The U.S. Advisory Commission on Intergovernmental Relations: Unique Artifact of a Bygone Era

The U.S. Advisory Commission on Intergovernmental Relations (ACIR) befit an era marked by low party polarization, bipartisanship, and cooperative federalism. Although the ACIR’s work was valuable, the growth of federal power, rise of party polarization, and the decline of bipartisanship, along with many other political, governmental, and social changes during its 37-year life (1959–96), marginalized the ACIR to the point of political vulnerability. These historic changes make it unlikely that the ACIR will be resurrected in a comparable or partial form.

The creation of the U.S. Advisory Commission on Intergovernmental Relations (ACIR) in 1959 usually is portrayed as the result of several members of Congress who, together with the national associations of state and local government officials, corralled support for the ACIR’s enabling legislation (Wright 1965). Especially important was Congressman L. H. Fountain (D-NC). He functioned as the key policy entrepreneur, with help from Representative Florence Dwyer (R-NJ) and Senator Edmund Muskie (D-ME). Robert E. Merriam (1984, 5), a liberal Republican, convinced President Dwight D. Eisenhower to sign the ACIR bill. However, these were only proximate factors. An assessment of the life, death, and possible resurrection of the ACIR must consider the political climates that create opportunities to effect institutional construction (Kingdon 2003).

The Bipartisan Climate Underlying the ACIR’s Creation

The ACIR was born at an unusual moment. National party polarization was at its lowest point in the twentieth century. From about 1932 to 1984, the ideological distance between Democrats and Republicans in Congress was at its lowest points in 131 years—1879–2010 (McCarty, Poole, and Rosenthal 2006; Polarized America 2010). Bipartisanship was possible largely because both parties harbored conservatives and liberals. President Franklin D. Roosevelt mustered some Republican support for New Deal initiatives; Harry S. Truman recruited Republicans for the Marshall Plan; Lyndon B. Johnson persuaded 80 percent of House Republicans and 63 percent of Democrats and 82 percent of Senate Republicans and 69 percent of Democrats to pass the 1964 Civil Rights Act; and Ronald Reagan pushed his first budget and tax bills through a Democratic House. Richard Bolling (D-MO), former chair of the House Committee on Rules (1979–83), remarked in 1984, “Much of the legislation dealing with [the nation’s major] problems was passed with bipartisan support in the past thirty years, and a good deal of it during the Nixon administration” (Daly 1985, 26).

Bipartisanship also facilitated legislation that expanded the federal role and reconfigured intergovernmental relations during Eisenhower’s terms. The National Interstate and Defense Highways Act of 1956 launched the largest public works program in U.S. history. The 1958 National Defense Education Act marked the first significant federal foray into K–12 education. These programs laid the foundation for the huge grant-in-aid system that emerged during the 1960s. The ACIR’s creators assumed that the “marbleized” (Grodzins 1966) and expanding intergovernmental system that had emerged from the New Deal was a permanent feature of American federalism.

The ACIR was created, moreover, during a period of divided government. Democrats controlled Congress for the last six of Eisenhower’s eight years in office. Maurice Stans, director of the Bureau of the Budget, recommended that Eisenhower veto the ACIR bill, though not for partisan reasons (Colman...
and Goldberg 1990; Merriam 1984). Stans complained that the bill constrained the president’s appointment power and created an institution having no constitutional precedent.

The ACIR also was created when intergovernmental relations were mostly governmental. Strong state and local elected officials (sometimes called “bosses”) rooted in powerful state and local party organizations (i.e., “machines”) often persuaded presidents and Congress to respect state and local prerogatives. It was perhaps natural, then, for policy makers to envision a bipartisan commission consisting predominantly (77 percent) of elected federal, state, and local officials who might reach cross-party agreements and persuade their elected colleagues to implement their recommendations. The ACIR’s founding vision was that of a quasi-bipartisan body made up of key elected officials: three U.S. senators, three U.S. representatives, four governors, three state legislators, four mayors, and three county officials, plus three cabinet-level executive officials and three private citizens. The staff was expected to be professional and nonpartisan. By tradition, the executive director, who was hired and fired by a vote of the commissioners, usually was vested by the politically appointed chairman with the authority to hire and fire all other staff, even though the chairman had statutory authority over personnel. The ACIR, therefore, was to be a fairly independent and neutral forum where prominent representatives of all the key policy makers in the intergovernmental system could identify important issues, deliberate, and recommend ways to improve intergovernmental coordination and efficiency.

