PART I

Biennial Report of the Council of State Governments
Chapter 1

THE STRUCTURE OF
THE COUNCIL

A M PLE precedent exists for the assumption that accomplishment offers an accurate yardstick for the measurement of worth—whether it be of an individual, an organization, or a social system. The following chapters, devoted to a summary of the accomplishments of the Council of State Governments for the biennium since the publication of the 1937 edition of The Book of the States, afford a means of evaluating the organization as a whole. Previous editions of the book have stressed the structure of the Council—what it is equipped to do. The past two years have illustrated what can be done with that equipment.

THE MACHINERY OF THE COUNCIL

Primarily, let us summarize the Council's machinery. The backbone of the organization is formed by its commissions on interstate cooperation. These commissions are an outgrowth of the earlier organization of the American Legislators' Association, which consisted of a committee of legislators in each of the two houses of the various state legislatures. In practice it was found that an organization purely of legislators lacked efficiency: with the adjournment of the legislative session, the committees tended to disband, and under most favorable conditions they were handicapped by a lack of administrative officials among their members. In recognition of this defect in organizational structure, the Council of State Governments was formed in February, 1935.

A typical commission on interstate cooperation consists of five members of the house of representatives, appointed by the speaker of the house, five senators, appointed by the president of the senate, and five administrative officials, appointed by the governor. One of the governor's appointees is designated chairman of the entire commission. While a majority of those states which are at present members of the Council of State Governments adhere to this standard pattern, there are individual variations. These variations in composition are discussed further in Chapter 3, pages 9-10.

It is, of course, essential that every state have a commission on interstate cooperation, and it is desirable that these commissions conform, in so far as local conditions justify, to the standard pattern. A commission of fifteen members has manifold advantages. It is, for instance, large enough to permit the formation of subcommittees. Thus the commission may study several questions at the same time without overburdening any of its members.

The model bill for the establishment of a commission on interstate cooperation does not necessarily provide for an appropriation. It is essential, however, that each commission be supplied with a small sum of money from which it can pay the expenses of its members to attend the meetings of the organization, supply clerical help and the services of a commission secretary, and contribute to the upkeep of the central organization.
While the first step is membership itself, the usefulness of the commission to its state depends largely upon its ability to secure the necessary funds. It is noteworthy that no commission which has an appropriation is inactive, and that activity is in direct proportion to availability of funds. The work of the New York Joint Legislative Committee on Interstate Cooperation is an excellent case in point.

THE BOARD OF MANAGERS

The policy of the Council as a whole is formulated by its Board of Managers. This body is made up of a representative from each state which contributes to the Council, elected members, the Executive Committee of the Governors' Conference, the presidents of the American Legislators' Association, the National Association of Attorney-Generals, the National Association of Secretaries of State, and the National Conference of Commissioners on Uniform State Laws. The president, three vice-presidents, honorary president, executive director, and auditor form the Executive Committee; the first vice-president is ex-officio chairman of the Board of Managers. The Board meets twice a year to review the activities of the Council and to decide upon future policies.

The central office of the Council is in Chicago. It is desirable that district offices be set up in widely scattered parts of the country; the varied programs of the cooperation commissions are more adequately serviced by an office on the ground. The success of the New York district office demonstrates the soundness of the theory.

At the present time only one semi-staffed district office exists. The central office handles the regional interests of the Chicago district, and, to the extent of his time and facilities, the secretary of the Massachusetts Commission on Interstate Cooperation serves as a regional representative for the New England area.

Through the central office and the district offices the individual commissions on interstate cooperation are encouraged to study their interstate problems and to get in touch with their neighbors who face a similar situation. Thus, the greater part of commission activity is conducted upon a regional basis.

REGIONAL COMMISSIONS

In some instances a regional commission, composed of a few members from each cooperation commission in the district, is set up, if the problem under consideration is one which seems constant. Examples of these regional commissions are the Interstate Commission on the Delaware River Basin and the Interstate Commission on the Ohio Basin. It is to be anticipated that states in these regions will face problems of water pollution, flood control, and land use as long as the rivers flow through them.

If, on the other hand, the question would be resolved by concerted action, a special committee is formed for its consideration. An example of such a non-permanent special committee is the Special Committee on Conflicting Taxation, formed at the request of the Wisconsin Commission on Interstate Cooperation to consider the possibility of the establishment of uniform assessment practices among the states in that region. If the practices were once agreed upon and adopted, the question would be permanently settled and the committee would dissolve.

NATIONWIDE COMMISSIONS

Occasional problems, nationwide in scope, are best attacked by a nationwide commission. On this theory, the Interstate Commission on Conflicting Taxation and the Interstate Commission on Social Security were set up; the Interstate Commission on Council Development seeks to encourage the activities of the Council throughout the country as a whole. As a general rule, however, it has been found that it is difficult to bring about activity in the whole country at the same time. A series of regional attacks, culminating in a nationwide conference, seems in the final analysis to be more efficient. The work of the Interstate Commission on Conflicting Taxation and the Interstate Commission on Social Security is carried on by the staff of the Council although the operations of the
Commissions have been hindered by lack of funds.

THE GENERAL ASSEMBLY

The biennial General Assembly, held in Washington, D. C., in January of odd years, provides an opportunity for review of the activities and accomplishments of the cooperation commissions. Legislative programs worked out by one commission are made available to all the states. Personal contacts among the conferences provide a stimulation for future work. It is significant that out of each general assembly has grown a major interest of the Council—as, from the Fourth General Assembly grew the nationwide conference on interstate trade barriers held in Chicago in April, 1939.

This, then, is the organizational structure of the Council—commissions on interstate cooperation, adequately financed, working on regional problems through the district offices of the Council, on nationwide problems through the central office, exchanging experiences at regional conferences and finally at the nationwide general assembly. Nor is the work of the conference over when he catches the train for home. As a result of the conferences, the experience of other commissions is adapted to local conditions, and the legislative program of each commission is worked out. The legislative recommendations regarding interstate problems made by cooperation commissions are being rightfully accorded increasing recognition.

AFFILIATES OF THE COUNCIL

In addition to acting as the central headquarters for the commissions on interstate cooperation, the Chicago office maintains clearing house services for the Governors' Conference, the American Legislators' Association, the National Association of Attorney-Generals, and the National Association of Secretaries of State. The Executive Director of the Council acts as Secretary-Treasurer of the Governors' Conference, and he is the director of the American Legislators' Association, which was the forerunner of the Council itself. As already noted, the Executive Committee of the Governors' Conference and the presidents of the American Legislators' Association and of the National Associations are members of the Council's Board of Managers.

After this brief review of the facilities which the Council has for its work, the succeeding chapters outline what it has been able to do with that machinery in two years' time—accomplishments which offer at once a justification for the existence of the organization and a prediction of its ultimate part in our government.
Chapter 2

CHRONOLOGICAL HISTORY
OF THE COUNCIL

August, 1937—May, 1939*

The following chapter traces the chronological development of the Council of State Governments since the date of publication of the last edition of The Book of the States, August, 1937, until the date of publication of the present volume in May, 1939. The 1937 edition of the book contains a record of the history of the Council, and of the American Legislators' Association, since their foundations. Each future volume will cover the developments of the biennium for which it is issued, as does this present book.

1937


October 18. District No. 1. Massachusetts Commission on Interstate Cooperation, Organization meeting: State House, Boston, Massachusetts.


October 28. The Council of State Governments, Board of Managers meeting: Shoreham Hotel, Washington, D. C.

October 29. Interstate Commission


**November 18-20.** Illinois and Kansas Legislative Councils, Joint meeting. Senate Chamber, Topeka, Kansas.


**December 2-4.** The Council's Crime Commission, Executive Committee meeting. Essex County Court House, Newark, New Jersey.


**December 17.** District No. 1. New England Commissions on Interstate Cooperation, Conference called by Massachusetts Commission on Interstate Cooperation. State House, Boston.


**January 17.** Interstate Commission on the Ohio Basin, meeting with Ohio River Valley Water Sanitation Compact Commission. Netherland-Plaza Hotel, Cincinnati, Ohio.

**February 12.** The Council of State Governments, Board of Managers meeting. Hotel Shoreham, Washington, D. C.

**February 16.** District No. 7. Wisconsin Commission on Interstate Cooperation, Organization meeting. State Capitol, Madison, Wisconsin.

**February 21.** National Association of Secretaries of State, Executive meeting. Offices of the Council, Chicago, Illinois. Arrangements made with the cooperation of the Secretaries of State Section of the Council of State Governments.

**February 25-26.** Great Lakes Fisheries, conservation meeting, Statler Hotel, Detroit, Michigan. Meeting called by the Council of State Governments at the request of the Michigan Commission on Interstate Cooperation.

**March 4.** District No. 2. Regional Highway Safety Conference. Organized by the district office at the call of the New York Joint Legislative Committee on Interstate Cooperation. Biltmore Hotel, New York.

**March 14.** District No. 10. California Commission on Interstate Cooperation established by the legislature by resolution.


April 16. The Council of State Governments central office transferred from 850 East 58th Street to 1313 East 60th Street, Chicago, Illinois.


June 28. District No. 6. Louisiana Commission on Interstate Cooperation established by the legislature by statute.


September 26-28. Governors' Conference, Thirtieth Annual Session, meeting at the Capitol, Oklahoma City, Oklahoma, September 26. Sessions in Tulsa September 27 and 28. Meeting organized by Mr. Toll as Secretary of the conference. Mr. Bane elected Secretary-Treasurer. Continuous connection with the conference conferred upon Mr. Toll.
HISTORY OF THE COUNCIL

by his election as Honorary Secretary of the Conference.

**September 29.** Oil Compact Commission, meeting. Mayo Hotel, Tulsa, Oklahoma. Governors and their representatives invited to attend.

**September 30.** Members of the Governors' Conference guests of the State of Texas at the Tyler Rose Festival.

**October 1.** Frank Bane completed his services as Executive Director of the United States Social Security Board, having served since its founding in 1936, and was inaugurated as Executive Director of the Council of State Governments.

**October 11.** Interstate Commission on the Ohio Basin, joint meeting with Ohio River Valley Water Sanitation Compact Commission. Netherland-Plaza Hotel, Cincinnati, Ohio.

**October 14.** Special Committee on Conflicting Taxation, meeting. In conference rooms of the Council's central office, Chicago, Illinois.


**November 18.** District No. 2. Liquor Control, regional meeting. Organized by district office at call of New York Joint Legislative Committee on Interstate Cooperation. Park Central Hotel, New York.

**November 19.** District No. 2. Atlantic Coast Marine Fisheries, Conference. Organized by district office at call of New York Joint Legislative Committee on Interstate Cooperation. Park Central Hotel, New York.

**November 21-22.** Regional Assembly, Districts 5 and 7. Shoreland Hotel, Chicago, Illinois.

**December 5.** District No. 5. Great Lakes Fisheries Committee meeting. In conference rooms of the Council's central office, Chicago, Illinois.

