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Bicentennial

THE WHITE HOUSE  
WASHINGTON

November 1, 1975

MEMORANDUM FOR : MAX FRIEDERSDORF  
FROM : JIM CANNON

Bob Merriam, Chairman of ACIR, has submitted a proposal for a Bicentennial Commission on American Government, which would be a joint Executive-Congressional-Judicial review of the Federal Government. This is an idea sponsored by the National Academy of Public Administration. Merriam tells me that Senator Muskie and others are ready to move this through Congress.

Can you give me your judgment about whether this is likely to pass the Congress, and if so when?

Many thanks.

Attachment



THE WHITE HOUSE  
WASHINGTON

October 15, 1975

MEMORANDUM FOR : PAUL O'NEIL  
FROM : JIM CANNON

What do you suggest we tell Bob Merriam  
about his proposal regarding a Bicentennial  
Commission on American Government?

Jim: as we, are cool  
stuff, as we, are cool  
to the idea. We should talk  
as soon as you  
have time about  
where we go from  
here. Perhaps an  
independent check on  
the Hill to see if they  
will move on their own  
if we don't do anything?  
OK





EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

6 OCT 1975

MEMORANDUM FOR PAUL H. O'NEILL

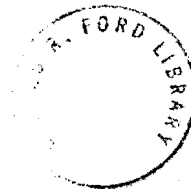
FROM: CHARLES F. BINGMAN *Charles F. Bingham*  
THROUGH: FERNANDO OAXACA *FO*  
SUBJECT: Assessment of a Proposal: "A Bicentennial  
Commission on American Government"

Mr. Robert Merriam, as chairman of an ad hoc Citizen's Committee for the Study of the U.S. Government, recently submitted to Mr. Cannon a proposal for the creation of a Bicentennial Commission on American Government.

Glenn Schleede asked that you have the OMB staff summarize the proposal and identify potential benefits, problems and possible options for an Administration position.

A summary is attached which should be sufficient to aid further discussion. It was prepared in OSS and not staffed out elsewhere in OMB. We can do so if you prefer before getting with Cannon.

Attachment



A. Is a study of government needed or desirable? How should the President view this question?

The NAPA group (see attachment A) proposal advances four reasons why such a study might be considered now:

- a. The special occasion of the Bicentennial as a time of reassessment.
- b. The trauma of Watergate and public commitments for change.
- c. A sense of general public disillusionment with government and distrust of political leaders.
- d. Passage of 20 years (2nd Hoover Commission) since the last total study of government institutions.

These reasons are not fully compelling; they speak to real government problems, but these problems are now being addressed in many ways. The real issue is whether a major study of government is an opportunity which should be taken up and implemented.

From the President's point of view, the following considerations should be weighed:

1. His Constitutional role as Chief Executive involves clear responsibility for the structure, operation and effectiveness of the Executive Branch.
2. This Administration has stated its own strong desires for government reform in many ways.
3. The general public and clientele groups do seem to be increasingly sensitive to matters of government efficiency and economy, and the impact of government programs.
4. The Congress is pressing issues of constraint and limitation on Presidential powers and authorities (one house vetos, budget system changes, foreign affairs, etc.). A broader public debate might be an opportunity to present the Presidential position more effectively.
5. If the idea of such a Commission is to be actively advanced and seriously considered, the President may prefer to take the initiative, rather than have the Congress or a private group do so.

6. The main concern would be to avoid a study which is aimed at the Presidency or the Executive Branch alone, or which is prejudicially skewed in that direction.

In perspective, every President in recent times has found it attractive to initiate some form of general restudy of government programs, institutions, or effectiveness. The NAPA proposal lists many of these ventures. It must be accepted that any such study will deal with issues which are inherently controversial; such studies are presumed to be independent, and not to be controlled by the President or anyone else; and any President is bound to disagree with some of the resulting proposals. How great this risk may be is a function of the defined purpose of the study and the composition of the Commission.

B. Assuming that such a study is warranted, what would be the best scope and purpose?

The NAPA proposal uses many phrases to describe what they see as the scope or focus of the study--

"the primary purposes of the commission would be to identify the underlying problems...in the governmental system (present and future)."

