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History
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ADMINISTRATIVE REORGANIZATION

Of The

Government of the State of Virginia Under

Governor Byrd

By

Robert Greig Barr

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A THESIS

Presented To

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VIRGINIA

PREFACE

The author wishes to take this opportunity to express his appreciation to those whose aid has made this work possible.

First, gratitude is due his father, Melvin J. Barr, for his sympathetic and patient aid in the preparation of this manuscript.

The counsel of Dr. Herman P. Thomas of the Department of Economics of the University of Richmond has been of incalculable value and his kind suggestions have enabled the author to avail himself of sources of information which would otherwise not have come to his knowledge. His altruistic help and expressions of interest have been a constant source of inspiration.

The valuable guidance of Mr. Carlyle Havelock Morrissett, the State Tax Commissioner, merits the everlasting gratitude of the author. Mr. Morrissett kindly sacrificed his valuable time to aid him in evaluating the accomplishments of the reorganization. His wisdom and experience saved the author from numerous errors in judgment.

The opinions of the following gentlemen have been of great aid in the formulation of an intelligent criticism of the reorganized administrative structure of Virginia's government: Colgate W. Darden, Governor of Virginia; Judge Thomas W. Ozlin, State Corporation Commissioner; James H. Price, former Governor of Virginia.

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Introduction

Administrative reorganization is a tremendous subject. In the final analysis, it involves the history of administrative organization, proposals for its improvement, reforms in its structure, desirability of further changes, and the adequacy and beneficial effects of changes already instituted, as well as the broad ramifications of governmental theory inextricably related to any scheme of administrative structure. It is a study of the entire executive branch of a government in all its aspects.

Administrative reorganization in The Commonwealth of Virginia offers a broad field for study and research. Adequate printed materials are available in the form of official documents and newspapers. In addition, numerous officials high in the ranks of Virginia's government can speak with authority on the subject out of their wide experience and are ever ready and willing to lend a helping hand.

Considering the vastness of the subject and the considerable amount of material available, the author can make no claim that his work is complete or even thorough. It represents a mere outline of a field of research which has never been adequately investigated and which will never be completely exhausted. Numerous phases of this study and of subjects closely related to it offer marvelous opportunities and sufficient material for more comprehensive analyses. They await only the application of diligent work and interest. Any of the following subjects would furnish extensive material for in-

dividual studies: a history of anyone of the administrative departments, especially the Department of Finance, the Department of Taxation, or the Department of Highways; budget history in Virginia; the work of the Prentis Commission and the 1928 amendments to the State Constitution; the fight over the short ballot; the effects of "pressure group" activities on the reorganization program; the political effects of the administrative reorganization of 1927-28; criticisms of the accomplishments of the reorganization; a study of further reorganization since 1928 and of various proposals for additional reforms; a comparison of Governor Byrd's objectives in advocating administrative reorganization and the policies he has fought for as U. S. Senator; the history of administrative structure prior to 1927.

These subjects offer interesting fields of research for the student of government and history, as well as the student of economics in some instances. Exploitation of the opportunities they present would go far toward completing phases of this work which the author, because of the all-inclusiveness of his subject, must necessarily neglect.

The administration of Harry Flood Byrd as Governor of Virginia will long be remembered as the occasion for one of the most important and extensive changes in the administrative organization of its government that the State has ever witnessed. A complete administrative reorganization, affecting every department, bureau, board, commission, and agency of the State government and changing the method of selection of numerous administrative officials, resulted from the introduction and ratification of important amendments to the Constitution of Virginia and the recommendations of several commissions appointed to study and report suggestions for the introduction of economy, simplicity, efficiency, and responsibility into the government of the State. The three sessions of the General Assembly during Byrd's administration were occupied largely with various aspects of this problem. The session of 1926 did the spade work; the special session of 1927 accomplished the actual reorganization; the regular session of 1928 applied the finishing touches.

Having been sworn in as Governor, Byrd lost little time in indicating what was to come. His inaugural address, delivered before the General Assembly on February 1, 1926, included a request for legislation to accomplish a reorganization of the State government, the general objectives of which he then proceeded to outline.

"The Governor," said Byrd, "cannot be as much of an executive as he should be. Public opinion holds him responsible for efficiency in administration, but actually he has very limited power to control and direct administrative functions. He comes into office in the middle of a legislative term, when policies have already been formed and laws enacted. Nearly one hundred bureaus, officers, departments, and boards,

largely independent of the Governor, conduct the business of the State. Of fifty-four administrative bureaus the Governor appoints only twenty. Many of the most important administrative officers of the State owe him no direct responsibility for the efficient conduct of their departments.

"If Virginia is to operate with the efficiency approaching a great business organization, we must concentrate responsibility. Practical experience has taught me that success is only possible when responsibility is combined with authority.... The real head of the executive branch of the government should be the Governor. There is little danger in this concentration of executive authority, for the Constitution of Virginia wisely provides that a Governor cannot succeed himself." ¹

As a further exposition of the general objectives of the proposed reorganization, Byrd stated that he construed his election "as a mandate to me as a business man to institute the best methods of efficiency and economy in State affairs, so that the people may obtain in the public service a dollar's value for every dollar spent.

"Useless offices must be abolished, duplicated services must be consolidated, and the manifold activities of the State systematized and directed with the efficiency of a great business corporation." ²

In line with Byrd's policy of introducing business methods into the government of Virginia, his inaugural address contained two recommendations for the attainment of governmental economy. He strongly advocated the adoption of a uniform system of accounting for all departments with requirement of an itemized statement of all receipts and

1. Byrd, Inaugural Address (Senate Document No. 6), p. 6.
2. Ibid., p. 3.

expenditures of public funds. ³ The importance and the extensive effects of this procedure will be dealt with later. In addition he recommended for similar purposes a broad extension of centralized purchasing, a procedure already operating on a limited scale. This was to be accomplished through the State Purchasing Agent, with standardized equipment for all departments and open, properly advertised, competitive bidding on all State contracts. ⁴

At the same time, Byrd went on record as favoring the appointment of a commission of outstanding Virginians to recommend desirable changes in the Constitution of Virginia. ⁵ For some time there had been intermittent demand for revision of the Constitution of 1902. The expense of a constitutional convention, however, estimated at approximately a million dollars, was a prohibitive factor. This formed the basis for Gov. Byrd's suggestion of the feasible and inexpensive plan mentioned above. ⁶

Since the concentration of executive responsibility requested by Byrd would involve a business reorganization of the administrative departments and the introduction of the short ballot, the Governor postponed his discussion of the specific issues involved to a later date. ⁷

On February 3, 1926, Governor Byrd came before a joint session of the Senate and House of Delegates to make specific proposals for administrative reorganization. He pointed out that, although the Governor is permitted to select and appoint only twenty of the fifty-seven so-called administrative bureaus, commissions, and departments, he must

Ibid., p. 14.

Ibid., p. 11.

Ibid.

Morrissett, Proposed Amendments To The Constitution of Virginia, a Statement Pointing Them Out and Explaining Them, pp. 3-4.

Byrd, op.cit., p. 6.

rely upon these agencies to make his administration efficient.⁸ Of the eighteen major departments, the Governor appointed only eight, while the General Assembly elected five, the other five being chosen by the electorate.⁹ Byrd complained that such an illogical designation of certain officers to be elected by the General Assembly or by the people made even more cumbersome the patchwork system in which nearly one hundred bureaus, boards, and departments existed, many of which were independent of each other and of the Governor as well. He pictured a vain struggle to manage efficiently the affairs of the government of Virginia.¹⁰

Having recognized the existence of a problem of great magnitude with serious conditions to be remedied, Byrd sought to answer the question, What can be done in a practical way toward improvement? "The first fundamental," asserted the Governor, "must be to make the Governor the real executive head of the State. In order to do this the essential agencies of the State government and their heads must be responsible to the Governor. The number of officers elected directly by the people must be reduced, activities of the hundred bureaus and departments must be consolidated into a few departments, and the State's activities must be headed up to the Governor as the activities of a great private business corporation are headed up to its president."¹¹

Governor Byrd then proceeded to outline the three essential steps that must be taken to accomplish the purposes of the reorganization. The following measures were requested: first, the General

8. Byrd, Simplification Of Government in Virginia (Senate Document No. 8), p. 1.
9. Byrd, A Discussion of The Plan To Increase Governmental Efficiency by Vesting in The Governor The Authority To Be "Business Manager" of Virginia's Government, p. 3.
10. Byrd, Simplification Of Government in Virginia, p. 1.
11. Ibid., p. 2.

Assembly should introduce and submit to popular vote for ratification amendments providing for adoption of the short ballot, the only elected executive officers to be the Governor, the Lieutenant-Governor, and the Attorney-General; second, provision should be made for appointment by the Governor of all administrative department heads, thus making the chief executive directly responsible to the people for administrative efficiency; third, all necessary bureaus, boards, and commissions should be grouped in eight or ten departments, many unnecessary agencies should be abolished, and a business survey should be conducted to make clear the way to economies of administration. ¹²

In addition to the principal recommendations, Byrd offered several supplementary suggestions. He deemed it advisable and desirable to leave election of the Auditor of Public Accounts to the General Assembly. Thus, being independent of the Governor, he would be in position to act as a check on expenditures of the executive branch of the government. ¹³ In order that his successor might appoint administrative officials who would be responsible to him, Governor Byrd recommended that necessary changes be made to provide that the terms of all officials elected by the General Assembly, with the exception of the Auditor of Public Accounts, should expire at the end of his (Byrd's) term of office. ¹⁴ As a remedy to the condition mentioned in his inaugural address, the Governor stated that "the Constitution should be amended to enable the next Governor to take office the day after the General Assembly convenes, so that... the incoming Governor can present his

12. Ibid.

13. Ibid.

14. Ibid., p. 4.

plans for his administration." ¹⁵ The necessity of submitting to the people proposed amendments to the Constitution connected with the reorganization program prompted Byrd to suggest 1928 as a suitable year, it being a Presidential year when a representative vote would be assured.¹

It would be of advantage at the present time to undertake an analysis of the general objectives of the administrative reorganization proposed by Byrd, along with a brief summary of the means proposed for attaining those objectives. Such a procedure will prove of incalculable value later in a discussion of the actual attainments of the reorganization with respect to its original purposes.

The principal objectives or goals of administrative reorganization may be summarized under four general categories: the creation of a responsible government; the introduction of economy into administration; the attainment of greater efficiency in the operations of government; and the simplification of the organization of the executive branch of the government.

Just what do we mean by a responsible government? First, and most significant, the expression "responsible government" denotes a government responsible to the people. Since ours is a democratic form of government in Virginia, the government becomes an agency for the execution of popular will and should therefore be subject to popular control. Logically, in order to make this control possible, all necessary steps should be taken to make the government responsive to the expressed will of the electorate. This was one meaning of Byrd's phrase, "responsible government." Intimately associated with the first is the principle that

15. Ibid.

16. Ibid.

the Governor, who is responsible for an efficient administration, should be authorized to command the allegiance of executive officers entrusted with the administration of public functions. Responsible government, therefore, also denotes an administrative organization in which subordinate administrative officials are responsible for the performance of their duties to the chief executive of the State.

Governor Byrd showed a comprehensive understanding of this problem in the measures he advocated as necessary for introduction of the principle of responsibility. He wisely perceived that the method for making a government really responsible to the popular will lies not in making all governmental officials elective by the people, but in concentrating responsibility for the wise, efficient, and just administration of governmental functions in the chief executive of the government. Thus Byrd's advocacy in his addresses to the General Assembly of adoption of the short ballot and provision for appointment of all department heads by the Governor, who alone remains responsible to the electorate for his administration.

Byrd was fond of likening the State to a corporation. "The State of Virginia," he said, "is... a great business organization with a president elected by the stockholders to execute their will and then denied the power to do so." ¹⁷ Dr. Douglas S. Freeman summed up the difficulties of the situation when he wrote that "seven of the largest tasks of government are the collection and audit of revenue, education,

17. Byrd, A Discussion Of The Plan To Increase Governmental Efficiency, p. 4.

protection of public health, promotion of agriculture, building of roads, care of dependents and defectives, and enforcement of prohibition. The only officials heading these functions who are appointed by the Governor and are directly responsible to him are the highway commissioner and the health commissioner. Two out of seven ! How can he 'take care that the laws be faithfully executed' as stated in the Constitution?" 18

Byrd argued that "the Governor can and should be held responsible for efficient administration." It was absolutely essential, however, that he be granted sufficient power to select his own administrative agents upon whom he must rely for results. 19 It would be extremely unfair, as Mr. Morrissett has pointed out, to hold him responsible for assistants not of his own selection. 20

As matters stood in 1926, no single executive officer had power to control and co-ordinate the activities of the numerous governmental agencies of the State. With expenditures averaging over thirty million dollars a year, only forty-two cents of each tax dollar expended was spent by officials appointed by the Governor. 21

Very cogent arguments were presented by Governor Byrd for introduction of centralized responsibility. He pointed out that under existing conditions, the Governor could offer persuasive excuses for failure in his administration. If he were given adequate power, the

18. Richmond News Leader, February 5, 1926, p. 8.

19. Byrd, A Discussion of The Plan To Increase Governmental Efficiency, p. 4.

20. Morrissett, Proposed Amendments To the Constitution of Virginia, p. 30.

21. Byrd, A Discussion of The Plan To Increase Governmental Efficiency, p. 3.

electorate might demand results, not excuses. Under Byrd's plan of reorganization the Governor would have adequate power to perform his duties and would alone be responsible for the success or failure of his administration. It was also pointed out that, where the Governor appoints officials and has the power of removal, efficient administration results. It was only necessary to indicate the efficient, rapid building of roads by the State Highway Commission, whose head was directly responsible to the Governor. ²²

The second general objective of administrative reorganization was the introduction of economy into administration. It was Byrd's contention that the State of Virginia was sustaining an excessive and unnecessary cost for the provision of the services of government. By the introduction of economy into government the Governor did not mean that the tax burden of the citizens of Virginia would necessarily be reduced. He recognized the principle that the fields of governmental activity are constantly increasing in number as well as widening in scope. Increased governmental economy would enable the State to extend its spheres of activity as well as to perform its existing functions more effectively.

In the words of Byrd's first two addresses before the General Assembly, outlined above, may be found four specific proposals for the attainment of the goal of governmental economy.

The most important and extensive of these was his recommendation that a uniform system of accounting be adopted by all the departments of the State government. Such a reform had long been needed to

22. Ibid., pp. 6-7.

remedy the evils of the old, out-moded system of finance then existant. The new accounting system would require all governmental agencies of the State to make itemized statements of their receipts and to file with a qualified official an itemized statement of all their expenditures. These requirements, amazingly enough, had never been employed previously. No single State officer had ever had the information necessary to formulate a picture anywhere near accurate or complete of the financial status of the government; no single person knew where all State funds originated, the amount of those funds, where they were kept, or exactly what they were spent for. Such a condition was unhealthy, and obviously must have resulted in untold financial bungling and waste. A complete, uniform accounting system was the suggested remedy. ²³

A further means of accomplishing economies was embodied in the recommendation of extension of the system of centralized purchasing mentioned above. A third recommendation already pointed out was the proposal that unnecessary offices be abolished, thus eliminating considerable amounts of superfluous administrative expenses.

The final recommendation for economy was Byrd's advocacy of consolidation of numerous governmental agencies. As a result of the unorganized and illogical growth of the administrative structure, many State offices duplicated the work of other offices. The Governor reasoned that waste work and its unnecessary cost could be eliminated by the simple expedient of consolidating those agencies which duplicated each other's work.

23. A statement prepared by C. H. Morrissett, State Tax Commissioner, January 1, 1930.

The third principal goal of reorganization, efficiency, may be dismissed with a brief explanation. The acquisition of this quality was greatly dependent upon the creation of a responsible government and the introduction of the methods of economy discussed previously. The effects of economies upon efficiency are too obvious to require comment. Just how efficiency would be effected from attainment of the goal of responsibility is, however, a little more obscure. If the administrative structure of the government of Virginia were so reorganized as to head up all of the activities of the State to the Governor as the one official responsible for the operations of government, the Governor would be, in the language of the vernacular, "put on the spot." Being unable to shift responsibility, he would of necessity have to exercise extreme care in considering the qualifications and abilities of the men he appointed to important governmental posts. Likewise, being in possession of the power to remove his subordinate administrative officers, the Governor would be in position to demand efficient execution of their duties by all State officials. Thus the principle of responsibility emerges as one of the strongest contributing factors to governmental efficiency. Simplicity of administrative structure, discussed below, will be recognized as also being conducive to efficient management.

The fourth principal goal of administrative reorganization, simplicity, was badly needed in the government of Virginia. The hodge-podge of departments, boards, commissions, and agencies described in the words of Governor Byrd to the General Assembly did not contribute

to good government. In the first place, it presented a confused, insoluble maze to the average citizen, who was unable to understand his government and consequently lost interest in it. On the other hand, those particular citizens, the nature of whose business brought them into frequent contact with governmental agencies, emerged from these encounters discouraged, bitter, and confused. Often they were the victims of unnecessary delays and "red tape" as a result of illogical, incomprehensible, ill-defined division of authority. Finally, governmental officials themselves were hindered from the efficient execution of their duties by the impossibility of dealing effectively with the parts of the disorganized jungle of the administrative structure of Virginia's government.

To remedy these ills Governor Byrd urged that all governmental agencies be grouped into eight or ten departments. Under such a system all related bodies would be grouped together, duplicated work and divided authority would be eliminated, and jurisdiction over the functions of government would be well-defined and logically allocated. This would go far toward enabling both the citizen and the government official intelligently and effectively to deal with the divisions of the executive branch.

Remember then, the four cardinal principles - responsibility, economy, efficiency, and simplicity. With these four objectives in mind Governor Byrd led a program to reorganize the government of Virginia. With these four goals as our criteria we will later criticize the accomplishments of that reorganization.

Using Governor Byrd's recommendations as an outline, the General Assembly of 1926 proceeded to lay the groundwork for a thorough administrative reorganization. On February 9, 1926, the legislature attacked the first problem mentioned by the Governor as one of the three essential steps involved in an effective reorganization. This date witnessed the introduction in the House of Delegates and the Senate by Speaker Thomas W. Ozlin and Senator S. L. Ferguson of a resolution providing for the short ballot. The resolution proposed amendments to the Constitution of Virginia stipulating that only three executive officials of the State - the Governor, the Lieutenant-Governor, and the Attorney-General - should be elected by direct vote. ²⁴ If the amendments were adopted, the Secretary of the Commonwealth, the State Treasurer, the Superintendent of Public Instruction, and the Commissioner of Agriculture and Immigration, all then elected by the people, would become appointive by the Governor in 1930. In addition, the resolution provided that following the 1930 appointments, the General Assembly should determine the method by which these officials should be chosen. ²⁵ It was pointed out that under the plan proposed by the resolution practically all department heads would become subject to gubernatorial appointment, and the Governor himself would be placed in a position of strict accountability for the services of his appointees. If passed, the resolution would have to be approved by the 1928 session of the General Assembly and then be referred to

24. Richmond News Leader, February 9, 1926, p. 1.

25. Ibid., February 10, 1926, p. 1.

the vote of the people, in accordance with the amendment process written into the State Constitution. ²⁶ On the very next day the Senate Committee on Privileges and Elections reported out the Ferguson joint resolution with a unanimous vote in its favor. ²⁷ The Senate having enthusiastically adopted the short ballot resolution on February 15 by casting an overwhelming vote in its favor, the proposal passed on to the House of Delegates for consideration by that body. ²⁸ The House proceeded to adopt the resolution on February 24, with only one change. The House deemed it advisable to provide for approval of the Governor's appointments by the entire General Assembly rather than by the Senate alone, as was provided in the original draft of the resolution. The Senate concurred in this amendment. ²⁹

As an aid in making the other necessary administrative reforms, Governor Byrd had in his speech on simplification recommended an appropriation of \$15,000 to provide for an efficiency survey of the government by some qualified outside agency. ³⁰ A bill providing for such a survey was enacted by the General Assembly on March 7, 1926. ³¹ Despite the fact that Byrd had requested an appropriation of only \$15,000, the members of the legislature, realizing the seriousness of the matter, responded with an outlay of \$25,000 to cover the expenses of the venture. ³²

In accordance with Governor Byrd's recommendation that a

26. Ibid., February 9, 1926, p. 1.

27. Ibid., February 10, 1926, p. 1.

28. Ibid., February 15, 1926, p. 1.

29. Ibid., February 24, 1926, p. 14.

30. Ibid., February 3, 1926, p. 1.

31. Ibid., March 8, 1926, p. 22.

32. Byrd, Virginia's Business Government, p. 7.

committee of patriotic and capable Virginians be appointed to suggest amendments to the Constitution of Virginia, Senator Downing introduced a bill in the Senate providing for a commission of seven to be appointed by the Supreme Court of Appeals, the commission to make its report to the next session of the General Assembly. ³³ The bill carried an appropriation of \$10,000 for the purpose. ³⁴ The measure was reported favorably by the Senate Committee on Finance, which expressed by vote its opinion that the commission should be appointed by the Governor. The committee decided to ask Byrd if such a provision would be agreeable to him. ³⁵ Byrd having expressed his favor of this method, the committee incorporated into the bill an amendment providing for the change. ³⁶ The bill was passed successively by the Senate ³⁷ and the House of Delegates, ³⁸ and was signed by the Governor on March 27. ³⁹

The 1926 session of the General Assembly also passed legislation accomplishing a limited reorganization of various administrative agencies of the government. The importance of these measures pales, however, beside the work of the special session of 1927. Consequently, they will be dealt with in very summary fashion.

