



To: Chairman Rob Bishop and Representative Gerald Connolly, Speaker's Task Force on Intergovernmental Affairs

From: Parris N. Glendening, President, Smart Growth America's Leadership Institute

Date: May 17, 2018

Re: Hearing on "Restoring the Partnership"

Chairman Bishop and members of the Speaker's Task Force on Intergovernmental Affairs, thank you for the invitation to offer some observations about restoring the partnership in the intergovernmental system. More importantly, thank you for the Speaker's and your attention to this very important issue.

I am pleased to be here with my panel colleagues, some of whom I have worked for over 50 years on the academic study and the practice of intergovernmental relations.

My comments are based on my chapter in the Stenberg and Hamilton book *Intergovernmental Relations in Transition*, and on a panel discussion on this topic just two weeks ago at the University of Maryland, Baltimore. To assist the Task Force and staff I have submitted a copy of the complete chapter as back up testimony.

The American federal system is one of the great contributions to the philosophy and practice of human governance. Over the course of the last 225 years the debates, struggles, and even battles over the federal arrangement have been many. It was only with the emergence of the many New Deal programs of the 1930s designed to overcome the Great Depression that discussion moved from a predominately philosophical, constitutional, and legalistic study of American federalism toward an understanding of policy and process. Questions about how our brand of federalism actually worked, how it could work better, how policy is formulated and implemented, and how we could solve the great challenges of not just our federal arrangement but also and more urgently, the problems facing our nation started to dominate the conversation.

By the 1980s there was a broad array of organizations working to study and to facilitate the operations of the intergovernmental **system**. This included, among others, the White House Office of Intergovernmental Affairs (renamed over time), the Office of Management and Budget's Division of Federal Assistance, the General Accounting Office's Intergovernmental Relations Unit, the House and Senate Subcommittees on Intergovernmental Relations, and offices of intergovernmental relations at almost every major government agency. First among these organizations was the U.S. Advisory Commission on Intergovernmental Relations (ACIR).

The rise and fall of the ACIR (1959 to 1996) reflected the level to which intergovernmental relations was thought of as a system. The real emphasis on intergovernmental discussions and analysis,

coordination, and implementation was mirrored in the vitality and then decline of the ACIR and the many similar organizations in the national government.

It is hard to imagine resolution of major challenges, conflicts, and crises facing this country without having a flexible, innovative, and effective intergovernmental system. Think about the challenges of growing income inequality, major climate disasters, extraordinary infrastructure needs, a broken health system, and an income expenditure system that is totally out of balance. The solutions to many of these “mega challenges” require the resources of our national government through a well functioning intergovernmental system. That is, a system that facilitates communication, coordination, compromise, and partnered program implementation.

During my 31 years in elected office I personally saw the intergovernmental system work — and work well. First elected in 1973 to the Hyattsville City Council, I quickly learned that a town of only 18,000 people in metropolitan area of 5 million meant that Hyattsville’s success is very much dependent on intergovernmental alliances. For 20 years, including 12 as elected County Executive, I helped lead Prince George’s County, MD, where public policy was a series of intergovernmental conversations, compromises and agreements. Most visible was the completion of the Metro subway system in Maryland and Prince George’s County. It was during those years that I actively participated in and led many of the intergovernmental organizations that helped make government successful and effective, including chairing NACo’s Large Urban County Coalition and the National Council of County Executives.

In 1994, I was elected for the first of two terms as Governor of Maryland. As the intergovernmental part of my life grew, there was also a noticeable change. Intergovernmental interactions moved more from collaboration, conciliation, and defensive struggles to being much more combative and frequently very partisan. During this period the ACIR and many similar organizations were either phased out or abruptly ceased existence.

It was in this challenging time for intergovernmental relations that I assumed leadership in a number of national organizations, including Chair of the National Governors Association (2000-2001), President of the Council of State Governments (2001-2003), and a number of more specialized groups such as the Southern Governors Association and the President’s Homeland Security Advisory Council (2002-03), which was chaired by my partner in many intergovernmental activities, Department Secretary and former Pennsylvania Governor Tom Ridge.

I outline this intergovernmental perspective from my more than 30 years in elected office not as a stroll down memory lane but as a framework for understanding why the increasing lack of focus on an intergovernmental system is dangerous and produces very poor policy outcomes. Most importantly, that lack of focus increasingly makes it difficult to implement fundamental changes that are needed to address the biggest problems facing our nation.