The ACIR was, as well, a child of the twentieth-century public administration and scientific management movements, which believed that nonpartisan institutions staffed by professionals could conduct objective scientific research, identify best practices, and formulate policies untainted by partisan and pecuniary motives. Outside government, these institutions included, for instance, the Institute of Public Administration (founded in 1906), the Brookings Institution (1916), the National Bureau of Economic Research (1920), and the Council on Foreign Relations (1921). Inside the federal government, such institutions included independent regulatory and advisory bodies such as the Federal Reserve System (formed in 1913), the National Resources Planning Board (1933–43), the Securities and Exchange Commission (1934), the Administrative Conference of the United States (1968–95), and the Office of Technology Assessment (1972–95), as well as temporary entities such as the Brownlow Committee (1937), two Hoover commissions (1947–49 and 1953–55), and the Grace Temporary (Kestnbaum) Commission on Intergovernmental Relations (1953–55) and of the 1957–59 Joint Federal–State Action Committee (see, e.g., Benton 2006).

The ACIR reflected the good government tradition that had emerged during the early twentieth century to promote a largely Progressive view of government. This tradition formed part of the basis for a generally liberal, bipartisan consensus on the scope and nature of government. The ACIR’s enabling statute duly noted that “because population growth and scientific developments portend an increasingly complex society,” a bipartisan government entity staffed by experts was needed to help intergovernmental relations keep pace with change. The statute presumed that government would get bigger and that good management, including a sorting out of federal, state, and local functions, would ensure effective intergovernmental relations. These attitudes were evident in Eisenhower’s administration, too, which, despite its anticentralist rhetoric, did little to thwart the growth of the federal role in the federal system. In addition to the highway and education acts, it approved, among other policies, the Housing Act of 1954, which expanded the new practice of providing federal money directly to local governments. In 1956, states and localities received aid to construct wastewater treatment plants.

The ACIR came into being, too, at the end of a decade associated with national unity, consumer homogeneity, suburban conformity (Halberstam 1993; Riesman 1950), and cultivation of a common civil religion and a belief in a generic supreme being, as reflected in the rapprochement among Protestants, Catholics, and Jews (Herberg 1955) and the insertion of “under God” in the Pledge of Allegiance. These developments did not play a direct role in the ACIR’s creation, but they were a vital part of the political ethos that defined the ACIR’s statutory purposes as “consideration of common problems,” “coordination,” and “cooperation.”

However, two important dissensions were present at the ACIR’s birth. One was concern about centralization, expressed by Eisenhower, other Republicans, and many Southern Democrats. Addressing the governors in 1957, the president likened centralization to “the dark background of Eastern Europe . . . the results of extreme and dictatorial concentration of power” under which “the States are sure to degenerate into powerless satellites of the National Government in Washington” (quoted in Colman and Goldberg 1990: 20). Presidents Richard M. Nixon and Ronald Reagan echoed this theme, and the ACIR later christened it “regulatory federalism” (ACIR 1984).

The second was the civil rights movement. Civil rights was a muted theme in discussions leading up to the ACIR’s creation, but it was an elephant in the room. The Kestnbaum Commission issued its report in June 1955 without mentioning civil rights. Perhaps the Brown v. Board of Education rulings (1954 and 1955) had not yet registered with intergovernmental actors, but by 1959, the country had experienced Emmett Till’s murder (1955), the yearlong Montgomery bus boycott (1955–56), Eisenhower’s dispatch of federal troops to Little Rock, Arkansas (1957), and other civil rights shocks. Civil rights could not be handled managerially, like the 12 issues examined by Kestnbaum. Volatility in the intergovernmental system, fully evident by 1959, must have been on the minds of the president and members of Congress, including Representative Fountain, a Southern Democrat; yet the ACIR was born in seeming innocence. Thereafter, it avoided the single most intergovernmentally transformative issue of its era—until 1995–96, when the new Republican Congress passed the Unfunded Mandates Reform Act, which, through its instruction that the ACIR examine mandates, compelled the ACIR to confront civil rights and get killed in the process (McDowell 1997).1

