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THE WHITE HOUSE
WASHINGTON

August 13, 1975

June - 8'11
Talk to
Josh
Marsh

MEMORANDUM TO: THE VICE PRESIDENT
JIM CANNON ✓
TED MARRS
JOHN WARNER
BOB GOLDWIN

FROM: JACK MARSH *Jack*

In reviewing summaries of various programs being developed in connection with the Bicentennial, I note a number of educational-type programs in the form of scholarships. Many emphasize the impact of the Revolutionary period on the development of our country and the international significance of the ideas of the Revolution.

I think it is important that once the Bicentennial period is over, there is a continuing identification with educational programs of this type, which began because of the Bicentennial. They will be a continuing memorial or historical monument to the present observance, and, thereby, achieve permanence for the Bicentennial contributions.

In this regard, I am sending this memo to inquire as to your thoughts on whether it might be feasible to try to inspire the establishment of a Bicentennial chair at certain colleges and universities. Not being familiar with the customs and procedures of academia in this regard, I merely pose questions as to whether it can be done, would it be worthwhile to do, and how might it be done?

It seems to me if we could have at some of our great universities a Bicentennial chair in American history, law, economics, science, architecture, art, drama, music, etc., we would have a continuing center of intellectual thought directed to this critical period of our Nation's birth. It would teach the meaning to us today of the American Experiment, and remind those in future years of the impact of the Bicentennial.



A BICENTENNIAL COMMISSION ON AMERICAN GOVERNMENT

A Proposal by an Ad Hoc

Citizens' Committee for the Study of the U.S. Government

Sponsored by the

National Academy of Public Administration



August 26, 1975

FOREWORD

The National Academy of Public Administration has, since its founding, had a vigorous interest in governmental organization and reorganization. As early as 1969, it held a colloquium on the reorganization of the Executive Branch during which one of the leading participants, the late Herbert Emmerich, held that a new Hoover-type Commission was inevitable. In 1973, in response to a request from Senators Ervin and Baker of the Senate Select Committee on Presidential Campaign Activities (Watergate), the Academy formed a panel to consider and make recommendations relative to the institutional and administrative weakness reflected in the Watergate scandals. The panel's report was submitted to the Select Committee in March, 1974 and subsequently was published in book form.*

The Watergate Study was in a sense the immediate precursor and stimulant of the report which follows. The current project grew out of a concern, expressed and discussed by a growing number of persons during the spring of 1975, that the corrective responses to Watergate were, at best, both inadequate and slow. This feeling was paralleled by disappointment over the limited number of project activities relating to American government planned with the celebration of the Bicentennial. The initiators of this proposal viewed the need as urgent and the timing as ideal for a reexamination of the workings of American government in the light of the objectives, the principles, and the practical sense of the founders of the nation. They conceived of an official, publicly supported commission somewhat after the format

*Frederick C. Mosher and Others, Watergate: Implications for Responsible Government (New York: Basic Books, Inc.: 1974)

of the two Hoover Commissions.

Further conversations and discussions over several months with persons in and out of government, perhaps 100 in all, generated a response uniformly favorable and usually enthusiastic. Not surprisingly, these knowledgeable people expressed a wide variety of sentiments about the proper nature, scope, level, and targets of the proposed commission's work. Therefore, the Academy's Trustees concluded that a panel or committee of well-informed and prominent citizens should be convened to consider, discuss, develop, and issue a more formal and detailed proposal. The committee, to be made up of both members and non-members of the Academy, would be assisted by a small, temporary staff. It would meet twice --once in June, once in July-- with the aim of issuing a report by September, 1975 in the hope that this would provide sufficient time for consideration and action by the Congress and the President before the end of the current calendar year. The Academy gratefully acknowledges a grant by John D. Rockefeller 3rd on May 12, 1975, which has made this enterprise possible.

The mission of this committee, designated as the Citizens' Committee for the Study of the U.S. Government, was twofold in character: (1) to determine whether or not the general idea of such a commission is both feasible and desirable; and (2) if the answer is affirmative, then to set forth a model, or alternative models, for such a commission, including its focus and scope, authorization and authority, financing, membership, and related matters.

To undertake this task, the Academy convened a bipartisan committee of distinguished persons, most of whom were experienced in, or had worked extensively with, American governments at all levels, including some members who had been intimately associated with the Executive, Legislative, and Judicial

Branches. Furthermore, the Committee also included some individuals who had served on or been associated with previous study groups on governmental organization. Indeed, among its members, listed below, were persons who served on or for every nation-wide study group of this kind since World War II: both Hoover Commissions, the Kestnbaum Commission, the commissions, councils, or committees chaired by Nelson Rockefeller, Ben W. Heineman, Don K. Price, Roy L. Ash, and the most recent group, the President's Advisory Council on Management Improvement.

The Academy is particularly gratified that those invited to serve on the Committee responded enthusiastically and contributed so much of their energy, time, and ideas with little or no compensation. The members of the Committee and staff responsible for this report are:

COMMITTEE MEMBERS*

Robert E. Merriam (Chairman)
 Chairman, Advisory Commission on Intergovernmental Relations
 Stephen K. Bailey
 Vice President, American Council on Education
 Samuel H. Beer
 Professor of Political Science, Harvard University
 Lucy Wilson Benson
 Secretary of Human Services, Commonwealth of Massachusetts
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 Executive Director, National Academy of Public Administration

*A brief background statement on each member of the Committee and staff is attached as an appendix to the report.



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 Administration

The Trustees of the National Academy of Public Administration
 present this report as a competent treatment of a subject worthy of public
 consideration. The interpretations, conclusions, and recommendations in this
 publication, as in other Academy reports, are those of the responsible panel
 or committee and do not necessarily reflect the views of the officers, the
 Trustees, or the members of the Academy.

