

CHAPTER IV

The History of the Council

A Testament of Good Government

Genesis

THE reasonable way to tackle a problem affecting a group of states, or all forty-eight states, is to have representatives of the states meet, probe the difficulty, agree upon a solution, and take action to make their solution effective.

On the basis of this thought an association was conceived. As this idea developed, necessity created supplementary agencies, and when the full implications of the concept became apparent, the Council of State Governments was born. Thus the pattern for meeting the problem of disharmony between the states came into being.

In 1925, aware of the fact that legislators, outside of a few states which had the advantage of research facilities, were forced to make laws with little knowledge of the investigations or the experience of other states, Henry W. Toll, then a state senator of Colorado, conceived the idea of an association in which the legislators would work together for the purpose of improving legislative standards and personnel throughout the country.

In December of 1925 a four-page leaflet, *The Legislator*, was first published. The monthly numbers of this pamphlet, and a stream of letters, all emanating from the Colorado office of Senator Toll, were almost the only tangible signs of the new scheme; a scheme intended to diminish the vast indifference then existing on the part of the legislators in each state to those in the other states. By May, 1926, five members in the house and five members in the senate of each state had been designated as "councils" to facilitate the exchange of information between the state legislators and to build up the new organization. These councils were purely voluntary, unofficial groups. On July 19 and 20 the first meeting was held in the senate chamber in Denver and the organization of the Ameri-

can Legislators' Association was consummated.

The new scheme was well received by students of government and the legal profession, and within the first few months of its origination received approving pats on the head from the Denver Bar Association, the Colorado Bar Association, the National Association of Commissioners on Uniform State Laws, and the American Bar Association.

Lamentations

In August, 1927, the dream seemed to be dead. As President of the Association, Henry Toll had called a second meeting and had sent notices of it to the 7,500 state legislators then in office. Five people had appeared at the appointed room in the Hotel Lafayette in Buffalo—four reporters and a lobbyist. The following years were full of discouragement. During various periods the organization seemed to have no vitality, and it ceased to function except for the continuing activities of the original organizer and his secretary.

Joshua and Judges

In February, 1929, new life stirred. *The Legislator* was expanded to eight pages, and the first comprehensive list of legislative reference bureaus ever published was issued.

Until January, 1930, the Association had been underwritten by Mr. Toll personally. In 1926, Senator George Woodward, of Chestnut Hill, Pennsylvania, began contributions which have averaged a little over a thousand dollars a year during the twelve years of the Association's existence. A total of about eighteen hundred dollars had been contributed by three individual legislators—William A. Davenport, Morton Hull, and Henry L. Shattuck. Except for very small sums received from subscribers to the magazine, and from other publications, there

had been no other source of income. Then an appropriation was granted by the Spelman Fund, which made it possible to expand the work and to begin on some of the projects considered most necessary.

One of the first of these was the appearance, in April, 1930, of the magazine, *State Government*. The leaflet, *The Legislator*, had been intended merely to disseminate news and comments concerning the American Legislators' Association, and to develop an understanding of the character of the organization. *State Government* was intended to touch on the various fields of legislative interest and to supply the legislator with honest, impartial information on some of the many subjects confronting him, and concerning which he was endeavoring to form intelligent opinions.

With the publication and mailing of a magazine which was sent to all state legislators, and the establishment of an inquiry service which was growing in value, the work became too voluminous for the Denver offices, and on October 15, 1930, the organization moved from Denver to its present site in Chicago. The new location was chosen because Chicago was a logical center from which to carry on work with all forty-eight states, and because the facilities of the University of Chicago were available. In a very short time fourteen other organizations of governmental officials had established secretariats in the same building.

During the years 1930, 1931, and 1932, the American Legislators' Association supported the Interstate Reference Bureau. This bureau performed the services of a clearing house by making contacts with legislative reference bureaus in the various states and supplying them with information.

I Chronicles

By 1932 more and more of the problems confronting legislators, as well as their woe-ful lack of organization to cope with them, had come to light. A series of pre-session conferences was undertaken to meet the situation which exists when legislators are confronted, at the opening of a session, with no previous preparation, by the staggering legislative program. Legislators were to meet, obtain information, and discuss the merits of legislation which was to come before them. Six such conferences were held:

September 20, Asheville, North Carolina;
November 2, 3, Columbia, South Carolina;
November 23, 24, Knoxville, Tennessee;
December 2, 3, Charlestown, West Virginia.
On December 12, 13, 1933, a Kentucky pre-session conference was held, and on November 26-28, 1934, a similar conference was held in Colorado.

