

powers in the administrative process. It is also a plea for continuous vigilance and effort to maintain and insure the independence of an honest and efficient judiciary. This aspect of the book reflects Chief Justice Vanderbilt's rich experience with judicial administration, first as a layman, and more recently as a judge. Readers ought to take seriously his discussion of failures of judicial independence. I would question, however, his effort to unmake the Norris-LaGuardia Act because the statute seriously cuts down the power of federal courts to issue injunctions in labor disputes. His discussion of this topic leaves out the amendments effected by the Taft-Hartley Act and a consideration of the vices which the 1932 act attempted to cure: namely, government by injunction. Had not the courts abused their equity powers, Congress (and this happened when Hoover was President) would not have found it necessary to enact the restrictive legislation. Judges can be guilty not only of too much self-restraint, or of what Chief Justice Vanderbilt calls "judicial deference," but also of arrogant self-assertion. It is a toss-up as to which is the greater evil. Judicial independence and the rule of law are certainly basic to a free society; but judicial absolutism and the rule of judges (one form of a government of men) may be as detrimental to freedom as is administrative absolutism. There is enough in this book to lead me to think that Chief Justice Vanderbilt would agree with this judgment. Some day, it is hoped, he will devote his extraordinary resources of experience and wisdom to a definition of this difference.

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The Secret Diary of Harold L. Ickes. Volume I: The First Thousand Days. New York: Simon and Schuster, 1953. Pp. xi, 738. \$6.00.

The American President. By Sidney Hyman. New York: Harper and Brothers, 1954. Pp. 342. \$4.00.

Harold L. Ickes became Secretary of the Interior in Mr. Roosevelt's first term in the fall of 1932 and remained in office until 1952—that is, for nineteen years. He kept a careful diary of his official and personal life in Washington. The full text will probably occupy six volumes, each the size of the present one. Even so, they are edited, since some of the material is considered too detailed to interest any but historians, and other parts must be withheld until the death of many living persons.

The present volume is of cardinal interest to all those to whom the working of the presidential system of government is of importance. Although there are pages that contain trivia, by far the largest proportion of the script is concerned with the significant processes of American government. It ought to be added that no startling new facts about the federal government are narrated, but the flesh, blood and soul of the constitutional structure of the presidency are caught alive.

Two clichés of the American Constitution are that "this is a government of laws and not of men," and that "the Constitution is what the Supreme Court says it is." But in Harold Ickes' diary we see that whatever degree of truth lies in these apothegms, the American Constitution is also the product of the force of character of the president in action upon the peculiar pressures of the social problems and forces that he encounters day by day.

What are the main conclusions that emerge from the Ickes diary of the first thousand days? We may consider the contribution under six heads: (1) The dependence of the government upon the political quality of the president; (2) the nature of the president's cabinet; (3) the pressures from outside on the presidency; (4) the dependence of the president on the Congress; (5) the intolerable burden of governmental work; and (6) some miscellaneous features of the presidential system.

1. *Dependence on the political quality of the president.* Perhaps the most remarkable impression made by the diary—it would seem without deliberate intention—is the political magnitude of Franklin Delano Roosevelt. We already know that an American president supplies two things in the government of the United States. Primarily, he is vested with sole responsibility for the executive function. Secondly, he is part of the network of mind and mind which makes up the political community of the American nation. If a president fails in this second function, he can be of only minor value in the first, and there occurs in the mobilization of the values and will of the whole nation a gap, which lets down the morale of the nation itself, disturbs its consensus, and distracts the public and the Congress. This latter function is probably far more important than the narrow constitutional role of the presidency, although, of course, it is only the constitutional role that gives a president a vehicle for nation-building and nation-sustaining.

In the light of this diary, the qualities of Mr. Roosevelt to fulfill both the functions above mentioned emerge with admirable force. He understood the items of policy by experience and thought, and the choice of counselors, well enough to give coherence to government policy as a whole. He therefore did not allow himself to be a heedless victim of the many pressures—economic, social, political, congressional, state, city, personal—which the American system so hospitably encourages.