**December 8-9.** District No. 9. Pre-sessional conference of Colorado legislators. State Capitol, Denver, Colorado.


**December 16.** The Council of State Governments, Board of Managers meeting. Mayflower Hotel, Washington, D.C.

**December 17.** The Governors' Conference, Executive Committee meeting. Mayflower Hotel, Washington, D.C.

**December 22.** Henry W. Toll completed his services as Executive Director of the American Legislators' Association and of the Council of State Governments, having served since their founding in 1925 and 1933 respectively.

1939

**January 17-21.** The Council of State Governments, Fourth General Assembly, Mayflower Hotel, Washington, D.C.

**January 20.** Regional meeting in regard to problems of the Potomac River Valley Basin. Mayflower Hotel, Washington, D.C.

**February 9.** Federal bill, S.J.R. 60, to provide for federal cooperation with the Council of State Governments, introduced by Senator Robert M. LaFollette, Jr., and referred to the Committee on Education and Labor.

**February 11-12.** The Council of State Governments, Special Committee on Trade Barriers, meeting. Conference rooms of the Council's central office, Chicago, Illinois.

**February 24.** District No. 10. Utah Commission on Interstate Cooperation established by the legislature by statute.

**February 24-25.** District No. 2. Regional Highway Safety Conference. Organized by the district office at the call of the New York Joint Legislative Committee on Interstate Cooperation. Roosevelt Hotel, New York.

**February 28.** Federal bill, H.J.R. 190,
to provide for federal cooperation with the Council introduced by Hon. Emanuel Celler, and referred to the Committee on the Judiciary.

March 6. Interstate Commission on the Potomac River Basin established by Special Committee on the Potomac Valley, meeting at the United States Chamber of Commerce Building, Washington, D.C.

March 22. District No. 5. Organization meeting, Ohio Commission on Interstate Cooperation, State Office Building, Columbus, Ohio.


April 19. District No. 1. Maine Commission on Interstate Cooperation established by the legislature by statute.


May 13. District No. 2. Delaware Commission on Interstate Cooperation established by the legislature by statute.

May. District No. 6. Texas Commission on Interstate Cooperation established by the legislature by statute.
COMMISSIONS ON INTERSTATE COOPERATION

Four years ago the first commission on interstate cooperation was established, by action of the New Jersey Legislature. During that year, 1935, nine states joined the Council of State Governments. By the summer of 1937 thirty-seven states had become members. During the early part of the 1939 legislative sessions, five more states affiliated, and it is likely that a few more will join before the end of the present sessions. The record speaks for itself. The need which the states felt for some agency to deal with those problems which are outside the scope of either the federal government or the individual state governments has been remedied by their joint entity—the Council of State Governments.

The majority of the states have set up commissions of the same general pattern, a form recommended in the model bill drafted by the central office of the Council, although variations have been made in some instances to fit local conditions. (The text of this bill is found in Part II, pp. 139-40.) Almost all of the commissions consist of fifteen members, including ten legislative members and five administrative officials. Five of the legislative members constitute the senate standing committee on interstate cooperation, and five make up the house standing committee on interstate cooperation. These committees are appointed as are other standing committees of the legislatures. In most cases the speaker appoints the house members, the president of the senate appoints the senate members, and the governor names the administrative committee. These officers serve as ex-officio, non-voting members of the commission. The chairman of the governor's committee usually serves as chairman of the entire commission. The administrative members of the commissions include a great variety of state officials, among those most frequently named being the attorney-general, the budget director, and the chairman of the state planning board; others are the secretary of state, the governor's executive secretary, and the directors of departments of roads, commerce, conservation, and taxation.

Notable exceptions to this general pattern are Kentucky and Kansas which have designated the Legislative Council to act as the cooperation commission; New York, which provides for a commission by a joint legislative resolution every year; and Wisconsin, Delaware, and Maine, which have commissions of nine members instead of fifteen.

Many of the commissions have been fully organized, with secretaries and various committees. Several have set up offices and employed permanent administrative secretaries. New York has for several years provided adequate funds to carry on the work of its cooperation committee on an extensive scale. The chairman's offices serve as one headquarters for the committee; the Council's New York district office is a second. The committee is provided with a secretary, clerk, and research assistants. New Jersey has employed a permanent secretary, with an office in con-
nection with the offices of the chairman. Massachusetts and Indiana have established commission offices in their state capitolts, and each has a full-time administrative secretary serving its commission. In some states, where the commission's chairman is an administrative official, his capitol office has served as the commission's office, and his staff handles the clerical and secretarial work of the commission. Ohio and Wisconsin have used this method.

As other states observe the efficiency of those commissions which have a permanent organization, more states will provide their commissions with funds for an administrative secretary and office space.

THE CONFERENCE METHOD

It is logical that the organized commissions have been leaders in initiating investigations toward solving interstate problems and in calling conferences. Frequently the commissions call regional conferences themselves, with the assistance of the Council's staff; and often they request the Council to call a conference on a specific problem. Massachusetts has taken the lead in conferences among the New England states, and the commission has been influential in activating other commissions in that region. The New York Joint Legislative Committee on Interstate Cooperation has called a great many conferences, with the assistance of the New York district office, on subjects ranging from conservation of fisheries to banking practices and highway safety. The New Jersey Commission has initiated conferences on labor problems, transiency, and crime control. The Wisconsin Commission requested the Council to arrange a conference of certain midwestern states on conflicting taxation among these states. The states in the Delaware River Basin together set up the Interstate Commission on the Delaware River Basin, which now has a permanent office and executive secretary, and is entirely financed by the states concerned. The states in the Ohio and Potomac Basins have likewise set up interstate commissions which have initiated activities toward control of pollution and floods in these areas.

The commissions on interstate cooperation have many achievements to their credit, in such fields as water pollution, uniform banking practices, liquor control, conservation of fisheries, conflicting taxation, interstate parks, highway safety, marriage regulations, transiency, and trade barriers.

Through the efforts of the New York and New Jersey Cooperation Commissions, an interstate compact was entered into by these two states which ended the impasse which for thirty years had existed with respect to the Palisades Interstate Park. This compact, as finally ratified by Congress, coordinates the activities of two separate state boards into a single permanent governmental instrumentality similar to the New York Port Authority, and overcomes certain major and minor difficulties which have hindered effective supervision in the past.

CONSERVATION

During the past year the Interstate Commission on the Delaware River Basin has brought about an agreement, signed by the sanitation and public health officials of the four states in the basin, establishing purity standards for the different sections of the river. More important, a uniform act to promote interstate cooperation for the conservation of water resources in the Delaware River Basin has been drafted by a distinguished committee of experts, and has been introduced in all of the legislatures of the states involved.

A major problem of the states in the Delaware Basin, in their relationship with each other, has to do with the conservation of wild life, the policing of boundary lines, and, particularly, of boundary waters. The cooperation commissions of these states are making an effort to secure uniform regulations for the taking of wild life, issuing of reciprocal licenses, and joint stocking and policing of these areas. These statutes provide for the reciprocal enforcement of violations of fishing laws in boundary waters between New York and New Jersey, and New York and Pennsylvania, and the control of the taking of fish, especially from the Hudson River. In particular, marked progress has been
made in the restoration of the shad fisheries in that section.

Similar legislation has been introduced in the assemblies of all the states bordering on the Great Lakes. Committees appointed by the cooperation commissions of these states, after a series of meetings held during the past few months, have endorsed these uniform bills, and their enactment and enforcement should go far toward restoring our Lake fisheries.

Uniform and reciprocal statutes of this kind are found in the field of highway safety, growing out of several conferences held by the cooperation commissions of the eastern states. Here it was possible to secure the enactment in a number of states of laws requiring the reciprocal reporting of motor vehicle accidents and violations; the addition of courses in highway safety in the public schools; the regulation of used-car selling; the compulsory inspection of motor vehicles; and the adoption of model house-trailer regulations.

LIQUOR REGULATION

Since the adoption of the Twenty-first Amendment, the regulation of the sale and importation of alcoholic beverages has been thrown back on the states, with the result that there are nearly as many systems of liquor control as there are states. Many states have seemingly established their own distinct systems with little regard for their neighbors. Price wars between states, boundary battles over importation limits, and unregulated marketing of liquor securities of one type or another—as well as the levying of discriminatory taxes on liquor and alcoholic beverages of other states—are only a few of the resultant problems.

Conscious of this situation, the New York and New Jersey Commissions, with the assistance of the district office of the Council of State Governments, organized a regional liquor control conference in 1936, and again in November, 1938. Cooperation commissioners, liquor administrators, and state legislators from Massachusetts, Connecticut, Rhode Island, Pennsylvania, New Hampshire, New Jersey, and New York attended these conferences, and developed cooperative plans to facilitate effective regulation and control of the liquor traffic among these states.

The Midwest Regional Assembly, held in Chicago in November, 1938, and attended by representatives of the cooperation commissions of thirteen mid-western states, also considered questions arising from interstate conflicts in liquor regulation, and as a result, the five states involved—Illinois, Indiana, Kentucky, Michigan, and Ohio—reached an agreement which resulted in a very material modification of all interstate discriminatory legislation in the Midwest.

CONFLICTING TAXATION

The Midwest Assembly also considered the matter of conflicts in taxing practices among the states represented there. After discussion, the Assembly approved January 1 as the date to be recommended to all states which desire to work for uniformity in the matter of personal property taxation and the taxation of goods in storage in commercial warehouses.

In February, 1939, the Massachusetts Commission on Interstate Cooperation called a conference on taxation, attended by representatives of all the New England states. This meeting also endorsed January 1 as the recommended uniform assessment date. Various problems of taxation, of both regional and national character, were discussed by this conference at the February meeting and later at its second meeting in March.

OTHER COOPERATIVE ACTIVITIES

The eastern states' commissions on interstate cooperation have held meetings to discuss uniform banking practices and are cooperating with a Committee on Uniform Laws appointed by the National Association of Supervisors of State Banks and by the American Bankers Association.

The cooperation commissions have also endorsed a uniform medical certification act requiring applicants for marriage licenses to have a blood test for syphilis before the license is issued. This act, or legislation similar to it, has been approved in at least a third of the states.

Many of the organized cooperation
commissions have carried on comprehensive research projects. Notable among these is the work of the Massachusetts Commission on the laws of the New England states governing operations of manufacturing establishments. The study was published in four parts, each containing a short summary of the laws of the six New England states. Subjects of the four sections were: "Organization, Supervision, and Dissolution of Business Corporations," "Taxation," "Labor," and "Protection of Public Health." Further research on the migration of industry is being carried on by the commission.

Through the investigation of the Indiana Commission on Interstate Cooperation, it was brought to public attention that the popular conception of the northwest boundary of Indiana was in error and that the state territory includes an extensive bank of gravel and sand bordering Lake Michigan which had been generally considered to be the property of Illinois.