The ACIR’s 37-year run was attributable, importantly, to its predominant focus on fiscal functions, managerial issues, and localized
matters, such as metropolitan regionalism, while remaining quiet about the most critical issues that transformed intergovernmental relations from 1959 to 1996. Only in the 1980s did the ACIR turn its attention to constitutional matters (especially after the U.S. Supreme Court’s 1985 Garcia decision), contextual political issues shaping intergovernmental relations, regulations such as mandates and preemption, and contentious issues such as welfare reform, telecommunications, and banking. These foci provoked opposition and charges of partisanship, flinging the ACIR into the cross fire of rising party polarization.

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A major intergovernmental outcome of the rights revolution was the demise of the South as ardent defender of states’ rights. However reactionary that defense, it restrained federal power and required compromises with state and local officials in order to advance expansive initiatives. Equally important, the Republican Party, even as it became predominant in the South, shed its defense of federalism during the 1980s in favor of (1) an individualistic market philosophy, which, among other things, requires a powerful federal government to vitiate state and local taxes and regulations that hamper markets, and (2) an uneasy marriage of religiously rooted cultural conservatism and secular social libertarianism, both of which advocate a strong federal government to institutionalize their values nationwide. Although Nixon promised a New Federalism (and he delivered General Revenue Sharing, for instance), he presided over a massive expansion of the federal government. Reagan was the last president to make federalism a visible campaign and policy issue, but once his intergovernmental swap proposal failed in 1982 (Farber 1983; Williamson 1983), Reagan, too, expanded federal powers (Conlan 1986), even though he had, in 1981, achieved the largest increase in the number of block grants in U.S. history.

The rise of the mass media by the early 1960s, the Supreme Court’s one-person, one-vote rulings in 1962 and 1964, the spread of primaries and other party reforms after 1968, and data-driven gerrymandering all combined to dismantle the old confederated and locally based party systems that had helped check federal power for some 140 years (see, e.g., ACIR 1986). Elected federal officials were loosed from state and local government moorings and sailed away with interest groups operating inside and outside of their states and districts (Kincaid 2008). These changes, especially gerrymandering and primaries that drive Democrats to the left and Republicans to the right, also fostered party polarization.

The U.S. Advisory Commission on Intergovernmental Relations 183
problems and federal remedies for negative externalities generated by lenient states; (2) the growth of national and global businesses; (3) the expansion of institutionalized lobbying in Washington, D.C.; and (4) the growth of state and local public employee unions that frequently demand federal involvement in state and local government (Kincaid 1993a). By the time of the ACIR’s 1996 demise, the federal government was vastly more powerful than it had been in 1959.

Furthermore, the ACIR’s strongest congressional supporters had left the scene. Muskie departed the Senate in 1980, Fountain retired from the House in 1983, and liberal Senator David Durenberger (R-MN)—denounced by the Senate in 1990 for unethical conduct—did not seek reelection in 1994. In contrast to those champions, Senator Carl Levin (D-MI), an ACIR member, said bluntly in about 1988 when I urged him to attend a meeting, “There is no political capital in intergovernmental relations or serving on ACIR.” In contrast to Fountain, who chaired the House Subcommittee on Intergovernmental Relations for 28 years and supported the ACIR, his successor, Ted Weiss (D-NY), investigated the ACIR during the Reagan and George H. W. Bush years. This oversight helped tarnish the ACIR’s nonpartisan veneer even though no scandals were unearthed. An attempt to show that the ACIR’s chairman spent commission money on lavish travel found the chairman to be frugal. Weiss’s activities were consistent with research finding that since the mid-1970s, House committees conducted “more intensive investigations of alleged government waste, fraud, and abuse” when the House and the presidency were divided along party lines (Parker and Dull 2009, 336).

