

## Reviews

The Right to Bear Arms. By *Carl Bakal*. New York: McGraw-Hill Book Co., 1966. Pp. 392. \$6.95.

Since November 22, 1963 the issue of the indiscriminate distribution, possession and use of small arms—rifles, shotguns and hand guns—has been fiercely debated throughout America. On one side of the debate are the spokesmen for law enforcement—largely committed to stringent controls, articulate, emotional and, judging by results, notably ineffective. On the other side are the gun manufacturers and dealers, the hunters, the sportsmen, and, surprisingly, many of the conservationists—opposed to any system of *a priori* controls and, again judging by results, extremely effective. Various surveys indicate that the great majority of Americans strongly favors laws to keep firearms out of the hands of those who would use them venally, recklessly or carelessly.

Carl Bakal documents the need for effective firearms controls, and analyzes the nature and the logic of the opposition. Bakal himself supports a pervasive system of small weapons control; he seems convinced that there is something psychologically out of kilter in anyone who is interested in guns—even as collector, hunter, or marksman.

Despite Dallas, rifles, shotguns and hand guns are still freely available to all Americans: if one state's law prohibits purchase without a license, the next state is likely to have no such prohibition. And since Dallas 60,000 Americans have been killed and 350,000 wounded by guns.

Would weapon controls reduce this carnage? Would not the accidents have occurred in any event, despite a national registration and licensing system? Would the homicides have taken place with some other weapon? And would not persons intent on suicide have turned to another method?

“Guns don't kill people; people do,” according to those (such as the National Rifle Association) who support penalties for misuse but oppose limitations on possession. They point out that possession of other potentially lethal weapons, such as kitchen knives, bricks, shillelachs and the hands of a karate expert are not controlled, and yet are available for mayhem. But a gun's only purpose is to kill; the knife, the brick, the shillelagh and the hand have basic purposes unrelated to dealing death. A second difference is that one who kills with a gun is

remote from the victim. Psychologically it is probably easier for a killer to end a life by pulling a trigger and letting the gun do the killing than by actually involving himself with the victim as he must with a wielded weapon; practically, it is easier to kill with a gun because the victim, in most cases, cannot defend himself.

Opponents of gun legislation to the contrary, controls will very probably reduce the rate of homicides by removing the gun as an unusually effective and easy-to-handle weapon in crises of anger and passion. Most homicides are committed on the spur of the moment, and the victims in some 80 per cent of cases are relatives (30 per cent) or acquaintances (50 per cent) of the killer.

Three types of firearm controls are generally proposed. A registration law might require every gun manufactured or distributed in the United States to bear an inscribed identification number. Second, the state might prevent guns from being sold to any person who does not have a permit. Finally, the law could establish a waiting period before delivery so that local law enforcement officers could be informed of the sale, make an investigation, and present objections (such as the objection that the purchaser has no permit, or that his permit has been revoked).

Registration would facilitate tracing and identifying guns and might itself deter their purchase for illegitimate ends. A permit law could reduce the flow of weapons into the hands of the immature, the mentally unbalanced, or the criminal, or could restrict ownership to those with a specific need. Training prerequisites to ownership or possession might insure that those coming into the possession of small arms at least know how to use them safely.

The effectiveness of all these controls would depend, of course, on many considerations, including their geographical coverage and the sanctions employed.

New York State's Sullivan Law prohibits ownership or possession of hand guns by unlicensed persons: in New York City, which administers the law prohibitively, only some 17,000 permits are outstanding; in the rest of the state in which a more casual approach is taken, some 445,000 permits have been issued. The Sullivan Law does not prevent hand guns from reaching the hands of New York City's committed criminals—they are freely available from sources in other states—but it does aid law enforcement by making unlicensed possession a crime in and of itself.<sup>1</sup>

1. One massive administrative problem in connection with the establishment of any

Opponents of firearms controls argue that any licensing system would handicap those with a legitimate interest in possessing firearms, without stemming the flow of arms to criminals and others who may misuse them. But available statistics provide a convincing argument for vigorous supervision of access to small arms. The United States has a higher rate of death by firearms than most other countries of the world: in 1963 it was 9 per 100,000 population, compared to .23 for Japan; .55 for England; 1.09 for Germany; 4.22 for Canada;—all countries in which the availability of firearms is strictly limited.

