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BOOK REVIEWS


In this new body of material for teaching public administration the editor and writers of the case studies included have sought to treat administration as a "process" or, rather, an "interplay between formal and informal processes," leading to decisions on policy grounds. As the Introduction to the book points out, several kinds of "case method" have developed in professional education during recent years. One is the clinical case method of the medical schools; another is the law school method of using official reports of cases; a third employs case narratives prepared specifically for teaching, such as the case studies of the Harvard Graduate School of Business Administration. The "cases" in the present collection fall into the latter category. They set forth the genesis and disposition of specific problems that have confronted public administrators during recent years—twenty-two of them in federal administration, three in local situations, and one at the state level. Some of the accounts have been written by participants in the events covered—two in the first person; but the greater number have been written by students of government serving as reporters. The two-column pages add up to a truly bulky collection of material, from which choices may have to be made for many teaching purposes. The actual cases are preceded by a 45-page Introduction, written by the editor, in which the underlying theory of the work, the techniques employed in preparing the cases, the use of the material in teaching, and the evolution of public administration case preparation are discussed.

The cases are arranged under three main topic headings—Organization, Program, and Relationships—with appropriate subheadings; but in reality one-third of the organization and all but one of the relationship cases involve such significant substantive issues, and all of the program cases reflect such an interplay of organizational elements and interests groups, that little real difference among them is discernible. The remaining two-thirds of the organization cases either deal with problems involving issues of governmental structure which at most are symbolic of larger issues, such as the question whether the Children's Bureau should be at the second or third level in the hierarchy of the Federal Security Agency, or focus upon ques-
tions of propriety in the conduct of officials toward each other or toward outside interests.\(^3\)

Of the cases that center upon substantive issues, several involve the stake of significant private interests in governmental action. These include The Natural Cement Issue (eligibility of a product for use in public construction), Self-Insurance in the Treasury (private versus public insurance of government buildings), The Reconversion Controversy (availability of material during war for production of civilian goods), The Defense Plant Controversy (financing and ownership of war production plants), The Disposal of the Aluminum Plants (terms of private acquisition of government property), The TVA Ammonia Plant (public versus private establishment of production facility), The Kings River Project (effect of reclamation project on established agricultural interests), and The Attack on the Cost of Living Index (labor interest in demonstrating maximum increase in cost of living). Other cases involve primarily administrative arrangements for handling particular problems, upon which the policies to be effected largely turn. Among these are Gotham in the Air Age (administration of airport facilities in metropolitan area), The Air Search and Rescue Program (administration of assistance to aircraft in distress on land), and The Cambridge City Manager (pay increase for city employees). Still others center upon legislative or administrative proposals of a substantive nature, not involving jurisdictional controversies or active private interests, as to which there was controversy among official agencies or groups. These include The Sale of the Tankers (as to which, however, foreign governments and domestic regional interests were active), The Emergency Rubber Project (authorization of increased wartime production of guayule rubber), The FBI Retirement Bill (special retirement provision for FBI agents), The Foreign Service Act of 1946 (status of Foreign Service employees), and Cancellation of the Ration Stamps (measures to conserve dwindling supplies during acute emergency).

One purpose of these cases, as of others used in teaching, is to introduce realism and a sense of the complexity of actual situations into the experience of the student. Along with the formal factors of administrative structure and lines of responsibility, here are evidenced the “informal groups, informal relationships, and work habits”\(^4\) and the internal and external pressures upon administrators which are at least equally significant. The central problem upon which attention is focused is “how to bring to bear on a decision all the relevant intellectual resources in or available to” an agency, with reference both to “the problem of survival [of the agency] and the problem of values.”\(^5\) In the use of these cases, the identification of “recurrent elements”\(^6\) in the different situations, coupled with criticism of the way in which the situations were handled, will permit meaningful generalizations to be reached, albeit tentative ones rather than rigid “principles” such as have no place in the type of training represented here.\(^7\)

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\(^{3}\) Such questions are also involved in some of the other cases, such as that dealing with the disposal of the government's aluminum plants after World War II, where resort to a Congressional committee by an administrative subordinate took place.

\(^{4}\) P. xli.

\(^{5}\) P. xvi.

\(^{6}\) P. xviii.

\(^{7}\) Pp. xvii-xix, xxii-xxiv.
Two different uses of this type of material in teaching government may be envisaged. One would employ the cases for study and discussion by liberal arts students seeking an over-all acquaintance with the subject; the other would involve critical discussion of the cases in seminars of advanced professional students. The use of this particular book in the former manner would largely preclude its later use in seminars containing some of the same students; but recurring reference to case situations in training for public administration would not be precluded if additional material of the same sort should become available. Such a practice would be desirable. Certainly these accounts of actual events and problems possess much greater interest and effectiveness for beginning students than the traditional statements of the formal organization of government and of "principles" that are said to be appropriate for administrators to follow. In terms of educational purpose, much better understanding of government by the educated citizenry is likely to result if the individual has knowledge of actual administrative struggles than if his basis for critical judgment lies simply in textbook pronouncements. In professional study the desirability of coming to grips with reality, rather than remaining content with generalizations, is obvious. Along with internships and field study, these cases and others that may be published will provide means of turning out administrators whom the educational process has genuinely equipped to deal intelligently and purposefully with the situations encountered in administrative work.