It is often said that as contrasted with Congress, issuing from the many diverse areas of the United States, and therefore being a rather incoherent and variegated assembly, the presidency represents the unity of the whole nation. Yet suppose the unity that he represents happens to be a zero? Suppose that his experience and native capacity have endowed him with only the unity of a vacuum? Mr. Roosevelt was not a vacuum. He had a policy. He could, therefore, select counselors. He knew the direction in which to drive, and this gave him an ability to resist the special claimants.

He also knew people. Mr. Ickes was not an easy man to handle. He was a self-

righteous and a self-sacrificing one; such men do not see why other people should not make sacrifices or why others should not be corrected. He had a very tart tongue, and he gloried in his pungency. He, also, needed to be domesticated within the presidential roof of policy. There are exquisite pages in which are described two tactics of the President with Mr. Ickes. One concerns Mr. Ickes' desire—God knows why—to be secretary of a department of conservation rather than Secretary of the Interior. For this he needed a departmental law passed by Congress. He worried Mr. Roosevelt a good deal to get presidential backing on the Hill for this. Mr. Roosevelt supported him to his face, and let him roll down the Hill. Mr. Ickes could not understand this, and frequently became plaintive about it. The truth is, Mr. Roosevelt did not care a California fig for this bill compared with all the rival anxious claims on his spirit in the realms of major policy.

The other instance is much more important. In the conduct of the Public Works Administration (PWA) the issue arose, and should have been confronted from the beginning, regarding who was to be top planner—the Director of the Bureau of the Budget (Lewis Douglas, and later Mr. Bell); the Secretary of the Treasury, Henry Morgenthau, Mr. Roosevelt's white-haired boy; Harry Hopkins, who came in later than Ickes and whose hair was even whiter; or Mr. Ickes, who was the first administrator of PWA?

What principle of relief, doles or work? what instruments of relief, public utilities or work camps? and how much was to be spent?—these were the problems which the President took time in deciding. In the course of groping for the decision, each of the aforementioned protagonists had his place in the sun. The question was, who would stay there long enough to get a good tan? This was a much more serious issue, as we have said; and here Mr. Ickes was made the victim of Mr. Roosevelt's process of learning by experience and his strict subordination to what the President finally concluded was the proper policy. It caused Mr. Ickes to consider submitting his resignation three times; once doing so and then being persuaded to withdraw it, later to regret, and later still to admire the quality of the President.

What Mr. Roosevelt could do in winning the loyalty of his colleagues can be seen by this quotation from the diary:

The President was notified of his nomination [for a second term] by Senator Robinson, and he then proceeded to make what I think was the greatest political speech I have ever heard. It was really a strong and moving statement of the fundamental principles underlying our politics today, and he put the issues so clearly and so strongly that I do not see how anyone can fail to understand them. He visualized our present struggle as one in the long battle for liberty, but this time liberty against the royalty of economic power. The speech went over in a big way, and even the opposition papers have had to do him the credit of admitting its greatness. I came away from the meeting feeling that, as matters stand, I would have no option except to support the President, no matter what my personal differences might be with him over policies affecting my Department. I simply would have no other choice in view of what I have believed in and stood for all my life. [P. 626.]

There are displayed in the diary all of Mr. Roosevelt's remarkable qualities of character which enabled him to give the nation the sense that his view of its direction was one that it could freely adopt. It gives an insight into his other ingredients of character that brought him first-rate cooperators—his gaiety, his humor, his timing of occasions, his genuine personal interest in the fortunes of his colleagues, his wisdom and judgment.

The diary also reveals the tremendous victory that the President's spirit won over his physical handicap. When you learn that in order to make a public appearance the President would have to put on those heavy braces; and then, after the flash bulbs had popped and the reporters had departed, would have to change in order to get back to his routine of work, it is not difficult to understand how men of public spirit would be inspired to give their honest best to their nation when they appreciated a daily sacrifice of this magnitude. Furthermore, the heaviness of the burden—that weighs on any president in the American system—had to be supported with a physique needing constant attention and subject to great ravages, and yet it was all borne with a gaiety of spirit that seems to be not of this day.

