

Reflections on the Spirit and Work of the U.S. Advisory Commission on Intergovernmental Relations

Intergovernmental Management Symposium

What did the U.S. Advisory Commission on Intergovernmental Relations (ACIR) accomplish before it was disbanded in 1996? Were its accomplishments sufficiently valuable to justify reestablishing the organization? This article reviews the commission's origins, history, and accomplishments, and addresses future intergovernmental needs. The ACIR's accomplishments were substantial, but are largely unavailable today. Lessons learned from the ACIR suggest the need to (1) recreate a network of intergovernmental advocates within the legislative and executive branches of the federal government; (2) restart the information flows and high-level federal, state, and local policy dialogues that withered after the ACIR's demise; (3) strengthen boundary-crossing institutions capable of addressing metropolitan and multistate problems; and (4) develop new opportunities to achieve public policy outcomes that can be attained only by the cumulative efforts of federal, state, and local governments working together—often with private parties as well.

For 37 years (1959–96), the U.S. Advisory Commission on Intergovernmental Relations (ACIR) championed the idea that America's federal, state, and local governments need to work together if they are to serve the nation's citizens well. The commission's central theme over most of those years was that these governments work best when they work together, each providing what it does best in a balanced partnership with the others. This theme emphasized the "inter" in its name rather than the "governmental." Many other organizations promoted the federal government, the states, or local governments separately, but few promoted interconnections as tirelessly as the ACIR.

This article sketches the ACIR's story—describing how and why it was created, some of its main

accomplishments, the principal value it added to the American experience, some of the lessons learned from this experiment in government and public administration, and some of the vital tasks that remain to be done.

The Origins of the ACIR

The U.S. Constitution delegates certain limited powers to the federal government, and the Tenth Amendment, adopted in 1791 as part of the Bill of Rights, clarified that the powers not delegated to the federal government are reserved to the states or to the people. Local governments are not mentioned in the Constitution, so they remain the responsibility of the states. Intergovernmental relations were largely a matter of federal–state relations until the twentieth century, when all of the nation's governments began to become more dependent on each other. In simpler times, the Congress, the president, and the courts resolved intergovernmental issues by themselves.

As the century progressed, federal grant programs (based on the federal government's broad interpretation of its spending powers) and federal economic regulations (based on the Constitution's interstate commerce clause) began to have greater impacts on state and local governments. During the 1920s, scholars began to publish studies of intergovernmental

relations (several are cited in Clark 1985). Public officials also began to establish national organizations to help them address intergovernmental relations (Clark 1985). The New Deal accelerated these trends during the 1930s, adding 29 grant programs and causing intergovernmental relations and cooperative federalism to emerge as major features of American government. The federal government's efforts to extract the nation from the Great Depression linked the fortunes

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Bruce D. McDowell served on the ACIR staff for 24 years from 1963 to 1996, with time off to work for the Metropolitan Washington Council of Governments (1964–72) and the National Council on Public Works Improvement (1986–88). Following the ACIR's demise in 1996, he was employed by the National Academy of Public Administration for 13 years. Then he worked for the Intelligent Transportation Society of America until December 2010. He has maintained a private consulting practice since 1996.
E-mail: mcdowell@intergov.com

of the federal, state, and local governments more closely than ever (Clark 1985).

Frank Bane, the first administrator of the New Deal's Social Security program, became the second director of the Council of State Governments (1938–58) and then the first chairman of the ACIR (1959–66). In his work during World War II with rationing and federal aid programs, Bane had come to see state and local participation as a way to accomplish national goals “without doing violence to local, state, and regional habits . . . [that] made local self-government an essential part of national teamwork” (Clark 1985, 3).

The growing literature on intergovernmental issues produced during the 1930s and 1940s (cited in Clark's history of the ACIR) identified many concerns about the centralizing effects of an active national government and the inadequacies of state and local governments to respond effectively to the needs of the times. As early as 1940, scholars began calling for the creation of a national study commission to address these issues (Clark 1985). Such was the intergovernmental scene in 1952 when the nation elected Republican Dwight D. Eisenhower as its new president.