In an effort to bring together representatives from the several states in an attack on common problems, the First Interstate Assembly was held in Washington, D. C., in February, 1933. The subject then most pressing to every legislator was taxation. One of the major difficulties confronting both legislators and administrators was that of overlapping and conflicting taxes, and research and study by experts were necessary in order that intelligent decisions be made. Therefore, instead of attempting to solve this problem themselves, without sufficient background of fact or experience, the legislators set up a permanent commission, known as The Interstate Commission on Conflicting Taxation, to study the subject.

This commission was made up of legislators from various sections of the country, who met in Washington and Chicago to determine upon a plan of action. A staff was set up in the Central Secretariat of the American Legislators' Association, and a study of conflicting taxation in the United States was begun. This study was published in September, 1935, as the 1935 Progress Report of the Interstate Commission on Conflicting Taxation.

The organization was growing rapidly as a service agency. The number of inquiries coming into the Interstate Reference Bureau was rapidly increasing. Beginning in September, 1932, a regular weekly bibliographic service on current legislative problems and a series of research bulletins were sent regularly to state legislative reference bureaus.

II Chronicles

All of this work was still being done by the American Legislators' Association which, by that time, 47 of the states had officially endorsed. Now it became apparent that for truly efficient government similar services should be performed for other state officials, so the scope of the work widened. The need for a coordinating organization

to bring government officials together to meet their problems had long been present. The work of the American Legislators' Association had directed attention to this need and also offered a suggestion for its solution. On January 18-20, 1935, a meeting of the planning board of the American Legislators' Association was held in Washington, D. C., to discuss a league of state governments, which would serve as a coordinating agency for administrative as well as legislative officials. As a result the Council of State Governments was organized and brought into being.

On February 28 to March 1, 1935, the Second Interstate Assembly was held in Washington, D. C., at which the Interstate Commission on Conflicting Taxation made its report. Although the Assembly spent most of its time on questions of taxation, a session of the meeting was devoted to discussion of the newly organized Council of State Governments.

The purpose of the Council was to devise and promote means by which the states could better cooperate with one another and with the federal government in order to bring about unified, harmonious action on questions beyond the scope of federal jurisdiction but not within the power of the states, separately, to solve. The plan contemplated that the Council was to derive its existence and authority from Commissions on Interstate Cooperation which were to be created by law in the forty-eight states.

To New Jersey goes the honor of being the first state to establish a Commission on Interstate Cooperation. On March 12, 1935, Governor Hoffman signed the bill creating the New Jersey Commission. With Judge Richard Hartshorne as chairman, the governor's appointees included the chairman of the state department of institutions and agencies, the tax commissioner, and the attorney-general. The house and senate committees were interested and active. The Commission established standing committees on ten interstate problems including taxation, crime, water pollution, highway safety, and social security.

Numbers

Within the first six months Commissions on Interstate Cooperation had been established in the following eight states: New

Jersey, Colorado, New York, Nebraska, North Carolina, Florida, Pennsylvania, and New Hampshire.

A plan to create district secretariats in approximately ten districts was considered. At the direction of the member states, the Council was to establish as rapidly as practicable such secretariats in districts corresponding to the planning districts of the National Resources Committee. These secretariats were to serve the Commissions on Interstate Cooperation in the states in their own districts and to coordinate their activities with the headquarters of the Council in Chicago.

More as a demonstration project, a district secretariat was established in the second district, comprising the states of New York, Pennsylvania, New Jersey, and Delaware, with its headquarters in New York City. It was feared that development of the secretariat was going to be a slow process. As a matter of fact, New York, New Jersey, and Pennsylvania, each with a Commission on Interstate Cooperation, were all interested in the work, and, considering it an important field, have taken an interest in the work of the secretariat in their region. Thus the effectiveness of the district secretariat has been encouraging. During the past two years, conferences have been held on such regional problems as highway safety, milk control, liquor control, and regional planning. In February, 1936, the states of New Jersey, New York, and Pennsylvania called an interstate stream-pollution and water-supply conference at Philadelphia, and on March 20 and April 3 further conferences were held on the same subject. Out of these conferences came the Interstate Commission on the Delaware River Basin, headed by Thomas A. Logue, a member of the Pennsylvania Commission on Interstate Cooperation. This regional commission, with the cooperation of the National Resources Committee, is formulating an integrated program for the conservation and development of the resources of the Delaware Basin; and a secretariat for the commission has been set up in Philadelphia.

