

CHAPTER III

THE EXECUTIVE BUDGET

WHILE economy is most frequently urged as the reason for the adoption of a budget system, the particular form of a budget system that shall be adopted is tied up to another idea, namely, *responsible government*.¹ The contemporary discussion takes practically for granted that there is an inevitable connection between what is called responsible government and the so-called executive budget. The reader of budget literature will find the words "executive budget" glaring at him from practically every paragraph. The words will be used in a variety of meanings and in a variety of contexts. It seems therefore of fundamental importance that there should be a clarification of the confused and various meanings of the "executive budget" and its frequently associated phrase, "responsible government."

¹"The political necessity for the adoption of a budget procedure lies in the fact that it is the only effective means which has ever been devised for enforcing accountability and responsibility on an executive who has sufficient power to make him a leader, i. e., to make him effective in the preparation and submission of plans proposed for adoption and to enable him efficiently and economically to execute them after they have been approved and financed. The economic necessity for the adoption of a budget procedure lies in the fact that demands for service by the government are going to continue to increase and with this the necessity both for careful, intelligent planning by the management and a strict censorship on the part of those who pay the bills." ("Budget Making and the Increased Cost of Government," by F. A. Cleveland, *Amer. Econ. Rev.*, Mar., 1916.)

While it may be necessary for us to examine in some detail the specific form of executive budgets as they have been presented to the American people, it will be well to consider in this chapter the theory undefined by the compromises of practical politics. This will give the executive budget idea its best chance of acceptance.

It is important that the basis of the case for the executive budget should be clearly understood as those who advocate it understand it. And fortunately there is at hand condensed statements of the reason for it by Mr. Cleveland, the principal and the most intelligent expositor of the executive budget idea in the United States. He says summarily: "Public business that costs the country millions of dollars each year is conducted by an irresponsible bureaucracy, operating under the direction and control of irresponsible legislative committees. There can be only one result — irresponsible government." ("Constitutional Provision for a Budget," Frederick A. Cleveland, Reprinted from proceedings of Academy of Pol. Science, 1914.)

He says more fully:

"American institutions have had quite a different history. While the evolution of a technique of responsible management has been going on abroad, we have drifted along and done practically nothing to reconcile our charters of liberty to make them effective as charters of powers. Our early political acts, as in Europe, were directed toward the negation of executive authority. Our first acts were to destroy the executive. Then the federal congress recommended the organization of state governments with executive branches, thinking that all civil administration could be thus conducted. For fourteen years we tried to run the federal government with

no executive department, but without success. Then we adopted a system in which an executive was provided for, but left out of our written constitution all of the essentials of responsible *and responsive* leadership.¹

"From the beginning our governments have been built on negative lines—they have lacked the machinery for getting things done in a manner to command the respect and the support of the people. Our constitution makers have thought little about the adjustments necessary to make our fundamental law a charter of powers. Much attention was given to the two great instruments of popular control over the executive—the 'electorate' and 'representative body'—because these were thought to be necessary for the protection of our liberty. But in our institutional plans we failed to provide an effective 'prime mover,' and we have failed to recognize the uses of the 'electorate' and the 'representative' body as instruments of control over an institutional prime mover.

"The motive force in government, as well as in all other institutions, must be an executive. No matter what instruments of control over this motive force are provided, these cannot be effectively used unless they are applied to a 'prime mover.' The executive must not only have the power to get things done, but also must be required to exercise this power *in the face of a possibility of prompt retirement in case his leadership is not supported.*¹ Neither a broad 'electorate' nor a great 'representative body' can act effectively or intelligently unless it has before it a definite well-considered plan or policy; and the one best qualified to prepare such a plan is the executive. But the executive should have no power to act until his plan is approved, and he must know that every proposal submitted is open to closest scrutiny. Otherwise the government cannot be made responsive to the will of the people as expressed through representatives in expressing approval or disapproval.

