
Franklin D. Roosevelt — “The Great Communicator”
The Master Speech Files, 1898, 1910-1945

Series 1: Franklin D. Roosevelt’s Political Ascension

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**Drafts of two items concerning the functioning of
the State Legislature**

Dear Money,

Please get this
to F.D.R. - P.D.L.

Labor Speeches

I freely admit and acknowledge the right of the Legislature to decide in the most minute detail how every penny ~~xx~~ of the money they appropriate shall be expended. If it is their idea of good business practice to specify in the appropriation exactly how many clothes pins shall be bought for the Raybrook Sanitarium, for instance, or the number of postage stamps that may be used by the Warden of Sing Sing, that is their undoubted prerogative.

As it is manifestly impossible for the entire Legislature to go over these petty details, I admit not only their right, but the necessity and expediency of delegating this power of segregation to the Chairmen of the proper Committees in both the Senate and the Assembly.

My Appropriation Bill segregated as far as seemed businesslike and possible under the extraordinary circumstances of three Departments being completely reorganized and as yet not entirely clear as to just how the money should be divided with exactitude, and they were at perfect liberty to further

segregate these items as they saw fit. They had the power to call the Heads of the Departments themselves, whose items they considered in need of such segregation, before them and to judge for themselves if more definite segregation of items were possible at this time.

There is no difference between myself and the Legislature on this point. I do deny their right or the business expediency of any plan to continue to exercise the right of further control over the budget after it has once been approved by them and become a Law of the State. Merely from a business standpoint the idea is absurd.

Consider the procedure which they are solemnly insisting on as somewhat of a sacred right. They propose that every time the Head of ^a Department wishes to set aside from any of the items which cannot at this time be intelligently subdivided, the proper sum, let us say, to whitewash the cow barns, or to increase the allowance for medicinal supplies for the piggery,

rendered necessary by an epidemic of Hog Colera, the
Head of the Department must make application for such
permission to segregate to the Governor. It seeming a
reasonable request to the Governor, he must then forward
it, by messenger if the condition of the hog seems desperate,
to the town of _____, way up in _____ County, for the
signature of Senator _____, who, if he is not enjoying
a well deserved vacation after his arduous labors in the
Legislature (and I would like to point out that one of the
two Legislators whose signature is required was absent a
considerable time last summer in Bermuda) will probably
agree with me and in time will forward it again to the town
of _____, in _____ County, in the hope that it will reach
Assemblyman _____ and receive his approving signature, as
well. The Governor, or the Lieutenant-Governor acting for
him, is ~~somet~~ always immediately accessible. It would not
be fair to demand that the other two gentlemen should be

constantly in touch, by telegraph or telephone, in the
interval between the sessions of the Legislature, as well.

Yet, all three signatures must be obtained before the

segregation can be approved or money spent for purposes

desired.

This is paternalism ~~and~~ official supervision
~~and~~ red tape run quite mad. It is difficult to even argue
calmly on such a silly proposition.

I sincerely hope that the Legislature will
eventually realize before adjournment that I cannot con-
scientiously ~~yield~~ to any such proposed medieval system
as this.

Address

Date -

After fifteen years of a campaign of education during which every possible argument on either side was advanced and debated, the people of the State of New York voted so to amend their Constitution as to permit of a reorganization of the State Government along modern, progressive and scientific lines. The details of this reorganization were subsequently worked out in carefully considered Legislation, which has met with the unmistakable approval of our people, irrespective of their political faith.

One of the most important fundamental principles upon which this reorganization was based was the proper and definite separation of the Legislative and Executive functions.

Modern business men have learned how vitally necessary this separation is to the successful conduct of a private enterprise. Its application to the business of Government has

come more slowly, but the increased efficiency that follows the separation of the Executive Departments from interference with their work by other branches was finally recognized and adopted even at Washington, where ancient prejudices and precedents make any reform a difficult matter to achieve.

This separation prevents among other things any excuse that interference by another branch of the Government and the resulting lack of a free hand is the reason for an inefficient or wasteful administration on the part of Executive Heads. It also prevents the exercise of Executive authority without the assuming of full responsibility. There can be no shifting of the blame when the Executive is held solely responsible for all Executive acts. Interference from those who know they can escape responsibility is the father of slipshod Government and the feeling that the blame for wrongdoing can be shifted elsewhere lies at the bottom of nine-tenths of the cases of incompetency, inefficiency and malfeasance in administration.

In no particular was this separation of the legislative and Executive functions so clearly and unmistakably defined as in the procedure involving the expenditure of the funds of the State. The Legislature was given the exclusive determination of how much money was to be expended each year and in no way could the Governor or any other Executive add one penny to the amount. The part played by the Executive branch of the Government in this determination of total expenditures is purely advisory and informatory. The Executive Heads of Departments recommend through the Governor the appropriation by the Legislature of the amounts needed in their judgment for their particular branches of the State machinery. The Legislature may reduce this amount to zero, and to the Executive is left merely the right of protest. That the amounts requested by the various Executive Departments may be intelligently weighed by the Legislature, they are presented through the

Governor in as great detail as is practical, and if this information is not sufficiently full it is the undoubted right of the Legislature to call for more explicit information.

