor with the advice and consent of the senate. If it were not for the interest of some of the members of the legislature in that particular project from the viewpoint of New Jersey we would not be able to put it over. Fortunately, I think this year, with the help of my colleague, Assemblyman-Paul, who is participating in this conference, that we are going to be able to do it. In New Jersey, we felt that the compact instrumentality was coming to the front even before the opinion of the
United States Supreme Court in the Schechter case.

**A Permanent Agency**

We felt in New Jersey that if we set up a permanent agency, which we were able to do under our constitution, we would avoid the duplication of officials who might have to apply themselves to particular problems as they came up, and we would have active members of the legislature representing the senate and the general assembly. Then, in order to complete the picture we needed, the governor's appointments, from the administrative officers of the state.

When the resolution came up for consideration in the legislature of New Jersey, our friends not in the legislature and not in the state service objected to it. I had to spend some little time saying that this was to be an official agency, and that by creating this permanent commission we were to provide for the membership of New Jersey in the American Legislators' Association and in the Council of State Governments. These private citizens, the legislators, and the Governor soon became as enthusiastic as we who proposed the measure.

**CHAIRMAN TOLL:** I believe this is an appropriate time to make an announcement of a plan not previously announced. We anticipate the establishment in the very near future of a regional secretariat, partly as an experimental and a demonstration project, in the region of New Jersey, New York, Pennsylvania, Connecticut, Delaware, and Maryland. That area is mentioned partly because the need of organized cooperation is more acute in that more metropolitan area and also because three of the states in that region are contributing to this work: namely, New York, New Jersey, and Pennsylvania. Therefore it seems appropriate that the first undertaking of this sort should be in that region. I hope we will be able to explore the possibilities there and develop some technique which will be useful in other regions.

Another thing I hope you will be considering in connection with the Council of State Governments is the relationship of this Council to the national associations of state officials. In each state government there are various functional offices with which you might have contact; for example, the public welfare administration, educational activities, functions such as those of the attorney general and the secretary of state. In each state there is this same division of function. On each level we have integration between the state governments. The Governors' Conference pulls the states together in one way. The American Legislators' Association pulls them together in that field, the American Public Welfare Association and the National Association of Attorneys General in those fields. There are more than fifty different functions of the state governments, for each of which there is a national association of state officials. Each of them is working independently of the others.

One function of the Council of State Governments is to try to draw those organizations of state officials closer together and help to integrate their work. In that connection we have not had a more pleasant, more effective indication of cooperation than that with General Averill's organization. A request has been made by the Executive Committee of the Attorneys General Association that in connection with the secretariat of the Council of State Governments there be developed a clearing house of information useful to the attorneys general and especially a clearance for opinions rendered by the various attorneys general, as to subjects which are of concern in the various states.

*The meeting recessed at five P.M.*
CHICAGO CONFERENCE

A group of planners, charting a course for cooperation among the states
Monday Morning Session

June 17, 1935.

*HE meeting was called to order at ten-thirty A.M. by the Chairman, Henry W. Toll.

CHAIRMAN TOLL: I suggest that we begin a discussion this morning of the possibilities and functions of regional secretariats. That is rather a formidable name for something that would really be a loose and informal type of agency, at least at the outset. I might say that my personal thought in this connection is that, in the beginning, there would be one man within an area whose time would be spent mainly in going from capital to capital, keeping in touch with legislators and administrative officials, aiding where possible, and having some central point of operation in the region.

MR. ROBINEAU (Florida): Will you tell me how you propose to divide or subdivide the nation into regional areas?

CHAIRMAN TOLL: That is a difficult subject. The best evidence of the difficulty is in the fact that the federal government is functioning in areas which have been set apart for specific purposes in more than a hundred different ways. There are over one hundred different maps in Washington on the basis of which various federal agencies are functioning. It is my opinion that in actual operation we will not need to be definitely committed to clean cut areas.

For instance, the regional secretary for the New York area would have to work with the Connecticut people, because a substantial part of the metropolitan area is in Connecticut. On the other hand, if we had a regional secretary for the New England states in Boston he would certainly work with the Connecticut government because that is part of New England. There would be that overlapping.

MR. BELKNAP (Kentucky): I do not think we are going to disrupt the country by sectionalism in forming these regional secretariats, because in order to achieve any-thing we must have a strong centralized agency tying these various units together. There is no way in the world by which you can arrange these regions as separate, distinct sections. Kentucky would most likely be grouped with the southern states and yet, as the gentleman from Indiana explained carefully yesterday, Kentucky's best fights have been with Indiana. Indiana is still angry about some things and Kentucky is angry about others. Kentucky is angry because Indiana agreed not to tax the Louisville-Jeffersonville Bridge and then tried to slap a tax on the Indiana terminal of that bridge, in perfectly bad faith.

Why should we have an extra governmental body doing this particular job which is perhaps one of the most important jobs that has come before the nation, and certainly one of the most difficult jobs? Why should not our main objective be to go to Congress and the states and say, "Form a perfectly new branch of the government. Call it the liaison department, or what you will, to work out this proposition."

Freedom of Action

The answer is that you would lose, by putting under the government these particular activities. Freedom of action is very necessary in attempting to solve shifting problems. To my mind, that is why we can do more as a semi-governmental body, not tied down by statutes or constitutions, performing in a way which could not be done if we were a definite arm of the government.

I think there are certain precise activities that our regional secretary could start to do. Those of you who are lucky enough to have a legislative reference bureau perhaps do not realize what a devil of a fix we are in, in the states having no legislative reference bureau, and those which have good legislative reference bureaus don't realize how much the ones that have
poor legislative reference bureaus are missing. I have been very much impressed in one or two states where I have seen the legislative reference bureau working to its best advantage with the wonderful power for good, not tremendous control power but suggestive power that the legislative reference bureau has. We have several in this nation and where they are continually on the job their influence for good is almost immeasurable.

