

INTERGOVERNMENTAL RELATIONSHIPS
AND NATIONAL EMERGENCIES

17 May 1957

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Publication No. L57-158

INDUSTRIAL COLLEGE OF THE ARMED FORCES

Washington, D. C.

Dr. Hugh L. Elsbree, Chairman, Department of Political Science, Wayne State University, was born in Preston Hollow, New York, on 24 February 1904. He is a graduate of Harvard (A. B. 1925, M. A. 1927, Ph. D. 1930) and was Sheldon Traveling Fellow, Paris and Geneva (1927-28). He has been an instructor in Government at Harvard University (1928-33); research specialist, Federal Power Commission (1934); assistant professor of political science, Dartmouth College (1933-37); professor of political science (1937-43) chairman, department of political science (1937-41); principal business economist, Office of Price Administration (1943-45); administrative analyst, Bureau of the Budget (1945); research counsel, Legislative Reference Service (1946); and senior specialist in American Government and public administration, Legislative Reference Service, Library of Congress (1949-57) when he was appointed to his present position. He has also been a lecturer and adjunct professor in American constitutional development and constitutional law, American University (1945-49). He is the author of Interstate Transmission of Electric Power, Harvard University Press, 1931.

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DR. HUNTER: Colonel Nyquist, Gentlemen: The subject of our lecture this morning is "Intergovernmental Relationships and National Emergencies."

In the folklore which has grown up around our system of Government, nothing, to my mind, is more interesting than some of the ideas which bear upon this matter of intergovernmental relationships. Take States rights, for example. It is a political philosophy; it is a slogan; and at the same time it is an extraordinarily effective defense mechanism. States rights, of course, provided the intellectual and the legalistic basis for the secession which led to our Civil War, and States rights has never been more frequently used, I guess, than in our own day; not only by a wide variety of economic and social groups, in defense of their beliefs, but also on occasion by both major parties.

While intergovernmental relationships may seem at times to simply involve matters of organization, the matter is vastly more complicated than this.

To discuss the problems in this area, we have brought back here to the College an old friend of the school who has lectured here a number of times in the past, a man who has given a great deal of attention to the fields of the lecture subject for years, both on the academic level and on the level of governmental operations. For some years he was a main pillar of the Legislative Reference Service of the Library of Congress. Now he has recently become Chairman of the Department of Political Science of Wayne State University in Detroit.

We are very glad to have back with us this morning Doctor Elsbree.

DR. ELSBREE: I want to say very informally right now that this turned out to be a most difficult assignment. I was Deputy and Acting Staff Director for the Kestnbaum Commission on Intergovernmental Relations for about a year, and I thought that we dealt with most of the problems of intergovernmental relations and that I ought to be able to

think of some things of particular significance for your mission. I found that I had to rethink the entire subject, and I am not at all sure that I will come close to the heart of your problems. But I do want to say that I have tried to deal in this lecture with those aspects or characteristics of intergovernmental relations that I feel, from my very inadequate and sketchy knowledge of your task, would at least rank among the most important things for you to think about.

In the event of nuclear attack on the United States, the task of governing, of course, will be overwhelmingly difficult. To be sure, some customary governmental services will be lopped off as dispensable luxuries. This slack will be a minor offset to the new governmental needs created by the disaster, and to the added complexity of many existing activities.

I assume, therefore, that whether or not martial law is declared, and that regardless of the extent to which the National Government's military and civil authorities find it necessary or expedient to act, it will be vitally important for the national security to make maximum use of all available governing resources left in the Nation. No matter what the legal situation with respect to the National Government's powers and to the powers of the military vis-a-vis civil authorities, and no matter how the National Government's military and civil authorities may organize themselves to do the job, almost the primary task will be to locate and capitalize on the governmental capacities and skills, institutions, and procedures that survive the attack.

This is not to deny the necessity or importance of bold and creative action by national military and civil defense authorities if and when nuclear attack comes; it means simply that it would be as foolish for mobilization planning authorities to think of creating and manning a brand new system of government by themselves as it would be for them to think of establishing and operating a new economic system, without regard to what was left of the one we had.