Because of the potential significance to the American society of
 this report to the Citizens' Committee, the Academy commends it to the serious
 attention and consideration of all those concerned with our national condition.

Frederic N. Cleaveland
 Chairman, National Academy
 of Public Administration

August 26, 1975

Mr. Frederic N. Cleaveland
Chairman
National Academy of Public Administration
1225 Connecticut Avenue, N.W., Suite 300
Washington, D.C. 20036

Dear Mr. Cleaveland:

On behalf of the Committee which you appointed last June, I am privileged to submit our final report and recommendations concerning the proposed Bicentennial Commission on the American Government.

The Committee responded enthusiastically and thoughtfully to your charge. I would personally like to thank each of them for his or her contributions to the deliberations.

The end product, as it must be, represents a synthesis of varying views. What we have proposed is a model from which we hope a final product will be selected. Our primary objective is to stimulate discussion about this concept--a careful relook at our governmental procedures--and, hopefully, agreement by our policy makers that the undertaking would be both timely and useful.

All members of the Committee acted in their individual capacities, and not officially. In particular, Mr. Staats, as Comptroller General of the United States, would like this noted in view of the possibility that, should a commission be considered by the Congress, he might be called upon to comment in his official capacity.

We thank the Academy for the opportunity to participate in this most urgent endeavor.

Sincerely yours,

Robert E. Merriam
Chairman, Citizens' Committee for
the Study of the U.S. Government

REPORT
of the
Citizens' Committee for the Study of the United States Government

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I. The Basic Proposal

The Citizens' Committee for the Study of the U.S. Government recommends that, at the earliest possible date, an official bipartisan study group be established, to be known as the Bicentennial Commission on American Government, with a term not to exceed two and one-half years from its formation. The commission should be established by act of Congress, financed by federal appropriations, and appointed by the leaders of the three branches of the national government. Against the backdrop of the aspirations, intentions, and ideals of the founders, the commission should examine current governmental strengths, problems, and deficiencies. It should consider and recommend amendments in existing practices, regulations, laws, and even constitutions--federal and state--which would make American government more responsible and effective, at the same time maintaining and strengthening the rights to "life, liberty, and the pursuit of happiness." The reports of the commission should be addressed to the President, the Congress, the federal judiciary, state and local governments, and, perhaps most of all, the American people.

The primary purposes of the commission should be to identify the underlying problems and to propose improvements in the governmental system and its capacity to meet the challenges which confront it today and will confront it in the decades to come. But in its work and its products, the commission should serve important additional purposes, including:

- fostering greater knowledge and understanding of the American system of government, its present strengths and deficiencies, among a larger proportion of citizens;
- encouraging the participation of a broad range of the population in the initiating and sponsoring of governmental changes; and

-strengthening, both directly (through its very existence) and indirectly (through its recommendations), confidence in governmental institutions and officials.

The reasoning which led the Committee to propose a study commission is set forth in the section which follows. With respect to the nature of the proposed commission—its focus and scope, powers, financing, membership, and like matters--the Committee recognizes that those who consider legislation to establish a commission will have basic responsibility, and that the commission itself will have ultimate authority on many questions, depending on the breadth and flexibility of the authorizing language. Nonetheless, the Committee presents the products of its own deliberations on these matters in succeeding sections of this report in the hope that they will provide useful guidelines for those with authority to decide.

II. The Need for a Commission Study at This Time

For a variety of reasons, the Committee believes that a major study of American government should be undertaken at this time.

A first reason is that the Bicentennial era, 1976-1989, provides a unique opportunity to reassess our system of government in the context of the problems which face it, to judge its successes and failures in relation to the aspirations of its founders, and to make recommendations for improvement. This will be a period during which many Americans will be more than customarily interested in these problems, if only because government was, after all, what the American Revolution and the events which followed it were all about. Few of the Bicentennial projects so far proposed and underway relate to the structures, operations, and problems of government today, as distinguished from birthday celebrations, commercial promotions, and historical studies.

A second reason for a comprehensive study today arises from the trauma of American society and its government in recent years both on the domestic and international fronts and extending over time periods in which both political parties controlled the White House. There are not only the unhappy events associated with Watergate and other evidences of corruption, but also the alleged ineffectiveness of the Great Society programs, the frustrations and conflicts attending the civil rights movement, assassinations of national leaders, threats to the environment, the energy crisis, the unrest, riots, and crime in the cities, the deepest recession since the Great Depression of the 1930's accompanied by inflation, and the disarray of public finances at all levels of government. Along with these problems,

and to some extent interrelated with them, have been the discouraging developments abroad: Southeast Asia, the Middle East, relations with allies, the international monetary crisis, and many others.

The consequence of these developments of the last decade has been the disillusionment of a majority of the American people about their government and a distrust of their political leaders, feelings which have contributed to protest, even violence among some, and withdrawal and apathy among others. The depth of these reactions is suggested in the declining proportion of potential voters who participate in elections, and, more recently, in the results of a number of public opinion polls. For example, a poll conducted for the U.S. Senate Subcommittee on Intergovernmental Relations in the fall of 1973* and subsequent polls have indicated a pervasive distrust of government. Louis Harris reported, in a lecture of June 26, 1975, that:

- more than three-quarters of the public think the country is heading in the wrong direction;
- more than half think the quality of life has deteriorated in the past ten years;
- 72 percent do not think they get their money's worth from the taxes they pay; and
- 85 percent feel that politicians are afraid to tell it like it is, to tell the truth about recession, energy, inflation, etc.**

A serious study of the governmental system, if properly implemented, could help to restore public confidence. In fact, the Senate Subcommittee Study cited above reported an underlying optimism that government can be made to work effectively:

Despite all of the frustrations and the feeling that the Country is not entirely in sound hands, the American



*Louis Harris and Associates, Inc., public opinion poll as cited in U.S. Senate, Subcommittee on Intergovernmental Relations of the Committee on Government Operations, Confidence and Concern: Citizens View American Government, (Washington, D.C.: 1973)

**Talk before the National Press Club, Washington, D.C.

people have little doubt that government, as structured by the Founding Fathers, can be well run. At the lowest level, 90% of the public and all of the leaders believe local government could be run well. As far as state government is concerned, 90% of the public and 94% of the leaders are convinced it can be run well. And at the federal level, despite all the current doubts, 86% of the public and 87% of the leaders think it can be run well.

