

REORGANIZATION
OF
OREGON STATE GOVERNMENT
to form a
CABINET GOVERNMENT

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Unpopular Government

A. M. Kales,

Readings on American State Government

P. S. Reinseh,

Readings in American Government and Politics,

C. A. Beard,

Proposed Constitutional Amendments and Measures to be submitted to the Electors of the State of Oregon at the General Election, November 3, 1912, and November 3, 1914.

Efficiency and economy in State Government

American Political Science Review - Vol. 8, P. 63-4.

Responsible State Government I

Independent - Vol. 79-p.14.

Making Government Efficient.

Forum - Vol. 51, p.354-64.

State Political Reorganization

**Proceedings of the American Political Science Association - Vol. 8,
Herbert Croly.**

Speech of Gov. Hodges of Kansas, before the House of Governors at Colorado Springs.

Ideal Second Chamber.

Review of Reviews, Vol. 49, p. 477.

Novel Law Making in California.

**Independent - Vol. 74 - p.1088.
J. A. B. Scherer.**

Raising Standards of Legislation.

Review of Reviews, Vol. 49, pp. 587.90.

Scientific Law Making.

**Independent - Vol. 75, p. 641.
J. B. Kaiser.**

People's Power League of Oregon.

Draft of Suggested amendment to the Constitution of Oregon.

REORGANIZATION OF OREGON STATE GOVERNMENT
TO FORM A CABINET GOVERNMENT.

1. Introduction:

A. Basis on which present form of state government established.

1. Formed to gain a government "of the people, by the people, for the people."

2. Method used to gain this was by the division of power.

This done by two methods

a. Creation of many distinct offices.

1. Three widely separated departments of government, each acting as a check or balance on the other two.

2. Division of power within each department.

b. Office-holders elected by popular vote.

II. Development of the State Government:

A. Separation of power has resulted in

1. The Long ballot

2. Irritation and bickering between departments.

3. Too great limitation of governor's power.

a. Executive power divided among several independently elected officers over whom he has little control.

1. No provision for official confidential deliberation among the Governor and other executive officers.

b. Comparison of State Federal executive power.

1. President of U. S. may require the opinion of the heads of departments relating to the legality or policy of measures and these consultations are regarded by law as confidential.

2. U. S. Constitution creates no officers in whom a portion of executive power of Government shall be vested.

c. Comparison of power of governor with the power of the president of a corporation.

4. Creation of boards and commissions.

5. Inefficient and cumbersome legislation

III. Oregon State Government.

A. Reorganization of the Oregon State Government.

1. Legislative department.

- a. Single Chamber legislation.
- b. Number of members in legislature to depend upon the number of wields districts or "quotas" in the state. Each district to have a representative.
- c. Divided session of the legislature with recess between.
- d. Legislative Reference Library should be created.
- e. Legislature should have right to question Governor and Heads of departments at stated times on floor of House.

B. Executive Department.

1. Governor should have the power of appointing and removing all other state officers who are heads of executive departments.
2. These executive officers should form his cabinet.
3. All boards and commissions should be abolished and the Governor with the advice and consent of his cabinet should create such boards and commissions as are deemed necessary.
4. Governor should introduce all appropriation bills. The Legislature should have the power to decrease but not to increase the amounts.
5. Governor should have the right to introduce bills and, either in person or thru the heads of his departments to support these bills on the floor of the House.

REORGANIZATION OF OREGON STATE GOVERNMENT
TO FORM A CABINET GOVERNMENT.

Our forefathers tried by two methods to gain a "government of the people, by the people, for the people"--first they split up the power of government ¹ into many distinct offices so that the power of each office holder was limited; then they elected these office holders by public election. The power of Government was divided into three parts -- the legislative, executive and judicial departments. Each had its own duties, which could not be assumed by the others, and each was to act as a check or balance on the other two. Then for fear that too much power might be left in the hands of one office holder, each department was divided. The executive power was divided into the governor, attorney general, secretary of state, etc. Each of these officers was made independent in his own field. The legislative department was divided into two bodies, and the courts were divided -- there was created justices of the peace, municipal courts, probate courts, criminal courts, circuit courts, etc.