"the commission should examine current governmental strengths, problems and deficiencies. It should consider...existing practices, regulations, laws, and even Constitutions, Federal and State...".

"fostering greater knowledge and understanding of the American system of government...".

"...encouraging the participation of a broad range of the population in the initiation and sponsoring of governmental changes."

"strengthening confidence in our governmental institutions and officials."

"to judge our system of government in relation to the aspirations of its founders...".

"A major focus of the proposed commission would be upon the roles and relationship of the three branches in the making and execution of national policies."



"A further thrust of the proposed commission should relate to Federal responsibilities and relationships with State and local governments, quasi-public organizations and private institutions."

"the capabilities, creativity, dedication and integrity of those elected or appointed to public office...at all levels and in all branches."

"the assurance of values propounded by the founders: government of, by, and for the people; an open government; and a government ultimately responsible to society."

The NAPA group further proposes that the commission identify and concentrate on a manageable number of central issues of government, starting in the Executive Branch and following them wherever they lead into the legislative and judicial branches of the national government and also into State and local governments and other institutions where necessary. It recommends against assessing any substantive or functional areas such as energy, health, education.

A great danger for this kind of study is its sheer magnitude and complexity. The NAPA proposal attempts to reduce not the scope of the study but its approach and coverage by selecting limited targets. It will use the Executive Branch as its starting point and base of reference, and thus could be Executive Branch oriented.

If the Administration wishes to consider lending its support to a study commission of this kind, it should consider the following negotiation position:

1. While the Merriam group may take the initiative, enabling legislation will be sought, and therefore it is the Congress (probably the Government Operations Committees) with whom negotiations would really be conducted.

2. Further constraint as to scope might better serve the objectives which the President felt most important and would make the study more manageable. Perhaps the judiciary should be left out as less immediately of concern and somewhat different in character. It can be made clear that the Commission would not study the internal workings of Congress or the Executive Branch agencies per se, but rather how they interact. Nor would it be desirable to go into internal machinery of State/local units of government except as needed

to understand their interactions with Congress and executive agencies. It should also be clear that the Commission would be studying the government and not political practices, although the political nature of governance would need to be understood.

3. It should be made clear that the study is aimed at striving for broad understanding and not detailed specific investigation and fault finding.

C. Assuming an acceptable scope and limitations for the role of a Commission can be defined, how should the Commission be structured?

The NAPA group proposes an official Commission, authorized by Congress, financed by Federal appropriations. Its membership would all be appointed from private life as follows:

- Four by the President.
- Four by the Vice President as President of the Senate, after consultation with the two party leaders.
- Four by the Speaker of the House, after consultation with the minority leader.
- Four by the Chief Justice.

None of the appointers could elect more than half of their appointees from the same political party.

One of the President's appointees would be designated Chairman and a second, not from the same party, as Vice Chairman.

The Commission would run for 2 1/2 years at an estimated cost of \$10 million dollars. It would hopefully begin in early 1976, and terminate in mid-1978, well after the next Presidential election.

Unfortunately, the mechanism for creating a Commission such as this is bound to be cumbersome. If coverage of the judiciary is not desired, appointments by the Chief Justice would be dropped. The proposed approach gives no recognition to State/local governments, but that might easily be reconciled by one or more of the individual appointments.

A preferred option might be to seek appointment by the President of the full Commission. The NAPA group considered and rejected that approach, and it is difficult to believe that the Congress would agree.

Another option would be to seek appointment of one or more Executive Branch officials to the Commission as a means of exerting influence on the progress of the study. This however would beg the question of comparable "official" members from the Congress which would make the Commission entirely too unwieldy.

In fact, the degree of Presidential influence in setting up the Commission seems adequate in the NAPA proposal, and should also result in assurance that such a commission would function in a balanced manner.

In summary, the need for a Bicentennial Commission is not compelling, but the idea may have sufficient potential for the President that he should be informed of it and his decision asked. The basic purpose and focus of the study would have to be debated with the Congress, and a careful and somewhat narrowed definition of purpose would be desirable. The basic structure for the Commission is generally acceptable.