It seems to me a regional secretary could start with some fairly definite things we already know about and one would be bringing the legislative reference bureaus to the attention of the states which do not have them. He should make an effort to get them established and in those states where they do not operate at top efficiency, he should strive to raise their standards.

CHAIRMAN TOLL: I think we might hear now from the senator from Florida regarding cooperation that might be effected within just one state. We might have problems arising that do not affect two or more states but lie wholly within one state. We will follow his discussion with problems that might arise in various states, not adjoining each other but having similar problems, to be considered as regional difficulties.

SENATOR D. STUART GILLIS (Florida): Those of you who did me the honor of listening yesterday to what I had to say about the state of Florida will remember that in one great section of the state the original settlement was in a district that is fitted for the production of staple farm products. The timber was removed through the saw mill operation and the naval stores operation, with no provision for reforestation. A vast part of the state of Florida is in that condition. It is a strictly agricultural section, fitted for the growing of staple products.

In the peninsular part of the state of Florida it is entirely different. There the products are, almost exclusively, citrus fruits, and other horticultural enterprises. Around Lake Okeechobee, that wonderfully fertile section, the growing of green vegetables is carried on. There is not a month of the year anywhere in Florida, even in my section, where the soil cannot be cultivated and some crops grown, and in the southern part of the state several crops of the same sort can be raised in the same territory.

Give and Take

Our interests in one section of Florida, as compared to another section, present to the legislature problems that we have very fortunately never differed about. There has been a spirit of give and take, a recognition on our part of the great value of the citrus industry and the wonderful people who have developed it in southern Florida. There has been a similar attitude on the part of the people of south Florida with reference to the western section of the state. Whenever there has arisen the necessity of making an appropriation out of the state treasury to protect the citrus industry from the ravages of insect pests or a disease peculiar to horticultural growth, the people in west Florida or in north Florida, who happen to represent the balance of the legislative power, have never hesitated to make the appropriation. The original pest that almost destroyed the citrus industry in Florida was the canker. While it was of no direct benefit to us whatsoever, we unhesitatingly voted for an appropriation to eradicate that pest.

Some of you probably know from sad experience that just a few years ago we had another pest that invaded that great industry, the Mediterranean fruit fly. We unhesitatingly voted hundreds of thousands of dollars to the agricultural department for eradicating that pest.

On the other hand, the southern part of the state has come to our rescue by appropriating large sums of money to protect the live stock industry from the ravages of the Texas fever tick and the destructive screw worm. Those are problems that we have most fortunately been able to settle by a spirit of give and take, compromise, and kindly feeling among people who do represent diverse interests.

We have a very fortunate population. They work in the spirit of cooperation and I commend my home people to the consideration of this body.

CHAIRMAN TOLL: Referring back to the matter of regional secretariats for awhile, we are anxious to get just as definite recommendations as we can.

I trust that the New York and New Jersey members will pardon me for some rep-
etition on the point I am going to make. When I had lunch with them yesterday I said it seemed to me there would be occasions when a regional secretary could render a type of service that persons connected with any governmental administration in the area could not provide. Suppose there are two states where there is a controversial situation. It might be there is also a difference in the political complexion of the two administrations, jealousy between governors, or something of that sort. An outside organization, when it has established itself in everyone's mind as a strictly impartial, non-partisan, disinterested agency, simply trying to furnish the facilities for cooperation, may come in and help straighten out such situations. The secretary could call in legislative and administrative officials. He could provide the secretarial services, perform the mechanics of such a conference and then, afterward, he could provide for reporting, sending out mimeographed reports to such conferees, arranging for later meetings, and other such matters.

Senator Jacob Weiss (Indiana): I don’t think there are any here who doubt the virtue or value of such secretariats if and when set up. But I am wondering how such secretariats would be supported, for one thing; also as to whether or not the several commissions on interstate cooperation should not be first set up in advance of the secretariat, or whether the secretariat should be set up before the commissions?

Chairman Toll: I think, in general, the commissions should be set up first and the secretariat should follow, so there would be some one for the regional secretary to work with. In the area comprising New York, New Jersey, and Pennsylvania they have, in effect, such commissions. Of course, those are the three states in the union where the problems or the need for harmonizing the policies of the states is most acute. New York has this joint committee which is practically a commission and which has an appropriation and is ready to start functioning as soon as the members are definitely agreed upon by the presiding officers of the legislature. New Jersey and Pennsylvania now have their commissions established, so if such commissions are worth having at all, the theory would be that secretarial functions should be supported, in time, by the states in the areas.

Of course there would be some cost. You cannot operate government and you cannot operate the work of coordination of government without spending money, but it would probably cost only about ten thousand dollars a year to operate a secretariat of that sort.

The fact is that if you are going to coordinate, if you are going to harmonize forty-eight state governments spread over an area of three million square miles, with 120,000,000 people, and ninety-six legislative bodies made up of 7500 individuals who have to work together with tens of thousands of administrative officials, you cannot do so without people devoting their attention to that problem, and exclusively to that problem, and without all sorts of people getting on all sorts of railroad trains and airplanes going back and forth around the country. It is an expensive governmental function that we cannot neglect, and we have to pay for it.

Senator Weiss: I said a moment ago there was no doubt as to the value of these secretariats. We can all see the possibilities of such an arrangement. It occurs to me, in rather a fleeting idea, that you might be able to interest the states in designating one individual to act in this capacity and to be on the payroll of the state.

Chairman Toll: That would be a more expensive arrangement. You would be employing in the states, jointly, if there were six states in a region, six people, where I thought in terms of employing only two people. Then there is also this point: the secretary I have in mind would spend this week in Trenton, the next in Harrisburg, the next in Baltimore, and so forth. He is in personal touch with all of these people.

Senator Leap: The question in my mind is whether the proper approach would not be to have secretaries trained along certain lines. If there were a dispute between New York, Pennsylvania, and New Jersey in the matter of taxation, would we not be better off to call on the national organization for a man who had great experience in the matter of taxation? If it were a matter of milk regulation, would it not be better to be able to call on a local man? If it comes to other matters, it occurs to me that we perhaps would be better off if
we could recognize that person more or less as an expert in that particular line.

