

Revised Constitution Designed To Better Place Responsibility

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HERALD AND NEWS, Klamath Falls, Ore.

"A NEW CONSTITUTION FOR OREGON"

(This is the fourth in a series of articles about the revised Constitution proposed by the Oregon Constitutional Revision Commission. The articles were written by Hans C. Linde, professor of constitutional law at the University of Oregon and a member of the Commission.)

The provisions for the executive branch of state government are the most important recommendations of the Constitutional Revision Commission. They have attracted much interest and some misunderstanding.

The Commission proposes to retain the mutual checks and balances among the legislative, executive, and judicial branches of government, but to strengthen each branch by removing internal blocks to responsible performance. Critics of existing state constitutions have found that the executive branch most often falls short of this second objective. As Governor Langlie of Washington, speaking as chairman of the National Governors' Conference, lamented in 1955:

"The public looks upon the gov-

ernor's position in the state as comparable to that of the President of the United States. It holds him responsible for whatever happens during his term of office." In fact, the typical 19th Century state constitution gave a governor no such responsibility for state administration. Rather, it left state government, in Langlie's phrase, more "a combination of loosely connected semi-autonomous bodies."

In this century, consolidation of the executive branch has become the key feature of constitutional reform. It is the hallmark of the post-World War II constitutions of New Jersey, Alaska, Hawaii, and Puerto Rico, and the main objective of pending revision efforts in other states.

GOVERNOR AND CONTROLLER The Constitutional Revision Commission adopted a clear principle to assign responsibilities within and outside the executive branch. It distinguished between "executive" functions and "control" (or "watchdog") functions and kept them strictly separate in its proposals.

The governor, as chief executive, must be responsible for all

executive functions — that is, for the performance of all state agencies. The revised Constitution makes the governor the only elected officer in the executive branch so that he cannot shift that responsibility by blaming other elected executive officials who are beyond his authority, and who may in fact oppose him.

All control, or "watchdog," functions are, on the other hand, made independent of the executive branch. No official should make decisions on action, and also investigate and report on the correctness of his own action. These "watchdog" functions are therefore assigned to a new constitutional officer, called the Controller.

The Controller may by law be an elective officer. Just as he is made independent of the governor in selection, authority, staff, and budget, the Controller likewise may not be assigned any executive function in making or carrying out governmental decisions. He can only audit, investigate, and report on the performance of government "in compliance with applicable standards of financial accuracy, administration, and law." These essential functions resemble those the U.S. Comptroller General performs in the federal government.

To insulate the office of Controller from politics and avoid the abuse of its power for personal political ambition, the Controller will have a term of not less than eight years, during which he is ineligible to run for another elective office. Some members of the Commission believe that the Controller may well be made elective on a non-partisan ballot.

The Commission's proposals thus strengthen both the governor's responsibility for executive performance, and also give assurance that this performance will be checked by independent audits, investigations, and legal opinions. Like many old state constitutions, the present Oregon provisions fall short of these two goals.

Under the present Constitution, the Secretary of State is both an administrative official, and also charged with responsibility for auditing the administration.

The Attorney-General—a statutory officer not mentioned in the Constitution — heads all lawyers for the agencies within the state administration. This is a key role in the performance of the executive branch for which the governor is responsible. Under the revised Constitution it would not, as now, be held by an independently elected officer, who is the political opponent of the chief executive. The present contradictory arrangement is an inevitable source of difficulties, and has led governors to turn to other legal counsel than the attorney general.

Election of the attorney general cannot be justified by any "watchdog" role he performs. The attorney general does not now have any independent powers of investigation or other action without the governor's order. The revised Constitution proposes to strengthen the effectiveness of both roles by (a) placing the attorney general within the governor's administration, and (b) transferring to the new office of the Controller the "watchdog" powers of investigation, and of giving independent legal opinions to legislators and others outside the executive branch.

(Next: The Executive, continued.)

CHARGE SYRIAN SHOOTING TIBERIAS, Israel (UPI) — Syrian soldiers fired at Israeli workers twice in the Beit Katzir settlement Tuesday, Israeli army officials reported.

There were no casualties but Israel protested the incident to the United Nations Armistice Commission.

NOTICE

To Our Customers . . .

We are pleased to announce that final arrangements have been made with Carnation Dairy to purchase milk from local dairy farmers through Klamath Basin Grade 'A' Milk Producers Assn., a Southern Oregon Producers Assn.

Klamath Falls residents can now buy locally produced Carnation and Shurfresh fresh dairy products at their local United Grocers Store, and packaged in the brand new, exclusive flame-sterilized containers. Carnation's exclusive packaging stores flat without spilling a drop . . . and comes in the handy to carry twin gallon pak. Your United Grocers dealers invite you to try Carnation famous brand dairy products today. From dairy staples to party mood ice cream . . . they're all at United Grocers! Carnation! Here for the first time in Southern Oregon . . . and made from locally produced milk.



ELECTRIC MANAGER — The appointment of Don Hicks, Alturas, as the new general manager of the Surprise Valley Electric Corporation was officially confirmed last week. He had served as temporary manager since August.

Surprise Valley Board Names Hicks As Manager

ALTURAS—Don Hicks of Alturas was named the general manager of the Surprise Valley Electric Corporation last week by the board of directors. Hicks had served in the capacity of temporary manager since the untimely death of C. J. Hunter last August.

He has been an employee of the corporation since it was activated as part of the rural electrification program 25 years ago. A resident of Alturas since 1930, Hicks arrived here from Beloit, Wis., to work with the old California Public Service Company which

was later merged with COPCO and PP and L.

A spokesman for the board of directors stated, "Don was elected as the logical choice by the directors some time ago, but his appointment had to be confirmed by the Washington office. It's official now."

The Surprise Valley Electric services Modoc, Lake, and parts of Lassen counties with some 2,100 subscribers and 1,063 miles of distribution line.

Don Hicks and his wife, Margaret, have three children, Mrs. Nancy Heard, Donna and Paul.

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