Political leadership, skills in the administration of public affairs, institutions and procedures of government generally are precious assets, all too rarely appreciated for what they are worth. They represent, often intangibly, but nevertheless to a tremendously important degree, the measure of a nation's or a community's ability to achieve its highest goals: justice and liberty, social and economic welfare, domestic tranquillity, and national security.

Institutions and processes of government are products of time and experience, of trial and error. Emergency is a great spur to invention, to the discovery of new talents and new devices; but, not to try to make the fullest possible use in an emergency of the fund of human and institutional governing resources already available would be a colossal error.

I make no apology for emphasizing a point which must seem so obvious. For the temptation is almost irresistible, in making plans for anything as novel and terrifying as a nuclear attack on the United States, to think in terms of some ideal arrangement, short-circuiting the admitted complexity of our existing system of Government. And this is especially true of the aspect of that system I am to discuss-- the distribution of powers among the various levels of Government and the interrelationships of these levels. These interrelationships literally defy description; they must be observed, analyzed, and lived with to be comprehended. They often appear, from the point of view of any logic based on areal considerations, to be utterly chaotic and senseless. They constitute a sitting target for the clear-minded critic and planner, and have in one or another aspect been lambasted and castigated time and again as outmoded and inefficient and as constituting a first-class menace to the Nation's security in time of crisis.

I am not here either to defend or to attack existing arrangements for distribution of governing authority among the various levels of Government, and certainly not to express my views on what kind of blueprints should be prepared for governing in an emergency. I do insist that any plans made will be useful only to the extent that they are grounded in a thorough understanding of governing arrangements in effect at the time of attack. All I shall try to do here is call to your attention in a preliminary way some of the characteristics of present-day intergovernmental relations that have to be taken into account in mobilization planning, regardless of how much they fall short of perfection.

The history of intergovernmental relations in the United States in considerable part represents the push of functional needs through and around the traditional boundaries of State and local units.

Even at the time they were fixed, many of these boundaries can hardly be said to have demarcated clearly identifiable communities; certainly the dynamic social, economic, and political changes that have marked our history have made most of them appear highly artificial.

Yet it has been difficult, and in many instances impossible, to change them. Their failure--whether we refer to State, county, or municipal boundaries--to correspond to social and economic realities has been pointed out repeatedly, and many ideal rearrangements have been suggested.

Most of these have been concerned with local boundaries and especially, in recent years, with metropolitan areas; but from time to time proposals have been made for regional governments to take the place of, or to be superimposed on, the State Governments.

This agitation has had some results at the local level, but even there the resistance has been strong and persistent. By and large, the concept of an ideal areal arrangement as such has not greatly influenced the actual evolution of the territorial distribution of power.

Yet great changes have come about. It may be true that our State, county, and municipal boundaries are anachronisms. But it must not be assumed that all governmental authority is rigidly compartmentalized in one or another of these arbitrarily bounded levels. What has happened is that endless accommodations have been made, largely on a piecemeal and functional basis. An outstanding, though highly exceptional, illustration is education. Here a whole special set of jurisdictional units was created for a single function. And here, be it noted, consolidations and rearrangements of district boundaries to adjust to changing needs and potentialities have been much easier to effect than in the case of governmental units having general jurisdiction.

Because of this functional impact on intergovernmental relations, the attempt to define in abstract terms the relation of Nation to State and State to county or municipality is bound to be a rather barren one. The actual location of governmental power and influence varies from function to function. Today the National Government, for example, plays some role in almost every conceivable major governmental activity. How extensive this role is, and what relation, if any, it bears to State and local governmental activity, can be determined only by examining this activity. There are, of course, some similarities in relationship from activity to activity, but on the whole the most striking feature is the extent of variation.

It is no wonder that intergovernmental relations, even in a single community, appear to most observers an unfathomable mystery. Not only do we find, ordinarily, a bewildering array of governmental

jurisdictions--all the way from National Government field offices to villages and townships--but also we discover that the interrelationships of these jurisdictions are hardly ever the same for any two types of governmental activity.

And remember, too, that each of the 48 States has its own pattern of arrangements.

