

OKLAHOMA'S ADOPTION OF THE MERIT SYSTEM:
J. HOWARD EDMONDSON AND COOPERATIVE
FEDERALISM

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American federalism has proceeded by fits and starts. There have been periods in which states have exercised dominance and other times when the national government has prevailed. Various explanatory models of federalism have been developed by scholars, who have ceaselessly debated their merits. As the current political climate attests, arguments about appropriate national-state relations are ongoing. In spite of the various points of view, there exists at least one indisputable constant--governance in the United States has never been a solo act. Its political script has always included parts for both national and state involvement. The subject of this paper exemplifies this political reality by reviewing Oklahoma's adoption of its civil service system. As the story is usually told, in 1959 a fearless young governor initiated a breathtaking agenda of good government reforms, including a statewide merit system. What's missing from the tale, however, is sufficient acknowledgement of the supporting role played by the national government.

INTRODUCTION

James Bryce, the English diplomat and historian, famously stated that the nature of American federalism was that of “two governments covering the same ground, yet distinct and separate in their actions.” Known as *dual federalism*, this view suggests that the tasks of the national government are restricted to the “functions absolutely needed for the national welfare” (2005, 60). Everything else is left to the states. The counterpoint to his position was put forward by Morton Grodzins, an American professor at the University of Chicago. He claimed that it is not possible to put “neat labels” on the functions of government. In his view all of American history can most accurately be described as “intergovernmental collaboration” (2005, 64-65), which is a perspective known as *cooperative federalism*.

There are other ideas about how national-state relations are organized in the American system; most of them relate to distinct historical periods and, therefore, are more nuanced and less inclusive. The Bryce-Grodzins perspectives offer two ends of a continuum that, broadly speaking, summarize the two major eras of American federalism. On the one end reside most accounts of the adoption of Oklahoma’s merit system; they are told as if they occurred in James Bryce’s America, with the state essentially playing the role of a solo actor (Hawkins 1985; Gibson 1963; Davis 1980). By this view, the tough work of initiating and sustaining a professional civil service virtually began with Governor Edmondson and continued almost exclusively as a state effort. Two Edmondson advisors, for example, claimed that the federal government played no role in efforts to pass the merit law (Gourly 1994; Pate 1994). Lorenzo Gibson, who wrote an impressive account of Edmondson’s successful battle for merit, only twice acknowledged the role of the federal government (1961, 6, 57). The other end of the continuum represents federalism in a Morton Grodzins’ America where strict separation of national and state functions never existed. In this version the national government had a continuing part in producing Oklahoma’s merit system, albeit working behind the scenes.

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In making the argument for the latter interpretation this paper briefly describes the history of merit in the United States, focuses at some length on Oklahoma's fitful steps toward adopting merit practices, and makes clear that the national government played an important, supportive role in the process.

HISTORY OF MERIT

Colonial America and the United States in its first three decades relied on what has been called a "patrician civil service." Government positions were filled by the appointment of partisan elites who comprised a workforce that was generally stable, honest and competent (Shafritz et al. 2001, 4-5). By the 1830s this practice of maintaining *stability* in office gradually began to be replaced by *rotation* in office, which is commonly known as the spoils system. Beginning with Andrew Jackson, new presidents removed ever larger numbers of their predecessor's appointees and replaced them with their own. This eventually led to what one noted public personnel scholar described as the "progressive degradation and degeneration of public life" (Stahl 1976, 43). Inexperience, incompetence, graft and corruption symbolized the worst elements of spoils. As for the cities and states, their patronage practices predated those of the national government, with results that were equally or even more detrimental (Mosher et al. 1950, 19-20; Shafritz et al. 2001, 5; Stahl 1976, 43).