A fourth argument for a study is that, despite the enormous changes in the society and the growing dimensions of governmental responsibilities, there has been no thorough-going public study of the adequacy of governmental institutions in 20 years--not since the Second Hoover Commission and the Kestnbaum Commission. During this period, there have been four presidential study groups on the organization of the Executive Branch,* but many, if not most of their findings and recommendations were not made public. Few, if any, of these studies resulted in tangible improvements, and none addressed the relationships of the different branches of government, except indirectly. On a number of occasions during these two decades, Congress has undertaken to reform its own committee structure, operations, and procedures, and in the last year instituted some significant changes. Likewise, the Judiciary, most notably through the office and person of the Chief Justice, has proposed and instituted a number of reforms in judicial operations and procedures. But whether significant in their own right or not, these admittedly limited reorganization efforts in one or another branch of the national government simply underscore the need for a comprehensive examination into the functioning of American governmental institutions.

The basic problems of today arise from the vast changes in society and in the roles and functions of the many governments which serve it--

*These groups, known best by the names of their chairmen, include those chaired by Nelson Rockefeller (under Eisenhower), Don K. Price and Ben W. Heineman (under Johnson), and Roy L. Ash (under Nixon).

changes not alone from the basically agrarian society of the eighteenth century for which the Constitution was designed, but changes from the conditions confronted by the two Hoover Commissions, the Kestnbaum Commission, even the more recent Ash Council. Very likely, a large part of our current malaise and our governmental ailments arises from the failure to adapt the governmental system to the changes in the environment and in the roles and missions of governmental institutions which are constantly occurring.

Some keen observers of the American scene have described our governmental style as the science of "muddling through." If, as some believe, we are in the midst of a massive turning-point in history, both in domestic and international affairs, one may appropriately question whether "muddling through" is adequate. Very possibly, the practice of "muddling" in the face of very rapid changes has contributed to the conditions alleged and sincerely believed by many Americans today: that our system of government is too big; that it tries to do too much; is overcentralized and too distant from the people it should serve; promises more than it can deliver; is insufficiently selective in undertaking new programs; is out of control; is insufficiently representative of, and responsive to, many of the citizens; is overly responsive to some; and is corrupt.

This Committee believes the ideals and objectives which underlay the Declaration of Independence and the Constitution still provide a viable foundation for modern government. And it shares the skepticism of the Founding Fathers about the infallibility of political mankind which contributed to the check and balance system inherent in federalism and the relationships among the branches of the national government. The Committee does not therefore propose a new Constitutional Convention. It urges instead that the time is



ripe, possibly overripe, for a thorough-going appraisal of governmental problems today and how best we might adjust our system to meet the goals enunciated in the Preamble to the Constitution.

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

III. Focuses and Scope of the Proposed Commission

It is obvious that no study group, however industrious and wise, could resolve all the problems of the American government within the span of two and a half years. There must be some reasonably identifiable targets and boundaries of inquiry.

In the fairly recent past -- about the last four decades -- the most significant governmental studies may be categorized in three classes:

1. Studies directed to the organization and operation of the Executive Branch. These include the Brownlow Committee report which addressed itself primarily to the Presidency, the principles of executive leadership, and the instruments of direction and control. It was very possibly the most significant, and, over the long run, most influential document on American government up to this time. The First Hoover Commission, which reported in 1949, directed its recommendations principally to the departments and agencies below the Presidency: their missions, structures, and procedures, with a primary objective of making monetary savings in the execution of existing policies. It probably had more immediate and apparent impact on the federal government than any other study in modern times and it stimulated "little Hoover Commission" studies in a great many state and local governments in the years that followed. The reports of the Second Hoover Commission in 1955 emphasized changes in federal policies and programs. With some exceptions, the reports had rather little impact on either public policy or its administration.

2. Studies directed to federalism and intergovernmental relations. Although much has been written in this area, the only official and widely disseminated study was that of the Kestnbaum Commission in 1955. Its report was knowledgeable, wise, and provocative, and it has influenced intergovernmental relations considerably in the succeeding decades. Its most concrete

result was the establishment in 1959 of the permanent Advisory Commission on Intergovernmental Relations which has made a number of significant studies of national, state, and local relationships.

3. Studies directed to problems, areas, and functions of government, such as justice and crime, poverty, transportation, health delivery, energy, education, national security, and foreign affairs. Most of these overlapped two or more branches of government and two or more levels of government. There has been an abundance of such functionally oriented studies at all levels of American government, some of them very penetrating and constructive. But few of them did, or could, view their problems in the context of their impact upon government as a whole. A good many of these studies had little or no effect.

The studies of the First Hoover Commission and, to a lesser degree, the Second -- like those in the third category above -- focused on individual governmental functions or subject matter areas, such as public welfare, natural resources, foreign affairs, and medical services. The Brownlow Committee organized most of its work around elements of general management, such as budgeting and finance, personnel, coordination of programs, etc., without delving in depth into individual functional areas.