2. *The cabinet.* In this system of government, Mr. Ickes' diary shows how the president, in another sense, stands alone. If it is true, as Ickes testifies and as we have concluded above, that a conscientious and politically minded president is an active initiator who then engages his colleagues, it also emerges that to a larger extent than in any other governmental system he is *solitary*. In the development of the Constitution since George Washington, the cabinet has become more than a number of heads of departments who communicate with the president in writing. It is an assembly. It could be a council. It ought to be a genuine sharer in the responsibility the Constitution has dumped upon the president's sole shoulders.

The diary supports what the works of Frances Perkins, Hull, Stimson, Sherwood, and others have suggested: As a collective body, as collectively responsible for the determination of policy on the initiative of the president, the cabinet does not exist. The men are not appointed for their experience in office. They are not chosen for any collaboration with each other before they arrive in Washington. They do not come from a political party that has the cohesion of principle and the loyalty of fellowship. Each department, as we see them in this diary, is like a feudal fief, with its vassals, its house-servants, its livery, its little dominium, and its jesters, while the president is the highest lord aloft and away in the white distance. Again and again, Ickes complains that the cabinet meeting was a waste of time. Perhaps on two or three occasions in these thousand days he is jubilant that the cabinet was the forum of a fundamental discussion of policy, but even then he cannot add that a majority or a consensus settled the issues introduced.

Almost all the differences—and they were very serious and publicized—between Ickes, Hopkins, Morgenthau, Henry Wallace, Lewis Douglas, Frances Perkins, and the President resulted from a want of clearance in common council.

The President, feeling that he, in the end, was responsible under the Constitution, preferred, or was forced by conscience, to treat severally with the different departments. Then, having made up his mind, he confronted those who were subordinated by a decision with a *fait accompli* and with the gay guile needed for the redemption of their affections.

The result was a loss of cohesion in the administration, frequent interdepartmental squabbles, sometimes almost infantile outbursts of rage by cabinet officials against each other, and a lowering of morale through discouragement. The President was also involved in a far greater number of appeals by those who wanted to get in ahead of others for more power or prestige, and by others who felt that some terrible squeeze was in the making to which they were about to be subjected.

3. *Pressure from outside.* In a democracy, and especially in the American one, based upon the principle of life, liberty, and the pursuit of happiness, we expect heavy pressure on the administration from outside. Mr. Ickes' diary constantly reports such pressures. Two are outstanding for their character. The first is his allegation that big business was trying every trick: libellous allegations, subornation of the loyalty of employees within the administration, threats "to quit," and constant, virulent hatred. It was 'as though the business leaders did not believe in their own Constitution and in the propriety of acquiescing in the electorate's decision.

The other pressure is that of the newspapers on the administration. It is remarkable how carefully the administration had to watch the Hearst newspapers. If they had been advised to organize a system of anti-Hearst radar on the assumption that his press was an alien enemy, they could not have been more anxious. Nor did the *Chicago Tribune* torture itself to show tremendous fairness to the administration. Both took advantage of leakages of information from the departments, and of wild exaggerations, both attempted to use the method of smearing the private character and transactions of the incumbents. The leakages, it may be added, were partly due to the want of party loyalty inside the departments of the administration.

4. *The dependence of the President on the Congress.* Two major presidential problems with Congress come out strongly in the diary, stressing and illustrating our previous knowledge of this relationship. Difficulties arose not so much from the very heavy dependence of the administration on a few congressmen and senators, as out of their local "bailiwick" point of view. Connected with this is the peculiar personality of certain individuals in Congress—as for example, Senator Tydings—and the trouble that such peculiarities, quite alien to the rectitude of policy, could make for the administration. No party doctrine or loyalty civilized them—they were as a law unto themselves.

5. *The intolerable burden of governmental work.* If the president does not work through a complete sharing of collective responsibility with his cabinet, he is forced, since he is but a human being, to alleviate the weight on his conscience

and his mind by an entourage of assistants known as the "Kitchen Cabinet" or the "Brain Trust." Ickes gives an extremely detailed close-up picture of the President's brain trust and secretariat. Miss Le Hand, Grace Tully, Colonel Louis Howe, Colonel McIntyre, and Steve Early are seen on almost every other one of these pages.