"Instead of providing in our system for utilizing the 'electorate' and the 'representative body' as instruments

¹ Italics ours.

of control (the only purpose to which they were adapted) and then developing an executive machinery subject to this control, which would be responsive to the will of the people, we began with an executive who had no power of leadership. And then, as demands for institutional service increased, we did violence to every principle of representative government — we sought to develop the ‘electorate’ and the ‘representative body’ as prime movers — and to utilize the ‘executive’ primarily as an instrument of control. We have done this wittingly. We have done this because we distrusted the representative system — for fear the ‘electorate’ and the ‘representative body’ would fail to prove effective as instruments of control; and that the executive machine would run wild. We have done this in the thought that by making the executive a responsible leader we might possibly sacrifice those liberties for which our fathers fought — preferring to rely on written constitutional inhibition rather than on the representative system for control over a government of powers. We have succeeded in one thing only — the one thing we started out to do — demonstrated to the world that under written constitutions a republic can be established in which the executive can do little harm. We have also demonstrated to our own satisfaction that under the system which we have developed the executive can do little good.

“But there have been also other results. It has been found to be impossible to operate a great complex institution at all successfully without some kind of leadership. Not having provided in our constitution for responsible leadership for common welfare purposes within the government, irresponsible leadership has been developed by organizations of men for selfish purposes on the outside. In place of a responsible leader who may be held to account and made responsive to the will of the people, we have the ‘boss.’ Instead of the ‘electorate’ and the ‘representative body’ having laid before them each year a well-prepared plan, a definite proposal, for which a responsible executive may be held to account, the people without knowledge of what is going on have seen hundreds of millions of dollars of public resources each year

voted away by a system of 'log rolling'—they have seen great national resources wasted that might have been effectively used for public service. Instead of having a budget submitted by an executive who can be made responsible to the people for every item of past expenditure and for every proposal for future expenditure, as well as for devising ways and means that are acceptable, we have developed a system of 'pork barrel' finance; and in addition to being criminally wasteful, we have the most inefficient public institution that the world has ever known." ("Responsible Government," Municipal Research No. 69, Issued by New York Bureau of Municipal Research, Jan., 1916, pp. 7-9.)

And the principal obstacle in the way of a thorough-going executive budget is our principle of fixed terms for executive officers. Mr. Cleveland vigorously discusses this principle in these words:

"This brings us to the single executive — the chief executive type of organization. And initially it brings us to the consideration of the principle of a 'fixed term.' The principle of 'fixed term' for the executive was not adopted with a view to making this branch of the government more efficient; it was adopted to insure the successful operation of the principle of popular 'election'; it was directed against usurpation and the irresponsible use of power. The makers of our constitutions had before them at all times as the one great end to be achieved at any cost, the protection of the liberties of the people without resort to revolution. 'Frequent elections of officers for fixed terms' has been one of the many constitutional provisions adopted to insure this result. Another means of insurance was to take away from the executive powers of leadership. But when (with increasing demands made on the government for service) it was found that great waste and inefficiency resulted from lack of responsible executive leadership, the people did not dare to restore to the executive sufficient power to make leadership

effective. This was because their executives had fixed terms — *because, within the period of their terms, there would be no way of getting rid of one who acted arbitrarily, and who overrode the will of a majority, as expressed through the chosen representatives of the people.*¹ (Ibid, p. 17.)

Though there are at least apparent contradictions² to this statement in Mr. Cleveland's discussion of the budget, he has frequently reiterated it and emphasized it. On the basis of this incompatibility between an enforceable responsibility to the people and an arbitrary fixed term, he explains the defeat of New York's proposed new constitution:

"Another conclusion is supported not only by recent experience in New York but by the whole constitutional history of English speaking people, viz.: that so long as our chief executives are elected for fixed terms, without any means for prompt recall, fear of executive usurpation (the use of executive power in a manner to impair our personal, political, and civil liberties) will continue to make the people hesitate." (Ibid, p. 19.)

THE EXECUTIVE BUDGET AS A REMEDY FOR EXECUTIVE IRRESPONSIBILITY

Irresponsibility being the fundamental trouble with the present machinery for considering and financing governmental needs, the remedy is obvious and simple. It is: *Fix responsibility*. But it is pertinently asked: *Responsibility for what?* In the first place responsibility for budget proposals. Since it is the duty of the executive to carry out the governmental program

¹ Italics are ours.

² Cf. another quotation from Mr. Cleveland on p. 56 of this chapter.

for the ensuing fiscal period, "responsibility" for making the plan ought to be placed upon him. Moreover, since it is the legislative function to "grant funds" it is "incompatible that the proposer should also be the disposer of public funds."¹ Again, the proposals "should not reflect the interests of a single individual² or a single district — but the interests of the whole community of associated interests which are composed in the state or nation." Since the legislators are representatives of small districts and the executive is representative of the state or the nation, the proposals should be prepared by him. The responsibility for budget proposals must obviously be placed in the executive. *This is the way the argument is presented by the advocates of the executive budget plan.* But no American scheme has proposed giving power over the legislative or judicial estimates to the executive, and hence in this particular the executive budget is a misnomer. He or a financial officer transmits these at the time the estimates of the executive proposals are submitted.