It would be neither desirable nor feasible for the commission contemplated in this proposal to organize its work around subject matter and policy areas (like transportation, crime, or energy) except for purposes of understanding and illustrating more generalizable problems. These are areas of enormous technical complexity, which such a commission could hardly master. Further, official agencies and instrumentalities exist in the government with continuing responsibility to make and execute public policies. Policy recommendations from a temporary body such as the proposed commission are unlikely to sway officials -- as the fate of most of the Second Hoover Commission's

recommendations demonstrated.

Most of the prior governmental studies concentrated almost exclusively on the Executive Branch. This Committee finds this approach inadequate to meet the problems discussed earlier in this document. The Committee's underlying assumption is that the government of the United States should be viewed as a system: the three branches of the federal government, the 50 states, and the thousands of local units. Each element of the system is interdependent with, and in some degree dependent upon, other elements.

Thus, one cannot examine the Executive Branch without repeated reference to its relationships with the Congress and the Judiciary; and these interrelationships inevitably involve some inquiry into the nature, operations, and organization of all the branches. Ours is a government, not of separate institutions with divided powers, but of related branches with shared powers. All the branches are involved in one way or another with shaping policies and programs, carrying them out, and appraising their effectiveness and amending them accordingly, though their powers, responsibilities, and perspectives in each of these areas differ. Accordingly, a major focus of the proposed commission would be upon the roles and relationships of the three branches in the making and execution of national policies.

Likewise, a great part of what the federal government does on the domestic front is executed by other units of government, as well as through other institutions. Quite clearly, a further thrust of the proposed Bicentennial Commission on American Government should relate to federal responsibilities and relationships with state and local governments and with quasi-public organizations and private institutions. Indeed, one of the primary emphases should relate to federal responsibilities to improve the

capabilities of other governments in carrying out programs of shared concern.

The Committee recommends that the proposed commission:

1. begin its work by identifying a manageable number of the central issues relevant to the purposes and performance of American government (see below);
2. concentrate upon the most important of these issues in the Executive Branch and follow them wherever they lead into the Legislative and Judicial Branches of the national government;
3. pursue these issues into state and local governments and other institutions where, and to the extent, necessary; and
4. make recommendations as appropriate for all branches and all levels.

Except for purposes of greater understanding and illustration, the Committee recommends against identifying issues in terms of substantive or functional areas such as energy, health, education, etc.

There are a variety of ways in which cross-cutting issues can be identified, classified, and defined, and the process of issue selection and classification should be a first order of business of the proposed commission. The Committee has considered and discussed a number of issues and grouped them in broad subject areas. They are briefly discussed below as a basis from which the commission might choose to adapt in developing its own agenda. There is no thought that the commission should undertake all of these items, that others should not be substituted, or that these could not be redefined. One potential topic is omitted from the listing, mainly because it seemed so obviously overriding as to permeate virtually all the others: that is the delivery of services to the people.

A. Government and Society

For the commission to succeed it must develop an understanding -- a workable conception -- of the role of government in the United States in the

rapidly changing environment of the 1960's and the 1970's. This calls for a thoughtful study focused directly upon: (1) the changing demands of society on government; (2) the adaptive response of government; (3) government as an initiator of change; and (4) the resulting evolution in the role of government measured against the aspirations of the founders. While such a study may produce few specific recommendations, it will provide crucial insights into where we are, how we got here, and in what direction we are, can be, or should be moving. More specific topics under this heading might include:

1. the expanded social and economic responsibilities of government, particularly the national government, and its impact upon the private sector and individual citizens;
2. the erosion in the distinction between what is public and what is private;
3. the increasing utilization of quasi-public and private institutions as agents of governmental programs; and
4. the effectiveness of current and other possible arrangements to provide citizen participation in policy making, administration, and evaluation.

B. The Making and Implementation of Public Policy

This topic obviously comprehends the bulk of governmental activity. Clearly it is not enough to focus directly upon one or another branch or level of government, or upon any other single convenient categorization. Few significant policies can be made or implemented by an executive branch alone. Throughout most of our history, the judiciary has made some of the most significant policy decisions. Judicial decisions have importantly modified the operations of the two other branches with regard to both policy-making and administration. Similarly, many federal domestic programs operate through state and local government. Other programs, including even those in foreign affairs and national

defense, have significant impact, direct and indirect, upon state and local government. Traditional concepts about the division of powers and dual federalism are now eroded by the increased interdependence of the branches and the levels of government. In this context, the Committee suggests studies focused on:

1. anticipating and planning for future contingencies;
2. relating new and on-going programs with available and foreseeable resources;
3. finding means of fostering greater selectivity in determining new programs and continuance of existing programs, and assessing priorities among them;
4. interrelating domestic and foreign policies and programs where they impinge upon one another;
5. evaluating the effectiveness of existing programs and translating such evaluations into new or modified policies and administration;
6. providing systems of direction and control in the administration of programs;
7. increasing reliance upon the adversary process in the making and implementation of public policy and the impact of such judicialization upon public administration;
8. evaluating the impact of the increased role of the courts upon the making and execution of public policy; and
9. illuminating the inherent tug of war between national or nationwide goals in public policy and the diverse problems and needs of different regions, states, and local units.

C. The Public Service

Ultimately, the effectiveness and the wisdom of government activities depend upon the capabilities, creativity, dedication, and integrity of those who are elected or appointed to public office -- at all levels and in all branches. Events of the last several years have exacerbated the traditional doubts of many Americans about not only the bureaucracy, but also political

officials, both executive and legislative, and even the judges. Although the Committee feels that the career civil servants have to some extent been victims of the popular stereotype of "bureaucrats," it is clear that all is not well in the public service. Among the key topics on which the proposed commission might focus are:

1. roles and relationships of political and career public servants, particularly the mechanisms for protecting against politicization of civil service systems;
2. strengths and dangers of professionalization, and the tendency for individual professional groups to dominate particular policies and programs;
3. hazards of excessive influence by special interests upon both legislative and administrative officials;
4. impact of unions and collective bargaining at all levels of government;
5. representativeness of the bureaucracy and the assurance of equal opportunity in the selection and advancement of all personnel;
6. appropriate recognition of, and adequate compensation for, executive, legislative, and judicial personnel;
7. methods of strengthening administrative capabilities of officials in state and local government, including the question of actions the national government might take for this purpose; and
8. ethics of individual office-holders, including particularly the issues of corruption and conflicts of interests in all branches.