And the Northeastern section of the United States, where hand gun controls are common, has a far lower rate of homicide than other sectors of the country, notably the South, where no such controls exist. New York City, where gun permits are not easily given, had a homicide rate of 8.1 per 100,000 in 1965, of which only about 25 per cent were committed with firearms, while during the same time Dallas had a homicide rate of 17 per 100,000, some 70 per cent of which were inflicted by guns.

The basic question for legislators considering controls is what should be considered a legitimate purpose for ownership of a gun. Are there any besides hunting, or perhaps target shooting for sport? We might add certain private law enforcement functions, such as guarding banks. We certainly should not add protection from criminals. This is a function of the community through its law enforcement activity; if protection from criminals were a permissible reason for the possession of firearms, controlled licensing would become impossible.

Certain persons should be disqualified notwithstanding their desire to hunt. The mentally ill and accident-prone seem obvious categories. But the problem is not an easy one. What crimes should disqualify a person? Certainly crimes of violence, and crimes directly violative of the security of the community, such as burglary and robbery. How about the more sophisticated white collar crimes—tax evasion, for example? Is there any reason why an otherwise law-abiding tax evader should not be permitted to hunt? And how does one identify the mentally dangerous? Is prior commitment an adequate criterion? For every mentally ill person who has a prior history of confinement there are doubtless several with no such history who should not be entrusted with firearms.

broad system of gun controls is that of coping with the vast numbers of small arms already in private hands—estimates of the quantity range from 50 million upward. If there is to be a permit system these guns will have to be brought within it.

Should age and vision be factors in determining the availability of a permit? Certainly children should not be permitted to possess guns (and many states already have minimum age limitations). At what age is it reasonable to assume sufficient maturity to be trusted with a gun? Certainly, also, applicants for permits should be required to demonstrate that they have adequate vision and skill to handle a gun. Perhaps permit holders over a certain age should be required to submit to annual testing of their capacities and skills.

Should guns themselves be periodically inspected and tested, to be sure that they are safe? Should ballistics tests be made of registered rifled guns, in anticipation that these tests may assist police investigation?

The formulation of workable criteria with respect to all of these problems must perforce be left to experience. The operators of automobiles on our roadways are licensed and have been for many years: comparatively recently we have seen developed new criteria designed to promote safety on the roads: revocation of licenses upon conviction for moving violations; eye tests for all drivers; re-examination for the elderly; annual inspections of automobiles over a certain age. The gun is potentially an even more lethal weapon than the automobile—let us hope that the development of operable criteria will not take so long. But the adoption of a permit system for those who possess guns, and a registration system for guns themselves, need not, and should not, await the development of all the requisite criteria.

Does all of this smack of 1984, and the infringement of personal liberty? Opponents of gun controls say it does—and they say further that there is a constitutional right to bear arms, memorialized in the Second Amendment to the Constitution, which allegedly prohibits arms control. But this Amendment relates the prohibition against infringement of “the right of the people to keep and bear Arms” to the need to maintain a well-regulated militia for “the security of a free State.” In 1967 America the guns kept by individuals in their homes are not related to military needs and quite obviously do not fit under the constitutional umbrella.

### The Small Arms Lobby

Perhaps Mr. Bakal's great contribution is his discussion of the opposition. He highlights the role played in this opposition by weapons manufacturers, who work through organizations such as the National Shooting Sports Foundation, created “to foster in the American public a better understanding and a more active appreciation of all shooting

sports." This organization serves two purposes: it propagandizes in favor of a broader market for small arms and against the concept that guns are dangerous. And it lobbies against restrictive gun legislation. Participating with the arms industry in the National Shooting Sports Foundation, according to Mr. Bakal, are the Wildlife Management Institute and the National Wildlife Federation. The latter, through affiliated conservation organizations, has an estimated 2,000,000 members.

But what Mr. Bakal refers to as "the spearhead of the gun lobby" is the National Rifle Association, which has 700,000 to 800,000 members, and is constantly expanding. It maintains close relationships with the Department of the Army and with various conservationist groups; many members of Congress and state legislators belong to it; even an organization such as the National Safety Council, which one would expect to favor measures designed to reduce death and injury by gunfire, has interlocking membership with the NRA to an extent that its small arms policies parallel, and seem to be set by, the NRA.