Perhaps I ought to stop right here; for the remainder of this talk is really only an elaboration of this theme, and the moral must already have occurred to you. The National Government authorities, military and civil, charged with responsibility for assisting in the maintenance or restoration of essential governmental activities in case of nuclear attack, will need to devise plans based, not on ideal overall arrangements for the territorial distribution of power, not on the assumption that there is a general "chain of command" in Government from Nation to States to locality, but on as precise an understanding as can be secured of how governmental authority and influence are distributed territorially, function by function, area by area.

The kind of organization and procedures to be set up for the performance of these tasks is important. Far subordinate to this, in my judgment, both in planning and in execution, is the presence, or provision for the presence, of staff giving a sophisticated understanding of the maze of intergovernmental relationships that characterizes our system of division of powers.

Let me repeat that I do not intend by this to defend the status quo, nor to suggest that national authorities in the event of nuclear attack ought to adhere rigorously to accustomed channels and procedures of governing. The distribution of authority in our metropolitan areas particularly is desperately in need of overhauling. And in the measure that the overhauling does not come before our hypothetical attack, we need to be prepared for inventive action when the attack comes. All I mean is that we cannot simply disregard existing boundaries, procedures, experience, and habits and start from scratch to create a system to conform to our dreams.

The singling out of other features of the territorial division of powers for comment here is a rather arbitrary matter. Each feature is so mixed up with each other and so conditioned by functional influences that one can hardly discuss it without becoming involved in the whole web of relationships. I will comment very briefly on three or four additional

characteristics of present-day intergovernmental relations which I believe have particular importance for the kind of task in which you are engaged.

Whatever may once have been the case, our Federal system is no longer characteristically one in which the Central Government and the States exercise mutually exclusive powers. Earlier in our history there was a tendency to think in terms of a relatively rigid differentiation; some powers were delegated to the National Government, the rest were reserved to the States. The necessity of a concurrent jurisdiction was recognized in a few cases, notably taxation, of course, but the notion of a division of powers was uppermost. And, generally, it was assumed that, where the National Government did take jurisdiction, it would act directly on the people, not through the States or local subdivisions of the States.

In recent years federalism has more and more taken on the connotation of cooperation rather than division, and the sharing of powers is more common than their mutually exclusive exercise. The great problem of federalism is no longer how to divide whole powers between the Central Government and the States, but how to allocate and coordinate specific aspects of these powers among Central, State, and local units.

Recent discussion--I won't call it controversy--with respect to responsibility for civil defense activities is a case in point. Few have seriously contended that any one level of Government--National, State, or local--should have exclusive jurisdiction over this function. Up to now--maybe I am a little behind on this; I have been out of Washington for two months--the assumption in national policy has been that the States and localities should bear the primary responsibility, and the National Government a significant one in such matters as planning, informational and technical services, and fiscal assistance. This allocation has been remarkable for its lack of enthusiastic support at any level of Government. Municipal authorities protest at the lack of State support; State authorities argue civil defense is a national responsibility; and national authorities deplore the absence of general public interest. The tendency is clearly toward a reallocation, giving the National Government the primary responsibility, and sanctioning more direct national-municipal relationships. What is involved here, however, is not which level should have the power, but how responsibility for civil defense activities should be shared among all three levels.

All this suggests caution in leaping to conclusions from the acknowledged expansion of Central Government functions. And that's the point I

really want to stress about this aspect of present-day federalism. Significant as that expansion has been, it has generally been a partial or a supporting action, and not an assumption of whole major functions. In some instances, the National Government accepts full responsibility for administering the parts of a function over which it has jurisdiction, generally through some system of decentralization of its own. In other instances, however, the cooperative or sharing arrangements are much more complex and pervasive. This is true especially of the many grant-in-aid programs, where the National Government shares with the States or with local units in the financing and, to a greater or lesser extent, in the administration of the program. But there are many other sharing arrangements whereby the States participate in some manner or other, or to some degree or other in the administration of national functions, as in the case of many regulatory functions, which I should assume would be quite significant in the eventuality we are talking about.

The point is that one cannot conclude that the National Government is fully prepared to take over a function in an emergency just because it now performs some activities in connection with that function. What is significant is not what broad functions the National Government now engages in, but what specific role it plays with respect to each, and how its role is related to those of the States and the local governments.

