

53. Office and Functions of the Governor



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THE Governor is the chief executive officer of the State. He occupies a position much like that of the President of the United States; he is a major figure in his political party, and he has important ceremonial, executive, and legislative functions. However, the precise role of the Governor in any one State differs from that in any other State, so that what is said about the Governor in a specific State must be modified when it is said about the Governor in another State.

OFFICE OF THE GOVERNOR

Qualifications for office

In every State an individual must satisfy certain qualifications in order to hold the office of Governor. Some of these qualifications are constitutional

(see Table 38); others are extraconstitutional. Constitutional qualifications in the main include a minimum age—commonly thirty years or thereabouts; a requirement of American citizenship; and a minimum number of years of citizenship of the State, or residence in the State, or both. The extraconstitutional qualifications may be quite weighty; their number, importance, and

TABLE 40. BACKGROUNDS OF AMERICAN GOVERNORS, 1955

Average age upon election (43) ¹	47	Lawyer	26
Education (40)		Businessman	14
High school	2	Judge	2
Some college	3	Publisher	3
College degree	13	Salesman	1
Law degree	22	Journalist	1
Married (41)	39	Farmer	2
Religion (29)		Aviator	1
Baptist	2	School teacher	2
Episcopalian	4		
Lutheran	3	Experience:	
Protestant	4	as Mayor (43)	8
Methodist	8	in other local office (42)	12
Presbyterian	3	in State legislature (44)	22
Roman Catholic	3	as State judge (43)	1
Congregationalist	1	as State administrator (43)	10
Mormon	1	as Lieutenant Governor (44)	8
Profession (46; 6 have double professions that are recorded twice)		as Congressman (43)	10
		as other major federal officeholder (43)	4

¹ Number of men on whom facts are available in each category are reported in parentheses.

nature vary from one State to another. Race is sure to be a major consideration in most if not all States; religion also is apt to be important in certain States. The profession, education, and even manner of speech of an individual may play a part in his "availability." Some idea of the nature and variety of these extraconstitutional qualifications may be obtained from the survey, shown in Table 40, of the backgrounds of the forty-eight men who were Governors in the United States on January 1, 1956.

Nomination and election

The nomination and election of all State Governors follow the general pattern of nominations and elections set forth in a previous chapter. Candidates for the governorship in most States are nominated in primary elections. In a few States they are chosen in State party conventions; Republican candidates in southern States are sometimes named by the State central committee of the party. In primary elections the victor is generally the nominee who secures the largest number of votes. In most southern States, however, the victor must win an absolute majority of all votes cast. Hence it is sometimes necessary to hold a second, "run-off" primary between the two nominees receiving the largest numbers of votes in the first primary.

Official Residence of the Governor of Illinois at Springfield.

The Governor is finally chosen in a typical general election, the victor being the candidate winning the most votes in a State-wide polling. In almost all States the office of Governor is filled at the same election as certain national offices, such as those of the President and Congress. Hence the election of the Governor may be influenced by the presidential election, or, on the other hand, it may help determine which party wins the electoral vote of the State.

Structure of the Governor's office

Term and Salary: Every State Governor today serves for either a two-year or a four-year term. The tendency in past years has been to transform the two-year terms into four-year terms, so that the Governor today enjoys the longer term in a majority of the States. In most States the Governor may succeed himself, and may serve as often as he can manage to be reelected. However, in a number of States, mostly in the South, a Governor either may not succeed himself, or may hold office for a limited number of consecutive terms. These restrictions mirror the old and now widely discarded fear of strong executives, and timidity lest a Governor so entrench himself in office that he cannot be defeated in an election. Their frequency in the South is, of course, related to the predominance of the Democratic Party there, for in most southern States the official Democratic Party candidate in an election always wins. Every Governor receives an annual salary, those in 1956 ranging from a low of \$9,000 in North Dakota to a high of \$50,000 in New York. Over three-fourths of all Governors are paid between \$10,000 and \$20,000. They receive additional income in the form of expense accounts or allowances, and services attached to the office.

