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BUREAUCRACY IN A DEMOCRACY, by
Charles S. Hyneman.* New York: Harper &
Brothers, 1950. Pp. xv, 586. \$4.50.

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Mrs. Daggett is a pioneer in the field of mineral law, and her writings in that field and in others have won for her the reputation of being Louisiana's foremost commentator on the law.

The value of the present work may best be summarized in the following two statements:

- (1) Daggett on Louisiana Mineral Rights may be cited with confidence as authority on the subject in any court of any level within the state; and
- (2) Daggett on Louisiana Mineral Rights is and should continue to be a part of the library of any lawyer within the state who engages in the practice of oil and gas law, as well as upon the shelves of every large oil concern doing business in Louisiana.

E. LELAND RICHARDSON†

BUREAUCRACY IN A DEMOCRACY, by Charles S. Hyneman.* New York: Harper & Brothers, 1950. Pp. xv, 586. \$4.50.

This is the kind of cool target-shooting which I find welcome as an antidote to the shotgun blasts usually aimed at the federal bureaucracy. The author has consistently been an advocate of shooting with a rifle. Professor Hyneman's purpose, as he states it, is to analyze and judge the operations of bureaucracy on the basis of the way the power which it possesses is exercised: his analysis is concerned with the question of whether that power is presently allocated in such a manner that it can and will be exercised within limits acceptable to the American people.

His conviction, that power in a crazy quilt bureaucracy such as ours can and does get misused, is, I am sure, more firmly held as a result of a half dozen years in Washington. His antidote, that more and primary reliance must be placed on elected officials to guard against abuse of power, is novel only in the fresh arguments and modes for interweaving elective power into bureaucratic operations which are suggested in the book.

The argument is that governmental organization can be made more responsive to what the American people want and that the key to such responsiveness is a greater voice in administration by elected officials. The theme running throughout the book is

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that "the American people have authorized no one except their elected officials to speak for them."

How can the elected officials, he asks, give the direction and control to the administrative organization which it should have? What are the circumstances under which an administrative official should stand firm on the prerogatives of the executive branch and when permit himself to be guided by congressional suggestion? How steer the course between the Scylla of being branded an arrogant bureaucrat and the Charybdis of being tagged as a "yes man" of Congress?

Professor Hyneman's first inquiry in the interest of building a responsible and productive bureaucracy is into the things that Congress can do or has done and how it can do some of them better and where it should abstain from doing others at all. The criticisms impress me as thoughtful and warranted and the suggestions of an order to be taken seriously by congressmen, the audience whom I'm sure he is talking to or at least hopes will overhear. In his chapter on creating the administrative organization, to cite an instance, there is much useful commentary and shrewd judgment on how far Congress can fruitfully go in peacetime and in wartime in dictating the internal organization of agencies and departments. And here, as throughout the book, I find an analysis and critique of the recommendations of the President's Committee on Administrative Management (1938) vis-a-vis the recent recommendations of the Hoover Commission (1949) exceedingly informative.

The following section of the book continues the analysis of direction and control as exercised by the president (in contradistinction to that by Congress) in similar topical sequence. I find my interest in this section concentrated in the chapter captioned "Making the Bureaucrats Behave." It seems to me that here Professor Hyneman's probing for the major premises underlying the recommendations of the president's committee and the Hoover Commission reveals startling departures in both studies in the matter of delineating the values to be achieved by reorganization of existing federal controls over personnel. Both studies, as interpreted by Professor Hyneman, seemed to point in the direction of increasing the ability of the president to direct and control administration rather than of relieving him of the necessity for doing so; in these troubled times the question is asked, is not increasing the available presidential energies for political

leadership rather than management leadership the goal to be sought after?

The author will bring pain and some degree of bewilderment to his professional colleagues by the attitudes expressed in the chapter on executive direction and control of personnel appointments and removals. Where the Hoover Commission would restrict the president to the appointment of the heads of agencies and a few officials of general authority thereunder, the author expresses the opinion that the nation would gain rather than lose if the most important positions, including chiefs of bureaus, were staffed with men having a high degree of loyalty to the party that is charged with running the government.

Similarly unorthodox is his commentary on the assertion often made by political analysts that regulatory commissions should properly be untouchable by executive power but that the great federal departments are quite properly entirely subject to executive control. If it is wise to free a regulatory agency from presidential interference in the exercise of judicial functions, he notes, it is equally wise to free an executive department from such interference where it also is exercising such functions.

The author's assignment in the FCC as special assistant to the chairman gave him first-hand experience with the kind of hardening of the arteries that can occur in agency procedures when continuous review is not had and when clerical staffs are not sufficiently checked in their imposition of the technical letter of the law. The chapter on inefficiency and red tape is especially pungent as a result of illustrations drawn from this experience.

At the top level of policy making the author presses for innovations which he presents with great vigor and persuasiveness. They are innovations bottomed again on his basic premise that "[bureaucracy] is in its proper place if it receives instructions from the elected officials of the government and responds with alacrity, with vigor, and with faithfulness to those instructions."

He would achieve for the president a firmer hold on the loyalty of his party in Congress and, at the same time, give Congress a better opportunity to tell the president when it will and will not tolerate by creating a "Central Council made up of leaders of the party that has been given the job of running the government. The Central Council would be given responsibility for formulating the program of the government-of-the-day and

for directing its execution. The President, as the party's acknowledged leader and the man elected by the people to head the government, would select from among the members of his party who are to serve in Congress a small group that he recognizes to be essential to the success of his Administration."

In the innovation of such a central council the author finds a partial solution to important problems which are not being adequately dealt with in our present system of central staff agencies. More specifically, he questions whether the Bureau of the Budget can do its job of planning year-to-year programs for the entire government if the agency does not contain a number of men who possess political stature such as to enable them to bring high government officials into agreement on major operational and policy issues.

So with the kinds of problems the answers for which Congress relies upon the general accounting office. Deep dissatisfaction prevails among government officials with many of the accounting procedures of the general accounting office; yet how achieve the central control over accounting essential to adequate auditing and at the same time not seriously hamper the ability of the agencies to do the jobs which they have been charged by Congress with doing? The author seems mildly persuaded that improvement may lie in making the general accounting office and its work of settling claims and reviewing expenditures responsible to the president. I surmise that such a step could be achieved, if at all, only in the atmosphere of confidence which such a mechanism as a central council might engender.

This is a highly useful book: to congressmen, to administrators, and to the lay public seeking enlightenment on the federal colossus. I think he might have given more credit to the courts for keeping administrators responsive to the American people than he does; however, the role of the courts, as he has fairly clearly indicated, he deems outside this study. "This is a book about direction and control which takes place within the structure of the national government. It is concerned with decisions which are made by people who occupy positions in the national government and with the instructions they issue in order to get their decisions put into effect."

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