But in order that these proposals, after they have been presented to the legislature, shall have adequate consideration and intelligent defense, it is proposed that the executive and the administrative chiefs shall have the right to be heard during the legislative consideration of the budget, and it shall be their duty to appear before the legislature on budget matters when

¹ "Evolution of the Budget Idea in the United States," by Frederick A. Cleveland, in *Annals of the American Academy of Political and Social Science*, Vol. LXII, No. 151, Nov., 1915, p. 18.

² Is not this an argument also against giving the executive a preponderating influence in budget-making?

requested by the legislature. In countries whose experiences are used by way of analogy to show the desirability of the executive budget for the United States, the valuable supplementary power of interpellation is present in the legislature, but in none of the practical schemes proposed for America is this power authorized by the legislature. The interpellation gives power to individual members or minority groups in the legislature — as distinct from majority groups — to secure answers from administrative officers on subjects under their jurisdiction or about their own activities. Because it will help secure adequate consideration and because it will help secure general publicity, the budget proposals are considered in the committee of the whole rather than in standing committees.

But the advocates of the executive budget plan do not permit the budget proposals to go before the legislature with *freedom* of action by the legislature. The legislature is limited either to reduce or to strike out items in the executive proposals for executive departments. If the legislature wants to add anything to the budget it must wait until after the executive proposals have been disposed of by the legislature. Then in the closing days of the session legislators may make their proposals, subject to executive veto. Incidentally these proposals require a larger vote than the executive proposals. After the budget has been passed, it will be an unusual thing to get the majority of all the members elected and it will be impossible to get the usual two-thirds to override a veto. The underlying theory is that the legislature is merely a ratifying agency and all legislatively initiated proposals

are to be discouraged and to be made difficult of passage.

If the legislative discussion should reveal serious omissions in the executive budget or inadequate support for state or national departments, the legislature is practically powerless. If the executive wishes he can make the change or revise his proposals at any time before final action by the legislature.

RESPONSIBILITY TO WHOM

But "responsibility" implies two questions: "Responsibility for what," which we have just considered, and "responsibility to whom," which we shall now consider. Whatever responsibility there is in the government must be fixed and enforceable. It can be enforced only when there is control vested somewhere. The responsibility of our government is to the electorate.

This responsibility to the electorate becomes important when there is a difference on an important question between the executive and the legislature. A budget system must provide somewhere for effective popular control. Without this control the aggrandizement of executive power would not be accepted by a democracy conscious of what it was doing. Executive and legislative action must be brought to the test of approval or disapproval by the electorate. This view is "the only one that is compatible with the evolution of constitutional law where 'control over the purse' has been effectively used to bring the institution and practices of a representative system into harmony

with the ideals of democracy and popular sovereignty." ¹

The theory of the executive budget implies three things therefore: (1) an aggrandizement of executive power, (2) a restriction of legislative power, and (3) ultimate popular control. The power of the executive is increased through no specific extension of his power, but through weakening legislative opportunity for action and freedom of action. The executive recommendations are given a preferred status in the legislature, and the conditions of passing them are very much easier than proposals legislatively initiated. In the theory of the executive budget this aggrandizement of executive power makes necessary popular control and it is included. But how it is to be made effective under the conditions of our state and national government is a serious problem confronting the advocates of the executive budget. At any rate, as will be shown in the sequel, all the practical schemes for an executive budget have provided for the increase of executive power but have failed to provide for the popular control which is so essential in the theory.