The national government established a merit system with passage of the 1883 Pendleton Act. Merit originally meant hiring by competitive examination. It has since been broadened to include promotion based on ability, protection from arbitrary discipline, and several other employment standards. The 1883 law encompassed only a small percentage of national government personnel, but by the middle of the twentieth century almost 90 percent of all national employees were covered by some form of merit protection. Large cities had also made substantial progress in their personnel reforms. State governments, on the other hand, were much slower to change their staffing practices. By 1950 only about a third of them had replaced patronage politics with professional personnel procedures (Mosher et al. 1950, 37). Oklahoma was not one of them.

This is not to say that Oklahoma had no merit system whatsoever. Since 1940 states and cities receiving national grants-in-aid for various national programs were required to administer them under certain specific conditions, which were designed to attain the “objectives of economy and efficiency...” (Mosher et al. 1950, 3). Among the “most notable” of the conditions was the provision that merit practices be instituted because the national government linked program effectiveness with the quality of personnel administration (Aronson 1950, 3; Reagan and Sanzone 1981, 56). According to O. Gene Stahl, this mandate “laid the groundwork for establishment of modern personnel policies on a statewide basis in those states that had not adopted such plans on their own volition.” He also asserted that the “significance for the quality of state administration can hardly be overstated” (1976, 28).

ADOPTING MERIT IN OKLAHOMA

J. Howard Edmondson was elected governor of Oklahoma in 1958. He had campaigned on a platform that promised substantial reform in several key areas of state government. They included repealing prohibition, reapportioning the legislature, creating a central state purchasing system, establishing a district attorney system, withholding income tax, and instituting a statewide merit system (Hawkins 1985, 91). His seriousness about reform was evidenced by the content of his first legislative agenda, which addressed major campaign issues.

Many of Edmondson’s proposals called for centralizing procedures of state government. This was the case, for example, with his plans for legislative reapportionment, central purchasing, and decreasing the highway spending authority of county commissioners (*Tulsa Tribune*, Oct. 29, 1959). These initiatives challenged legislators’ power by increasing state control of highly decentralized government procedures. There was no better symbol of his reformer’s zeal than Edmondson’s plan to extend merit protection to virtually all state workers. As the capitol correspondent for a Tulsa newspaper noted, Edmondson’s merit system proposal made his other “far-reaching, revolutionary reforms. . . pale into insignificance” (*Tulsa Tribune*, July 8, 1959).

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As noted above, by the middle of the twentieth century patronage politics had largely been eliminated from the national government and the country's large cities. However, this was not the case in about two-thirds of the states, including Oklahoma (Mosher et al. 1950, 37). In fact, the state had never shown an inclination to support a merit system. As Jean McDonald reported, "legislation to eliminate patronage and to organize the personnel system was introduced many times" (1972, 67). Even though the first bill was proposed in 1919 and several more were presented between 1930 and 1958, "none were taken very seriously by legislators" (McDonald 1972, 67-68). Of course, there was always a "militant minority" in the state that was opposed to patronage. Newspapers, educators, a few legislators, and the League of Women Voters are examples of those who advocated for change; but they were not organized and had no plan of action (Waldby 1950, 83).

The assertion that Oklahoma was not inclined to change its personnel organization is reinforced by the research conducted by H.O. Waldby, a University of Oklahoma professor who studied the state's spoils system and published his findings in 1950. He concluded that the state could not operate an efficient government without drastic changes to its personnel practices (1950, 96-100). He cited a litany of abuses—overstaffing, padded payrolls, high turnover, arbitrary leaves and absences, and incompetence in job performance. Waldby determined that the spoils system "has resulted in financial losses of millions of dollars . . . and has created a serious distrust in government" (1950, 100). The same conclusions have been reinforced by more recent scholarly reviews of the same period (Gibson 1963; McDonald 1972). Nevertheless, even in the face of mounting credible evidence, Oklahoma's government chose to continue to administer the state under the aegis of old guard politics.