**TRADE BARRIERS**

Center of cooperation commission attention during the past year has been the field of interstate trade barriers and discriminatory laws. These obstructions to the free-trade policy inherent among the states of the Union have become so widespread and so menacing that the states, through their commissions on interstate cooperation, asked the Council to encourage a movement to remove such barriers.

Trade barriers were first considered at the Governors' Conference in September, 1938, and later by the Midwest Regional Assembly, which resolved that the conference was unanimously opposed to such practices. A session of the Fourth General Assembly, in January, 1939, was devoted to this subject, and as a result, the Assembly asked the Council to call a nationwide conference to consider this subject and to seek a remedy. This led to the National Conference on Interstate Trade Barriers, in Chicago on April 5, 6, and 7, 1939. All forty-eight states were invited to participate, together with representatives of organizations of public officials and trade groups, to review all aspects of trade barriers and discriminatory practices. To simplify consideration, trade barriers were divided into four classifications—commerce and industry, agriculture, liquor, and taxation.

The most valuable result of this Conference has been the realization by state legislators and the public of the dangers inherent in trade barriers and the extent to which they have multiplied, and the establishment of machinery by which differences between the states may be resolved and discriminatory and retaliatory legislation prevented. The good-will engendered by the states toward one another at this meeting should go far to lessen, if not to prevent, the further erection of trade walls by the states.

Thus is demonstrated the efficacy of an organization of the state governments. No one state wants to discriminate against its own citizens. If other states are discriminating against a product which furnishes a livelihood for a great many of its citizens, the state's legislature is apt to feel that it must retaliate against those states. If, however, the states meet in common council and all agree to a policy of "no discrimination," there will be no need for retaliation.

A similar principle was demonstrated in the case of the Lake Michigan commercial fisheries. None of the four boundary states wanted to pass regulations to protect the fisheries from depletion, because its own fishermen would feel that they were being discriminated against. However, when the four states met in conference and all agreed upon the same regulations, there was no dissent.

**VALUE OF THE COMMISSIONS**

The commissions on interstate cooperation are, of course, the agencies through which the achievements enumerated above have been accomplished. The very set-up of the cooperation commissions enables them to operate effectively in interstate disputes. There have long existed organizations of specialized state officials, which in many cases have reached common agreement on laws to be adopted by the states. But they had no satisfactory way of getting such a unified program through the legislature, because few of the legislators were familiar with the legis-
COMMISSIONS ON INTERSTATE COOPERATION

The commissions on interstate cooperation are composed of both specialized state officials and legislators. Frequently officials not on the commission are called into conferences, the subject of which lies in their field. When agreement is reached by the states, acting through their cooperation commissions, the legislators on the commission are thoroughly familiar with the proposed legislation and are able to sponsor it intelligently in the legislature.

Also, when the legislature has for consideration a bill sponsored by the commission on interstate cooperation, its members all know that the bill will not discriminate in any way against its own citizens, and that similar legislation has been or will be introduced in other states.

General headquarters for the Cooperation commissions is the Chicago office of the Council of State Governments. Here the records of the organization are kept, and the national aspects of the interstate cooperation movement are centered. Funds for the upkeep of the central office are provided by the Spelman Fund, and by state appropriations.

The central office of the Council conducts an inquiry service, primarily for the purpose of making available to public officials information on the various governmental problems with which they are confronted. A number of private citizens and organizations call upon the Council for information, and their requests are fulfilled if answers are readily at hand. The stress, however, is laid upon service to public officials, and every effort is made to supply them with the latest research on questions they present and to describe to them the action taken by other units of government. In this endeavor the Council cooperates extensively with other public administration organizations, particularly with those located in the same building in Chicago.

During the past biennium, nearly one thousand inquiries from forty-seven states were received and answered by the Chicago office. Scores of others were answered by telephone, in answer to personal requests addressed to field men and staff members, and through the medium of form letters.

The publications division of the Council is also located in Chicago. The magazine *State Government* goes monthly to nearly six thousand state officials and others interested in state government and its administration. Each week the "Legislative Sessions Sheet," giving information regarding the convening and adjourning of state legislatures, is sent to legislative reference librarians; a mimeographed bibliography, "Recent Publications on Legislative Problems" also goes to state reference services. The *Digest of Opinions* of the attorney-generals is issued weekly. At irregular intervals research bulletins and special reports prepared by the staff are distributed. *The Book of the States*, a standard reference manual, is published biennially.

The possibilities of the commissions on interstate cooperation have just been touched, although they can take credit already for an impressive list of accomplishments, in spite of their youth. As more and more states realize the practicability of automatically turning all problems involving interstate matters over to the cooperation commissions for solution, as is done in many of the eastern and mid-western states at present, the commissions will come to be accepted by the people, as a necessary and inevitable agency of state government.
Chapter 4
THE BOARD OF MANAGERS
OF THE COUNCIL

Authority and responsibility, which constitute accountability for any organization, be it public or private, must rest in the hands of a single individual or group. The Board of Managers fulfills this function for the Council of State Governments. It reserves the right to question and pass on all action taken by the Council; it formulates and holds itself answerable for whatever policies are pursued; and, by virtue of its authority and responsibility, it is, in the final analysis, accountable to the several commissions on interstate cooperation and their state governments, of which the Council is an official agency, for the direction of its objectives and the details of its activities.

The Council is a clearing house and cooperative center for the several commissions on interstate cooperation and a number of national associations of state officials. Membership on the Board of Managers therefore follows the same composition. First, and above all, it represents the commissions on interstate cooperation. The commission of each state which contributes to the support of the Council is entitled to appoint one delegate to the Board. In addition, officials of the national associations are given representation; namely, the Executive Committee of the Governors' Conference, and the Presidents of the American Legislators' Association, and the National Association of Secretaries of State. The President of the National Conference of Commissioners on Uniform State Laws, and the Executive Director and Honorary President of the Council of State Governments likewise serve on the Board. To provide continuity, and to retain valuable members who may change the governmental

ROBERT L. COCHRAN  
HAROLD C. OSTERTAG  
FRANK BANE
position by virtue of which they are members of the Board of Managers, ten managers at large are elected for staggered five-year terms.

The Executive Committee of the Board is composed of a President, who shall be a governor, a First Vice-President, who shall be a legislator, two other Vice-Presidents, an Auditor, who shall be a fiscal officer, and the Executive Director and Honorary President of the Council.

Meetings of the Board are held annually.

In general, the Board at its meetings hears reports of the activities of the Council and its various units, and lays down the policies to be followed during the ensuing year. As a body representing the integral units of the Council, and responsible to those units for the Council's program, it stands as one of the most important parts of the structure of that organization.

COCHRAN, ROBERT L. Engineer. State Bridge Inspector, Nebraska, 1915-16; District Engineer, Department of Public Works, 1919-22; State Engineer, 1923-34; Governor of Nebraska since 1935; Chairman of the Governors' Conference 1937--; President of the Council of State Governments 1937--.

OSTERTAG, HAROLD C. Journalist, Accountant. Former state vice-commander of the American Legion; Member New York State Assembly since 1932; Chairman, Joint Legislative Committee on Interstate Cooperation 1936--; Chairman of the Board of Managers of the Council of State Governments since 1938.

BANE, FRANK. Administrator. Director of Public Welfare, Tennessee, 1923-26; Commissioner of Public Welfare, Virginia, 1926-32; Director, American Public Welfare Association, 1933-36; Director, Social Security Board, 1936-38; Executive Director, Council of State Governments 1938--.

TOLL, HENRY W. Lawyer. Member Colorado Senate, 1923-31; President of the American Legislators' Association, 1926-28; Executive Director of the American Legislators' Association, 1928-38; Executive Director of the Council of State Governments, 1933-38; Honorary President of the Council of State Governments, 1938--.

LELAND, SIMEON E. Economist. Professor of Economics, University of Kentucky, 1920-26; Director, Bureau of Business Research, 1927-28; Assistant Professor and Professor of Economics, University of Chicago, 1928--; Member, Illinois Tax Commission since 1933 (Chairman since 1939); Auditor of the Council of State Governments, 1938--.

TURNER, ELLWOOD J. Lawyer. Member Pennsylvania House of Representatives 1931--; Chairman, House Committee on Reorganization, 1933; Chairman, Interstate Commission on Council Development, 1936--; Chairman, Interstate Com-
mission on the Delaware River Basin, 1938—; Speaker of the House, 1939—; Vice President of the Council of State Governments, 1938—.

MORRISSETT, C. H.; Lawyer. Director, Virginia Legislative Reference Bureau, 1919-25; Virginia State Tax Commissioner, 1926—; Revisor of the Notes of the Code of Virginia, 1919; Member, Interstate Commission on Conflicting Taxation, 1933—; Vice President of the Council of State Governments, 1937—.

BOARD OF MANAGERS

HON. GEORGE D. AIKEN
Governor of Vermont

HON. ALEXANDER ARMSTRONG
President, National Conference of Commissioners on Uniform State Laws

FRANK BANE
Executive Director of the Council of State Governments

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

SENATOR EDGAR A. BROWN
Member of South Carolina General Assembly

HON. ROBERT L. COCHRAN
Governor of Nebraska and Chairman of the Governors' Conference

SENATOR MAUPIN CUMMINGS
Member of Arkansas General Assembly

HON. FRANK FINNEY
Commissioner, Indiana Bureau of Motor Vehicles

HON. ANDREW J. GRAVES
Former member of Tennessee General Assembly

HON. MARK GRAVES
President, New York State Tax Commission

JUDGE RICHARD HARSHORNE
Court of Common Pleas, New Jersey

SENATOR ARTHUR W. HOLLIS
Member of Massachusetts General Court

HON. HENRY HORN
Governor of Illinois

CHARLES H. JONES
Director of the Ohio Department of Commerce

HON. KEEN JOHNSON
Lieutenant Governor of Kentucky

HON. SIMON E. LELAND
Chairman, Illinois State Tax Commission

HON. HENRY F. LONG
Commissioner of Corporations and Taxation of Massachusetts

HON. PAUL V. MCNUTT
Former Chairman of the Governors' Conference

HON. JAMES O. MONROE
Former member of Illinois General Assembly

HON. C. H. MORRISSETT
Tax Commissioner of Virginia

HON. HAROLD C. OSTERTAG
Member of New York Legislature

SENATOR HENRY PARKMAN, JR.
President, American Legislators' Association

HON. GASTON L. PORTERIE
President, National Association of Attorney-Generals

HON. T. V. SMITH
Former member of Illinois General Assembly

HON. HENRY W. TOLL
Honorary President of the Council of State Governments

HON. M. CLIFFORD TOWNSEND
Governor of Indiana

HON. ELLWOOD J. TURNER
Member of Pennsylvania General Assembly

HON. JOHN B. WILSON
Acting President, National Association of Secretaries of State

HON. MULFORD WINSOR
Director, Department of Library and Archives of Arizona

SENATOR GEORGE WOODWARD
Member of Pennsylvania General Assembly
Chapter 5

THE GENERAL ASSEMBLY

Since its inception in 1932 the General Assembly has become recognized as a forum of national significance for the discussion of governmental problems of importance to the nation and the states. During this period over one thousand state, local, and federal officials have come together to discuss governmental problems of great public importance, without the animus of politics arising to mar the debate or color the proceedings. Originally called as a national conference to consider the problem of conflicting taxation, the General Assembly has broadened its scope to include interstate problems relating to social security, crime control, governmental reorganization, water resources, and more recently, trade barriers.