Removal: There are two important means for removing a Governor from office, apart from defeat at the polls. One is by impeachment, an instrument available in every State except Oregon. Impeachment proceedings in the States are much like those in the national government; the house of the State legislature functions as the prosecution, drawing up a case against the Governor and bringing the charges before the State senate, which serves as judge. In Nebraska, with its unicameral assembly, the legislature prosecutes the case and the State supreme court hears it. The size of the senate vote necessary for conviction ranges from a majority of the membership to a two-thirds majority of the membership. Only four Governors have been convicted in impeachment trials. The other important means for removing a Governor, available in eleven States, is the recall; only one Governor has been removed in this manner. Other methods for removal that exist in a few States are based on such causes as conviction of a felony.

Succession: Just as in the national government the Constitution provides that the Vice President shall succeed the President in the case of the death, removal, resignation, or incapacity of the President, in every State there is a line of succession to the Governor. In most States the immediate successor is the Lieutenant Governor. Indeed, this "stand-by" function, and the duty of presiding over meetings of the senate, are about the only tasks of the Lieutenant Governor. In any event, he does have the same qualifica-

tions for office as the Governor. Where there is no Lieutenant Governor the succession usually falls to the president of the senate or the speaker of the house. Where there is a Lieutenant Governor they may be in line after him. Others who may be named along with these three officers are such executives as the secretary of state and the attorney general.

Cabinet and Advisers: In very few States does the Governor have an effective cabinet, in the sense in which that term is ordinarily employed. That is, there are few Governors who can turn to the group of other executive officers in the State for advice and suggestions. There are specific reasons for the absence of a cabinet in most States. One is that there are so many executive officers in some States, both as single heads of departments and as members of boards and commissions, that any gathering of all of them would be far too large to make up a workable advisory body. Another leading reason is the fact that in almost every State there is at least one important executive officer in charge of an administrative agency who is elected independently (as distinct from the national government, where the only elected executives are the President and the Vice President) and who therefore does not have to obey the Governor. Consequently the Governor tends to seek advice from his personal staff (which may be considerable), from the outstanding members of the legislature, and from private citizens close to him. However, it must not be thought that Governors seek no advice from administrative chieftains; on the contrary, they may consult with heads of administrative agencies quite frequently—but *as individuals*.

Party position of the Governor

Governors today often hold an important position in their political party, at both the State and the national levels. They are generally superior to any other State officer or State party leader in the councils of the State party organization. Elected State administrative officials, although in certain constitutional respects equal to the Governor, do not occupy the rank in the public eye that the Governor does. Furthermore, the current tendency to make more and more State administrators appointive places them in a niche lower than that held by the Governor, if only because he is responsible for all acts of those whom he names to their posts. The predominance of Governors over State party leaders who are either private citizens, occupants of inferior State offices, or federal officials, is a more or less recent development. At one time many Governors were little more than puppets of a State political machine. However, machines have declined, and the process whereby the administrative role of the Governor was expanded—through such techniques as increasing his appointive power—gave more and more political power to the Governor. Thomas E. Dewey, who dominated the Republican Party of New York State while serving as Governor there, exemplified this new type of State leadership.

The only elected federal officials who might contest the Governor's rule over the State party organization are the United States Senators from that State. The fact is, however, that Governors have certain advantages over national Senators in disputes over party control. One advantage of the

Governor is that he is alone, whereas there are two Senators. Hence the Senators may compete with each other as well as with the Governor, thereby weakening their position. Another advantage for the Governor is the steady diminution of the amount of national patronage, thanks to the expansion of the classified civil service at the national level. Meanwhile the growing concentration of administrative power in the hands of the Governor made him more and more the chief dispenser of State patronage, especially since the time that Governors have been authorized to appoint the holders of the chief executive offices of the State. Finally, the adoption of the Seventeenth Amendment broke almost all ties between national Senators and State legislatures; meanwhile the increased participation of the Governors in the legislative activities of State governments has given the Governors heightened influence over State assemblymen. Thus Governors have in many cases been able to triumph over Senators in contests for dominion over State party organizations.