In an effort to effect economies, a number of offices and agencies were abolished. These included the offices of Dairy and Food Commissioner and his deputy; the State Board of Crop Pest Commissioners; the Live Stock Sanitary Board; and the office of Register

33. Richmond News Leader, February 9, 1926, p. 1.

34. Ibid., March 27, 1926, p. 4.

35. Ibid., February 9, 1926, p. 1.

36. Ibid., February 12, 1926, p. 1.

37. Ibid., February 19, 1926, p. 24.

38. Ibid., March 13, 1926, p. 1.

39. Ibid., March 27, 1926, p. 4.

of the Land Office. The duties of these bodies were transferred to other existing agencies. An act was adopted abolishing the Hampton Roads Port Commission and creating the State Port Authority with largely increased powers. The legislature also proposed an amendment to the Constitution abolishing the office of Commissioner of State Hospitals. ⁴⁰

Among the most important accomplishments of the General Assembly of 1926 was the creation of a State Tax Department to provide a systematic and efficient administration of the State tax laws. This was an endeavor to effect saving of several million dollars lost annually through poor and divided administration of the tax laws. ⁴¹

Another legislative act transferred the rights, powers, and duties formerly exercised by the State Water Power and Development Commission, the State Geological Commission, the State Geological Survey, the State Geologist, and the State Forester to a newly created Commission on Conservation and Development. ⁴²

A previous Act of Assembly was amended to empower the Governor to make mandatory centralized purchasing for all State agencies. ⁴³

In summation, we may state that the work of the General Assembly of 1926 was of such high standards as to mark it as one of the most outstanding and distinguished in the annals of Virginia's history. Concerning the 1926 session, that distinguished Virginian, John Randolph Tucker, declared: "No one can review its work without being impressed

40. Tucker, Virginia Legislation of 1926, p. 3.

41. New York Bureau of Municipal Research, Organization and Management of The State Government of Virginia, p. 61.

42. Tucker, op. cit., p. 3.

43. Ibid., p. 4.

with the real advance made in the direction of a simplification of our cumbrous form of governmental organization and in the application of sound business principles to the administration of the State government.... Acknowledgment is due... to the wise and effective leadership of Governor Byrd, whose influence was most potent." 44

Under authority of the act of the General Assembly approved March 25, 1926, Governor Byrd appointed the members of a Commission to Suggest Amendments to the Constitution of Virginia. 45 The commission was composed of seven members, all distinguished Virginians: Robert R. Prentis, R. Gray Williams, William Minor Lile, Robert M. Hughes, Joseph Chitwood, H. C. Stuart, and William Meade Fletcher. 46 Assembled in an organizational meeting on July 7, the commission unanimously elected Judge Robert R. Prentis as its chairman. 47 Judge Prentis was the President of the Supreme Court of Appeals of Virginia. 48 R. Gray Williams was an unanimous choice as secretary of the commission. 49 Regular meetings of the commission, which came to be known as the Prentis Commission, began on October 12, 1926. 50 Numerous constitutional amendments were suggested by the commission, a few of which had a direct bearing on the program of administrative reorganization. Many out-

44. Ibid., p. 2.

45. Minutes of The Commission To Suggest Amendments To The Constitution of Virginia, p. 1.

46. Morrissett, Proposed Amendments To The Constitution of Virginia, p. 4.

47. Minutes of The Commission To Suggest Amendments To The Constitution of Virginia, p. 1.

48. Byrd, Reorganization of The Government of Virginia, p. 3.

49. Minutes of The Commission To Suggest Amendments To The Constitution of Virginia, p. 1.

50. Ibid., p. 4.

standing Virginians appeared before the body to make helpful suggestions and recommendations. We shall interest ourselves here only with those aspects of the commission's activities having a direct bearing on the reorganization program.

The following amendments were suggested which relate to the subject at hand:

An amendment providing that the Governor take office on the third Wednesday of January following his election instead of the first day of February following election. ⁵¹

An amendment providing that the State Treasurer be appointed by the Governor, subject to confirmation by the General Assembly, instead of being elected by the voters; that his term be coincident with that of the Governor making the appointment; that the first appointee be named by Byrd's successor as Governor; that after January 1, 1932, the manner of choice and term of office of the State Treasurer be prescribed by law. ⁵²

An amendment providing that the Secretary of the Commonwealth be appointed by the Governor, subject to confirmation by the General Assembly; that the first appointee be named by Byrd's successor; that after January 1, 1932, the manner of selection and term of office be prescribed by law; that after February 1, 1930, the General Assembly be granted the option of abolishing the office. ⁵³

An amendment providing that the State Board of Education

51. Commission To Suggest Amendments To The Constitution of Virginia, Report To The General Assembly, p. 21.

52. Ibid., p. 25.

53. Ibid.

be appointed by the Governor, subject to confirmation by the General Assembly; that the number of members, tenure of office, and provisions for filling vacancies be determined by law. 54

An amendment making the same provisions for the Superintendent of Public Instruction as for the State Treasurer. 55

An amendment making the same provisions for the Commissioner of Agriculture and Immigration as for the State Treasurer and the Superintendent of Public Instruction. 56

An amendment making gubernatorial appointment of members of the State Corporation Commission obligatory, subject, of course, to confirmation by the General Assembly. (At that time the State Corporation Commission was appointed by the Governor, but according to the provisions of the Constitution of 1902, it had been possible to provide by law for popular election since January 1, 1908, a system which was employed for several years.) 57

The suggested amendments concerning the State Treasurer, the Commissioner of Agriculture and Immigration, and the Superintendent of Public Instruction will be recognized merely as endorsements of similar amendments already introduced and passed by the General Assembly of 1926 in its short ballot program. The other officer involved in the short ballot program, the Secretary of the Commonwealth, received slightly different treatment at the hands of the Prentis Commission from that accorded him by the General Assembly. While the General

54. Ibid., p. 44.

55. Ibid.

56. Ibid., p. 49.

57. Ibid., pp. 53-54.

Assembly introduced and passed an amendment in 1926 making the same provisions for the office of Secretary of the Commonwealth as for the other offices involved in the short ballot program, the Prentis Commission suggested an amendment which would authorize the legislature to abolish the office.

Under the terms of the act passed by the legislature in its 1926 session, the Governor acquired the authority to appoint an outside agency of experts in governmental efficiency to study the government of Virginia and make recommendations for its improvement. The act carried an appropriation of \$25,000 for the purpose. After careful investigation, Governor Byrd chose the New York Bureau of Municipal Research as an organization of outside and disinterested business specialists to make a study of the State government. Byrd held to the idea "that a commission of representative Virginians familiar with our problems could adopt and adapt the recommendations suitable to our conditions." This procedure, according to Byrd, would enable the State to obtain "the ability of disinterested business specialists and the common sense and local knowledge of Virginia citizens of practical affairs." 58

The New York Bureau of Municipal Research undertook a detailed and comprehensive study of departments, boards, commissions, institutions, and agencies of the State government. The study was made under the general supervision of Mr. A. E. Buck of the Bureau of Municipal Research, who edited the final report made by the organization. 59

58. Byrd, Reorganization of The Government of Virginia, p. 5.

59. New York Bureau of Municipal Research, op.cit., p. 3.

As a preface to its report, there was included a statement emphasizing the vital relation existing between governmental efficiency and economic progress. The Bureau pointed out that a reduction of as little as 13% in the value of the tax dollar through archaic governmental organization and cumbersome methods of administration would involve a wastage of 1% of the total productive energy of the State. ⁶⁰ No more enlightening statement could have been made to picture the calamitous results of poor government; not only does poor organization result in poor performance, it acts as a definite hindrance to private economic activity.

The Bureau then pointed to the facts concerning Virginia's administrative structure, many of which had been mentioned previously by Byrd. Of the 95 administrative agencies 29 were single officials, the remainder being boards and commissions. Eight of the single officials were elective by the people. Many of the boards and commissions were composed entirely, or in part, of ex-officio members. Of the 95 administrative agencies, several were appointed by the General Assembly; the majority, however, were appointed by the Governor, many of these appointments requiring the approval of the Senate and in several cases of both the Senate and the House of Delegates. ⁶¹

The picturesque and eloquent description of the government of Virginia as it existed in 1926 is a masterpiece. Said the report of the Bureau of Municipal Research: "The present State government of

60. Ibid., p. 5.

61. Ibid., p. 6.

Virginia is greatly in need of complete reorganization. Many parts of the present machinery of administration are thoroughly antiquated. They belong almost to the era of the stage coach and the tallow candle; and here they are trying to function in the age of motor cars and incandescent lights. No wonder it costs more than it should to operate the State government under these conditions." ⁶² The Bureau argued that waste, bungling, and inefficiency were almost inevitable under the existing system. ⁶³

The essence of the plan proposed by the New York Bureau of Municipal Research was the principle of responsibility. The proposed plan was dedicated to the objective of making the Governor the actual and responsible head of the State administration, as is intended in the State Constitution. ⁶⁴ The essential proposals of the suggested reorganization were four.

To make the Governor the responsible head of the government, the Bureau heartily endorsed and supported the proposed short ballot program, which it described as an indispensable element of any effective administrative reorganization. ⁶⁵

Second, the Bureau recommended the creation of eleven administrative departments in addition to the Governor's Office. All related functions would be grouped together in one department with a head directly responsible to the Governor. ⁶⁶ Such a reform would

62. Ibid.

63. Ibid., p. 8.

64. Ibid., p. 7.

65. Ibid.

66. Ibid.

not only follow the principle of responsibility, it would bring order out of the chaos of the existing administrative jungle.

Elimination of boards and commissions from performance of purely administrative affairs was the third broad proposal. Agencies of this character would be retained only in connection with certain departments to function in an advisory, quasi-judicial, quasi-legislative, or promotional capacity. 67

Fourth, and of extreme importance, the Bureau emphasized the absolute necessity of introducing a system of unified financial planning, accounting, and control. Wisely the recommendation was made that the General Assembly be given a special agent, the Auditor of Public Accounts, to act as a continuous check on the financial acts of the administration, making periodic reports to the General Assembly. 68 This, of course, would be an entirely different type of work from that formerly performed by the Auditor of Public Accounts, who had been an auditor in name only. 69

Supplementary proposals of the Bureau of Municipal Research included a recommendation that the office of Lieutenant-Governor be eliminated. It was argued that nothing is gained by having a specially elected officer to preside over the Senate; that the Senate should choose its own leader, who, in the event of vacancy of that office, should succeed to the office of Governor. 70

67. Ibid.

68. Ibid.

69. Reed, Report of The Citizen's Committee on Consolidation and simplification of State and Local Governments, pp. 8-9.

70. New York Bureau of Municipal Research, op.cit., p. 8.

Predicting the benefits which would flow from adoption of its proposals, the Bureau asserted that its plan would give the taxpayers better service; ⁷¹ that the Governor would become a truly responsible official, the economies of his administration redounding to his credit and waste and extravagance being laid at his door; ⁷² that savings due to reduction in annual operating costs would amount to an estimated \$1,366,180. ⁷³

The details of the report of the Bureau of Municipal Research will be postponed in order to consider it concurrently with the recommendations of the Reed Committee.

The extent and quality of the Bureau's report are best described in the words of Governor Byrd: "It is one of the most complete surveys ever made of a State in this Union.... I am impressed by its grasp of complicated facts, its clear analysis of those facts and its helpful suggestions of constructive legislation." ⁷⁴

Governor Byrd appointed a Citizens' Committee on Consolidation and Simplification to review the recommendations of the Bureau of Municipal Research in the light of the practical knowledge of its members of conditions existing in Virginia. ⁷⁵ Mr. William T. Reed was made chairman of the committee which included among its members the following prominent Virginians: Jean W. Staples, Carrie E. Sykes,

71. Ibid., p. 7.

72. Ibid., p. 8.

73. Ibid., p. 9.

74. Byrd, Reorganization of The Government of Virginia, p. 6.

75. Ibid., p. 5.

Chas. A. Miller, Allen J. Saville, Robert D. Ford, Amy W. Osborne, R. H. Angell, T. A. Saunders, Francis Bell, T. S. Southgate, Sallie Haskins, Lawrence S. Davis, Wm. P. Woods, C. M. Hunter, T. G. Burch, A. E. Shumate, C. R. McCann, Ben T. Gunter, J. Scott Parrish, G. W. Grandy, Richard Crane, Geo. A. Lambert, John Garland Pollard, D. H. Barger, Robert H. Tucker, Geo. B. Keezell, Clyde H. Ratcliffe, H. F. Hutcheson, and Shirley Carter. ⁷⁶

The Reed Committee, as it came to be known, adopted those parts of the report of the Bureau of Municipal Research which appealed to its good judgment, included several new suggestions, and failed to concur with those recommendations which it felt were not practical, in its judgment, under existing conditions in Virginia. ⁷⁷

A list of the administrative agencies of the State classified as to their method of selection in 1926 will be necessary before we may embark upon a discussion of the proposed changes. Though this procedure may seem tedious to the reader, it is of the utmost importance for an intelligent comprehension of the reforms recommended by the Bureau of Municipal Research and the Reed Committee. It will be found convenient from time to time to glance back at this list, which will prove to be a helpful reference.

In addition to the Governor and the Lieutenant-Governor, the administrative officers elective by the people included the Attorney-General, the Superintendent of Public Instruction, the State Treasurer, the Commissioner of Agriculture and Immigration, and the Secretary of the Commonwealth. ⁷⁸

76. Reed, op.cit., p. 19.

77. Ibid., p. 3.

78. Ibid., p. 5.

Administrative officers elected by the General Assembly were the Auditor of Public Accounts, the Second Auditor, the Superintendent of Public Printing, the Auditing Committee, the Motor Vehicle Commissioner, and the Commissioner of Insurance. ⁷⁹

Administrative officials otherwise appointed were the following: the Commissioner of Public Welfare, appointed by the State Board of Public Welfare; the Board of Bar Examiners, appointed by the Supreme Court of Appeals; the Board of Directors of the State Library, appointed by the State Board of Education. ⁸⁰

All other administrative appointments were made by the Governor. ⁸¹

However, there were numerous ex-officio agencies and officials, including the following: the Board of Indemnity; the Board of State Canvassers; the Commissioners of the Sinking Fund; the Convict Lime Board; the Finance Board; the General Board of Directors for the State hospitals for the insane; the Military Board; the State Board for Industrial Rehabilitation; the State Fee Commission; the State Purchasing Agent; the State Tax Commission; the Surety Bond Board. ⁸²

Now we may proceed with a discussion of the numerous proposals made by the New York Bureau of Municipal Research and the Reed Committee. It will be advisable and advantageous to consider the reports of these two groups concurrently in order that the recommendations of each may be compared and contrasted point by point.

79. Ibid.

80. Ibid., p. 6.

81. Ibid., pp. 5-6.

82. Ibid., p. 6.

As a basis for the remainder of its report the Bureau of Municipal Research suggested a framework upon which to build the body of the administrative structure. In place of the numerous governmental agencies the Bureau recommended the consolidation of all necessary administrative units into eleven departments in addition to the Governor's Office. The eleven proposed departments were to be named as follows: ⁸³

- (1) Department of Taxation.
- (2) Department of Industrial Relations.
- (3) Department of Corporations.
- (4) Department of Law.
- (5) Department of Education.
- (6) Department of Public Welfare.
- (7) Department of Highways.
- (8) Department of Agriculture.
- (9) Department of Health.
- (10) Department of Finance.
- (11) Department of Conservation and Development.

The Reed Committee in its report concurred in all essential points with the recommendations of the Bureau. It pointed out, however, that in certain cases consolidation could not be effected without constitutional amendment. Departing from the proposals of the Bureau, the Reed Committee warned that its recommendations would contain "certain minor exceptions" to the principle of complete consolidation. The eleven suggested departments contained in the report of the Reed Committee were given the same names as those recommended by the Bureau of Municipal Research with one exception: the Reed Committee suggested that the Bureau's Department of Agriculture retain its old name, which amounted to a mere technicality. ⁸⁴

83. New York Bureau of Municipal Research, op. cit., p. 9.

84. Reed, op. cit., pp. 6-7.

Both investigatory bodies turned their first attention to making recommendations concerning the Governor's Office.

The Bureau of Municipal Research suggested that the Governor's Office be made up of the following bureaus:

- (1) Bureau of Records.
- (2) Bureau of Military Affairs.
- (3) Bureau of State Police.
- (4) Bureau of Grounds and Buildings.

These bureaus would be headed by officers appointed by the Governor, serving at his pleasure. ⁸⁵

Similar organization of the Governor's Office was recommended by the Reed Committee, with three principal differences: Administrative units of the office were to be called divisions instead of bureaus; the committee failed to see the necessity for incorporating the State Police as a unit of the Governor's Office; a Division of the Budget was proposed by the Reed Committee as an element of the office. All other suggestions as to organization of the office were identical with those of the Bureau of Municipal Research. ⁸⁶

The Bureau of Records (Division of Records) would perform the work of the Secretary of the Commonwealth. The report of the Bureau of Municipal Research urged that the office of Secretary of the Commonwealth be abolished. ⁸⁷ More conservatively, the Reed Committee recommended that this division be placed in charge of the Secretary of the Commonwealth, pending abolition of the office by constitutional amendment. Further, it recommended adoption of such an amendment. ⁸⁸

85. New York Bureau of Municipal Research, op.cit., p. 10.

86. Reed, op.cit., p. 6.

87. New York Bureau of Municipal Research, op.cit., p. 10.

88. Reed, op.cit., p. 6.

The two reports concurred in proposing that the Bureau of Records (Division of Records) be placed in charge of the Governor's executive secretary when the office of Secretary of the Commonwealth was abolished. ⁸⁹ All governmental records, including executive records, election records, and land office records, would be transferred from the office of the Secretary of the Commonwealth to this bureau (division) of the Governor's Office. ⁹⁰ The Bureau of Municipal Research urged that certain functions of the Secretary of the Commonwealth be transferred to other governmental agencies: the records of charters and certifying of charter copies to the proposed Department of Corporations; the function of sale and distribution of State documents to the State Library. ⁹¹ The Reed Committee concurred in these recommendations. In addition, it proposed that duties of the Secretary of the Commonwealth concerning service of process on foreign corporations be transferred to the clerk of the State Corporation Commission. ⁹²

The State militia, formerly under the joint supervision of the Governor, the Adjutant-General, and the Military Board, should be placed under a Bureau of Military Affairs under control of the Adjutant-General, according to the report of the Bureau of Municipal Research. It was recommended that the Military Board be abolished. ⁹³

However, the Reed Committee declined to accept the proposals of the Bureau of Municipal Research. It proposed that the Division of

89. Ibid., p. 7 and N.Y.B.M.R., op.cit., p. 10.

90. Reed, op.cit., p. 7 and N.Y.B.M.R., op.cit., p. 11.

91. N.Y.B.M.R., op.cit., p. 11.

92. Reed, op.cit., p. 7.

93. N.Y.B.M.R., op.cit., p. 12.

Military Affairs continue as it was with Adjutant General in charge. The recommendation for discontinuance of the Military Board was completely ignored. ⁹⁴

According to the recommendations of the Bureau of Municipal Research, the custodial care of the State Capitol building, the State Office building, the State Library, and the Governor's Mansion, then under the jurisdiction of the Superintendent of Grounds and Buildings, should continue under that official as a Bureau of Grounds and Buildings in the Governor's Office. ⁹⁵

The Reed Committee countered by proposing that the General Assembly discontinue the position of Superintendent of Grounds and Buildings and Superintendent of the State Office Building as such, the existing work of these officers to be continued in a Division of Grounds and Buildings with the head of the division known as the director thereof. ⁹⁶

The two bodies offered entirely different proposals for a fourth bureau (division) of the Governor's Office.

Recommendations for creation of a Bureau of State Police were contained in the report of the Bureau of Municipal Research, with provision that the bureau head be a Superintendent of State Police chosen by the Governor without a fixed term of office. If this reform were instituted, it was proposed that the Superintendent be given wide latitude of discretion in the selection, training, promotion,

94. Reed, op.cit., p. 7.

95. N.Y.B.M.R., op.cit., p. 13.

96. Reed, op.cit., p. 7.

discipline, and distribution of members of the force. Thus responsibility for patrolling the highways and enforcing the prohibition law would be transferred from the Motor Vehicle Commissioner and the Attorney-General. ⁹⁷

The Reed Committee recommended other disposition of the State police forces, as will be seen later.

Although the Bureau of Municipal Research advised a different location for the Division of the Budget, the Reed Committee strongly urged that this agency be placed in the Governor's Office. After recommending that the Division of the Budget continue its existing work, the committee proposed in addition that the Director of the Budget be granted the power and duty of editing and reducing to concise and readable form every annual, biennial, or other report proposed by any State department, office, board, commission, or agency to be printed at public cost. ⁹⁸ This, of course, was in the interests of economy.

Both the Bureau of Municipal Research and the Reed Committee recommended that the following agencies appointed by the Governor should be continued as agencies associated with the Governor's Office: the Commission to Promote Uniform Legislation, the Art Commission, and the State Port Authority. ⁹⁹ Since there would be no particular need for that body after adoption of the short ballot, the Bureau of Municipal Research advised the abolition of the State Board of Canvassers, an ex-officio body. ¹⁰⁰ Nevertheless, the retention as associated agencies

97. N.Y.B.M.R., op.cit., p. 11.

98. Reed, op.cit., p. 6.

99. N.Y.B.M.R., op.cit., p. 15 and Reed, op.cit., p.7.

100. N.Y.B.M.R., op.cit., p. 11.

of that body and the Military Board, another ex-officio body whose abolition had been proposed, was recommended by the Reed Committee. ¹⁰¹ The committee failed to concur in the Bureau's proposal that the Commissioners of Wrecks be retained as officials associated with the Governor's Office. ¹⁰²

Now we may proceed from the Governor's Office to a consideration of the numerous recommendations made for the organization of the eleven proposed administrative departments.