The splitting up of power among many office holders, each elected by popular election, has brought about the much talked of long ballot. With the development of the country the decentralization of government power has increased and the burden upon the electorate has become each year more heavy. The task of obtaining sufficient information about candidates long ago passed beyond what even the very intelligent citizen could fulfil and still maintain his place in competitive industry.

1. Kales Unpopular Government. Chapter 1.

Take for example¹ of the burden imposed upon the people, the ballot submitted to the voters in Oregon, November 3, 1914. There were one hundred and forty candidates for different offices and the qualifications of each was supposed to have been thoroughly examined by every voter. Beside this list of candidates there were twenty-nine Initiative and Referendum Measures. In Portland,² only seven days before this, October 27, 1914, there had been a special election to consider the recall of the Mayor and two Commissioners. Then, besides, they were to decide between eight candidates, the successors if the Recall passed -- and there was on Referendum Measure.

Cities have been ahead³ of the states in their attempts to free themselves from the ineffective government produced by the long ballot. Portland, several years ago, adopted the Commission form of Government in this attempt. If a city, however, is located in a state where a great many officers must be elected the value of the commission government is to a great extent lost because the long ballot of the state causes the densest political ignorance on the part of the voter. Thus the state, with its clumsiness, not only does not accomplish what it should, but hurts the city in its attempts to free itself from government that is ineffective.

The division of power into the three departments, each acting as a check or balance on the others, has resulted in irritation and constant bickering between the departments, especially

1. Oregon State Election Ballot, November 3, 1914.
2. Portland Special Election, Ballot, October 27, 1914.
3. Kales Unpopular Government, pp. 143-4.

between the legislative and executive. One of the main causes of this is that the governor is elected upon a platform of pledges for legislation. After his election he tries to redeem these pledges by promoting the introduction of bills and pushing them thru the legislature. The legislature does not appreciate any attempt on the part of the executive to influence legislation.

The division of the executive¹ power limits too greatly the scope of the governor's executive power. It is generally believed that the governor has more power than is really relegated to him and he is very much hampered in his duty to see that the laws are faithfully executed. The division of the executive power among several independently elected executive officers, each independent in the discharge of his statutory or constitutional duties, has taken power from the chief executive. There is no provision for official confidential intercourse between the Governor and any office of the executive department. He may only call upon them for information relative to matters connected with their offices.

In comparing the Governor of the State with the President of the United States, this vast difference of power is most striking. The President may require the opinion of the heads of departments, their views, counsel and advice relative to the legality or policy of measures and these consultations are always private and confidential, and is so regarded by the law. In other ways, too, the President of the United States has much more power than the State Governor. The United States Constitution creates no officers in whom a portion of the executive powers of the Government shall be vested. Those officers whom the President may remove

1. Beard's Readings in American Government and Politics, pp 432-441.

are created by law, as aids and helps to him in the performance of his duties. These officers, too, are appointed by him with the concurrence of the Senate.

On the other hand,¹ the president of a corporation would never be kept from the room of his board of directors. It is admitted in private business that the best man to lead in the work of framing regulations is the man who is to be responsible for carrying them out. Yet, the Governor of our state is prevented from addressing his arguments directly to the Legislature and it is more often than not, that a bill, recommended by the Governor, pledged to the people as part of his platform and evidently desired by the people, is held up in a committee of the Legislature without the possibility of getting it out on the floor for discussion.

Ever since the rapid progress² of mechanical invention has produced large business with its many problems into the zone of governmental activity there have been complaints of inefficiency and corruption brought against the governments of the states. Our executives have seemed impotent and helpless in protecting individual rights, and our legislatures instead of being "the refuge of liberties" as our forefathers described them, have more often been charged with being the subservient tools of private interests. But much of the criticism has not been careful, nor analytical, and in spite of the fact that a large part of the evil seems directly traceable to machinery which is already too complicated to be easily operated by the voting public, many of the suggested remedies have been in the direction of greater complication and would necessarily

1. H. S. Stimson - Responsible State Government
Independent, Vol. 79, p.14
2. H. S. Stimson - Responsible State Government,
Independent - Vol. 79.14

tend to make the situation worse.