Just as the basic allocations of governing responsibility vary from function to function, so do the arrangements for intergovernmental points of contact. In fact, this characteristic of the territorial distribution of powers contributes more to the complexity of intergovernmental relations than do the varying allocations themselves.

There are two aspects of this lack of a uniform and regular pattern of intergovernmental communication.

First, relationships are not uniformly between the National Government and the States and the States and their subdivisions. In some of its cooperative relationships, the National Government literally, or in effect, bypasses the State Governments and deals directly with counties, cities, or special districts. Secondly, and of even greater significance, is the fact that the most important continuing relationships are between or among the agencies administering a particular program or function. This characteristic of intergovernmental relations was commented on somewhat critically by the Kestnbaum Commission's Study Committee on Local Government. The Committee described it as government by "vertical functional autocracies."

In this connection, I believe it is especially important in planning for Government in a great emergency to realize the limited administrative authority of the State governors. That authority differs widely, of course, from State to State. I think it clear also that under emergency conditions the governor's actual authority and influence would be far greater than they are in normal times. There is perhaps some tendency to forget this potential. You can't just look at the governor's ordinary governmental authority as you find it in the State constitution and the statute books and conclude that the governor would be almost useless as the focal point in case of emergency. I don't think that is true at all.

But, granted almost certain enhancement of his authority in time of emergency, the governor in few States is in any way comparable to the President or to a strong mayor or city manager as chief administrator. Lack of budgetary control by the governor, election of department heads, and many other features of State Government mean that often in practice the governor is not really close to the center of administrative authority. Where his political prestige and skill are great enough, he may have much more influence, even now, in administration than the formal system appears to allow him. Mobilization planning must proceed on the understanding, however, that the focal points of administrative authority in the States are to be found mainly in the functional agencies, not in the governor's office.

I shall make no attempt to summarize the chief features of the territorial distribution of power within the 48 States. Each State has its own intricate system of relationships between the State Government itself and its various subdivisions. But, in most of the States, the most acute problem of intergovernmental relations is that of the Government of metropolitan areas; and I will comment briefly on it.

The general picture is familiar enough. Very few of our large metropolitan areas have anything approaching a Government for the area. In most of them the maze of jurisdictions is astounding. In the Detroit area, for example--not that I have come to know it well, but I have seen just enough of it to begin to realize that it is more complex than some other metropolitan areas that I thought were more complex than any others--to begin with, there are three counties, 66 cities and villages, 55 townships, and some 300 school districts. As needs for improved services have developed, all sorts of devices have been employed to overcome the handicaps and limitations imposed by this welter of jurisdictions. A number of special functional authorities have been created,

taking in varying numbers of the traditional jurisdictions. The city of Detroit has extended many of its services beyond its boundaries by entering into contractual arrangements with surrounding areas. These special authorities and contractual arrangements, and numerous other devices resorted to, further complicate the structure of intergovernmental relations, but they have been instrumental in enabling the citizens of the metropolitan area to obtain better services than could have been secured through the individual efforts of the traditional authorities.

Yet it is quite clear that the situation in most metropolitan areas is as a whole far from satisfactory. To some extent the State Governments have stepped in and, unquestionably, much of the pressure for the expansion of National Government services has come from the failure of local and State Governments to meet the needs of the rapidly growing populations of these areas. Besides that, many of the areas cut across State boundaries, thereby adding to the difficulty of solving their problems, even by statewide action, and many times making it virtually impossible to do so. The fact that State legislatures, even in States whose populations are heavily urban, are generally dominated by rural members, because of the systems of representation in effect, contributes to the inadequacy of State efforts to deal with the problems of metropolitan areas; but fundamental cleavages within the areas themselves are perhaps even more at the root of the trouble.