Governors are coming to have more and more power in national politics. One illustration of this trend is the increased power that Governors have won in national presidential nominating conventions, apparently at the expense of congressional leaders. Conventions with growing frequency are turning to Governors as presidential candidates, because, for reasons cited in a previous chapter, Governors have exceptional "availability" as presidential candidates. In certain ways, then, it may be said that the office of Governor ranks second only to that of President in its importance in national party politics.

FUNCTIONS OF THE GOVERNOR

The functions of the Governor fall into three main categories: (1) ceremonial, (2) executive, and (3) legislative.

Ceremonial functions

Like chief executives throughout the world, the Governor has many ceremonial functions. He must appear at numerous social affairs such as weddings, formal dinners, and sporting trips, that include influential people in the State. He participates in the dedication of public buildings, speaks at commencement exercises of the State university, and cheers at the baseball games of the capital city team. He welcomes distinguished visitors to the State. These ceremonial functions reach down to the host of people and groups he admits briefly into his office—labor union representatives seeking a higher minimum wage law, lawyers for industries asking preferential tax treatment, individuals wanting a job with the State government, and persons who only want to shake hands with the Governor; all typify the callers at the executive offices. These functions are among the most important means whereby the Governor conducts his public relations, assuring himself, or at least his party or faction, of the continuing good will of the voters. Their most regrettable aspect is that they require many hours that might be more profitably devoted to administration or legislation.

Executive functions

Appointments and Administration: Every State Governor has the power to appoint certain subordinate executive officials. This power is different in every State from every other, depending upon two major types of limitation: (1) the number of significant executive officials who are directly elected by the people; and (2) the degree to which the lower ranks of executive officers are recruited through a classified civil service system. The power to appoint his subordinates determines to a large degree the power of the Governor to carry out his own policies so far as the administration and enforcement of the laws enacted by the legislature are concerned. Today the appointive powers, and the administrative potential that flows from them, of almost all Governors are limited. Only in New Jersey is the Governor the sole elected executive officer. In all other States there is at least one other elected executive officer besides the Governor. Furthermore, so far as the choice of these executive officers is concerned, the State constitutions usually impose upon the Governor (as upon the President) the requirement that his appointments obtain the approval of the State senate. In a few cases his dismissals also must have legislative confirmation; in a few other cases the dismissals must be "for cause," with written statements.

As chief executive of the State the Governor must supervise and implement the work of the lesser administrative officials. Since it is his responsibility to see that the laws are carried out, he must so direct his subordinates that they do carry out the enactments of the legislature. Usually the Governor may implement administration through rules and orders. In this function he may, in spite of legislative action, introduce his own policies either by neglecting legislative directions or by executing them in a manner not specified by the legislature.

Drafting and Administering the Budget: Drafting and administering the budget are two powers enjoyed to a greater or lesser degree by all Governors; in late years the trend has been to allot more financial responsibility to the Governor in keeping with his increased authority over administrative agencies. These financial powers, it must be noted at the outset, are legislative as well as executive; that is, they offer the Governor a means for expressing and implementing his policies. In some States, just as in the national government, the Governor submits the budget to the legislature together with a budget message explaining the aims of the budget. Also, in a few States the legislature may lower, but not raise, the appropriation figures of the Governor. The administering of the budget is a major executive function of the Governor. That is, it is his responsibility to see that the money appropriated by the legislature is spent as the legislature has directed. In this role, too, the Governor has the opportunity to bring his policies into play, if only because the legislature will find it difficult to penalize a Governor who does not administer expenditures precisely according to the legislative mandate.

Judicial: The Governor, again like other chiefs of State, is a final court of appeal in criminal cases; his powers typically are those of pardon, reprieve,

commutation, and amnesty. These four judicial powers of the Governor are approximately the same as those of the President, described in a preceding chapter. As in the case of the President, the exercise of these powers might occupy all the time of the Governor; hence the actual decision is usually turned over to some other person or agency. In some States the Governor is bound by the decision of a State pardon board; such restraints have seemed desirable because some Governors have been known to grant pardons after being bribed or subjected to some form of political pressure. Finally, it must be noted that the Governor's jurisdiction extends only to crimes under State law.