First, our attention is directed to the Department of Taxation.

Since there was no single department to which they could be assigned before 1926, the administration of Virginia's tax laws was naturally scattered among various departments and offices of the government. The State Corporation Commission had charge of collection of certain railroad and corporation taxes; supervision of local assessment was only partially provided for; still other agencies administered the gasoline and motor vehicle taxes; the same was true of the inheritance tax. This scattering was only natural in the absence of a single department to which these taxes could be assigned. ¹⁰³

As has been mentioned above, the General Assembly in 1926 established a State Tax Department to provide a systematic administration of the State Tax laws. The State Tax Department so created was technically under the direction of a State Tax Commission composed of

101. Reed, op.cit., p. 7.

102. N.Y.B.M.R., op.cit., p. 15.

103. Ibid., p. 61.

the Governor, the Auditor of Public Accounts, and the State Tax Commissioner. The latter was appointed by the Governor for a term of four years, his appointment being subject to confirmation by the General Assembly. This official was intended to be the real head of the Department of Taxation. ¹⁰⁴

The Bureau of Municipal Research made several recommendations for further improvement of this department, which it considered as one of the highlights in the existing administrative structure. Examination of the activities of the State Tax Department had revealed the Tax Commission as a superfluous body. Therefore the Bureau urged abolition of the State Tax Commission with the Tax Commissioner recognized by law as the head of the department. ¹⁰⁵

The following departmental organization of the proposed Department of Taxation was recommended by the Bureau of Municipal Research:

- (1) Bureau of Administration.
- (2) Bureau of Corporation Taxation.
- (3) Bureau of Personal Income Tax.
- (4) Bureau of Property Taxes.
- (5) Bureau of Motor Vehicle Taxes.

The Bureau of Administration would be headed by the Commissioner of Taxation, the other bureaus being supervised by directors appointed by and responsible to the Commissioner. ¹⁰⁶

The Reed Committee failed to make any recommendations concerning the internal structure and organization of the Department of Taxation. It did agree with the Bureau of Municipal Research, however,

104. Ibid.

105. Ibid.

106. Ibid., p. 63.

that discontinuance of the State Tax Commission was desirable. ¹⁰⁷

The Bureau of Administration, according to the report of the Bureau of Municipal Research, should include the files, stenographic service, inheritance tax administration, statistics and research, general correspondence, and preparation of forms and reports. The State Tax counsel would also be a part of this bureau. ¹⁰⁸

A Bureau of Corporation Taxation would handle the corporate income tax, which involves issuing the forms, auditing the returns, issuing bills, and conducting field investigations. ¹⁰⁹

Responsibility for administration of the personal income tax would be lodged in a Bureau of Personal Income Tax. Among its duties would be preparation of forms, auditing of returns, and checking of information on salary reports. ¹¹⁰ It was recommended that complete centralized administration of State taxes be consummated by transferring to the Department of Taxation the entire responsibility for assessing, auditing, and collecting the personal income tax. ¹¹¹

A Bureau of Property Taxes would be charged with preparation and issuance of all forms for the use of commissioners of revenue, organization of periodic meetings of commissioners to discuss assessment problems and methods, the gathering of statistics on values, the rendering of advisory aid and assistance to local boards of equalization on request or petition as provided by law, and the handling of all other relations with local assessing and collecting officials. This bureau

107. Reed, op.cit., p. 7.

108. N.Y.B.M.R., op.cit., p. 63.

109. Ibid.

110. Ibid.

111. Ibid., p. 62.

would be the means of contact with local tax administration. ¹¹² It was also proposed that assessment of transportation and utility property be transferred to this bureau from the State Corporation Commission. The Bureau of Municipal Research pointed out that such a transfer of authority would require an amendment to the Constitution of Virginia. ¹¹³

The Bureau of Motor Vehicle Taxes would take over the tax functions of the Commissioner of Motor Vehicles as distinct from his police duties for which other disposition was recommended later in the report of the Bureau of Municipal Research. ¹¹⁴ It was urged that the office of Motor Vehicle Commissioner be abolished and its tax functions consolidated with those of the Department of Taxation. ¹¹⁵ Said tax duties would include the issuance of motor vehicle licenses, chauffeurs' licenses, and collection of the gasoline tax. ¹¹⁶

Additional proposals of the Bureau of Municipal Research included the recommendation that the legislature transfer from the Auditor of Public Accounts to the Department of Taxation all responsibility in connection with the formulation of tax forms and reports of local officials with regard to tax assessments and transfer to the Department of Taxation the duties of the Auditor of Public Accounts with respect to the transfer and inheritance taxes. ¹¹⁷

The Reed Committee approved of the transfer to the Department of Taxation of all powers and duties of the Auditor of Public Accounts

112. Ibid., p. 63.

113. Ibid., p. 62.

114. Ibid., pp. 63-64.

115. Ibid., p. 61.

116. Ibid., pp. 63-64.

117. Ibid., p. 62.

in relation to assessment of taxes as distinguished from collection of taxes. In addition, it recommended that upon order of the Governor and the State Tax Commissioner, the tax on capital in business be directly administered by the Department of Taxation. ¹¹⁸

Both the New York Bureau of Municipal Research and the Reed Committee proposed the organization of a Department of Industrial Relations to administer all laws of the State of Virginia relating to labor and industry. ¹¹⁹ The existing agencies for handling regulation of labor and industry in Virginia were the Industrial Commission, the Bureau of Labor and Statistics, and the Board for Industrial Rehabilitation. ¹²⁰

The Industrial Commission consisted of three members appointed by the Governor for overlapping terms of six years. Created under the Workmen's Compensation Act of 1918 and concerned mostly with administering this act, it also made rules and regulations for maintenance of safety in industries. ¹²¹

The Bureau of Labor and Statistics provided by the State Constitution was headed by the Commissioner of Labor, appointed by the Governor for a two-year term subject to consent of the Senate. Among the spheres of activity in which it operated were enforcement of labor laws relating to safety and sanitation appliances, the labor of women and children, free employment service, and the inspection of mines, factories, and mercantile establishments. In addition, the Bureau of Labor and Statistics, as its name implies, was responsible for compilation of

118. Reed, op.cit., p. 7.

119. N.Y.B.M.R., op.cit., p. 76 and Reed, op.cit., p. 13.

120. N.Y.B.M.R., op.cit., p. 75.

121. Ibid.

industrial statistics and publication of a directory of industrial establishments and businesses. ¹²²

The Governor of Virginia, the Superintendent of Public Instruction, and the chairman of the Industrial Commission comprised the membership of the Board for Industrial Rehabilitation. This board acted as a policy-making body. The actual administrative work was organized as a Bureau of Industrial Rehabilitation with a supervisor at its head. Concerned with the rehabilitation of workers disabled by industrial accidents, its work was supported in part by the Federal government under the provisions of the Federal Rehabilitation Act. ¹²³

The Bureau of Municipal Research pointed out that the three agencies described were engaged in work on different phases of the same problem. The Commissioner of Labor took precaution to see that safeguards were taken in industry; the Industrial Commission provided proper compensation to injured workers; the Bureau of Industrial Rehabilitation trained injured men for productive work. It was argued that an integration of the work was desirable for two reasons: consolidation would result in elimination of administrative expenses; this reform would effect a closer relationship of those agencies whose work was inseparably related. ¹²⁴ Consequently, the Bureau recommended creation of a Department of Industrial Relations to combine the functions of the three agencies engaged in the regulation of labor and industry in Virginia. The proposed department would be headed by a Commissioner of Industrial

122. Ibid.

123. Ibid.

124. Ibid., pp. 75-76.

Relations, appointed by the Governor to serve at his pleasure. Sub-
division of the department into the following bureaus was recommended. ¹²⁵

- (1) Bureau of Administration and Statistics.
- (2) Bureau of Labor.
- (3) Bureau of Compensation Insurance.
- (4) Bureau of Industrial Rehabilitation.

The report of the Bureau of Municipal Research proposed that the Bureau of Administration and Statistics be headed by the Commissioner of Industrial Relations; that the Bureau of Labor and the Bureau of Compensation Insurance be headed respectively by a Director of Labor and a Director of Compensation, both to be appointed by the Governor on recommendation of the Commissioner; that the Bureau of Industrial Rehabilitation be headed by a Director of Industrial Rehabilitation appointed by the Commissioner. ¹²⁶

The Bureau of Administration and Statistics would handle all general correspondence of the department. All the statistical work of the department, at that time being done unsatisfactorily under the Industrial Commission and the Commissioner of Labor, would be centralized under this bureau. ¹²⁷

It was intended that the Bureau of Labor perform the functions of the existing Commissioner of Labor with the exception of statistical work. The Bureau of Municipal Research recommended that it be divided into three sections: the Division of Inspection, the Division of Free Employment, and the Women and Children's Division. ¹²⁸

125. Ibid., p. 76.

126. Ibid.

127. Ibid., p. 77.

128. Ibid., p. 78.

A Bureau of Compensation Insurance would perform the administrative work in connection with workmen's compensation insurance, being composed of three divisions: a Claims Division, a Docket Division, and a Medical Division. The latter should also serve the Bureau of Industrial Rehabilitation. ¹²⁹

The Bureau of Industrial Rehabilitation would perform the work implied by its name. Its work, according to the report of the Bureau of Municipal Research, should be closely associated with that of the Bureau of Compensation Insurance, both employing the same records. ¹³⁰

Evidently the Reed Committee found little virtue in the recommendations of the Bureau of Municipal Research concerning the Department of Industrial Relations. It proposed that the department consist of an Industrial Commission and a Bureau of Labor, the State Board of Industrial Rehabilitation being discontinued. All laws concerning the commission and the bureau would remain unchanged with the following exceptions: the work of the Board of Industrial Rehabilitation would be transferred to the Industrial Commission where, said the report of the Reed Committee, it properly belongs; the name of the Bureau of Labor and Statistics would be changed to simply the Bureau of Labor. Thus the Department of Industrial Relations, as proposed by the Reed Committee, would consist of two agencies both of which would still remain independent of each other, since under this plan there would be no head of the department. Nothing more than a "paper department" would exist if these recommendations were followed. Moreover, the

129. Ibid.

130. Ibid., pp. 79-80.

Reed Committee, as in the case of the Department of Taxation, failed to make any detailed suggestion for the internal organization of the Department of Industrial Relations. ¹³¹

In addition to its other proposals, the Bureau of Municipal Research recommended that the Commissioner of Industrial Relations, the Director of Labor, and the Director of Compensation Insurance constitute a board to exercise quasi-judicial functions in connection with compensation insurance and to arbitrate industrial disputes if the offices of the department should be sought. It was proposed that this board be made representative of both labor and industry: the Director of Labor could represent the labor interests of the State; the Director of Compensation Insurance would represent the State's employers. ¹³²

Since the organization of the Department of Industrial Relations proposed by the Reed Committee left no opportunity for creation of such a board, this recommendation of the Bureau of Municipal Research was not even mentioned in the report of the committee. ¹³³

In the field of corporation regulation the Bureau of Municipal Research made recommendations for extensive changes in the existing administrative units. The fact that most of the work of the existing Corporation Commission was administrative in nature and only a small part judicial and deliberative prompted the Bureau to deplore the fact that the Commission was organized and operated as if it were a Court. ¹³⁴

As a remedy for this condition it was suggested that the Corporation Commission be abolished and replaced by a single adminis-

131. Reed, op.cit., p. 13.

132. N.Y.B.M.R., op.cit., pp. 76-77.

133. Reed, op.cit., p. 13.

134. N.Y.B.M.R., op.cit., p. 82.

trative officer at the head of a department of corporations. All judicial and deliberative work of the department could be done by a board composed of the head of the department and his two chief associates. ¹³⁵

The functions of the proposed Department of Corporations would be three: the work of the existing Corporation Commission; the work then performed by the Bureau of Insurance; the charter recording functions of the Secretary of the Commonwealth. Thus all of the functions of corporate control would be brought together in a single department which would be responsible for the granting of incorporations and charter amendments, the licensing of foreign corporations, the collection and custody of corporation records, the levy of certain corporation taxes and licenses, the regulation of transportation and utility rates and services, the supervision of security issues, the regulation of pilotage rates, the supervision of rates and policies of insurance companies, and the supervision and examination of banks and other financial institutions. ¹³⁶

The Department of Corporations would be composed of the following bureaus: ¹³⁷

- (1) Bureau of Administration.
- (2) Bureau of Corporate Control.
- (3) Bureau of Rate Regulation and Service.
- (4) Bureau of Banking and Insurance.

The Bureau of Administration would be headed by a Commissioner of Corporations, appointed by the Governor to head the Department of Corporations. This bureau would contain the central

135. Ibid., p. 83.

136. Ibid.

137. Ibid.

files for the whole department and would co-ordinate the work of the other bureaus. 138

Under the supervision of a Director of Corporate Control appointed by the Governor, a Bureau of Corporate Control would handle all corporate charters and charter amendments, would supervise the licensing of foreign corporations, the collection and filing of annual reports, the preparation of corporation tax rolls, and the selling of new security issues. The functions of copying and filing corporate charters, at that time performed by the Secretary of the Commonwealth, as was mentioned above, would be transferred to the Bureau of Corporate Control. 139

A Director of the Bureau of Rate Regulation and Service would be appointed by the Governor to supervise the research and statistical work of the Department of Corporations in connection with rates and transportation, public service companies, utilities, and pilots. Such a bureau should regulate motor carrier routes and rates; should handle service standard requirements and hear complaints; should prepare all statistical material to be placed before the Interstate Commerce Commission with regard to rates. 140

The proposed Bureau of Banking and Insurance would be headed by a superintendent appointed by the Commissioner of Corporations. Its work would include the functions of the existing Banking Division and the Commissioner of Insurance. Through this consolidation it was argued that money could be saved. 141

138. Ibid., p. 84.

139. Ibid.

140. Ibid.

141. Ibid.

The Bureau of Municipal Research recommended that the judicial and legislative functions of the Department of Corporations be entrusted to a board consisting of the Commissioner of Corporations, the Director of Corporate Control, and the Director of Rates and Service. ¹⁴²

The Reed Committee, after studying the suggestions of the Bureau of Municipal Research, approved of a few of them, but failed to concur in the major proposals of that organization. It was agreed that the charter recording functions of the Secretary of the Commonwealth be transferred to the Department of Corporations. The Reed Committee also enthusiastically approved the proposal that the Bureau of Insurance and the Division of Banking be consolidated, the consolidated agency to be known as the Bureau of Insurance and Banking. On the other hand, the report of the Reed Committee recommended that the State Corporation Commission be retained. The Commissioner of the Bureau of Insurance and Banking would be appointed by the Corporations suggested in the Bureau of Municipal Research report. In connection with the consolidation it was recommended that the offices of Commissioner of Insurance and Chief Examiner of Banks be discontinued as such. The Reed Committee continued its policy of failure to make proposals for the actual internal organization of departments. ¹⁴³

Both the Bureau of Municipal Research and the Reed Committee were rather brief in their recommendations for the proposed Department of Law. The former pointed out the extent of the work of the Attorney-General, who would serve as the head of department. At that time he

142. Ibid.

143. Reed, op.cit., pp. 12-13.

represented the Commonwealth in the Federal courts, the Virginia Supreme Court of Appeals, the circuit courts, before the Interstate Commerce Commission, and before the State Corporation Commission; he served as a member of the State Board of Education; he acted as Commissioner of Prohibition; he was constantly required to render opinions as to administrative powers and procedure to all officers of the State government. ¹⁴⁴

Since "the functions of the Attorney-General are so closely intertwined with those performed by many other departments and bureaus of the State government that he becomes a factor of considerable importance to the harmonious and satisfactory operation of the entire State administrative machine," the Bureau of Municipal Research argued that this officer should be appointed by the Governor and responsible to him, instead of being an elected official. ¹⁴⁵ Governor Byrd, however, had previously expressed himself as being in favor of leaving the Attorney-General as a popularly elected officer. ¹⁴⁶

It was recommended that the police function of prohibition enforcement be transferred from the office of the Attorney-General to a State police force which had been proposed as a bureau in the Governor's Office. Although the police power would be transferred, the Department of Law should retain the administration of the other features of the State prohibition law. ¹⁴⁷

144. N.Y.B.M.R., op. cit., p. 154.

145. Ibid.

146. Byrd, Simplification of Government in Virginia, p. 2.

147. N.Y.B.M.R., op. cit., p. 15.

Instead of proposing that the police functions of prohibition enforcement be transferred from the Department of Law, the Reed Committee recommended that these police powers be increased by vesting the prohibition inspectors employed by the Attorney-General with general police power. ¹⁴⁸

The report of the committee also suggested that there be established in the Department of Law a Division of Legislative Drafting to perform all the duties then imposed on the independent Legislative Reference Bureau. The director of the division would be appointed by the Attorney-General subject to approval of the Governor. ¹⁴⁹ This recommendation was an extremely logical one, since the division would have at its disposal the legal records of the Department of Law and would be assured of qualified legal talent to direct its work.

The educational services furnished by the State of Virginia in 1926 were under the jurisdiction of a large number of administrative units. ¹⁵⁰ The two principal agencies in this field of endeavor were the Superintendent of Public Instruction and the State Board of Education. The former was a popularly elected officer; the latter consisted of the Governor, the Attorney-General, the Superintendent of Public Instruction, and three experienced educators elected quadrennially by the Senate, the board thus constituted being authorized to select and associate with itself two division superintendents of schools, one from the country and one from the city, whose powers and duties were identical

148. Reed, op.cit., p. 15.

149. Ibid.

150. N.Y.B.M.R., op.cit., p. 156.

with those of other members except that they could not participate in the appointment of any public school official.¹⁵¹ Other educational agencies of the State included the State Library, the Law Library, the Legislative Reference Bureau, the Board of Moving Picture Censorship, the twelve examining boards for the professions and trades, the four State Teachers' Colleges, the Normal and Industrial Institute for Colored Teachers, and the five institutions of higher learning - the University of Virginia, the Medical College of Virginia, the College of William and Mary, the Virginia Military Institute, and the Virginia Polytechnic Institute.¹⁵²

Examination of Virginia's educational system convinced the Bureau of Municipal Research of the need for unification of the State's educational program under a single businesslike body for the sake both of economy and of more efficient administration.¹⁵³ The Bureau made a number of definite proposals for the attainment of this goal. Coincident with an enumeration of these proposals will be an exposition of the reactions of the Reed Committee to the same problems.

Creation of a Department of Education was urged by both advisory agencies.¹⁵⁴

The Bureau of Municipal Research proposed that the office of Superintendent of Public Instruction be abolished by constitutional amendment, the proposed Department of Education to be under the supervision of a Commissioner of Education appointed by the Governor.¹⁵⁵

151. Reed, op.cit., pp. 11-12.

152. N.Y.B.M.R., op.cit., p. 141.

153. Ibid.

154. Reed, op.cit., p. 11 and N.Y.B.M.R., op.cit., p. 141.

155. N.Y.B.M.R., op.cit., p. 141.

On the other hand, the Reed Committee expressed its approval of the pending amendment to the State Constitution permitting the Governor to appoint the Superintendent of Public Instruction, and it suggested this official as the head of the Department of Education, all of which amounted to the same thing as the recommendations of the Bureau of Municipal Research. ¹⁵⁶

Both agreed that the existing Board of Education should be abolished. ¹⁵⁷ The Bureau of Municipal Research suggested a new Board of Education composed of five laymen, to be appointed by the Governor for overlapping terms of five years, the Commissioner of Education acting as ex-officio chairman of the board. In accordance with the principles of good government, the board would have no direct administrative authority. Beside its usual functions, the proposed Board of Education would act as a vocational board and as a teachers' retirement board. ¹⁵⁸ The report of the Reed Committee likewise provided for a five-member Board of Education to be appointed by the Governor. The length of the term of office for these members was not mentioned, but it was recommended that the appointments be made subject to confirmation by the General Assembly. ¹⁵⁹

The Bureau of Municipal Research proposed that the State Library, the Law Library, and the Legislative Reference Bureau be brought under the Department of Education, the board of directors of

156. Reed, op.cit., p. 11.

157. N.Y.B.M.R., op.cit., p. 141 and Reed, op.cit., p. 11.

158. N.Y.B.M.R., op.cit., p. 141.

159. Reed, op.cit., p. 11.

the State Library and the Librarian of the Supreme Court of Appeals, in charge of the Law Library, being discontinued by constitutional amendment, their work consolidated under the proposed Department of Education. ¹⁶⁰ These recommendations were passed over by the Reed Committee without comment with the exception of a suggestion that the board of directors of the State Library be retained unchanged as an associated agency of the Department of Education. ¹⁶¹ The committee had already made the wise recommendation that the functions of the Legislative Reference Bureau be placed under the proposed Department of Law. ¹⁶²

There was complete agreement between the two advisory bodies that the State Board of Moving Picture Censorship should be brought into the Department of Education. ¹⁶³

Despite the fact that the Bureau of Municipal Research persuasively argued the desirability of centralizing the records of the twelve examining boards for the trades and professions under the Department of Education, ¹⁶⁴ the Reed Committee recommended that the examining boards be retained merely as associated agencies of the department, no actual change being effected. ¹⁶⁵ It was pointed out in the report of the Bureau of Municipal Research that at the time the records of the examining boards were widely scattered over the State. ¹⁶⁶

160. N.Y.B.M.R., op.cit., p. 141.

161. Reed, op.cit., p. 12.

162. Ibid., p. 15.

163. N.Y.B.M.R., op.cit., p. 141 and Reed, op.cit., p. 12.

164. N.Y.B.M.R., op.cit., p. 141.

165. Reed, op.cit., p. 12.

166. N.Y.B.M.R., op.cit., p. 141.

The Bureau of Municipal Research deemed it necessary that all the educational institutions of the State be brought together under the direct control of the Department of Education, with the exception of the five institutions of higher learning. This would mean the discontinuance of the existing Board of the Virginia Teachers' Colleges and the Board of Visitors of the Virginia Normal and Industrial Institute, their functions being transferred to the Department of Education. The institutions of higher learning, on the other hand, would remain under their Boards of Visitors, which would be reduced to a membership of seven with the Commissioner of Education as an ex-officio member of each board with the right to be represented at the meetings by any member of his department. ¹⁶⁷

The Reed Committee agreed that the boards managing the four State teachers' colleges and the Virginia Normal and Industrial Institute should be abolished. It recommended that these schools be placed under the management and control of the reorganized State Board of Education, that body being authorized to appoint a board not exceeding five members to have direct charge of such schools. No recommendations were made concerning the five Boards of Visitors of the State institutions of higher learning. ¹⁶⁸ However, it was proposed by the committee that the Board of Visitors of the Virginia School for the Deaf and Blind, consisting of six men, and the five member Board of Visitors of the Virginia State School for the Colored Deaf and Blind be consol-

167. Ibid., pp. 141-142.

168. Reed, op.cit., p. 12.

dated, the new board to consist of not more than five members. 169

The organization of the Department of Education proposed by the Bureau of Municipal Research comprised the following bureaus: 170

- (1) Bureau of Administration.
- (2) Bureau of School Supervision.
- (3) Bureau of Health and Physical Education.
- (4) Bureau of Vocational Training.
- (5) Bureau of School Buildings.
- (6) Bureau of Libraries.
- (7) Bureau of Professional Registration.
- (8) Bureau of Film Censorship.