Precursors of the ACIR

In 1947, the U.S. House of Representatives and Senate both established subcommittees on intergovernmental relations, as required by the Legislative Reorganization Act of 1946. The first Hoover Commission (1949) concluded that the states needed to strengthen themselves in order to maintain a balance of powers in the federal system and called on Congress to create a continuing agency on federal–state relations. Hearings were held, and in the early 1950s, the American Municipal Association (predecessor of the National League of Cities) and the Council of State Governments supported the creation of a study commission on intergovernmental relations. Congress passed legislation to do so, and President Eisenhower signed it on June 27, 1953 (Clark 1985).

The resulting 25-member Commission on Intergovernmental Relations worked for two years to produce a set of studies on federal–state relations covering almost every function in which the federal government was involved. The work of this commission, which became known as the Kestnbaum Commission in honor of its chairman, Meyer Kestnbaum, stimulated the creation of several similar state commissions and increased the interest of scholars and practitioners in the topic. In addition, it assembled an expert staff, many of whom later served in intergovernmental offices in the federal government's executive and legislative branches.

The Kestnbaum Commission did not limit its recommendations to the federal government. Although it called for restraint in the use of the federal government's powers, it also called for state and local governments to strengthen their own capabilities in order to carry a fuller share of the responsibilities of government. When the commission submitted its report, it recognized that it had left much work unfinished, and recommended the creation of a permanent advisory commission.

Eisenhower responded quickly by establishing a small unit in the White House to follow up on Kestnbaum's recommendations. He also invited the governors to join him in establishing a Joint Federal–State Action Committee charged with identifying federal programs that could be given back to the states along with existing federal revenue sources adequate to cover their costs. This committee, consisting of a small number of governors and federal cabinet members, was established in 1957 and produced limited turn-back recommendations within a few months. Eisenhower referred implementing legislation to Congress, but it was not enacted. While the federal–state committee continued to work, Congress enacted legislation to create the permanent Advisory Commission on Intergovernmental Relations. Eisenhower signed the ACIR bill (Colman and Goldberg 1990), and the Joint Federal–State Action Committee disbanded in the ACIR's favor.

The ACIR's Organization and Accomplishments

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By the time the ACIR was established on September 24, 1959, a large and complex agenda for it to tackle had already been discussed widely. The ACIR legislation provided a membership of 26 commissioners designed to represent a balance among the two political parties, the legislative and executive branches of government, and the federal, state, and local governments [along with] three private citizens who were not overtly partisan. . . .

among the two political parties, the legislative and executive branches of government, and the federal, state, and local governments. The commission consisted of three private citizens who were not overtly partisan, three members of the federal executive branch, three members of the Senate (with one being a member of the minority party), three members of the House (with one being a member of the minority party), four governors (two from each party), four mayors (two from each party), three state legislators (two from the president's party), and three elected county officials (two from the president's party). The House Intergovernmental Subcommittee took the lead in developing the legislation. The law gave the national associations of state and local governments a role in nominating state and local officials for appointment to the commission by the president.

The design of the ACIR also followed the pattern used to staff congressional committees, giving that responsibility to the commission chair rather than using the normal federal agency staffing process. The idea was to give the ACIR independence from the federal bureaucracy; it was not to be just another federal agency. Staff could be hired and fired at will by the chairperson, except for the executive director, who was hired and fired by a majority vote of the commissioners.

Throughout most of its history, the ACIR operated with a staff of about 24 people. The staff was organized most of the time into three sections: (1) taxes and public finance, (2) the structures and functions of governments, and (3) implementation of commission recommendations.

Over the years, the ACIR (see table 1) published 130 policy reports containing recommendations, 196 information reports without recommendations, 23 annual surveys of changing public attitudes

Table 1 ACIR Chairmen, Principal Staff, and Organization, 1959–96

CHAIRMEN

Frank Bane (1959)

One-year gap (April 1966–April 1967) when the ACIR could not meet or transact business

Farris Bryant (1967)

Robert E. Merriam (1969)

Abraham D. Beame (1978)

James G. Watt (1981)

Robert B. Hawkins, Jr. (1982)

William F. Winter (1993)

EXECUTIVE DIRECTORS

William G. Colman (1960)

William R. MacDougall (1970)

Wayne F. Anderson (1974)

Carl W. Stenberg III (acting, January–May 1982)

S. Kenneth Howard (1982)

F. John Shannon (1985)

John Kincaid (1988)

William E. Davis III (1994)

ASSISTANT DIRECTORS AND PROFESSIONAL STAFF

Listed by sections roughly in hiring sequence, excluding administrative and clerical personnel, visiting scholars, and interns

TAXATION AND PUBLIC FINANCE

Laszlo L. Ecker-Racz (original assistant director, 1960): Francis X. Tippet, Alice M. Rivlin, Selma Mushkin, Jacob M. Jaffee, Robert Rafuse, Jr., F. John Shannon, and Will S. Meyers, Jr.