Intergovernmental relations were eclipsed, too, by the flood of nongovernmental stakeholders or rent seekers (depending on one’s point of view) who inundated the intergovernmental system during the 1960s and thereafter. Johnson’s Creative Federalism opened the floodgates by distributing federal aid to community groups and other nonprofit entities, thereby bypassing state capitols, county courthouses, and city halls, which were often seen as being ruled by reactionary politicians. The federal government weakened the governmental dimension of intergovernmental relations and empowered unelected nongovernmental actors to compete against elected state and local officials for federal funds and policy-making access. The ACIR countered by promoting state and local government reform, but the floodgates could not be closed again. By the 1990s, even though state and local governments had undergone substantial reformation and were often more progressive and competent than the federal government, elected state and local officials were being viewed in Washington, D.C., as merely another interest group rather than as elected partners in democratic governance of the country.

The ACIR’s demise marked the tail end of federal intergovernmental deinstitutionalization. The intergovernmental division of the president’s Office of Management and Budget was abolished in 1983, along with the regional councils created by Nixon. After Democrats captured the Senate in 1986, its Subcommittee on Intergovernmental Relations was reorganized into a low-prestige Subcommittee on Government Efficiency, Federalism, and
the District of Columbia. The House subcommittee was renamed Human Resources and Intergovernmental Relations. By the late 1990s, neither chamber had a committee or subcommittee that included federalism or intergovernmental relations in its name. The intergovernmental division of the U.S. General Accounting Office was disbanded in 1992. Attempts were made to abolish the ACIR in 1985, 1989, 1993, 1994, and 1995. Instead, the ACIR’s appropriations were cut by 53 percent in 1985 and by 44 percent in 1993.

To be influential, a new ACIR would need strong support from the presidency and Congress; yet even during the ACIR’s heyday, their support was often lukewarm. Governors would have to be strong players, too, but involving prominent governors in the absence of strong congressional and federal executive participation would be impossible, and if these federal players did join with strong governors, they would dominate a new ACIR. This would alienate state legislators and local officials.

An enduring obstacle is the inability of the Big 7 national associations of state and local officials to agree on very many substantive matters.1 Their differences, coupled with polarizing forces affecting these associations, make it difficult for them to move in the consensus direction needed for an ACIR. Additionally, the Big 7 might not support a new ACIR for fear that, like the original ACIR, the members they would endorse for new ACIR membership might not always support their association’s policy positions.

While the four principal associations of local officials have recently advocated a new intergovernmental agency, the associations of state officials have been less enthusiastic. Perhaps this difference reflects the dramatic shift of federal aid from places to persons (Kincaid 2001b), which has made local governments intergovernmental orphans. In 1978, only 31.8 percent of federal aid was dedicated to payments for individuals (i.e., social welfare); in 2011, about 64.9 percent will go to social welfare. Federal aid for economic development, housing, infrastructure, and other local government functions has declined considerably because of the huge increases in aid to the states for social welfare, especially Medicaid—the intergovernmental gorilla confronting the states. Thus, local governments may feel most acutely the need for an intergovernmental table at which they could have a seat.

If a new ACIR were created, could state and local members be limited to representatives nominated by the Big 7? Would the American Legislative Exchange Council, founded in 1973, insist on nominating some state legislators? (The 1959 ACIR statute authorized the Council of State Governments to nominate legislators, although the National Conference of State Legislatures played a role later.) Given that most localities have small populations, should the National Association of Towns and Townships sit on a new ACIR? Special districts increased from 14,405 in 1957 to 37,381 in 2007, making it problematic to exclude those governments. Tribal governments agitated for representation on the original ACIR. In light of President Clinton’s Executive Order 13175 guaranteeing federal treatment of the tribes on government-to-government terms, could a new ACIR exclude tribal governments? On November 5, 2009, President Obama issued a memorandum reinforcing tribal participation in policy formulations affecting them. Although the ACIR included only general-purpose governments, a new ACIR might lack credibility without town, township, special-district, and tribal representation. The Big 7 might oppose inclusion of those governments, as they did in the past.

A more potent obstacle is party polarization, which also has infected most state governments and many big-city governments. The idea that elected Democratic and Republican federal, state, and local officials can meet in a permanent bipartisan forum and forge consensus recommendations that would not be pure Pabulum is untenable today. Furthermore, a contributing factor to the rise of federal power has been the penchant for state and local officials to support the nationalizing policies of their party’s counterparts in Congress and the White House. State and local members of a new ACIR would likely support their federal party’s policies, and under conditions of divided government, a new ACIR would likely be deeply split along party lines.