D. Values, Responsibilities, and Rights

The American Revolution was essentially a war against the oppression of and transgressions against the colonists by the British government. The underlying values of individual freedom and the protection of the people against such governmental transgressions were given eloquent expression in the early documents: the declarations of rights in the early state constitutions, the Declaration of Independence, and the Bill of Rights of the Constitution. Sub-

sequent amendments to the Constitution, as well as a great many laws and court decisions, have aimed to expand the application of these rights, to provide more specific procedural safeguards, and, in some cases, to expand the nature of the rights themselves (the rights to education, health, work, a minimum income, etc.). Yet, in recent years, there have been almost daily evidences of infringements upon citizen rights, aided by burgeoning technology and frequently justified in the name of other objectives and programs of government such as national security, the suppression of crimes, or the collection of taxes, to name a few.

Among the values propounded by the founders were those related to, and sometimes instrumental to, the assurance of these rights: government of, by, and for the people; an open government; and a government ultimately responsible to the society.

The Committee recognizes that these values raise very difficult but also very basic problems. It suggests several specific areas for consideration and recommendation:

1. openness vs. secrecy in governmental operation;
2. invasion of individual privacy;
3. mechanisms to assure effective accountability of public agencies to their officers and employees, for their actions; and
4. establishment and enforcement of standards of official behavior in keeping with the public interest and with the rights of individual citizens.

The Committee is aware that a number of other studies which relate to the proposed commission's assignment are projected, underway, or recently completed. They include, for example, the recent studies by the (Murphy) Commission on the Organization of the Government for the Conduct of Foreign

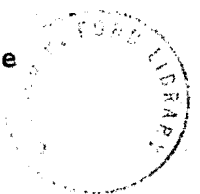
Policy, the Procurement Commission, the recently established Paperwork Commission, several different studies of intelligence activities, and the proposed study of regulatory activities. Obviously, the commission proposed herein need not retread ground already covered; it would have the option of taking advantage of research findings and recommendations of others as it deems appropriate.

IV. The Proposed Commission

Sponsorship. The Committee recommends that the proposed commission be official, authorized by act of Congress, and financed by federal appropriations. There are some who advocate a purely private commission composed only of private citizens and presumably privately financed. Such a commission, it is assumed, would be less circumscribed in scope or recommendations than would an official one. The Herter Commission on Foreign Affairs Personnel of the early 1960's was such a group. Its work indeed was independent and impartial. But the paucity of implementation of its major recommendations resulted, at least partially, from the lack of official commitment to the committee and its work. Legal authorization offers more assurance of official commitment to the purposes and recommendations of the proposed commission.

Appointment and Membership. The Committee considered the options of appointment by the President alone, by the President and presiding officers of the Congress, or by the President, Congressional leaders, and the Chief Justice of the United States. The Committee concluded that, even if the commission's charter were of minimal scope, focused in the first instance on the Executive Branch alone, the increasing complexity and interrelationships among the three branches call for an examination by all three, and, therefore, the commission members should be appointed by the heads of the three branches. Specifically, it is recommended that four members be appointed by each of the following: the President; the Vice President, after consultation with the two party leaders in the Senate; the Speaker, after consultation with the minority leader of the House; and the Chief Justice.

The Committee has carefully considered whether the commission's membership should consist of elected and appointed officials only, private



citizens only, or a balance of half and half (as in the cases of the Hoover Commissions). An entirely elected and appointed official membership was rejected principally because of the difficulty that these officials have in participating personally in a commission's work. It is this difficulty which casts doubt on the "half and half" model too, unless there are procedures to inform the official members adequately and to receive their views and decisions, either directly or indirectly.

On balance, the Committee proposes that all commission members be appointed from private life* from among the most distinguished persons available, preferably with experience in government or politics, partisan or non-partisan, including some with experience in state or local governments. It is essential that the commission be composed of citizens of the highest caliber American society has to offer. They should have appropriate experience, commitment, and interest to devote the necessary time and attention to the work of the commission. The Committee has no doubt that such persons can be attracted given a clear-cut and persuasive commitment by the national government to the commission's purposes.

Equally clear and indispensable is the Committee's conviction that no one political party should dominate the commission. The history of similar governmental commissions indicates that those dominated by one party are generally less successful in having their recommendations implemented than those that are scrupulously balanced. The Committee recommends that the commission be bipartisan with the understanding that this does not preclude the appointment of individuals not identified with either major party. Consequently, the Committee

*This does not preclude the appointment of a public official who resigns his position to accept membership on the commission.

recommends that the authorizing language specify that no official may designate more than half of his appointees from any one political party.

Chairman and Vice-Chairman. Among the four appointees of the President, one should be nominated as chairman of the commission, and another as vice-chairman; however, the two individuals should not be from the same party. Both should be confirmed by the Senate. Both should be outstanding national leaders, broadly experienced in government, and prepared to serve full-time. Given the magnitude and importance of this enterprise, the Committee recommends that the chairman should be compensated at the level of a cabinet member and the vice-chairman at that of a deputy secretary.