F. John Shannon (assistant director, 1966–84): L. Richard Gabler, Eugene R. Elkins, John Gambriel, Charles Revier, Paul Van de Water, Jack P. Suyderhood, John H. Bowman, Michael Veseth, Bruce Wallin, Susannah E. Calkins, Albert J. Davis, Charles Richardson, Robert Lucke, Robert J. Cline, Robert J. Kleine, John P. Ross, Michael E. Bell, Ronald C. Fisher, Richard J. Reeder, Michael Harder, Henry Raimondo, Janet Rothenberg Pack, Gordon M. Folkman, Harley T. Duncan, Jean Ryan, I. M. Labowitz, Robert D. Ebel, Susan Carmon, Andrew Supplee, Mark David Menchik, Karen M. Benker, Daphne A. Kenyon, Emmeline Rocha, Michael W. Lawson, Holly Ulbrich, Karen Kirkwood, and Sara Uhimchuk.

Robert D. Ebel (assistant director, 1988): Sandra B. McCray and Carol E. Cohen.

Henry A. Coleman (1991, holding new title of director of government finance research): Elliott J. Dubin and D. William Graham.

Philip M. Dearborn (director, 1992–96): John Behrens, Jane Wallace McNeil, and Jeffrey Marks.

GOVERNMENTAL STRUCTURES AND FUNCTIONS

Allen Manvel (original assistant director, 1960): Warren Cikins.

Melvin W. Sneed (assistant director, 1962): Stuart Urbach, William Maxim, Norman Beckman (assistant director for metropolitan areas, 1962), Albert J. Richter, and Bruce D. McDowell.

Beckman succeeded Sneed in 1965, merging the Metropolitan Areas section into the larger Structures and Functions section: James Pickford, Page Ingraham, Hope Manderin, and Thomas Hanna.

David B. Walker (assistant director, 1966–84): John J. Callahan, Carl W. Stenberg III, Charles W. Washington, Rodney P. Lane, Ruth A. Bosek, Jean M. Gansel, David R. Beam, Cynthia Cates Colella, Timothy J. Conlan, Mavis Mann Reeves, Charles Richardson, Anne Hastings, Robert M. Stein, Patrick J. Chase, Margaret T. Wrightson, Ann Martino, Lorri Henderson, William T. Harris, Natalie J. Cutler, J. H. Fonkert, Harriet Halper, Lynn Dixon, Keith Miles, H. J. McDonough, Barbara Norton, Marianne Zawitz, Robert L. Baitty, and Joanne Dobby.

Bruce D. McDowell (1988–96, holding new title of director of government policy research): Debra Dean, Marcia Carroll, Sharon Lawrence, Andree E. Reeves, David Schaller, Phillip E. Riggins, Jeffery Fitzpatrick, Patricia Pride, Cameron Gordon, Charles Griffiths, Vivian E. Watts, Ronald D. Allen, Erica Jacoby Price, Seth B. Benjamin, Sandra Pinel, Laura Pennycuff, and Timothy Smith.

The above sections were replaced by a smaller Research Office during 1984–88.

RESEARCH OFFICE

Lawrence A. Hunter (first director of research, 1984): Gary M. Anderson, Ronald J. Oakerson, Max B. Sawicky, and Robert J. Dilger.

John Kincaid (director of research, 1986): Carolyn D. Lynch and Rosita M. Thomas.