The NRA purports to favor measures which will promote safety without impinging upon the right to bear arms, yet it has opposed legislation which would merely require conformity to minimum safety requirements. In one case the NRA did publicly support restrictive Federal legislation, but even in that situation it lobbied against the legislation, which died in committee.

The tradition of private possession of guns may be a part of our history, but guns are as alien to the spirit of modern urban society as they may have been natural to the society of the frontier. Urban life is abrasive at best; the presence within it of private arsenals of lethal weapons cannot help but exacerbate its basic tensions. Where a gun may have been necessary for food and survival in yesterday's rural America, it does not serve any useful purpose in today's urban America.

So long as hand guns are in relatively common currency in our society, it will undoubtedly be necessary for us to continue to arm our police. If, however, we were to eliminate the criminal's easy access to guns, then we should certainly want to give careful consideration to an unarmed police force. We have reached a stage of political maturity in which we are extending, through a series of far-reaching judicial decisions, the basic concepts of individual liberty set forth in the Bill of Rights. We are attempting to make meaningful our traditional cliché—that all men are innocent until proven guilty; we are attempting to insure that the interests of the defendant are competently protected at all stages of the criminal process, from arrest to appeal. At

## Book Reviews

this level of maturity it is certainly incongruous to charge our law enforcement officers with the power and even the duty to act as judge and jury through the use of firearms. And yet, until guns are no longer available to our criminals, the safety of society requires that our police officers be armed and able, where necessary, to use their weapons.

In our increasingly urbanizing society gun control legislation must come. There will always be a place for the gun in the woods of Maine, the mountains of Montana and the swamps of Florida. On Park Avenue and in Harlem and in the streets of Dallas, it is an impermissible anomaly.

VINCENT BRODERICK†

*The Ideas in Barotse Jurisprudence.* By *Max Gluckman*. New Haven: Yale University Press, 1965. Pp. xix, 299. \$7.50.

Two generations ago writers on the nature of law in human affairs could dismiss primitive societies as lawless, or, if the writer had some firsthand knowledge of a primitive people, he was apt to give but a few pages to law in his ethnographic report. He might sketch a few highly generalized normative rules and represent them as the substantive law of a tribal population. But in the opening decades of this century, R. F. Barton and Bronislaw Malinowski published full-scale monographs on systems of tribal law which they had studied at first hand and in some depth;<sup>1</sup> they opened the door to the realization that tribal cultures may have well-developed legal systems. In a half century of anthropological jurisprudence, a small but high-quality body of scientific studies of legal systems has emerged. Professor Gluckman's 1963 Storrs Lectures on Jurisprudence are the latest and, in many ways, the most sophisticated.

Gluckman conducted his field research during two and a third years of residence among the Barotse of Botswana. This Bantu tribal nation consists of more than two dozen sometime independent tribes under the centralized political and legal control of a dominant tribe, the Lozi.

† Member of the New York Bar. A.B. 1941, Princeton University; LL.B. 1948, Harvard University.

1. These were the now classic: BARTON, *IFUGAO LAW* (1919), and MALINOWSKI, *CRIME AND CUSTOM IN SAVAGE SOCIETY* (1926).

The entire national population numbers about 300,000, a sizable "primitive" state.

The Barotse, although "primitive" and non-literate, represent a relatively high level of cultural development. Their mixed subsistence economy is based on intensive gardening, supplemented by cattle and goat herding, hunting, and fishing. Their political state is centrally organized around a king and his fulsome royal bureaucracy. Justice is administered through a series of elaborately staffed courts in which princes, royal stewards, and local headmen constitute three benches of well-versed justices.<sup>2</sup>

Gluckman's contribution is significant in its intensive reflection of the character of modern anthropological jurisprudence. He does not write about "Barotse Law"; there is no neat, pseudo-systematic code of presumptive substantive legal norms. Rather, Gluckman approaches the topic through procedure in his first book and through juridical concepts here. In the first volume he observes how the dispute-settling and law-enforcing agencies cope with their tasks and in the second he identifies and analyzes Barotse basic postulates and their derivative concepts of the nature of things, man, and society.