The formidable challenge of displacing entrenched patronage was compounded by the fact that the legislature disproportionately represented rural Oklahoma, whereas most of Edmondson's electoral support came from the urban areas (Jones 1974, 217; Morgan, England and Humphreys 1991, 56-57; Scales and Goble 1982, 325). Thus, the normally beneficial circumstance of the governor and large majorities in both chambers belonging to the same party was largely neutralized due to unequal apportionment. Another serious difficulty was the opposition's objections to administrative parts of the proposal. For

example, the law gave the governor authority to appoint members of a new personnel board, which would oversee the merit system. It permitted the governor to control through executive order the sequence and time that agencies would become a part of the system. Also, merit employees would be prohibited from requesting contributions for political purposes or serving in a political party, among other restrictions (Hawkins 1985, 100-101). State employees, therefore, would be of little political value to an incumbent or any other candidate (Gibson 1963, 13).

Edmondson's proposed legislation predictably clashed with the legislature. Partisans were competing at the state capitol throughout the legislative session. As Hawkins described it:

[T]he final enactment of the merit system measure was only achieved after a session-long struggle among the House of Representatives, the Senate and Governor Edmondson. Those in the legislature who opposed the bill attempted to enfeeble it by altering the administration of the provisions of the bill . . . [Their plan was] to create an administrative board which would not be inclined to enforce the provisions of the act (1981, 5).

During final passage it took copious amounts of old fashioned horse trading and deal making before the proposal ultimately passed the legislature. Leland Gourley (1994), Edmondson's Chief of Staff, recalled that "in the final hours . . . there were enough highway construction deals cut with legislators to keep the Transportation Department busy well into the next decade." Regardless of the legislative intrigues and backroom maneuvers, when the 1959 legislature adjourned Oklahoma had become one of a minority of states that had transformed its government from patronage politics to a merit-based civil service.

The importance of Edmondson's achievement is proportional to the degree of patronage that existed in the state at the time. Except for employees of agencies receiving national grants-in-aid, it had been a fact of political life in Oklahoma that spoils employment was the basis of public employment (Gibson 1963, 6). Edmondson, who pledged to

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reform the system, made it one of his first legislative priorities, and he pushed forward with zeal by mounting a “direct assault on the patronage procedures which had controlled Oklahoma government since statehood” (Hawkins 1985, 99).

Adoption of the merit system seems thus far to have been principally the result of a fearless political David who stood up to the old guard Goliaths of Oklahoma politics. An article in the National Civil Service League’s publication, *Good Government*, stated that the “real credit” for the passage of the merit system belonged to Edmondson, “who used the influence of his office to force it through a reluctant legislature” (*Tulsa World*, Oct. 10, 1960). The title of Edmondson’s campaign publication, *Prairie Fire*, may have foretold his legacy beyond the merit system success. His reform efforts drew national attention. Noted scholar Larry Sabato said Edmondson was one of the “outstanding governors” to serve in the third quarter of the twentieth century (1978, 52). Many of the efforts he championed, not just merit reform, did not come about in most states until the 1960s and 1970s (Nice 1987, 88-95). It has been said that “his administration marked a transitional period into the contemporary era of Oklahoma politics and government.”¹

OTHER INFLUENCES

It is seldom the case that a chief executive can take sole responsibility for success or deserves sole responsibility for failure. J. Howard Edmondson is no exception. As this paper argues, the national government made many contributions before, during and after the governor’s merit initiative, which refute assertions that Edmondson and his supporters acted alone to secure a statewide civil service system. Another significant factor was also influential—the ebbing power of

¹ This description about Edmondson’s administration appeared on the website of a 2012 conference, “J. Howard Edmondson: His Governorship and Legacy,” presented by The Oklahoma Historical Society, the University of Oklahoma Center for Political Communication, and the University of Oklahoma Studies in Democracy and Culture. Accessed 2/12/13 at <<http://tulsagrad.ou.edu/csdc/edmondson.html>>.

merit politics. In a seminal article on patronage in America, Frank Sorauf contends that by the late 1950s and early 1960s “the movement to install merit systems in place of the older patronage [was] on its way to full victory” (1960, 28). In other words, by the mid-1950s patronage was dying a natural death. Indeed, this claim is bolstered by the fact that in 1969 there were only eight states that lacked their own merit programs (Ban and Riccucci 1993, 73-74).