In 1977, Mavis Mann Reeves, my co-author of *Pragmatic Federalism*, a widely used college text book on intergovernmental relations, and I wrote:

“... American federalism is pragmatic. We believe that the intergovernmental relations within the system are constantly evolving, problem solving attempts to work out solutions to major problems on an issue-by-issue basis, efforts that produce modifications of the federal and intergovernmental system... As each shift or level or modification of program occurs adjustments are made to accommodate to it, thereby creating more change. The elasticity of

the arrangements helps to maintain the viability of the American system. In other words, it is pragmatic.” (Glendening and Reeves, 1977, vii)

Today, 40 years later, that level of optimism no longer exists. Instead of being pragmatic, the federal arrangement has become rigid and inflexible. The intergovernmental system is increasingly weak and unable to address many key issues. Economic disparities continue to increase to dangerous levels as the federal system fails to offer relief on a collective basis, and state and local governments are often unable to do so individually. The revenue system has become so flawed that even the simplest task of road and transit maintenance becomes undoable.

Much of this is the outcome of dramatic changes in the American political process. A portion of the cause of this collapse of the system, however, is the increasing lack of a focus on the intergovernmental system itself. With no ongoing forum for debate or resolution of issues that require intergovernmental consideration, and a lack of serious analysis of the intergovernmental implications of major decisions, it is not surprising that the pragmatic federalism of just a few years ago is rapidly disappearing.

The system can work! I have seen it work both on projects and programs. My most extensive experience in an intergovernmental project was the Woodrow Wilson Bridge reconstruction. The bridge carries roughly 250,000 vehicles per day across the Potomac River as a portion of Interstate 95. As both County Executive and Governor, I was deeply involved in the reconstruction process. The intergovernmental actors included 29 federal agencies working through an Interagency Coordination Group. In addition to the U.S. Department of Transportation and its agencies, entities as diverse as Fish and Wildlife, the Coast Guard, and the Environmental Protection Agency worked with Maryland, Virginia, the District of Columbia, and the impacted local governments.

Meetings were often complicated, tough and personal. Much more was at stake than the normal questions of who was paying what share. The very vision for the future of the Washington area was on the table. Being “Metro ready,” access for pedestrians and bicyclists, and design features like “bump outs” were hotly contested by Maryland and Virginia. Three presidential administrations (George H.W. Bush, Bill Clinton, and George W. Bush), helped move the project through the intergovernmental maze with the help of heads of White House Offices of Intergovernmental Affairs — Jane Plank and Marcia Hale, the latter with us here today.

Another success of the intergovernmental system on the program side was the proposal during the Clinton Administration to make significant changes to the six decades old welfare program. I worked on the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Welfare Reform). Governors, mayors and county executives were all involved in the vigorous debate. Many of the meetings were at the White House with high-level members of the Administration. In the end many people were still unhappy with the legislation. Most, however, would agree that opportunities were offered for meaningful input and that we saw modifications in the final program reflecting many of our concerns.

An adequate level of intergovernmental involvement has been absent from discussion of many key policy issues before us today. Witness the unitary decision-making on environmental rule changes, tax reform, immigration policies and infrastructure proposals to name just a few.

Two weeks ago on a panel on intergovernmental relations with former Maryland Governor Bob Ehrlich, I summed up my comments with this rather dark statement: “The absence of an intergovernmental system, which would facilitate communication, coordination, and compromise combined with the extraordinary negatives of current political debate are bad for policy, bad for our politics, and bad for our country. And this from a normally very optimistic person!”

Moving today to a more optimistic conclusion, I find it necessary to reaffirm a call I made in 2013 to the Council of State Governments — a call for the creation of an intergovernmental relations think tank. It has been recommended in several recent reports that we backfill with advisory panels and organizations that are intergovernmental in nature, or perhaps create a new Advisory Commission on Intergovernmental Relations. While agreeing with the general conclusion, I strongly recommend, however, that such an entity be outside of government — not even a quasi-government agency. It should be an independent, freestanding “think tank” similar to the Cato Institute or the Brookings Institution or based at a major university or a consortium of universities. An alternative location might be at an existing independent organization like the National Academy of Public Administration (NAPA). For full disclosure, I am an elected Fellow of NAPA.

As an eternal optimist, I affirm that we are a strong nation. We will solve our problems. We have collectively faced bigger challenges in the past than those before us now. We faced those challenges and emerged an even stronger country.

We will best do so. However, if we remember that we are a federal system and depend on a well functioning intergovernmental **system**. Thank you.