PROGRAM IMPLEMENTATION (established in 1967)

Elton K. McQuery (first director, 1967): Eugene Elkins. McQuery was succeeded by Dwight Jensen and then by Lawrence D. Gilson. Carl W. Stenberg III was its last director (1977–83). The position was upgraded to assistant director of ACIR during Stenberg's term, but was abolished when he left the ACIR in 1983. Among the positions in this section were Information Officer and Editor of *Intergovernmental Perspective* magazine. Carol S. Weissert became the first information officer in 1975 and also editor of the ACIR's new magazine. These two positions were retained after the section was abolished. Successors to Weissert as editor included Stephanie J. Becker (1982), Jane F. Roberts and Susannah E. Calkins (coeditors, 1985–86), and Joan A. Casey (1987–95). Successors to Weissert as information officer were Donald Lief (communications officer, 1984) and Robert Gleason (1985). The section's other professional staff included Michael C. Mitchell, Carol Monical Wright, Lynn D. Farrell, Dale Harris, Barbara Jiji, Maurice White, Larry C. Ethridge, Leanne R. Aronson, Tara Jones, Kenneth Ainsworth, Neal M. Cohen, Peggy Cucitti, Rochelle L. Stanfield, Karen Kirkwood, Edward M. Humberger, Jerold Fensterman, Mark Matulef, Harolyn Nathan, Susan Szanislo, Dorothy Bacskai, Martha Davidson, Perry Ocher, Paula N. Alford, Hamilton H. Brown, Dorothy Dickerson, Joan Peters, and Karen Benker.

on governments and taxes, 20 other reports, and nearly 200 issues of its quarterly *Intergovernmental Perspective* magazine (ACIR 1995b). These publications were sent routinely to the nation's 1,000 depository libraries and were distributed free (until later years when Congress reduced the ACIR's funding and required the commission to sell its publications). The normal press run was 10,000 (when reports were free), and popular reports were reprinted to meet demand. The reports often became assigned readings in college courses on federalism and intergovernmental relations. At a time when intergovernmental literature was relatively rare, the ACIR provided a large proportion of the available titles. In the process, the ACIR became one of the largest users and packagers of federal statistics about government organizations, employment, revenues, expenditures, intergovernmental transfers, and related matters.

One purpose of these publications was to help the nation see the intergovernmental system as a whole and to keep that portrait up to date. To that end, the ACIR periodically published descriptive reports on the following:

- Significant features of fiscal federalism (the ACIR product most frequently discussed as needing resurrection)
- The representative tax system and fiscal blood pressure (two reports that compared fiscal effort and capacity among the states)
- The changing public sector (which showed the relative shares of federal, state, and local financial and staffing responsibilities for the various functions of government)
- Characteristics of federal grants (a biennial analysis of the grant system based on the federal catalog of grants—providing a means of tracking trends in the types, amounts, and other features of grants over time)
- Intergovernmental service agreements (showing trends in the use of this widely employed intergovernmental tool).
- Directories of state ACIRs and boundary commissions
- Governments of the United States (five-year counts of state, county, municipal, and special district governments, provided by the Census Bureau without analysis)—the ACIR used these data frequently and added analyses from time to time on related topics such as local government consolidations and home rule powers
- Boundary-crossing organizations—with ACIR encouragement, the Census Bureau included regional councils in one census of governments (U.S. Census Bureau 1977), information that is now available only in incomplete form from membership directories of national associations
- Federal preemptions of state powers

The ACIR's policy reports were more analytical than these information reports. They were designed to solve intergovernmental problems, and they generally contained commission-adopted recommendations or alternative approaches that could be adapted to varying conditions in different parts of the country. The topics shifted over time, but many of the reports were revisited at varying intervals to keep them relevant to changing conditions.

A quick review of the ACIR's publications reveals the wide array of topics. The public finance studies began with a focus on diversifying state and local revenue sources, examining state restrictions on local taxes and financial practices, improving the administration of

state and local taxes, and coordinating the administration of taxes collected concurrently by federal, state, and/or local governments. These studies evolved to examine the financial implications of federal and state grants and the need for greater fiscal balance in the federal system. During the commission's later years, the focus shifted toward the limits on federal aid, devolution of responsibilities to state and local governments, and the increasing use of federal regulations and mandates instead of grants to achieve national goals.

The ACIR's policy studies evolved from an initial emphasis on urban and metropolitan problems and on regional organizations, toward greater attention to the federal grant system and then to regulatory federalism, devolution, and relief from unfunded federal mandates. Individual studies addressed such matters as Medicaid, transportation, criminal justice, citizen participation, homelessness, infrastructure strategies, environmental protection, the National Guard, disability rights mandates, state regulation of banks and telecommunications, state constitutions, the courts and federalism, local home rule, and other topics.