Each of these bureaus would be placed under a supervisor or director appointed and removable by the Commissioner of Education. 171

An Assistant Commissioner of Education would be in charge of the Bureau of Administration, all the statistical and clerical work of the department being centered there. 172

The Reed Committee refrained for the most part from making any recommendations for the internal structure of the Department of Education. A few departures from this policy, however, will benoted below in conjunction with the appropriate proposals of the Bureau of Municipal Research.

The supervision of elementary education, secondary education, rural education, and negro education would be placed under the proposed Bureau of School Supervision recommended by the Bureau of Municipal Research. 173

It was urged that the health and physical education services already performed by the educational agencies of the State be entrusted

169. Ibid.

170. N.Y.B.M.R., op.cit., pp. 142-143.

171. Ibid.

172. Ibid., p. 142.

173. Ibid.

to a Bureau of Health and Physical Education, which would, in addition, supervise the training of teachers in health work under the West Law and relieve the Board of Health of its work in connection with correspondence courses in health and physical education for teachers. ¹⁷⁴

The proposed Bureau of Vocational Training would have charge of all work then being done in the fields of home economics and agricultural, trade, and industrial education, a single supervisor being responsible for all these activities. ¹⁷⁵

The Bureau of School Buildings would continue to perform the same work in which it was already engaged. ¹⁷⁶

The Bureau of Libraries was proposed for the purpose of bringing together all the library work of the State government, including the State Library, the Law Library, State supervision of textbooks, the school library service, and the Legislative Reference Bureau. It was further proposed that the sale and distribution of public documents then under the Secretary of the Commonwealth should be transferred to the State Librarian. ¹⁷⁷

The Reed Committee failed to make a recommendation for such a bureau. It did recommend that the State Library be made an associated agency of the Department of Education. ¹⁷⁸ It was urged by the committee that the Legislative Reference Bureau be included in the Department of Law instead of the Department of Education. ¹⁷⁹ The Reed Committee concurred in the proposal that the functions of sale and distri-

174. Ibid.

175. Ibid.

176. Ibid.

177. Ibid., p. 143.

178. Reed, op.cit., p. 12.

179. Ibid., p. 15.

bution of public documents be transferred from the Secretary of the Commonwealth to the State Librarian. ¹⁸⁰ The other recommendations of the Bureau of Municipal Research concerning this bureau were passed over without comment.

The Bureau of Municipal Research recommended that a Bureau of Professional Registration should take over all of the executive, clerical, and stenographic work of the Board of Commissioners to Examine Pilots; the Board for Examination of Applicants for Admission to the Bar; the Board for Examination and Certification of Architects, Professional Engineers, and Land Surveyors; the State Board of Accountancy; the State Board of Dental Examiners; the State Board of Embalming; the State Board of Examiners in Optometry; the State Board of Examiners of Nurses; the State Board of Mental Examiners; the State Board of Pharmacy; the State Board of Veterinary Examiners; the Virginia Real Estate Commission. ¹⁸¹ It was urged that provision be made for board action in determination of standards, setting of examinations, correction of papers and such matters. ¹⁸² The report of the Reed Committee suggested that these boards be made merely associated agencies of the Department of Education, instead of incorporating them within a separate bureau of the department. ¹⁸³

The recommendations of both bodies for disposition of motion picture censorship nearly coincided. Both urged that the Virginia State

180. Ibid., p. 7.

181. N.Y.B.M.R., op.cit., p. 143.

182. Ibid.

183. Reed, op.cit., p. 12.

Board of Censorship of three members be discontinued. ¹⁸⁴ The work of the board would be transferred to a Bureau (Division) of Motion Picture Censorship to be established in the Department of Education. ¹⁸⁵ The Bureau of Municipal Research advised that this bureau be headed by a single censor, ¹⁸⁶ appointed and removable by the Commissioner of Education. ¹⁸⁷ The Division of Motion Picture Censorship proposed by the Reed Committee would be headed by a director appointed by the Governor pending reorganization of the State Board of Education. Thereafter he would be appointed by the latter. ¹⁸⁸ The Bureau of Municipal Research went so far as to question the necessity and value of film censorship as carried on in Virginia. ¹⁸⁹

The Reed Committee suggested that the following administrative units be allied to the Department of Education as associated agencies which would not be affected as to structure or function by the reorganization: the Boards of Visitors for the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the Medical College of Virginia and William and Mary; the Board of Directors of the Virginia Truck Experiment Station. ¹⁹⁰

In addition to the three State sanatoria for tuberculosis administered by the State Board of Health, there were in 1926 nineteen State and eleven private institutions receiving State support, which

184. N.Y.B.M.R., op.cit., p. 143 and Reed, op.cit., p. 12.

185. Ibid.

186. N.Y.B.M.R., op.cit., pp. 143-144.

187. Ibid., p. 143.

188. Reed, op.cit., p. 12.

189. N.Y.B.M.R., op.cit., p. 144.

190. Reed, op.cit., p. 12.

could be properly included in the field of public welfare. Representing an annual State expenditure of approximately \$2,500,000, they were all independent units managed by the Board of Public Welfare. Such decentralization of responsibility for public welfare work was decried as furnishing abundant opportunity for waste of money as well as administrative effort. A sounder administrative plan was deemed necessary. 191

Many weaknesses of the existing system were pointed out by the Bureau of Municipal Research.

The State Constitution provided that each State hospital should have a special board of managers, a general board composed of all these special boards having oversight of the entire hospital program of the State of Virginia. It was the opinion of the Bureau that this plan to provide co-operative action and set uniform standards of service had failed. 192

The Commissioner of Hospitals, a constitutional officer, charged with fiscal supervision of the State hospitals, lacked sufficient control over their operation. 193

The State Prison Board, also a constitutional agency, administered the Prison Farm and the Penitentiary, but it had no contact whatever with other closely related problems of public welfare. 194

Wasted effort was exerted by the State Commission for the Blind, since each of the two State schools for the deaf and the blind had its own board of managers whose policies differed from those of

191. N.Y.B.M.R., op.cit., p. 131.

192. Ibid.

193. Ibid., p. 132.

194. Ibid.

the Commission. There was no real co-operation between these three agencies. 195

Independent boards having no common policies managed the four industrial schools for boys and girls. 196

The two hospitals connected with the medical schools of the University of Richmond and the University of Virginia were managed by independent boards completely out of touch with other health and welfare agencies of the State. 197

An independent board, part appointive and part ex-officio, supervised the operation of the Home for Confederate Veterans. Not only was this board too large, it had remained as a completely isolated unit of the State's welfare system. 198

With respect to the private institutions receiving State appropriations, no authority outside of the General Assembly exercised responsibility for determining how much aid should be given them and what the State might expect in return. 199

Finally, the opinion was voiced that the State Board of Welfare was seriously handicapped for efficient administration because of its extremely limited powers. 200

The Bureau of Municipal Research offered the following proposals for reorganization of the State's public welfare work:

(1) Abolish the Board of Welfare, the Commission for the Blind, the Boards of Managers or Visitors of the four schools for delinquent

195. Ibid.

196. Ibid.

197. Ibid.

198. Ibid.

199. Ibid.

200. Ibid.

children, the two schools for the deaf and blind, and the Home for Confederate Veterans. 201

(2) Transfer the powers and responsibilities then vested in these boards to a new Department of Public Welfare. 202

(3) Place in charge of this department a Commissioner of Public Welfare, appointed by the Governor and responsible for the administration of all State welfare institutions and agencies whose boards are abolished. 203

(4) Make the superintendents of the various institutions appointive by and under the direct supervision of the Commissioner of Public Welfare. 204

(5) Create an Advisory Council of Public Welfare consisting of eleven members appointed by the Governor. This body would serve as an aid to the Commissioner of Public Welfare. 205

(6) Pending a constitutional amendment abolishing the office of Commissioner of Hospitals, empower the Governor to appoint the Commissioner of Public Welfare to act as Commissioner of Hospitals. 206

(7) Abolish by constitutional amendment the five special hospital boards, the General Hospital Board, and the Prison Board, the proposed Commissioner of Public Welfare inheriting full responsibility for administration of these institutions and the appointment of their superintendents. 207

201. Ibid., p. 135.

202. Ibid.

203. Ibid.

204. Ibid., p. 136.

205. Ibid.

206. Ibid.

207. Ibid.

The proposed Department of Public Welfare would provide for all the activities then carried on by the Board of Welfare and, in addition, those executive, inspectional, and supervisory activities made necessary by increased administrative responsibility. 208

The Reed Committee agreed that the Department of Public Welfare should be headed by a Commissioner of Public Welfare, advising in addition that the appointment be made subject to approval by the General Assembly. At that time, this official was appointed by the Board of Public Welfare. 209

Approval of the already proposed constitutional amendment to abolish the office of Commissioner of State Hospitals for the Insane was expressed by the committee. Pending adoption of the amendment it was suggested that the Commissioner of Public Welfare fill the position in place of the State Purchasing Agent, who performed the functions of both these offices at that time. The Reed Committee held that this was a matter for executive and not legislative action after the law providing that the Commissioner of State Hospitals should be ex-officio the State Purchasing Agent had been changed. 210

Recommending that the boards of directors of the four reformatories or industrial schools be consolidated, the Reed Committee proposed that their work thereafter be done by a single board of five members appointed by the Governor. 211

208. Ibid.

209. Reed, op.cit., p. 14.

210. Ibid., pp. 14-15.

211. Ibid., p. 15.

Associated agencies of the Department of Public Welfare which would be changed neither structurally nor functionally included the State Prison Board, the State Hospital Boards, and the Commission for the Blind, ²¹² all of which the Bureau of Municipal Research had recommended abolished. ²¹³

In 1926 there already existed a Department of Agriculture and Immigration under the management and control of a Board of Agriculture and Immigration, composed of one member from each of the ten Congressional districts of Virginia, appointed by the Governor with approval of the Senate for terms of four years, half of the membership being appointed every two years. Serving as an ex-officio member of this board was the president of the Virginia Polytechnic Institute. The actual administrative head of the department was the Commissioner of Agriculture and Immigration. Elected by the people every four years, his powers and duties were prescribed by the Board of Agriculture and Immigration. ²¹⁴

It was urged that the State Constitution be amended by eliminating all sections with reference to the organization of the Department of Agriculture and Immigration and that the name of the department be shortened to the Department of Agriculture. ²¹⁵

The Bureau endorsed the short ballot principle when it recommended that the department be headed by a Commissioner of Agriculture appointed by the Governor and serving at his pleasure. ²¹⁶

212. Ibid.

213. N.Y.B.M.R., op.cit., pp. 135-136.

214. Ibid., p. 68.

215. Ibid.

216. Ibid.

Abolition of the existing Board of Agriculture and Immigration was a further proposal of the Bureau of Municipal Research. The old arrangement of the department had proved a failure, resulting in several clashes between the Board and the Commissioner which would have disrupted the work of the department had the Governor not intervened and dismissed certain members of the Board. With neither the Governor nor the Board authorized to dismiss the Commissioner, the existing allocation of powers was not conducive to responsible and business-like administration. 217

The proposed Department of Agriculture would be organized into the following bureaus: 218

- (1) Bureau of Administration and Inspection.
- (2) Bureau of Plant Industry.
- (3) Bureau of Animal Industry.
- (4) Bureau of Chemistry.
- (5) Bureau of Markets.
- (6) Bureau of Agricultural Statistics.

The Commissioner of Agriculture would be in charge of the Bureau of Administration and Industry, the other bureaus being headed by directors appointed by and responsible to the Commissioner. 219

The Bureau of Administration and Inspection would unite under one authority all the necessary information for exercise of real administrative control over the functions of the department. On the other hand, certain functions performed by this unit of the department would be transferred to other bureaus. 220

217. Ibid.

218. Ibid., p. 69.

219. Ibid.

220. Ibid.

Supervision of the publication of agricultural publications would be entrusted to the Bureau of Administration and Inspection. It would also have charge of the work then performed by the inspectors of fertilizers, gasoline, agricultural lime, field seeds, paints, insecticides, and fungicides. The Bureau recommended addition to the work of the inspectors the enforcement of provisions of the law with respect to feed stuffs, stock and poultry powders, work then performed by the Dairy and Food Division. 221

The Bureau of Plant Industry would perform the work of the existing Division of Plant Industry, including testing of seeds for purity and germination, inspection of orchards, licensing of nurseries, enforcement of quarantines against insect pests and plant diseases. 222

In addition to performing the functions of the existing Division of Animal Industry, it was recommended that the proposed Bureau of Animal Industry take over from the Bureau of Administration the distribution of hog cholera serum and agressions and from the existing Dairy and Food Division the distribution of State funds for the eradication of tuberculosis among cattle. 223

The Bureau of Chemistry 224 and the Bureau of Agricultural Statistics should remain the same, according to the report of the Bureau of Municipal Research. 225

The existing Division of Markets would constitute the proposed Bureau of Markets, all of its work which duplicated the work

221. Ibid., p. 70.

222. Ibid., pp. 70-71.

223. Ibid., p. 71.

224. Ibid.

225. Ibid., p. 72.

of the Agricultural College being eliminated. It was urged that the specialists attached to the division and doing practically the same type of work as the Agricultural College be transferred to the college. 226

With respect to the Dairy and Food Division of the Department of Agriculture and Immigration, the Bureau stated that the food inspection was poorly done and that the dairy work was largely of an educational and promotional character, inspection of milk and dairy products being a secondary matter. It was recommended that the division be abolished. A suitable bureau under the Department of Health could assume the inspection of foods, dairies, cold storage, and hotels. Inspection of feed stuffs and stock and poultry powders would be transferred to the Bureau of Administration and Inspection. The Agricultural College would inherit the educational and promotional work pertaining to dairies. 227

The report of the Bureau also contained recommendations that all of the agricultural experiment stations be placed under the supervision of the Agricultural College; that the board to supervise the experiment stations at Norfolk and at Onley on the Eastern Shore be abolished and the stations placed under the Agricultural College. 228

The Reed Committee studied these recommendations, but passed on only a few of them with its approval. There was complete agreement that the inspection of food intended for human consumption, oysters, dairies, cold storage warehouses, and hotels should be trans-

226. Ibid.

227. Ibid., p. 73.

228. Ibid., pp. 73-74.

ferred to the Department of Health which is the logical place for inspection work; also that educational and promotional work pertaining to dairies should be transferred to the Virginia Polytechnic Institute (the State Agricultural College). Discontinuance of the Convict Lime Board was advocated, with transfer of its duties to the Department of Agriculture and Immigration. It will be noted that the Reed Committee favored retention of the name of the existing department. The committee also expressed its approval of the short ballot amendment already proposed for the purpose of making the Commissioner of Agriculture and Immigration appointive by the Governor. 229

In 1926 three agencies participated in regulating the use of and providing for the care and development of the natural resources of the State: 230

- (1) Commission on Conservation and Development.
- (2) Commission of Game and Inland Fisheries.
- (3) Commission of Fisheries.

The Commission on Conservation and Development, established by the General Assembly in 1926, had a membership of seven appointed by the Governor with the approval of the Senate. Terms were overlapping and of four years duration. While the Commission operated as a policy-forming body, all administrative work was delegated to a secretary, who was a full time employee. The work performed by the Commission included that formerly under the jurisdiction of the State Geological Commission, the State Geological Survey, the State Geologist, the State Forester, and the Water Power and Development Commission.

229. Reed, op.cit., pp. 13-14.

230. N.Y.B.M.R., op.cit., p. 106.

Provisions of the law also authorized this agency to conduct efficiency investigations of State departments for the Governor. 231

The Commission of Game and Inland Fisheries, reorganized in 1926, was composed of five members appointed by the Governor with the approval of the Senate for overlapping terms of five years. Administrative work was delegated to an executive secretary appointed by the chairman with the approval of the Governor. The Commission was charged with responsibility for regulating all hunting and fishing in inland waters, enforcement of provisions of the dog law, and protection and propagation of all game and fish life. 232

The Commission of Fisheries, also reorganized in 1926, had five members appointed by the Governor, at least two of whom must be from the tidewater section. Serving as the chairman of the Commission, one of the tidewater members was designated as Commissioner of Fisheries, the other tidewater member being designated Shell Fish Commissioner and serving as secretary of the Commission. Conservation and development of shell fish and other fish of the coastal waters of Virginia fell within the sphere of activities of the Commission of Fisheries. 233

The Bureau of Municipal Research argued that the functions of the Commission of Game and Inland Fisheries and the Commission of Fisheries were closely related to those of the Commission on Conservation and Development, there being no sound reason for the existing

231. Ibid.

232. Ibid.

233. Ibid.

division of authority and responsibility. It was thought that a more economical and effective administration of the work would result if all were under the jurisdiction of a single department. Hence the proposal for establishment of a Department of Conservation and Development to assume the functions of the three commissions and the Board to Place Historical Markers. The department would be headed by a Commissioner of Conservation and Development, appointed by the Governor and serving at his pleasure. 234

This officer would assume all administrative powers and duties of the department, being aided by a policy-making board of five members appointed by the Governor for five-year terms. The Commissioner of Conservation and Development would serve as an ex-officio member of the board. After the time when the work of the department had been reduced mainly to matters of administration, it was deemed advisable that the board be discontinued. 235

The proposed Department of Conservation and Development would consist of the following bureaus: 236

- (1) Bureau of Administration.
- (2) Bureau of Geological Survey.
- (3) Bureau of Forestry.
- (4) Bureau of Game and Inland Fisheries.
- (5) Bureau of Coastal Fisheries.

At the head of the Bureau of Administration would be the Commissioner, while the other bureaus would be under the supervision of directors appointed by the Commissioner and responsible to him. 237

234. Ibid.

235. Ibid., p. 107.

236. Ibid.

237. Ibid.

The Bureau of Municipal Research recommended that frequent reports on the work of the other bureaus be filed in the Bureau of Administration. Such a procedure would aid the Commissioner in directing the work of the department. Under the jurisdiction of this bureau would be all work pertaining to publicity, engineering, parks, and public property, these activities to be organized into divisions when the work of the department had had time to develop. 238

The Bureau of Geological Survey would be headed by a Director of Geological Survey, performing the work of the State Geologist which consisted mostly of rendering expert technical advice concerning geology and mineral resources. Since the job needed a full time official, he should be prohibited from also holding a professorship at the University of Virginia as the State Geologist had done. 239

It was pointed out that the State Forester also held a professorship at the University of Virginia. Hence the recommendation that the Bureau of Forestry be under the supervision of a full time Director of Forestry. The chief work of this agency would be forest fire prevention. 240

The duties of the Bureau of Game and Inland Fisheries, headed by Director of Game and Inland Fisheries appointed by the Commissioner, would include those of the existing Commission of Game and Inland Fisheries. Combined under this bureau, for the sake of economy, would be the positions of fire warden and game warden. 241

238. Ibid.

239. Ibid., p. 109:

240. Ibid., p. 110.

241. Ibid., pp. 111-112.

from such a procedure. The only relations between the three commissions would be through adoption of a recommendation for required joint meetings at least semi-annually in order that each commission might be informed of the plans and work of the others. The action of the General Assembly in 1926 creating the Commission on Conservation and Development received hearty endorsement by the Reed Committee. Its report also contained a recommendation that the Board to Place Historical Markers not be affected by any changes. ²⁴⁵

At the time of the reorganization study, the building and maintenance of Virginia's highway system was under the supervision of a State Highway Commission of five members, representing the five principal geographical divisions of the State. Appointed by the Governor, they served overlapping terms of four years, one member being designated by the Governor as chairman. The latter devoted his full time to the direction of highway work, the State Highway Commission meeting only at his call. ²⁴⁶

For administrative purposes the work of the commission was organized under an Executive Department reporting directly to the chairman and an Executive Department under the supervision of a Chief Engineer, who assumed responsibility for highway construction and maintenance. ²⁴⁷

The Executive Department, in turn, was organized into the following divisions: ²⁴⁸

245. Reed, op.cit., p. 14.

246. N.Y.B.M.R., op.cit., p. 88.

247. Ibid.

248. Ibid.

- (1) Right of Way Division.
- (2) Legal Division.
- (3) Purchasing Division.
- (4) Auditing Division.