THE WHITE HOUSE

WASHINGTON

September 15, 1975

MEMORANDUM FOR:

PAUL O'NEILL

FROM:

*Glenn*  
GLENN SCHLEEDE

SUBJECT:

A BICENTENNIAL COMMISSION  
ON AMERICAN GOVERNMENT

Here's a copy of the Citizens' Committee's final report that we discussed.

If your people have time, I'd suggest preparing a short paper which:

- . summarizes the principal recommendations.
- . identifies potential benefits and problems.
- . identifies possible options for Administration position.

Perhaps you and I could then discuss the matter briefly and then either:

- . set up a meeting for Cannon and Lynn.
- . arrange for broader staffing.

Jim Cannon is committed to meet with Bob Merriam but no specific date has been set yet.

Thanks.

Attachment

*Can you please do.*



Phone: (202) 659-9165

August 12, 1975

Founding American Society for Public Administration

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 relevant to the institutional and administrative weaknesses 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. This 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 both inadequate and slow, to the extent they existed at all. This feeling was paralleled by disappointment in the prospects for, and limited number of, projects relating to American government in connection with the celebration of the Bicentennial. It seemed to the initiators of this proposal that the need was urgent and the timing ideal for a careful reexamination of the workings of the American government in the light of the objectives,

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

the principles, and the practical sense of the founders of the nation. They conceived of an official, publicly-supported commission somewhat after the format of the two Hoover Commissions.

A large number of further conversations and discussions were held with other persons in and out of government, perhaps a hundred in all. The response was uniformly favorable and usually enthusiastic. But there were a variety of sentiments expressed about the proper nature, scope, level, and targets of the proposed commission's work. Therefore, the Academy's Trustees agreed that a committee of prominent and knowledgeable citizens, both members and non-members of the Academy, should be established to consider, discuss, develop, and issue a more formal and detailed proposal. The committee would be assisted by a small, temporary staff. It would meet twice -- once in June, once in July -- with the aim of issuing its report by August 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 made this enterprise possible.

The missions of this committee, designated as the Citizens' Committee for the Study of the U.S. Government, were basically two: (1) to determine whether or not the general idea of such a commission is both feasible and desirable; and (2) if the answer to the first is affirmative, 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.

In its invitations to serve on the Committee, the Academy sought a bipartisan group of distinguished persons, most of whom were experienced

in, or working with, American governments at all levels and including some intimately associated with the Executive, Legislative, and Judicial Branches. It sought further some individuals who had served on, or worked for, or in connection with, previous study groups on governmental organization. Among its members, who are listed below, are persons who served on or for every major 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 that they 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 were:

COMMITTEE MEMBERS\*

Robert E. Merriam (Chairman)  
Chairman, Advisory Commission on Intergovernmental Relations  
Roy W. Crawley (Ex Officio)  
Executive Director, National Academy of Public Administration  
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  
Mark W. Cannon  
Administrative Assistant to the Chief Justice of the United States  
Ruth C. Clusen  
President, League of Women Voters of the United States  
Murray Comarow  
Executive Director, Interstate Conference on Employment Security Agencies, Inc.

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

Alan L. Dean  
Vice President, U.S. Railway Association  
Bernard L. Gladieux  
Consultant  
Kermit Gordon  
President, The Brookings Institution  
Bryce N. Harlow  
Vice President, National Government Relations, Procter  
and Gamble Company  
Ronald B. Lee  
Director, Marketing Analysis, Xerox Corporation  
Franklin A. Lindsay  
Chairman of the Board, ITEK Corporation  
Herbert Roback  
Consultant, House Armed Services Committee  
James H. Rowe  
Attorney  
Harold Seidman  
Professor of Political Science, University of Connecticut  
Elmer B. Staats  
Comptroller General of the United States  
Wayne E. Thompson  
Senior Vice President, Dayton Hudson Corporation  
Clyde M. Webber  
President, American Federation of Government Employees

STAFF:

Frederick C. Mosher (Staff Director)  
Doherty Professor of Government and Foreign Affairs,  
University of Virginia  
Melbourne L. Spector (Deputy Staff Director)  
Director of Development, National Academy of Public  
Administration

In publishing a study or a report, the Academy presents it as a competent treatment of a subject worthy of public consideration. The interpretations, conclusions, and recommendations in such publications are those of the responsible panel or committee and do not necessarily reflect the views of the officers or other members of the Academy.