In *The Ideas in Barotse Jurisprudence* Professor Gluckman has given us a formidable book that may, most unfortunately, discourage all but the most dedicated of readers. Its difficulty lies in its diffuse organization and in the complexity of its use of analogy in comparisons. The author's learning in medieval English and European legal and social history, in political and legal theory, and in comparative ethnography is impressive. Gluckman wishes to illuminate the Barotse scene by cross-lighting from comparable (not necessarily identical) events and ideas in early English and medieval European law and constitutional structure. Conversely, the Barotse materials are focused upon English and European history to add new illumination to the growth of our own legal institutions. The intent is legitimate and the result valid (in my judgment), for in this way alone a science of law can develop. Barotse ideas in their own terms would have meaning and significance only to the Barotse themselves.

But I must confess to the feeling that in this book Gluckman's erudition sometimes becomes his master rather than his servant. His analogic cadenzas can often numb the mind.

2. For information on the structure of the Barotse court system and its modes of procedure, the reader should go to Gluckman's earlier volume, *THE JUDICIAL PROCESS AMONG THE BAROTSE OF NORTHERN RHODESIA* (1955).

To help other readers to overcome this effect, I suggest that they not undertake to work straight through the book on first reading. Rather, an initial concentration on the parts in which the essential Barotse concepts are presented with little comparative adornment may better prepare them for a secondary digestion of the whole. A useful formula would be to read the first three chapters, "The Process of Tribal Law," "The Barotse Constitution and Their Theory of Power," and "Status and Rights in Land" as far as page 94. Chapters four, five and seven may be temporarily by-passed in favor of chapter six, "The Importance of Obligation in Contract" and chapter eight, "Obligation and Debt." This will convey the Barotse system of jurisprudence as a more readily comprehensible unit.

The central theme of the Barotse system is that legal rights and obligations arise from a person's *statutes* in relation to the king and the royal subordinates (particularly the village headmen) and in relation to his own kinsmen, blood brothers, friends and co-villagers. "Free contractual relations between persons not united by social position were thus relatively few and unimportant in Barotse life."<sup>3</sup> On the contrary, "We find that every [legal] doctrine is influenced by the fact that the society is dominantly organized around fixed, permanent, and multiplex status relationships."<sup>4</sup> Barotse social organization and legal constructs exemplify Sir Henry Maine's status-dominated socio-legal type. Gluckman demonstrates in rich detail what Sir Henry, a century ago, could limn only in gross outline.

Because all Barotse statuses build to a pyramidal point in the office of the king, the kinship becomes Gluckman's point of departure for his entire study. Any legal order seeks the transpersonalization of power and the allocation of authority to compel behavior in keeping with legal norms. Gluckman's account of the Barotse's structural solutions is a salute to human ingenuity.

Land, in this primitive horticultural economy, is the nexus from which all property flows. The king is the immediate "owner" of all unused land and of specific king's gardens; he is the ultimate "owner" of *all* Barotse land. He symbolizes the public entity of the Barotse people as a society. From his title as "owner" flow a number of royal rights and prerogatives. But—"The king not only has rights in the land but also obligations in the use of it."<sup>5</sup> Equally fundamental to the

3. P. 171.  
4. P. 271.  
5. P. 80.



Barotse scheme of things is the postulate that every Barotse male has a right to a minimal plot of land for his own use. And—"Once the King has given land to a subject the latter has in it rights which are protected against all comers."<sup>6</sup> Between the king and ordinary landsman is an elaborate hierarchy of officials, each with a special status relation to the land, the king, and the people. Gluckman meticulously spells out "the hierarchy of estates" that make up the substantive land law; and he shows how these are expressed in legal process and thought.

Land is not sold, rented, or pledged. "People acquire rights in land in virtue of their status, as citizens, as villagers, as kinsfolk."<sup>7</sup> The idea of a status claim of all citizens upon the national estate through the universal guarantee of a minimum annual income is to us a revolutionary new thought. To the Barotse, who certainly are not communists, it is old hat.

The central theme that runs through all extensions and elaborations of the Barotse law of property is that, "—property law defines not so much the rights of persons over things as the obligations owed between persons in respect of things." Although Anglo-American law largely ignored this point in doctrine before Hohfeld, the Barotse, as Gluckman demonstrates, built upon it both in concept and practice. The exemplification of the principle in the closing chapters on obligation in contract and debt is beautiful in its clarity and morality. We are shown why and how a transfer of property is essential to create a new legal obligation, for property symbolizes the nexus of a new status relationship. Because the conceptual emphasis is rooted in the personal relationship rather than the thing, the courts, the law, and the Barotse at large expect a man to look to his obligations rather than to his rights.