Mr. Robineau (Florida): In your consideration of this question, have you come to a skeleton form for your secretariat? What is the personnel to be, how constituted, how supported, and to whom responsible?

Chairman Toll: I know only how my own mind works on that. My thought has been this: in theory, under the ideal setup, each of the forty-eight states has its commission on interstate cooperation. That is under the direction of the chairman of those various commissions and the legislative committees, which is this body here. The Council of State Governments functions as a nation-wide unifying organization with the purpose, not of regional conflicts, but of regional as well as state cooperation. The Council would be supported by the various state governments.

On that point, I am going to disagree for just a minute as to whether or not that can be done. When the American Legislators' Association was in its earliest stages, every now and then someone would say, "The states cannot appropriate money to the Legislators' Association." Maybe they cannot, but New York State is doing it; also Pennsylvania, Kentucky, South Carolina, California, Nebraska, New Jersey and other states.

The legislatures are coordinating everything except their own activities. They are supporting national associations of insurance commissioners, labor commissioners, commissioners on uniform state laws, governors' conferences, and so forth. They are contributing to the support of secretariats and of joint services. Certainly the state government may cooperate with other state governments. You can enter into compacts with other governments. The states of New York and New Jersey can set up a port authority and both can contribute, through some device or other, to its support.

If you are going to have a smoothly functioning agency it is necessary to have all these regional secretaries operating under the direction of the central administrative office of the organization. Otherwise you would have disintegrated, separated regions and there would be a greater risk of what Mr. Bittinger is concerned about, a tendency to say, "This is our region. We are cooperating, we have our regional secretary and we are on our own."

General Averill: I would like to tell you of an experience we had along this line at our regional meeting in connection with the Association of Attorneys General. The expression of opinion of every one there was that they did not dare do anything as a region. The attorney general of Maine and the attorney general of Maryland found they had a great deal in common, socially and intellectually. Both went back home feeling that they knew each other. The ideas that came out at the meeting were expressed in the form of resolutions to be presented at the meeting of our National Association.

When we talk about a regional secretariat we rather frighten the people of the different states. I think it is a little early to attempt to define what the possibilities are for that position, or what their ultimate functions will be. I think at the present moment, if I could call upon Mr. Gallagher, or some other representative of this Association who was located in New York, to run up to Connecticut and meet the commission on the pollution of the Connecticut River—I think he would accomplish more than all the literature you could send out from here, and if any of them wanted information he could tell them where they could get it.

Mr. Rapp (Arizona): It seems to me that it would be unwise to set up any definite regions. I think perhaps it would be better to have four or five offices around the country to act as centers for coordinating the work of the national headquarters.

Senator Maw (Utah): It is my opinion that this organization is not going to do very much at the present time, at least, in settling controversies between the states. I don't believe, for example, that Arizona and California would ever let any one from the outside decide the matter of the Colorado River controversy. Each state is going to have its delegates there and they are going to fight it out. If they cannot decide between themselves, they are going to take it to court.

From what I have heard of Indiana and Kentucky they will never get together unless their own representatives are present.
Every state thinks its own citizens should decide matters affecting their state's interest. It is very questionable, in my opinion, whether the states are in the proper frame of mind at present to let outside forces decide their own controversies. However, they will very much favor an outside agency which will furnish them reliable information on a subject and then, having received that information, they can better sit down and talk it out among themselves.

The second thought which has occurred to me is this: if the depression has taught us anything, it has taught us that businesses and institutions that expand too fast suffer most. As fine an organization as this is, it is not known yet. In my state, few legislators understand it. There is a psychological moment when the organization should reach out to all groups and that is when the groups want it. The groups do not want it before they know what it is all about.

I think, inasmuch as the organization is in its infancy, great care should be taken in the matter of expansion. Although I am a firm believer in the idea that perhaps in the next ten years this district organization plan will be set up, I don't believe it should be set up in any district until the district seeks it. I don't believe the Rocky Mountain district is ready for it yet because most of the people there don't know about it.

MR. ROBINSON (Florida): As I have been listening to the discussion I see the great need for some contact medium between the states of the union, especially contiguous states, which will supplement and solve more readily problems that really, under our constitution, should have rested with the national Congress. Because of the peculiar vagaries that Congress has indulged in, in the past fifty years, largely through political instinct, the establishment of a contact medium between the states is of prime importance in my judgment. Certainly there should be a clearing house of economic-sociological thought and ideas, so that you have the necessary cooperation that should come to a people who are as decentralized as we are, under our form of government, in the forty-eight sovereignties.

While we have these forty-eight sovereignties, nevertheless we have a people genuinely uniform in mentality and social habits, in point of political-governmental view. Whatever difficulties we have, in my judgment, are imposed upon us because of the urge for self-preservation and because our own immediate necessities are of first importance.

While I think the regional secretariat idea has a sound basis of logic, I am wondering if it is not going to shock the pride, and dignity, and self assurance of authority of the various executives in our states who appreciate the situation of the gentleman from Utah, but we in the east, New York, Pennsylvania, Connecticut, Maryland, and Delaware are familiar with this office. We have our organization already set up. We have met, have done our committee work, and we are functioning.

Why not, as an experiment, set up the secretariat in New York, where they now have an office available with two or three other affiliated organizations of the same group. We learn by trial and error. Let us try it out there and see what happens. If it is not what we think it should be, let us have a recall and start over again.

We in New Jersey are ready for immediate help. We have our problems. We know what they are. We have our committees formed and we are working. We are simply groping around for somebody to come in and build up contacts for us in these other states.