Relationships with the Branches of the National Government and with Other Levels of Government. It is mandatory that the proposed commission, especially if all of its members are chosen from private life, have sustained and continuous contacts with all three branches of the national government. This is important for the two-way flow of information between the commission and each of the branches. It is also important to the subsequent serious consideration and intelligent implementation of the commission's recommendations. To this end, the commission and the three branches should be authorized and directed to make such liaison arrangements as each deems necessary.

The commission should be encouraged to cooperate with, and, to the extent necessary, use the services of, other levels and agencies of government, particularly the Advisory Committee on Intergovernmental Relations.

Powers. The proposed commission should be authorized to obtain such information and assistance as it needs to carry out its duties. Accordingly, the three branches of the federal government should be authorized and directed to provide the commission with any information, data, or advice it determines

necessary.

Given the size and complexity of problems with which the commission inevitably will have to deal, it should have the flexibility to choose its work methods. It should be able to finance and compensate adequately its own internal staff; be free from civil service employment and compensation requirements; hire, as needed, experts and consultants; borrow staff and services from other public agencies; and contract with private organizations for research and studies. The commission may wish to set up study groups to cover certain subject areas.

Funding. Financing from the private sector would seem to have several advantages -- among them, freedom from what could be a long authorization and appropriation process, concrete demonstration of private participation, and assurance of exemption from governmental bias. Each of these has some validity; however, the overriding consideration is that the commission's work be adequately financed to accomplish what is thought to be needed. Funds available from philanthropic sources have been sharply reduced in recent years. If the commission is to become operational as early as possible, public funds appear to be essential. Public funding also would underline the federal government's commitment to the undertaking. This is not to preclude special studies that are privately financed and of interest to the commission, however.

To give the proposed commission sufficient resources to do its job, it is estimated that a total of \$10 million over two and one-half years should be authorized. For comparison purposes, the following are budgets of other study commissions:

- (Murphy) Commission on the Organization of the Government for the Conduct of Foreign Policy -- \$1.1 million per year.
- Government Procurement Commission -- \$2.2 million per year.
- Public Land Law Review Commission -- \$1.0 million per year.

Timing and Duration. As stated elsewhere, the time for such a study is propitious. Indeed, it is urgent. This proposal should be considered and authorized by the end of calendar 1975 so that the commission can begin its work early in 1976 and make its final report no later than the fall of 1978. The commission should be required to submit reports on its progress at least once a year; however, interim reports may also be made, if the commission so decides.

Modus Operandi. This Committee hopes that the proposed commission's work will be distinguished by its openness and its encouragement and utilization of citizen participation. The commission should plan to hold meetings and hearings around the country so that local officials and private citizens can attend. Careful advanced planning should insure that the private, non-governmental groups, as well as state and local officials, may be heard.

V. The Conditions of Success

Over the years, this nation, like many others, has established thousands of temporary, ad hoc study commissions, boards, and advisory committees at the national, state, and local levels. Relatively few of them have had much immediate impact in terms of governmental action. A few have had influence over the years, sometimes growing over several decades, but the majority have had little or no influence either in the short or long range. Some were of poor quality; some innocuous, bland, and platitudinous; some too controversial. A good many fell on deaf ears in the centers of power and an unknown number never saw the light of day.

Why did some succeed and many fail?

Among the conditions for the success of this kind of undertaking, the following are requisite:

1. a "ripe" issue or issues, demanding of attention at the time;
2. an interested, supportive, and receptive client;
3. a chairman and a vice-chairman who command national respect, are committed, and are leaders;
4. other commissioners who are at once knowledgeable about government, capable, and committed to the task;
5. an able staff director who enjoys the confidence of the commission and particularly its chairman; and
6. the early and continuous involvement of individuals who will exercise great influence on the ensuing decisions.

Without question, the issues envisioned for the proposed Bicentennial Commission on American Government are "ripe." Since the publication of the Federalist papers (and the anti-Federalist papers) in 1787-88, the need for examination of the American governmental system has never been more pressing, nor



the timing more propitious.

The ultimate "client" of this proposed commission is the American people. Considerable evidence, alluded to in Section II above, indicates that a great many citizens are critical of American government and would be supportive of constructive change. The more immediate clients are the elected and appointed officials, particularly those at the federal level, who represent the people. Many of them are, or will be, interested and supportive, but this will depend in some degree on the responses to the proposal from representatives of the public.*

The fifth requisite cited above, an able staff director, will, of course, depend upon the chairman, who will make the appointment, and the vice-chairman and the commission members who will ratify this appointment. The crucial variables will be the qualities of the members of the commission and particularly its chairman. The Committee urges that those officials with the responsibilities of appointment give the greatest care to their selection: that the chairman and the vice-chairman be persons of national distinction and reputation, with recognized capacity for leadership; and that the entire commission bring together individuals with varied and responsible experience, particularly, though not exclusively, in government, and with a dedication to the public interest, regardless of political affiliation.

Finally, it is clearly essential that, from the beginning of consideration of the proposal, the leaders of government--as well as influential institutions and individuals in the society--be informed of, interested in, and committed to the commission and its work and to the careful consideration

*It is noteworthy that after this Committee was appointed, a joint meeting on June 26-29, 1975, of the American Bar Association and The American Assembly recommended a commission similar to the one outlined in this report.

of its product.

Accordingly, this Citizens' Committee report is addressed both to the American public and to their governmental officials.

A Bill

To establish a Bicentennial Commission on American Government to study, appraise, and make recommendations on the organization and operation of the Government of the United States and its relations with state and local governments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bicentennial Commission on American Government Act".

DECLARATION OF POLICY

Sec. 2. It is hereby declared to be the policy of the United States to promote improvement in the transaction of public business by the government in the United States and to authorize a full study and investigation of the organization, operation, and relationships of those governments.