An alternative would be a congressionally or presidentially structured partisan ACIR, but this would have severe limitations, undergo periodic restructuring following elections, and be unable to retain permanent staff. A partisan, presidentially appointed intergovernmental entity might be partly satisfying for state and local officials if it were given ample voice in the administration to craft the intergovernmental dimensions of policy formation and implementation. However, given the cacophony of voices in Washington, D.C., presidents might not want to add another voice and risk that an ACIR-like body might sound discordant notes. Furthermore, the Big 7 might not support a partisan ACIR because they would be officially excluded from it, given that they are formally bipartisan or nonpartisan organizations. Instead, subsets of these organizations, such as the Democratic and Republican governors’ associations, might nominate officials for a partisan ACIR.

Another obstacle is that the ACIR was a generalist institution designed to provide overview insights on the federal system and systemic recommendations as well as specific policy recommendations. This generalist character collided with the picket-fence nature of intergovernmental relations (Sanford 1967, 80), in which functional silos are dominated by policy rent seekers who have little interest in systemic matters and little tolerance for generalists invading their silo. The ACIR could reach a consensus on a highway issue, for example, but be ignored by transportation policy makers in Congress and the executive branch. Thus, a generalist entity might have few audiences of policy consequence, although academics might be attentive, as they were to the ACIR.

A university could host an ACIR, but no institution has volunteered to do so (although the University of North Texas hosts an ACIR cybercemetery), and prominent elected officials would not serve eagerly on a university-based ACIR. Data collection and information dissemination would be ideal tasks for a university-based ACIR, but fiscal realities will likely deter any institution from devoting resources to a significant, sustained effort. It would have to rely entirely or substantially on soft money. Data analyses and other research produced by such an entity would have no more credibility in policy-making circles than other academic social science research, and products aimed at policy makers would fall prey to the partisan forces that already embrace studies they like and reject studies they dislike.
One assumption of many proposals is that a new ACIR could be staffed with nonpartisan employees conducting objective research, but this is a postmodernist impossibility. A common view is that the original ACIR had nonpartisan staff, which, up until the 1980s, produced unbiased reports (Conlan 2006). But this view is questionable. Reagan challenged this view and appointed the incendiary James G. Watt, secretary of the interior, as the ACIR’s chairman to help effect his New Federalism. Although Watt did not last long—he was succeeded in June 1982 by a private citizen, Robert B. Hawkins, Jr.—his appointment was seen by many academics and Democratic officials as a politicization of the ACIR. “Watt’s appointment began a process of delegitimation that eroded the commission’s reputation as a source of unbiased information and analysis and undermined its ability to play a constructive role in intergovernmental consultation” (Conlan 2006, 669).

But is this assessment legitimate? In whose eyes was the ACIR delegitimized—all Americans, Republicans, conservatives, Democrats, liberals, academics, or only readers of Public Administration Review? Moreover, by what scientific rubric can it be said that the ACIR’s pre-Reagan support for the nationalization of welfare, for example, was an objective, scientific, nonpartisan position, while the ACIR’s interpretations were mostly congruent with liberal paradigms (ACIR 1969b), recognition of state and local government employees (ACIR 1992a). Furthermore, the ACIR navigated the political shoals of mandates without sinking (e.g., ACIR 1989, 1993).

During Reagan’s years, the ACIR also tolerated diversity and dissent. In 1987, for example, the executive director popularized “fend-for-yourself federalism” (Shannon 1987) as a metaphor critical of Reagan because federal aid (in constant dollars) had declined by 22.1 percent since 1978, the then-historic height of aid (although aid had declined by 10 percent under President Jimmy Carter). This metaphor was used widely for more than a decade as an epithet for Reagan’s impact on federalism, even though federal aid increased by 59.4 percent from 1987 to 1997. Such criticism of a sitting president by the ACIR’s chief staff person in the ACIR’s chief publicity organ had no precedent in the pre-Reagan years.