Such is the state of mind of legal man in the under-developed, kinship-based societies that are now about to be modernized.

E. ADAMSON HOEBEL†

6. P. 83.

7. P. 149.

† Professor of Anthropology, University of Minnesota. B.A. 1928, University of Wisconsin; M.A. 1930, New York University; Ph.D. 1934, Columbia University.

The Pretrial Conference and Effective Justice. By *Maurice Rosenberg*. New York: Columbia University Press, 1964. Pp. 249. \$6.50.

The pretrial conference has been part of the American system of procedure for barely twenty-five years. During that time, some modest claims have been made for it: that it makes the trial a bit less of a game and more of a search for truth; that it reduces surprise and trickery; and that it acts as a salutary "poor man's discovery." Today, with the law explosion pressing hard upon our courts, more dramatic claims are being heard: that pretrial may be *the* solution to the log-jam in the courts. A new study by Maurice Rosenberg supports the modest claims and discourages the bold.

The basic empirical data underlying Rosenberg's conclusions comes from a New Jersey study conducted with the aid of the state supreme court. During a test period, the usual compulsory pretrial conference in personal injury suits was made optional in alternate cases. Three categories of cases thus emerged: those in which a pretrial conference was compulsory; those in which a pretrial conference was optional and was refused; and those in which a pretrial conference was optional and was held. The New Jersey experiment provided the first empirical test in which the presence or absence of a pretrial conference was the only major variable.

Certain claims made in favor of the pretrial conference were supported by the study: pretried cases were generally better prepared; the theory of the case and the issues involved emerged more clearly; the evidence was better presented; and both judges and attorneys involved agreed that the pretrial conference tended to eliminate surprise at trial and led to substantially fairer trials. These results were mitigated where counsel themselves appeared not to take the conference seriously, coming to it ill-prepared or sending junior members of the firm who then took no further part in the proceedings.

The bolder claims sometimes heard in favor of the pretrial conference were simply not supported by the data: the pretrial conference did not lead to fewer cases reaching trial; it did not reduce the length of time required for the trial itself; and it eliminated neither appeals nor reversals on appeal. Nor did the study support the contention that pretrial conference increases the frequency or the amount of plaintiffs' awards.

Furthermore, the New Jersey experiment seems to have left unresolved a basic point at issue concerning the role of the judge at the

conference and the goals of the conference itself. It is not at all clear whether the pretrial judge should play an active role, vigorously using the conference to promote a pretrial settlement, or whether he should play a passive role, allowing the parties to use the conference for their own ends. During the New Jersey test period, only two per cent of the cases in which pretrial conferences were held actually settled at the conference itself. And the holding of a pretrial conference did not reduce the number of cases (approximately 23% in all three groups) requiring trial. Nor did it reduce the length of time needed for settlement.

It would seem from this that the pretrial conference is not a successful device for inducing settlements, whatever other advantages it may possess. However, the fact that pretrial conferences did not lead to more settlements may itself be a function of the view that judges took toward the *goals* of the conference. If judges do not actively try to achieve settlement through the pretrial conference, it is unlikely that settlement will result.

On the other hand, for judges to wield their power at the pretrial conference in an attempt to induce settlement would also raise serious problems: for example, whether a forced settlement is necessarily a just one; and what limits ought to be set on a judge's coercive powers, given our adversary system.

In addition to its presentation of the objective data from the New Jersey experiment, the Rosenberg volume also gives us a valuable subjective collection of the attitudes, opinions and impressions of the New Jersey judges themselves. The judges clearly reflect the divergent views on the goals of the pretrial conference and the judge's function at it. Some regard settlement merely as a welcome by-product of a successful conference; others regard it as a goal in itself, though many seem to feel that the pretrial conference might serve most successfully to open the way for a subsequent settlement conference, after the issues and the evidence available have been initially explored.

Regardless of their views concerning the goals of the pretrial conference, most judges concurred in pinpointing certain shortcomings. Basically, they objected, pretrial conferences tended to be rather sloppy affairs. The practice of scheduling three conferences in an hour meant that issues could not be fully explored, and all too often lawyers at the conferences were simply ill-prepared. Although most judges agreed that citations for contempt would be too strong a sanction to use against poorly prepared counsel, they disagreed as to just what sanctions would

be fair and effective. They also disagreed as to the proper atmosphere and degree of formality for the pretrial conference.