The Acts

With the nucleus of the cooperative machinery set up in the form of Commissions

on Interstate Coöperation, the states have tackled some of the most important interstate problems. In October, 1935, Governor Hoffman and the New Jersey Commission on Interstate Coöperation, called a crime conference in Trenton, New Jersey, which was attended by representatives from the states and the federal government. As an outcome of this meeting the Interstate Commission on Crime was set up. This commission was comprised of representatives of all forty-eight states and advisory members from the federal government. Headed by Judge Richard Hartshorne, chairman of the New Jersey Commission on Interstate Coöperation, this commission has, with the aid of experts in the field, drafted four model bills to abolish the interstate criminal to whom state lines are an asset. These are: The Uniform Extradition Bill, the Fresh Pursuit Bill, the Compulsory Attendance of out of State Witnesses at Criminal Trials Bill, and the Reciprocal Supervision of out of State Parolees Bill. One or more of these bills have been passed by twenty-five states. It is planned to enlarge the commission to three members from each state, and provision has been made for coöperation with other national agencies interested in the control of crime.

On June 26 and 27, 1936, the Interstate Commission on Social Security held its organization meeting in Atlantic City, at which were discussed problems arising from the interstate aspects of the social security laws, such as care of transients and responsibility for unemployment compensation.

When the floods broke in the Ohio Valley it was realized that it was necessary to plan for the best utilization of the valley's resources for the prevention of floods. Accordingly, on February 5 and 6, 1937, the preliminary meeting of officials from States in the Ohio Basin was held in Columbus, and on February 19 and 20 the organization meeting of the Interstate Commission on the Ohio Basin was held in Indianapolis. A permanent commission was set up and a secretariat is contemplated.

In addition to the work done in the second district, increased activities have greatly expanded the Central Secretariat. In August, 1935, the National Association

of Secretaries of State held its annual meeting in St. Paul, voted to affiliate itself with the Council, and asked the Central Secretariat to serve as its clearing house. In June, 1936, a permanent member of the staff was delegated to the Secretaries of State Section. In June, 1935, the National Association of Attorney-Generals, at its annual meeting in Los Angeles, asked the Central Secretariat to serve as its clearing house. On November 2, Raymond T. Nagle, former Attorney-General of Montana, arrived to begin direction of the Attorney-Generals' Section. On October 22, 1935, the first of a series of bulletins prepared by the Central Secretariat dealing with the governorship was sent to all of the governors through the office of Cary A. Hardee, Secretary of the Governors' Conference.

Revelation

At the present time, while yet in the period of organization, the Council is supported almost entirely by appropriations from the Spelman Fund. If the states desire to cooperate, it is neither appropriate nor desirable that their enterprise be supported entirely by private sources. Some ten states have already appropriated funds, and it is hoped that during the next few years every state will contribute to the support of the Council.

Even more than financial support, the aim of the Council is to bring about the wholehearted and official coöperation of every state. During the first year of its existence, 1935, seven states set up Commissions on Interstate Coöperation. By the end of 1936, seventeen states had Commissions, and by July, 1937, thirty-five states had become members of the council. One regional secretariat has been established in New York, with a branch in Philadelphia; another is soon to be set up in Denver, and perhaps a third in Cincinnati.

Six interstate commissions have been established to wrestle with problems of interstate relations.

Urging every state in the union to join the Council of State Governments, and to appropriate for its maintenance, delegates from forty-five states adopted a program for the continued development of the Council at its Third General Assembly in

Washington in January. The program was contained in the resolutions and recommendations offered by the Interstate Commission on Council Development and adopted unanimously. The Assembly's action forecast a rapid growth of the Council, a forecast borne out by the fact that, since adjournment of the Assembly, nineteen new states have joined the Council, establishing, by statute, permanent Commissions on Interstate Coöperation.

"The Committee on Operations of the Interstate Commission on Council Development recommends that there should be established in every state a Commission on Interstate Coöperation," the committee reported, in "affiliation with the Council of State Governments."

