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Introduction to the Symposium on Intergovernmental Management and ACIR Beyond 50: Implications for Institutional Development and Research

Since the inauguration of President Barack Obama in 2009, federal involvement in state and local affairs has been bold and wide ranging. Through the massive \$787.2 billion American Reinvestment and Recovery Act of 2009 in particular, the president and Congress sought to counteract state and local tax increases and spending cuts that could retard economic recovery. However, the administration's economic stimulus, health care, immigration, energy conservation, transportation, infrastructure, housing, and financial services regulation initiatives, among others, rekindled debates over big versus small government, liberalism versus conservatism, and centralization versus decentralization. These initiatives also sparked significant backlashes, including, for example, the rise of the Tea Party advocating limited government, lawsuits filed by 21 state attorneys general challenging the constitutionality of provisions of the Patient Protection and Affordable Care Act of 2010, and substantial losses for Democrats in the 2010 congressional and state elections.

Although media and public attention have focused mostly on national policy making, program development, and funding decisions, intergovernmental relations and management remain vital to virtually all initiatives emanating from Washington, D.C. Yet a lack of adequate attention to intergovernmental matters—from policy formulation through policy implementation and evaluation—imperils effective and efficient governance in ways that are readily evident today. The intergovernmental confusion and clashes that attended governments' responses to the 2010 oil spill in the Gulf of Mexico suggested, for instance, that key government actors had not fully learned the lessons of the horribly bungled responses to Hurricane Katrina in 2005. Hence, forces of coercion, cooperation, competition, and contestation continue to vie for intergovernmental preeminence.

The capacity—especially the federal government's capacity—to even recognize, let alone address, the intergovernmental sinews of our federal democracy

has atrophied severely since the 1980s. This symposium focuses on the loss in 1996 of one element of such an institutional capacity—the U.S. Advisory Commission on Intergovernmental Relations (ACIR)—but intergovernmental deinstitutionalization occurred across the board during the 1980s and 1990s. The president's Office of Management and Budget no longer has an explicit intergovernmental shop; the White House Office of Intergovernmental Affairs (called the Office of Intergovernmental Affairs and Public Engagement under President Obama) is more pertinent to politics than to policy; the U.S. House and Senate no longer have subcommittees on intergovernmental relations; and the U.S. Government Accountability Office no longer has a formal intergovernmental unit. At the same time, partisanship, interest group advocacy, and confrontational politics have eroded support for the kinds of impartial research, objective data collection, bipartisan policy development, and collaborative performance produced by the ACIR and its former institutional cousins in Congress and the executive branch.

This symposium looks mainly at the trends and issues associated with the creation and demise of the ACIR, and assesses prospects for recreating lost capacities. These include monitoring intergovernmental trends, convening key stakeholders, conducting impartial research and data analysis, and recommending practical policies and management practices. The symposium also surveys the state ACIRs.

This symposium stems from a panel on the ACIR held at the Annual Meeting of the American Political Science Association in 2009. The panel was organized by Richard L. Cole and sponsored by the Center for the Study of Federalism at the Robert B. and Helen S. Meyner Center for the Study of State and Local Government at Lafayette College.

The Symposium Papers

Why was the creation of the ACIR important, and what did the ACIR accomplish? In the first article,

“Reflections on the Spirit and Work of the U.S. Advisory Commission on Intergovernmental Relations,” 24-year ACIR senior staff veteran Bruce D. McDowell reviews the origins and evolution of the commission and the rationale for its organization and operation. Five areas of accomplishment are discussed: new knowledge sources for public officials and the academic community; better-informed dialogues among federal, state, and local officials; stronger state and local partnerships; support for boundary-crossing institutions; and increased federal government awareness of overall intergovernmental relations.

The lessons learned from the life and death of the ACIR relate to needs for building networks of intergovernmental advocates in the federal legislative and executive branches, strengthening cross-boundary institutions, and identifying new opportunities and information technology tools to address the performance outcomes of government functions. The author proposes an agenda to recreate the federal government’s infrastructure for improving intergovernmental relations and management.

What initiatives have been taken to re-create the ACIR? In “An ACIR Perspective on Intergovernmental Institutional Development,” former ACIR acting executive director, assistant director for policy implementation, and research analyst Carl W. Stenberg describes recent initiatives by the National Academy of Public Administration, the Big 7 state and local government associations, and members of Congress to restore an ACIR-like capability to the federal government. The facilitating and inhibiting forces associated with intergovernmental institutional development are analyzed in light of the factors responsible for the ACIR’s creation and growth, and key design features of a new intergovernmental organization are noted.