FIXING RESPONSIBILITY FOR BUDGET PROPOSALS

"Responsibility for budget proposals is definitely fixed in the executive budget plan." This claim is made over and over again by the advocates of the executive budget. What is meant by responsibility for proposals? Is a responsibility for proposals any more than a recommendation? It is true that under

¹ *Ibid.*, p. 21 ("Evolution of the Budget Idea").

the proposed plan these executive recommendations have a strong presumption in their favor because of the restriction of legislative action. But the responsibility in any case is placed upon the legislature for acceptance, rejection or reduction. And occasionally a legislature may be determined enough to propose new items or increase old items subsequently to action on the executive's recommendations and pass them over the executive veto if necessary. And the executive can thus shift whatever responsibility he had. But you can hardly interest a public in responsibility for recommendations when decision or action is placed somewhere else.¹

Further, the executive budget procedure providing as it does that the executive may at any time before final action by the legislature amend or supplement his proposals removes whatever responsibility could be fixed upon him because of the fact that he made the proposals. He can "jockey" with the legislature throughout the session and shift the responsibility and by changing his proposals can confuse the issue.

DOES THE EXECUTIVE BUDGET PROMOTE EXECUTIVE LEADERSHIP?

"Executive responsibility for leadership" is regarded as one of the great achievements of the executive budget. In the discussion of the budget, respon-

¹ "It may be said that a national budget is the only effective means whereby *the Executive* may be made responsible for getting before the country a definite, well-considered, comprehensive program with respect to which *the legislature* must also assume responsibility either for action or inaction." ("The Need for a National Budget," p. 138, Message of President to 62d Congress, 2d Session, 1912.)

sibility for budget proposals and responsibility for leadership are closely connected if not identical. "Responsibility for leadership" is a queer phrase. What does leadership mean? Does it mean merely the fact of initiating proposals? If so, then words are used in other than their accepted meanings. Is it possible by making it the duty of the executive to prepare proposals to create what we usually call leadership? Is it possible to create executive leadership by making leadership in the legislature impossible, and by creating presumptions in favor of executive proposals and limiting the freedom of legislative action, to create executive leadership? *Autocrats are made that way, but not leaders.* A person with genuine qualities of leadership has under the existing laws all the opportunities for leadership that could be desired. The opportunity for making budget proposals and other recommendations is now an executive duty. In the Federal Constitution the basis of this duty is found in the following provisions of the Constitution:

"He (the President) may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices." (II, 2, 1.)

"A regular statement and account of the receipts and expenditures of all public money shall be published from time to time." (I, 9, 7.)

"He shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary." (II, 3.)

This provides the opportunity for genuine leadership, and no amount of coddling by law or constitu-

tional amendment will bestow upon quite honest and well-meaning persons the spiritual force that is properly called leadership.

THE EXECUTIVE BUDGET AND THE ADMINISTRATION

The executive's proposals are presumptively law unless rejected or reduced by the legislature. What the executive refuses to place in the budget proposals is presumptively destroyed unless positive action is taken by a majority of the members elected to each branch of the legislature, or in case of a veto, by a majority of two-thirds. Moreover, should the legislative discussion show, or public opinion demand, either a change of the form of the appropriation or an increased amount, the legislature would have to wait upon the executive to make the change. With the large majority required to pass a bill the presumption in favor of the executive's proposal is decisive. However one looks at it, the results are surprising in view of our theory of the function of the legislature in government. In England, which is obviously the source of the suggestion of this form of budget-making, the executive is merely a committee of the legislature, and a decision in case of difference of opinion is left to the final arbiter of democracy's problems — the electorate. With the presidential form of government and without any machinery for getting an expression of the voice of the people the method is unsuited to our needs. This form of budget-making says in fact, in a difference of opinion between the executive and the legislature, that we must follow the executive: in other words, the autocratic principle is

accepted rather than the democratic. This point will be elaborated more fully in a later section.

Look at the question more concretely. Suppose Governor X or President Y should leave out the civil service commission from the budget. Or suppose he should omit the salary of a particular examiner. In either case the legislature could not add the item during the consideration of the budget bill. A legislator might subsequently bring in a separate bill in each case with the presumption strongly against its passage.

But a more venial-minded governor and a shrewder one would have proposed an appropriation on which it would be impossible to run the commission or any other department. The legislature could do nothing during the consideration of the budget bills, and it is doubtful if anything could be done subsequently because most of the members of the legislature would have gone home.

Suppose, for example, that the executive wanted to "discipline" a department or force certain appointments or decisions or a change of policy. He proposes an impossibly low sum. The administrative officers resign or capitulate. He then sends an amendment to the legislature increasing the amount to the departmental requests. This provision found in the executive budget plan submitted to the people of New York gives the governor the power of "jockeying" all the appropriations and controlling thereby practically the whole public policy.

