Franklin D. Roosevelt — "The Great Communicator"

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The Governor reviews Executive Budget case

This is the first opportunity which has come to me to speak publicly of the very important decision of the Court of Appeals last Tuesday in the so-called State Budget case. I realize fully that the average citizen became confused during the last Winter's session, as to the fundamental reason for the controversy between the Legislature and myself. Therefore, it is right to set forth the fundamentals in the simplest kind of language without going into the maneuvers and detailed happenings of last February and March.

First of all, let me make it clear that there was nothing of a personal nature in the controversy. The origin of the famous lawsuit was as follows:

Starting with the Constitutional Convention of 1915 a large body of public opinion in this State, without regard to party, sought a reorganization of the State Government in order greatly to reduce the number of different departments—118 of them—and in order to create a responsible financial Budget System. As you know, the departments were duly organized and are now eighteen in number. This was followed by the adoption of the amendment to the Consititution, providing for the Executive Budget. The purpose of this budget was to center financial responsibility for making estimates in the Governor, to center administrative duties in the executive departments and to limit the functions of the Legislature to making appropriations and other strictly legislative duties.

During the reorganization period and before the Executive Budget went into effect last January first, a purely stop-gap arrangement was made by compromise between Governor Smith and the Legislature, by which during the reorganization, certain duties of segregating appropriations after they had been made were conferred on the Governor and two of the legislative committee chairmen. It was certainly Governor Smith's thought and that of the public, as well as my own, that when the Executive Budget went into effect the control of executive or administrative functions should vest wholly in the executive or administrative departments. On February first last, I therefore proposed this to the Legislature. The Legislature insisted on coupling the two legislative chairmen with the Governor. I was very certain, after taking careful legal advice, that this was not only contrary to the intention of the people of this State but was also contrary to the general scheme of American Federal and State Governments whereby legislators have constantly been denied the privilege of exercising administrative duties.

Let me make it perfectly clear that this was the crux of my refusal to abide by the desire of the Legislature. At no time did I insist that the Governor himself should have the sole power of segregation, but spoke constantly of the executive or administrative power as a whole, including of course the department heads who are responsible to the Governor. It is an interesting fact that some of the editors of our leading newspapers have been so misinformed that they have, since the Budget decision, said editorially that I had sought powers for the Governor. They fail to catch the difference between the word EXECUTIVE spelled with a capital E and the same word spelled with a small e.

The decision of the Court of Appeals sustains my contentions in every particular. Let that be understood once and for all. That statement is not open to challenge, for the decision definitely upholds my one and only contention, viz.: that members of the Legislature can appropriate monies but cannot carry on administrative or executive duties in the expenditure of the appropriations. This is a constitutional question, and the decision is so far-reaching that this particular case will be regarded for generations to come as one of the pivots on which the government of this State and of other states rests.

At the same time some editors have, I hope through lack of information, stated that the Court of Appeals had ruled that neither the Legislators nor the Governor could segregate appropriations in administering them. This is contrary to the clear language of the decision. The decision says that legislators are constitutionally barred from taking part in segregation. The decision further says that in regard to the particular appropriation bill of 1929 the heads of departments and not the Governor shall do the segregating, but the decision clearly allows the Governor the right to segregate if any future Legislature grants that power. In the final analysis it makes little difference whether the Governor or the heads of departments carry out the actual signing of segregation papers, for all the heads of departments are appointees of the Governor and their acts are, therefore, those of the Governor.

The above seems to be a clear statement of a much misunderstood case, and I want to go on record as saying that much of the misunderstanding is due to politicians and their servants who have deliberately sought to becloud and befog the big basic question. The Court of Appeals upholds in its decision the sacred time-honored American principle of the separation of the judicial, legislative and executive departments of government. Every school child has been taught that this is the fundamental division of our governmental powers. Many attempts have been made in the past to break this clear division down. The highest court of the State of New York sustains this sacred American principle and from now on I trust that instead of constant bickerings and efforts to throw monkey-wrenches into the machinery, we shall have better cooperation and a clearer understanding of the governmental powers in Albany. I am wholly willing to go along with this idea of better understanding and it will not be my fault, if the coming session of the Legislature does not prove to be harmonious and productive of useful legislation and businesslike action.