MR. ROBINSON (Florida): As I have been listening to the discussion I see the great need for some contact medium between the states of the union, especially contiguous states, which will supplement and solve more readily problems that really, under our constitution, should have rested with the national Congress. Because of the peculiar vagaries that Congress has indulged in, in the past fifty years, largely through political instinct, the establishment of a contact medium between the states is of prime importance in my judgment. Certainly there should be a clearing house of economic-sociological thought and ideas, so that you have the necessary cooperation that should come to a people who are as decentralized as we are, under our form of government, in the forty-eight sovereignties.

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probably would feel that the compact-making power should reside and repose in them, and that the negotiations, deliberations, and final conclusion of agreements should emanate from and be directed by the chief executive of the state, to be approved, of course, by the legislative body, and services to be rendered by its various administrative sub-agencies.

We have such a variety of things, as the matter unfolds itself in my imagination, that I see a new thought in government, a new adjunct in our federal system. Senator Weiss mentioned the possibilities in law. There is a possibility of interstate diplomatic law being created, a definitely new scope of jurisprudence coming into the picture, as to how state controversies can be settled, if not by compulsion, at least by the compulsion of logic and reason and equity.

This organization has an outstanding utility in information gathering, and certainly it may be an agency that can be employed for the establishment of preliminary contacts between controversial groups. It may be, if not an arbitrator, at least a friend of the contending parties, to bring them together. Those are things that appeal to my logic and direct me in a vision of the future utilitarian purposes. I hope we may make no mistakes but keep it going in a methodical manner.

I am thoroughly convinced that you have here a project that is sound, that is serviceable, whose greatest weakness is probably its infancy. So I am rather inclined to join in the suggestion of Senator Leap, General Averill, and Speaker Bittinger, that we had better maintain the central office as a place for information, as an information gathering agency with such personnel as may be arranged for within the central office for specialization in areas or regions, and specialization in classified problems as they might appear. We can then see whether, out of these specialists that you may develop in your home office, the plan for an actual regional secretariat will not follow.

Those things come into the picture as I sit here thinking. It is very possible that you may have interstate relationship commissions or liaisons between the north and the south. The conditions that brought about the Dred Scott decision and the unward results thereafter might never have occurred if that personal relationship could have been established by some agency such as this. I am perfectly willing to express myself as being wholly enthused by the idea and am hopeful that our project will be planned in such manner as not to frustrate itself by improper planning.

CHAIRMAN TOLL: It strikes a sympathetic cord with me when the suggestion is made that an organization of this kind must progress in a conservative, orderly, careful way. We set up the facilities for cooperation and then, to the extent the people utilize them, good; to the extent they don't utilize them, they are not ready.

That is my feeling about regional secretariats to a considerable extent, that if we have a field man in a certain area we are not foisting his services upon anybody. We are not insisting that anybody utilize his services; but if somebody in one state finds it convenient to say to him, "When you go to this other state capital, won't you talk to so and so, giving him this message for me," then he can be utilized. If it is properly done, I don't see that there is any question of foisting anything upon anybody. There is no compulsion, we propose only to give them the means, leaving its utilization to them.

The suggestion is made that we wait until those services are demanded from a region. I think, within reason, that is a legitimate suggestion, and yet you don't get demands from regions. In connection with the states of Utah, Colorado, Wyoming, Nebraska, New Mexico—the area from which Senator Maw and I come; those state governments don't all stand up together and say, "Please give us a regional secretariat." It doesn't happen that way. But when you find an area where there are these agencies on interstate cooperation established, as they are in New York, New Jersey, and Pennsylvania, then there is a demand for facilities for contact between them.

I referred this morning to the meeting which is being arranged by the American Public Welfare Association. I would like to ask your opinion as to whether it would be a suitable arrangement for the Council to have a committee which would meet with the regional directors at that time.

SPEAKER BITTINGER: In order to get the matter before this body, I move that a
committee of five be selected to attend that meeting.

The motion was seconded by Mr. Rapp.

CHAIRMAN TOLL: Mr. Bittinger, it occurred to me that in case we desired to have geographical representation it might be preferable to have a committee of seven, five might be too small a number.

SPEAKER BITTINGER: With the consent of the second, I shall change the motion to read that a committee of seven be appointed to attend the meeting of the Welfare Group.

The chairman put the motion, which was carried . . .

General announcements were followed by a recess at twelve-thirty P.M.
Monday Afternoon Session

June 17, 1935.

The meeting was called to order at two-thirty P.M. by the Chairman, Henry W. Tolle.

Chairman Tolle: I shall first call on Dr. Gulick for a few remarks.

Dr. Luther Gulick (New York): I was very much impressed with some of the implications of the statement made by my friend from Florida on the fundamental aspect of governmental evolution with which we are confronted at this conference. I suspect there was more behind the concept of the United States Senate than ever developed in the initial drive for the federal constitution. The Senate was constituted of senators selected by the states and there could have developed from that institution an agency of mutual coordination and cooperation between the federal government and the states as organized legal entities. But that disappeared in a period when we did not realize as clearly as we do now the necessity for joint planning and joint administration of activities so that we have lost that very intimate connection which was built into the federal constitution by the fathers when they constructed the federal government.

We are engaged in re-thinking the problem of the interrelation of governmental administration and planning agencies. In the discussion we have had, the number of topics mentioned is really very astounding. I have jotted them down, as each of my colleagues mentioned them, as follows: bridges, trucks, pests, water pollution, corporation taxation, marriage laws, agriculture, cotton, milk, roads, hours of labor, wages, trade practices, child labor, timber, health, crime, prisons, dust and floods, irrigation, liquor, relief, poor and public welfare, economic security, game, oil, minerals, Reds, and Huey Long.

It seems to me that we would do well to select certain of these topics—those in the field of crime, in the field of welfare, perhaps, in the field of some institutional services, and proceed with the already developing program in the tax field. These are fields in which there is not a foundation of controversy, nor a foundation of disagreement nor the arrayed opposition of entrenched groups. Consequently, they are subjects in which some success can be achieved.