This matter of apportionment in State legislatures perhaps deserves a parenthetical comment. Most State constitutional provisions are quite ancient and provide for some sort of unit representation, resulting in a grossly unrepresentative system as between rural and urban areas, not only for the upper houses, but for the popular bodies as well. Even in States where the constitution provides theoretically for a regular re-drawing of district lines, the legislatures often do not go through with reapportionment as they are supposed to do. The result is that many States, including most of those which have heavy urban populations, have highly unrepresentative legislatures, from a population viewpoint. There has been a tendency among some critics to think of reapportionment as a panacea. They argue that with proper reapportionment the State legislatures will be responsive to the needs of the people in urban and metropolitan areas, and many of their problems will be solved; or at least that this would be a long step on the way to their solution.

I do not minimize the importance of reapportionment, but I think one has only to look at the metropolitan area in which he lives--and most

people live in metropolitan areas in the United States these days--to see that it is not that simple. The representatives from these metropolitan areas would, I think, have tremendous difficulty in getting together themselves on a great many of their problems. The cleavages between the core areas and the suburban areas, of course, are immense. Reapportionment would certainly be a major step in the long-run solution of the problems of metropolitan areas, but it is not the one step that will solve everything.

A host of proposals have been advanced to improve the government of these areas. These include the extension of the boundaries of the core city by annexation of surrounding jurisdictions, city-county consolidation, and many others. I shall not try to discuss them here. Certainly mobilization planning requires careful study of each area to detect any promising focal points that, even if not fully developed now, might furnish the nucleus of areawide service in case of emergency. At the same time, the present confused tangle must be probed deeply, not simply because legal authority to act is widely diffused, but because, as a practical matter, any sort of emergency government would have to take into account actual area experience.

The complexities of intergovernmental relations generally, and of the government of metropolitan areas particularly, emphasize the importance of my final topic--the usefulness and limitations of regional organizations. I take it you have a particular interest in this, since it is singled out for special mention in the scope statement for this lecture.

On this point I would say these things:

1. Some form of regional organization is highly useful as a means of administering many national programs, and would presumably be useful in the carrying out of the National Government's responsibilities for seeing that essential governmental services are maintained in the event of nuclear attack.

2. There is virtually no use in thinking that, in case of nuclear attack, we can set up regional governments, either in place of or superimposed on the State Governments, as actual instruments of the people of the regions.

3. To the extent that, on a functional basis, some kind of regional arrangements and plans can be worked out in advance by cooperative action, such arrangements will of course be extremely useful in case of attack.

Let me first briefly develop the second, or negative, point.

From time to time much interest has been expressed in the idea of regional governments. But, if by regional governments we mean governments of, by, and for the people of the regions, we do not have any. We have TVA, but this is an agency of the National Government administering functions of the National Government, with headquarters in the region instead of in Washington. We have regional compacts or agreements of various sorts. And we have, of course, regional offices of many agencies and departments of the National Government. But we do not have any true governments of regions.

The difficulty with trying to institute any such governments in the event of emergency is posed by this question: Where would you find the ingredients, in terms of going organizations, in terms of legal authority, in terms of centers of political influence, in terms of governmental procedures, in terms of administrative skills? To be sure, paper plans could be prepared, and perhaps from the purely legal angle be put into execution. But these steps do not make up a government. The chief ingredients in this respect actually available would be the regional offices of National Government agencies--and note that regional boundaries, as well as the locations of regional headquarters, vary widely, even in the case of the regional systems of the various bureaus of a single department.

I do not want to wind up on this negative note. Regional organizations have a demonstrated value in decentralizing the administration of many functions of the National Government. Certainly the National Government's role in helping to maintain essential governmental services in stricken areas in case of nuclear attack would have to be decentralized to be effective. And it seems to me this is true of mobilization planning also. The argument for some sort of regional arrangement for decentralizing these functions is persuasive. The task would mainly be, however, not to set up regional governments, but to mobilize the governmental resources of the region, utilizing organizations, procedures, and governing skills wherever they are to be found. And they will generally be found at the State, county, municipal, village and township, and special authority levels--not in regional centers.

I will close on an even more affirmative note. The necessity of planning for the maintenance of essential Government services in the event of nuclear attack is a spur to invention, in Government as well as in other matters. To the extent that mobilization planning can encourage the

development of new area and regional arrangements, it will be performing a valuable service quite apart from the danger of nuclear attack. In some areas very considerable steps are already being taken, on a voluntary and cooperative basis, for joint and essentially regional action with regard to some specific function in case of attack. Planning efforts along these lines will not only pay good dividends if the attack comes but will have a lasting and beneficial influence on intergovernmental cooperation in peacetime as well.