Perhaps the most important fact that emerges is the extent to which one or another of these could be the helpful or the evil intermediaries between men like Ickes, of the highest status as cabinet officers, and the President. For example, McIntyre on one occasion was actually caught by a controlled experiment in deliberate non-delivery of a letter from Ickes to the President. The ruse was organized by Mr. Roosevelt himself after complaints had been made that McIntyre had deliberately kept Mr. Ickes away from Mr. Roosevelt. It was often left to one or the other of these persons to be an ambassador of highest political matters between the President and his chief officials. This is a parlous situation.

6. *Miscellaneous.* In the first thousand days, that is, up to the time of Mr. Roosevelt's election in 1936 for a second term, the Supreme Court issue had not yet been brought out into the open in a complete offensive. It was in 1935 that the series of decisions hostile to the New Deal began to be delivered. In the Ickes diary one can see the first plannings of alternative ways to cope with the mortmain of the then Supreme Court on the New Deal's social policy. Once the first shock and disappointment of invalidation had been overcome, the administration was glad of the massive attack of the Court, because its lethal attitude gave the administration an excellent ground for appeal to the nation for reelection. It helped as an inspiration to the people in favor of the Roosevelt economic and social policy, and was the basis of support for proposals to reform the Court. That issue will, no doubt, be fully dealt with in the second volume of the Ickes diary—and from the inside.

Only two other short observations will be made. It is remarkable what an enormous pressure of business rested on the chief executive and his cabinet officers—at any rate, on Mr. Ickes. They are always working overtime; they are never finished; and they are always tired. This is evidence of bad organization of the administrative branch, as well as of the undertaking of enormous political tasks in a system of separation of powers attuned to the eighteenth century. I believe I can discern one link missing from the administrative structure which might offer cabinet officers, at any rate, some relief—an administrative assistant in the permanent career service at the top of each department, the cabinet official's permanent-career-other-self. But American partisanship could never permit this relief of individuals, even though the nation would benefit.

Yet, overburdened and congested as cabinet officers are, instances abound of sheer time-wasters having the liberty to enter the department and impose upon these men. Thus, to take one example, one Christian F. Reisner, a reverend gentleman, barged into Mr. Ickes' office, sat composedly at his desk, and en-

tered into a long discourse on the theme that: "[H]e told me that in God's eyes I was doing just as important work as he himself was doing." It is doubtful whether Mr. Ickes' heavy burden was relieved by this long pious rigmarole, even though he comments: "This really did cheer me a lot. It was pleasant to have such an authoritative message from the Most High, lacking which I never would have ventured to consider myself as useful a citizen as the reverend doctor."

Sidney Hyman's work on the presidency takes a macrocosmic view, while the Ickes diary looks at the same subject from the inside, microscopically, and, as it were, without theory.

There are various kinds of works on the American presidency. One type is Professor Corwin's: the more formal, steadily systematic, luminous treatise concerned with the constitutional provisions and their meaning as developed in the long course of action since 1788. Another type is the developed essay on the presidency as a current part of the working constitution—in this class fall such works as George Fort Milton's *The Use of Presidential Power*; or Pendleton Herring's *Presidential Leadership*; or Harold Laski's *The American Presidency*; or Binkley's *President and Congress*.

Sidney Hyman's is a top-notch example of the essay type. It builds on a deep and firm knowledge of the constitutional foundations, and then displays the political problems to which the presidency gives rise. These problems are considered and their gravity weighed. Wherever it is established that certain ills must be endured because, in the given environment, they are less painful than the proposed remedies, the grounds for the judgment are given. Where the field is full of rival proposals for the improvement of the functioning of the presidency the respective merits and demerits are assayed.

It is a most brilliant performance. The quality of luminosity and verve is not purely verbal—such a thing does not exist—it is the product of a truly remarkable insight into the political process of American democracy, considerable wisdom about it, and an especially acute comprehension of the subsoil beneath the presidency's status and role. No one can fail to find a refreshing draught in political form, and in the higher sense of political science and constitutional inventiveness, in this production.

The course of the book is the discussion of "The President as an Institution," political and social, dealing with the role he must play and the personal qualities this demands. It is followed by an investigation of the process by which men become presidents: the mode of election, and what Mr. Hyman calls the "laws of natural selection." This is Part II, and is entitled "Virtue and Talent." Part III is concerned with the tasks as manager of social justice and prosperity thrust by the expanding necessities of an acquisitive nation and the first world power on the president's shoulders. And the problem is whether the office is appropriately organized for its tasks.

It is impossible to traverse all the pages of this work, because it is highly compressed and epigrammatic in form. Every page is important.

We therefore merely single out a few things which are of special interest to the reviewer, in the hope that they may convey some of the quality of the whole work to the reader, and in addition, to indicate some matters on which another point of view is tenable.

Hyman unveils the president as an artist: he examines the artistry the man requires to piece together the support he needs, in a broken Congress and a vast chaotic public, to fulfill a role which has grown with the years. For he is legislative leader as well as chief executive. "He is never free of the nagging question of whether the real majority is not made up of the shy and silent citizens who can flare like a pillar of phosphorus when they are rubbed the wrong way." (P. 53.) Yet, in view of this, the cooperation of party is needed desperately, especially as the provenance of presidents is most chancy. But, *if* this is so, then the later discussion of the reorganization of political parties is not stated with sufficient force.

The characterization of the sixteen presidents who failed as artists (including Hoover) indicates what the positive qualities are:

This is not to say they were bad men or were lacking in executive ability and intellect. But they shared one or more of five traits. Most of them failed as party leaders. Most of them compounded this failure by their inability to form a party *pro tem* that could cut across party lines and win the loyalty of millions of Americans. Most of them viewed the presidency as an office which worked with the Congress and the Court in a closed legal circuit. They all failed to project an image of a presidency with an organic responsibility of its own to help create what the people wanted. And most of them failed to grasp the potential of the presidency as an institution. [P. 73.]

The discussion of the "Kitchen Cabinet" or "Palace Guard" shows great acuity. Yet, ought it not be added that, as we have seen from the Ickes diary, the attribution to the president of *sole* responsibility for the office of chief executive, his final responsibility for all that happens, forces him to pick on men for aid and comfort and confidence—"buddies," indeed—who can help relieve him of so intolerable a burden on his conscience? And this raises a basic constitutional problem: where does true responsibility for policy lie?

I rather doubt whether the British prime minister "can often arrange a sequence of debates at intervals most favorable to his own cause and least favorable to the opposition." The House of Commons and the Opposition are less complaisant than that. The prime minister's voice always comes out clearly, because he has come out clearly himself as leader of a coherent party. This latter point is the true difference between the status of prime minister and president, as Mr. Hyman fully recognizes. The president's voice does come out clearly from time to time, *but* it is not clear for long. He does not go at it all the time; and the system produces inarticulate cries from his own cabinet, and confused and contradictory ones from Congress. Where is his voice *then*? Is it not forgotten within a few hours after it has been raised?

I raise these matters because they are crucial to the discussion which ensues regarding the reform of American parties. It is one thing to conclude that in the

present situation there is nothing to be done about this. It is another matter to argue, as Mr. Hyman does, that the system had better almost be left alone by reforming liberals who would like to see their kind in one party and all the non-liberals truly where they belong. The discussion is not sufficiently imbued with the urgencies that emerge from this present analysis of the incoherence and chanciness of policy.

"Yet he has ample means to make himself heard above all other voices." (P. 177.) This, even, is dubious. But what of his *will*—can that be made to prevail? And if not his, then whose? The brilliant evocation of the laws of natural selection of presidents—the extent to which one may expect learning and genius, or the "real good and wise," or the high-above-average men who then become artists on the job—shows what perils the Republic may suffer from the emergence of the president from the bowels of the people, and the parties (such as they are), and the prevailing mores. Then what of the single, the solitary voice? Where are the coherence, the longevity, the shoulders that can bear responsibility, such as bodies of men joined together by principle and acting for the public good—that is, political parties—may give?

Admittedly the task of bringing articulation to the policies of a nation so vast and territorially far-flung as the U.S.A., and so recently set on its course, is a most anxious one. Hence, I should have, personally, stressed the note of anxiety more than Mr. Hyman has done. Anxiety is the mother of invention; and our contemporary fumbling is not good for our minds, our spirits, and, maybe, for our lives. However, Mr. Hyman has undoubtedly put the cards on the table, and deals the kind of hand that makes one think and calculate the chances with accuracy and, in the process, pleasure.

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