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of *Legal Thinking* was greatly facilitated by the circumstance that he, a professor of philosophy, centered his attention primarily upon an analysis of Cardozo's thought processes. This means that the philosopher-judge, Benjamin Cardozo, found a biographer who was a specialist in a domain which is not, technically considered, that of the law. And, of course this is but another way of saying that in these pages the lawyer and the jurist are somewhat subordinated to the thinker and the intellectual pathfinder. "The author," as a distinguished reviewer puts it, "shows Cardozo throwing aside the mysterious veils that surround judges and revealing frankly a group of learned but troubled humans who must make the law as well as declare it, who have it in their power to forward or retard human progress. . . ."

It is regrettable that with Dr. Levy's analysis of Cardozo's mind running in this direction he makes almost no reference to the great lawsuits of recent years. It would have added to the human interest of his pages had he drawn a picture of Cardozo's mind in action during that epoch-making period. The circumstance that he preferred not to do so perhaps adds to the philosophical serenity of his work. The regret which it evokes but emphasizes the praise which should be given to his incursions into domains which were not "taboo" to his love of tranquility.

Pierre Crabites*

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These books, each the product of subsidized research, are designed for the student of political science and public administration rather than for the practicing lawyer. While each carries some commentary on constitutional and statutory problems which govern state-federal relationships, comment of a strictly legal

5. Levy, Cardozo and the Frontiers of Legal Thinking (1938).
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character is the exception rather than the rule. The attorney whose horizon extends beyond his law practice, who is concerned that American government be made to work effectively, will nevertheless find the two works of real value.

These two volumes supplement one another. Miss Clark's study is the more broadly conceived. About 120 pages of her work are devoted to the subject matter which occupies the whole attention of Mr. Key—grants-in-aid (for highway construction, fire fighting in forests, etc.); the remainder of her volume is addressed to other kinds of relationships between the national and the state governments. Mr. Key's study, narrower in scope, is more penetrating and much the more significant of the two.

Mr. Key offers a simple explanation of the situations in which federal financial aid is extended to the states; comments briefly on the desirability of a program of grants-in-aid; explains in a chapter of 50 pages how the costs of federal-aid services are apportioned; and describes at length the administrative organizations and administrative devices which are utilized for executing these services. The scope of his study is more narrowly limited than the title of the book suggests. He is concerned only incidentally with the organization and practices of the state departments which spend the money and execute the subsidized services. His principal concern, like that of Miss Clark, is in the relationships which exist between national officials and state officials. His book is a study of federal supervision of state agencies.

The following appear to be the principal devices of national influence and control of state action in subsidized fields of activity: (1) State departments may be required to submit plans (work plans and budgets) for the expenditure of federal money in advance of the grant. This device "is one of the most useful in the paraphernalia of federal-state relationships." Its use has had a marked tendency to stimulate "the development of an alert and forward-looking body of state administrators." (2) Federal officials interpret the federal statutes which control the grants, and they supplement the declarations of the statute by administrative rules and decisions. Apparently state officials rarely assert their own right to read the proper meaning into the statute. (3) Federal officials establish personal contact with state administration, observing work in progress, consulting with state officials, and inspecting the completed projects. "On the whole," Mr. Key says, "federal inspection is not meticulous. Field staffs are usually in-
adequate. . . . In most of the federally-aided functions more intensive inspection would probably be profitable.” (4) The records of state expenditures of federal money are now, under all grants, audited by federal officials. The comprehensiveness and the thoroughness of the examinations vary widely from service to service. (5) State officials are required to report in writing from time to time on their accomplishments and the uses to which federal funds have been put. (6) Federal supervisory offices in some cases suggest or require changes in state administrative organization and advise or dictate in respect to state administrative personnel. And finally, (7) national money is on infrequent occasions withdrawn because of the failure of states to meet federal expectations.

Mr. Key says in his preface that federal officials in all grant-supervising agencies were interviewed, as were state officials in more than a half of the states (much of the interviewing was done by Mr. W. V. Holloway of New Orleans). The book shows throughout that this interviewing was done with purposes well in mind. The experience of active administrators is reflected in every chapter of the volume. It is here that Miss Clark failed. She states in her preface that she had a considerable personal contact with administrative officials; it seems to me that she failed to translate this experience into a context that creates understanding in the reader.

Miss Clark records a great variety of relationships which exist between state and national officials and state and national policies. Among these state-national contacts or junctures are: informal discussions; lending or hiring of personnel; placing the results of work at the disposal of the other—even undertaking work at the request of and for the benefit of the other; standing agreements for joint conduct of broad programs of public service; enactment of statutes by state or nation designed to supplement action by the other—sometimes contingent on the enactment of supporting statutes by the other; and use of federal taxation to induce certain action in the states.

These arrangements and ways of associated action are described and many facts and opinions about their execution, effectiveness and broad significance are stated. But it seems to me that the worth of Miss Clark's book does not extend very far beyond whatever value there is in recording descriptive data. One sees the mechanisms by which state and national action are joined together. But one is not advanced much toward an understanding
of whether joint action results in more effective accomplishment of purposes or in government that is better adjusted to the wishes of large numbers of the governed. Nor is one enlightened much as to whether joint action is essential or requisite to the governmental product which it produces. Federal agencies have put pressure on states to select their employees on a merit basis. How much capital have local civil service reform groups made of this fact? Almost the whole code of Illinois in respect to sanitation of railroad yards and railroad construction camps was written by a federal office. Is this true of all forty-eight states, and is this situation paralleled in other fields of activity? Would there be any state standards for grading of fruits or eggs if there were no federal standards and federal officials to encourage and assist state departments? Is the success of a state health department in cleaning up a city's stinking water supply or sewage system measured by its ability to use a federal officer to scare local people into action? Can national and state government be hitched together for the effective solution of governmental problems as has been attempted through the Webb-Kenyon and similar acts—a method of which the Supreme Court now seems certain to give full approval?¹

Questions such as these must be constantly in the mind of the investigator and writer who hopes to influence thinking and thereby ultimately influence action on our policies of federalism. While, as I have said already, these authors seem not to have achieved equal success in this respect, the joint result of their efforts is a definite enrichment of the literature of American federalism.

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The author has concentrated in this small volume a splendid discourse on the various modern American title systems, with the economic viewpoint of improving the marketability of titles by


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