It is this power to thwart, by indirection, that is the most effective way of defeating good public administration and making the control of public business a pastime

for the attorneys of "regulated" private business.

It has been said that we have shackled administration in America. We have pursued a negative policy. Perhaps! Surely we could give administration greater leeway — as this book proposes in Chapter V. The demand has been for a positive policy for the governor as the leader of the administration and of public opinion. But what has been done is the result of the "executive budget" as proposed. We have unshackled the executive. True, but we have shackled the legislature. We have adopted a positive policy toward the executive as legislator. Yes, but we have substituted a negative policy toward the legislature. "And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?"

A democracy is safer with an unshackled legislature than with an unshackled executive.

THE BUSINESS ANALOGY — DOES THE EXECUTIVE
BUDGET REQUIRE LEGISLATIVE RECALL OF
THE EXECUTIVE?

The argument that is ordinarily presumed to clinch the case for the executive budget is the "business analogy"—which in political campaigns becomes the battle cry: the business man's budget. A careful analysis of the "business analogy" is necessary and will now be made.

Assuming the effectiveness of corporation organization for corporation business, do the same conditions hold in the public business? Obviously not. Take a fundamental question. Who is the executive? In

business as likely as not the executive is the executive committee of the board of directors, but for the sake of the analogy we will waive this fact. The executive is the president or manager. He is the head of the whole business, manufacturing, advertising, selling, and administrative. His commission is directly from the board of directors. Is there such a person in American government? There is not. The governor presumably exercises a general control over the operating departments of government, but he is not in a presidential or a managerial relation to either the legislature or the judiciary, nor to the great quasi-judicial administrative commissions which are increasing so fast among us. The truth of this remark so far as the legislature and judiciary are concerned is evidenced by the fact that in executive budget schemes the executive may not revise the estimates of the legislature and the judiciary but must transmit them to the legislature as a ministerial act. The quasi-judicial character of the commissions seems entirely to be forgotten in the contemporary budget discussion. But the fact that the executive in the decentralized organization of government is not comparable to the executive in the centralized organization of business has been overlooked.

But perhaps a more serious incompatibility in the analogy is the reference to the power of the board of directors over the business executive's proposals and the proposed limitation of the power of the legislature over the governmental executive's proposals. The power of the board of directors over the proposals submitted to it is absolute. It may amend them in any way, increase, decrease, or omit items or add new ones.

It is proposed to limit a legislature's action on executive proposals to merely reducing or striking out, and while other action is possible later, the whole tendency is against such action. Because at the time such action would have to be taken, a goodly number of the legislators would have gone home, and the larger vote by which such proposals must be passed, makes it practically impossible or at least very unlikely to secure the requisite vote. And these measures are subject to executive veto.

Furthermore in a disagreement between the board of directors and the executive, the executive can be fired — thus enforcing responsibility to the representatives of the stockholders. *Do those who are proposing the executive budget also propose the legislative recall of the executive?* That is exactly what the business analogy means. No specific scheme of executive budget has definitely provided for the thing that the executive budget propagandists prate about so much — responsibility.

And that brings us to a point that might have been made in the beginning, namely, that the business executive is not the agent directly of the stockholders but of the board of trustees. He owes his office not to the stockholders but to the board of trustees. The governmental executive holds his commission not from the legislature but from the electorate (stockholders). It would seem, therefore, that there is, too, a different relation between the executive and the legislative body in business and in government, and an analogy that assumes an identity of relationship must not be apropos.

It must seem surprising that with such obvious

faults in the analogy, the proponents of the executive budget would cease using it, but only recently the Short Ballot Organization issued a pamphlet containing this statement:

“In a private business corporation the board of directors look to the general manager to furnish it with financial details. It expects the manager to frame up a program of activities, telling him in one way or another, not to go ahead until he has received official permission. Then they meet together and go over the whole business, trimming here and there, holding the manager down where he seems to be too ambitious or too erratic. But the board of directors never gives up its essential control. And it winds up by adopting the manager’s program, as amended.” (“Suggestions for Legislators of 1917,” Bulletin of the National Short Ballot Organization, p. 8.)

IS EFFECTIVE POPULAR CONTROL POSSIBLE UNDER
AMERICAN CONDITIONS WITH THE EXECU-
TIVE BUDGET?