Assembly Programs

The programs of the Assemblies have been planned in such a way that the legislators who determine policies have shared the platform with administrators from state and federal departments and with recognized experts from universities and research institutions. Legislators and state officials have thus been given an opportunity to question cabinet officers, bureau chiefs, research experts, and state officials of other states on policies and administrative practices of their departments. Although this practice has long been familiar to the English Parliament, its counterpart had never before been used in this country.

The benefit of this interchange of information among public officials is at once apparent. In addition, it furnishes an easier channel of informal communication in regard to the relation between state and federal government, as, for instance, state aid or state cooperation in the solution of federal problems. First President Hoover and later President Roosevelt, in addresses and messages to the General Assemblies, have emphasized this possibility "whereby Washington and the several state capitals might become more mutually helpful—especially in the matters which, with increasing frequency, involve overlapping functions."

Value of the Assembly

The usefulness of a General Assembly in this respect was early demonstrated when it was imperative to have federal-state cooperation in putting into effect such legislation as social security, the federal-state farm program, soil conservation, wage and hours regulations, and the establishment of planning boards. Also, wholehearted cooperation between neighboring states has frequently resulted from the informal discussion and committee work of legislators and public officials at these Assemblies. This type of cooperation led to the formation of the Interstate Commission on the Ohio Basin and the Interstate Commission on the Potomac Basin. From the General Assembly also grew the Interstate Commission on Conflicting Taxation, the Tax Revision Council, and other national commissions of the Council.

Then, too, the General Assemblies stimulated action in the interstate field.
by consideration of such matters as crime control, water resources, uniform banking practices, conservation of natural resources, liquor control, and highway safety. Efforts have been devoted to unifying the legislative and administrative practices of the states.

The establishment of commissions on interstate cooperation has received the endorsement of the General Assemblies, and this has no doubt contributed to the rapid establishment of these agencies in a majority of states. In fact, the rapid growth of the Council can be traced directly to the impetus which these national conferences have given its work.

In addition to the problems of nationwide concern discussed at the General Assembly, the delegates also have a chance to discuss regional problems. Thus, legislative programs worked out by one cooperation commission, or by those in a particular district, have been made available to all the states through the presentation of reports by the chairmen of the various commissions at these interstate Assemblies. For instance, at the last General Assembly, the final touches were put on a liquor compact for introduction in northeastern states. States along the Atlantic Seaboard from Maine to Florida considered uniform fishing legislation and the necessity for establishing a regulatory authority to conserve fisheries along the Atlantic Coast.

Water supply and flood control problems of the Delaware, Potomac, and Ohio Basins have come up for consideration by the delegates. The drought states and those interested in an oil compact have also used the Assemblies as a meeting place to discuss their regional problems.

The Assemblies afford organizations of top-ranking public officials opportunity for midyear meetings or annual executive sessions. The Executive Committees of the Governors' Conference, the National Association of Attorney-Generals, and the National Association of Secretaries of State have frequently met at the time of the Assembly.

Perhaps the best résumé of the usefulness of the General Assembly as an instrument of government may be found in the following excerpt from the report to its legislature of a delegation from one of the New England states to the most recent General Assembly:

A roll call showed 222 delegates present from forty-six states, and during the various sessions three government officials described their work, cited their accomplishments, and endeavored to answer questions. A number of governors presented their problems and gave their conceptions of proper as well as unsuitable solutions. Many legislators and other state officials discussed functions of legislation common to all states.

It is our belief that it is decidedly advantageous for members of state governments to attend these Assemblies, not only because of the personal contacts with fellow-legislators, but also for the opportunity afforded to obtain knowledge regarding successful legislation in other states and the type of legislation that may well be avoided. One important step toward the interchange of ideas and the discussion of mutual problems was a special luncheon meeting of delegates from the New England states which we were instrumental in calling together.

We consider our participation in the Fourth General Assembly of the Council of State Governments highly beneficial, and we wish to express to you our appreciation of the privilege of being appointed as delegates.
Chapter 6

REGIONAL ACTIVITIES OF THE COUNCIL

ACTIVITIES IN NEW YORK

The New York Office of the Council of State Governments (comprising the states of New York, New Jersey, Pennsylvania and Delaware) was established in New York City in September, 1935, to facilitate cooperation among the states, their officials, and citizens. It has proven the value of an agency to coordinate the broad work of interstate cooperation.

It serves as a district office and as a clearing house of regional activities for the commissions on interstate cooperation, it arranges conferences and informal meetings, conducts research, and answers inquiries. The district representative makes many personal visits to legislators, officials, and public spirited citizens and agencies. In addition to fostering cooperation within the district, the secretariat attempts to coordinate regional activities with those which are larger in scope by keeping the central office of the Council informed of regional developments and by helping to carry out national policies of the Council within the district.

CONSERVATION OF FISHERIES

One of the major problems receiving attention from the district office and the commissions on interstate cooperation during the past two years has been the conservation of fish, on inland rivers, on the Great Lakes and on the Atlantic Coast. In 1937 the New York Department of Conservation and the New Jersey Board of Fish and Game Commissioners agreed on a two and one-half day period each week for the lifting of nets during the shad open season on the Hudson River. During 1938, New Jersey, by license regulation, conformed to the New York law in part, and in 1939, by statute, these two states will have identical regulations for the lifting of shad nets in the Hudson River.

At an exploratory fisheries conference held in New York in September, 1937, suggested action for conserving marine fisheries was outlined. Preparation for a marine fisheries conference in New York City on November 19, 1938, was made by the New York Joint Legislative Committee on Interstate Cooperation with the assistance of the district office and of the U. S. Bureau of Fisheries. Since that time efforts have been directed toward revising the draft of the proposed compact and accompanying legislation, and toward keeping the fishermen and conservation officials of the Atlantic states informed of developments. During 1939, these drafts will be submitted to conservation officials, cooperation commissioners, and fishermen for criticism before they are submitted to the state legislatures and Congress for enactment.

HIGHWAY SAFETY

The New York Cooperation Committee, with the aid of the district office, organized regional conferences on highway
safety and motor vehicle problems, in March, 1938, and February, 1939. Recommendations of those conferences, which were attended by representatives of eight northeastern states, of federal agencies, and of civic and motor vehicle organizations, included: maximum speed limit for open highways of not over fifty miles per hour with a lower limit for night driving; compulsory periodic inspection of motor vehicles; reexamination of drivers when frequency or severity of accident warrants; regulation of the hours of service of commercial drivers; state laws and regulations implementing the Federal Motor Carrier Act; reciprocal reporting of convictions for motor vehicle violations between states; cooperation between the American Association of Motor Vehicle Administrators and the Automobile Manufacturers Association in securing uniformity on essential safety equipment on vehicles; consideration by the Interstate Commission on Crime of amending the Fresh Pursuit Act to include misdemeanors and traffic violations; and compulsory safety education in the schools.

CONFERENCE RESULTS
Partially as a result of these and previous conferences, New York, New Jersey, and Pennsylvania as well as most of the New England states now have reciprocal reporting of motor vehicle violations; periodic inspection of motor vehicles is compulsory in all states in the district and in New England except in New York and Rhode Island, and such legislation has been introduced in both those states in the 1939 sessions. Most states now regulate the hours of service of commercial drivers; increasing attention is being given to stricter examinations of passenger car operators in all states; and safety education is rapidly being inaugurated in the schools. New York State passed recommended legislation on this subject in 1938. An advisory committee on uniform trailer legislation was appointed following the 1937 Regional Highway Safety Conference to make recommendations for a uniform trailer code. As a result of the work of the committee and the research work of the district office staff, a uniform trailer code was drafted and made available to the cooperation commissions.

LIQUOR CONTROL
During the summer of 1938 a special consultant was secured to work in the district office on a study of the interstate aspects of liquor control. The Second Regional Liquor Control Conference of November, 1938, again approved a uniform measure prohibiting the sale of warehouse receipts except under licenses issued by the state liquor administrations. This legislation will be introduced in the New York and Pennsylvania legislatures in 1939. Also recommended were uniform credit laws, the outlawing of certain unfair trade practices, uniform labeling requirements, importation limits and minimum uniform advertising standards. Liquor trade barriers received much attention and such favorable comment was given to the idea of a compact as a means of preventing discriminatory practices that a special committee was appointed to draft one.

MARRIAGE LAWS
A regional hearing on uniform marriage laws, organized by the New York Cooperation Committee with the help of the district office, was held in New York City in December, 1937. Compulsory medical certification of marriage license applicants, endorsed at this meeting, was adopted by New Jersey, New York, and Rhode Island in 1938. Legislation to implement physical examination laws and waiting periods in the states was also recommended at the hearing. A 1938 survey of state marriage regulation by a member of the New York staff has been exceptionally well received by health officials and legislators interested in this subject.

BANKING PRACTICES
Two regional conferences on banking practices have been held during the past two years. The first was held in December, 1937; the second, held in December, 1938, dealt also with securities practices. During the summer of 1938 a staff mem-
ber of the district office made a survey of the interstate problems involved in banking and securities regulations in preparation for the December, 1938, meeting.

Among the recommendations of these two conferences were those which urged the elimination of double insurance on bank deposits; adoption of uniform minimum chartering and investment standards throughout the country; the issuance of insurance on the fidelity of employees of financial institutions; the adoption of a uniform call report for banks; and the endorsement of the uniform bills on stock transfer, fiduciaries, and trust receipts recommended by the Commissioners on Uniform State Laws. During 1939 such legislation will be introduced in those legislatures in this district which have not yet enacted it.

Two important recommendations were made by the securities section of the 1938 meeting. One urged a study into the possibility of combining the most desirable elements of the state fraud and registration types of securities law into one. A small committee will meet to draft such a bill early in 1939. The second recommended greater similarity in state security registration forms. Both meetings were attended by legislators and banking officials from New York, New Jersey, Pennsylvania, Massachusetts, and Connecticut, by officials of the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, and the Federal Reserve Bank of New York, as well as by representatives of the American and state bankers associations.

Need for uniformity in certain essentials of insurance regulation has long been recognized by the insurance commissioners of the states, by legislators and by insurance executives. The executive director and the district representative of the Council and the research consultant of the New York Cooperation Committee by invitation attended the annual meeting of the National Association of Insurance Commissioners at Quebec in June, 1938. At that time preparation was made for a future program of cooperation between the two groups.

