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# HORIZONS OF THE COUNCIL

By HENRY W. TOLL, Honorary President

The founder and first director of the Council of State Governments expresses in an open letter his predictions of the place which the organization will eventually occupy in the structure of American government.

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## 1. INTEGRATION OF ORGANIZED INTERSTATE COOPERATION BETWEEN ALL TYPES OF OFFICE-HOLDERS RESPONSIBLE FOR THE FORTY-EIGHT STATE GOVERNMENTS.

THE FACT is now becoming clear to hundreds of students of government and to hundreds of legislators and state officials that a vast number of efforts in the direction of interstate cooperation which are being carried forward in a desultory way are interrelated parts of a single project: Interstate cooperation. For instance, there are over a hundred nationwide organizations of state officials. Of scores of varieties of state officials concerned with governmental agencies ranging up and down from libraries to embalmers' licensing boards, each has its entirely separate association. We have been successful in virtually integrating, in a single Council of State Governments, the organized activities of four groups of "overhead state officials." By the "overhead officials" of a state, I mean office-holders who exercise authority over matters affecting the state government as a whole. In this case, I refer to the legislators who make the laws and control most of the finances of the state; the governors, who serve as chief executives for the entire government; the attorney-generals who interpret the laws, and counsel the governors; and the secretaries of state. None of these officials are confined to a single function of government, such as welfare, highways, or education. It is obvious that for purposes of interstate cooperation, all of these groups

should be—as they now are—served by a single secretariat. This secretariat will provide them with a common research agency and informational clearing house, and will implement their cooperative endeavors with adequate accounting and secretarial services. As time goes on, it will become increasingly clear that all of the nationwide organizations of state officials should be drawn closely together, that their secretariats should be concentrated, and that the greatest possible integration of these organizations should be secured. And this statement is not confined to "overhead state officials." Each group will, for some time, cling to its tradition of a separate organization with a distinctive name, but in the course of time, it may be anticipated that a great many of them will fuse into a single organization. By this metamorphosis, each group will gain great additional strength and prestige, because various groups of officials will discover that it is better for them to operate as a section of one great, well organized, well known organization, which does not have to give its credentials, than as a random, struggling, relatively ineffective separate organization.

## 2. FINANCING OF THE INTEGRATED GROUPS

In connection with the matter discussed in the preceding paragraph, the public financing of groups of state officials engaged in interstate cooperation presents an important field for future development. Scores of such groups are being

supported from public funds—sometimes by appropriations, sometimes by membership fees paid by officials as part of their departmental expenses, sometimes by bureau contributions, and sometimes by other arrangements. This situation is not satisfactory for several reasons: (1) On account of this desultory method of dispensing public funds for these organizations, the legislatures do not know how much they are spending for the entire task of interstate cooperation; (2) the contributions to the different groups are not in proper ratio to each other; and, (3) the effort expended by each group in raising its funds is out of proportion to the amounts involved. Simply by way of example, the secretaries of state attempt to raise for their organization \$5 from each state annually; the governors attempt to raise \$100 from each state; and the Legislators' Association formerly attempted to raise modest but varying amounts on a quota basis. The labor necessary to secure a small amount of money from each state annually is more than the money is worth, especially if it involves a legislative appropriation. To the extent that such organizations are integrated, it will be possible for each legislature to make a single appropriation to the Council for the joint support of these diverse groups; and the funds thus received can be equitably apportioned by the Council. This arrangement will have the same sort of benefits that a Community Chest has for its participating organizations. Of course some organizations, such as that of the state highway officials, are so highly developed and so well financed that such a plan of financing will not benefit them until the Council is much more developed than it is now.

### 3. PUBLICATIONS

*Bulletins.* The possible developments in connection with the publication of bulletins for special groups can be left to the imagination, with a mere reference to the fact that the attorney-generals of the various states are now furnishing the Council with the texts of their opinions, which number hundreds every month; and the Council is sending to

each attorney-general a weekly digest of those opinions which have the greatest general interest. Pages could be written on the subject of bulletins, beginning with a description of the bulletins already being published by the Council's respective sections for the governors, for the secretaries of state, and for other groups. One such publication is the weekly bulletin reporting new books, pamphlets and articles, which I instituted eight years ago in behalf of the American Legislators' Association for the special benefit of the Legislative Reference Bureaus of the various states. This bulletin has been expanded into a comprehensive digest of new material concerning government; many hundreds of copies of it go to dozens of different groups of public officials every week.