Because of the potential significance to the American society of this report of 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 a 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 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 was to stimulate discussion about the 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

CONTENTS

	page
I. The Basic Proposal	1
II. The Need For a Commission Study at This Time	3
III. Focuses and Scope of the Proposed Commission	8
IV. The Proposed Commission	17
V. The Conditions of Success	22
APPENDIX	25

## I. The Basic Proposal

The Committee recommends that there be established, at the earliest possible date, an official bipartisan study group, 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 viable, 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 would 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, it should serve important ancillary purposes. These include:

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

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


The reasoning which led the Committee to propose a study commission is set forth in the section that 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, and should, have basic responsibility, and that the commission itself, if established, will have ultimate authority on many questions, depending upon the breadth and flexibility of the authorizing language. Nonetheless, the Committee has undertaken to present 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 feels that the timing of a major, comprehensive study of American government now and in the months to come is particularly propitious.

A first reason is that the Bicentennial era, 1976-1989, provides an unusual and, in this century, 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 and responsive to 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 directly to the structures, the operations, and the problems of government today, as distinguished from birthday celebrations, commercial promotions, and purely historical studies.

A second reason for a comprehensive study today arises from the trauma of American society and its government in recent years on both the domestic and international fronts and under the leadership of both political parties. One thinks not only of the many unhappy events associated with Watergate and the mounting evidence of corruption at all levels of government, but also of the alleged ineffectiveness of the Great Society programs, the frustrations and conflicts attending the civil rights movement, a series of assassinations of national leaders, the threats to the environment, the energy crisis, the unrest, riots and crime in the cities, the deepest recession since the Great Depression of the nineteen thirties accompanied by



inflation, and the disarray of public finances at all levels of government. Alongside these problems, and to some extent interdependent with them, have been changing, threatening, and discouraging developments abroad: in Southeast Asia, the Middle East, relations with the allies, the monetary crisis, and many others.

One consequence of these developments of the last decade has been the disillusionment of what appears to be a majority of the American people about their government and a distrust of their political leaders, feelings which have apparently contributed to protest, even violence among some, helplessness, withdrawal, and apathy among others. The depth of these reactions is suggested in the declining proportion of voters who participate in elections and, more recently, in a number of different 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, all have indicated a persistent and pervasive distrust of government. In a lecture of June 26, 1975, Louis Harris reported 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 and thorough study of the governmental system, if properly implemented, might help to restore public confidence. In fact,

\*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.

the Senate Subcommittee study cited above reported an underlying optimism of the people that the government can be made to work effectively.

Despite all of the frustrations and a feeling that the country is not entirely in sound hands, the American 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 can 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 comprehensive study is that, despite the enormous changes in the society and in the mushrooming dimensions of governmental responsibilities, there has been no thorough-going public study of the adequacy of governmental institutions in 20 years -- since the Second Hoover Commission and the Kestnbaum Commission. During that 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 even made public. Rather few of them had very much impact, and none addressed the relationships of the different branches of government, except quite indirectly. The Congress has undertaken, on a number of occasions, to reform its own committee organizations, operations, and procedures, and in the last year has instituted some very 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.

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

In fact, except for the books and essays of individual scholars, public officials, journalists, and others, there has been no thorough study of American government as a whole, which was directed to action, since the adoption of the Constitution in 1789.

But the basic problems of today arise from the vast changes in the society and in the roles and functions of the many governments which are presumed to serve it -- changes not alone from the basically agrarian society of the eighteenth century for which the Constitution was designed but changes from 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 governmental ailments arise from the failure to adapt the governmental system to changes in the environment and in the roles and missions of governmental institutions.

Some keen observers of the American scene have described -- and approved of -- our governmental style as the art of "muddling through". If, as some appear to believe, we are in the midst of a massive turning-point in history, both in domestic and international affairs, one may appropriately question whether this method is enough. Very possibly, the practice of "muddling" in the face of rapid changes has contributed to the conditions alleged and sincerely believed by many Americans today: that our system of government is too big; 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 does not question the ideals and objectives which underlay the Declaration of Independence and the Constitution which



followed, nor the skepticism about the infallibility of political mankind which contributed to the check and balance system of federalism and among the branches of government. It does not propose a new Constitutional Convention. It urges instead that the time is ripe, possibly overripe, for a thorough-going appraisal of our 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 Tranquillity, 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 however wise, could resolve all the problems of American government within the span of two and a half years -- or of two and a half centuries. There must be some reasonably identifiable targets and boundaries of inquiry.