Despite this measure of disagreement, certain positive suggestions were made. It was concluded that the pretrial conference should be oriented toward a trial rather than toward settlement, though settlements would be welcomed, and the possibility of a special settlement conference, under special circumstances, would not be ruled out. Since the conference would be oriented toward trial, and since "big cases" proceeded to trial relatively more often than cases involving smaller amounts of damages, it was suggested that the pretrial conference might be made compulsory only in cases potentially involving several thousand dollars. In such cases, the lawyers tend to be better prepared and conferences therefore stand a greater chance of success. Another potential screen for cases proceeding to trial might be length of time spent in discovery; cases involving more than two days of discovery are likely to require a trial. Finally, it is suggested that any pretrial conference plan contain a mechanism for testing its results.

As a relatively new innovation in our legal system, the pretrial conference is still evolving. That it has advantages for the trial process is apparent, though their dimensions are less so. Professor Rosenberg's book gives us our first real basis for judging the worth of the pretrial conference and for evaluating the changes that have been recommended in its format.

MELVIN BELLI†

*The Power Broker.* By *Joseph Lieberman.* Boston: Houghton Mifflin Co. Pp. 365, 1966. \$7.50.

Politicians are not in business to make peppery remarks about American culture or tell professors how they win elections and influence people. This makes life very difficult for their biographers. There is always that terrible moment when a politician who has always been amusing and wise in backroom conversation begins to talk for the record. Any tourist who has ever asked a Maine farmer where the blueberries are will know what I mean. A politician is never out of politics until he has been sent to the undertaker: until then he considers any-

† Member of the California Bar. B.A. 1929, University of California; LL.B. 1933, Boalt Hall School of Law.

thing he knows as an industrial secret for his personal use only. Doing a politician's biography, difficult under the best conditions, is even more complicated when the politician in question has been running party affairs so long that he has become the chief oral historian of the affairs of which he is also the perennial protagonist, and therefore in an excellent position to give history a tweak now and then in the interests of his own reputation.

Such a politician is John Moran Bailey, the subject of an engrossing book entitled *The Power Broker* by Joseph I. Lieberman. Bailey is chairman of the Democratic National Committee and head of Connecticut's Democratic Party. In addition to being a party leader with nine lives, he has at various times performed, unofficially, many of the chores and made many of the decisions of governors, senators, commissioners, delegates and assemblymen when they were too weak or overwhelmed to handle matters themselves. To write intelligently about Bailey one must also describe a whole series of institutions and practices. This is just what Lieberman has done, presenting a comprehensive picture of Bailey as an individual and the state's Democratic Party as an organization.

Like most other party organization men Bailey is an engineer with an aversion to ideas, especially if they are new or controversial. But unlike most of his fellow practitioners he is neither pompous nor a bore. In fact, he is far more entertaining than most of the people he has helped make famous. His huge supply of anecdotes, each of which may constitute an essay on the nature of Connecticut politics, makes good reading. However, Bailey's ability as a raconteur can raise a special problem for writers trying to maintain their objectivity. He has been known to reduce reporters to such a state of amused helplessness that they have been detoured rather easily around the less appetizing aspects of party politics as it is customarily practiced under the Chairman's benevolent supervision.

Lieberman's own (and admitted) affectionate fascination with Bailey may have dented his objectivity at times, but the damage is minor. The author's enforced tendency to look at the world through Bailey's spectacles much of the time may even be a strength of the book, in view of the fact that so much of the current literature still peers at the modern political boss as if he were the ghost of William Croker. The book has very little specific, attributable comment on Bailey by his most articulate critics; however, the absence of such comment is probably not Lieberman's fault, since most of these critics have little desire to be quoted. Like Bailey, they also consider themselves still in or on

the edges of the political business and they know that it is unsound practice to be jabbing at another politician whose goodwill they may have to cultivate later.

Lieberman has put these very appropriate words of Governor Willie Stark (in *All the King's Men*) on the flyleaf of his book: "One thing I understand and you don't, is what makes the mare go. I can make the mare go." Lieberman then proceeds to tell us about the temperament and anatomy of the mare and how Chairman Bailey makes the mare go. He tracks the two of them through corridors, caucuses, conventions, campaigns and all the rooms, small and large, in which minds, reputations and decisions are made and unmade.