WATER POLLUTION

Pollution in New York Harbor, the regulation of which is now under the jurisdiction of the Interstate Sanitation Commission, has also received the attention of the district office. At the suggestion of the district office, this Commission has extended an invitation to the New York Cooperation Committee to appoint one of its members to join it at its regular meetings in order to bring about a more intimate relationship between these two bodies.

These are some of the major activities which have occupied the attention of the district office during the past two years. Other developments of a cooperative nature in this district in which the office has had a part include the work of the Interstate Commission on the Delaware River Basin, the enactment of more uniform settlement laws and of a uniform transfer of dependents act to aid transients, efforts whenever possible to help prevent the erection of interstate trade barriers, and informal conversations and meetings with federal officials, organizations of state officials, of civic groups, and others interested in improving governments by cooperative action.

At the same time, the activities of the nationwide organizations, for which the Council of State Governments serves as secretariat and clearing house, are directed by the district office when they are centered in the East. As a direct branch of the central office in Chicago, it acts in a liaison capacity between the eastern state officials and the central office, thus more closely coordinating all their cooperative activities and servicing them more directly. The experience of the district office has clearly indicated the value of field representatives closely associated with the interstate problems involved in the several regions of the country.
THE BOOK OF THE STATES

ACTIVITIES IN CHICAGO

THE marked success in solving regional problems which followed the establishment of the New York district office has brought about an effort to devote a definite part of the activities of the central secretariat to giving direct service to the legislatures and cooperation commissions of the middle western states. While no effort has been made to confine the activities to the single region, the Chicago office, serving as a district secretariat, has worked especially with the states of Michigan, Ohio, Kentucky, Indiana, Illinois, Wisconsin, Iowa, and Missouri.

INTERSTATE COMMISSION ON THE OHIO BASIN

Acting in this regional capacity, the Chicago office directly services the Interstate Commission on the Ohio Basin. Through the 1937-1939 biennium this Commission collaborated with the Ohio River Valley Water Sanitation Compact Commission in formulating an interstate anti-pollution compact.1 Ratification by the legislatures of the nine Ohio Basin states will be sought during the sessions of 1939-1940.

GREAT LAKES FISHERIES

The middle western states of Michigan, Wisconsin, Minnesota, Illinois, Indiana, and Ohio joined with New York and Pennsylvania in the Great Lakes Fisheries Conference held in Detroit February 25-26, 1938. In this instance, the advantages of joint state action through the several cooperation commissions had first been demonstrated with the Ohio River Valley Water Sanitation Compact Commission in the northeastern area, serviced by the New York district office. Effective use of the Council’s machinery for the two district offices has been well shown in this manner. Negotiations with Canadian officials and with departments of our federal government, in accordance with recommendations of the Conference, have been carried on through the New York district office, whereas negotiations among the governments of the several states from Lake Erie westward have been carried out by the Chicago office.

LAKE MICHIGAN FISHERIES

Upon the adoption of the policy of seeking an international treaty, by the Great Lakes Fisheries Conference, the problem of the regulation of the commercial fishing in Lake Michigan, the only one of the Great Lakes which is not an international body of water, became a separate and distinct one. As a result, the cooperation commissions of Michigan, Wisconsin, Illinois, and Indiana established the Lake Michigan Fisheries Committee, which has been serviced from Chicago. The Lake Michigan Fisheries Committee met four times in Chicago and quickly reached unanimity as to the regulations needed to conserve this natural resource. Definite legislation was introduced in the regular 1939 sessions of the legislatures of all four states.2

CONFLICTING TAXATION

Despite the Council’s nationwide Commission on Conflicting Taxation, seven midwestern states have felt that there were detailed needs in this field upon which regional action is required. Accordingly, the Regional Committee on Conflicting Taxation, formed at the request of the Wisconsin Cooperation Commission, and chairmanned by the Chairman of the Illinois Tax Commission, Hon. Simeon E. Leland, has entered a campaign for agreement upon provisions for this area, regarding regional problems which are capable of immediate solution. These include the taxation of goods in storage and commercial warehouses, the establishment of uniform assessment dates throughout the area, and the uniform taxation of vessels on the Great Lakes. Two Chicago meetings of this Commission were held in 1938.

1 The text of this compact appears on pp. 264-8 in connection with the joint meeting of the Ohio Basin Commission and the Ohio River Valley Water Sanitation Compact Commission in Cincinnati, Ohio, October 11, 1938.

2 A summary of agreements reached appears on pp. 270-1 in the section of this book devoted to the proceedings of conferences.
LIQUOR CONTROL

Liquor control problems of the middle western states are complicated by the conflicting interests of distilling areas, large brewing centers, and numerous small breweries, all within the same region. Furthermore, in competition with liquor manufactured from grains there is the widespread production of wine in the area from grapes and other fruit crops. As a result, liquor trade wars have become common and the cooperation commissions of the region have formed a Regional Committee on Liquor Control. Early in 1939 the result of its work was already shown by Indiana’s repeal of her discriminatory beer law and the introduction by the Cooperation Commission in Michigan of legislation repealing Michigan’s discriminatory taxes on beer and wine produced outside that state.

SUMMARY

As much a geographical unit as the northeast, the middle western area, served by the Chicago district secretariat, nevertheless is larger in area and probably presents a wider range of problems and a greater number of interstate conflicts. The value and usefulness of regional activities by the Chicago office are apparent. Established after the cooperation commissions of the eastern states, the middle western commissions have shown astonishing realization of the problems which confront them and a praiseworthy will to seek amicable solution of these vital interstate questions.

ACTIVITIES IN NEW ENGLAND

On the day of its organization, October 18, 1937, the Massachusetts Commission on Interstate Cooperation voted to accept an invitation from the Council of State Governments to send delegates to a meeting of the Interstate Commission on Council Development, to be held in Washington on October 29. At this meeting the desirability was emphasized of establishing a commission on interstate cooperation in every state and of developing district secretariats in as many regions as possible. It was found that no law establishing a commission had been adopted in Maine, and the members of a commission authorized in Rhode Island in 1936 had not been appointed. It appeared advisable to assist in organizing commissions in these two states, whose participation was needed if a complete regional organization in New England was to be developed. It also appeared desirable to consult officials of the several states to determine the practicability of interstate organization on a regional basis.

As a beginning, invitations were sent to the commissions of New Hampshire, Vermont, Rhode Island, and Connecticut to attend a meeting at the State House in Boston on December 17, 1937. An invitation was also sent to the Governor of Maine to come or to send delegates to the meeting, but he was unable to attend in person and considered that he had no authority to designate a representative for this purpose. The New Hampshire and Vermont commissions also were unable to send delegates, so that only Massachusetts, Rhode Island, and Connecticut were represented in the meeting. The members of the Rhode Island Cooperation Commission had not been appointed, so that the Rhode Island delegates were members of a previously existing Commission on Interstate Labor Compacts. Those present favored a regional organization in New England and as a basis for this it was voted that an executive committee for the region should be formed, to consist of the chairmen of existing state commissions and of those that might later be established. General regional meetings were contemplated, for which the executive committee was to formulate agenda. An offer by the Massachusetts commission that its office should serve for the time being as a regional secretariat was approved, as none of the other state commissions then had regular appropriations or provisions for financing possible activities.

After contact with the Vermont commission had been established by corre-
With the assistance of ex-Governor William Tudor Gardiner, the Massachusetts commission was enabled to get in touch with legislative leaders in Maine, and to convince them that a commission on interstate cooperation should be established in that state. A bill to establish the commission was introduced into the Maine legislature at the current session (1939) and was passed in March. In Rhode Island, provision for a commission on interstate cooperation was made in the general reorganization act passed early in February and appointments of the members were completed at the end of March. In January, 1939, the Massachusetts commission, at the request of Governor Saltonstall, joined with Tax Commissioner Long in calling a regional conference on taxation, which was held in Boston on February 3, and was attended by members of cooperation commissions and tax officials of all six states. Certain conclusions were reached, and a second conference was agreed upon. This was held in Boston on March 10, with all the New England states represented except Vermont. This second conference was devoted almost entirely to discussion of sales taxes and questions related to the general field of taxation, concerning which resolutions were adopted for submission to the six New England governors.2

2 These meetings are summarized in this book, pp. 302-4.
FOR A DECADE and a half, the Council of State Governments and its forerunner, the American Legislators' Association, have been primarily concerned with the relationship of our state governments to each other, and to the federal government. The sole concern of these organizations, and those which have been identified with them, has been to devise a program which would be a contribution to the successful operation of democratic government in this country.

The concept of interstate cooperation gathered form and momentum slowly, but once moulded and on the march, its force and rapidity of progress have been phenomenal. Political evolution in a democracy, they say, is a long, slow process, but since 1935, four years ago, forty-two of the forty-eight states of the Union have moved, by legislative processes, to join together as a Council of State Governments and thereby make possible that more perfect union of states so essential to their continuance as responsible units of government.

The intrastate duties of most of our administrative officials are so pressing that the furtherance of interstate cooperation has been left, in the past, to multifarious legislative and administrative commissioners—or to groups of technicians especially appointed to investigate and report back their findings and recommendations. These groups, operating on specific jobs for limited periods, offer no continuing basis for cooperative endeavors.

It is here that commissions on interstate cooperation play an important role. Broad of purpose, officially representative, and of permanent structure, these commissions should serve as the ears and the eyes of each state government, ready, through their own leadership or upon the request of associate state administrators and legislators, to confer and negotiate with other states on all governmental problems that cut across state boundaries.

The Interstate Commission on Council Development was organized to encourage states not members of the Council of State Governments to establish commissions on interstate cooperation. Failure to establish such commissions not only handicaps the efforts of these states at interstate cooperation, but also lessens the effectiveness of uniform measures sponsored by other states. Where the welfare of an entire region is dependent upon uniform action, the absence of the necessary cooperative facilities in one state would delay, if not forestall, the entire project.

Chapter 7

COUNCIL DEVELOPMENT

By Ellwood J. Turner

Speaker of the Pennsylvania House of Representatives; Chairman of the Interstate Commission on Council Development.
But the establishment of commissions on interstate cooperation is not enough. In many states, the creation of this machinery has not been implemented by the funds and facilities for a genuine work-program. In the past, this was particularly true in the west and south, in contrast to the east and midwest sectors.

The work of these commissions has received, and will continue to receive increasing assistance through the research facilities of the Council, through a reporting of their activities in State Government magazine, and through the inquiry service maintained in the central secretariat. Leadership, however, has come—and must come—from within the commissions on interstate cooperation, if they are to fulfill their highest function.

Now that the machinery has been built and tested, adequate appropriations should be secured for its maintenance and operation. Funds should be allotted both to the commissions and to their joint agency, the Council of State Governments. The Council has been adopted as a governmental agency by each of the states with cooperation commissions; as such, it is each state's responsibility to support it financially.

