
Affairs of the State

By H. V. THORNTON

OKLAHOMA'S constitution is not more than half as bad as some of its more severe critics insist. Probably no state constitution, not even the Constitution of the United States, sets forth more clearly the great objectives of modern government. In this respect our constitution remains a distinctly up-to-date document. Yet it is badly in need of revision. It needs revising because long constitutions grow out of date quickly, and ours is one of the two longest serving in the United States. Long constitutions lack flexibility, and defeat attempts to adjust basic laws to changing circumstances primarily because long constitutions include subject matter which properly should be left to the discretion of legislative bodies or to the people exercising the right of initiative and referendum. Furthermore, it needs revising because members of the Constitutional Convention were more alert students of political philosophy than of sound principles of public administration and administrative organization.

Even in those days, and in spite of the pioneer conditions surrounding them, these men understood the enlarged role that government must play in the lives of people. With commendable caution, born of the experience of older commonwealths, they set up a *welfare* state, imposing upon its government numerous duties of a positive nature. They discarded the idea of the simple, negative *police* state, which had served reasonably well until industrialization and technological developments profoundly changed the pattern of life in America.

But after stating the objectives of modern state government in a manner that won the respect of progressive minds throughout the nation, they turned to the agrarian period of Andrew Jackson for an example of administrative organization. Much could be said, in a longer article, concerning the decision of the framers to impose the manifold functions of the positive, dynamic state upon a cumbersome administrative organization. Here it may be noted that Oklahoma's preparation for statehood coincided with a tide of opinion overwhelmingly favorable to the several devices of direct democracy: Initiative and referendum, legislative limitations,¹ and action will be considered in a later article.

popular choice of a remarkable number of administrative officers. But "proof of the pudding is still in the eating." Public policies, however well conceived, whether embedded in the constitution or set forth in the acts of legislative bodies, achieve little or nothing unless the machinery of administration is well geared to its tasks,

and is responsive to the public will. In this respect, the constitution of Oklahoma is properly subject to severe criticism.

Obviously the members of the Convention, at least most of them, held the view that the election of a large number of administrative officers was a wise extension of the democratic process. But in addition to this ideological argument, they were firmly convinced that popular choice was the best means of holding such officials accountable to the people. Thus forearmed, they proceeded to establish the longest ballot in the United States.

They created outright thirteen elective state officials, a list to be increased later to fifteen by constitutional amendment and by legislative act. Unimpressed by this imposing number, the Convention then proceeded to designate twelve elective

An Authority on Oklahoma Government Gives Reasons For Shortening the Longest State Ballot in the U. S.

county officers, since reduced to eleven. Add to these elective congressional, legislative and judicial offices, and the result is a ballot of forbidding proportions, a ballot which defeats intelligent voting because most voters, busy trying to make a living, have neither the time nor the means to become familiar with the candidates who anxiously aspire to public office. Names rather than qualifications determine the voter's choice, and the public's interests suffer accordingly.²

We are learning, however, that the basic arguments of the framers have little foundation either in fact or theory. Democratic government is responsive government, and so far as the ballot is concerned requires only that officers who determine public policy, and those who have general responsibility for carrying such policy into effect, should be elected. We are finding that numerous independently elected administrators can and frequently do thwart those officials who under the constitution are made responsible for the determination of public policy.

Our constitution rather pompously declares: "The Supreme Executive Power shall be vested in a Chief Magistrate, styled the 'Governor of Oklahoma.'" But this statement should not be taken seriously. Executive and administrative of-

ficers below the Governor, the Supreme Court has said, are independent of his control in the performance of their duties, and the Court went on to say that the same independence was vested in county and township officers. "None of these officers, in carrying out the mandate of the Constitution, . . . acts as the agent of the Governor."

Under this interpretation, the Governor is one of a dozen chief executives, and his title is one of sound rather than of substance. His significance in state government is less that of a chief executive than of a chief law-maker.

Given the present form of administration, it is largely impossible for the average citizen to fix responsibility for failures, dishonesty and inefficiency in the administration of law. When the Governor, Commissioner of Charities and Corrections, the State Senate, and other authorities perhaps, have independent duties concerning the administration of our penal institutions, it is not easily apparent which may have been remiss in the performance of duty. In fact, it might prove difficult to cite dereliction of duty in any instance or with respect to any authority, thus forcing the conclusion that faults in administration result from an unfortunate division of responsibility.

The average man is confused, however, and directs his criticism at the Governor, whose position is conspicuous even if it does not give him power to act with decision. The public has and always will hold the Governor responsible for the faithful execution of the laws of the state, regardless of the fact that the Constitution denies him powers commensurate with this responsibility.

Before we can do much toward stabilization of the public service in Oklahoma, we must recognize in the make-up of the ballot the distinction between the administrative officer and the policy-determining officer. Only the latter should be chosen by the people. Furthermore, we ought to recognize the fact that popular choice of a large number of administrative officials does not fix responsibility; it provides rather, in many cases, an escape from responsibility. Because the people cannot, or will not, maintain a careful watch of the daily operations of numerous public offices, most of which are technical in character, some incumbents can "chisel," loaf, or extend special favors, and the public may be no more aware of these sins than they are of the efforts of others who serve the public interests with singleness of purpose.

¹The total effect of limitations upon legislative action will be considered in a later article.

²Blind voting will be considered in a subsequent article.