It was suggested by the senator from New Jersey that what we need is an opportunity for the states to call in experts from headquarters. I wish to warn you against the expert in that relationship. What we need in the individual regional areas is a close, friendly relationship which will be cultivated not by an expert but by a man of general knowledge and general understanding of the whole situation. A man who will assist in bringing in experts when a problem arises which demands expert assistance.

Chairman Tolle: This is not a last fight for state rights, but I think everybody in the country is interested in the maintenance of local self-government as far as that is compatible with good government. This is perhaps a last effort to conduct, adequately, under our present allocation of governmental functions, local control and the administration of as many functions as possible locally. But as far as our attitude toward the federal administration is concerned, it is my belief that the function of the Council is one of cooperation and harmonization. What we are trying to do is to get states harmoniously cooperating with each other and then the states harmoniously cooperating with the federal government. We have a most pleasant relationship with many influential members of the administration in Washington.

Senator Oneal (Texas): As I said, I came with a question mark in my mind as to what we were going to do. I agree with you this is not a fight with the ad-
administration or with the federal government. The Supreme Court of the United States has demonstrated positively there is no fight between the federal government and the states. The Supreme Court stands as a bulwark so that there is not going to be any fight.

The question now is up to the states, knowing positively what their authority is and what the federal government can do. The question is, what are the states going to do about the matters that the federal government cannot now handle—that the states must handle.

General Averill (Connecticut): It is not a question of states against the union, but it is a question of maintaining the American form of government. It is true that the Supreme Court has very forcibly brought to the mind of everyone, whether they look at government from the point of view of the union, or whether they look at it from the point of the state, that there are limitations as to the delegated powers of the United States. We know there are limitations upon the reserved powers of states. We know that, once those powers are delegated to the United States, the federal government is supreme. We know that those powers reserved to the states remain there.

The law officer of every state in the union is besought by every department of government for an opinion as to how he is going to administer the acts which your legislatures have passed. The Attorney General in Wyoming knows nothing about it. Neither does the Attorney General of Texas know anything about it. Why is that so? If you found that because of a structural defect in your law you couldn't operate it, wouldn't you be glad to find out if some other states in the union had solved that particular difficulty? If you were administering the law and you were in difficulty, would you not like to know whether the law department of some other state had found a method whereby it could be administered successfully?

A question came up a short time ago as to converting a building and loan association of a state into a federal home loan savings bank without a statute. The attorneys general ruled differently in different parts of the country. In Wisconsin, they started a suit and the court in that case decided they could not. How many of the attorneys general know of that decision, although they may have to face the same situation?

I have made this suggestion to Mr. Toll and I am going to present it at the meeting of our National Association, that through the Council of State Governments there be afforded an opportunity whereby the attorneys general can send their opinions to a clearing house in the same building and at the same place where their own administrative office can send for information, where their own legislators can send for information, and find out something about what is going on in the legal departments of the various states.

Insofar as I am concerned, I am not interested in whether the attorney general of Massachusetts said "yes" or "no" to any question. What I am interested in is how he arrived at that conclusion, because my experience has been that there is no man who is big enough to think of all phases of any one problem which is submitted to him. If he can get the thoughts of others he may find that somebody else has had some powers of recognition which he overlooked for the moment. It will help him tremendously in coming to a really honest conclusion.

Chairman Toll: If this proposal meets with favor at the annual meeting of attorneys general in Los Angeles, aside from such benefit as it may be to attorneys general it would be of great benefit to legislators.

*8* was in the office of the Secretary of State of Colorado a few weeks ago. The man in charge of the office had occasion to pick up a little form which had the signature of the Governor of Connecticut, the signature of the Secretary of State of Connecticut, and the deputy secretary and the secretary to the Governor. I asked what it was. He said, "In our office we have all sorts of documents coming through and we have to have some way of checking their authenticity, so we must have the signatures of those officers from each state." I asked whether he got that every year and he said all Secretaries of State had to have the same material, each one signed individually. I said, "Here are forty-eight Secretaries of State, each sending out forty-seven forms. That means
something like 2,256 such forms circulated every year.”

He said that was true and that each form had to be sent around to the offices and they had to get four autographs on it. That meant 9,024 of those autographs being secured every year. I asked whether he thought the Secretaries of State might be interested in having a single office send out one copy of that form to each of the states, get photostatic copies made and send them around to the forty-eight Secretaries of State. It would save 9,000 autographs. He said they certainly would, that in getting these forms together the signing was the smallest part, that they had to send out forty-seven forms to get back twenty-seven and send out another twenty forms and get back nine. It took months of repetition and follow-up to secure all the autographs.

**Plans for Committees**

I want to go back to the committee set-up. I would like to have a list of committees suggested, so that we might consolidate, eliminate, and cut it down to perhaps five standing committees of this Council.

Planning is an important subject for a committee of the Council. During the 1935 session Dr. Merriam of the National Resources Board said that there were thirty states which passed statutes officially establishing state planning boards. It seems to me that there is an important opportunity for this Council. It also occurs to me that perhaps our best fields of experimentation are those which are the least controversial.

Two fields occur to me as meeting that qualification to some extent. One is the matter of crime prevention. No member of the citizenry is openly advocating anything in opposition to crime prevention. That might take in the handling of the probationer and perhaps the joint conduct by various states of correctional institutions.

At the outset these committees would have to function probably as little more than skeleton committees but they would be in correspondence with each other. Their work would probably hinge quite largely on the extent to which the chairman was active. They might be working more by way of getting their thinking somewhat integrated than by way of trying to get actual results.

**Senator Grady (North Carolina):**

There are two things that certainly vitally affect all of the states—legislation affecting industry and labor and a social security program. If we, as states, do not take cognizance of these two major problems, then the national government must take cognizance of them. If we are to prevent some constitutional amendment or some further federal legislation that vitally affects states’ rights, then we must act and act at a very early date.

I hope, before we adjourn, we will set up definite committees with definite programs and let them go to work immediately in order that the federal government may know the sovereign states are not asleep at the switch; and that we are awake to our responsibility in connection with these problems and have the capacity and ability to meet them.