For most of its life, the ACIR’s work reflected the generally liberal view of government that became so influential after the New Deal as to carry even the Eisenhower and Nixon administrations in the same direction. The original Progressive movement and its Mugwump and good government heirs routinely framed their policies as nonpartisan. The data disseminated by the ACIR were reliable and respected, and the ACIR adopted many technical and managerial recommendations difficult to tag with party labels, but its analyses and interpretations were mostly congruent with liberal paradigms until the 1980s. Consequently, for example, when the ACIR in the 1980s reversed its long-standing support for the nationalization of welfare and moved in a policy direction similar to what became the bipartisan welfare reform of 1996, opponents accused the ACIR of serving as a partisan talking horse for Reagan.

Similarly, the proliferation of grants-in-aid and of local governments generated ACIR interpretations of systemic fragmentation and crazy-quilt inefficiency and, thus, recommendations for consolidating grants and metropolitan localities. Hence, when the ACIR ended its support for consolidating “peanut governments” (ACIR 1987), opponents of the paradigm shift accused the commission of partisan politicization. Yet the ACIR’s analyses were often ideological because its data were conducive to plausible alternate interpretations and recommendations. Elinor Ostrom (1984) noted that the ACIR’s pre-Reagan publications were loaded with “ideological terms,” such as “lopsided government,” “suburban insularity,” and “local government jungle.” Others discerned ideological views expressed not only in commission recommendations but also in information reports produced by the “nonpartisan” staff (Gove, Gertz, and Fossett 1984; Lovell 1984). In addition, reports containing policy recommendations sometimes challenged the staff to realign its “objective” analyses with the commissioners’ political preferences.

Prior to Reagan, 56 percent of the commission members were Democrats. Of the 44 percent who were Republican, 24 percent were appointed by Democratic presidents. Most of the members appointed by Republican presidents also were liberal or moderate (e.g., Robert Merriam, who served on the ACIR from 1969 through 1978). Eisenhower, Nixon, and Gerald Ford sought accommodation; Reagan went for disputation. For almost all of the ACIR’s life, Democrats predominated in the Big 7 associations, six of which nominated ACIR members. The Big 7 are not officially partisan, but their policy positions reflect their preponderant party membership, which was Democratic for most of the ACIR’s history. For example, during the ACIR’s life, Republicans controlled a majority or more of the 50 governorships only in 1968–70 and 1995–96. By contrast, during the ACIR’s heyday of 1971 to 1980, Democrats controlled 56 percent to 72 percent of the governorships. Needing the support of these associations, the ACIR operated within the bounds of permissible discourse.

Furthermore, while the Reagan-appointed chairman resigned when Clinton took office, his Democratic predecessors stayed put when Nixon and Reagan assumed office. Before those presidents could make their marks on the ACIR, the incumbent chairmen ushered through such allegedly nonpartisan recommendations as national government assumption of all costs for all public assistance and extinction of local governments deemed nonviable (ACIR 1969b), recognition of state and local government employee unions and collective bargaining (ACIR 1969a), and support for metropolitan consolidation and strong regional organizations (ACIR 1982).

Although the ACIR staff reported a desire to maintain “a nonpartisan research organization” (Reeves 1984, 162), its orientations also were reflected in the tendency of its pre- and post-ACIR affiliations to be with liberal organizations, such as the Brookings Institution, Urban Institute, and Economic Policy Institute. The ACIR executive director in service when Watt became chairman reported that Watt “leaned on” him “to appoint two people to the ACIR staff”
Comparatively, the ACIR was sui generis. All federal systems manage intergovernmental relations, but without ACIRs. The Institute of Intergovernmental Relations established at Queen's University in 1965 performs some ACIR-type functions, but it is not an ACIR and struggles for funds. A Centre for Research on Federal Financial Relations, established at the Australian National University in 1972, performed some ACIR-type functions but was dissolved shortly after the ACIR's demise. The Commonwealth Grants Commission, created in 1973, performs technical functions, not ACIR functions. The Council of Australian Governments, created informally in 1992, includes the prime minister, the six state premiers, two territorial chief ministers, and president of the Australian Local Government Association. Its viability ebbs and flows, mostly at the discretion of the prime minister. The 1950 Indian Constitution (Article 263) provided for an Inter-State Council, but it was not operationalized until 1990, after the Congress Party lost its electoral monopoly in the federation. The council focuses mostly on relations among the states. In short, federal countries demonstrate no appetite for ACIRs. Perhaps this is attributable to the difficulty of achieving consensus in institutions representing elected national, regional, and local officials. Unlike the United States, moreover, most federal countries have multiparty systems, many of which are parliamentary regimes in which national ministers negotiate directly with regional ministers. Additionally, national leaders might not want to risk being hampered by an institution that might enable subnational leaders to gang up on them or undercut them by projecting a competing voice framed as benignly nonpartisan or multipartisan.