Three major challenges confront intergovernmental institutional redevelopment: identifying congressional champions, creating a sense of urgency, and doing the “homework and spadework” with the White House, the Big 7, and potential conservative and liberal backers. Much work would need to be done to convert these challenges into viable opportunities. The absence of political credit or other rewards for intergovernmental relations proponents, lack of collective Big 7 agreement on structure and strategy, and absence of other intergovernmental institutional support sources are significant hurdles.

What should a reconstituted ACIR do? In “Reflections of a Member of the U.S. Advisory Commission on Intergovernmental Relations,” former ACIR member Richard P. Nathan discusses the strengths and weaknesses of the ACIR’s structure and work in the context of the intergovernmental players of the 1990s. He takes issue with those who believe there has been a vacuum in the intergovernmental relations field since the ACIR’s demise, even though many of the replacements are advocacy organizations.

Like some of the proponents and skeptics mentioned in Stenberg’s article, Nathan does not agree that the ACIR model should be replicated fully. He distinguishes between two organizational principles: federalism (1) as an idea, emphasizing separation between the national government and the state and local governments, and (2) as an interest, focusing on the stakeholders who make and implement intergovernmental policy. He argues that a new ACIR should engage only the former, and should emphasize neutrality and independence and serve as a convener, educator, and information

disseminator. Such an ACIR would not seek to represent interests engaged in intergovernmental policy making.

Is the political climate conducive to resurrecting an ACIR? In “The U.S. Advisory Commission on Intergovernmental Relations: Unique Artifact of a Bygone Era,” former ACIR executive director and research director John Kincaid discusses the bipartisan political climate that facilitated the creation of the commission and enabled members to reach consensus on policies that crossed party, philosophical, and jurisdictional lines. By the mid-1980s, however, contestation over issues associated with civil rights, social welfare, environmental protection, and other regulatory policies had transformed the intergovernmental agenda, while the political world experienced rising party polarization. Compromise and consensus were legacies of the intergovernmental past. While intergovernmental management continued to be largely cooperative, intergovernmental relations had become coercive. Governance eclipsed government, and nongovernmental stakeholders and rent seekers multiplied and invaded the intergovernmental arena, rendering policy making more complex, contentious, and disadvantageous to state and local governments. In academe, “interorganizational” largely displaced “intergovernmental” relations and management. These trends continue and make a revival of the ACIR unlikely.

The state of the state ACIRs. During the 1970s and 1980s, about half of the states created a state ACIR modeled on the federal body. According to Richard L. Cole in “The Current Status and Roles of State Advisory Commissions on Intergovernmental Relations in the U.S. Federal System,” the state ACIRs collected data, served as clearinghouses for information on grants-in-aid and intergovernmental issues, prepared research reports, made recommendations to improve relationships, acted as forums for discussing and addressing problems (especially state–local matters), and provided technical assistance. At one time, 25 state ACIRs existed, but by 2009, just 10 were active, and only one has been created in the last 10 years.

This article surveys the organizational, financial, and staffing aspects of the extant state ACIRs and examines factors related to institutional terminations, many of which parallel the factors associated with the federal ACIR’s demise. Although the need for an ongoing intergovernmental institutional capacity exists in many state capitals, several of the conditions and trends adversely affecting the revival of a national ACIR also impede the states’ development of more intergovernmental capacity.

What are some of the “big questions” about intergovernmental relations and management? In the concluding article, the symposium editors, abstracting from the contributions here and other literature, identify 15 questions that affect the health of the federal system and reflect on the difficulty of addressing these questions without an ACIR-type capacity. Some of the questions focus on policy and relationships; others deal with management and finances.

Conclusion

In the absence of a permanent intergovernmental institutional presence, the “big questions” likely will languish for adequate attention. The fiscal execution of the ACIR has been lamented by scholars and practitioners, but the political prospects for recreating this institutional capacity are low. The Big 7, the Obama administration,

senior members of Congress, and state leaders have focused on other priorities. After 15 years, the ranks of intergovernmental advocates have thinned, and the market for nonpartisan or bipartisan policy analysis and data collection has largely been cornered by partisan advocacy. The rebirth of an ACIR-type organization and a supportive intergovernmental infrastructure, and a rekindling of interest in intergovernmental management, will likely require a sea change in political and leadership priorities.

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