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

1. Those directed to the organization and operations 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, influential document on American government up to its time. The First Hoover Commission, which reported in 1949, directed its recommendations principally to the departments and agencies below the Presidency, their missions, their 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, they had rather little impact on either public policy or its administration.

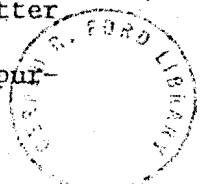
2. Studies directed to federalism and intergovernmental relations. Although much has been written in this area, the only official

and widely disseminated study was that of the Kestnbaum Commission in 1955. Its report was knowledgeable, wise and provocative, and it has probably 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 highly knowledgeable 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.

It may be noted that the studies of the First Hoover Commission and, to a lesser degree, the Second -- like all those in the third category above -- focused on individual governmental functions or subject matter areas, like public welfare, natural resources, foreign affairs, or 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 there exist official agencies and instrumentalities in the government with continuing responsibility to make and execute public policies. Policy recommendations on such matters from a temporary body of this kind 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 -- or, in the case of the Kestnbaum Commission, the executive branches. This Committee finds none of these approaches adequate to meet the problems discussed earlier in this document.

Its underlying assumption is that the governments in the United States should be viewed as a system: the three branches of the federal government, the 50 states, and 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, with carrying them out, and with appraising their effectiveness and amending them accordingly, though their powers, responsibilities, and perspectives in each of these processes 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 commission should relate to federal responsibilities and relationships with state and local governments and with quasi-public organizations and private institutions. Indeed, one of its 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. where, and to the extent necessary, pursue these issues into state and local governments and other institutions; 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 presented and briefly discussed below in the thought that they might serve as a basis from which the commission might choose and adapt in developing its own agenda. There is no thought that the commission should undertake all of these items, or that others could not be substituted, or that these could not be redefined. One potential topic is omitted from the listing, mainly

because it seemed so overriding as to permeate virtually all the others. It is the delivery of services to the people.

#### A. Government and Society

Perhaps the initial and possibly the most important single undertaking of the commission would be a thoughtful study of the role of government as it has evolved, measured against the aspirations of the founders; the development of institutions and practices in government to adapt to the changing demands of a rapidly changing society; the government as initiator of change. Such a study might produce fewer specific recommendations, but it should provide a better understanding of where we are, how we got here, and where we are, or can be, or should be, tending. 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 of 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. Yet, at this stage of history, it is clear that the subject is not readily divisible by branch or level of government or by any other convenient categorization. Few significant policies can be made or implemented by an executive branch. Throughout most of American history, some of the most significant policy decisions, in fact, have been made by the judiciary, and judicial decisions have importantly modified the

policies and their administration by the other two branches. Similarly, the bulk of federal domestic programs operate through one or several of the state and local levels of government. Others, including even those in foreign affairs and national defense, have significant impact, direct or indirect, upon state and local government. Traditional concepts about the division of powers and dual federalism are now eroded by the increased and apparent interdependence of the branches and the levels of government. In this context, the Committee suggests studies focused upon:

1. anticipating and planning for future contingencies;
2. relating new and on-going programs with available and foreseeable resources;
3. means of fostering greater selectivity in determining (upon) new programs and the continuance of existing programs, and of assessing priorities among them;
4. relating of 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. 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. impact of the increased role of the courts upon the making and execution of public policy; and
9. the inherent tug of war between national, or nation-wide, 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 alone) the bureaucracy but also political officials, both executive and legislative, and even the judges. Although the Committee feels that the career civil services 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 preventing 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. strengthening of 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 corruption and conflicts of interests in all branches.

#### D. Values, Responsibilities, and Rights

The American Revolution was essentially a war against the alleged oppression of and transgressions against the colonial people by 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. Subsequent 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 a burgeoning technology and frequently justified in the name of other objectives and programs of government such as national security or the suppression of crimes or the collection of taxes, to name a few.