Several causes support Sorauf’s claim. Merit systems had made major inroads in the higher paying jobs that required more training and expertise, leaving the lower status, lower paying jobs to patronage. Big city political machines, for whom patronage was their bread and butter, were becoming less prevalent and losing influence. The importance of national parties, as opposed to local party organizations, was decreasing. The ethic of patronage employment had also changed. It had fallen into public disfavor because it no longer seemed to be “a reasonable and natural ingredient of politics” (Sorauf 1960, 28); besides, popular sentiment favored equality of opportunity in the public services (Mosher et al. 1950, 16).

Other reasons for the decline of patronage were related to economic prosperity and more active government. The need for party assistance diminished as those who were traditionally the principal beneficiaries of jobs and contracts became less dependent. Education and growing affluence, plus the government providing for more social needs, combined to undercut the often essential role of the party boss (Sorauf 1960, 30-32). Citizens’ expectations about quality public services forced government officials to increasingly base their personnel decisions on first rate performance, which usually required competent and professional employees. Futhermore, the “expanding and increasingly technical functions of government call[ed] for special abilities and capacities” (Mosher et al. 1950, 16).

COOPERATIVE FEDERALISM

Although the national government was not directly involved in the passage of the 1959 law, its participation in the gradual evolution of Oklahoma’s merit system was significant. Several events that occurred between 1940 and 1960 reflect its unmistakable influence.

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As described above, beginning in 1940 the national government used its financial resources and legislative authority to guide states down the road to personnel reform. For example, the 1939 Social Security Act required states to set up some kind of merit system for employees working in agencies that received national funds. This and similar requirements applied to agencies receiving grants for unemployment insurance, public assistance, public health, child welfare, public employment, and vocational rehabilitation activities (Mosher et al. 1950, 30). The partial merit system that Oklahoma established for its grants-in-aid agencies was shaped by the national model. It included: (1) a powerful rule-setting board that was organized much like regulatory commissions, that is, it contained requirements such as only four of the seven members being able to belong to the same party, its members having staggered terms, and their being removable only for cause; (2) a provision that public hearings would be held in advance of all rules and regulations drafted by the board; (3) hearings for employees who wished to protest a personnel action; and (4) prohibitions against political interference and discrimination based on race, color, or creed (*Tulsa Tribune*, July 8, 1959).

One of the country's most noted scholars of federalism, Daniel Elazar, wrote that attaching administrative and other requirements to grants-in-aid programs constitutes an indirect national influence on state organization. He specifically included merit system requirements in his discussion (1972, 87-88). Other scholars take a more comprehensive view. Michael Reagan and John Sanzone, for instance, believe that the national government exerts a "double effect" on improving state administrative capacity (1981, 64). On the one hand its influence is *indirect* in setting standards that have "constituted, if only by contrast, benchmarks against which to measure the quality of operations of state agencies not subject to federal supervision"; on the other hand its influence has been *direct* in establishing "competence and accountability in the agencies handling national funds" (1963, 64). In their view most states lagged far behind in adopting modern management practices, and the national government played an "indispensable role" in conveying management knowledge (1981, 64-65). Other qualified observers have concurred, stating that states' needs were considerable because their "management and professional skills and techniques [were] virtually non-existent" (Shannon and Kee 1989, 15).

A less obvious example of the national government's influence is the fact that Oklahoma's partial merit system, which was based on the national model, became the prototype for its 1959 statewide merit system. One of the provisions of the law was not only patterned after its national counterpart, it also took its name, albeit slightly modified—the “Little Hatch Act” (*Tulsa Tribune*, July 14, 1959). Like its national equivalent, Oklahoma's version prohibited the practice of obtaining campaign contributions from state employees and forbade workers from engaging in certain political activities.

