

Home Rule or Politics as Usual?

Under the Articles of Confederation, not only were the states woven together by fabric so weak that the new nation could not function; but, in addition, the executive of the Continental Congress was not much more than a figurehead. The Founders of this country thought they would try the Greek Experiment of having a democracy run by the Representatives instead of by an executive.

The debate over executive power is as old as mankind. In ancient Israel, a king could not rule who was not acceptable to the people. The king had to share power with the Sanhedrin, which frequently had its own ideas about what was good for the people.

In Roman times, democracy was shaky at best. Finally, Julius Caesar crossed the Rubicon and decided that a powerful Senate was an impediment to his rule. Caesar's ambitions led to his own death at knife point.

Montesquieu hit the right tone for the Founders after it was clear that the United States was failing under the Articles of Confederation. Shared power with coequal branches of government was to be the formula for success. Unfortunately, the Founders did not appreciate the power of the fourth branch of government -- the administrative agencies -- or the fifth branch -- the lobbyists and special interest groups. Those latter two sometimes appear to be more powerful than the executive, the legislative, and the judicial branches put together.

With the advent of the Jacksonian democracy, the idea of a tripartite government with equal branches spread to cities, towns, local councils, and counties. With the rise of the administrative branch of government, manned by bureaucrats who sometimes obtain their jobs through politics and other times by a merit system, the idea of a weak executive and a strong hired "manager" came into vogue. The executive would be hired by the legislators and would serve this often fractionalized group, rather than being directly accountable to the people.

There are many forms of local government lead by a bureaucratic chief, some of which have worked better than others. The reality is that such a government is not a panacea and is no substitute for citizen involvement.

The fact that a group on a local legislative level may not like a current mayor does not militate in favor of an executive who is essentially unaccountable to the people but who answers to the whim and will of council members. This is not to say that current proposals with respect to the management of the City of Williamsport are necessarily a bad thing. Consideration of new ideas is always for the good.

Citizens will appreciate that if an Executive Director is selected by elected members of a council or legislature, that official inevitably will be political. Some council members will like him/her, and others will hate that person. Instead of the executive being accountable directly to the people, where change can be made fairly rapidly during an election cycle, there may have to be a change in several council members simply to effectuate replacement of the bureaucrat who is now running the city. Those who are appointed by city councils tend to become entrenched and may wind up serving a long time before their errors are discerned, discussed and aired in the open.

Those interested in the management of the City of Williamsport may wish to consider a provocative, but serious, solution: Enhanced regionalization. The many layers of government in Pennsylvania and other states dating to the Colonial period mean that a multiplicity of entities are taxing the public. Some of the functions of government are overlapping or may be absent altogether. The growth of Williamsport into "suburbs" provides an opportunity to consider a merger of city and county responsibilities. Some of that has already been occurring with respect to obligations undertaken by the Water Authority. Regionalization tends to threaten long-serving interests. Even within the City, there are those who feel that their neighborhood is neglected. This concern would be enhanced to the extent that one or more entities are created covering the county at large.

There is no question, however, that rolling certain responsibilities into one entity governing the entire county would be more efficient and might help to relieve the tax burden endured by the public.

In my home growing up, decisions about who would fill certain government positions were often made at the dinner table. Such are the responsibilities for politically active folks, such as my father. To place the responsibilities of the Mayor, and even City Council, into a politically chosen "professional" manager is unlikely to solve any of the City's long-term problems and may only lead to greater governmental snarl.

I may not be from Missouri, but nevertheless "show me" why and how giving up the strong mayor system would be better for the City or our region. I have not yet heard anything which convinces me to throw out the baby with the wash water.

Just another point of view....

*Clifford A. Rieders, Esquire
Rieders, Travis, Humphrey,
Waters & Dohrmann
161 West Third Street
Williamsport, PA 17701
(570) 323-8711 (telephone)
(570) 323-4192 (facsimile)*

Cliff Rieders, who practices law in Williamsport, is Past President of the Pennsylvania Trial Lawyers Association and a member of the Pennsylvania Patient Safety Authority. None of the opinions expressed necessarily represent the views of these organizations.