**Senator T. V. Smith (Illinois):** I think I can get less excited than anybody I know of—although my own political inheritance is southern, where states’ rights is a shibboleth—about the location of sovereignty in this enterprise of ours. I am afraid it is the disillusionment of perhaps knowing too much about it.

Soeverignty is a philosophical matter. It is not an economic matter. The idea of reviving these old issues and trying to formulate specific policies about them is as irrelevant to our enterprise as anything could conceivably be. A sovereignty actual rather than verbal is not going to follow on the curve of our talk here or elsewhere. Organizations that find themselves able to do a given job are going to do it, and those that think they have the right to do it but are not doing it, and are not setting about to do it, are not going to do it.

Our committees ought to be selected to further the better doing of a job that is now not being very well done. I think we could find such committees. I am not certain what they are, but if we select our committees upon the basis of safeguarding the rights of states or safeguarding any rights of that traditional sort, I for one would have very much less expectation of this enterprise than I do have.

As I see it, we are engaged upon seeking to correct that everlasting disease Thomas Jefferson has so well described in a not too
frequently quoted passage of the Declaration of Independence, when he said, "All experience has shown that mankind is more disposed to suffer while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed."

What I want to say finally, going back to the specific point—let us seek to form committees which are, in the judgment of those colleagues of mine here much better informed specifically than I am on the basis of dealing with living functions that are not now well performed, and select upon that basis rather than the basis of states' rights or any other traditional verbal rights.

CHAIRMAN TOLL: Senator Smith, because I have been thinking a great deal of this question of states' rights, I am going to take the liberty of saying I don't believe you are so far apart from the people who talk about states' rights as you think you are. I want to see if there is not a possibility of translating some of this discussion of states' rights, in which we are using familiar terms, into your thinking. We get into the use of familiar terms. For example, we are all talking about economic security. We talk about departments of public welfare. We get our thoughts necessarily crystallized and use particular phrases which may be more or less accurate, and sometimes are less accurate.

We all know that there are state functions under the existing order and there are certain functions which many of us would like to see administered locally. What you might call the home administration of state functions is a vital matter to the maintenance of some of our social customs, which we treasure as a matter of great importance. As I said at the first session, I am trying to substitute other phrases in lieu of states' rights, which substituted phrases, I think, mean the same to me that the old phrase means to other people.

MR. BELKNAP: There are certain ones among us who feel very keenly that 130,000,000 people spread over an appreciable percentage of the globe is too big a unit for efficient administration or even legislation. Therefore, I think we want to be careful not to let nomenclature stand in the way of our clear thinking as to why we are doing certain things. The gentleman from North Carolina talks about states' rights. I do not care about states' rights as states' rights. But it is different when they start to pass, for example, child labor amendments. I am in sympathy with everything in the child labor amendment, but when I realize that ninety per cent of the pressure on Congress is going to be from the industrial east and that they are going to forget all about the problems of the south with its negro children, New Mexico with its Mexican children, or California with its Japanese children, then I am wildly enthusiastic about states' rights.

MR. ANGELL (Oregon): With reference to the committees, what are they going to do? Are they going to be fact-finding committees or are they going to propose legislation?

I believe we should get away from this discussion as to whether these are problems for the national or local government and determine what we can do as an organization to facilitate more friendliness, greater mutual cooperation. We will then be better able to accomplish the thing we want to do, to get good legislation for our local needs. What is the function of these committees?

CHAIRMAN TOLL: As I see it, we might be concerned with the whole list of subjects that Mr. Gulick read before he left. There are a hundred topics of interstate concern. Right at the present moment we are not prepared to go very fast this month or this week on any of these subjects. We should get some of these groups set up, as skeleton committees, so that as rapidly as possible we can try to breathe life into them.

Last week, in another connection, I had occasion to go through the opinion of the Supreme Court and mark four little passages, each very brief, as to the powers which the states must exercise.

The Supreme Court

The commerce power: "It is not the province of the court to consider the economic advantages or disadvantages of (such) a centralized system. It is sufficient to say that the federal constitution does not provide for it. Our growth and development have called for wide use of the commerce power of the federal government in its
control over the expanded activities of interstate commerce and in protecting that commerce from burdens, interferences and conspiracies to restrain and monopolize it. But the authority of the federal government may not be pushed to such an extreme as to destroy the distinction, which the commerce clause itself establishes, between commerce "among the several states" and the internal concerns of a state...

Wages and hours: "If the federal government may determine the wages and hours of employees in the internal commerce of a state, because of their relation to cost and prices and their indirect effect upon interstate commerce, it would seem that a similar control might be exerted over other elements of cost also affecting prices..."

"All the processes of production and distribution that enter into cost could likewise be controlled. If the cost of doing an intrastate business is in itself the permitted object of federal control, the extent of the regulation of cost would be a question of discretion and not of power."

Indirect effects: "The distinction between direct and indirect effects has been clearly recognized in the application of the Anti-Trust Act. Where a combination or conspiracy is formed, with the intent to restrain interstate commerce or to monopolize any part of it, the violation of the statute is clear. "But where that intent is absent and the objectives are limited to intrastate activities the fact that there may be an indirect effect upon interstate commerce does not subject the parties to the federal statute, notwithstanding its broad provisions."

The commerce clause: "But where the effect of intrastate transactions upon interstate commerce is merely indirect, such transactions remain within the domain of state power. "If the commerce clause were construed to reach all enterprises and transactions which could be said to have an indirect effect upon interstate commerce, the federal authority would embrace practically all the activities of the people and the authority of the state over its domestic concerns would exist only by sufferance of the federal government. Indeed on such a theory even the development of the state's commercial facilities would be subject to federal control."

In order to bring the matter in hand to a definite focus, Senator Grady do you make a definite motion that there be appointed a committee on economic security and labor and industry?