The Council of State Governments is an organization of the states, for the states: it should be supported by the states.

In mentioning briefly the particular items of activity which indicate the direction in which the Council is applying its energies, I would say that the regional aspect of governmental problems, so obvious to all who are concerned with economic, social, and political developments, offers one of the most fertile fields for the expansion of the Council's activities. It is in this field that the machinery of state governments, when working alone, reveals its most striking weaknesses, because interstate compacts, reciprocal agreements, and concurrent or uniform laws are usually slow to be adopted except through the effort of some coordinating body, such as the Council of State Governments.

Practically every situation that a state faces has its counterpart in neighboring states; and every measure passed by these very neighbors affects in one way or another its own legislative and administrative acts in such a manner as to nullify the effects of these acts or at least to divert them somewhat from their original intent. Motor vehicle laws, marriage laws, liquor laws, conservation laws, and water resources control may all be cited as examples. They are all problems which the Council, during the past year, has been instrumental in trying to solve on a regional basis. This regional approach has likewise been adopted by the New England states in dealing with flood control; by a group of southern and midwestern states in the regulation of oil production; and by another quasi-governmental organization operating as the Pacific Northwest Regional Planning Commission. It is, moreover, a field ripe for federal-state cooperation, as typified in some of the activities of the Tennessee Valley Authority.

Approaches and solutions agreed upon in one region will not always be adaptable elsewhere; but frequently the problems have enough common denominators to justify close examination of the conclusions reached, as well as use of the same research material, by states in other regions. Trade barriers, for example, give rise to problems of a national character which should be met uniformly in all areas affected.

The organization of pre-legislative regional conferences is another phase of interstate cooperation that will no doubt be stimulated by the Council. It is also expected that in the future close cooperation with national organizations of public officials concerned with specialized functions of government will enable the Council to be of greater service to the states.

For many years, the Council has served as a clearing house of information for the legislative reference bureaus of those states which maintain such offices. With the recent and laudable trend toward establishing legislative councils, the central secretariat will also serve as their point of contact and channel of information.

The future program of the Council should include basic research which will help to point the way to problems which
are being faced by the states. The Council's present service of "spot" research to provide answers to specific inquiries could then be integrated into a well-planned and long-range research program.

To facilitate the present objectives of the Council, to supply continuity to the work of the commissions on interstate cooperation in the widely scattered sections of the nation, and to supply the personal groundwork and supervision essential to an adequate demonstration of interstate cooperation, it has long been my contention that field representatives of the Council, to service the cooperation commissions within each region, are basic to significant achievement.

The growth of the Council of State Governments as an agency to foster interstate cooperation has served to emphasize the need for effective cooperation among all levels of government—federal, state, and local. To further this need, the Interstate Commission was established by the Council; and although this body has no impressive record of meetings and conferences as a separate group, its influence and the cooperative approach which it represents have been increasingly evident at every meeting called by the Council or its affiliated agencies. The willingness—the eagerness—of representatives of federal, state, and local governments to get together on the common ground of seeking sound answers to mutual problems is contributing much to the science of good government under our federal system.

The stimulation of coordinated action by states dealing with states, the furtherance of cooperation among the three levels of government—along such paths lies a hope for strengthening the ties of our federal system. "Making democracy work" involves more than a will: it requires adequate machinery for enabling every unit of the system to function in a harmonious way.

I am certain all of us feel that the type of structural machinery which now networks the nation—commissions on interstate cooperation, joined together as the Council of State Governments—offers a solution to our problem of interstate integration and of relationships to the federal government.

As chairman of your Interstate Commission on Council Development, I urge you to lend us your leadership and your support in our efforts to secure the organization and operation, in the forty-eight states, of active and purposeful commissions on interstate cooperation, unified as the Council of State Governments.
THE DELAWARE RIVER BASIN COMMISSION

THE INTERSTATE COMMISSION on the Delaware River Basin was organized in 1936 by the Joint Legislative Commissions on Interstate Cooperation of New Jersey, New York, and Pennsylvania. It is engaged in the formulation and execution of a coordinated, unified plan looking toward the wise use, development, and control of the resources of the Delaware River Basin as a whole.

For the past three years the Commission has been engaged in three parallel activities directed toward a planned development of the Delaware River Basin: (1) advancement of comprehensive state planning studies for each state located in the basin; (2) the compilation, mapping, and tabulation of pertinent data concerning existing conditions and trends in the basin; and (3) the formulation of a program of current activities to be carried forward and stimulated by the Commission while longer-range programs are in course of preparation.

Into the above categories, individually or in combination, fall the major activities currently under way by the Commission in the fields of water pollution control, water supply, interstate planning, and a unified information-research program.

ADVISORY COMMITTEES

Advisory Committees have afforded the Commission its major means of sifting, analyzing, and presenting the ideas and experiences of water resources planners and technicians within the basin. Four of such committees have been active during the past two years, composed of technical statesmen in each of the following fields dealing with: (1) the quality of water in the Delaware River Basin; (2) the quantity of water in the Delaware River Basin; (3) the planning aspects of our human and natural resources; and (4) information and research on the basin and its problems.

QUALITY COMMITTEE

Article VII of the Incodel Articles of Organization reads: "As its first objective, the Commission recommends that a program be evolved for the abatement and prevention of pollution in the Delaware River."

The Advisory Committee on the Quality of Water in the Delaware River Basin—composed of the chief engineers of the state departments of health—began work on this program in June, 1937. Since that time more than a dozen meetings, two days in length, have been held, and through the efforts of this group a Reciprocal Agreement for the Correction and Control of Pollution in the Waters of the Interstate Delaware River has been formulated. This agreement has been ratified by Incodel and by each of the four state administrative agencies. Legislation, designed to give continuing effect to the agreement which has been made by the respective state departments of health,
is now pending in the four state legislatures.

As a supplement to these standards of purity or cleanliness, a construction schedule has been developed which establishes a time limit, for each municipality now discharging domestic wastes into the Delaware River, within which the construction of necessary sewage disposal facilities must be completed.

Coincident with this program for the cleaning up of domestic wastes is the program now in process of formulation for the abatement of industrial pollution. A directory of all industries discharging waste products or other deleterious substances into the Delaware River is being compiled. It has been agreed that each industry shall be made to comply with the requirements set for municipalities.

The first half of the Inodel pollution program, as set forth in the Articles of Organization, is completed. Further or additional pollution of the waters of the Delaware is definitely prevented by the terms of the Reciprocal Agreement. New sewage disposal systems for municipalities must in the future produce an effluent at least equal to the minimum requirements; any new industry locating in the basin will be forced to comply with the standards adopted, in the treatment of its wastes.

The abatement of existing pollution is a time-consuming problem. The construction schedule agreed upon provides that all municipal sewage disposal systems shall be completed within ten years; that is the maximum time-limit set for Philadelphia and Camden. Considering past experience, ten years—in an accomplishment of this kind—is a remarkably short time.

QUANTITY COMMITTEE

The members of the Advisory Committee on the Quantity of Water in the Delaware River Basin, with a collective experience of more than a hundred years in the service of their state governments, represent the chief water supply agencies in the basin area. This committee was formed because the Commission felt that the facts, opinion, and experience which these individuals and their agencies have accumulated should be inventoried and organized in a manner which should leave no doubt as to the present and probable future needs of each of the four states in looking to the Delaware River for municipal and industrial water supplies.

From existing state agencies, essential information has been pooled and new data—basic to the question—have been prepared. The task is now entering the stage where an authoritative report of the situation will emerge. The Commission hopes to crystallize this information and negotiate an interstate agreement prescribing an equitable allocation of the waters of the interstate Delaware River.

PLANNING COMMITTEE

A third important field of operation has been that of planning for the future of the Delaware River Basin. The chairmen and the directors of the state planning Boards in the basin have organized a joint program which will ultimately lead to the preparation of a comprehensive plan of development for the basin and its resources, both human and physical. For the presentation of the physical facts about conditions as they now exist within the basin, for the showing of interstate improvement proposals originating jointly with the several state planning agencies, and for special basin study, it has seemed of first importance to prepare a series of maps for the basin. The Commission's drafting staff, therefore, assisted by draftsmen loaned for part-time work by the state planning boards, has been principally engaged during the past year in preparing such a series of base maps.

These record maps, completed or in process, deal with water use and control, population and industrial movements, soil potentialities and other natural resources, present and probable future use of land, recreational facilities and requirements, and the various forms of transportation, existing or required.

In addition to this broader field of comprehensive planning, work is now under way by the members of this committee in laying out a broad program of conservation for that portion of the basin comprising the Upper Valley. The opportunity is here presented to the members
of the Planning Committee to recommend preventive measures rather than those of a corrective or remedial nature.

INFORMATION AND RESEARCH

Following considerable discussion by the Commission, it was decided in March, 1938, that an effort should be made to establish Incodel as a clearing house of information on the resources of the Delaware River Basin. As a step in this direction an Advisory Committee on Information and Research was created, composed of representatives from leading educational institutions within the basin, together with a limited number of technicians.

Upon the advice of the members of this committee, a movement was begun toward the building up of an adequate bibliography of the literature concerning the Delaware River Basin. As an essential requirement to the compilation of a bibliography, it was necessary to prepare a systematic classification, properly symbolized, to cover all subject matter in which Incodel might become interested.

The bibliography, when completed, will have a variety of uses, especially to locate several of the more important items on any subject in hand. Its chief use, however, should be in the compilation of literature—reports, where not merely the bibliography, but the articles themselves should be consulted and abstracted for special reports and then mimeographed for distribution to interested individuals or agencies.

Another experimental approach to the clearing house medium has been made. A questionnaire regarding the adequacy and inadequacy of hydrologic data—a field which some call H2Omissions—has been prepared for Incodel by the National Resources Committee. This questionnaire, chiefly covering current and proposed hydrologic Research in the Delaware River Basin, has been circulated among all the public and private agencies in this four-state area. The returns are now being compiled and a later analysis and report will be prepared; thereon for Incodel by a hydrologist furnished for the purpose by the National Resources Committee.

The Commission is now considering the establishment of this service on a permanent but periodic basis. Information on research activities in the hydrologic field could be currently available, which would make it possible to advise persons or agencies of other hydrologic research activities, either under way or proposed, which are related to work contemplated by them. A running record of such research would show, moreover, whether or not important gaps in hydrologic data are being filled, and, if not, when and where corrective measures should be taken.

CONCLUSION

Land, water, and people go together: in the Upper Delaware Valley, this combination of human and natural resources has undergone little change in recent decades. It is an area of great scenic beauty and charm. Recreation is its major industry. In the lower basin, the pattern contrasts—an increasing population, in a series of highly industrialized metropolitan districts, in which are massed more than three-quarters of the total population of the watershed.

Comprehensive planning for the proper land and water uses of this drainage basin is planning for the basic resources of the region. No other factors have so influenced its past development; there are no more important considerations for the present and future.