The early years of both agendas had a strong emphasis on building greater capacity in state and local governments—as well as in regional organizations designed to facilitate joint action across the boundaries of state, county, municipal, and special-district governments. These efforts were bolstered by the ACIR's State Legislative Program, which translated many ACIR recommendations into model state legislation designed to implement them. The commission published its first state legislative program in 1963. By 1975, the bills were brought together, updated, and published as a comprehensive 10-volume resource that included 112 researched and vetted bills for state and local governments to use in implementing the recommended reforms (ACIR 1975). Most provisions of the proposed bills had already been enacted in one or more states. The volumes covered (1) state government structure and processes (including the executive and legislative branches as well as state ACIRs); (2) local government modernization (including alternative forms of government, local boundary commissions, and regional organizations); (3) state and local revenues; (4) fiscal and personnel management; (5) environment, land use, and growth policy; (6) housing and community development; (7) transportation; (8) health; (9) education; and (10) criminal justice.

It was standard ACIR practice to subject its draft studies to “critics” sessions at which a couple dozen experts and stakeholders—drawn from state and local governments, national associations, federal agencies, think tanks, and academia—offered critiques and suggestions for improvement. Efforts were ordinarily made to recruit multiple points of view so as to produce more balanced and impartial reports. The advice received usually led to significant revisions before the draft was submitted to the commissioners. Commissioner deliberations also frequently led to revisions. Any issues not resolved by commission deliberations could be, and often were, annotated with written dissents or expressions of additional views by individual commissioners.

The ACIR's implementation staff was not established until 1967; it remained a separate unit only until 1983 (Clark 1985). Its main functions were (1) to advise the U.S. Office of Management and Budget (OMB) and congressional committees on the

intergovernmental implications of proposed federal legislation and regulations and (2) to communicate ACIR recommendations effectively to stakeholders and the public. For this purpose, the ACIR also produced “In Brief” reports that distilled long reports on complex issues into user-friendly formats. From the 1960s to the mid-1980s, the ACIR received formal referrals of potential presidential legislative proposals from the OMB. For a time in the 1970s and 1980s, the ACIR also provided secretariat services to the OMB to help manage an intergovernmental review process that provided opportunities for the national associations of state and local governments to comment on the intergovernmental implications of proposed federal regulations before they were published in the *Federal Register* for public comment. The ACIR’s *Intergovernmental Perspective* magazine also got its start in this staff in 1975.

The Ronald Reagan years brought substantial changes in commission members, staff, and research focus. For the only time in its history, a presidential transition team evaluated the ACIR. The team looked up the political affiliations of all members of the professional staff and interviewed all of them. The incoming chairman, James G. Watt—secretary of the interior (1981–83) under President Reagan—halted work on the unfinished studies started by the previous administration. Then, about one year into the new administration, his successor, Robert B. Hawkins, Jr., began a systematic review of some previously adopted commission recommendations to assess their consistency with theories that favored more reliance on small units of local government. This thrust was especially reflected in *The Organization of Public Economies* (ACIR 1987b), in which, for example, the ACIR rescinded its 1981 recommendation on the dissolution of small local governments deemed to be nonviable. There were not many such policy reversals, but they did generate controversy.

The staff shrank and was reorganized during this period. A new executive director, S. Kenneth Howard, was brought in, and a new research director, Lawrence A. Hunter, was installed to replace the longtime directors of the public finance and structures and functions sections. The implementation unit was dissolved. Most of the long-term staff left, and the ACIR’s research topics shifted toward fiscal discipline, devolution of federal programs to state and local governments, constitutional federalism and the federal courts, competitive federalism, and the organization of “local public economies.”

The Reagan block grants were enacted by Congress in 1981 to consolidate 77 federal programs, terminate or phase out 60 others, and reduce funding for a wide array of federal aid programs for state and local governments (Conlan 1998, chap. 8). Although the block grant concept was consistent with long-standing ACIR recommendations, Reagan’s proposals differed in some ways from ACIR positions. The ACIR assisted in their implementation, but these new programs caused uneasiness among many state and local government officials. By the end of the Reagan administration, the ACIR had been led by two chairmen and three executive directors. It was a turbulent time.

Instead of relying on the ACIR to formulate his block grant and federal devolution agenda in 1981, Reagan established a 40-member President’s Advisory Committee on Federalism. Most of its members

were current or former members of the ACIR, but 75 percent were Republicans. The president’s new committee worked for two years, met three times, and relied largely on prior ACIR research and data. However, it could not reach a consensus among its state and local members, and did not issue any reports (Clark 1985).