There are several reasons² why, with our present inefficient government, it has been found advisable to create boards and commissions. The legislator, pressed and cramped with work, has felt that he must have more light on his work before he could make laws. Referring these matters to committees did not prove satisfactory because of the lack of expert knowledge in the legislature and the shortness of the session prevented them from acquiring this knowledge.

Boards that are "executive" have been created not as advisory, however, but to accomplish something. Public opinion has had a strong influence in the creation of boards, such as Board of Inspection of Child Labor and the State Board of Health.

In professions too has come the realization that they must have protection against the practice of unskilled people who hurt the name of the profession. The State Board of Dental Examiners, the State Board of Pharmacy, are examples.

In the cases of the "executive" boards and commissions, the governor, usually with the consent of the Senate, has appointive power, but except in the case of a few local officers he has not the power of removal.

The growth² of the number of commissions and boards has been phenomenal in spite of the fact that they are contrary to American Institutions. In 1894 the tendency to increase the number of commissions was deprecated by Mr. Dean in the New York Constitutional Convention. The commissions "are not representative in membership, because they are made by appointment they are not

1. Reinch Readings in American State Government, pp. 222-233.
2. Beards Readings in American Government, pp. 453-456.

judicial in their functions, because they have no power to enforce their decrees or rulings, and they are not executive in character because they have been selected upon the theory that they were in some manner to represent something; and have been denied the power to enforce anything. They are not responsible to constituencies, as representative bodies, have no character in their quasi-judicial functions and as executive officers there is too much of a division of responsibility to be effective, even were they given authority under the laws creating them. They are creatures of legislative cowardice and incompetency. Every time a popular clamor arises some member of the legislature lacking the courage or the capacity to deal with the subject proposes the formation of a commission to take charge of the matter, and the action having a long line of precedents, and following the line of least resistance, a commission is raised. To this body is delegated just enough powers and duties to keep it in existence without accomplishing any solution of the question and drawing their pay from the railroad corporations or being paraded before the world in many cases as serving without salaries, a drain upon the resources of the state is effected which few people know anything about."

"The division of the legislative functions into two separate bodies has caused a cumbersome, expensive and to a great extent, ineffectual government. One of its greatest faults is that it increased unnecessarily the heavy load borne by the voter. The favorite reason¹ given for having a second chamber is that it may be a check on the hasty legislation of the first House. This is usually considered to be true -- but when the case is considered closer it

1. Speech of Gov. Hodges of Kansas.

becomes evident that if the second House is to be a check upon the excitement, passion and intrigues of one House, the second house must be entirely removed from the influences which have affected the first House. Again the fact that a bill has been considered wise does not mean that it has had two thorough considerations -- it gives each House a chance to shirk the responsibility of considering by taking it for granted that it has been considered thoroughly in the other House.

In our day¹ of big corporations it is also necessary to consider the opportunity that is offered to them to kill measures that affect them injuriously. To kill a bill it is necessary only that they should control one house so the special interest is given two chances. It also gives them the opportunity of concentrating their assaults on the members of whichever House there appears to be the best chance of success in blocking the proposed legislation.

The Houses offer a double opportunity for trading and log-rolling, for legislative delay, fraud, failure, extravagant appropriations, and general inefficiency, and at the same time, reduces by one-half all chances to fix responsibility.

It is also customary to advance bills which are advocated by party leaders, and in cases of this kind the second House is of little additional usefulness in furnishing consideration.

The two House system enables a legislator to fool his constituents. He works hard in getting a measure thru one House and then works just as hard to get his Senator to defeat it.

