CHAPTER XVII

WISCONSIN'S BOARDS AND COMMISSIONS

You hear a great deal both in Wisconsin and out of it about the many boards and commissions of Wisconsin. These commissions have been set up by the legislature one by one in the past forty years for several purposes. First, they may perform some new duty which the people or some group of people think ought to be performed for the state; e. g., to assist in the development of a better system of marketing for the farmers. Second, they may relieve the legislature by taking over the study of a certain type of question, such as the determination of what are reasonable railroad rates. They may even issue orders subject to the approval of the legislature and of the courts. Third, they may relieve the courts by taking care of a certain type of cases which might be swamping the courts; e. g., cases involving damages for accidents to workmen. Their decisions are always subject to appeal to the regular courts, but they are able to settle many cases without appeal.

As life has become more complicated, government has had to become more complicated. Some people are alarmed when they see the increasing number of governmental bodies and duties. They forget that there is an ever-increasing number of things which the state must do. The coming of the automobile, for example, has meant a great expenditure for roads. The state has had to put millions of dollars into them. It has had to work out new forms of taxation—automobile licenses, gas taxes, and a personal property tax on automobiles. It has had to work out a code of speed and lighting for this new vehicle. To do this extra work, the state has had to employ a small army of people.

The discovery of germs as a cause of disease has laid more burdens on the state. Electrical power, the steam engine, the introduction of plumbing into our homes, have all made it necessary to call upon the state for protection.

In some states a desperate effort has been made to keep government simple in the face of increasing duties by centering numerous services in the hands of a very few administrators. The number of boards and commissions is kept down, but each one has many departments. Duty after duty, division after division, is added to each board. In some states, one man is put at the head of each of these gigantic departments, and is given responsibility for a great variety of services. Everything which has the remotest relation to the main purpose of the department is crowded upon it with the idea that centralized administration costs less. In some of the states, the whole system is headed up by a powerful governor, who makes up the budget, vetoes items in appropriation bills, and is an ex officio member of all the important boards and commissions. Illinois, Pennsylvania, and North Dakota are good examples of centralization of much power in a few boards and in the governor of the state.

Wisconsin has steered its course in a different direction. Instead of giving large powers to a few giant departments with one man at the head of each, Wisconsin has set up separate administrative machinery for each separate group of duties. The Railroad Commission is charged with the regulation of public utilities of all sorts, and nothing else. The Industrial Commission is charged with the protection of the people of the state in their work. The Tax Commission has only one type of duties. The Agricultural Commission is interested mainly in encouragement and assistance to agricultural production. The Marketing Department was created later when it appeared that the farmer needed help on that phase of his work. The State Board of Control is concerned only with the charitable and penal functions of the state.
In education, there has from the beginning been a separation of duties. The State Superintendent of Schools was provided for by the constitution, and such other officers as the legislature shall direct. When the University was established, it was decided not to place it entirely under the control of one man elected by the people. A Board of University Regents was provided for; a large board to be appointed by the governor except for one ex officio member, the State Superintendent of Schools. When the normal schools were established, a similar Board of Normal School Regents was set up. The State School of Mining at Platteville was given its own board; likewise the Stout Institute. When the working portion of the youthful population was brought under the compulsory school law, they were also turned over to a board, the sole duty of which is to look after them. The State Superintendent has always been the one in charge of the full time elementary and high schools of the state.

It has thus been the policy of the state of Wisconsin to establish separate agencies for each type of work, and to secure simplicity of duties within each board. This is different from the policy of other states which have sought simplicity in the number of agencies, but which have great complexity of organization within each one. In these other states, the many subordinate divisions must go up, sometimes through many superiors, to the head of the department for approval of their plans. Under the Wisconsin system, the line of superiors who must be consulted is very short. There is lack of red tape and there are few excuses for delay.

There are three main types of administrative bodies: the elective officials; the expert body appointed directly by the governor to do the needed work, and the non-expert body representing public opinion which appoints an expert to do the work and directs that work. The expert body is also of two main types; the commission of three or more and the one-man commission.

The elective administrative officials in Wisconsin are the Governor, Secretary of State, State Treasurer, and Superintendent of Education. These were provided for by the Constitution. At the time of its adoption, popular election was the only device the lawmakers had thought of for securing administrative officers.

At present, the expert body of three or more members appointed directly by the governor is represented by the Railroad Commission, the Tax Commission, the Industrial Commission and the State Board of Control. The one man body appointed by the governor is represented by the Commissioners of Agriculture, Banking, and Insurance, the Dairy and Food Commission, and the Director of Markets.

The non-expert board appointed by the governor, chosen with a view to their ability to express public opinion and to appoint the full time administrators is represented by the Highway Commission, the Conservation Commission, the Board of Health, the Education Boards, the Board of University Regents, Board of Normal Regents and the State Board of Vocational Education.

There is a diversity of opinion as to which of these three types is best. Some of the departments, like the Conservation Commission have been changed frequently from one type to the other in an effort to find the one which is best for the purpose.

The Railroad Commission, the Tax Commission and the Industrial Commission have retained their three man form from the beginning in spite of some agitation to change them to one man departments.