*Magazine.* The Council's magazine, *State Government*, should some day become a large, thoroughly departmentalized publication. It is doubtless destined to become a national technical journal of large circulation, recognized as the best source of current information concerning state government as a whole. Such a magazine will be a medium for a great deal of advertising material, subject to certain restrictions regarding subject matter and presentation; such advertisement will not only finance the publication, but will render it a source of substantial income. *The American City* somewhat demonstrates what can be done in this direction.

*The Book of the States.* This compendium should eventually contain not only rosters of state officials, a digest of all current activities in the fields of interstate and interlevel cooperation, comparative tables and analyses concerning the laws and the form of organization of the forty-eight states, and a department devoted to each state. All of these features, in modest form, it already has. But, as the consolidated handbook of the forty-eight state governments, it should have many additional compilations, and more illustrations. Such compilations of material may eventually make it necessary to publish each annual edition in several volumes, together with supplementary volumes containing special

studies. One such supplementary volume should contain a collection of organization charts for each of the forty-eight states. This publication, to which further reference is made in Section 7, is probably destined to become one of the most important and authoritative reference books in American government.

#### 4. CONSULTANT SERVICES

Simply by way of example: The Council should eventually have an experienced and recognized legal authority, qualified to be consulted by the attorney-generals of the various states concerning suitable, important questions. The Council should have numerous consultants of this sort, who are leading authorities concerning their respective fields. And as for the possibilities of extension of the present inquiry services of the Council, they can best be left to the imagination—if it is a lively one!

#### 5. CLEARING HOUSE SERVICES

Because it has seemed premature to do so, I have never previously given public expression to my views concerning almost limitless possibilities of the Council as a clearing house between the state governments in connection with administrative matters. Suppose, for instance, a matter so trivial as this: If each state desired to have a complete list of the forty-eight secretaries of state, and if there were no clearance, then each state would have to make its own compilation—by sending out a note of inquiry to each of the forty-seven other states. This would involve the sending of 2,256 inquiries (48 times 47), and the sending of 2,256 answers—or, 4,512 processes. If this amount of effort is required in a trivial matter, imagine the amount of work necessary in maintaining clearance concerning continuing, complicated matters. A book could—and should—be written on this subject. But to pass it over with a single illustration: Each state is licensing thousands of corporations—and will have to continue to do so, even if the federal government undertakes to license that portion of the corporations which is engaged in any activities which can possibly be considered interstate commerce. Conceivably

—merely as a hypothetical example—the Council should eventually maintain a consolidated index of all of the corporations chartered in all of the states. Its possible usefulness is obvious. And conceivably the Council might later serve as a joint registration office, to assist any corporation which desired to be registered in ten or twenty different states, to secure all of those charters by filing a single application with the Council, listing the states in which it proposed to operate. Scores of other examples immediately come to mind. Administrative clearance would be useful in connection with the regulation of motor vehicles and their drivers, the regulation of corporate securities, the registration of trade-marks, conservation, public utilities, education, highways, health, and military affairs. And when clearance is established in connection with the services available from state institutions of all varieties, it may well prove to be the first step toward the interchange of the actual services rendered by the institutions—if not the joint conduct of an occasional institution by two or more states. In other words, as soon as the Council begins actually to provide such clearing house services in connection with any administrative function, the fact will become apparent that the states may benefit by calling upon the Council to assist them in rendering certain types of joint administrative services. The clearing house services which the Council already provides for legislative reference bureaus give only a faint idea of how much more it may ultimately accomplish in the legislative field, and of how many other fields it may ultimately serve.