The Engineering Department comprised eight functional divisions located at a headquarters in Richmond and at eight district offices throughout the State:

- (1) Office Division.
- (2) Division of Surveys and Plans.
- (3) Division of Bridges.
- (4) Construction Division.
- (5) Maintenance Division.
- (6) Testing Division.
- (7) Equipment Division.
- (8) Division of State Aid.

Each division was headed by an Assistant Engineer, each district office being under the jurisdiction of a District Engineer. 249

The report of the Bureau of Municipal Research proposed that the work of the existing Highway Commission be vested in a Department of Highways, headed by a Commissioner of Highways appointed by the Governor and serving at his pleasure. A Highway Board consisting of the Highway Commissioner and four other members appointed by the Governor for four-year terms would determine all matters of policy with regard to State highway work, all administrative powers being vested in the Highway Commissioner. 250 The Reed Committee recognized that the same result could be effected by retaining the existing State Highway Commission, changing the name of its chairman to the State Highway Commissioner, and placing him at the head of a Department of Highways. Although the Bureau recommended further changes, which

249. Ibid.

250. Ibid., pp. 88-89.

will be discussed below, the Reed Committee was of the opinion that no further changes should be made in the administration of Virginia's highway system except that appointments to the State Highway Commission should be made subject to confirmation by the entire General Assembly instead of by the Senate alone, as was done in 1926. ²⁵¹ It was the contention of the Bureau that eventually the proposed Highway Board should be eliminated, though it was agreed that the body was necessary at the time. ²⁵²

The Department of Highways provided for in the report of the Bureau of Municipal Research would consist of a Bureau of Administration and a Bureau of Construction and Maintenance, the former under the immediate direction of the Commissioner of Highways and the latter headed by a Chief Engineer appointed by the Commissioner. ²⁵³

The two bureaus would be subdivided as follows: ²⁵⁴

- (1) Bureau of Administration:
 - (a) Division of Cost Accounts.
 - (b) Division of Purchasing and Stores.
 - (c) Division of County Roads (State Aid).
 - (d) Division of Right of Way.

- (2) Bureau of Construction and Maintenance:
 - (a) Division of Office and Design.
 - (b) Division of Bridges.
 - (c) Equipment Division.
 - (d) Division of Tests.

It will be noted that two principal changes would be effected by the above organization. The State aid work in connection with county road systems would be removed from the jurisdiction of the Chief Engineer

251. Reed, op.cit., pp. 10-11.

252. N.Y.B.M.R., op.cit., p. 89.

253. Ibid.

254. Ibid.

and placed under the Commissioner of Highways, while the duties of the Assistant Engineer in charge of the Division of Location, Survey, and Plans would be merged with those of the Assistant Engineer in charge of the Office Division, thus creating a Division of Office and Design. ²⁵⁵

The Bureau made certain recommendations for administrative improvement in accounting service, location surveys, and the expeditious acquisition of rights of way. ²⁵⁶ It was urged that the general accounting work done by the Highway Commission be transferred to the proposed Department of Finance, only cost accounting being kept in the Department of Highways. ²⁵⁷ When centralized purchasing should become effective in the Department of Finance, it was recommended that the purchasing work of the Department of Highways be transferred there. ²⁵⁸ The Reed Committee concurred with the Bureau's recommendations as to accounting service, location surveys, and the expeditious acquisition of rights of way, pointing out, however, that these were matters for administrative rather than legislative action. ²⁵⁹

Full administrative responsibility for the public health work of the State of Virginia reposed in the Board of Health, consisting of seven members appointed by the Governor. The Commissioner of Health, also an appointee of the Governor, was required to perform, as executive officer of the Board of Health, such duties as that body might direct and certain other duties with respect to appointment of

255. Ibid.

256. Reed, op.cit., p. 11.

257. N.Y.B.M.R., op.cit., p. 89.

258. Ibid.

259. Reed, op.cit., p. 11.

subordinates, preparation of reports on health work, and general management of the technical operations of the department which were specifically defined by law. When the Board of Health was not in session, the Commissioner was vested with full authority, subject to any limitations the Board might make. 260

However, the Board of Health had never fully exercised its administrative powers, being content to delegate a major part of its administrative authority to the Commissioner of Health and to rely on his judgment and counsel in determining administrative policy. Thus, it had functioned mainly as an advisory board. 261

Basing its argument on these facts, the Bureau of Municipal Research reasoned that, if the proper function of the Board of Health is to serve in an advisory capacity to a trained and experienced Commissioner of Health, it should not be continued as the administrative head of the State's health work. The Bureau contended that the Board of Health performed no function which could not be performed as well, if not better, by a skilled executive acting on his own initiative and responsible only to the Governor without the intervention of a board. 262

To remedy this situation, the Bureau recommended that the existing law be amended to provide for a State Commissioner of Health appointed by the Governor as head of a Department of Health; to provide also for appointment by the Governor, on the recommendation of

260. N.Y.B.M.R., op.cit., pp. 118-119.

261. Ibid., p. 119.

262. Ibid.

the Commissioner, of an advisory public health council made up of physicians and other technically qualified citizens of the State. Consisting of the Commissioner of Health and six others, the council would contribute technical advice and aid the Commissioner in drafting and promulgating of health laws, rules, and regulations and in the enlistment of community cooperation for the State's health program. 263

The Reed Committee failed to be convinced by these arguments and recommended that the State Board of Health and the Commissioner of Health be continued in their existing status. 264

The Bureau of Municipal Research enumerated three aims in the reorganization of the State's health work under a Department of Health: first, strict definition of responsibility for State health activities by consolidation into certain major functional units; second, coordination in each unit of all activities which could be best dealt with as a unit under the direction of an executive responsible to the Commissioner of Health; third, reduction of personnel costs and elimination of waste effort by pooling of certain overhead services. 265

With respect to the first objective it was proposed that the following bureaus be established in the Department of Health:

263. Ibid., pp. 119-120.

264. Reed, op.cit., p. 14.

265. N.Y.B.M.R., op.cit., p. 120.

- (1) Bureau of Administration.
- (2) Bureau of Preventable Diseases.
- (3) Bureau of Rural Sanitation.
- (4) Bureau of Child Hygiene.
- (5) Bureau of Public Health Nursing.
- (6) Bureau of Vital Statistics.
- (7) Bureau of Sanitary Engineering.
- (8) Bureau of Laboratories.
- (9) Bureau of Food Sanitation.

Each bureau would have a director appointed by the Commissioner of Health, the latter heading the Bureau of Administration. 266

Provision for the general overhead activities of the department would be made in the Bureau of Administration, which would contain a Division of Health Education and a Division of Stenographic Service. 267

The Bureau of Preventable Diseases would be created by a consolidation of the activities for prevention of disease performed by the existing Bureau of Epidemiology, Bureau of Social Hygiene (venereal diseases), and Bureau of Tuberculosis Education. 268

The Bureau of Rural Sanitation, the Bureau of Vital Statistics, and the Bureau of Sanitary Engineering would retain their existing organization and would perform the same functions. 269

With the exception of that work in connection with conducting teachers' correspondence, which the Bureau urged transferred to the Department of Education, the work of the existing Bureau of Child Hygiene and Public Health Nursing would be continued in the proposed Bureau of Child Hygiene. 270

266. Ibid.

267. Ibid.

268. Ibid., p. 121.

269. Ibid., pp. 121-123.

270. Ibid., p. 122.

The Bureau of Public Health Nursing would consolidate all the public health nursing activities and nurses, including the Supervisor and Assistant Supervisor of Nurses of the existing Bureau of Child Hygiene and Public Health Nursing, the ten field nurses of the Bureau of Tuberculosis Education, and the ten county health nurses of the Bureau of Rural Sanitation. 271

In addition to the work it already performed, the Bureau of Laboratories would assume all the food laboratory work then performed by the Dairy and Food Division of the Department of Agriculture and Immigration. 272

The Bureau of Food Sanitation would provide for all food sanitary activities then carried on by the Dairy and Food Division of the Department of Agriculture and Immigration, including inspection of meat, milk, milk products, oleomargarine, ice cream, shell fish, vinegar, and other articles of food, as well as the places where they are produced, handled, stored, and sold, such as dairies, slaughter houses, cold storage plants, bakeries, hotels, etc. 273 The Reed Committee concurred in these recommendations of transfer of authority. 274

Although it refused to prescribe internal organization of the executive departments, considering this a matter for administrative rather than legislative action, the Reed Committee noted that "many changes of administration recommended to increase efficiency are shown in the report of the Bureau of Municipal Research" in regard to the structure of the Department of Health. 275

271. Ibid.

272. Ibid., p. 123.

273. Ibid., p. 124.

274. Reed, op.cit., p. 14.

275. Ibid.

Now we come to the most important aspect of the reorganization program - that concerning the organization of the State's financial functions. The Bureau of Municipal Research was of the opinion that the worst feature in the structure of Virginia's government was that part which attempted to handle its financial administration. ²⁷⁶ At the time of the reorganization study the State of Virginia had sixteen officers and agencies whose duties were largely of a financial character. Among these were certain constitutional agencies, including the Auditor of Public Accounts, the Auditing Committee of the General Assembly, and the State Treasurer, and the following statutory agencies: the Director of the Budget; the Second Auditor; the State Accountant; the Commissioners of the Sinking Fund; the State Fee Commission; the Board of Indemnity; the Finance Board; the Military Board; the Surety Bond Board; the Superintendent of Public Printing; the State Purchasing Commission; the State Purchasing Agent; the Advisory Board of Standardization. ²⁷⁷

This unwieldy financial system had grown up piece by piece, the product of years of patchwork and political maneuvering. ²⁷⁸ Many of these agencies collected funds and disbursed them, or part of them, without clearing through the State Treasury. Funds collected and deposited to the credit of State departments and institutions in 1925 amounted to approximately \$17,000,000, but of this amount approximately \$4,500,000 was disbursed directly by those departments and institutions without functioning through the State Treasury. ²⁷⁹

276. N.Y.B.M.R., op.cit., p. 17.

277. Reed, op.cit., p. 8.

278. N.Y.B.M.R., op.cit., p. 18.

279. Reed, op.cit., p. 8.

In reference to this outmoded system the Bureau asserted that "No private corporation or business concern... could safely avoid bankruptcy for more than a year with the same financial arrangement that the State of Virginia has seemed to get along with for more than a generation. One is constrained to believe in the inherent honesty of a people who can keep a State government going under such conditions without a financial disaster." 280

Both the Bureau of Municipal Research and the Reed Committee urged that the State's financial system should be organized under a plan of unified accounting and control through a Department of Finance; this the latter regarded "as fundamental, and the present lack of it... the outstanding defect in the governmental machinery" of the Commonwealth. 281

The Bureau proposed that the financial functions of the government be separated into two groups, those of an auditing nature and those pertaining to actual administration. The first would be assumed by the Auditor of Public Accounts; the second would be under the supervision of the proposed Department of Finance. 282

If the recommendations of both investigatory bodies were enacted, the Auditor of Public Accounts would become an auditor in fact as well as in name, his function being to audit all the accounts kept in the Department of Finance. He would continue to be elected by the General Assembly to serve that body as a special agent in

280. N.Y.B.M.R., op.cit., pp. 18-19.

281. Reed, op.cit., p. 8 and N.Y.B.M.R., op.cit., p. 21.

282. N.Y.B.M.R., op.cit., p. 19.

keeping a continuous check on the financial operations of the administration. This would be accomplished by periodic reports to the General Assembly and to the people. Discontinuance of the office of State Accountant was recommended with his work being assumed by the Auditor of Public Accounts.²⁸³ Since its work was largely perfunctory in character, the Bureau recommended that the Auditing Committee of the General Assembly be abolished.²⁸⁴ The Reed Committee, however, urged that the Auditing Committee continue to function, with the Auditor of Public Accounts as its chief auditor or accountant.²⁸⁵

Both the Bureau and the Reed Committee proposed that the State Fee Commission (ex-officio) be discontinued.²⁸⁶ The former recommended transfer of its powers and duties to the Auditor of Public Accounts; ²⁸⁷ the latter that its work be assumed by the Comptroller.²⁸⁸

The report of the Bureau contained a recommendation that the proposed Department of Finance be headed by a Commissioner of Finance, appointed by the Governor and directly responsible to him, the department to be divided into the following bureaus:²⁸⁹

- (1) Bureau of the Budget.
- (2) Bureau of Accounts and Control.
- (3) Bureau of Purchasing and Printing.
- (4) Bureau of the Treasury.

The Reed Committee, on the other hand, failed to see the necessity for a department head and proposed the following organization

283. Reed, op.cit., pp. 8-9 and N.Y.B.M.R., op.cit., p. 19.
284. N.Y.B.M.R., op.cit., p. 19.
285. Reed, op.cit., p. 9.
286. N.Y.B.M.R., op.cit., p. 19 and Reed, op.cit., p. 9.
287. N.Y.B.M.R., op.cit., p. 19.
288. Reed, op.cit., p. 9.
289. N.Y.B.M.R., op.cit., p. 19.

of the Department of Finance: 290

- (1) Division of Accounts and Control.
- (2) Division of the Treasury.
- (3) Division of Purchase and Printing.
- (4) Division of Motor Vehicle Licensing.

It will be remembered that the Reed Committee had proposed that the Bureau of the Budget be placed in the Governor's Office; also that the Bureau of Municipal Research favored placing motor vehicle licensing under the Department of Taxation.

According to the provisions of the Bureau's report, the Commissioner of Finance would serve as the administrative head of one of the bureaus, preferably the Bureau of the Budget, the other bureau heads, a Comptroller, Purchasing, and Treasurer, respectively, being appointed by the Governor on recommendation of the Commissioner of Finance. 291 The Reed Committee proposed gubernatorial appointment of the division heads subject to confirmation by the General Assembly. 292

The Bureau listed as appropriate work for the Bureau of the Budget the preparation of the State budget for the Governor, approval of budget allotments, editing of State reports, preparation of financial publicity, and supervision of a State personnel system. 293 The Reed Committee, it will be remembered, recommended the same functions, with the exception of the last, to be performed by a Division of the Budget in the Governor's Office.

The two investigatory bodies coincided in their proposals for a Bureau (Division) of Accounts and Control and a Bureau (Division)

290. Reed, op.cit., pp. 7-8.

291. N.Y.B.M.R., op.cit., pp. 19-20.

292. Reed, op.cit., p. 8.

293. N.Y.B.M.R., op.cit., p. 20.

of Purchasing and Printing, and the recommendations outlined below were contained in both reports.

The director of the Bureau (Division) of Accounts and Control would be the Comptroller, who would assume the major part of the work then performed by the Auditor of Public Accounts and the Second Auditor. Established under the Comptroller would be a complete system of general accounting for the whole State government to displace accounts then kept by the Auditor of Public Accounts, the Second Auditor, and, in large part, the State Treasurer and various State departments, agencies, and institutions. This would have two beneficial effects: avoidance of duplication through consolidation; creation of a means of effective control over the State's income and expenditures which was then impossible. All transactions involving public funds would clear through the Comptroller's office; no disbursements would be made except by checks signed by the State Treasurer, issued on disbursement warrants signed by the Comptroller after he had audited and approved the expenditure. 294

The director of the proposed Bureau (Division) of Purchasing and Printing would exercise the powers and duties then performed by the State Purchasing Commission (ex-officio), the State Purchasing Agent, and the Superintendent of Public Printing, these positions being discontinued. It was proposed that the director of this bureau (division) be empowered to transfer surplus supplies from one department or institution to another and to sell surplus supplies that

294. Ibid. and Reed, op.cit., pp. 8-9.

accumulate at State institutions. Both reports also urged the establishment of a central mailing room in this bureau (division) to handle all mail going out from the departments located at the seat of the government. 295

The Bureau and the Reed Committee agreed that the State Treasurer would supervise the work of the Bureau (Division)^{of} the Treasury and would perform the ordinary duties of a treasurer. 296 The latter expressed its approval of the pending constitutional amendment to make the State Treasurer appointive by the Governor. 297 The report of the Bureau urged discontinuance of the Finance Board (ex-officio). In its place a board consisting of the Governor, the Commissioner of Finance, and the Attorney-General would take over its work and, in addition, designate depositories for State funds. 298 The Reed Committee countered by proposing continuance of the Finance Board, which would also assume the function of designating State depositories, the only change being that the Comptroller would take the place of the Auditor of Public Accounts. The other two members, the Governor and the State Treasurer, would be retained. 299 Pointing out that they were no longer needed for the purposes for which they were originally created, at least two of them being already defunct, the Bureau of Municipal Research recommended that the following financial agencies be abolished and

295. N.Y.B.M.R., op.cit., pp. 20-21 and Reed, op.cit., p. 10.

296. N.Y.B.M.R., op.cit., p. 21 and Reed, op.cit., p. 9.

297. Reed, op.cit., p. 10.

298. N.Y.B.M.R., op.cit., p. 21.

299. Reed, op.cit., pp. 9-10.

their powers and duties transferred to the Department of Finance: the Commissioners of the Sinking Fund; the Surety Bond Board; the Military Board; the Board of Indemnity. ³⁰⁰ Since they were inactive, the Reed Committee agreed that the Board of Indemnity and the Surety Bond Board (both ex-officio) should be formally abolished; also, the State Treasurer and the Comptroller should share the powers and duties then imposed upon the Commissioners of the Sinking Fund. ³⁰¹

Although the Bureau's report had recommended other disposition of this work, the Reed Committee proposed that the office of Motor Vehicle Commissioner be discontinued as such, the work to be administered by a Division of Motor Vehicle Licensing. It was also deemed advisable that general police powers be given the officers engaged in enforcing the motor vehicle laws. ³⁰²

While the Bureau of Municipal Research estimated that adoption of its program would effect a saving of \$196,000 in this department alone, ³⁰³ the Reed Committee more conservatively placed the figure at a saving of \$100,000 annually. ³⁰⁴

Stating that the report of the Bureau of Municipal Research contained many recommendations as to statutory and constitutional changes not included in its own report, the Reed Committee pointed out that these would come to the attention of the General

300. N.Y.B.M.R., op. cit., p. 21.

301. Reed, op. cit., pp. 9-10.

302. Ibid., p. 10.

303. N.Y.B.M.R., op. cit., p. 30.

304. Reed, op. cit., p. 10.

Assembly in the full report of the Bureau. To facilitate this the Reed Committee proposed that the Bureau's report be printed and a copy furnished to each member of the General Assembly. 305

Abundant publicity was given to the proposed reorganization program, copies of the reports of the Reed Committee and the Prentis Commission being mailed directly to thousands of citizens throughout the State. Unusual care was taken to furnish full information concerning the two reports to the press, which resulted in remarkable publicity in both news and editorial columns. In addition, every lawyer in the State received a copy of the Prentis report, while a clear and concise summary of the proposed amendments to the Constitution was mailed to many persons in the State. 306

Recognizing that many of the reforms it had proposed were dependent upon constitutional amendments, the Reed Committee recommended a special session of the General Assembly, which would expedite by two years the necessary amendments. 307 Since the amendments suggested by the Prentis Commission, if left until the regular session of 1928, could not be submitted to popular vote, as is required by the Constitution, before the November election of 1930, a special session would actually prevent the loss of two years in the establishment of the reorganization. 308 The Reed

305. Ibid., pp. 18-19.

306. Byrd, Reorganization of the Government of Virginia, p. 4.

307. Reed, op.cit., p. 4.

308. Byrd, Reorganization of the Government of Virginia, p. 3.

Committee proposed that the frame work for a reorganized State government be laid at this special session. 309 Governor Byrd emphasized the indispensable character of the constitutional amendments for the accomplishment of an effective reorganization. Added to the voice of the Reed Committee in urging a special session were the members of the Prentis Commission, various members of the Senate and the House of Delegates, and numerous public-spirited men interested in the progress of the State. 310

In answer to these proposals, Governor Byrd called a special session of the General Assembly to open its session on March 16, 1927. 311 The items to be considered by the session included the reports of the Reed Committee, the Prentis Commission, and the New York Bureau of Municipal Research, which, asserted Byrd, "offer the General Assembly the opportunity to simplify governmental processes and enable substantial savings of public funds." 312

Prior to the opening of the special session Thomas W. Ozlin, Speaker of the House of Delegates, predicted that the Byrd program would in the main be adopted with very little change. Nevertheless, a stiff fight was expected on the short ballot issue. Congressman Joseph T. Deal of Norfolk came to Richmond to fight adoption of this measure. 313

When the members of the General Assembly began to arrive in Richmond, it became apparent that there was considerable opposition to

309. Reed, op.cit., p. 4.

310. Byrd, Reorganization of The Government of Virginia, p. 3.

311. Richmond News Leader, March 15, 1927, p. 1.

312. Byrd, Reorganization of The Government of Virginia, p. 3.

313. Richmond News Leader, March 15, 1927, p. 1.

the short ballot throughout the State. James A. Bear, delegate from Roanoke, E. A. Snead of Clifton Forge, and A. S. Johnson of Isle of Wight reported their constituencies as opposing the plan. Mr. Bear attributed this to the fact that the people had not had time to digest and understand the tremendous amount of publicity that the short ballot measure had been given in the newspapers.³¹⁴ Highly endorsing the principle, Mr. Ozlin asserted that much of the opposition to the short ballot was due to misunderstanding of its purpose.³¹⁵

The short ballot constituted the keystone to the opposition to the reorganization program.³¹⁶ Within a few short days the phrase "short ballot" had become a political bugaboo to most members of the General Assembly. Some of the tension of the session was removed on the third day by Governor Byrd's reminder that the special session need not concern itself with three of the four short ballot amendments. As will be remembered, four short ballot amendments had been passed by the regular session of the General Assembly in 1926. Of these four, the Prentis Commission had suggested changes in only one, that concerning the Secretary of the Commonwealth. Only this one could be acted upon by the special session, since, according to the Constitution, the others, having already been approved by one General Assembly, would have to await consideration by the 1928 session.³¹⁷

Just before the convening of the special session, Senator John A. Lesner of Norfolk suggested that the House of Delegates and

314. Ibid., March 17, 1927, p. 16.

315. Ibid., March 15, 1927, p. 1.

316. Ibid., March 17, 1927, p. 16.

317. Ibid., March 19, 1927, p. 3.

the Senate either jointly or separately sit as committees of the whole to hear the proposals of the Reed Committee and the Prentis Commission. Advocates or opponents of any of the measures could be heard; Governor Byrd's views as well as those of the chairman of the Reed Committee and the Prentis Commission, and the members of those bodies, could be heard and questioned.³¹⁸ The procedure actually adopted will be discussed below.