This reviewer's impressions of Connecticut politics are based on considerable reading between the lines and very free translations of what Lieberman himself may have in mind.

---

As Lieberman notes, Bailey often draws analogies between Connecticut politics and big league baseball. They are both highly competitive professional sports, and the main purpose in both instances is to "win big." The Democratic Party organization under Bailey's leadership has had about the same interest in a political philosophy as the pitching staff of the Cleveland Indians. The purpose of winning an election is to get ready to win the next one. In between victories the party adopts the philosophy of its governors and senators of the moment if these gentlemen have a particular philosophy; in times of eclipse when Bailey is the party's *de facto* leader, the organization concentrates entirely on muscle building and gossip. As a consequence, the organization has a short attention span and a history of yielding to ramshackle influences quite unrelated to major public discontents. In power it readily adapts itself to violent swings between governmental passivity and liberal interventionism. In recent years the organization has even demonstrated an ability to swing both ways at once, an example being its current enthusiasm over both Thomas Dodd and Abraham Ribicoff.

Chairman Bailey's indifference to ideas *per se* makes him an ideal leader for his party organization—and here let a sharp distinction be made between the "organization," which is the party machinery, and the "party," which I take to be a confused heterogeneous gathering including elected officials and all registered rank and file party members, active or not. It seems clear from Lieberman's book that the organization cannot be accused of excessive haste in receiving new ideas, or any ideas at all for that matter. The organization has a purely tactical function. All that is required is success.

As an engineer interested in smooth performance, the chairman has a deep distrust of the broad-based free-wheeling politicking characteristic of California's Democratic Party, with its policy advisory committee, its leftish liberal California Democratic Council, and its open primaries. Control of his Hartford County organization, plus the massive refusal of the state's voters to register with either party, has enabled the chairman to avoid the sort of chaos that perpetually afflicts West Coast politics. Even in the tidiest of arrangements there is, of course, some discomfort, and Bailey is extremely ill at ease with any Democrat who lives outside Hartford County, especially if the Democrat is a suburbanite, a member of a minority group, a union dues-payer, a New York City commuter, an opinionated housewife, a professor or a civil rights demonstrator. Efforts of such people to gain a foothold in the organization are stubbornly resisted by professionals who hold that a union man's place is in the factory and a woman's place is in the home.<sup>1</sup> While the miniscule Negro representation at state party conventions has been growing, the state's Negro population is of little political consequence. The Democratic organization is impressed by the quantity of a minority group, not the quality of its problems; and for this reason the Negro is ignored politically and kicked around socially and economically. For details one might look into how he fares in most of the cities' urban renewal slum clearance and anti-poverty programs (New Haven excepted).

Bailey's control has been built on narrowing the organizational base of the party to the people he knows and the people who respond to patronage; thus, he concentrates on a few large cities and encourages the hinterlands to stay quiet until after convention time. The chairman's Hartford-is-the-world strategy works in Connecticut, but his provincialism has been a tremendous handicap to him in Washington, where as head of the Democratic National Committee he must deal with a great diversity of power groups that include an impressive liberal coalition whose sympathizers have been pretty well run out of Connecticut.

Nor has Bailey's customary disapproval of dissent within the party worked to his advantage in the nation's capital. His refusal to accept an invitation in Washington to speak to the College Young Democrats,

1. With the exception of Katherine Quinn, who dispenses patronage under Bailey's direction, and Ella Grasso, the Secretary of State, women play a decidedly subordinate role in the organization. Female members of the Democratic State Central Committee are expected to be seen and not heard, as are most of the ladies who serve as vice-chairmen of the local organizations.

who have criticized the administration's Vietnam policy, is typical of the chairman's attitude that the non-conforming Democrat is no Democrat at all. Not all of the causes of the decline of Bailey's influence in Washington are known, but certainly one of them, an inattention to ideas, was born of the low-level pragmatism that has served him so well in his home state.