LATER CHALLENGES - 1961

The passage and implementation of Oklahoma's comprehensive merit programs did not mean the system was secure. The Oklahoma legislature, which met biennially, was not yet settled about the issue. Many members, mostly in the Senate, challenged the governor again. This time the dispute occurred in the 1961 legislative session. A bill containing significant changes made it to the governor's desk. Among the alterations were provisions allowing agencies to dismiss employees for reasons of “incompatibility,” to set their own rules for rehiring and layoffs, and to permit agencies to transfer an employee without the right of appeal (*Tulsa World*, June 11, 1961). The leader of the opposition party, GOP Chairman Henry Bellmon, said the bill would

cut the heart out of . . . the merit system. . . [and would] set the state back in the dark ages when the old guard machine filled up state payrolls with kinfolk and Democrat party political hacks . . . If [the governor] signs the bill, morale and quality of state service is certain to suffer a drastic decline, and the cost of government will soar to a new high (*Tulsa Tribune*, June 24, 1961).

A bill raising the sales tax—which Edmondson had “worked tirelessly” to promote, and which had bipartisan support—was held hostage to his action on the merit system bill being sponsored by opponents (*Tulsa Tribune*, Oct. 25, 1961). Supporters of the sales tax increase said they would vote against it if Edmondson vetoed the amended merit bill. Speculation was widespread about what the governor would do. The

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week before the deadline for acting on the legislation, the governor made a well-publicized “urgent request” to the U.S. Secretary of Health, Education and Welfare (HEW) asking whether the national government would withhold funds from the state’s grants-in-aid agencies if the bill became law (*Tulsa Tribune*, Oct. 25, 1961). In other words, did the Secretary think the legislation would alter Oklahoma’s personnel system to the extent that it could no longer meet the national government’s criteria for efficient and effective program administration?

The Secretary’s answer came in the form of a legal opinion from HEW’s general counsel, who wrote, “Enactment of the bill would conflict with national requirements and endanger continuation of (national) grants” (*Tulsa World*, June 27, 1961). Governor Edmondson subsequently vetoed the bill; he said that it weakened the merit system and that he could not “in good conscience contribute to enactment of any law which would in any way under any consideration or any circumstances endanger our health and welfare program or our employment security program” (*Tulsa World*, June 27, 1961).

Other serious attempts to change the merit system law occurred in each of the next two decades. And in both instances the national government was involved in much the same way that it was in the early 1960s.

LATER CHALLENGES - 1971

In 1971 the Oklahoma House initiated a bill that would exempt all but the lowest paid workers from the merit system. Over 25 co-authors signed onto the bill, including the Speaker. Even though Democratic Governor David Hall was neutral on the issue, a spokesperson for his office said the governor favored some of the changes (*Tulsa World*, March 14, 1971). In the midst of the controversy’s most heated period—with many Republicans, former Governor Edmondson, and rank-and-file Democratic leaders voicing opposition to the bill’s alterations—a regional representative of the merit system for HEW sent telegrams to all state grants-in-aid agencies telling them that \$200 million in national funds were in jeopardy if the bill in the legislature became law (*Tulsa Tribune*, March 13, 1971). The large front page

headline in one of Tulsa's newspapers read, "Merit Bill Termed Against U.S. Law" (*Tulsa World*, March 13, 1971). Less than a week later Governor Hall publicly endorsed the merit system. He also "called for shelving of the bills," thus ending the decade's most serious attempt to change Oklahoma's merit system (*Tulsa World*, March 18, 1971).

LATER CHALLENGES - 1981

As was the case in 1961 and 1971, there were serious efforts in 1981 to alter key provisions of the merit system. Some were intended to alter merit-based hiring practices, which comprise the foundation of a civil service system. Others would allow civil service employees to broadly participate in partisan political activities (*The Oklaboman*, March 31, 1982). According to an editorial in an Oklahoma City newspaper, the efforts "would permit a return to the archaic and politically corrupt system" that existed before the Edmondson era (*The Oklaboman*, May 15, 1981). Earlier in the year a study issued by the national Office of Personnel Management had criticized the state's merit system for several "serious deviations" from national standards (*Tulsa Tribune*, May 16, 1981). As a result of the study the U.S. government threatened to withhold \$1 billion from the state, representing funds for 27 Oklahoma grants-in-aid agencies. The administration of then Governor George Nigh took steps to address the deficiencies (*The Oklaboman*, May 15, 1981). Nigh made it clear that he had taken seriously the national agency's threat to withhold funds (*Tulsa World*, Oct. 19, 1981).