The ACIR members appointed by Reagan, who frequently included Reagan’s White House assistant for intergovernmental relations, sought to align the ACIR agenda with the president’s agenda. Reagan’s 1982 and 1983 State of the Union addresses included large federalism reform proposals. The 1982 proposal included a \$20 billion swap of programs in which Medicaid would have been federalized in exchange for state assumption of full responsibility for welfare and food stamps. This proposal included a \$34 billion turnback of 43 federal aid programs to be funded for a transition period by a federal trust fund consisting of revenues from federal taxes that were proposed to be terminated and reenacted by the states if they chose to do so (ACIR 1983a). These proposals were widely debated, but became controversial, were replaced by a more modest block-grant proposal in 1983 (ACIR 1983b), and were not enacted. In 1985, the commission adopted a report endorsing the concept of turning back some program responsibilities from the federal government to the states along with federal revenue sources of similar magnitude, and recommending principles to guide further development of practical turnback packages (ACIR 1986a). However, the commission recommended only one specific devolution involving selected federal aid highways (ACIR 1987a). It was not enacted.

In accordance with the long-standing practice of reviewing the ACIR’s activities every five years, Congress held oversight hearings in October 1981 (Senate Subcommittee on Intergovernmental Relations 1981). The perception that the commission was losing its independence was discussed, and the commission’s new chairman committed to preserving the ACIR’s traditional status. Congress did not press the issue further, but when Congress conducted its fourth review in 1984, some participants argued that the ACIR was attracting more criticism than at any time in the past, and a fuller exchange of views ensued in the Senate and House Subcommittees on Intergovernmental Relations. On the occasion of the ACIR’s twenty-fifth anniversary, the commission held a two-day retreat (September 23–24, 1984). This retreat assembled current and former members as well as several noted federalism scholars who were asked to prepare and present papers assessing the ACIR’s status and directions (Clark 1985). In addition, the nation’s most prominent academic journal on federalism, *Publius: The Journal of Federalism*, published a symposium on the ACIR in its summer 1984 issue.

These reviews included a series of hearings across the nation (summarized in ACIR 1986b), which yielded a wide range of views and recommendations for future work. Most reviewers agreed that the ACIR had been useful, especially in its governmental finance studies and data reports. Its work on the structures and functions of government drew more mixed reviews, but no clear path to ACIR’s future emerged.

During the Bill Clinton years, support for the ACIR from the national associations of state and local governments declined,¹ sister agencies working inside the federal government were lost, and the ACIR’s staff shrank and tackled more discrete studies (McDowell

1997). A number of ACIR studies in its last few years were funded outside the ACIR's appropriated budget by federal agencies seeking information about their own programs. The last of these studies—on regional roles in implementing the federal wetlands permit program (ACIR 1996c)—was delivered to the U.S. Army Corps of Engineers during the ACIR's final week.

When the ACIR went out of business pursuant to a November 19, 1995, roll call vote in the Senate that denied appropriations beyond fiscal year 1996, the commission was embroiled in a highly controversial, congressionally requested study of unfunded federal mandates on state and local governments. The January 1996 draft of this study released for public comment had angered environmental, labor, and disability groups and made it difficult for the president to support the commission in this closely contested presidential election year (ACIR 1996b).

The ACIR's Value

Over its 37 years, the ACIR added value to intergovernmental relations in five main ways: new knowledge, better-informed dialogues, stronger partners, new boundary-crossing institutions, and increased federal government awareness of the overall intergovernmental system. A few examples follow.

With respect to new knowledge, the ACIR supplied a constant stream of reports to thousands of readers in both government and academic circles. The presence of the ACIR's publications in federal depository libraries and on assigned college reading lists helped instruct a generation of students. Federal, state, and local government offices throughout the nation had ACIR reports on their shelves. Many state and national conferences featured ACIR speakers. The commission's *Intergovernmental Perspective* reached large nontechnical audiences. The messages focused primarily on links among governments—interlocal, state–local, federal–state, federal–local, federal–state–local, and interagency—rather than on individual governments and separate programs. This literature made it more possible to see the federal system as a whole rather than as just a collection of separate parts.