Another argument² that is generally used against the one House system is that the Senate has always stood between the tax-

1. Speech of Gov. Hodges of Kansas.

2. Proposed Constitutional Amendments and Measures, to be submitted to the electors of the State of Oregon at the General Election, November 3, 1914.

payer and the extravagance of the House. This is provided for by having the appropriation bills introduced by the Governor -- if our budget system is of any use at all it stands to reason that the governor should know the amount the state can afford and therefore would be a means of economizing and fair distribution. In a letter from Governor West to Hon. W. S. U'Ren he made the following statement: "the amount required for the expenses of the state government for 1911 and 1912 was in round numbers \$15,670.00. If this office had control of the appropriation bills I believe the 1913 and 1914 appropriations could easily be kept down to \$4,000,000, and without crippling in any manner our state institutions or denying them anything to which they are justly entitled in the way of maintenance or improvement.

In Oregon, as in many states, there is need of a thorough reorganization. We are more advanced in making the best of our present situation than some of the states, in that we have Referendum, Initiative and Recall and methods of enlightening the voters on the Initiative and Referendum measures on which they are to vote. Yet, what the state government needs is a thorough reorganization which will give us the most efficient government with the least burden on the electorate. We need a government that will make it possible for the voter to consider the candidates for which he is to vote.

The first step¹ in the reforming of the state government would be to eliminate the division of power which comes from having two legislative chambers, each equally representing the electorate. The legislative body as it comes from the electorate at large must

1. Kales Unpopular Government. pp. 166-192.

be lodged in a single legislative chamber.

In the second place¹ we must provide for the election of members to this single chamber from quotas or districts which are as wieldy as possible. One member should be elected from each "quota" or from each district. The requirement that districts or "quotas" which elect members be wieldy is so important that it must determine the minimum number of members in the single legislative chamber. If it be determined that a district or "quota" with 4000 male voters would be suitably wieldy, then each district would contain a population of about 25,000.

Then that there should² be proper consideration of all laws, that no laws should be hurriedly passed it would be necessary to adopt a plan like the one California has adopted and which is working most successfully. By this plan the session of the legislature is divided into two thirty-day periods with a recess between. In the first half bills are considered only and during the last half the bills that have already been considered are passed upon. The recess between gives plenty of opportunity for public discussion of the bills that are to be considered and the people are fully informed about what is going on in the legislature.

This split session too, would be even of greater benefit if adopted in connection with the small one House legislature for the people from each district would be watching to see the stand that their representative took upon all measures, and the papers would publish the roll call on important bills, thus making a representative,

1. Kales Unpopular Government, pp. 166-192.

2. Novel Law Making in California, J. A. B. Scherer,
Independent, Vol. 74-p.1088.

by his very conspicuousness, bound to carry out the wishes of those he represents.

A Reference Library¹ would also be a necessary step in enlightening the legislators on their work. It would be the duty of this library to collect, impartially, all the information possible on bills that were to be passed on by the Legislature.

Less division of responsibility in the executive department is also needed. Our governor should have the power of appointing and removing all the other state officers who are heads of the executive departments. These should form his cabinet and be to him as the United States President's cabinet is to him.

The many boards² and commissions now in existence should be abolished and the Governor, with the advice and consent of his cabinet should create such boards and commissions as are deemed necessary.

The Governor, too, should introduce all appropriation bills into the House and these bills, when introduced, should not be increased, only decreased in amounts, thus giving the Governor a chance to budget the expenses of the state and thus decrease the unnecessary expenses of the state.

The Governor should also have the right to introduce bills and either in person or thru the heads of his departments to support these bills on the floor of the House. And in return the Legislature should be given the right to question the governor and heads of the executive departments at stated times on the floor of the House in regard to public business.

1. Raising Standards of Legislation, Review of Reviews, Vol.47-261. First Aid for Legislators, C. F. Carter, R. of R., V.49
2. H. S. Stimson, Responsible State Government, Independent, 79, p.14.

These changes in the executive department would bring about a centralization and a greater responsibility in both the executive and legislative departments. There would also be a greater unity between the executive and legislative departments and would decrease the delays, results of the irritation and bickering caused by the wide separation of these powers. It would also increase the effectiveness of our government by the effect it would have of shortening the ballot. Both of these two departments of our government would be more efficient and would operate with less cost.