The special session was opened with an address by the Governor explaining the purposes of the session. Byrd endorsed the recommendations of the Reed Committee with a few very minor exceptions. He emphasized the fact, however, that the benefits of the Reed report must be considered in the light of the greater details of the report of the Bureau of Municipal Research, of which he said, "It is one of the most complete surveys ever made of a State in this Union. While I do not agree with all its recommendations nor sympathize with some of its criticisms, I am impressed by its grasp of complicated facts, its clear analysis of those facts and its helpful suggestions of constructive legislation."³¹⁹ Admitting that the recommendations of the Reed Committee were conservative, Byrd explained that this body thought it wise to consider only that most vital at the special session; to leave for the regular session certain other recommendations of the Bureau which many members of the General Assembly might think should have been endorsed

³¹⁸. Ibid., March 15, 1927, p. 1.

³¹⁹. Byrd, Reorganization of The Government of Virginia, pp. 6-7.

by the Citizens' Committee. In reference to this the Governor emphasized that the Bureau's report was as much for the consideration of the General Assembly as the Reed report; that it was for the legislature to determine whether recommendations not acted upon by the Citizens' Committee should be adopted. ³²⁰ At this time, Governor Byrd submitted the report of the Prentis Commission and asked permission to suggest a constitutional amendment not included in the recommendations of that body--an amendment providing that the Governor be prohibited from appointing during recess of the legislature anyone appointed by him who has failed of confirmation by the General Assembly in cases where such confirmation is required. ³²¹

Byrd asserted that the reorganization involved three steps by the legislature: first, adoption of the general program of reorganization; second, revision of the next budget to fit the new administrative structure; third, initiation of the suggested constitutional amendments required to support legislation necessary to make effective the recommendations for simplicity and economy. ³²²

Recalling the pledges made in his inaugural address, Byrd implored the adoption of the essential recommendations of the Reed Committee and the Prentis Commission. "Nothing less ... will enable the fulfillment of these pledges," he maintained. ³²³

In general, Byrd's address made a good impression on the legislators, who diligently undertook the problem placed before them. ³²⁴

320. Ibid., p. 7.

321. Ibid., pp. 8-9.

322. Ibid., p. 7.

323. Ibid., pp. 11-12.

324. Richmond News Leader, March 17, 1927, p. 16.

The work of the special session will be more clearly understood if we consider the proposed constitutional amendments and the reorganization bill separately.

On March 17, 1927, Messrs. Prentis, Lile, Hughes and Fletcher addressed a joint meeting of the General Assembly regarding the work of the Commission to Suggest Amendments to the Constitution of Virginia. They explained the recommendations contained in the report submitted to the legislature by Governor Byrd the day before.³²⁵ It was announced that the proposals of the Prentis Commission would be introduced in the General Assembly as one resolution instead of 81 to carry out the proposed changes, the resolution to be entitled "An Amendment to the Constitution of Virginia."³²⁶

On the same date the General Assembly voted to consider at the extra session only local bills, measures introduced as a part of the reorganization program, and items of unusual importance on the approval of three-fourths of the members. Thus, practically the entire attention of the legislature could be focused on reorganization legislation.³²⁷

The Prentis report was introduced in the House of Delegates as a single resolution by James H. Price of Richmond and Richard L. Brewer of Norfolk, the measure being referred to the Committee on Courts of Justice of which Price was chairman.³²⁸

In the committee hearings and in the public press there was a wide variation of opinion as to the method by which to select the

325. Minutes of The Commission To Suggest Amendments To The Constitution of Virginia, p. 47.

326. Richmond News Leader, March 17, 1927, p. 1.

327. Ibid., March 18, 1927, p. 8.

328. Ibid., p. 1.

members of the State Corporation Commission. There was some agitation for popular election of these officers. The Prentis Commission, it will be remembered, had recommended that they be made appointive by the Governor. However, the House Committee on Courts of Justice and the Committee on General Laws, sitting in joint session, wrote into the amendment resolution a provision for appointment by the General Assembly. This amendment to the resolution was adopted almost unanimously, the argument of its proponents being the necessity of removing a body of semi-judicial character, such as the State Corporation Commission, from a position in which the Governor could entangle it in politics. ³²⁹ Dr. Douglas S. Freeman opposed this provision vigorously in an editorial pointing out the success of gubernatorial appointment from 1902 to 1918. He reminded that this fact had been recognized by the legislature when in 1926 it had returned to that system after several years of popular election. "Is there any reason for changing this?" he demanded. "If the one experiment made in naming commissioners proved a failure, and the old method gave wide satisfaction, why make another experiment?" ³³⁰

Another controversy raged around the method of selection of the members of the State Board of Education. In this case the House Committee on Courts of Justice fully approved the recommendations of the Prentis Commission making the members appointive by the Governor. An attempt to provide for appointment by the General Assembly was decisively beaten. ³³¹

329. Ibid., March 23, 1927, p.1.

330. Ibid., March 24, 1927, p.8.

331. Ibid., March 23, 1927, p.22.

On March 25, the Committee on Courts of Justice reported to the House of Delegates a new draft of the Constitution of Virginia.³³² Little real opposition to the draft was offered. The Republican Party, which had no strength in the General Assembly, expressed vehement disapproval. C. Bascom Slemp, former secretary to President Calvin Coolidge and Republican leader in Virginia, spoke in derision of the constitutional changes asked by Byrd, contending that they would deprive the people of the power to exercise popular control over the government.³³³ A few amendments to the resolution were offered from the floor of the House of Delegates. The most important ones, Delegate Gordon's proposal that the State Tax Commission be made subject to popular election and Delegate Hall's amendment to make the Comptroller a popularly elected official, were overwhelmingly defeated.³³⁴

The draft of the new Constitution was adopted by the House of Delegates on March 31 by a vote of 75 to 6, remaining substantially the same as it was reported by the Committee on Courts of Justice.³³⁵ The Senate approved its draft of the new Constitution on April 7 by a vote of 34 to 1.³³⁶ In a conference to compromise the differences between the two drafts, the Senate conferees largely acceded to the House amendments to the constitutional resolution, including election of members of the State Corporation Commission by the General Assembly.

332. Ibid., March 25, 1927, p. 1.

333. Ibid., March 19, 1927, p. 1.

334. Ibid., April 1, 1927, p. 1.

335. Ibid.

336. Ibid., April 7, 1927, p. 1.

The blanket constitutional amendment went before both houses on April 9 and was passed with little serious opposition. ³³⁷

While the House of Delegates was dealing with the proposals for constitutional amendments, the Senate was occupied with the administrative reorganization bill. This bill, drafted by Mr. Morrissett, the State Tax Commissioner, ³³⁸ was assigned to the Senate Committee on Courts of Justice, hearings starting on March 17. ³³⁹ This committee decided to hold as many public meetings as necessary for the purpose of giving everyone a chance to be heard. Mr. Reed and members of his committee were present at the early hearings, and Mr. Morrissett, who drafted the bill, was in constant attendance to explain its provisions. ³⁴⁰ Early in the course of its work the Committee on Courts of Justice adopted a resolution providing that other Senate committees would sit with it in joint session when matters usually handled by those committees were brought up in connection with the reorganization bill; e.g., the Finance Committee would sit with the Committee on Courts of Justice when sections of the bill relating to matters of finance were under discussion. The vote of members of these auxiliary committees would be reported to the Senate along with the report of the vote of the Committee on Courts of Justice. ³⁴¹

337. Ibid., April 9, 1927, p. 1.

338. Ibid., March 18, 1927, p. 27.

339. Ibid., March 17, 1927, p. 1.

340. Ibid., March 18, 1927, p.27.

341. Ibid., March 19, 1927, p. 3.

As the hearings began, it was reported that certain State officers had established a strong lobby against certain phases of the Reed Committee's program; it was generally believed, however, that most of the State officers were behind Byrd by that time.³⁴² There was also considerable suspicion that politics and grudges between various administrative departments had influenced the report of the Reed Committee. In reply to a question implying this at an early hearing before the Senate Committee on Courts of Justice, Mr. Reed replied: "We based our recommendations upon a minute survey made by the Bureau of Municipal Research. We played no favorites and played no politics. The offices of some of the best personal friends I and members of the Committee have were affected by our report.... We were thinking about our State, not about our friendships."³⁴³

The reorganization bill introduced in the Senate had the following title: "A bill to reorganize the administration of the State government in order to secure better service, and through coordination and consolidation, to create and establish or continue certain departments, divisions, offices, officers, and other agencies, and to prescribe their powers and duties; to abolish certain offices, boards, commissions, and other agencies, and to repeal all acts and parts of acts inconsistent with this act to the extent of such inconsistency."³⁴⁴

342. Ibid., March 17, 1927, p. 16.

343. Ibid., March 19, 1927, p. 3.

344. Ibid., p. 1.

Several members of the General Assembly and a number of eminent lawyers expressed serious doubt that the reorganization bill was constitutional. It was held to be unconstitutional on two grounds: first, because, it was argued, the title did not sufficiently express the object of the bill; second, because more than one object was expressed in the bill. Both were considered violations of Section 52 of the Constitution of Virginia. Senator Julien Gunn, chairman of the Committee on Courts of Justice, announced that this matter would be brought to the attention of his committee. ³⁴⁵ It was rumored at one time that the original reorganization would be withdrawn and a new bill introduced because of constitutional objections, but the Senators in charge of the bill denied this. ³⁴⁶ When the bill's supporters pointed out the difficulties of writing a title satisfactory for a bill having so many ramifications, others argued that the title should at least set out the names of the departments, divisions, offices, officers, agencies, and boards affected by the measure. Senator Wickham estimated that the measure would affect approximately 600 sections of the code and predicted that in the end it would call for a new code revision. ³⁴⁷ In view of the existing doubts, the General Assembly requested an opinion as to the constitutionality of the administrative reorganization bill to be prepared by Attorney-General John R. Saunders. ³⁴⁸ The latter

345. Ibid.

346. Ibid., March 22, 1927, p. 1.

347. Ibid., March 19, 1927, p. 1.

348. Ibid., March 24, 1927, p. 20.

immediately pronounced the bill constitutional, voicing the opinion that, when tested by the rules laid down by the Court of Appeals, the bill did not violate Section 52 of the State Constitution. 349

Numerous organized and interested groups appeared before the Senate Committee on Courts of Justice to oppose or support various phases of proposed reorganization.

The Virginia Federation of Labor and the Big Four railroad brotherhoods issued statements opposing the changes suggested by the Reed Committee for the administration of the State Bureau of Labor and Industry. Both favored leaving the bureau unchanged, feeling that the suggested arrangement of the Department of Industrial Relations would lead to confusion, since, as no head was provided, the department would exist in name only. 350

The banking interests of the State opposed the proposed consolidation of the banking and insurance divisions of the State Corporation Commission into a Bureau of Insurance and Banking. George Bryan, counsel for the Virginia Bankers' Association, appeared before a joint meeting of the Committee on Courts of Justice, the Committee on Banks and Banking, and the Finance Committee to express the views of that group. Mr. M. G. Field, president of the Association, also appeared in opposition. They charged that the Reed Committee had failed to show why the change should be made, pointing out that the qualifications of an expert in banking and an expert in insurance are entirely different and seldom found in one man. 351

349. Ibid., March 25, 1927, p. 1.

350. Ibid., March 22, 1927, p. 18.

351. Ibid., March 23, 1927, p. 1.

A joint session of the Committee on Courts of Justice and the Committee on Moral and Social Welfare heard vigorous objection to the proposal for a single censor to administer State censorship of motion pictures. A number of church people and representatives of motion picture interests of the State spoke in opposition to certain features of the reorganization bill regarding censorship. ³⁵² Mr. R. W. Carrington, attorney for the motion picture interests, and the Rev. Dr. Fred R. Chenault, chairman of the Social Service Committee of the Methodist Church in Richmond, expressed complete satisfaction with the existing system and recommended that it be retained. Mrs. Sampson, a member of the State Board of Censorship, explained the salutary effects of the system of a three-member board. ³⁵³ As a result of this testimony, the two committees decided to reject the provision reducing the motion picture censorship board from three members to one, replacing it with an amendment providing for a three-member board appointed by the Attorney-General, with equal voting power, one of whom would have the title of director but with no more authority than the others. ³⁵⁴

Members of the boards of the State industrial schools appeared before the Senate Committee on Courts of Justice to fight the proposed consolidation of the boards. It was held that such action would remove the personal interest which had done so much to build

352. Ibid., March 24, 1927, p. 1.

353. Ibid., p. 24.

354. Ibid., p. 1.

up the schools. As a result, a sub-committee was appointed to consider the problem, all indications pointing to changes in the reorganization act. 355

A section of the reorganization bill which provided for retention of the Virginia Real Estate Commission ~~permitted~~ considerable controversy. Some favored an amendment to the bill which would abolish the agency. Opposition came mainly from real estate men who complained that it was vested with arbitrary powers which could be used to the detriment of the people of the State and possibly to the destruction of the business of some real estate agents. On the other hand, there was strong backing for retention of the Real Estate Commission from other real estate men. 356

At a joint hearing of the Committee on Courts of Justice and the Agricultur, Mining, and Manufacturing Committee, the Virginia Dairyman's Association and the Virginia Dairy Products Association won a vigorous fight against the proposed transfer of supervision and inspection of dairying from the Department of Agriculture and Immigration to the Board of Visitors of the Virginia Polytechnic Institute and the State Board of Health. 357

The Senate Committee on Courts of Justice also expressed itself as opposed to the provision giving State prohibition and motor vehicle officers general jurisdiction and police power in all criminal

355. Ibid., p. 20.

356. Ibid.

357. Ibid.

cases. ³⁵⁸ On March 25, the committee reported the amended reorganization bill to the Senate, which began immediate consideration of the measure, amendments being reviewed first. ³⁵⁹

Expressing satisfaction with the work done by the Senate on the reorganization bill, Governor Byrd declared that the amendments made to the bill would not materially reduce savings in the cost of operating the government which would have resulted from the original bill. He reminded the General Assembly that the amount of reductions in operating costs would depend upon the reception accorded the budget presented to the legislature in 1928. ³⁶⁰

By March 31, the administrative reorganization bill as passed by the Senate had been approved by the House Finance Committee with three exceptions. Delegate Bear of Roanoke led a fight against the provision placing the Legislative Reference Bureau under control of the Attorney-General, arguing that the bureau held in confidence proposed measures affecting various departments and therefore should not be placed under any particular department, but should remain independent as it was. Opposing the transfer of duties of the Secretary of the Commonwealth to the Department of Corporations and the State Librarian, Delegate Hall was of the opinion that the General Assembly should not anticipate adoption of the amendment abolishing that office. An amendment was offered by Delegate Gordon which would abolish the

358. Ibid.

359. Ibid., March 25, 1927, p. 1.

360. Ibid., March 28, 1927, p. 1.

State Port Authority. He contended that this agency was undertaking duties which rested solely with the Federal government. 361

On April 1 the administrative reorganization bill passed the House of Delegates with the same unanimous vote accorded it in the Senate. 362 Differences between the two bodies were entrusted to a conference committee for settlement. The House and Senate adopted on April 8 the conference report on the bill. The conferees recommended the adoption of all House amendments except that extending to various members of the Motor Vehicle Commission the power to make arrests. The bill confined this power to the bonded inspectors of the Commission. 363

In signing the reorganization bill on April 18, Governor Byrd referred to the measure as the most important single legislative document in the previous 25 years of Virginia's history. Of the three pens used in signing the measure, one was presented to William T. Reed, chairman of the Citizens' Committee, the others going to Senator B. F. Buchanan and Delegate Richard L. Brewer, the legislative patrons of the measure. 364

An examination of the provisions of the reorganization act is now in order.

In addition to the Governor's Office, 365 the act created the following departments: 366

361. Ibid., March 31, 1927, p.28.

362. Ibid., April 2, 1927, p. 8.

363. Ibid., April 9, 1927, p. 3.

364. Ibid., April 18, 1927, p. 1.

365. Commonwealth of Virginia, An Act To Reorganize The Administration Of The State Government, p. 3.

366. Ibid., p. 6.

- (1) Department of Taxation.
- (2) Department of Finance.
- (3) Department of Highways.
- (4) Department of Education.
- (5) Department of Corporations.
- (6) Department of Labor and Industry.
- (7) Department of Agriculture and Immigration.
- (8) Department of Conservation and Development.
- (9) Department of Health.
- (10) Department of Public Welfare.
- (11) Department of Law.
- (12) Department of Workmen's Compensation.

These constitute the same departments provided for in the reports of the Bureau of Municipal Research and the Reed Committee, with the exception of the Department of Workmen's Compensation, the work of which the two investigatory bodies would have placed under the Department of Labor and Industry.

The organization of the Governor's Office established by the reorganization act provided for the same divisions recommended by the Reed Committee, the heads of these divisions to be appointed by the Governor to serve at his pleasure. Retained as associated agencies of the Governor's Office were the Art Commission, the State Port Authority, the Military Board, and the Board of Canvassers. The Commission for the Promotion of Uniformity of Legislation in the United States was, however, abolished.³⁶⁷ It is necessary in this case, as in the case of the administrative departments, to compare these results with the recommendations made by the Bureau and by the Reed Committee.

367. Ibid., pp. 3-6.

The reorganization act did away with the State Tax Commission and created a Department of Taxation embodying all the recommendations of the Reed Committee, the department headed by a State Tax Commissioner serving at the pleasure of the Governor for a term coincident with the term of the Governor. 368

The Department of Finance established by the law resulted from a complete adoption of that phase of the Reed Committee's report which dealt with finance. The Auditor of Public Accounts was made a true auditor; the department itself was given no head and was composed of a Division of Accounts and Control, a Division of Purchase and Printing, a Division of the Treasury, and a Division of Motor Vehicles, each with the powers and duties recommended by the Reed Committee. 369

In reference to the Department of Highways, the reorganization act stated that all existing provisions of law concerning highways, the State Highway Commission, and the chairman of the State Highway Commission would remain in force with the following exceptions: appointment of members of the State Highway Commission was made subject to confirmation by the whole General Assembly instead of by just the Senate alone; the chairman of the State Highway Commission was thereafter to be called the State Highway Commissioner. This amounted to a complete enactment of the Reed Committee's proposals. 370

368. Ibid., pp. 6-7.

369. Ibid., pp. 7-14.

370. Ibid., p. 14.

The Department of Education created by the reorganization act carried out some of the recommendations of the Reed Committee, but not all of them. A provision was incorporated in the law which discontinued the Board of the Virginia Teachers' Colleges and the Board of Visitors of the Virginia Normal and Industrial Institute, pending amendment of the State Constitution to reorganize the State Board of Education, under whose supervision all of these schools would come. The Board of Education was authorized to appoint a board to have direct charge of all these schools. Affiliated with the Department of Education as associated agencies were all those recommended by the Reed Committee. Other provisions of the latter's report were not enacted. 371

According to the provisions of the reorganization act, all existing provisions of law regarding the State Corporation Commission remain in force with a few exceptions. These exceptions constituted a complete adoption of the recommendations of the Reed Committee for a Department of Corporations. 372

The Department of Labor and Industry established by the reorganization act was, for the main part, the same as the Department of Industrial Relations proposed by the Reed Committee. Within the department were included the Bureau of Labor and Industry and the Commissioner of Labor, all provisions of law concerning both to remain in force. The Department of Mines, which was under and subject to control of the Bureau of Labor and Industry, was continued under the

371. Ibid., p. 15.

372. Ibid., pp. 15-16.

name of the Division of Mines. Administration of unemployment compensation was not included in this department as the Reed Committee had proposed. 373

Few changes were effected in the Department of Agriculture and Immigration. All powers and duties of the Board of Agriculture and Immigration, the Commissioner of Agriculture and Immigration, and the Dairy and Food Commissioner in relation to shell-fish were transferred to the State Board of Health. In addition, the Board of Agriculture and Immigration assumed the duties and responsibilities of the Convict Lime Board, which was abolished. Otherwise, all provisions of the existing law remained in force. 374

The full recommendation of the Reed Committee for the Department of Conservation and Development was enacted by the General Assembly, the three commissions involved in conservation work being grouped together to form the department. Continued as an advisory board to the Commission on Conservation and Development, the Board to Place Historical Markers would perform its old functions; vacancies on the board would be filled by the Commission on Conservation and Development. 375

No important changes were made in the health work administered by the State, the State Board of Health and the Health Commissioner being continued in the same status. The Board of Trustees of the Virginia State Diseased and Crippled Childrens' Hospital was