With respect to informed dialogues, the ACIR's quarterly commission meetings maintained continuing discussions on important intergovernmental issues among prominent federal, state, and local officials—in both parties and in both the legislative and executive branches of government. These dialogues produced large numbers of recommendations to Congress, state legislatures, and others. Congress enhanced this dialogue with its five-year reviews of the ACIR.

The ACIR also focused a great deal of effort on helping state and local governments become more effective partners in the intergovernmental system. Many ACIR studies and the ACIR's State Legislative Program suggested ways, for example, to strengthen the position of governors who had little or no executive authority, part-time state legislatures that had little or no professional staff, counties run by part-time commissioners and minimal professional staff,

and municipalities with very limited discretionary authority over programmatic, financial, and personnel matters.

The ACIR also supported the creation of boundary-crossing institutions. With well over 89,000 units of government operating across the nation, many occasions arise when groups of governments need to act together to be effective. They sometimes need special institutions to enable them to do this. Metropolitan problems and metropolitan institutions were at the top of the nation's intergovernmental agenda when the ACIR was established, so they caught the commission's attention right away (ACIR 1962, 1964, 1973, 1995a). As time passed, regional councils also addressed rural economic development issues and other needs outside metropolitan areas. On a larger scale, multistate river basin and economic development regions also drew the commission's attention (ACIR 1972). On the state scale, state ACIRs and local government boundary commissions were studied as well (ACIR 1991a, 1992).

Finally, the ACIR assisted the federal government directly by generating state and local inputs into congressional and executive branch decision making and by interjecting intergovernmental principles into the dialogue. For example, the commission supported processes for federal consultations with state and local governments before making agency decisions

on federally funded projects and on the adoption of new federal regulations affecting states and localities (ACIR 1964; McDowell 2008). The ACIR also provided information and technical assistance to congressional committee staffs, the White House Office of Intergovernmental Affairs, the OMB, General Accounting Office, Congressional Budget Office, the federal statistical agencies, and numerous federal agencies responsible for federal aid programs.

These intergovernmental perspectives were largely lost when the ACIR was disbanded. State and local inputs into the federal government now come primarily from national associations, each of which represents the interests of a specific type of government rather than focusing on the interrelationships among governments.

Lessons Learned

The ACIR experience teaches important lessons in at least four areas: (1) joint action, (2) intergovernmental bonds, (3) cross-boundary institutions, and (4) outcome-oriented performance of government functions.

First, the ACIR did not add value to American government all by itself. It had a very effective infrastructure around it consisting of supportive counterpart offices and close professional associates with which to work in the congressional committees, the White House, the OMB, the General Accounting Office, and the national associations of state and local governments (McDowell 2008). Most of that support system was gone by the time the ACIR was disbanded in 1996. The corollary of this lesson is that re-creating the ACIR alone most likely would do little to re-create the value once provided by

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the ACIR. The new ACIR would be left to talk to itself, and would have little or no access to power.

Second, the “devolution” concept of federalism implemented in the 1980s damaged the “cooperative federalism” foundation of the ACIR. The devolution concept assumed that many functions of government can be clearly separated, allocated to a single order of government, and that individual governments can prosper on their own. Attempts to make this concept work in increasing numbers of programs were politically controversial, practically unworkable, and damaging to the intergovernmental bonds that held the intergovernmental community together. The ACIR had helped nurture such bonds during most of its history, but its involvement in Reagan devolution and its handling of the divisive unfunded federal mandates issue in 1996 strained those bonds. On mandates, the ACIR considered only one side of the issue—the financial impact on state and local governments—to the exclusion of national political, economic, and social interests, and that made it difficult for the Clinton administration to support the commission in its time of need (McDowell 1997, 115–17).

Third, achieving cross-boundary results requires the assistance of cross-boundary institutions—such as regional councils, multistate commissions or coalitions, state ACIRs, and local boundary commissions. Studies of and support for these institutions continued throughout the ACIR’s life, and many such organizations now serve the nation despite diminishing support for them in recent years.