For law teachers a leading question is whether this material may be used in legal education. At a number of points it may be. Although the problems involved in these cases are not legal in the usual sense, several of them embrace issues of policy that required statutes or other legal instruments for their solution. Government lawyers, moreover, played a large part in many of the situations presented, either as lawyer-administrators transcending strictly professional roles or as advisors rendering resourceful or restrictive counsel, as the case might be. An introductory law course, designed to survey the contemporary work of lawyers and to identify the ways in which law responds to human needs and purposes, might easily make use of these studies. Several could also be used, along with the resulting statutes, in a realistic course on legislation. A course in government contracts could use a number of others; and any training in administrative law which went beyond the conventional scope of law school courses by attempting to prepare lawyers for government service could easily use many more. The case of The Disposal of the Aluminum Plants supplies an essential link in the evolution of the monopoly problem in the aluminum industry, which a course in antitrust should cover. This reviewer can testify to the value of the study in this connection, especially because of its revelation of the interplay of judicial decision, administrative negotiations, legislative activity, and simple human factors in handling a major problem.

At many points in the book the interaction of legal factors among themselves and with outside forces, often in unorthodox ways, is strikingly illus-
trated. Thus, sanctions in the hands of state and federal welfare authorities to secure the observance of merit-system principles in local administration were not used as statutes might lead one to expect in The Battle of Blue Earth County. Local attitudes, backed by political forces, were too powerful for the "law in the books" to be applied strictly; yet the ultimate outcome was favorable to the law as written. Similarly in a technical controversy over road construction, told about in The Natural Cement Issue, pressures and politically-arranged conferences and an ambiguous official memorandum played a prominent part, yet the problems involved were determined on the merits over a period of time. In the story of Self-Insurance in the Treasury, government law officers, especially one who carried over from a Republican to a Democratic administration, making use of shifting distributions of authority that resulted largely from personal relations, were able to effectuate a major financial reform in opposition to powerful private interests—after final approval of proposed legislation by sixteen Treasury officials and a Congressional committee report based on an administrative memorandum. In The Reconversion Controversy high-level obscurity in decision and action; the device of "kicking" an official "upstairs"; dishonest armed forces propaganda; and want of frankness by the White House in dealing with a high official whose policies produced an adverse public reaction emerge as part of one of the few depressing stories in the book. In such a situation orderly legal factors can play little effective part; yet they serve as a screen behind which the actual play of forces takes place. The story of The Sale of the [surplus] Tankers after World War II is virtually one of diplomatic relations among government departments, the President, and Congress, with the formal legal authority of an agency less important than its prestige in the eyes of others and of the public. Legislative pressure through action on appropriations also appears here and in a number of the other case reports, as does the influence of members of Congress who become genuine experts in particular subjects and, in their specialized capacity, quite free of ordinary political pressures. The tale of The Kings River Project is a case study in the power of the Army Engineer Corps, transcending that of the President and Commander-in-Chief. Here appears also the formula for adjusting a controversy which actually settles nothing because of the generality of its terms.  

A sense of law-in-operation through diverse channels over periods of time, in relation to problems of considerable complexity, such as one gains here, is surely an essential part of the equipment of law-school graduates, if they are to be prepared for the service of clients and of the public interest in the world as it exists. Either the law-school curriculum should include material such as these cases or there should be assurance that law graduates have come into effective contact with it elsewhere. If, as has been suggested, tests should be administered to applicants for admission to law school to determine, among other things, their "critical understanding of human institutions . . .," those relating to government might embrace the aspects reflected in these cases. Measures to overcome deficiencies disclosed by the tests, such as the study of cases like these, might then be undertaken, either before admission to law school or afterward.  

9 See also the differing interpretations as to scope of authority which are possible within the theoretical framework of city manager plans, at pp. 577-580. 
10 See the Report of the Committee on Pre-Legal Education, 1952 Proceedings
All in all, the preparation of this volume represents a significant educational achievement. The Introduction, the foreward or other prefatory comment to each case study, and the concluding comments attached to each are valuable texts upon governmental administration and upon teaching. The case studies are well and interestingly written, with frequent editorializing and pungent comment which, however, remains true to the method of pointing up issues without becoming dogmatic or coercing the reader. For some purposes more extensive quotation from original documents might be preferable; but space limitations and the demands of effective writing obviously prevented more. Some of the leading documents involved in the narratives are reproduced in appendixes to several of the studies, and all but a few cases are followed by bibliographies for use in further study. There is an entire absence of smartness or cynicism in the book. The aim has been to deal with situations which, although more dramatic and interesting than those that arise every day, are yet "normal" rather than atypical or pathological. Corruption does not appear and want of good faith arises only occasionally. One is impressed, rather, by the fidelity to duty and devotion to the public interest as they envisaged it which are generally displayed by officials with clashing viewpoints, including at least one with a questionable reputation.

One can envisage an expanding future for this type of teaching material, if the resources and skill required for the rather prodigious reporting jobs involved can continue to be assembled. One can hardly hope for the continuous availability of a master’s touch, such as the editor here reveals in his text and in the case studies which he himself prepared; but such a work as *Congress Makes a Law* indicates that even larger "cases" can be attacked in similar fashion. There is much in the history of the independent regulatory commissions that could be covered in this way, with benefit to lawyers’ as well as others’ understanding.

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11 P. xxiv.

12 See pp. xxviii–xxx.


14 Several case studies originally prepared but not here printed are listed on the page preceding the Introduction. They are available singly, as are those included in this volume. Among them is The Latin-American Proceeding, involving a decision of the Civil Aeronautics Board.

6 Journal of Legal Ed. No.2–8