Among the values propounded by the founders were others related, 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. invasions of individual privacy;
3. mechanisms to assure effective accountability of public agencies, their officers and employees, for their actions; and
4. the establishment and enforcement of standards of official behavior in keeping with the public interest and with the rights of individual citizens.

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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. Some people 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 Committee on Foreign Affairs Personnel of the early nineteen sixties was such a group, privately financed and composed only of private citizens. 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 the 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. It appeared to the Committee 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 called for an examination of all three, and, therefore, that 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 official membership was rejected principally because of the difficulty that elected and appointed 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 adequately the official members 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, and including some with experience in state or local governments. It is essential that the proposed commission be composed of citizens of the highest caliber that 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, given a clear-cut and persuasive commitment by the national government to the commission's purposes, such persons can be attracted.

Equally clear and indispensable is the Committee's conviction that no one political party should dominate the commission. The history of similar governmental commissions indicated that those dominated by one

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



party were generally less successful in having their recommendations implemented than those that were scrupulously balanced. The Committee recommends that the commission be bipartisan, but does not wish to preclude the appointment of individuals not identified with either major party. Consequently, it proposes 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 by the President, one should be nominated as chairman of the commission, the other as vice-chairman, and not 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 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 the public, 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 to be 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; to be free from civil service employment and compensation requirements; to hire, as needed, experts and consultants; to borrow staff and services from other public agencies; and to 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 demonstrations of private participation, and assurance of exemption from governmental bias. Each of these has some validity, but of overriding consideration is the amount thought to be needed. Funds available from philanthropic sources have been sharply, if not drastically, reduced in recent years. If the commission is to become operational as early as possible, public funds would seem 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.

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 may be noted:

- (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. It is hoped that this proposal can be considered and authorized by the end of calendar 1975. The commission should begin its work early in 1976 and make its final report no later than the fall of 1978. Interim reports could be made, if the commission so decides, and it should be required to submit reports on its progress at least once each year.

Modus Operandi. It is this Committee's hope 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. Thought should be given to planning for these hearings so that 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. It is probable that relatively few of them had much immediate impact in terms of governmental action. A few had influence over the years, sometimes growing over several decades. Probably the majority 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, indeed, an unknown number never saw the light of day.

Why did some succeed, many fail?

Among the conditions for the success of this kind of undertaking, this Committee suggests that 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 who commands national respect, is committed, and is a leader;
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.

There can be no question that the issues envisioned for the proposed Bicentennial Commission on American Government are "ripe". It is doubtful that, since the publication in 1787-88 of the Federalist papers (and the anti-Federalist papers), the need for examination of the American

governmental system has been more pressing, nor the timing more propitious.

The ultimate "client" of this proposed commission would be the American people. There is considerable evidence, alluded to in section II above, that the majority of the people are interested, critical, and would be supportive of constructive change. The more immediate clients are the elective and appointive officials, particularly those at the federal level, who represent the people. There is reason to believe that 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 appoint him, and the vice-chairman and the commission members who will ratify him. If the commission is established, as this Committee hopes, the crucial variables will be the qualities of the members of the commission and particularly its chairman. The Committee urges that those officials who will have the responsibilities of appointment give the greatest care to their selections: that the chairman be a person of national distinction and reputation and 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

\*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.

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 of its product.

It is all of these to whom this report is addressed.

## APPENDIX

### Biographical Data on Committee Members and Staff

#### Committee 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 level, serving in the White House, in the Bureau of the Budget, and as an Alderman of the City of Chicago.

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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 of The Brookings Institution.

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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 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 Politics 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 on 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 a Vice-President of Roetz, Allen, and Hamilton.

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 Roetz,

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 level. He was a consultant to the Second Hoover Commission and among the many organizations with which he is 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 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. He 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.

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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 the TVA, the Army Air Force, and the Department of State. He has served as consultant to numerous public agencies, including the Kestnbaum Commission,

and was Staff Director of the (Herter) Committee on Foreign Affairs Personnel. 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.

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*Relationships between*

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*Federal relationships*