Fourth, the concept of outcome-oriented performance management, which emerged in the ACIR’s final years (ACIR 1996a), offers new opportunities to address intergovernmental problems. Intergovernmental programs designed to achieve common quantifiable goals in natural cross-boundary “problem sheds” are being developed to guide multiple government jurisdictions to pursue consistent practices that, taken together, can achieve agreed-on area-wide goals. Such programs are beginning to address traditional ACIR topics more effectively—including metropolitan traffic, water supply, and river basin management—as well as more recently identified issues such as disaster management (NAPA 2004), restoring healthy water and fisheries to the Chesapeake Bay (NAPA 2007b, 2009), and saving the Louisiana coast (NAPA 2007a). New information technologies are providing the tools needed to help make this approach technically possible if the intergovernmental cooperation dimensions of the enterprise can be negotiated (GAO 2010). Thus, new intergovernmental challenges and solutions continue to emerge and need the kind of attention and expertise the ACIR used to give them.

The Next Agenda for U.S. Intergovernmental Relations

These lessons suggest four avenues for action to revitalize U.S. intergovernmental relations: (1) re-create intergovernmental advocates, (2) restart continuing flows of robust information and high-level dialogues on intergovernmental issues, (3) support boundary-crossing more fully, and (4) develop effective intergovernmental performance partnerships.

Recreating the federal government’s multipart infrastructure for improving intergovernmental relations should build on the three elements of prior infrastructure that still exist—Government Accountability Office research teams assembled as necessary to address specific issues; the White House Office of Intergovernmental Affairs, which is currently focusing on urban affairs and sustainable communities; and the Congressional Budget Office, which estimates the financial impact of proposed federal mandates on state and local governments.

Reestablishing intergovernmental subcommittees in both houses of Congress—where the spark for creating and sustaining the ACIR originated—also should have a high priority. Then re-create the OMB’s intergovernmental relations office to back up the White House with continuing professional analytical expertise and capabilities to oversee government-wide policies on intergovernmental relations and sustain intergovernmental initiatives from one administration to another. Further, reestablish an ACIR-like intergovernmental body to do the cross-government, cross-branch heavy lifting of daily studies, policy development, and support for implementation by the executive and legislative branches of the federal, state, and local governments. To be successful, these rebuilding steps will need strong, unified support from the national associations of state and local governments, which constitute the primary constituency for intergovernmental relations.²

The revived ACIR should be instructed to (1) restart the flow of intergovernmental information and policy reports for which its predecessor was best known; (2) restart quarterly meetings of the commission to initiate timely, high-level policy dialogues; and (3) restart assistance to the federal government in staying aware of intergovernmental needs, capabilities, and roles for meeting national goals. To support this step, the nation’s relevant statistical agencies should be appropriately funded to provide the data needed for accurate portraits of the intergovernmental system (National Research Council 2007).

The revived ACIR also should evaluate the existing regional councils, multistate commissions, transportation corridor coalitions (McDowell 2009), state ACIRs (Cole 2009), local boundary commissions, and other such organizations, and recommend improvements to open new opportunities for them to strengthen the nation’s intergovernmental relations.

[The ACIR experience suggests] four avenues for action to revitalize U.S. intergovernmental relations: (1) re-create intergovernmental advocates, (2) restart continuing flows of robust information and high-level dialogues on intergovernmental issues, (3) support boundary-crossing more fully, and (4) develop effective intergovernmental performance partnerships.

Among the new opportunities for strengthening intergovernmental relations that the revived ACIR should be asked to study are those made possible by the convergence of outcome-oriented performance management practices and new information technologies. A start on this has been made, for example, by the nearly real-time electronic reporting required for Recovery Act federal economic stimulus payments to state and local governments (GAO 2010). But this new intergovernmental requirement barely begins to explore these potentials.

Notes

1. For example, six of the “Big 7” association executive directors signed a letter to President Clinton making their continued support of the ACIR contingent on demands for six reforms designed to give them a larger role in the ACIR’s affairs and greater access to the administration through the ACIR. The executive director of the National Governors Association declined to support the ACIR’s continuation even if these demands were met (McDowell 1997, 123).
2. On July 24, 2009, Representative Gerry Connolly, former chair of the Fairfax County, Virginia, Board of Supervisors, introduced a bill in the House to create a National Commission on Intergovernmental Relations to replace the ACIR (H.R. 3332, 111th Congress, 1st session). This is a key legislative priority of the National Association of Counties. In addition, the International City/County Management Association published a white paper on this topic in November 2009. So far, the National Association of Counties’ bill, the Restore the Partnership Act of 2009, is not moving through Congress.

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