At the same time that the old guard was attempting to bring back elements of patronage politics, progressive forces in the state were advocating for the modernization of Oklahoma's 22-year-old civil service system (*Tulsa Tribune*, May 16, 1981). Several modifications, which were passed into law in 1982, included what the system's director described as "probably the most extensive revisions in [Oklahoma's] personnel practice . . . since day one" (*Tulsa Tribune*, May 27, 1982). As was so often the case, the national influence was clearly present. The modernization was fashioned after very similar changes made four years earlier to the civil service system of the national government (*Tulsa World*, May 15, 1981). For instance, Oklahoma's original personnel agency was abolished and two new agencies were created. The mission of one was to protect employee interests and the other

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was to administer the system. Not only did this reorganization mirror the national model, but the state's administrative personnel agency took the name of its national counterpart, the Office of Personnel Management.

CONCLUSION

The first 150 years of the American republic was a period in which national-state relations favored state power. It was a period in which rural life and an agrarian economy largely dominated Americans' existence. After the Civil War a new America began to emerge. Industrialization, urbanization, westward migration, and other powerful social and economic forces outstripped the administrative capacity of state and local governments (Wright 1988, 67-68, 71; Shapek 1981, 6). They were neither politically nor organizationally equipped to provide such basic needs as clean water, sewerage, roads, safety, education, and other essential services. The Great Depression made the deficiencies of subnational governments all the more apparent.

Oklahoma's government was minimally competent. Its system of electoral representation was "among the most poorly apportioned in the nation" (Morgan et al. 1991, 57). The state's administrative capacity was one of the country's least functionally adept. Johnston Murray, the state's governor from 1951 to 1955, wrote that Oklahoma was a "staggering maze of unsolved problems which shame my state and hold it in the category of the retarded" (Murray and Dewlen 1955, 20). Murray's assessment puts into context the overall condition of the state that would confront J. Howard Edmondson four years later.

The adoption of a merit-based civil service system was a critical component in building administrative competence in Oklahoma and other states. For example, the national government's 1970 Intergovernmental Personnel Act stated that a "high caliber of public service" in state and local governments is required to manage grants-in-aid funds and programs (Shafritz et al. 2001, 35). Fortunately, beginning about the 1960s and continuing through at least the 1980s most American states had started instituting widespread fundamental changes. In addition to the extension of merit systems, they strengthened executive authority, professionalized legislatures,

centralized management, and made numerous other changes that expanded competence and increased services. Several scholars regard this period as marking the revolution of the American states (Bowling and Wright 1998, 52; Conant 1988; Teaford 1998, 195). Indeed, extending the application of merit principles and a host of other substantive improvements led one observer to write that by the mid-1980s the states constituted “arguably the most responsive, innovative, and effective level of government in the American federal system” (Van Horn 1998, 1).

The national programs that began cascading from Washington during the New Deal and continued through subsequent administrations did not rob states of power; rather, they tested the states’ ability to manage their emerging responsibilities (Ginsberg et al. 2013, 73). They put on trial the basic proposition of Martin Grodzins’ America. Is the essential characteristic of federalism one of shared, intermingled responsibilities? As this paper has demonstrated through the experience of Governor Edmondson and Oklahoma’s skittish adoption of a statewide merit system, Grodzins’ view of cooperative federalism is upheld. While there is no question that Edmondson’s leadership was critical to the implementation of the merit system, neither is there a doubt that the national government made considerable and consistent contributions.

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