Thank you.

QUESTION: Along the line of civil defense we all, I think, agree that all three levels of Government have fallen down on it. Many components are pushing toward the Federal, rather than State, authority. There is some opposition to that. What do you think along the line of having a joint responsibility, where the Federal Government could participate in plans, cooperate, and furnish the money that is needed at the State and local levels?

DR. ELSBREE: In the past when I have come down here I have had a beautiful out. As a member of the Legislative Reference Service of the Library of Congress, I could have no opinions. One of the dangers of getting involved in academic life is that you become free to express opinions, and it is pretty hard to think of any excuse for not giving one, unless you say you are ignorant of the subject. I have a good share of ignorance on this to confess to.

If I conveyed the impression that I thought civil defense was a mess, with everybody at fault, I honestly did not mean that. The fact of the matter is that this problem of allocating responsibility for civil defense is a gigantic one. It is a hypothetical problem, to a certain extent, and the character of the problem changes every time weapons change. And there is a tremendous public-opinion problem besides.

The impression I got from the staff studies and the discussions of the Intergovernmental Relations Commission--and I have seen nothing since to change this impression--is that the time is probably ripe for the Federal Government to take a larger initiative in civil defense, but that the idea of the National Government trying to take it over, lock, stock, and barrel, without bringing in the State and local governments to a very considerable extent, is almost unthinkable; and that the real problem is, again, how to allocate the many components of the responsibility.

How can the national authorities stimulate the State and the local governments to conceive more effective planning and action? I think the functional character of our Government perhaps suggests and hints at some of the ways. The civil defense authorities will try, themselves, to do what they can to stimulate the States and localities, not only for general planning, but for specific functional planning. And I think they must work with other national agencies as well. National Civil Defense, it seems to me, needs to be a coordinating activity, with the aim of stimulating area-wide or regional arrangements, on a functional basis, all over the country.

QUESTION: Sir, to make my question a little more specific, I would like to focus attention on the counties. In most of the counties of the United States, I believe the guiding parameter was the distance a horse and buggy could make in a round trip from sunup to sundown. You indicated that you think the present boundaries are unnecessary and that a realignment of political boundaries by county or otherwise in some cases is desirable. Would you discuss briefly what some of the probable stumbling blocks are, political or otherwise, to the achievement of what is pretty universally and widely regarded as the most timely objective?

DR. ELSBREE: The main problem is that county boundaries are embedded in the State constitutions, and representation systems are quite frequently, in part, at any rate, based on the counties. Legislatures are not inclined to commit suicide; most State constitutions are hard to amend, and in this instance almost impossible to amend. Consequently, there has been very little progress in the consolidation of counties. I don't see much hope for it, from a practical point of view. However, there are other ways of getting at the problem. Sometimes city-county consolidation is an effective device. Sometimes the device may be to strip the counties of what few powers they have, in some parts of the country, and build somewhere else. But in most States, I would say, there is very little chance of reducing the number of counties.

QUESTION: Sir, would you comment on the history of utilizing a State as an agent having a contractual arrangement with the Federal Government for specific functions? It seems to me that it has some interesting possibilities.

DR. ELSBREE: Do you mean to include grant-in-aid arrangements among those arrangements?

STUDENT: Not particularly. I mean the more direct contractual-agent type of thing. I think in the grant-in-aid arrangement there is

generally a mutual sharing of the responsibility. I have in mind utilizing the State as, you might say, the performing agent of a pretty much Federal function.

DR. ELSBREE: I believe the first Federal prisoner was housed in a county jail. I guess that was the beginning. But generally in the earlier period of our history the National Government felt that it had to administer, right down through, and not permit the States to take over. And it could not, of course, compel them to.