Under the new machinery of our State Government, all the estimates made by the Heads of the Executive Departments are submitted by the Governor himself for the consideration of the Legislature. Upon these recommendations the Legislature acts, and from its judgment as to the limit of expenditure for any particular item there is no appeal. After the Legislature has finally determined what this amount shall be and what items are necessary and proper expenditures, it is given the ~~additional~~ power to recommend to the Executive branch, as represented by the Governor, additional expenditures over those he originally suggested; but this is a purely recommendatory power, inasmuch as the law clearly provides that all such additions and changes may be vetoed by the Governor without affecting the rest of the Appropriation Bill.

Such, briefly, is the present law of the State of New York, founded upon a Constitutional Amendment voted on by the entire people.

In accordance with the clear requirements of the law, I presented to the Legislature this year the recommendations of the Heads of the various Executive Departments for which I, as Governor, must assume full responsibility. In accordance with their undoubted right, the Legislature eliminated certain items which I have no power to restore to the original amount and added certain other items over which I possess the unquestioned right to veto. But in addition to the exercise of these proper functions, the Legislature undertook not only to share with me the Executive responsibility of further supervision of the items authorized, which became solely mine the minute the bill was passed, but also to leave me only a one-third voice in future determinations as to the allocation of various "lump sum" items impossible

of accurate segregation at the time owing to the necessity of completely reorganising two Executive Departments. This authority under the Legislative Amendments to the Appropriation Bill was to be jointly exercised by two members of the Legislature after the Legislature itself had adjourned.

Now, practically, a Legislature dies on the day of final adjournment; for, while it may be resurrected by the Governor in extraordinary session should an emergency arise in the affairs of State, it is otherwise as much a thing of the past as Nineveh and Tyre. So what was attempted by this remarkable addition to the Appropriation Bill was to stretch out, as it were, a long arm from the grave of a buried Legislature to exercise authority clearly not given it in controlling expenditures after the Appropriation Bill had passed and had become a law.

The unconstitutionality of this action seemed obvious, and in this view I found myself supported by my official legal

Counsel and by jurists of nation wide distinction.

There were but two course left open to me under these circumstances; either to approve a bill which was not only manifestly unconstitutional in its provisions, but which struck at the very foundations of the principle of the division of the Executive and Legislative powers which had been achieved after so many years of struggle/^{also} by such approval ~~and~~ tacitly agree to a principle which, if once established, could be carried to unknown and dangerous extremes; or, assuming that the constitutionality of this proposed procedure had not been given careful consideration by the Legislature, I could by act of veto return it to them to modify and correct. This I did.

At the same time, insofar as possible I further itemized certain sums to meet any objection as to the indefiniteness of the exact purposes for which they were to be expended. The Legislature refused to agree with me as to the

unconstitutionality of its action and secured a (somewhat?) hasty opinion sustaining their viewpoint from the Attorney-General of the State. It is to be regretted that this opinion was rendered without any attempt on the part of the Attorney-General to confer with the Governor and ascertain the reasons and precedents upon which his decision as to the unconstitutionality of the measure was founded. It bears every evidence of an opinion rendered after hearing only one side of the argument.

Fortified with this decision, the Legislature has again returned to me the Appropriation Bill with the provision for further interference by the Legislature still incorporated, and has forthwith adjourned.

A careful reading of the Attorney-General's decision in no wise changed the previous opinion of my own Legal Counsel. But I have taken the precaution to secure a formal opinion, in writing, rendered as a service to the State, from an eminent jurist and expert in Constitutional Law, whose reputation stands

so high on such matters as to make his views of the weightiest importance. I am including his carefully considered opinion sustaining my claim of the unconstitutionality of the Legislature's action as a part of this statement.

There is no doubt that in a dispute of this kind the proper final action is a reference to the highest court of the State for an official and conclusive opinion, and it is my hope and expectation that this course will be immediately taken by mutual agreement between those interested in the question. In the meanwhile, I do not feel that the highest interests of the State will justify veto of the entire Appropriation Bill, with subsequent disarrangement and confusion to the State's business. Nor do I feel that calling an extra session, at least until a final decision from the Courts has received been rendered, will result in more than a repetition of the action already taken by both by myself and by the Legislature. I have, however, vetoed two items of minor importance, the

elimination of which will not embarrass the State's business and which fall in the category of items which in my judgment have been unconstitutionally altered by the Legislature. One of these items also includes an additional unconstitutional act in improperly placing the spending of a sum in the hands of a department not authorized by law to handle such expenditures. I have vetoed, in addition, as seems clearly my right under the law, a single paragraph added after one section by the Legislature, which embodies what I conceive to be the unconstitutional procedure of usurping the function of the Executive.

I hope the people of the State will realize that this is not a mere contest for authority between the Governor and the Legislature. A very vital and important principle is at stake. The whole theory of the sole responsibility of the Executive Department for Executive acts is imperiled. My acquiescence in this attempt of the Legislature to assume the

right of continuing power to usurp the Executive function would mean the unlocking of a door through which might stream the gravest abuses in the future. May I also point out that it is not the authority of the Governor that is really in question; for, while I am properly responsible for the acts of those under me, as Governor and Chief Executive, it is, as a practical matter, the Heads of the Executive Department, themselves, on whose recommendations I must rely in making up the general budget bill, who are attacked and whose prerogatives are jeopardized.

The eminent jurist to whose opinion I have referred is

The items I have vetoed are: