

book for use not only by the 2,000 city attorneys and their assistants employed by the law departments of 400 cities who are members of the Institute, but also by other municipal officials and by members of the legal profession who are concerned with municipal problems.

It is only natural that municipal attorneys should emphasize the legal point of view. This attitude is carried to an extreme, however, on the question of collective bargaining in public employment, with the attorneys relying mainly on their own opinions. The committee report covering this subject tends to show that political subdivisions may not enter into bargaining agreements without specific statutory authority. The fact is that there are many existing agreements between cities and labor unions which have been made without enabling legislation. Municipal officials, in view of what is happening in private industry, cannot shut their eyes to existing conditions. The tangled problem of labor contracts in public employment cannot be disposed of categorically on the basis of law and doctrine. There is a large field of administrative discretion in the handling of employment problems, and municipal administrators who are directly concerned with the management of men to get municipal work done are inclined to take a practical and realistic view in handling the cities' labor problems.

The city attorney is one of the most important officers in local government, and top management constantly looks to the law department for advice, although management (the chief administrator and the city council) is not bound to follow such advice. But this does not detract from the value of this excellent compilation of municipal experience on current problems. In the National Institute of Municipal Law Officers the city attorneys of the country have set up a splendid clearinghouse of information on the experience of cities in handling the legal aspects of municipal problems. The present volume and the numerous special reports issued by the Institute are of great value to city managers, city clerks, and other local officials in improving the administration of municipal services.

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Can Representative Government Do the Job? By Thomas K. Finletter. New York: Reynal & Hitchcock, 1945. Pp. 184. \$2.00.

Has the friction between President and Congress become a continual and growing menace to the proper functioning of the federal government? Has the structure of the federal government become inadequate for our present needs, both domestic and foreign? These are questions that have arisen with considerable frequency in the past few years. Professors W. Y. Elliott and William Macdonald have each considered these problems in excellent works, and more recently Mr. Henry Hazlitt has given us an excellent book on proposals for reform.¹ The editors of *Fortune* have considered the problem in the issue of November, 1943. Proposals have been made from time to time, varying from the introduction of the parliamentary system to moderate changes in Congressional organization and procedure. Now comes the contribution of Thomas K. Finletter to the discussion in *Can Representative Government Do the Job?* Mr. Finletter's

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¹ Hazlitt, *A New Constitution Now* (1942); Elliott, *The Need for Constitutional Reform* (1935); Macdonald, *A New Constitution for a New America* (1921).

suggestions fall midway between the radical and the conservative proposals. He has excellent chapters on the difficulties which even the strongest Presidents have had in dealing with their Congresses. Toward the middle of every presidential term, constructive reforms and policies are torn apart, the public is confused, and the operation of government is reduced to a stalemate or a free-for-all. In other words, rubber-stamp Congresses do not exist. This does not mean that Mr. Finletter believes that either the presidential office or Congress should be abolished. He believes neither in the absolutism of an unchecked President nor in the anarchy of multi-headed government. He seeks cooperation between President and Congress for the grave problems that face the government today and will face it in the future.

To attain this cooperation he suggests:

(1) A reduction of the number of committees of both House and Senate, with the abolition of the seniority rule in the Senate. The number of major committees would be reduced to about nine.

(2) The committees would be joint committees of House and Senate.

(3) The chairmen of these committees, being of the majority party, would act with members of the Cabinet as an executive-legislative council for the purpose of furthering administration policies and framing major legislation.

(4) The heads of executive departments and various executive agencies could appear on the floor of either house for questioning and defense of their policies.

(5) The terms of members of Congress and of the President would be extended to six years.

(6) Any time within that period when deadlock developed between the President and the executive-legislative council, or between the council and Congress, the President could dissolve Congress. In such a case both the President and the members of Congress would go before the people in a new election for new terms of six years.

Through this last proposal he believes that national parties would be strengthened, inasmuch as they would have to be prepared for an election at any time. This would result, he believes, in greater party discipline and responsibility in Congress and less emphasis on local issues throughout the country in national elections. Yet he would not expect frequent elections by dissolution: only the threat would be there at all times.

With the exception of the provision for the dissolution of Congress and the six-year terms for the President and the House, the plan could be carried through by executive order and action of Congress. An amendment of the Constitution would be required to bring about the dissolution and six-year-term provisions. These suggestions form an interesting combination of the parliamentary and presidential systems. Mr. Finletter believes that the parliamentary system as practiced in Britain would be too great a wrench from American tradition for the people of this country. His views are given with clarity of style and of reasoning. They undoubtedly do a great deal to convince the reader.

It is no argument against his plan to point out the difficulties of amending the Constitution for the purpose he has in mind. He is aware of the difficulties. The need for immediate reform is as strong as he asserts. The telling argument of this book should be repeatedly studied by every intelligent citizen in the land.

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