Are we to have a one-man government? That is the fundamental question back of the executive budget propaganda. The executive budget program is not merely the substitution of orderly systematic ways of doing things we now do in a chaotic irresponsible way; it is a change of emphasis in our whole system of government from legislature to executive.

Its saving element in its theory is ultimate popular control. Any government under effective popular control would be accepted by a democracy. But no feasible scheme has been proposed in theory for the effective operation of popular control, and in the actual schemes proposed in Maryland and in New York there was no

provision whatever for it, despite the fact that the men who were largely responsible for the proposed constitutional amendments are the leading and practically only expositors of the executive budget idea in the United States. The actual method is thus outlined by Dr. Cleveland:

“Provision whereby any important issue may be settled either between the executive and a majority of the representatives of the people, or, in case this is not possible, by having the issue referred directly to the people at an election to determine which of the partisans to the controversy will be retained in the public service, the essential purpose of such action being to make the government responsive to the will of a majority, and to put the administration into the hands of persons who are in sympathy with the policy adopted.” (“Budget Making and the Increased Cost of Government,” by F. A. Cleveland, *Amer. Econ. Rev.*, March, 1916, p. 68.)

One is amazed at the character of the changes in our government necessary to fit the theory of the executive budget. Without attempting to define all the changes it will be well to outline what may normally be expected under the executive budget plan as it is advocated and suggest incidentally the radical changes proposed.

A fundamental disagreement between the executive and the legislature has occurred. For a solution, according to the plan, there is an appeal to the country. A general election is ordered. But what shall be done about the Senate of the United States or the Senates of the states? The members are elected for overlapping terms. Obviously this must be changed. We may suppose that the unlikely happens, and senators have the same term as representatives or assemblymen.

The election is held presumably to settle a particular issue. But is there any guarantee with the simultaneous election of a bicameral legislature and the executive that they will both be in harmony? In the light of our last election we have no reasonable ground for believing so. It is not at all true that a Democratic legislature would carry with it a Democratic executive or vice versa. Should there be a single house legislature proposed for this scheme? And now for the sake of the theory a single house legislature is declared essential, but even with a single house legislature would an executive elected on an issue such as is proposed be in harmony with the legislature? We know it would not necessarily be true. Do we want then the legislature to appoint the executive? In other words, does not the plan presuppose parliamentary government? Without going into further detail regarding the subject the foregoing analysis furnishes additional justification for Professor Fairlie's remark that if such changes are intended they "should be clearly understood beforehand and not be brought about as an incidental result of a new budget system."

But the fact that the executive is elected for a fixed term and has no responsibility to the legislature and cannot possibly be controlled until the end of his term is used as an argument for developing this executive leadership which is so essential to the budget system. The argument runs:

"The fact that we have a single executive gives to the President greater power as a leader and, therefore, greater reason for employing the means necessary to becoming efficient. In his power of appeal to the people he has been

given a great tactical advantage over Members of Congress. He is the one person regarded as representing the dignity and power of the Nation; he is the one person who can claim the attention of every man, woman, and child; when he speaks, the President is heard by every citizen elector. The fact that the President has a fixed tenure still further fortifies him for leadership. Under such circumstances a great constructive leader may undertake measures that he would not dare to propose if he were subject to recall by the legislative branch. If his budget proposals are denied by Congress, then he may carry on a campaign of education and force the members of the lower house and at least one-third of the Senate to stand for re-election before he must again go before the country for electoral support. If during his tenure he can demonstrate that he is right, the country has the advantage of his constructive effort and will support the policies which he represents. At the same time if he is wrong the constitutional barriers against usurpation of power are adequate to prevent the President doing anything for which he cannot obtain a majority following." ("What a Budget May Mean to the Administration," by Frederick A. Cleveland, Speech before Conference on Commercial Education and Business Progress, Univ. of Ill., April 16, 17, 1913.)

And without any feasible scheme of enforcing executive responsibility to the electorate we have made our government irresponsible — a constitutional autocrat for a definite term without any possibility of control. With the enormous power the executive has under the executive budget scheme, divorced from any enforceable responsibility, we have substituted a succession of constitutional autocracies for a representative government. To President Butler's famous question: "Shall we change our form of government?" his colleagues have given a surprising answer: "Yes." But the change is not to be in the direction that President

Butler so much fears and condemns, namely, direct government, but in the opposite direction of autocratic government.