There are now all kinds of contractual arrangements and agreements under which the States play some role in the administration of national functions, both service and regulatory. Many of these provide for the sharing of the administration of service functions, and are really services-in-aid, approximating the grant-in-aid. There are other agreements, as in regulatory and inspection activities, under which the States cooperate in or supplement national administrative authority. There have been a few attempts to authorize agreements to have the States not supplement the national administrative authority but actually to exercise it, which I take it is the type of arrangement you had in mind particularly. The wage-hour statute furnishes an illustration of this type.

The use of the States as agencies for administering national functions has real possibilities, but presents many difficulties, apart from legal ones. These difficulties are greater than those encountered in the decentralization of Federal functions by national agencies to their own field offices. One great fear, of course, has always been lack of uniformity in administration. Federal agencies sometimes find it difficult to rely on their own field offices, in spite of all the instructions, supervision, orders, and interpretations. How can they be expected to rely on the States, over whom they cannot have control?

If you delegate the authority to administer or contract it out, you don't have the same kind of control, even though you state some conditions and standards. Even so, experience indicates that on a limited and selective basis the States can be used more than they have been in administering national policies. I don't think you can say, "Let's inaugurate a great wave of turning over Federal administration of certain types to the States." I think you have to look at it closely by function, and you will find occasionally some types of Federal activity, or some aspect of a Federal activity, which probably can fruitfully be handled in that way. The inspection phase of many Federal functions offers one example.

I certainly think that it is incumbent on the National Government, from Congress right down through, when the Federal Government takes over an activity, to consider in what ways it would be desirable for the State or the local governments to be utilized in one way or another in the performance of that activity, and not to say, "This is ours, and we will take over the whole thing, regardless of the interests of the State or local governments."

But I also think that how a function is administered is such a vital part of the policy that the National Government has a tremendous responsibility in being careful about contracting out or delegating administrative authority.

STUDENT: May I continue a little bit on that? It seems to me that the Federal Government has a choice in contracting authority to an agent. It has a threat or a big stick, in that if the State does not do a good job it will find that instead of its local people doing the work these foreigners will come in and use the heavy hand and so on.

DR. ELSBREE: Yes. Well, I am certainly not against the idea. All I say is that sometimes the splitting of administrative authority can be so confusing, as it bears on the ultimate person who is regulated or being serviced, that you may get an unsatisfactory result. Sometimes you can achieve your goals by a sharing arrangement, and that is more and more becoming the case. In other instances, however, you may not be able to achieve your result except by the National Government administering right down the line. Then it has the responsibility to do it that way.

QUESTION: Sir, we have been told by ODM and FCDA that they are trying to establish their regional boundaries, insofar as possible, along the same lines. Those boundaries follow, I believe, State outlines. Would you feel that it would be a better approach to forget this sort of thing in the case of Civil Defense, for instance, and establish regions around cities, using, say, county lines, defining city areas, rather than trying to go to the older pattern of using State boundaries?

DR. ELSBREE: Well, I would hate to express a direct opinion on what Civil Defense should do in this respect. This problem of how you draw regional boundaries has baffled every agency. The number of regions--on the basis of a study made some time ago--used by different agencies varied from 1 to 307. During World War II there were over 140 field-office or regional systems. Quite a lot of these have used the States as units, especially where they have had close working relationships with State Governments in the administration of their programs.

As to Civil Defense, I honestly don't know. Under the present system the States have had the major responsibility. Suppose there is a reallocation of national responsibilities which places a greater responsibility on the National Government and which emphasizes what the cities have been pressing for very hard, more direct relationship with the cities and more emphasis on metropolitan areas. Many of those areas spill over State boundaries. It could be that any substantial reallocation of responsibility for civil defense would almost necessitate a rethinking of the question of what is the best regional boundary. At what point you decide that it is no longer very useful to use the States I can't say. Only someone who is deeply engrossed in analyzing exactly what Civil Defense has to do and what people it has to work with can make that determination.

All I know is that this problem is apparently, unless we toss all experience aside and say that everybody has been foolish, one to be decided not on an abstract basis, thinking of ideal arrangements for the distribution of power, but in the light of precisely what it is the Federal Government has to do in this area, and precisely what relationships it wants to establish or is supposed to establish with the State and local governments.