It is not by accident that these great administrative commissions are three-men, rather than one-man institutions. The Tax Commission has to decide disputed cases of assessment which involve millions of dollars. There are questions settled here which no one man could reasonably be expected to answer. Where great property interests are involved, it has not been considered wise to put any one man up against the pres-
sure which may be brought to bear upon him; to leave any one man to struggle alone with problems which require deliberation and discussion and counsel; or to require any one man to shoulder the entire responsibility for decisions upon which depend the most weighty public and private interests. Most of the great departments of the state were set up after careful study by special committees of the legislature between sessions. All these considerations were weighed by these committees. The recommendations of the committees were not the result of chance or haste. That is probably the reason why these institutions have stood up against many attempts to change them.

The Industrial Commission, like the Tax Commission, is often the storm center of opposing forces. It is always deciding cases which involve the interests of capital and labor. The fixing of a minimum wage may mean the transfer of millions of dollars from one group to another. The fixing of hours involves the convenience of employers, employees and the public. The determination of safety regulations may mean enormous expenditure. A decision in a workmen's compensation case may establish a precedent which will cost employers heavily; or it may establish a precedent which will aggrieve labor. It seemed desirable, therefore, that no one man should be given such power or such responsibility as rests upon the Industrial Commission.

We might go on through the list, showing the battling forces between which these department heads have to stand, and to which they are bound to mete out the law impartially. There is the Railroad Commission, which is exposed on the one side to the demands and complaints of utility users, and on the other to the wealth and wishes of the utility owners. This is enough to show what it means to be a state administrator, and why Wisconsin statesmen have seen fit to safeguard the public interest by placing responsibility with a group rather than with one person.

The policy making board has as a rule been as carefully planned as the administrative commission. The board is used where it seems desirable to bring to bear frequently upon state problems intelligent opinion from outside. Thus the State Board of Health is made up of seven physicians of the state appointed by the governor. This board appoints a secretary, who is also a physician. The State Board of Dental Examiners, which administers the laws relative to the practice of dentistry and gives examination to those desiring to practice dentistry, is made up of five dentists. The Board of Pharmacy is made up of five pharmacists.

The Board of University Regents is made up of seventeen members, one from each Congressional district and four from the state at large, appointed by the Governor; and the state superintendent of schools and the president of the university. Of the appointive members at least two must be women, two must be farmers, and two must be engaged in the manual trades.

The State Board of Vocational Education brings together representatives of those who are or ought to be most vitally interested in the part-time school: the State Superintendent of Schools; a member of the Industrial Commission; three representatives of the farmers of the state, three of the employers, and three of the employees. Its composition is the result of careful planning.

In addition to the Boards and Commissions which have administrative powers, there are advisory boards intended to bring to the expert commissions outside knowledge and point of view. A Minimum Wage Advisory Board of twelve members, four representing employers, four representing employees, and four representing the general public, assisted the Industrial Commission in making its orders with regard to the minimum wage and its application to the various industries. When the same commission makes or revises its determination as to the periods of training and the type of instruction to be given to apprentices in a given trade, it calls for aid upon a committee representing
employers, employees and experts in that trade. When the Department of Markets fixes the grades for a given product, it takes counsel with the producers and the buyers of that product.

As in the case of the expert commissioner and of the policy-making administrative board, so in the case of the advisory board or committee the different groups are represented by more than one person. This arrangement too was not accidental. It was felt that the representative of each group should have colleagues from that group. He could consult with them on perplexing questions. Their watchfulness would impel him to serve his group faithfully. There would be witnesses to his group of all his activities in their behalf.

In no other state, perhaps, has it been made so easy for a public servant to serve honestly and intelligently; so difficult for him to break faith with the people or to act foolishly. In other states we do find the occasional representation of some interested group. But usually it is a one-sided or an inadequate representation. There may be a representation of the employee without a representation of the employer of capital; or a representation of the employer without the employee. The representative is usually one lone person.

The contact of representatives of conflicting interests on various boards has been most wholesome. They have had to learn to cooperate. They have to use moderation and reason. They have to hear all sides of a question. An administrative body may not be able to act quickly when its members start out with widely varying opinions and backgrounds, but when it does act, its act is intelligent and usually reasonable.

One problem to which the increase in the work of the state has given rise is that of selecting state employees. In many states each department selects its own employees, choosing friends of department heads, and changing the whole force with every change in the party in power, so that even the clerks and stenographers are democratic in a democratic administration and republican in a republican administration. This means that department heads are seriously hindered in their work by a stream of job seekers.

In 1897 Senator Whitehead introduced a bill to establish a central employment department to provide examinations and to see that faithful and efficient servants of the state were retained regardless of their politics. The legislature failed to pass it. Eight years later Governor LaFollette in his message to the Legislature of 1905, recommended a civil service law which should apply to employees of the state, cities and counties. He pointed out the fact that the federal government had had this system for twenty years; that Massachusetts and New York had it; and that while this system of employment at first had been decreed as “Un-American” it was now admitted to be “truly American and thoroughly practical.”

The Legislature of 1905 passed the State Civil Service law, but did not apply the system to cities and counties as Governor LaFollette recommended. The result in the state has been cheaper and more efficient service than the states without such a law are receiving. A comparison in 1922 of the costs of government in states with a civil service employment system and in states without it showed that the Wisconsin system has resulted in fewer and better trained employees then we find in states without this system. In the 1919 and 1920 sessions of the legislature, for example, Wisconsin had only 88 employees to serve 133 members, while New Jersey had 113 employees to serve 80 members.

The selection of employees for clerical and stenographic duties has been taken completely out of the “spoils system.” But there is still much to be done. There is especially the problem of developing methods by which efficient employees will be encouraged to improve their preparation and will be assured of promotion. The class work offered in the past by the Civil Service Commission is a start in this direction.