

**XXXI. EXECUTIVE RESPONSIBILITY
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At the present day there are two principal types of democratic government: namely, the presidential and the parliamentary. The typical example of the presidential form is the government of the United States and of each constituent state; the typical example of the parliamentary form is the government of Great Britain. There are many interesting points of both resemblance and contrast between these two forms. The particular point which concerns us at present is that of executive responsibility.

In every free government, the executive must be held responsible, that is, accountable for his official acts. To entrust any person with the great power necessary to the carrying on of governmental affairs, without at the same time making him responsible to some other authority for the use of these powers, is an act of madness and an invitation to tyranny. On the other hand, to establish a proper line of responsibility makes it possible to give the executive all the authority which his duties demand, without in the least endangering freedom or popular control.

In Oklahoma, as in all the states of this nation, executive authority is lodged in the governor. Although the establishment of various executive departments whose heads are elected, and over which he has no control, deprives him of a certain share of his authority, his powers are very great. It is his duty to preserve the peace and safety of the state; and to this end he is made commander-in-chief of the state militia, which he may call out "to execute the laws, protect the public health, suppress insurrection, and repel invasion."* He appoints the adjutant gen-

**Constitution of Oklahoma, Article VI., Section 6.*
eral and an honorary staff. Two constitutional provisions are intended to guard against abuse of the governor's military powers. These are: "The privilege of the writ of habeas corpus shall never be suspended;"† and, "The military shall be held in strict sub-

†*Constitution of Oklahoma, Article II, Section 10.*
ordination to the civil authorities."‡

The governor of Oklahoma is privileged to call special sessions of the legislature, at which only such subjects may be discussed as he recommends for consideration. He is also required to send a message to each regular legislative session, which shall discuss the condition of the state and shall include recommenda-

‡*Constitution of Oklahoma, Article II, Section 14.*

tions as to legislative action. The state budget is prepared by the governor, but the legislature is not bound in any way to the estimates made by him.

The veto power of the governor is very important. No bill passed by the legislature can become a law until the governor has taken action upon it. If he signs it, or allows five days to elapse during a session of the legislature without passing upon it, the bill becomes a law. If he vetoes it, the legislature may reconsider it, but a two thirds vote of both houses is necessary in order to make it effective against the governor's disapproval. The veto power extends to distinct items of appropriation bills embracing more than one item. At the close of a legislative session no bill becomes a law without the governor's signature; and any bill which he has not signed within fifteen days after the end of the session is lost. Under these circumstances the most important acts of the legislature must stand or fall according to the judgment or caprice of the governor.

While the governor of Oklahoma has no direct control over the elected administrative officers, including the state treasurer, the superintendent of public instruction, the commissioner of charities and corrections, and others, they must report to him; and if he has reason to believe that they are not carrying on their work properly he may direct the attorney general to bring legal proceedings against them, or may ask the legislature to impeach them.

Between fifty and sixty state officers and boards are appointed by the governor. Some of these are of little significance; others, such as the state board of affairs, the state election board, the state board of agriculture, and the state text-book commission, are entrusted with very important powers and duties. While the approval of the senate is required for about half of these appointments, this approval need not be asked except during legislative sessions; and the governor's power to remove, and to make appointments ad interim, gives him almost complete control of such officers and boards. On several of the boards the governor himself serves.

In Oklahoma the power to issue pardons and paroles to persons who have been convicted of crime rests in the hands of the governor. He has many other powers which need not be mentioned here.

The question at once presents itself: to whom in the government is responsible for the use or abuse of such powers? Our American theory of separation of powers is based on the idea that

the various departments of government should be conducted independently. The legislature, then, has no power over the governor; he does not have to account to it for his actions, unless they become so notorious and flagrant an abuse of power that it becomes necessary to impeach him and in this case the legislature sits as a court rather than as a legislative body. Regardless of mistakes, blunders, inefficiency, minor misdemeanors, and open disagreements as to policy, the governor is absolutely unaccountable to the legislature for his conduct day by day.

Is he responsible to the people? Theoretically, yes, since they elect him; practically, no, since he may break every promise contained in his platform, and conduct public affairs according to policies diametrically apposed to those of the party which elected him; he is safe in office for four years unless his conduct is such as to warrant impeachment. The people as such have no control over him.

To whom, then, is the governor of Oklahoma responsible? The answer is, that to all intents and purposes he is responsible to nobody. He may abuse every power given to him; he may use the power of veto, of pardon and parole, and of appointment, to futher his political advantage and to advance his economic interests, but, unless his misconduct becomes so notorious and so flagrant as to invite and demand impeachment, he need not answer to anyone for his official acts.

A year ago this statement might have sounded exaggerated; but those who have followed public events in Oklahoma during the past twelve months will realize that it is literally true. Governor John C. Walton's abuse of his authority is now a matter of history; it is recorded for the world to read. Yet all Oklahomans know that any other governor who chose to do so could misuse the pardon and parole power, the power of appointment, and all the other great powers placed in the hands of the executive without being checked or held responsible in any way, so long as he exercised sufficient caution to avoid impeachment.

Under the so-called presidential system of government, then, as exemplified in Oklahoma, the executive, while theoretically the people's choice and responsible to the people, is in fact almost absolutely without responsibility to anyone. On matters of policy or efficiency he is beyond the reach of any authority whatever; only flagrant malfeasance and misfeasance in office make him responsible to a court of impeachment.

Is it possible to change this situation without destroying democratic government? The example of Great Britain shows

that it is. Only a few weeks ago the House of Commons passed a vote of lack of confidence in the prime minister, who thereupon resigned. The prime minister is under the almost constant surveillance of the House of Commons, which hold frequent sessions, and which may dismiss him at will. However, he has the option of calling a new general election instead of resigning, in case he believes that the people support his policies. If the election results in a House favorable to him, he retains his office; if the new House is unfavorable, he resigns, and a prime minister is appointed who has the confidence of the House. Thus he is responsible at practically all times and on every question to the House of Commons, which in turn is elected by the people on questions of policy. Such an abuse of authority, against the will of the legislature and the people, as Oklahoma has recently experienced, is impossible under this system.

Certain changes in Oklahoma's constitution could easily be made in order to establish true executive responsibility. Thus, the governor might be required to resign, with the option of calling a new election, in case a majority of the legislature should vote to request such action, or to resign without option in case of a two thirds vote. Another method which has been suggested is to make the governor merely the official head of the state, like the French president or the English king, and to place the real executive power in the hands of an officer corresponding to the prime minister, selected from the legislature by the governor or by the legislature itself, and subject to removal in the manner just explained. Neither of these methods contains any new or startling features while either of them would relieve Oklahoma of the executive irresponsibility which her recent experience has shown to be a real and present danger.