

Affairs of the State

By H. V. THORNTON

In this third in a series on problems of Oklahoma state government, Dr. Thornton discusses the weaknesses in the local government system. In previous issues, he has dealt with the need for shortening the long state ballot and for cutting down on the number of state elective officials.

PEOPLE WHO complain loudest about shifts of power toward the central government are commonly the same critics who are indifferent to or actively oppose attempts to modernize the procedures of state and local governments in such manner that these jurisdictions can meet adequately and economically the growing demands for public service. Some shift of power away from the states, in our industrial society, is inevitable; and the same development may be noted and expected as between the states and their local units.

A trend of this nature once established, however, may carry beyond the limits of necessity, and reach extremes which repudiate, in fact, the chief premise of a democratic society. A democracy assumes that people will participate actively in the management of their common affairs, that they will be more than passive recipients of the benefits of organized society. But congenial as this idea is to the American people, it will not be permanently sustained unless state and local governments, which are still called upon to perform the vast majority of public services, demonstrate reasonable competence to perform these services. Whether the substance, as well as the form, of our federal system can be retained depends in no small measure upon our willingness to adjust political practices and administrative procedures, on both state and local levels, in terms of needs created by a changed and changing society.

While the Constitution of Oklahoma recognizes, positively, the enlarged objectives of modern government, the administrative organization and procedures it established are distinctly rural in conception. In the latter respect, it is a document more typical of the first half of the 19th than of the 20th century. One of its important limitations rests upon its failure to fix responsibility for the administration of law. On the state level, this is apparent in the relationship of the Governor to numerous independent administrative offices. "Independent" is not an idle description of these offices, for even though the Constitution declares that the Governor shall be responsible for the faithful enforcement of the law of the state, the "independent" officer, from Secretary of State to Mine Inspector, is largely if not completely free from the general supervision ordinarily exercised by a Chief Executive.

But in another respect, to which attention is rarely directed, responsibility for the administration of law is badly diffused. State governments are unique in an important respect—law is made on the state level, but enforced, largely, on a local level; that is, by administrative officers locally elected. The state is the only important governing unit which does not place its enforcement agencies on the same level with its law-making authorities.

The uniform application of law rests less upon legislative declaration than upon the determination of administrators. And administrators, accountable politically to 77 district electorates, will fall far short of applying laws uniformly in all parts of the state. Political considerations forbid any other outcome. Voters must forgive

one weakness, if weakness it be, in the officeholder—he tends always to conduct himself in a manner which will assure his re-election.

The weakness of this administrative scheme is evident, most obviously perhaps, in the assessment of property for tax purposes. If any assessor in Oklahoma would assess property according to the standard established by the Constitution he probably would be socially as well as politically ostracized. The result is approximately 77 varieties of assessment under assessment laws presumed to be uniform in their operation.

It is at least debatable whether state law can ever be satisfactorily administered while responsibility for administration is divided between locally elected administrators and those administrators elected on a state-wide basis, however comprehensive may be the supervisory powers of the latter. Local governments, particularly local government of general powers, ought to be characterized primarily by its discretionary or law-making powers. The endowment of state administrative units with some of the accouterments of local government is a practice of doubtful validity, whether this practice is evaluated on the basis of principle or of results.

If local and state governments are to meet demands for public services satisfactorily any attempt to revise the Constitution should consider the possibilities in a reshuffling of local and state functions. In some respects, local units act in some fields wherein they are poorly equipped to serve. In others, counties in particular are hampered because their discretionary or ordinance-making powers are negligible if they exist at all. They cannot serve uniquely local needs which genuine local governments are designed to serve.

But before counties are elevated to the dignity of municipal corporations proper, and endowed with the proper degree of discretionary powers, it will be highly important to consider the great number of local governments in this state. We have in excess of 5,000, all of which enjoy the power to levy and collect taxes. Incidentally it might be noted that this figure provides one local government for each 440 people; an elected official for each 120 people, and an elected county official for each 2,500 people. It is possible that this large number of local units might be reduced considerably without impairing the sanctity of local government in Oklahoma.

If the problems of constitutional revision are approached realistically, the term, local government, must be accepted in a relative sense. "Local" is less restrictive than it was in the days of crude means of travel and communication. We travel to the State Capitol, most of us, with less difficulty and inconvenience than was once involved in a trip to the county seat. Geography, of course, is not the sole standard by which "local government" shall be measured; but technological advancement, managerial improvements, so potent in the revolution of private business, cannot be ignored indefinitely in the equally important field of public management.

The revitalization of local government depends upon the character and importance of the functions it shall perform, and upon its capacity to serve with dispatch and economy. If we persist in the present arrangement, the forms of local government may remain, but its substance will vanish. It is far less exhausting, of course, mentally and physically, to allow the powers of government to shift upward imperceptibly than to take such action as might restore the competence and increase the utility of local government now and in the years ahead.

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