SENATOR GRADY: I so move. (Seconded by Mr. Bittenger.)

CHAIRMAN TOLL: If I may state this motion more fully we will see whether it is satisfactory. It has been moved that the Council proceed to establish a Committee on Economic Security, that arrangements be made for this committee to attend the meeting of the State Relief Directors, if possible. Secondly, that the Council shall establish a Committee on Labor and Industry and that consideration be given to the suggestion that this committee attend the Spring Lake Conference. Is there any further discussion? If not, all in favor say "Aye"; contrary, "No."

The motion carried.

There are two committees upon which I would like especially to have your judgment. One is a committee which might be called a Committee on Crime Prevention. The other might roughly be called a Committee on State Planning Boards. I don't think either one of those terms is quite right, especially the one as to crime prevention.

MR. BELKNAP: I move a Committee on Crime Prevention be established.

The motion was seconded by Senator Grady and carried.

CHAIRMAN TOLL: We come now to a committee, whatever the name may be, which would try to help in the coordination of the state planning boards—part of whose function would be to work with the National Resources Board, a very close inter-relationship.

MR. ROBINEAU: You already have a Planning Board of the Council.

CHAIRMAN TOLL: That is really an executive committee. I think that would not fall within the functions of a planning board committee.

MR. ANGELL: I move that a committee
be created to be known as the State Planning Boards Committee.

The motion was seconded by Mr. Rapp and carried.

CHAIRMAN TOLL: There are two other suggestions on this list. One is public health and the other marketing.

SPEAKER BITTINGER: I move a Committee on Marketing be established.

The motion was seconded by Senator Green, of Nebraska, and carried.

CHAIRMAN TOLL: What is your pleasure in regard to a Committee on Public Health?

SENATOR GREEN: I move it be the sense of the Conference that a Planning Committee be formed and empowered to appoint committees on emergencies that may arise between our regular meetings.

CHAIRMAN TOLL: That refers to the Planning Board Committee?

SENATOR GREEN: Yes.

The motion was seconded by Mr. Rapp of Arizona, and carried.

CHAIRMAN TOLL: I want to devote the next few minutes to calling on some of the members of the staff to tell you about matters which may be of interest to you. First I shall call on Dr. Martin, allotting him ten minutes to tell you something relative to conflicting taxation.

DR. JAMES W. MARTIN: Senator Mastic outlined to you at one of our earlier sessions the general set-up of the Interstate Commission on Conflicting Taxation and of the Tax Revision Council. Statements which have been made by other speakers have indicated the significance of the problem of conflict between the state governments and the federal government and interstate conflicts in the field of taxation.

It seems to me I can best use the time allotted to me by outlining two stories, one of which pertains only partly to the tax problem. These are concrete instances and tie into the program that has been under discussion.

In the field of taxation there is no legislative authorization for any peace whatever between Indiana and Kentucky. It is war to the teeth insofar as the legislation on the statute books of the two states is concerned. Such cooperation as we have in this warfare between the two states on the problem of truck licensing is extra-legal. It is in the nature of informal agreements between the administrations of the two states, without legislative sanction.

There is the matter of bridges between the two states which has received both legislative and administrative action. That is to say, the administration has considered the problem, has gone to the legislature, and obtained authorization in each of the two states and the problem is settled by amicable administration and legislative arrangement. There, as the gentleman from Indiana pointed out, we are getting on fairly well. He gave a different reason for it and I have no doubt that his is an entirely valid reason. I suggest that one of the reasons why we have fairly amicable relations in regard to the bridges, with the one exception which Mr. Belknap pointed out, is that there has been a normal sanction for the relationships that exist.

The moral I would draw from that illustration is that in matters of conflicting taxation or in matters of conflicting statutes or irregularities of any sort, there is the problem of legislation, but there is also the problem of administering the legislation after it is enacted. All the parties involved in the situation need to be consulted.

Gasoline Taxes

One other illustration has been suggested by General Averill. The states found, a few years ago, that the difficulties of administering the gasoline tax by individual state action were well nigh insurmountable. In practically all the states at the present time, there are cooperative relationships between the states on the gas tax problem. For example, it has been found necessary to exchange information as to shipments. The states of Virginia and North Carolina make a regular habit of exchanging full information respecting shipments between those states. Most of the gasoline sold in North Carolina is shipped to Norfolk and is sold from Norfolk to a point in North Carolina. It is necessary to know what the movement is, both at the point of the common carrier and the dealer, in order to keep the situation straight. That has been worked out so that there is excellent cooperation between the state of North Carolina and the state of Virginia. I believe that cooperation now has spread to every state east of the Mississippi. In some instances there
is very cordial cooperation, and in some instances it is not so cordial but nevertheless there is some cooperation.

**Death Taxes**

In the matter of death taxation, investigation discloses that a dozen or so of the states have passed reciprocal legislation. Washington and Oregon are two of the states which have most recently passed such legislation.

Investigation discloses that reciprocation on that score is not the main problem. The main problem is, in this situation, for the tax administrator to be informed of the death. The administrator-in Indiana can miss his claim for a death tax because there is not any probate in Indiana and he does not even know the thing has occurred, although thousands of dollars might be involved. The answer seems to be reciprocation at the administrative level, but since, the inheritance taxes are administered by entirely different officials, it helps little in death taxation.

Those are some of the concrete problems with which the Interstate Commission on Conflicting Taxation and the Tax Revision Council must deal. That is what may be called a horizontal problem, strictly an interstate problem. No machinery has yet been developed to deal with it. Some machinery is needed and one of the jobs of the Interstate Commission is to develop machinery whereby that sort of situation may be dealt with.

**CHAIRMAN TOLL:** I would like, next, to call on Mr. Gallagher to say something about the visit he made recently to the states in the New York-New Jersey area.

**MR. HUBERT R. GALLAGHER:** Starting out with General Averill's conference of Attorneys General in Hartford, I think my trip may be used as a possible example of what a field man in a particular region or section of the country might do. At that conference, as he pointed out, an interstate compact on crime was approved.