ESTABLISHMENT OF COMMISSION

Sec. 3. (a) There is established the Bicentennial Commission on American Government (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of sixteen members appointed from among individuals in private life with extensive experience in or knowledge of American Government as follows:

(1) four members shall be appointed by the President;

(2) four members shall be appointed by the President of the Senate;

(3) four members shall be appointed by the Speaker of the House of Representatives; and

(4) four members shall be appointed by the Chief Justice of the United States.

(c) Of the four members of the Commission appointed by the President,

he shall designate one as Chairman of the Commission and one as Vice Chairman of the Commission, both to serve full-time for the duration of the Commission. The two individuals so designated shall be appointed by and with the advice and consent of the Senate.

(d) At no time shall the Chairman and Vice Chairman be individuals who are of the same political affiliation and at no time shall more than one of the other two members appointed under paragraph (1) of subsection (b) or more than two members appointed under paragraph (3), (4), or (5) of subsection (b) be individuals who are of the same political affiliation.

(e) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(f) Nine members of the Commission shall constitute a quorum, but the Commission may establish a lesser number to constitute a quorum for the purpose of holding hearings.

DUTIES OF THE COMMISSION

Sec. 4. The Commission shall study and investigate the current organization and methods of operation of all departments, agencies, and independent instrumentalities of the executive branch of the Government, and if, in the opinion of the Commission it is necessary, the legislative and judicial branches of the Government, to determine what changes therein are necessary to--

(1) alter the current methods of operation of the United States Government and state and local governments to solve any major problems which the Commission may identify as impediments to this proper functioning;

(2) provide means whereby the methods of governmental operation may be adapted to a rapidly changing society;

(3) insure that the methods of governmental operation do not interfere with the individual freedoms of the citizens of the United States;

(4) improve the capacity of governments to make and implement public policy; and

(5) provide competent personnel to transact the public business.

POWERS AND ADMINISTRATIVE PROVISIONS

Sec. 5. (a) The Commission may, in carrying out its duties under this Act, sit and act at such times and places, hold such hearings, take such testimony, administer such oaths, have such printing and binding done, and make such expenditures as the Commission deems advisable.

(b) Subject to such rules and regulations as may be adopted by the Commission, the Commission shall have the power--

(1) to appoint and fix the compensation of an executive director, and such additional staff personnel as it deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(c) The Commission may acquire directly from the head of any department, agency, or independent instrumentality, including the Advisory Commission on Intergovernmental Relations, of the executive branch of the Government, available information which the Commission deems useful in the discharge of its duties. The Commission is authorized and directed to request such in-

formation from the appropriate officials of the legislative and judicial branches of the Government. All departments, agencies, and independent instrumentalities, including the Advisory Commission on Intergovernmental Relations, of the executive branch of the Government and the appropriate officials of the legislative and judicial branches of the Government shall cooperate with the Commission and furnish all information requested by the Commission to the extent permitted by law.

(d) The Commission is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman and the Administrator of the General Services Administration.

COMPENSATION OF MEMBERS

Sec. 6. (a) The Chairman of the Commission shall receive compensation at a rate equal to that for level I of the Executive Schedule under section 5314 of title 5, United States Code, and the Vice Chairman shall receive compensation at a rate equal to that for level II of the Executive Schedule under section 5315 of title 5, United States Code.

(b) All other members of the Commission shall each receive compensation at the rate of \$200 for each day such member is engaged in the performance of the duties vested in the Commission.

(c) All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred in connection with their activities as members of the Commission.

REPORTS

Sec. 7. (a) The Commission shall submit to the President and to the

Congress such interim reports as it deems advisable, and, not later than thirty months after the initial meeting of the Full Commission, a final report together with its findings and recommendations, including proposals for constitutional amendments, legislation, and administrative action, as may be necessary to carry out its recommendations.

(b) The Commission shall cease to exist ninety days after the submission of its final report.

TIMELINESS OF APPOINTMENTS

Sec. 8. It is the sense of the Congress that the appointments of individuals to serve as members of the Commission be completed within ninety days after the enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

Sec. 9. There is authorized to be appropriated, without fiscal year limitation, the sum of \$10,000,000, to carry out the provisions of this Act.

Biographical Data on Committee Members and StaffCommittee Members

Robert E. Merriam, chairman of the committee, has been the Chairman of the Advisory Commission on Intergovernmental Relations since 1969. He is Executive Vice-President for Development, Urban Investment and Development Company, Chicago, Illinois. He has had extensive experience both in private business and in government at the federal, state, and local levels, serving in the White House, in the Bureau of the Budget, and as an Alderman to the City of Chicago.

Stephen K. Bailey is Vice-President of the American Council on Education. His past affiliations have been with Syracuse University where, among other positions, he served as the Dean of the Maxwell Graduate School of Citizenship and Public Affairs. He has taught at Princeton and Wesleyan Universities and at Hiram College. He served as Administrative Assistant to the late Senator William Benton of Connecticut and was on the staff of the First Hoover Commission. Among his major writings are Congress Makes a Law and Congress in the Seventies.

Samuel H. Beer is Professor of Political Science at Harvard University. He has been associated with Harvard since 1938. Author of many books in the field of political science and government, his British Policies in the Collectivist Age won the Woodrow Wilson Foundation award in 1966. His latest volume is entitled The State and the Poor. He was national chairman of the Americans for Democratic Action from 1959 to 1962.

Lucy Wilson Benson is Secretary of Human Services for the Commonwealth of Massachusetts. She has had wide experience in non-partisan, citizen participation activities, having served as President of the Massachusetts League of Women Voters from 1957 until 1965 and as Vice-President and President of the League of Women Voters of the United States from 1966 through 1974. She is an advisor to many national organizations.

Mark W. Cannon is Administrative Assistant to the Chief Justice of the United States. He was Director of the Institute of Public Administration from 1968 until 1972, having previously served the Institute as Director of International Programs and the Urban Development Project in Venezuela. He was Chairman of the Political Science Department at Brigham Young University and has served as an Assistant to both a U.S. Senator and a U.S. Representative.