**Partial Resurrection?**

It might be feasible to resurrect the ACIR’s data-collection and information functions, although this, too, is unlikely. Data collection can elicit controversy, as was the case with the ACIR’s estimates of revenue losses to state and local governments caused by their lack of authority to collect taxes on out-of-state mail-order sales (ACIR 1992b). Mail-order businesses especially objected to the ACIR’s methodology.

Much of the data, especially fiscal data, disseminated by the ACIR is available elsewhere. Data and analyses are generated by relatively sizable organizations, such as the Pew Center on the States, which, like the ACIR, frames itself as a nonpartisan public service institution, and the Lincoln Institute of Land Policy, which issues *Significant Features of the Property Tax* in honor of the ACIR. Unavailable data may remain unavailable because there is little demand for it. For instance, the ACIR's measure of state fiscal capacity and tax effort—the Representative Tax System, created in 1962 and updated regularly—was adapted by Canada for its equalization program but found no home in U.S. federal aid programs. An alternate measure, Total Taxable Resources, developed by the U.S. Department of the Treasury in 1985, is updated annually by Treasury and used in formulas to distribute federal funds among the states under the Community Mental Health Service and the Substance Abuse Prevention and Treatment block grants. If demands emerge for unavailable data, other governmental and nongovernmental institutions or the Big 7 will have incentives to produce the data.

The Congressional Budget Office and Government Accountability Office also produce relevant data, such as the former’s estimates of the fiscal impacts of federal mandates on state and local governments and the latter’s studies of the fiscal and managerial aspects of federal grants and analyses of fiscal federalism (e.g., GAO 2010). These technical service institutions, along with the Congressional Research Service, which are less buffeted by party polarization than was the ACIR, could be required by Congress to expand their work on intergovernmental affairs if Congress has the will to do so.

**Conclusion**

Absent significant changes in the national political environment, especially a deescalation of party polarization, a new ACIR or even a narrowly tailored technical ACIR is unlikely to rise from the dead.

**Acknowledgments**


**Notes**

1. The received wisdom is that the ACIR was scuttled because of its draft mandates report, but this is not quite accurate, especially because the ACIR previously had issued critical but well-received reports on mandates. A more plausible explanation is that the ACIR staff mismanaged the draft report. Instead of organizing its customarily small “critics sessions,” the staff spent considerable money organizing a large public conference to discuss the report. Initially, the staff sought to charge a registration fee. Outraged interest groups threatened to sue the ACIR. Interest groups then packed the conference and lampooned the report. At the session on disability rights mandates, for example, disabled persons and group representatives filled the room and lambasted the ACIR and its chairman, who presided over the session not knowing that he would receive withering criticism. Thereupon, the Clinton administration,

(Anderson 1984, 37). He resigned to join the staff of Virginia’s Democratic governor.

Some staff affiliated with academic political science and public administration departments. The liberal orientation of social scientists is well known (Zipp and Fenwick 2006), and political identity influences choices of theoretical and explanatory paradigms (Babb 2004; Gross 2008). A 2001 survey of members of the Section on Federalism and Intergovernmental Relations of the American Political Science Association found that 39.2 percent of the respondents identified as strong Democrats, and 24.3 percent leaned Democratic. Few identified as Republicans, but significant partisan differences were found. The academics supported intergovernmental policies that aligned with the positions expressed by their national party leaders (Kincaid and Cole 2002).

Thus, while the ACIR produced valuable work, it was not uniformly nonpartisan. If a new ACIR were to tackle important policy issues, the role of staff and the authority of new administrations to change the entity’s direction would be crucial matters.

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which had supported the ACIR, abandoned the commission while congressional Republicans defunded it.

2. The Big 7 are the Council of State Governments, National Conference of State Legislatures, National Governors Association, National Association of Counties, U.S. Conference of Mayors, National League of Cities, and International City/County Management Association.

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