The Assembly voted to make the Interstate Commission on Council Development a permanent body, "for the purpose of making clear the recognized need for actual participation of each of the constituent members (states) in the management and organization of such Council of State Governments." The Assembly directed the President of the Council to call a meeting of this commission in Chicago this year, to push the expansion program. The resolution follows:

For the purpose of making clear the recognized need for actual participation of each of the constituent members in the management and organization of such Council of State Governments:

WE MOVE That there be and is hereby created an "Interstate Commission on Council Development."

AND WE FURTHER MOVE That the president of the Council of State Governments set a date within the calendar year for a meeting of such Interstate Commission on Council Development at Chicago, Illinois, and that the designation of delegates and representatives be made as recommended by your Committee on Operations of the Interstate Commission on Council Development, at this Third General Assembly of the Council of State Governments.

The foregoing resolution was adopted by the Assembly upon the recommendation of the Committee on Operations of the Interstate Commission on Council Development, whose members were:

Senator Jacob Weiss, Indiana, Chairman
Hon. Ellwood J. Turner, Pennsylvania
Hon. Louis N. Laderman, Ohio
Hon. Joseph E. Paul, New Jersey
Hon. Laurens M. Hamilton, New York
Hon. W. Allen Newell, New York

Financial Program Voted

Definite appropriations by the states to bear their share of the cost of financing the Council were recommended by the council development commission's sub-committee on finances. The financing program adopted by the Assembly is designed to equalize the cost fairly among the states and enable the Council to give every state the service to which it is entitled.

Following is the complete set of resolutions offered by the finance sub-committee and adopted, without dissent, by the state delegates:

I

BE IT RESOLVED, That the delegates to the Third General Assembly of the Council of State Governments urge their respective legislatures to contribute to the Council of State Governments a just share to assist in maintaining the services which it renders to the American Legislators' Association, the National Association of Attorney-Generals, National Association of Secretaries of State, Governors' Conference, the Interstate Commissions on Conflicting Taxation, Crime, Social Security, Council Development, and all public officers, and to maintain the central secretariat and such district secretariats as are now or which may hereafter be established.

BE IT FURTHER RESOLVED, That the quota which each state legislature be urged to contribute as its share to the maintenance of the services rendered by the Council of State Governments shall be determined by the Board of Managers of the Council of State Governments, and,

BE IT FURTHER RESOLVED, That the suggested allocation of the aggregate sum received for the Council of State Governments shall be determined by the Board of Managers of the Council of State Governments.

II

BE IT RESOLVED, That district secretariats of the Council of State Govern-

ments shall be established as rapidly as may be made possible by appropriations from the several state legislatures.

III

BE IT RESOLVED, That the Interstate Commission on Council Development through the Council of State Governments shall direct its efforts to the following projects in order of chronological importance as follows:

(a) Establishment of a Commission on Interstate Coöperation in every state.

(b) Establishment of a budget for the maintenance of the Council of State Governments in all its activities, which budget shall provide for the apportionment of receipts.

(c) Development of district secretariats in areas where Commissions on Interstate Coöperation have been established and where financial support can be secured; provided, these projects shall be carried on simultaneously where possible.

IV

RESOLVED, That the delegates to the Third General Assembly urge the chairmen of the Commissions on Interstate Coöperation to request their legislative reference bureaus and legislative counsels to assist actively the commissions which are at present without a staff.

V

RESOLVED, That the Third General Assembly urge the chairman of the New Jersey Commission on Interstate Coöperation and of the New York Joint Legislative Committee on Interstate Coöperation to have additional copies of their excellent reports published for the use of all of the members of the Third General Assembly.

VI

RESOLVED, That the Third General Assembly express its appreciation to the National Resources Committee and urge upon the Congress and the President of the United States that this agency be established on a permanent basis in order to continue the close coöperation between the federal government and the state governments.

The foregoing resolutions were adopted by the Assembly upon the recommendation of the Committee on Finance of the Interstate Commission on Council Development, whose members were:

Senator Robert C. Hendrickson, New Jersey, Chairman
Hon. John A. Chambliss, Tennessee
Senator G. P. Ritchey, Mississippi
Senator Sidney W. Sweeney, Louisiana
Hon. Wheeler Milmoë, New York