#### 6. THE GENERAL ASSEMBLY

The Council's General Assembly meets once every two years, primarily to review the work and conclusions of the Council's various nationwide commissions, such as its Commission on Conflicting Taxation. Many significant possibilities might be outlined in connection with this Assembly—but I shall mention only one which has never before been publicly suggested. Concerning numerous subjects, uniformity of state laws is desirable and

is increasingly necessary. As to each subject, this requires the drafting and promotion of a code, and its enactment as a statute in each of the forty-eight states. This is a tremendous task. But the most discouraging feature of the problem is this: No sooner is a code thus adopted in all forty-eight states; after endless effort, than changing conditions make an amendment necessary—whereupon the struggle must be begun all over again, to induce the forty-eight legislatures each to enact an identical amending statute. And as soon as one state has adopted the amendment, uniformity is destroyed until each of the forty-seven others has followed suit. This General Assembly of the Council is an official governmental agency, composed of a senator, a representative, and an administrative official duly designated by the government of each state to represent it. The possibility is this: Eventually the General Assembly may adopt legislative codes in connection with various problems. It will then be possible for each legislature to adopt a one-sentence statute, which, needless to say, will continue in force so long—and only so long—as the legislature leaves it on the books. Such a statute might, for instance, read thus: "All motor vehicles in this state shall at all times be equipped with such safety devices as are prescribed in the then current Motor Vehicle Code of the Council of State Governments; and this law shall become effective twelve months after its enactment." Then, as new safety devices are invented, or as other conditions change, the Council's General Assembly can adopt amendments to its code, to become effective at a reasonable date. Thus we can obviate the necessity for successive amendments in each of the forty-eight states, and render such amendments as are made simultaneously effective in all "uniform states." Technical legal questions present themselves in this connection; but if they present genuine obstacles, such obstacles are surmountable. The difference between this arrangement and a federal statute is this: The states which prefer not to conform cannot be compelled to do so by the central agency, but retain their own sovereign control.

#### 7. SPECIAL RESEARCH

In the course of time, the Council will undoubtedly undertake the preparation of numerous manuals concerning the machinery of state government. Some of these may appropriately be published as special volumes of *The Book of the States*, thus giving to that publication, more and more, the character of the most comprehensive compendium in existence of data concerning the state governments—especially as supplemented by the hundreds of briefer articles which are piling up in the bound volumes of *State Government*. The material for these manuals will be prepared in conjunction with universities and other research agencies. The imagination can run riot as to the urgently needed manuals which might be prepared in connection with the legislative machinery alone—concerning legislative personnel, committees, journals, reference services, councils, unicameral operations, and so on. In various unsigned articles which have appeared in *State Government* during the past eight years, I have detailed the need for various researches, especially in connection with the law-making machinery of the states. But the need extends to all aspects of state government, and it offers untold possibilities of service by the Council.

#### 8. DISTRICT SECRETARIATS

The Council must eventually have a secretariat in each district of the United States. We have tentatively adopted eleven districts for this purpose. I have analyzed the functions and the possibilities of these district secretariats in various addresses and magazine articles, and our New York district secretariat provides an excellent working model, with three years of experience behind it. Moreover, each district secretariat will eventually become the administrative center for a cluster of interstate commissions or special committees established to deal with special regional problems. The development of these regional commissions and district centers could be discussed at great length, but anyone who is interested in their possibilities is referred to the book entitled *Regional*

*Factors in National Planning and Development*, published in 1935 by the National Resources Committee.

#### 9. THE COMMISSIONS ON INTERSTATE COOPERATION

Up to the present time, forty-two states have, by legislative action, established commissions on interstate cooperation. These commissions are certainly destined to acquire vast significance. In the near future each of them will doubtless have, at the least, an office and a secretary. It would be easy and entertaining to write a book upon the possible development of these commissions, and upon their possible collaborations. But at least they will initiate and carry forward many of the activities described throughout this article.

#### 10. REGIONAL CONFERENCES

When several states have a mutual problem of importance, the obvious approach to its solution is by means of a conference—or a series of conferences—attended by legislative and administrative delegates from each of the states involved. We have organized scores of such conferences, which have varied widely as to the number and the qualifications of the delegates, as to techniques, and as to importance. They have demonstrated many possible uses of the device of the regional conference. They will inevitably increase tremendously in every part of the country, both in number and in importance.