I think one ought to qualify his remarks as to the possibilities of compacts. I realize they are a most unwieldy device and that it takes years to consummate a compact, but in considering the crime compact, I think the situation is somewhat different. Congress, last year, gave blanket authority to the states to enter into crime compacts, thus eliminating one or two years in the process. Then again the states, through establishment of these commissions and through the work of other commissions, have set up commissioners who can consider the crime compact and recommend it to their legislatures, thereby eliminating another year or two. From that standpoint, a crime compact is one which might immediately be ratified by different states.

From Hartford, I went to Pennsylvania, New Jersey, Delaware, and Maryland. A few of these states did not send delegates to General Averill's conference. Thus it was possible for me to carry the results of General Averill's conference to the Attorney General in Delaware and the Attorney General in Pennsylvania, to the assistant Attorney General in New Jersey, and to renew my acquaintance with General O'Conor of Maryland. I found all the Attorneys General very anxious to ratify this crime compact. I found also that they were most interested in the results of this conference here, and in the possibilities of the commissions on interstate cooperation. Attorney General Green in Delaware told me that the boundary commission in that state, of which he is the chairman, has the authority to initiate a crime compact. That is a commission which can cooperate with the New Jersey and Pennsylvania Commissions on Interstate Cooperation.

In Pennsylvania, when I arrived, a resolution establishing the interstate commission had been passed unanimously by both houses but not signed by the governor. So they called a meeting of the chairmen of the house and senate committees and immediately appointed a sub-committee to call on Governor Earle. On that committee was Attorney General Margiotti and the majority leader of the house. In talking with the Governor, Attorney General Margiotti pointed out that a crime compact was an example of compacts that could immediately be put into operation. Of course, it was not necessary to inform Governor Earle of the possibilities of interstate cooperation. He has, for some time, been interested in the Council of State Governments. He immediately signed the resolution and appointed five members of his
cabinet as the administrative members of the commission.

In each of these states which I visited I found the state officials and the legislators interested in what other states were doing and yet they did not have the time or the sources of information to find out what had been accomplished. For example, Attorney General O’Conor wired the other day that he was taking the sales tax before the Supreme Court: Through Dr. Martin’s assistance we were able to furnish him with information of what other states had done in their Supreme Courts on this one question, and also to furnish General O’Conor with studies made of the sales tax by the Interstate Commission.

The chairman of the Tax Commission in Delaware also was interested in receiving our study. The Attorney General in Massachusetts was interested in laws relating to regulation of optometrists and we were able to send him a digest of those laws. The chairman of the Senate Committee of Pennsylvania was interested in sterilization statutes. Through our Chicago office, we were able to furnish him with material on that subject.

Judge Hartshorne, the chairman of the New Jersey Commission, is greatly interested in crime compacts and we were able to furnish him with statutes actually passed in California and Colorado, authorizing a crime compact in those states. We were able to put him in touch with the Department of Justice and other agencies which made studies on this subject.

I wish to point out that in this way there is an opportunity for a field man more or less to decentralize the research and informational facilities of our central office by visiting these people, talking with them, making friends with them. It was amazing to me how much they could give us and also how much we could give to them in the way of information. I think probably that is the best way of doing it because writing letters and sending reports, as has been pointed out, is almost worthless.

Chairman Toll: I would now like to allot five minutes to Mr. Benson, who has been acting as Managing Editor of State Government, and performing other very useful functions at headquarters.

Mr. George C. S. Benson: As to the magazine, State Government, I wish to say that if any of you have been editors you know how easy it is to make mistakes. So if we put your name under some body else’s picture or give you a wife when you have not one, or say 1492 when we mean 1942, we did not mean anything damaging. If you write to us regarding the matter, we will make the correction and be grateful to you.

There are several other publications in which we are much interested. One is a roster of state officials, something corresponding to the Congressional Directory, for state governments. Nowhere today can one find adequate lists of the major state officials. We published a list which you will find in the first few pages of this year’s issue of the “Book of the States,” but it is incomplete because it omits the tax commissioners and a great many other important state officials. We hope to develop something a good deal more complete, although it involves an immense amount of work.

A third publication, still tentative but of extreme importance, is a study of the various yearbooks which go under innumerable names, such as Blue Books, Legislative Manuals, Handbooks, and so forth. Almost every state has some such book of information: they differ greatly in quantity, design, material, and so on, but all contain some valuable information.

We tried an experiment, in the last few months, of sending out research bulletins. These bulletins are generally written by organizations other than ours because we do try to function as a clearing house. We tried sending them to the Speaker of the House, asking him to give the bulletin to the man most interested in a particular matter. The experiment of sending the research bulletin to the presiding officer has proved fairly satisfactory, but it is putting an unnecessary burden on the presiding officer.

We are always glad to serve you and, if any information can be found on any subject in which you are interested, we will be pleased to try to secure it for you.

Chairman Toll: I cannot tell the members of this group how fortunate they are, as a group, in the interest manifested by the members of the staff. I do not
think any organization has ever had a staff in which the members were as genuinely engrossed in the work in which they are engaged upon as is true of this organization. It is a field where the person entering upon it becomes very much obsessed by it. As one sees the needs of the states and establishes the very interesting and pleasant contacts that are built up, it results in a constant increase of interest. It certainly has been a privilege for me to work with the staff which we have. It is a staff which does not know there is a clock or a calendar.

_The members of the staff were presented._

CHAIRMAN TOLL: I believe this completes the subjects which we have on the agenda. Is there any other subject which any one desires to present at this time? If not, I think I should assume to express the appreciation of the people of this country and of the state governments for the services you are rendering by devoting your time and thought in the way you are doing, in making the effort to take a trip of this sort in order to carry on the work you are all doing, and in trying to devise better governmental organizations for the people of this country.

_By motion regularly made, seconded, and carried, the meeting adjourned sine die at five-fifteen P.M._
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