Military: The Governor is the principal military officer of the State. In this position he is in command of two organizations of armed men: the State militia, or National Guard, and the agency that is termed either the State police or the highway patrol. Because the federal Constitution prohibits the States from supporting military forces in time of war, the military power of the Governor applies chiefly to the enforcement of the laws and the maintenance of the peace. He may, for instance, call out the militia to restore peace and order in the event of rioting or natural calamity. Too, he may direct the State police, or highway patrol, to perform a variety of tasks.

Legislative functions of the Governor

Like the President of the United States, the Governor not only is the chief executive officer of his government but also possesses numerous legislative functions. These functions may be divided into two broad classes: (1) obtaining the enactment of legislation, and (2) vetoing legislation. It should be noted that in some States the Governor may devote even a greater proportion of his time to legislative tasks than the President does, since many of the administrative duties are performed by elected executive officers who are not subject to the Governor's supervision.

Obtaining the Enactment of Legislation: The Governor has various means for seeking to obtain the enactment of legislation. One means is to secure political leadership in the legislature. This he may accomplish by winning the election of legislative chiefs—presiding officers and committee chairmen—who are favorable to his program. Another means is through the drafting and introduction of proposed legislation. Invariably at the beginning of a legislative session the Governor has a program that in one fashion or another he submits to the legislature. Occasionally the Governor and his advisers may draft some proposed laws after the session has commenced, owing perhaps to an unexpected popular demand. The Governor may strive to further his proposals with messages to the legislature, some of which may be intended primarily for public consumption. He may hold conferences with legislative chiefs; he may offer, or withhold, patronage for legislators, depending upon their willingness to cooperate in passing the Governor's recommendations. If the legislature refuses to act in its regular session, the Governor may call a special session. In some States he may determine what matters the legislature shall handle during a special session; with this power he may block legislators from attempting to enact laws in the special

session that they could not pass in the regular session. The amount of success that Governors have in winning passage for their proposals differs from State to State.

Vetoing Legislation: In every State except North Carolina the Governor may veto laws. The extent of the veto power varies greatly from one State to another, but in all cases the procedure resembles that in the national government. In general, once a State assembly has passed a bill, the bill is sent to the Governor. If the Governor approves of the bill he may sign it, whereupon it becomes a law. If he disapproves of it he may either take no action or veto it. If he vetoes it he returns it, with a message, to the State legislature for its action. The legislature may overturn the veto by again passing the bill; depending upon the State, the vote required to overturn a veto ranges from a simple majority of those present to a two-thirds majority of the entire membership. Most Governors, like the President, also have a pocket veto; the period that must elapse between the Governor's receipt of the bill and the adjournment of the legislature differs from State to State. Usually a pocket veto is final; however, in a few States the legislature must return to a special session to deal with bills that have received a pocket veto.

Unlike the President, Governors in most States do not have to accept an entire bill; in more than three-fourths of the States, Governors may veto items in appropriation bills. In South Carolina and Washington they may veto items in any bill. With the power of imposing vetoes on items in appropriation bills Governors may block both items aimed at pleasing legislators' constituents and items devised as extortions from the Governor as the price of a legislator's support.

QUESTIONS AND PROBLEMS

1. Compare the legal qualifications of American Governors with those of the President.
2. How are Governors nominated? What differences, if any, are apt to result from these methods in contrast to the method of nominating the President?
3. In what sense do Governors have cabinets like that in the federal government?
4. What are the common patterns of salaries, causes of removal, and mode of succession of the Governors?
5. Do Governors on the average have more or less control over their parties than the President has over his?
6. What State's governorship, in your opinion, is likely to give its incumbent the best chance of becoming President? Which the least chance? Explain your answer in each case.
7. Describe briefly the executive functions of the Governor.
8. What executive powers does the President have that are seldom, or not ever, granted to Governors?
9. Describe the legislative functions of Governors. How do they differ from those of the President?
10. Are the functions of the Governors likely to increase or decrease in number, scope, and importance in the coming generation? Explain your answer.