#### 11. INTERSTATE COMMISSIONS FOR REGIONAL PURPOSES

Just as a group of individuals who desire to embark upon an extensive business enterprise organize a corporation, the practice will increase for groups of states to organize interstate commissions to deal with their important problems and programs. What the corporation is for individual citizens, the interstate commission is for state governments. A somewhat detailed discussion of this subject is to be found in the address which I delivered before the National Planning Conference in Detroit on June 3, 1937.<sup>1</sup>

<sup>1</sup> Published in *New Horizons in Planning*,

With a great deal of effort and with many discouragements, we have finally provided an adequate pattern for such commissions, through the development of the Interstate Commission on the Delaware River Basin.

#### 12. NATIONWIDE COMMISSIONS

By organizing nationwide interstate commissions to deal with the problems of conflicting taxation, crime, and social security, we have barely scratched the surface, and have given only a glimmering of the possibilities in this field. These three commissions have been demonstration projects, and they have paved the way for action along a broad front. As a by-product of their primary function of harmonizing the policies and activities of the states, such commissions will develop into the agencies which, through subcommittees, will inform the appropriate committees of Congress concerning repercussions which proposed federal statutes are likely to have, and concerning possible resultant injuries or injustices to the states. In other words, the states will certainly use these commissions as their means for dealing collectively with the federal government. The first nationwide commission of the states, our Interstate Commission on Conflicting Taxation, has, by years of effort, developed an excellent pattern; and it has set an example by officially representing the state governments and various governors in their dealings with Congress and with the Treasury Department, in connection with tax conflicts. It is important that every such commission which the Council sponsors and organizes should be so integrated with the Council's central organization as to insure continuity and singleness of purpose. It is also important that all such commissions maintain close contact with one another.

#### 13. INTERLEVEL COMMISSIONS

The possibilities of commissions to secure better coordination among federal, state and local governments stagger the imagination. We have made a partial demonstration of the potentialities of

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such commissions by organizing and experimenting with the Tax Revision Council. It will take less time for some federal officials to appreciate the need and the usefulness of agencies of this character, and without whole-hearted cooperation of the federal officials involved these councils cannot function very effectively. But such interlevel councils are needed to deal with specific problems in dozens of major fields, such as agriculture, commerce, and labor. It would be a very slow and laborious process, however, to organize every such interlevel council as an entirely separate enterprise. For this reason, at the Council's General Assembly in 1937, I requested authority to organize "The Interlevel Commission," and the Assembly voted such authority. This Commission is designed to survey the field of federal-state-local relations, and from time to time, as the occasions seem ripe, to arrange for the organization of "Interlevel Councils"—each somewhat similar to the Tax Revision Council, but dealing with some other specific field. The mechanics of this interlevel commission and of these interlevel councils are too complex for discussion here. But the plan has been demonstrated to be entirely feasible, and these interlevel agencies are likely to play an important governmental role in years to come.

#### 14. MAGNITUDE OF THE COUNCIL

The task of developing proper coordination among the units of government in the United States is recognized by all students of government as a major concern of our nation. Many of them would agree that it is *the* major governmental concern of our nation. It will require the services of a tremendous number of people, and it will be an expensive undertaking. I hazard no guess concerning the ultimate extent and cost of this organ-

ization. I maintain this discreet silence mainly because I doubt whether anyone would agree with me as to the ultimate extent of the Council—or of its plant, its agencies, its staff, and its budget.

#### 15. THE COUNCIL'S OBJECTIVES AND IDEALS

The usefulness of the Council will largely depend upon its ability to maintain its idealism and its spirit of patriotic service. In fact, as the magnitude of the Council increases, the intensity of the organization's idealism should increase in direct proportion to the extent of its opportunities and responsibilities. In 1933, when writing the original Articles of Organization of the Council, I attempted to formulate in the Preamble an expression of the spirit in which the project had been conceived. I believe that this Preamble is to be found in printed form nowhere except imbedded in an article in *The Book of the States* for 1935, where it appears in a three-column section at page 93, under the subhead "New Needs in Government." And in 1937, for presentation at the General Assembly of that year, I attempted, with the assistance of the Council's Editorial Associate, to restate the Council's ideals, in a document known as the Declaration of Interdependence. It is to be found at page 3 of *The Book of the States* for 1937—or at pages 34 and 44 of *State Government* for March, 1937. May I incorporate those two statements into this article, by reference? The final sentence of the Declaration of Interdependence is an appropriate conclusion for this letter to "The Comrades in the Council."

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