373. Ibid., p. 17.

374. Ibid., pp. 17-18.

375. Ibid., pp. 18-19.

affiliated with the Department of Health as an associated agency. 376

More extensive were the changes in the administration of welfare work. The General Assembly created a Department of Public Welfare headed by the Commissioner of Public Welfare, who was made appointive by the Governor instead of by the State Board of Public Welfare, the appointment subject to the approval of the General Assembly. This had been proposed by the Reed Committee. In addition, the Commissioner was authorized to appoint, subject to the approval of the Board, an Assistant Commissioner of Public Welfare to serve at the pleasure of the former. Adopting the Reed recommendation for abolition of the boards of directors of Virginia's industrial schools, the reorganization act provided that the Virginia Home and Industrial School for Girls and the Virginia Industrial School for Boys be governed by a board of five members, appointed by the Governor and subject to confirmation by the Senate. Known as the Virginia Industrial School Board, it would assume the former powers and duties of the two boards abolished. The act also created a Virginia Industrial School Board for Colored Children to supervise the Virginia Manual School for Colored Boys and the Virginia Industrial School for Colored Girls, whose existing boards of directors were abolished. The newly created board was to consist of five members appointed by the Governor subject to confirmation by the Senate. The Commissioner of Public Welfare was made an ex-officio member of both boards, the members of which would serve terms of four years. Associated agencies of the Department of

Public Welfare, according to the reorganization act, are the State Prison Board, the State hospital boards, and the Commission for the Blind. 377

All the recommendations of the Reed Committee were incorporated in the creation and organization of the Department of Law. In place of the independent Legislative Reference Bureau, which was discontinued, the reorganization act established in the Department of Law a Division of Legislative Drafting to be headed by the Assistant Attorney-General, appointed by the Attorney-General with the approval of the Governor. The independent Board of Censors was replaced by a Division of Motion Picture Censorship in the Department of Law. The division is composed of three censors with equal powers, appointed by the Attorney-General to serve at his pleasure. One of the censors is designated as director of the division by the Attorney-General, all powers and duties formerly exercised by the Board of Censors being centered here. 378

The Department of Workmen's Compensation was created to administer the Workmen's Compensation Act, the Industrial Commission remaining in charge of this work. 379

Those provisions of the reorganization act not dependent on constitutional amendment went into effect on August 1, 1927. Governor Byrd's request for a constitutional amendment providing that no person appointed to any office by the Governor whose appointment is

377. Ibid., pp. 19-20.

378. Ibid., pp. 20-21.

379. Ibid., p. 22.

subject to confirmation by the General Assembly may enter office after the General Assembly refuses confirmation or be eligible for re-appointment during recess of the legislature resulted in a statutory provision which had the same effect. 380

Finally, the reorganization act directed the Governor to furnish the head of each department with a copy of the report of the Bureau of Municipal Research and "direct such head to that part of said report which pertains to his agency, in order that the suggestions.... in relation to administration may be considered and weighed." 381

Prior to the extra session of 1927 Governor Byrd had admitted that the report of the Reed Committee was conservative. However, he advocated enactment of this plan as a firm basis for other reforms which could be dealt with at the regular session of 1928, arguing that it would be unwise to try to accomplish too much at one time. Following the passage of the reorganization act, which incorporated most of the provisions of the Reed report, Byrd implied that there was still further work to be done when he said, "It is true that the reorganization of the State government is not complete. The session of 1926 accomplished certain reforms, the session of 1927 speeded the good work, while other reforms must await the regular session of 1928 and some must await the approval by the people of certain constitutional amendments proposed." 382 Nevertheless, an examination of the legislation of the General Assembly of 1928 shows no evidence, outside of the short ballot amendments,

380. Ibid.

381. Ibid., pp. 23-24.

382. Byrd, Looking Forward, p. 6.

which were approved and passed on to popular vote, of any further reforms in the field of administrative organization. 383

Speaking before the General Assembly of 1928, Governor Byrd maintained that "the reorganization of our State government cannot be complete until the pending amendments to the Constitution are adopted... The amendments are now before you for submission to the voters. I regard constitutional revision as vital to our progress." 384

Among these proposed amendments were the short ballot amendments, which would make the Secretary of the Commonwealth, the Commissioner of Agriculture and Immigration, the State Treasurer, and the Superintendent of Public Instruction appointive by the Governor. They would be appointed for terms of four years in 1930 by the Governor succeeding Byrd, the appointments subject to confirmation by both houses of the General Assembly. After four years should have elapsed, the legislature would have the authority to determine by law the manner in which these officials should be chosen; whether the State should continue gubernatorial appointment or revert to popular election for any or all of them. 385

Throughout the State there was great opposition to these amendments. 386 So intense was the fight over the short ballot that it is still a "hot" issue in State politics today. 387

383. Morrissett, Virginia Statutes of 1928, passim.

384. Byrd, Virginia's Business Government, pp. 46-47.

385. Byrd, A Discussion of The Plan To Increase Governmental Efficiency, p. 3.

386. Byrd, "Administrative Reorganization in Virginia," a speech reprinted in the Virginia Institute of Citizenship and Government, pp. 36-38.

387. Interview with Thomas W. Ozlin of The State Corporation Commission.

The opposition to adoption of the short ballot proceeded from several sources: sincere but unthinking opposition; demagoguery; religious opposition; purely political opposition.

Many citizens sincerely believed that the adoption of the short ballot amendments would deprive the people of power to exercise control over their government. Victims of the old fallacy that the more popularly elected officials there are in a government, the more subject it is to popular control, they offered, on the whole, unintelligent and illogical opposition to the program, believing that the people were being deprived of their rights.³⁸⁸ This despite the fact that the short ballot principle had been heartily endorsed by every living American writer on political science.³⁸⁹

Demagogues played upon the emotions of the people by vehemently denouncing the 'infamous attempt to rob the people of their rights' and, unfortunately, succeeded in arousing considerable opposition through use of these tactics.³⁹⁰ By playing on the natural jealousy of people as to their voting powers, the demagogues caused the members of the General Assembly to shy away from the short ballot because of its possible political consequences.³⁹¹

Fantastically enough, the opposition to the short ballot even had its religious aspect. Shortly prior to the period of the short ballot fight, the State Treasurer died and was replaced by an

388. Interview with Carlyle Havelock Morrissett, State Tax Commissioner.

389. Goolrick, The Short Ballot, p. 5.

390. Interview with C. H. Morrissett.

391. Interview with T. W. Ozlin.

appointee of the Governor to fill the unexpired term of the deceased. Unfortunately, the appointee was a Catholic, and many groups, especially members of the Ku Klux Klan, saw in the short ballot program a diabolical plan to keep him in office and even to make the whole administration Catholic. 392

Republican opposition, which has been mentioned previously, was purely political in nature. It was not based on sincere conviction but was the customary attitude taken by any political party toward the program of its opponents. 393

In addition, there was a great deal of misunderstanding throughout the State as to the nature and purpose of the short ballot amendments. Some people even thought that the amendments gave the Governor authority to appoint Virginia's members of Congress; others believed they gave the Governor power to appoint all local officers. 394

Several well known citizens of Virginia expressed representative opinions of the short ballot program in the public hearings of the Prentis Commission.

Dr. Douglas S. Freeman gave his support to the program, describing it as "the most forward looking movement of anything in Virginia in my recollection." He expressed the belief that it would coordinate the government and make the Governor the real executive that he should be. 395

392. Interview with C. H. Morrisett.

393. Interview with C. H. Morrisett.

394. Byrd, The Constitution of Virginia, p. 20.

395. Commission To Suggest Amendments To The Constitution of Virginia, Public Hearings Of The Commission, pp. 26-27.

Representing the Virginia League of Women Voters, Miss Adele Clark endorsed all the amendments suggested by Byrd to make the Governor the responsible head of the State administration. 396

On the other hand, Mr. Harris Hart, Superintendent of Public Instruction, opposed the proposed amendment to make the Superintendent of Public Instruction an appointee of the Governor. Instead he favored appointment of this officer by the State Board of Education, which would be composed of gubernatorial appointees. 397

Robert B. Tunstall expressed the same opinion, throwing his full support, however, behind the other short ballot amendments. 398

Numerous arguments were advanced in support of this reform.

Governor Byrd pointed out the advantages of appointment of these officers. Under existing conditions the Governor could offer persuasive excuses for failures in his administration. If the Governor were given adequate power, the electorate might demand results, not excuses. In possession of adequate power to perform his duties, he would alone be responsible for the success or failure of his administration. The expense of a statewide electoral campaign was another argument advanced by Byrd in support of the short ballot amendments, since this expense acted to exclude from office many persons of small means without reference to their competence. Finally, using the chairman of the State Highway Commission

396. Ibid., p. 122.

397. Ibid., pp. 2*3.

398. Ibid., pp. 139-140.

as an example, he maintained that where the Governor appoints officials and has the power of removal, efficient administration results. "Why rely," reasoned the Governor, "upon the Governor to select important State officials... and then argue that dire calamities will follow the logical return to the system of appointment of four administrative officers that prevailed in this State until 25 years ago." 399 The short ballot had been used in Virginia from the time of the Constitutional Convention of 1849-50 until its abandonment at the Constitutional Convention of 1902. 400

The Bureau of Municipal Research reported that elected officials were maintaining expensive political patronage which neither the Governor nor the General Assembly were able to eliminate. Its opinion was that adoption of the short ballot would relieve this burden. 401

Mr. C. O'Connor Goolrick in a widely publicized debate on the short ballot issue argued, "When a man who has rendered such distinguished public service as the present Governor of Virginia places himself squarely behind a proposed reform such as this, there seems little danger that those who have benefited so largely by his work can go wrong in continuing to follow his leadership." 402 In addition to the arguments already put forward, he pointed out that in a primary or general election the spotlight of attention is on the candidates for Governor and to a lesser extent those for Lieutenant-

399. Byrd, A Discussion Of The Plan To Increase Governmental Efficiency, p. 7.

400. Goolrick, op.cit., pp. 4-5.

401. N.Y.B.M.R., op.cit., p. 8.

402. Goolrick, op.cit., p. 7.

Governor and Attorney-General. Thus the candidates for the remaining offices are really lost sight of by a large majority of the people. ⁴⁰³ At the preceding primary election the candidates for Governor received 10,000 more votes than were cast for any other candidates on the list, thus showing the tendency to draw attention from the candidates for other positions. ⁴⁰⁴

Along this same line Mr. Morrissett has explained that in most cases no opposition was ever offered the incumbents of the positions involved; whenever there was opposition, it was weak, and, almost invariably, the incumbent was re-elected. ⁴⁰⁵ Mr. Morrissett was of the opinion that the importance of the short ballot resolution had been exaggerated, the objection that it deprived the people of their rights being entirely unfounded. To back up this contention, he showed that two of the officers involved were responsible to the boards of their respective departments and not to the people, the officers being the Superintendent of Public Instruction and the Commissioner of Agriculture and Immigration. In both cases the boards gave the orders which were carried out by the executive officer whether he approved them or not. Neither board was elected by the people, and, with few exceptions, all powers exercised were vested in the boards and not in their executive officers. The State Treasurer, while not responsible to any board, held a job purely ministerial in character and had no control over policies. ⁴⁰⁶

403. Ibid., p. 9.

404. Byrd, The Constitution of Virginia, p. 22.

405. Interview with C. H. Morrissett.

406. Morrissett, Proposed Amendments To The Constitution of Virginia, pp. 29-30.

Mr. Goolrick held up the Federal government as an example, pointing out that cabinet members were appointed, not elected. In answer to the argument that few American States had adopted the short ballot, he replied that, while this was true, Virginia had traditionally been a leader among the States and has not waited to follow others. 407

When opponents maintained that adoption of the short ballot would result in the abuse of appointive power by the Governor, Governor Byrd outlined the following safeguards: 408

(1) Nominations must be confirmed by both the House of Delegates and the Senate, independently of each other.

(2) The Attorney-General would remain an elected official and would act as a check on the chief executive when the powers of the Governor should require interpretation.

(3) The Auditor of Public Accounts, elected by the General Assembly, would act as an independent check on all financial transactions.

(4) The Governor remained subject to impeachment.

(5) The Governor cannot succeed himself.

(6) After a trial of the appointment method for four years the General Assembly would be able to change, if it so desired.

(7) The Auditing Committee of the General Assembly would have power to investigate, independently of the Governor, all receipts and expenditures.

407. Goolrick, op.cit., p. 11.

408. Byrd, A Discussion Of The Plan To Increase Governmental Efficiency, pp. 5-6.

Byrd pointed out that the Governor exercises the pardoning power - an authority much greater with need for discretion much more delicate than the appointment of a few governmental officials. Yet Virginia's Governors had commanded public confidence in the exercise of this power. 409

Byrd constantly emphasized his desire only to give Virginia one of the most efficient governments in the Union and to economize, pointing out that the proposed amendments would not increase his own powers, since they would not be effective during his term of office. 410 He pointed out also that, while the Governor gained three appointments, he would lose appointment of the three members of the State Corporation Commission, if the proposed constitutional amendments were adopted. 411

The short ballot amendments, along with the other constitutional amendments already discussed, were submitted to the people by the General Assembly of 1928. 412 Many of these were intimately related to the reorganization program. Included were amendments providing for election of members of the State Corporation Commission by the General Assembly, 413 abolishing the office of Commissioner of State Hospitals, 414 and providing for the members of the State Board of Education to be appointed/subject to confirmation by the General Assembly. 415

409. Byrd, The Constitution of Virginia, p. 23.

410. Ibid., p. 1.

411. Byrd, "Administrative Reorganization in Virginia," a speech reprinted in the Virginia Institute of Citizenship and Government, pp. 38-39.

412. Hutchinson, Secretary of The Commonwealth, Proposed Amendments To The Constitution Of Virginia Submitted For Ratification or Rejection by The People of Virginia, pp. 27 and 68-69.

413. Ibid., p. 44.

414. Ibid.

415. Ibid., p. 41.

In an extremely close ballot all the proposed constitutional amendments were adopted by a vote cast in the special election held on June 19, 1928, the following vote being recorded: 416

(1) State Treasurer amendment:

For: 68,665.
Against: 65,816.

(2) Superintendent of Public Instruction amendment:

For: 68,756.
Against: 65,695.

(3) Commissioner of Agriculture and Immigration amendment:

For: 69,034.
Against: 65,176.

(4) All other amendments included in a general proposal for the revision of the Constitution:

For: 74,109.
Against: 60,531.

Now an evaluation of the accomplishments of the reorganization is in order. Just how far did the reorganization go toward attaining the goals of responsibility, economy, efficiency, and simplicity?

In a general statement regarding the accomplishments of the program, Mr. Goolrick affirmed that "Governor Byrd's administration... has given to the State more sound, progressive, constructive governmental reforms than any preceding administration in the memory of those of

416. Secretary of The Commonwealth, Statement Of The Vote For and Against Certain Proposed Amendments To The Constitution of Virginia, pp. 10-11.

the present generation, and the State is heavily indebted to Governor Byrd for once again placing Virginia in the van of American Commonwealths." 417

In the general mad scuffle to rub hands gloatingly and point with pride to the amount of money saved by the reorganization, many failed to consider what the author feels to be the most important objective of the program, the creation of a responsible government. This objective was largely attained.

Of the twelve administrative departments created, six were placed under the jurisdiction of single officials appointed by the Governor. This was due largely to adoption of the short ballot amendments. Of the other six departments, four were composed of or placed under the authority of commissions or groups of individual officers appointed by the Governor. The head of the Department of Law, the Attorney-General, remained a popularly elected official, while the members of the State Corporation Commission became appointees of the General Assembly. Since all of the administrative agencies of the State were incorporated within these departments, it is seen that the activities of Virginia's government were almost completely headed up to the Governor as the one official responsible to the people for a just and efficient administration.

Not only was the Governor authorized to appoint his principal administrative officers, for the first time in Virginia's history he was empowered to remove at pleasure the heads of the administrative departments. Thus, the Governor's administrative subordinates were

made really responsible to him. Of course, this did not mean that they would be removed merely at the whim or the choice of the Governor, but for cause. Under the old system the Governor was compelled to present proof of inefficiency before the General Assembly in order to dismiss an officer. Without being compelled to prefer charges before the General Assembly, the Governor could, after enactment of the reorganization program, remove at pleasure ten of the twelve department heads (including individual heads and commissions). 418

In order to take advantage of the introduction of the principle of responsibility, Governor Byrd announced his intention to hold regular cabinet meetings of the heads of the twelve administrative departments, the purpose being to coordinate more closely the work of the State and to give the Governor the benefit of the advice and counsel of "the splendid officials who head our State departments." 419

Concentration of responsibility was also accomplished by the administrative reorganization, over thirty boards, bureaus, and commissions being abolished with their work placed under existing offices and agencies appointed by the Governor. 420 The abolition of these agencies did, however, result in the loss of sixty major appointments by the Governor, but this also contributed to concentration of responsibility. 421

418. Byrd, "Administrative Reorganization in Virginia," a speech reprinted in The Virginia Institute of Citizenship and Government, p. 32.

419. Byrd, Program of Progress (Senate Document No. 5), p. 12.

420. Ibid.

421. Byrd, "Administrative Reorganization in Virginia," a speech reprinted in The Virginia Institute of Citizenship and Government, p. 31.

Mr. Morrissett agrees that the reorganization of 1927-28 greatly increased the stature of the Governor, looking upon that reorganization as a great step in the constant trend since 1918 to increase the powers of the Governor. He recalled the time when the position of Governor of Virginia carried with it little more than social prestige. ⁴²²

Two of Virginia's Governors have recognized the importance of the principle of a responsible government. Speaking before the General Assembly of Virginia, Governor James H. Price, in describing the accomplishments of the reorganization, asserted that it went a long way toward making the Governor the business manager of the State government. ⁴²³ The principle of responsibility has been spoken of by Governor Darden as undoubtedly the greatest contribution of the reorganization. It is his belief that this goal was completely achieved; that there are no instances in which responsibility to the Governor is lacking where it ought to exist. ⁴²⁴

With respect to the degree of economy effected by the reorganization, Governor Byrd estimated that the net savings resulting would be approximately \$800,000 annually. ⁴²⁵ There was, however, considerable variation in the estimates of expected savings; e.g., Dr. D. S. Freeman predicted that the saving would not exceed \$100,000

422. Interview with C. H. Morrissett.

423. Price, Administrative Reorganization (House Document No. 10), p. 5.

424. Interview with Colgate W. Darden, Jr., Governor of Virginia.

425. Byrd, Looking Forward, p. 9.

annually. ⁴²⁶ Others claimed that the reorganization would not save a single dollar for the State. ⁴²⁷

An accounting expert advised Governor Byrd that the new financial system would result in savings from three different sources: reduction of unnecessary expenditures; collection of revenues then lost to the State; expenditure of public funds with greater advantage to the State. ⁴²⁸

Considerable difference of opinion still exists as to whether the reorganization effected any savings and, if so, just how much those savings amount to. ⁴²⁹ It has been claimed by Mr. Morrissett that the predicted annual savings of \$800,000 have been realized. He points out that the introduction of a complete system of centralized purchasing has alone saved the state \$100,000 annually. In addition, the new accounting system has resulted in large collections of interest on daily balances, these having increased by about \$200,000 annually since the reorganization got thoroughly under way. ⁴³⁰ However, since 1933 interest rates on deposits have been greatly depressed, and this factor has lost its importance. The State Tax Commissioner also pointed to the considerable increase in revenue collected by the State due to reorganization of the State's tax collecting machinery. ⁴³¹ Judge Ozlin belongs to the school which holds that not much, if any, money has been saved as a result of the reorganization. ⁴³²

426. Richmond News Leader, April 2, 1927, p. 8.

427. Byrd, Looking Forward, p. 5.

428. Byrd, Virginia's Business Government, pp. 14-15.

429. Interview with T. W. Ozlin.

430. A statement prepared by C. H. Morrissett, January 1, 1930.

431. Interview with C. H. Morrissett.

432. Interview with T. W. Ozlin.

The third objective of the reorganization was increased governmental efficiency. Governor Byrd wisely reminded, "We should also bear in mind that many efficiencies of government are not directly reflected in reduced expenses. Such economies are frequently applied to increased public demands and by many economies progress of the State is made possible without increasing the existing tax burden. In fact, the money saved by increased efficiency of our governmental administration should result in a benefit at least as great as the actual savings." 433

Dr. Freeman stated that the degree of administrative efficiency introduced by the consolidation of governmental agencies into an orderly scheme would by itself have justified the trouble and expense of effecting the reorganization, 434 predicting that "the effect of the administrative reorganization will be felt in nearly all the departments of government. Operation will be smoother. Lost motion will be reduced." 435

Judge Ozlin emphasizes as the most far reaching accomplishment of the reorganization the fact that, as a result, Virginia's government has become a great^{deal} more efficient and less cumbersome. 436

The most important single area in which efficiency was increased was in the field of fiscal administration. Governor Byrd stated that he regarded as the most fundamental and desirable changes those made in the State's financial system. Where there had formerly been a very loose handling of funds, the new system is such that

433. Byrd, Looking Forward, p. 9.

434. Richmond News Leader, April 2, 1927, p. 8.

435. Ibid., April 9, 1927, p. 8.

436. Interview with T. W. Ozlin.

"every night at six o'clock the Governor can call up the Treasurer of the State and find out the balance in the State Treasury at that time." 437

In Byrd's opinion, the changes in the financial system of the State alone were worth more than the cost of the entire reorganization. 438

In later years Governor Price recognized as one of the outstanding accomplishments of the reorganization the establishment of the fundamental principles of good fiscal administration through the creation of the Department of Finance, 439 the establishment of which Dr. Freeman has called the greatest and most significant change effected by the reorganization bill. 440 Mr. Morrissett is also of this opinion. 441

In reference to the changes in fiscal administration, Mr. A. B. Gathright, formerly Comptroller of Virginia, has stated, "Adequate and direct accounting control over the revenues and expenditure of the State was recognized in the plan of general reorganization of the government in 1927 and 1928 as vital to the successful and business-like administration of the State's fiscal affairs.... Centralized accounting has been in effect for nearly six years. Its operation during this period has proved the wisdom of its adoption." 442

Shortly after its adoption the Governor was informed by competent authorities that the installation of the new financial plan

437. Byrd, "Administrative Reorganization in Virginia," a speech reprinted in the Virginia Institute of Citizenship and Government, p. 32.
438. Byrd, Looking Forward, p. 7.
439. Price, op.cit., p. 5.
440. Richmond News Leader, April 9, 1927, p. 8.
441. Interview with C. H. Morrissett.
442. Pollard, A Brief Summary of The Work of The Several Departments of Government (Senate Document No. 1), p. 18.

would give Virginia a central system of accounting and control not excelled by any other State in the Union and equalled by only two other States. ⁴⁴³ After the system had been in operation for over ten years, Mr. E. R. Combs, Comptroller during Governor Peery's administration, outlined its advantages as follows: the Governor is advised daily of the exact condition of the Treasury; a balance sheet for the Commonwealth is prepared monthly, showing in cash the actual surplus or deficit; a statement of cumulative revenues and expenditures is prepared each month; funds collected by all the collecting agencies of the State government are promptly deposited with the Treasury; there is a pre-audit on all expenditures, as well as a post-audit; detailed monthly statements are made of the revenues and expenditures of each of the various agencies of government, with a comparison to the previous fiscal period. ⁴⁴⁴

Outside of the field of fiscal administration, a large degree of efficiency was introduced by consolidating agencies which duplicated each other's work and by placing related agencies together in the same department.