Agricultural, residential, industrial, and recreational interests—all have their place in relation to the others and to the location of the adaptable resources of the region. To balance these interests and resources, so as to guide the development of the basin in harmony with the general welfare of the whole people—that, in brief, is the challenge and the obligation.

Through the cooperation of the neighboring states, organized through the Interstate Commission on the Delaware River Basin, sincere efforts are being made to meet that challenge and to dispose, constructively, of that obligation.
As the states' coordinating unit for interstate activity in the Ohio Basin, the Interstate Commission on the Ohio Basin during the past biennium has continued its work in all fields affecting the several states in the area, but emphasizing particularly the immediate abatement of water pollution.

For many years the serious menace to public health caused by the discharge of millions of gallons of sewage and industrial wastes daily into the Ohio River and its tributaries has been a matter of great concern to the health departments of the states in the Ohio River Valley. Owing to the rapid growth of the cities and to the expansion of industrial plants in the larger cities, the pollution of the river has increased steadily. Many of the industrial plants discharge wastes which produce extremely objectionable tastes and odors in public water supplies taken from the river.

The seriousness of this pollution became more apparent to the municipalities in the river valley during the severe droughts that occurred during the summers of 1930 and 1934, when the flow of the Ohio River became so low that some of the pools formed by government navigation dams became virtually open cesspools. During the latter part of the severe drought of 1930, epidemics of gastroenteritis, involving thousands of cases, were visited upon many cities in the valley. According to reports of investigators of the United States Public Health Service, this condition was caused by the discharge of sewage and wastes into the Ohio River from which these cities obtain their public water supplies.

The dangers to health created by sewage pollution were further demonstrated during the flood periods of 1935, 1936, and 1937. During the flood of 1937 water works plants serving a large number of cities and towns with public water supplies were wholly or partially flooded with highly polluted waters of the river. During the early stages of such flood conditions the flushing action of accumulated sewage deposits behind the navigation dams exerted an extremely heavy bacterial loading upon downstream water works intakes.

Some conception of the severe pollution of the Ohio River, and the public health hazards arising from the use of this stream for public water supply purposes, may be gained from the fact that the raw untreated sewage from nearly 5,800,000 persons and the treated sewage from more than 2,400,000 additional persons is discharged daily into the Ohio River and its tributaries; that over 6,200,000 persons are supplied with water from the Ohio River and its tributaries; and that 1,500,000 persons are supplied with water direct from the Ohio River itself. The concentration of bacterial pollution in the river water for many weeks at a time is far greater than that considered safe to be used as a source of public water supply; even when the water is treated by the most modern methods of filtration, supplemented by chlorination, under the direction of competent trained and experienced operators.

Recognizing this threat to public health and in response to public demand, the Seventy-fourth Congress of the United States adopted Public Resolution No. 104, approved June 8, 1936, authorizing the states in the Ohio River drainage basin to enter into an interstate compact for the control and abatement of stream pollution. Pursuant to this enabling legislation, representatives of the states in the basin met at Cincinnati on November 20, 1936, at which meeting a subcommittee was appointed to prepare a tentative draft of an Ohio River Valley Water Sanitation Compact. This subcommittee, which comprised the respective state sanitary engineers and representatives of the United States Public Health Service, met at Louisville on December 18-19, 1936, and prepared such a tentative compact, including minimum standards for sewage and waste treatment.

Following the preliminary meetings of 1936, the eight participating states in the Ohio River drainage basin held meetings in Cincinnati on January 17, 1938; May 24, 1938; June 13, 1938; and October 11, 1938. Members of the Interstate
Commission on the Ohio Basin met jointly with the public health executives of the states and took an important part in the deliberations of the subcommittees. As a result of the work of these subcommittees and subsequent deliberations, a compact was finally agreed upon and adopted on October 11, 1938. The section of this book devoted to proceedings of conferences contains a copy of the Ohio River Valley Water Sanitation Compact and of the enabling legislation to carry it into effect in the Ohio Basin states. The compact itself is included in the proposed uniform bill, which also creates the Ohio River Valley Sanitation Commission. The proposed compact and uniform bill have been before the legislatures of all states in the Ohio Valley in 1939, except those of Kentucky and Virginia, which will not meet except on special call prior to 1940. Upon the adoption of the compact by the majority of the states interested, the compact will be submitted to Congress for ratification and will become binding on the remaining states as they adopt it.

The Interstate Commission on the Ohio Basin stands ready to serve as a single unit representing each of the state governments in dealing with the several agencies of the federal government, including the National Resources Committee, who may be concerned with the area, whether in the field of pollution, flood control, land use, or planning.
CRITICISM of state legislatures has been frequent, occasionally severe, and often justified. Primary responsibility for improving the legislative process and removing the criticism rests with the legislators themselves. As individuals or as state units they can sometimes set shining examples of legislative performance, but usually can accomplish little toward the improvement of the general standard of legislative personnel and legislative accomplishment throughout the country. To improve the lawmaking process is, then, the purpose of the American Legislators’ Association. Official endorsement of the Association by all forty-eight of the state legislatures is recognition of the legislators’ responsibility for meeting this situation, and of the idea that there should be a central organization to make effective all proposals for accomplishing the desired improvement. Since its founding, the Association has been devoted to a fulfillment of this responsibility.

BEGINNING OF THE ASSOCIATION

The American Legislators’ Association was instituted in 1925 by Senator Henry W. Toll of Colorado after he encountered difficulty in securing information regarding the experiences of other states on problems similar to those which the Colorado legislature was then considering. Work was begun on a national association through which legislators could exchange experiences and research materials. After several trying years, during which encouragement and support were received from a small group of public-minded legislators from widely scattered states who agreed with the objectives, the idea and the Association were established on a firm basis. It is noteworthy that the motivation for improvement of the lawmaking bodies came from within the ranks of the legislators, rather than from without. The Association was organized and operated on a nonpartisan basis. The states were represented through five-member house and senate councils of the American Legislators’ Association in each state. Between 1931 and 1937, the Association was officially endorsed by the legislatures of all forty-eight states. Previous to and during that time it had established and carried on services designed to assist each legislature in performing its work more effectively. One of its primary purposes was to maintain a clearing house of information for the various state legislative reference bureaus and to procure for such bureaus and for legislators themselves.
whatever information and advice they desired in connection with their problems.

While it was performing a valuable reference service by directing inquiries to the best and least biased sources of information, it was also conducting a research into those of the states' legislative processes which contributed most to efficient organization and procedure. In the meantime, the Association had organized legislative pre-session conferences in a number of states. This proved a popular and effective method of meeting the situation which exists at the opening of the session, when, without previous preparation, legislators are confronted by a staggering legislative program. At such meetings an attempt is made to outline the major problems to be considered, and to suggest possible solutions.

The American Legislators' Association was the forerunner and the germ of the idea for the Council of State Governments. From the American Legislators' Association, the services it was performing, and from its objectives of increased cooperation among legislators for their mutual good, grew the idea of a common clearing house for chief administrative officers, as well. The legislators appreciated the advantages of administrative assistance in smoothing out conflicting laws and regulations, while the officials recognized the benefits of a central legislative contact. At their own request, arrangements have been made within the past three years for setting up, in conjunction with the legislators, secretariats for the National Associations of Attorney-Generals and Secretaries of State, and for the Governors' Conference. In 1933, the Council of State Governments was organized. Each state, in joining the Council, establishes a commission on interstate cooperation composed of five members from the senate, five from the house, and five officials appointed by the governor. The members from the house and senate are usually referred to in the act as the standing committee of the American Legislators' Association and, in fact, correspond to the former house and senate councils of the American Legislators' Association.

Today the American Legislators' Association functions as a Section of the Council. It continues to maintain a clearing house for state legislative reference bureaus, to maintain an inquiry service for legislators, and to conduct studies on legislative organization, techniques and personnel. It encourages the establishment of reference bureaus in those states which do not have them and the improvement and expansion of those which do exist. The Council publishes the monthly magazine State Government, which is successor to the original American Legislator, publication of the American Legislators' Association.

The Legislators' Section is interested in the increasing number of legislative councils and the growing importance of their work. Wherever possible it assists them in compiling material and serves as a clearing house for their studies. It views them as an additional development in the strengthening of the legislative process. It endeavors to keep abreast of other developments on the legislative scene. It follows the operation of the unicameral legislature in Nebraska and the movement for one house legislatures in other states.

Included in the future program of this Section are: a study of the organization and functions of legislative standing committees; a similar study of special and interim committees; analysis of existing legislative manuals and the preparation of a proposed standard type of legislative manual; formulation of standards for the procurement, training, and function of legislative staffs; and consideration of a Code of Ethics for legislators.
AMONG the forerunners of the many associations of state officials, which now include most public officers, stands the Governors’ Conference. Its birth can in part be credited to President Theodore Roosevelt, in part to a realization by the governors themselves of the advantages of such a Conference.

In 1908 President Theodore Roosevelt, ever interested in the conservation of our natural resources, issued an invitation to the then forty-six governors to confer with him in Washington to discuss plans for coordinated action on this problem. The meeting was well attended, and successful to the extent that many a governor returned to his state definitely committed to the creation of a department of conservation.

It accomplished more than this, however, for it inspired the governors to appoint a continuing committee for the arrangement of future meetings. In 1916 they gathered again in Washington, on this occasion at their own initiative, and laid the foundation of what today is the Governors’ Conference. The original concept as envisaged by President Roosevelt was broadened, for in addition to a reconsideration of the conservation of natural resources, the objectives of the Conference were extended to uniform state laws.

Addressing that meeting, President Taft remarked: “You are here for the purpose of considering those subjects or laws in respect to which the legislation of the states ought to be uniform and to take that course of making up for what some people point out as defects in the federal Constitution. I regard this movement as of the utmost importance.” Such has been not only the purpose but the practice of the Governor’s Conference from that time to the present.

As now constituted, the Governors’ Conference includes the governors of the several states and territories of the United States and provides an organizational framework designed to facilitate interchange of ideas and information between them to afford continuity to the organization. Its purpose, as stated in the Articles of Organization, is to “exchange views and experiences on subjects of general importance to the people of the several states, the promotion of greater uniformity in state legislation, and the attainment of greater efficiency in state administration.”

The functioning unit of the Conference is an Executive Committee of five members elected at the conclusion of the annual meeting. The Chairman of this
committee serves likewise as Chairman of the Conference. In addition, there is elected a Secretary-Treasurer who performs the various business of the Conference and keeps in close touch with the Executive Committee. The Chairman is elected by the Executive Committee; the Secretary-Treasurer by the Conference as a whole.