STUDENT: You indicated, it seemed to me, that you felt that the city and the metropolitan governments were stronger in many respects than the State governors. That is why I asked for your opinion. Certainly you have studied this thing and looked into it more than any of us in your audience. All I am looking for is your personal opinion.

DR. ELSBREE: Well, it depends somewhat, of course, on the State. In many States the governor has been given a considerable range of authority in civil defense planning, and extensive authority in the event of emergency. I can see strong reasons for using States as regions, because certainly the governor is going to be one focal point. I hope I didn't belittle the position of the governor too much in my talk. I was pointing out that in the performance of specific functions you would have to know who knew what. In other words, even though the governor may be an important coordinating point in civil defense functions in some States, he often does not have control over the office which will know about highways, about health, about sewage, and about other special functions. He does not have, in most States, the degree of authority over those functions, the supervisory responsibility over them, that would enable planning officials to say, "Well, all we have to do here is to work through the governor. He will take care of that." In an emergency he can be given

substantial authority, and his is going to be a tremendously important office; but he is not at the head of the line in the doing of these functions. I don't mean, however, that the cities and the local governments have more authority than the State Government. All I am saying is that administrative responsibility in State Government is generally widely dispersed.

QUESTION: Going back to this question of State and Federal responsibility, and who is going to do what, some years ago we decided federally that we needed perhaps a more effective policy of unemployment insurance. They passed a statute which said that the States would pass an unemployment insurance statute and carry it out or else the Federal Government would step in and do it and take the taxes. I believe that most of the States have complied. It is far from perfect, which everybody will agree, but we still have unemployment insurance throughout the Nation. Do you believe this principle could be applied in regard to civil defense, in order to at least get some modicum of defense started in many of the stagnant States? If the same principle was applied, the Federal Government would say, "Either you start a civil defense organization from a planning, coordinating, and training standpoint, or we will go in and do it."

DR. ELSBREE: But, you see, I don't think the situation is the same. I think the States would say, "Fine. Go ahead. You raise the money. We would love to have you raise the money." In fact that's what they are saying, practically. They don't mind the National Government's raising the money instead of their raising it. The stakes were quite different in the case of unemployment compensation, and the penalty drastic. And the States preferred the National Government not to take the function over entirely, because then it would fix general national standards. There's a different kind of weapon involved in that sort of activity.

STUDENT: There were some State holdouts on unemployment insurance, and we accomplished our objective through their dislike for the Federal Government to step in.

DR. ELSBREE: But there was a kind of club there, you see, to get the States involved in it, or an inducement. I think civil defense presents quite a different situation.

QUESTION: I would like to extend this so as to have you clarify your last remark. Do you mean that the States have indicated that they don't care if the Federal Government moves into those States and collects the necessary money to cover the expenses of running the program? In this instance it would be a balanced civil defense program.

DR. ELSBREE: I don't think the States are opposed to the Government's being in the business of providing planning and provision for civil defense; they accept the fact that we have to have it. That means we have to spend some money. That means we have to raise some money. If the stakes, in the way of regulation, prestige, and so on, to be gained from running it yourself, talking in terms of any one level of Government, are not very great, why should you prefer to raise the money yourself, rather than have the General Government raise it? That's a crude way of stating it, and an oversimplified way. Of course, some of the wealthy States might feel that maybe they had better raise it themselves, because they would feel that their citizens were going to get taxed more if the Federal Government raised the money than they would be if they did it themselves. But almost any government, other things being equal, prefers the other government to have to raise the money. State and local participation in civil defense can be encouraged by grants-in-aid and other persuasive devices, but I wonder if there is a strong enough desire for State autonomy to make the unemployment compensation principle applicable.

DR. HUNTER: Dr. Elsbree, in expressing to you our appreciation for your lecture, I want to make an observation. The Industrial College, as it is presently set up, is not organized and staffed to make positive contributions to the knowledge and thinking in this field, in the main. But I think we do make a very important contribution from time to time by focusing attention on certain key problems and in bringing men like yourself here who do sit down and think through these problems and make positive contributions, not only to our program, but to general knowledge in the field.

For that contribution I want to thank you very much, on behalf of the Commandant, the student body, and the faculty.

(19 June 1957--3, 950)O/ebm