Ruth C. Clusen is President of the League of Women Voters of the United States, having served on the League's National Board since 1966. She serves and has served in numerous advisory positions to the federal government and national and international organizations. Among her other commitments, she is on the Council of the National Municipal League and the National Petroleum Council. She is also on the Boards of the Leadership Conference of Civil Rights and the Center for Public Financing of Elections.

Murray Comarow is Executive Director of the Interstate Conference of Employment Security Agencies, Inc. During his extensive experience in the Executive Branch he served as Senior Assistant Postmaster General; Executive Director of the Federal Power Commission; Executive Director of the President's

Commission on Postal Organization; and Executive Director of the President's Advisory Council on Executive Organization, known as the Ash Council. From 1969 to 1972 he was Vice-President of Booz, Allen, and Hamilton.

Roy W. Crawley (Ex Officio) is President of the National Academy of Public Administration Foundation and Executive Director of the National Academy of Public Administration. He has been associated with the National Academy since its inception. Prior experience includes: Ford Foundation Representative in Latin America; Director of the Office of Personnel Administration, Agency for International Development; and Director of Administration, General Services Administration. He has also been a staff member at The Brookings Institution.

Alan L. Dean is Vice-President of the U.S. Railway Association. Before assuming this position, he served in many high-level federal government positions; among them, Assistant Administrator of the Federal Aviation Agency and Assistant Secretary of the Department of Transportation. He also served as assistant to Dean Acheson, the Vice-Chairman of the First Hoover Commission.

Bernard L. Gladieux is a private consultant. Previously he was a director of Knight, Gladieux and Smith, management consulting firm in New York City, as well as an officer of the Ford Foundation and of Booz, Allen and Hamilton. From the late thirties until 1950 he served in several federal government executive positions in the Bureau of the Budget, the War Production Board and the Department of Commerce.

Kermit Gordon is President of The Brookings Institution, having previously served as Brookings' Vice-President. Among his federal positions was that of Director of the Bureau of the Budget. He came to that position from the faculty of Williams College where he was the David A. Wells Professor of Political Economy.

Bryce N. Harlow is Vice President for National Government Relations of Procter and Gamble. He served on the personal staffs of three Presidents and has had extensive experience in staff work for the House of Representatives.

Ronald B. Lee is Director of Marketing Analysis for Xerox Corporation. As a West Point graduate, he served in various positions in the U.S. Army both domestically and abroad. He was a White House Fellow, serving on the White House staff; Assistant to the Postmaster General; and later, Assistant Postmaster General. He has been Assistant Provost of Michigan State University and continues to lecture on various campuses in the field of management and planning.

Franklin A. Lindsay is Chairman of the Board, ITEK Corporation with which he has been associated since 1961. He has held important positions in private industry and government, at the national, international, and Congressional staff levels. He was a consultant to the Second Hoover Commission and among the many organizations with which he has been associated is the Council for Economic Development of which he is Vice-President.

Herbert Roback is a consultant to the House Armed Services Committee,

having recently retired from a long career with the legislative branch. He was Staff Director for the House Committee on Government Operations, where he began in 1949 as a professional staff member; and Staff Director of the Subcommittee on Legislation and Military Operations. He was Administrative Assistant to Congressman Chet Holifield on the Second Hoover Commission.

James H. Rowe is an attorney. He has held many positions in the federal government, among them as one of the "anonymous" assistants to President Roosevelt. He has served as a consultant to the U.S. Senate and on many advisory commissions to the U.S. Government. He was a member of the First Hoover Commission.

Harold Seidman is a Professor of Political Science at the University of Connecticut. He was with the Bureau of the Budget for 25 years, serving as Assistant Director of Management and Organization for his last four years there. He is the author of Politics, Position and Power, recently revised, written while he was Scholar in Residence at the National Academy of Public Administration.

Elmer B. Staats is Comptroller General of the United States. Before being appointed to this position he had an extensive career in the Bureau of the Budget where he served as Deputy Director under four Presidents. He was also Executive Officer of the Operations Coordinating Board of the National Security Council. He was National President of the American Society for Public Administration.

Wayne E. Thompson is Senior Vice-President of the Dayton Hudson Corporation of Minneapolis, Minnesota. He has had extensive experience as a city manager and has served on many national government committees and commissions, among them the President's Advisory Commission on Management Improvement. He has been a Vice-President of the National Municipal League, is a Trustee of the Council for Economic Development, and a Director of the Public Affairs Council.

Clyde M. Webber is National President of the American Federation of Government Employees (AFL-CIO). He has been an officer of the Federation for many years and was an employee of the U.S. Department of Labor. He is a member of the Federal Pay Council as well as several other national government committees which set rates for government employees.

Frederick C. Mosher, Staff Director, is Doherty Professor of Government and Foreign Affairs at the University of Virginia. He also has been on the faculty of Syracuse University and the University of California at Berkeley. Previously he served in research and administrative capacities in various federal, state, and local, and international agencies. He has served as a consultant to numerous public agencies, including the Kestnbaum Commission, was Staff Director of the (Herter) Committee on Foreign Affairs Personnel and more recently, chaired the Academy's panel on the governmental implications of Watergate. He is author of numerous essays, monographs, and books and was the recipient of the 1969 Louis Brownlow Book Award for Democracy and the Public Service.

Melbourne L. Spector, Deputy Staff Director, is Director of Development for the National Academy of Public Administration. He is a retired Foreign Service Officer. Among the positions he has held are Executive Director of the American Revolution Bicentennial Commission and United States Executive Director of the United States-Mexico Border Commission for Economic and Social Development.