The great simplification of administrative structure effected by the reorganization is too obvious to require extensive comment. Grouping of related agencies into twelve different departments, the abolition of numerous agencies, the elimination, in many cases, of divided authority, the accomplishment of a more logical allocation

443. Byrd, Virginia's Business Government, p. 14.

444. Peery, A Brief Summary of The Work of The Several Departments of Government (Senate Document No. 1-A), p. 21.

of powers - all contributed to increased simplification of administrative processes.

Numerous criticisms of the 1927-28 reorganization have been made as to its mistakes and inadequacies.

One criticism was that the program adopted smacked too much of politics. It was charged that many valuable recommendations of the Bureau of Municipal Research were deliberately discarded in the interest of continuance in office of certain persons. Governor Byrd vehemently denied this, claiming that such statements were "born out of partisan jealousy... broadcast with an... obvious desire to mislead the public." Championing the work of the members of the Reed Committee, he asserted, "The labors of these men and women, without compensation, were patriotic and progressive, and it would be a sad reward for their disinterested services to the State if any number of the people of Virginia could be persuaded that partisan motives animated and restricted their work." ⁴⁴⁵ Considering the character of the personnel of the Reed Committee, such a criticism seems entirely unfounded; but other more fundamental and justifiable criticisms have been made of the reorganization.

The strongest criticisms of the administrative structure since 1928 have to do with the Department of Conservation and Development, the Department of Finance, the Department of Public Welfare, and the Division of Motor Vehicles of the Department of Finance. ⁴⁴⁶

445. Byrd, Looking Forward, p. 5.

446. Price, op.cit., passim.

The principal attack on the first three has been that they are not really departments at all, that they are only "departments on paper." None of the three has a single administrative head responsible for the work of all the agencies included within the department; each one is composed of a number of administrative units which are independent of each other in every respect except that on paper they belong to the same department. Vigorously attacking this weakness before the General Assembly of 1940, Governor Price contended, "The 1928 reorganization contemplated a much more integrated type of operation than has been attained in some departments of the government and we have been brought face to face with the sad realization that merely calling a group of agencies a department in an act of the legislature does not necessarily make it so. The need for establishing a unified departmental organization and integrating the various operating procedures have generally been overlooked." 447

Suggesting that the time had come to dust off the study of the State government prepared by the Bureau of Municipal Research, he urged that the legislature take action on certain of its recommendations. 448

Criticism of the organization of the Department of Conservation and Development came to a head when Governor Price called it "a department in name only," pointing out that its work was performed by three entirely independent agencies; that many services were duplicated; that the three agencies of the department were commissions,

447. Ibid., p. 5.

448. Ibid., p. 15.

which had been held by experts in public administration to be ineffective in an administrative capacity. Price favored a merging of the three commissions to form a real department, which would have an administrative head assisted by a policy-formulating board appointed by the Governor, with no administrative powers, however. This accomplished, the work of the department could be separated into functional divisions. ⁴⁴⁹ Such was the procedure recommended in the report of the Bureau of Municipal Research.

There has been a considerable degree of variation of opinion as to the desirability of the consolidation of the three commissions. A man as politically prominent as Governor Darden has, at different times, been on both sides of the issue. Still uncertain as to whether the consolidation should take place, he doubts whether they have enough problems in common to make this necessary. On the other hand, he feels that the system of exchange of information employed by the three commissions has not been very effective. ⁴⁵⁰

The commission appointed by the General Assembly to consider Governor Price's proposals did not agree that consolidation was necessary in the Department of Conservation and Development. A study of the question led the commission to the conclusion that diversity and not similarity predominates in the work of the three commissions; that, though some of the work of the three is related, there is no evidence of duplication; that consolidation would not be in the public interest. There was the conviction, however, that there should be

⁴⁴⁹. Ibid., pp. 14-16.

⁴⁵⁰. Interview with C. W. Darden, Jr.

more complete cooperation between the agencies, the commission proposing the creation of a departmental committee on cooperation and coordination composed of the chairmen of the three commissions for that purpose. 451

Nevertheless, Dr. Robert H. Tucker of Washington and Lee, who served as a member of the commission, included a supplementary statement to the report of the commission in which he stated that "I have long felt that in the case of the several conservation agencies the ultimate solution lies in bringing these agencies into a well-organized department of conservation. Appropriate functional divisions would serve to coordinate, and at the same time keep intact, the different phases of the work." 452

Mr. Morrissett, though he feels that theoretically a consolidation under one responsible head would be desirable, points out the political difficulties of the step. The commercial fishermen, with whom the Commission on Fisheries deals, and the sportsmen of the State, with whom the Commission on Game and Inland Fisheries is concerned, both oppose the consolidation vigorously and carry sufficient weight to make the General Assembly hesitate to undertake such legislation. 453

Though the issue is controversial, the virtue of placing three commissions together and calling them a department is questionable. Just what is accomplished by this? Not only is there this three-way division of authority within the department, but the three commissions of which it is composed are physically separated. Judge Ozlin explains that they were placed in one department because of the similarity of their work. 454 If

451. Commission To Study The Reorganization of Certain State Departments and Agencies, Report To The Governor and General Assembly of Virginia, pp. 14-15.

452. Ibid., p. 19.

453. Interview with C. H. Morrissett.

454. Interview with T. W. Ozlin.

their work is so related, however, why not place them under a single administrator? If not, recognize them officially as independent and discontinue the farce of calling them a department. The only iota of virtue which has been brought forward in defense of the present arrangement is Mr. Morrissett's suggestion that by grouping the three commissions together, if only on paper, the way is broken for future consolidation when public sentiment changes to support the move. ⁴⁵⁵

Since the 1927-28 reorganization, the failure to provide a Commissioner of Finance to head the department of that name has been the subject of considerable controversy. Arguments have been developed both for and against the action of the 1927 General Assembly, which was deliberate. ⁴⁵⁶ The Department of Finance was created without a single administrative head, according to Governor Byrd, in order to preserve the principle of checks and balances, each official of the department being independent of the others. ⁴⁵⁷ It was contemplated that the Governor would in practice become the real head of the Department of Finance. ⁴⁵⁸

The opinions of two of Virginia's Governors as to the need of a single head for the Department of Finance are so diametrically opposed as to leave one in a quandary.

Governor Darden unhesitatingly asserts that there is no necessity whatsoever for a Commissioner of Finance, the Governor not

455. Interview with C. H. Morrissett.

456. Commission To Study the Reorganization of Certain State Departments and Agencies, op.cit., p. 12.

457. Byrd, Virginia's Business Government, pp. 13-14.

458. Richmond News Leader, April 9, 1927, p. 8.

being so overburdened with administrative detail of the department as to hinder the performance of his other duties. ⁴⁵⁹

Very little support has been found for the suggestion that the proposed Commissioner of Finance be an official separate and distinct from any division head of the Department of Finance. This has been due primarily to the fact that no evidence is presented that a full-time supervisory officer is needed. The bulk of support has been placed behind the proposal that one of the division heads of the department be designated Commissioner of Finance. ⁴⁶⁰ It was this procedure that was urged by Governor Price. He pointed out that the Department of Finance was not a real department, existing only in the voluntary cooperation of the heads of the four divisions of which it was composed and in the power of the Governor to hold these divisions in line. His experience indicated that the divisions duplicated each other's work, make unnecessary separate reports, and caused delays and misunderstanding where problems affect two or more divisions, each of which have to be dealt with separately by the other executive agencies of the government. As a result, the Governor had become, in practice at least, the head of the Department of Finance, being overburdened with an unbearably heavy load of administrative detail in the direction and coordination of the State's financial affairs. Consequently, Governor Price recommended that the Governor be empowered to appoint one of the department's division heads (either the Treasurer, the Comptroller, or the Director of Purchase and Printing) as Commissioner of Finance. ⁴⁶¹

459. Interview with C. W. Darden, Jr.

460. Commission To Study The Reorganization Of Certain State Departments and Agencies, op.cit., p. 12.

461. Price, op.cit., pp. 5 and 12-13.

The commission appointed to study Governor Price's proposals failed to concur in his judgment. It opposed the creation of the office of Commissioner of Finance on three grounds. In the first place, there had not been sufficient increase in the amount of work in the Department of Finance since 1927 to justify the creation of such an office. Second, the work falling on the shoulders of each division head is sufficient to require his entire time and energy; if any of the division heads should be given jurisdiction over the entire department, the work of his division would suffer. Finally, giving supervisory jurisdiction to one division head over the others would impair rather than promote the "efficient system of checks and balances" required by Section 84 of the Constitution of Virginia for "the officers... entrusted with collection, receipt, custody, or disbursement of the revenues of the State." 462

Adding still further to the confusion on this issue, Mr. Morrisett contends that the office of Commissioner of Finance would be an "unnecessary super-imposition,"⁴⁶³ while Judge Ozlin feels that "it makes for fiscal soundness to have a single responsible head of the Department of Finance." 464

Junius P. Fishburn, chairman of the Commission on Reorganization, included a supplementary statement to the report expressing the opinion that sooner or later circumstances will necessitate a chief financial officer other than the Governor, who is overwhelmed with detail work. 465

462. Commission To Study The Reorganization of Certain State Departments and Agencies, op.cit., pp. 12-13.

463. Interview with C. H. Morrisett.

464. Interview with T. W. Ozlin.

465. Commission To Study The Reorganization of Certain State Departments and Agencies, op.cit., p. 20.

It is difficult to formulate any definite conclusion on this point because of the conflicting testimony. However, logical fallacies are to be noted in the arguments of the commission which studied the recommendations of Governor Price. While the commission argues on the one hand that the administrative detail of the Department of Finance is not great enough to overburden such a tremendously busy official as the Governor of Virginia, yet this same administrative detail would keep a division head from performing his duties efficiently if he were appointed Commissioner of Finance, a position the Governor already fills in practice. These two positions just don't add up. In addition, there is the impossibility of reconciling the viewpoints of Darden and Price. Nevertheless, whether the administrative detail handled by the Governor in the supervision of the Department of Finance overburdens him or not, it is a recognized principle of good government and good business that the chief executive of any enterprise should be concerned only with policies, leaving detail work to his subordinates. Considering the extent of the work of the division heads and the provisions of Section 84 of the Constitution, the best solution seems to be in the creation of a full-time Commissioner of Finance.

Governor Price also described the Department of Public Welfare as a "paper department," pointing out that it was composed of six completely independent agencies: ⁴⁶⁶

- (1) State Board of Public Welfare.
- (2) State Hospital Board.
- (3) State Prison Board.
- (4) Virginia Commission for the Blind.
- (5) Virginia Industrial School Board.
- (6) Virginia Industrial School Board for Colored Children.

Such an organizational structure had a number of defects: it resulted in the separation of closely related functions with lack of continuity in planning and carrying out of programs; it unduly emphasized the custodial aspects of the problem; it produced serious omissions in our welfare program; the exact roles and responsibilities of the agencies operating in the department had not been clearly defined. ⁴⁶⁷

As corrective measures, Governor Price proposed that the five boards and commissions operating in the fields of public welfare, prisons, mental hospitals, and juvenile correction be consolidated into three departments, their functions being inherited by the Commissioner and Board of Public Welfare, the Director of Hospitals and the Hospital Board, and the Superintendent of the Penitentiary and the Prison Board. ⁴⁶⁸

In the main, the Commission on Reorganization endorsed Price's recommendations. It was proposed that the Virginia Industrial School Board and the Virginia Industrial School Board for Colored Children be discontinued, the State Board of Public Welfare assuming their powers and duties. Additional proposals advocated creation of a Department of Mental Hygiene and Hospitals and a Department of Corrections. Contrary to Price's suggestion, the commission recommended that the Commission for the Blind be continued in its existing status. ⁴⁶⁹

The seeming unanimity of opinion as to this executive department points out in relief some of the inadequacies of the 1927-28 reorganization. It seems unfortunate that the Commission for the Blind

467. Ibid., pp. 7-8.

468. Commission To Study The Reorganization of Certain State Departments and Agencies, op.cit., p. 8.

469. Ibid., pp. 9-11.

remains independent of the rest of the Department of Public Welfare.

The location of the Division of Motor Vehicles in the Department of Finance was criticized as illogical by Governor Price. He reasoned that the collection of gasoline taxes and the licensing of motor vehicles properly belongs in the Department of Taxation, while highway patrol activities should be attached to the Governor's Office under a Division of Highway Patrol. Arguing that the Department of Taxation should be the single revenue agency of the State government, Price expressed the belief that tax avoidance and tax evasion would be appreciably reduced if the tax and licensing functions of the Division of Motor Vehicles were transferred to that department. This argument had as its basis the reliable principle of taxation that all tax information tends to fit together and act as a check upon itself. ⁴⁷⁰

Theoretically Governor Price's contention was correct. On the other hand, Virginia's wise and efficient Tax Commissioner points out that there is no evidence that any benefit would be derived from the transfer or that any saving would result; that the Division of Motor Vehicles was originally placed in the Department of Finance because there was no other place to put it, it being thought that no benefit would be derived from placing it in the Department of Taxation. ⁴⁷¹ Irregardless of any benefits which might be derived in the form of direct savings or increased administrative efficiency, there seems to be little justification for not placing an agency primarily for the administration of taxes in the Department of Taxation where it logically belongs. The

470. Price, op.cit., pp. 5 and 12.

471. Interview with C. H. Morrisett.

highway patrol functions of the Division of Motor Vehicles could then be assumed by a division either of the Governor's Office or of the Department of Law.

In addition to these major criticisms offered by Governor Price, there are numerous features of the administrative structure affected by the 1927-28 reorganization which merit brief comment.

Notwithstanding all the benefits derived from the short ballot, there have been unfortunate effects. The latter have their basis in the natural desire of each Governor to name his successor and the natural desire of every office holder to retain his position. In order to make sure that they keep their jobs, appointed officials tend to line up on the side of the person favored by the Governor as his successor. Using their positions as directors of large blocks of government personnel which they appoint and dismiss, they can influence a considerable number of votes. Despite this defect the short ballot has proved its worth in promoting a responsible government. 472

Contrary to the recommendations of the Bureau of Municipal Research, it will be noticed that a number of boards and commissions have been retained exercising administrative powers. In theory this is an undesirable condition, but Mr. Morrissett has pointed out the extreme difficulty of separating the several powers of government. For example, the State Corporation Commission exercises administrative, judicial, and legislative powers which are inextricably related, while the Industrial Commission is both an administrative and judicial body at one and the

same time. ⁴⁷³ According to some eminent lawyers, the State Corporation Commission is really a "fourth department" of government, exercising ~~the~~ powers of the other three. Judge Ozlin strongly supports the retention of the commission, feeling that a separation of its powers is impossible. ⁴⁷⁴ Governor Darden defends the retention of boards and commissions on the grounds that they bring a diversity of opinion from various sections of the State, being extremely desirable for policy-making. ⁴⁷⁵ The complexity of many modern laws make commissions absolutely necessary, according to Judge Ozlin; he contends that there is no other practical device for enforcing many laws. ⁴⁷⁶

Election of members of the State Corporation Commission by the General Assembly has come in for its share of criticism. It is argued that such a procedure violates the principle of administrative responsibility to the Governor. Judge Ozlin defends the existing system on the basis of the Commission's judicial powers. In order to preserve consistency, its members should be subject to legislative appointment just as all other State judges. ⁴⁷⁷

In accordance with the principle that all taxes should be administered by one administrative unit, it has been suggested that the administration of certain corporate taxes be transferred from the State Corporation Commission to the Department of Taxation. Theoretically sound, such a change has practical difficulties and would probably result in increased costs. The Corporation Commission employs engineers

473. Interview with C. H. Morrisett.

474. Interview with T. W. Ozlin.

475. Interview with C. W. Darden, Jr.

476. Interview with T. W. Ozlin.

477. Interview with T. W. Ozlin.

who assess corporate taxes and who also perform other functions. Transfer to the Department of Taxation would result in an increase in personnel and thus in increased costs. Moreover, the Corporation Commission is in possession of extensive information which aids in the administration of these taxes. 478

The criticism has justifiably been made that the State of Virginia hired the Bureau of Municipal Research to make a study of its government and then failed to incorporate the valuable recommendations made for the internal organization of the departments. An examination of the present internal organization of the executive departments bears this out, very few departments having adopted the functional hierarchies outlined by the Bureau. 479 An exception is the Department of Taxation which portrays the ideal departmental organization; its director explains, however, the difficulties of instituting such a desirable internal structure in many other departments. 480 It seems, nevertheless, that many practical reforms can and should be effected in this field.

The bad judgment of the General Assembly in combining the regulation of insurance and banking under a Division of Banking and Insurance in the Department of Corporations was admitted when the functions were separated in 1938. There having been no relation between the insurance and banking work, the only noticeable result had been confusion. 481

478. Interview with T. W. Ozlin.

479. Price, Handbook on The Organization and Activities of The Executive Departments of The Commonwealth of Virginia, passim.

480. Interview with C. H. Morrissett.

481. Interview with T. W. Ozlin.

Attorney-General Abram P. Staples has pointed out one of the inadequacies of the reorganization. Even after the adoption of the program most of the larger executive departments of the State employed special legal counsel, who attended the legal work of these departments. In 1934 this was changed, all the legal work of the State government being carried on exclusively by, or under the supervision of, the Attorney-General and his staff. 482

The reorganization of 1927-28 introduced certain dangers. Since the position of Governor became considerably more powerful as a result, the dangers of making a poor selection for Governor have increased. A Virginia "Huey Long" could wreak havoc in possession of these increased powers. Virginia seems fairly safe from such a misfortunate occurrence. Mr. Morrissett, in discussing this danger, asserted that "as long as Harry Byrd lives and his political leadership continues, we have little to fear in regard to getting a bad Governor." This statement had reference to the so-called "Byrd machine" in Virginia, so often mentioned in the public press. Fortunately, Byrd and his followers have succeeded in providing Virginia with three Governors who have not misused their powers. While the former Governor cannot arbitrarily select the chief executive of the Commonwealth, Mr. Morrissett admits that "the support of Senator Byrd is a strong factor in insuring the election of a man for Governor. The man must previously, however, have gained strong support among the people of Virginia." 483

The general criticism has often been made that the reorganization of 1927-28 did not go far enough. This criticism is to a certain

482. Peery, *op.cit.*, pp. 17-18.

483. Interview with C. H. Morrissett.

degree justified, but certain factors must be taken into account. Observers look at the recommendations of the Bureau of Municipal Research, compare them with those of the Reed Committee, and then express surprise that such a conservative program was adopted. In this instance one must recognize the difference between what is most desirable and what can actually be accomplished. Certain factors made impossible the adoption of a more extensive reorganization. The Reed Committee endorsed those recommendations of the Bureau of Municipal Research which it considered practical. In the first place, no outside organization can in a short period of time become familiar enough with the traditions and thinking of the people of the State to make recommendations that will be completely practical. In the second place, when the Reed Committee called a proposal impractical, it did not necessarily mean that the suggested reform would not be desirable or workable; for the most part it meant that such a reform would not be politically practical. 484

A number of factors operated to make many reforms, though desirable from an administrative point of view, impractical from a political point of view. Among these factors were the natural aversion of people to sudden and drastic changes, pressure exerted by strong and interested groups of the electorate, and old, established traditions. It must be realized that under a democratic form of government, changes, no matter how desirable and beneficial they may be, must await the support of popular approval before they can be instituted. In many cases the people couldn't be sold on proposed changes, and this sentiment was reflected in the attitude of the General Assembly. Reforms as broad as those involved in the

reorganization program can be effected only by legislative action. 485

Despite its mistakes and shortcomings, the 1927-28 reorganization must be regarded as one of the most important accomplishments in the history of the government of Virginia. In addition to conferring numerous benefits itself, it laid a firm and practical basis for further reform. As Governor Darden has pointed out, reorganization of a government cannot proceed as fast as adjustments of a business concern because of the lag of public sentiment; it must be regarded as an adjustment to the needs of the people. 486

But administrative reorganization is never a completed accomplishment. In conclusion we quote Governor Price: "Administrative organization and reorganization is a continuous process; it is never completed, and the time never comes when we can fold our hands with the sense of a job well done... Eternal vigilance is the price of efficient and economical government." 487

486. Interview with C. W. Darden, Jr.

487. Price, Administrative Reorganization, p. 4.