The meetings of the Conference are significantly informal in their procedure. Papers on a variety of subjects are prepared and read by the governors, but the body of the discussion consists of extemporaneous remarks on emerging state governmental problems. Solutions applied in certain states are explained and appraised. Such was the case with the Court of Industrial Relations when it was first established in Kansas in the early twenties, and more recently with the complex question of interstate trade barriers when they first began to assume ominous proportions and to create disturbing economic repercussions. To provide discussion forums in which the most important single state officials may examine problems of interstate and federal-state nature is the intent of the meetings. No resolutions are passed, for it has been felt that to bind members of the Conference to majority expressions of opinion would restrict rather than stimulate the free interchange of points of view. However, a slight departure from this rule was made at the latest conference: so unanimous were the governors in their denunciation of interstate trade barriers that they authorized the Chairman, Governor Robert L. Cochran, to express their sentiments to the press. Governor Graves declared that in his many years of association with the Conference, he had never found such complete agreement on any subject among the governors in attendance.

Recently the Governors' Conference has entered into an arrangement with the Council of State Governments which brings the two organizations into close association. It provides that the Executive Director of the Council shall serve as Secretary-Treasurer of the Conference and perform the various duties related thereto through the Council's facilities. Previous to this, the office of Secretary had been held by former Governor Cary A. Hardee of Florida, who, however, resigned in 1938. He had filled this position for nearly fifteen years. Stanley C. Wilson, once Governor of Vermont, who had served as Treasurer for a number of years, retired at the same time.

The relationship between the two organizations originated in an invitation extended by the Conference to the President of the American Legislators' Association in 1926 to attend the annual meeting as a guest of the Conference. A few years later the Conference made use of the Council's research facilities in the preparation of a series of studies for the governors, and in 1936 requested the Executive Director of the Council to attend the annual meeting. Since then the Council has maintained a Governors' Section for closer cooperation with the chief executives. It is by virtue of this relationship that the Council arranged the details of the meeting in Oklahoma last year, and that it is making the necessary preparations for this year's session to be held in New York State the latter part of June.

In addition to research bulletins, the Council devotes a page or more of its monthly magazine, State Government, to the activities of the governors, and makes available to them its inquiry service. The members of the Executive Committee of the Conference are members of the Council's Board of Managers. The central office of the Council serves as headquarters for the Conference.

Among the objectives of the Conference is that of cooperating and keeping in touch "with organizations and other agencies designed to promote uniformity in legislation." Since this is also one of the cardinal points of the Council's program, the overlapping of personnel will increase the possibility of success in this endeavor.

The Governors' Conference is a medium for the careful examination of specific governmental issues by the chief executives. Its objectives, successfully implemented, have and can continue to eradicate many of the intangible yet positive barriers to effective interstate and federal-state cooperation.
Chapter 11

THE NATIONAL ASSOCIATION OF ATTORNEY-GENERALS

The National Association of Attorney-Generals, which has been in existence for thirty years, was organized for the purpose of bringing the attorney-generals of the various states, their deputies, and assistants into an association through which they could become personally acquainted with each other, and in which they could cooperate for the better functioning of their several offices.

The annual meeting of the National Association is held in conjunction with that of the American Bar Association. Well prepared papers on timely subjects are presented at these meetings and are later published for dissemination to various law enforcing bodies and public libraries.

Officers for the current year are: President, Hon. Gaston L. Porterie, former Attorney-General of Louisiana; Vice-President, Hon. John P. Hartigan, former Attorney-General of Rhode Island; Secretary-Treasurer, Hon. Joseph E. Messerschmidt, Assistant Attorney-General of Wisconsin. The members of the Executive Committee are (in addition to the officers): Hon. George Couper Gibbs of Florida, Hon. Lawrence C. Jones of Vermont, Hon. Greek L. Rice of Mississippi.

Active membership includes the attorney-generals of the states and territories of the United States, the Attorney-General of the United States, together with not more than one deputy or assistant in each state or territory. Additional deputies and assistants may be enrolled as associate members. Dues are $10 annually for active members and $1 for associate members. There is also a provision that for a single payment of $15 the attorney-general and all his assistants may become associated.

The increasing complexity of federal-state and interstate relations has emphasized the importance of close association among the attorney-generals. Because of this factor, a movement was started in 1935 to establish a research bureau through which opinions and information might be integrated to form a basis for closer cooperation among the chief law officers of the several states. Mr. Ernest L. Averill, Deputy Attorney-General of the State of Connecticut, and Hon. Lawrence C. Jones, Attorney-General of Vermont, took a special interest in this movement and hastened the plan to its final fruition. The Council of State Governments, realizing the importance of such a project, lent its aid by providing the facilities for a central secretariat to perform this service. In 1936 a
written agreement was effected, and the Attorney-Generals' Section of the Council of State Governments became an actuality.

As an initial activity, the Attorney-Generals' Section began, in 1937, the publication of a weekly Digest of Opinions of state attorney generals. It was apparent that only selected opinions should be digested and distributed, since a large number dealt with matters of purely local concern and hence had no general application. As interest in the Digest grew, and as suggestions were received, it was enlarged to include résumés of current decisions of state and federal courts; notices of pending litigation; and references to law review articles.

Today the Digest serves in part as a news periodical, but it is designed primarily as a reference work, a technical tool for use in the attorney-general's library in the same manner as any other law book. It is set up in the usual legal style, familiar to the practicing lawyer. It avoids editorial comment and seeks only to direct the attention of the attorney-generals to opinions, cases, legal articles, and books and other publications which have a direct bearing on problems which will confront them. A cumulative index is issued every two months, which renders the material readily available for research purposes. The Digest service includes supplying attorney-generals with complete texts of any opinions condensed therein. The service that the Digest is rendering and will continue to render can readily be appreciated when one considers the continually growing complexity of intergovernmental relations and the enormously increasing number of state laws having essentially similar provisions, as, for example, the social security laws and the enactment of new types of tax legislation.

For purposes of uniformity, it is highly desirable for the attorney-general, when called upon for an interpretation of these laws, to have the benefit of the considerations which his colleagues in other states have given to the same conditions.

In addition to publishing the weekly Digest, the section, at the request of any attorney-general, performs the service of circularizing questionnaires for the purpose of securing representative opinions on any specific subject.

**Summary of the Section's Activities**

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Among the oldest of the organizations of public officials, the National Association of Secretaries of State was organized at a meeting held in the Tennessee Building at the World’s Exposition at St. Louis, Missouri, September 28, 1904. The movement, inaugurated by the Honorable John W. Morton, Secretary of State of Tennessee, met an immediate response from the secretaries of thirty-seven states.

For the present year the officers are: Acting President, Hon. John B. Wilson, of Georgia; Treasurer, Hon. Charles D. Arnett, of Kentucky; Corresponding Secretary, Hon. E. E. Monson, of Utah; Recording Secretary, Hon. Thad Eure, of North Carolina. The members of the Executive Committee, in addition to the officers, are: Hon. Dwight H. Brown, of Missouri; Hon. Frederic W. Cook, of Massachusetts; Hon. Robert H. Gray, of Florida; Hon. Mike Holm, of Minnesota; Hon. Edward J. Hughes, of Illinois, and Hon. Enoch D. Fuller, of New Hampshire.

The increasing complexity of problems in government and the growing part which the National Association might play in their solution, have prompted the holding of annual conferences in recent years. During the biennium 1937-1939, the Twentieth Conference was held on September 22-27, 1937, in San Antonio, Texas. At this meeting two new permanent standing committees were added by the Association to its already existing Standing Committee on State Publications: A Standing Committee on Uniform Trade-Mark and Trade Name Registration, headed by Hon. Doris L. Byrne, Deputy Executive Secretary of the State of New York, and a Standing Committee on Uniform Election Procedure, of which Hon. Frederic W. Cook, Secretary of the Commonwealth of Massachusetts, was appointed Chairman.

Pursuing its long-term program in the field of improvement of state publications, the National Association studied in detail samples of state manuals and discussed at length many constructive suggestions from Secretary Brown, the retiring chairman of the committee, whose long-term experience as editor and publisher proved of particular and practical benefit to the secretaries, who must act as chief publishers for most of the state governments. Two new temporary committees were appointed by President Brown in accordance with resolutions adopted by the San Antonio meeting to investigate and report upon: (1) the best method of secur-
ing appropriations for official manuals, and (2) appropriations to departments of state in order to assure the attendance of secretaries of state at the annual meetings from all of the forty-eight member states.

TWENTY-FIRST CONFERENCE

At the midyear Executive Committee meeting of the National Association of Secretaries of State, held at the offices of the Council of State Governments in Chicago on February 21, 1938, it was decided to hold the Twenty-first Conference of the National Association in Louisville, June 21-24, 1938. Steady progress by the Association’s three permanent standing committees was reported at this meeting. Now in its third year, the Standing Committee on State Publications has proved its effectiveness. Working through the Association’s secretariat, it has given detailed assistance to the editors of manuals in the several states. It has made careful progress in the formulation of permanent uniform standards to be recommended to each of the secretaries of state by the National Association in order that the best methods of publishing comparative information from state to state may be discovered.

The Standing Committee on Uniform Election Procedure reported extensive study in its field and urged as a starting point for the correction of abuses in election administration that the state legislatures of those states which still print party emblems on their ballots abolish them at their first opportunity. The Committee announced at this meeting a determination to seek further uniform standards in two fields: administrative control of (1) the state election system; and (2) the mechanics by which elections are conducted.

At this meeting the Standing Committee on Uniform Trade-Mark and Trade Name Registration requested authority to hold hearings which would enable industries to present their points of view. The Committee reported a sharp division in opinion as to whether or not the secretaries should seek uniform mandatory legislation or uniform permissive legislation in this field. The Association voted to continue the Committee and enlarge it in order to meet the heavy demands put upon it. Following the Louisville Conference the Committee held its first hearing in the state capitol at Albany, New York, and contemplates a full report of the Twenty-second Conference, in 1939.

At the Twenty-first Conference the question of the federal licensing of corporations was a matter of particular interest to members. A review of efforts in this direction under the Borah-O’Mahoney bill was made, and the Association directed its officers to continue close observation of the progress of federal action in this direction during the coming year. It authorized its President to represent the Association at any time he deemed necessary in conferences with representatives of the executive department of the federal government or with the United States Congress.

During the biennium the National Association has at both conferences approved the continuance of its secretariat at the Council of State Governments and has appropriated to the Council as an expression of appreciation for service rendered to the National Association.

TWENTY-SECOND CONFERENCE

The 1938-1939 midyear meeting of the Executive Committee was held in conjunction with the Fourth General Assembly of the Council of State Governments, in Washington. At this meeting the Executive Committee reluctantly accepted President Satti’s resignation in view of his retirement from public office and requested Vice-President John B. Wilson of Georgia to serve the remainder of President Satti’s term as Acting President. The Committee accepted the invitation of Secretary of State Enoch Fuller to hold the Twenty-second Conference of the National Association in New Hampshire in August, 1939.

At this meeting the Executive Committee took a strong stand against any federal legislation which might take away from the states any of their present powers in chartering and regulating the formation of corporations. The Executive Committee decided that the subject should receive further consideration at the Twenty-second Conference, this year.