BRITISH EXPERIENCE

British experience is frequently used to clinch the argument for a one-man government in the United States via the executive budget. The analogy is hardly apropos as will be shown in detail later. One point concerns us now, which is that in normal times the executive in England is not a person but a committee — a group of persons, which we all know as the cabinet. The whim of an individual is corrected by the consideration of others. The government proposal is not a proposal of the Prime Minister but of the cabinet. England does not have the executive budget plan as it is being ardently advocated in the United States.

But there is recent British experience that has a bearing on the executive budget plan as proposed for the United States. W. R. Lawson, in his book, "British War Finance," condemns the one-man Treasury and the one-man budget for its lack of control and its lack of responsibility. "It is only in British finance that the one-man Treasury and the one-man budget survive," he says. "In every other country worth counting, the national revenue and expenditure are surrounded by checks and safeguards which we disdain to use." (pp. 304-305.) More specifically Mr. Lawson says elsewhere:

"Sometimes they (the Chancellors of the Exchequer) are dreamers of dreams, who regard a Budget as an instrument

of social reform or class prejudice. The stronger the Minister the weaker will be the control exercised over him either in the Cabinet or the House of Commons. The more stormy the time the freer a hand he will have, and the easier it will be for him to evade criticism or to stultify it. Of this we have had crowning examples in recent years. Since the war began they have culminated in what is practically a financial autocracy. The Chancellor of the Exchequer for the time being is a supreme and almost irresponsible Minister. Of his own free will he invents new taxes and makes new fiscal regulations. Unless they be as intolerable as the recent alcohol taxes the country has perforce to accept them. Under our one-man Budget system it has no alternative. For the House of Commons to reject a Budget, or even a single item in it, might mean the defeat of a Government and a financial deadlock. It cannot be referred back to him as a French budget might be referred back to the revising committee. 'Take it or leave it,' are the only alternatives.' (Ibid, p. 306.)

Waiving for the present the question whether the budget is an instrument of social reform, the spirit of Mr. Lawson's criticism of the executive budget system may be accepted — without accepting however his criticism of its use in England at this time.

In the extraordinary conditions which England found herself as the result of the war, a strain was put upon government to the breaking point. It had to yield or break. It yielded in the direction of executive aggrandizement. Under the recent change of ministry it yielded still more. But the practical autocracy which the recent changes established are not justified as right in principle, but right in the situation. The situation is extraordinary. There is only one object before the English people: to win the war. The na-

tion is united upon it. Parliament is united upon it. There is in the English Parliament practically no Opposition. There is no consideration of other problems. The situation calls for quick decision and coöperative action. Governments in ordinary times do not have to meet the situation England now faces. Lloyd George in his first speech as Premier put the case admirably:

“The fact that this is a different kind of organization from any that preceded it is not necessarily a criticism of its predecessors. They were peace structures; they were organized for a different purpose and for a different condition of things. The kind of craft which you have for river or canal traffic is not exactly the kind of vessel you would construct for the high seas. I have no doubt that the old Cabinets (I am not referring to the last Cabinet, but to the old system of Cabinets where you had the heads of every department represented inside the Cabinet) were better adapted to navigate the parliamentary river with its shoals and shifting sands and, perhaps, to cruise in home waters. A Cabinet of twenty-three, however, was rather topheavy for a gale. I do not say that this particular craft is best adapted for parliamentary navigation, but I am convinced that it is the best for war. In war you want quick decisions above everything. Look at the last two and a half years.” (The New York *Times*, Dec. 20, 1916.)

And there is as usual in the English system ultimate popular control.

“I come to one point, which has caused some dismay — the new Ministries. But each Minister answers for his department exactly in the same way as under the old system, each Minister is accountable for his department, and the Government as a whole is accountable to Parliamentary control. The control of Parliament always has been and must be supreme, because it represents the nation, and there is

not the slightest attempt to derogate from the complete control of Parliament, which is responsible to the nation." (Ibid.)

ITS LESSON FOR AMERICA

England was forced into what is in effect an executive budget scheme, i. e., an autocracy — through an emergency. It was the logic of events. It was the question of the preservation of the national life itself. But no such situation exists in the state governments or the national government of the United States. No situation going to the question of the very life of the state itself confronts us. Surely a procedure that may be justified by such a crisis, and only by such a crisis and only for such a crisis ought seriously to be considered with reference to the ordinary processes of government and under ordinary circumstances.