In Connecticut, Bailey's genius lies in his ability to mediate and conciliate. Here he does not conform to the traditional stereotype of the boss who makes a profession of pushing people around. On occasions the chairman will "knock heads together" (a phrase heard at party conventions), but he does so only after assembling an undeniable majority for a prospective candidate or a piece of legislation. When important blocs in the organization are drifting or undecided, Bailey may poll their leaders with highly suggestive questions—another way of saying he may put his hand on the scales if it seems possible to turn matters in the direction of his own preferences. In 1954, for instance, Bailey traveled about the state toting up the preferences of local leaders for a gubernatorial candidate. He committed himself to nobody, but, his assessment of the credits and debits of Bowles and Ribicoff had only to be added up to arrive at the blinding revelation that Ribicoff was the man for the nomination if the party wanted to win. In 1958, in Bailey's "neutral" discussions with party leaders concerning the Bowles-Benton-Dodd contest for the Senate nomination, every other sentence was a reminder that Dodd was the only one of the three who had threatened a primary if he lost the convention's designation. To an organization that fears primaries like the plague, the message was unmistakable.

The most important requirement of the convention is that the course of events be determined before the delegates arrive. At one convention, when the chairman was faced with an unexpected rebellion, he told the presiding officer to recess the convention because "this thing is getting out of control." Bailey, who rarely expresses himself so bluntly, was simply giving unrehearsed testimony to the fact that the primary requirement of such a gathering is that it be docile. The extent to which his anxiety about disorder is shared by second echelon organization leaders is illustrated by their preconvention behavior. If there is the slightest uncertainty about the state leadership's choice of candidates for various party nominations, local leaders will almost always refuse to commit themselves. In fact they will do their best to discourage any public discussion of convention business. The scattering of delegations across the state that do come out for a candidate who is not already an



incumbent are felt to have committed a hostile act against the party leadership which will be counted against them later on. It is not surprising, therefore, that only the most foolhardy candidates try to build up a following by preconvention campaigning for delegates. The wise ones wait politely and hope for favorable consideration in Hartford.

The organization's policy of preconvention silence is sometimes enforced by threats of reprisal against delegations that propose to give a preconvention hearing to candidates critical of the state leadership. Last year, for example, when an "anti-war" candidate for the Fourth District Congressional nomination was invited to speak, pressure was applied to the delegation issuing the invitation, and the candidate was promptly disinvented. Of course there are exceptions to the rule, notably Senator Dodd, who shows no deference at all towards Chairman Bailey and whose intransigence is his stock in trade. But Dodd is a very special case, because he can count on his hostility to Democratic liberalism striking a very responsive chord in the lower reaches of the organization.

If the chairman likes to iron out the convention with a minimum of discussion, he has considerable justification for doing so as things stand now. To try to reach considered judgments through full dress, public discussion during a four or five day convention is to invite the sort of pandemonium typical of the last day of the state legislature. Furthermore, the delegates themselves would be totally mystified at the outbreak of a dialogue on public issues. Issues are supposed to be taken care of by platform committees while the delegates are out drinking. The delegates of the large cities on whom Bailey builds his coalitions do not see themselves as representatives of a constituency. They are members of that minute sector of the population that has made politics a full-time paying job, they do not stray off the reservation if they want to return the next time, and they bitterly resent those who do not play the game according to the old-fashioned rules.

Such delegates have little rapport with the type of small town delegation, in which one used to find a Malcolm Cowley or an Odell Shephard, that comes to Hartford with some idea of asserting itself on matters of principle. The individualism of such small town delegations is their downfall: they find it impossible to form combinations or blocs which might offset the city coalitions. A political leader who could unite the smaller towns could substantially alter the balance of power at party conventions, or at least command Bailey's serious attention, but such a giant-killer is not on the horizon.

*"Some kind of widespread enthusiasm or excitement is needed . . ."*<sup>2</sup>

2. E. HOFFER, *THE TRUE BELIEVER* 3 (1951).

In many respects the argument over what a political organization ought to be doing is like the controversy over what constitutes a good newspaper. Should the paper be run as a sound, money-making enterprise, or is it supposed to inform the public and thereby serve the general welfare and the local community? Apparently the two roles are not mutually exclusive if one is to believe one's ears at the annual meetings of the American Newspaper Publishers Association, at which very rich publishers talk about the community responsibilities of their newspapers and the people's right to know. But the press, like so many state political parties, seems to have fallen under the sway of the accountants in the back room—rather old-fashioned and unreliable accountants, by the way—and it is natural that these two institutions should so often be found feeding each others' weaknesses.

The fate of people like Robert Hutchins who insist on detailing the shortcomings of the mass media is similar to that of those who want to see changes in our politics: if the critics are lucky they can activate a few ulcers, but for the most part they are dismissed as a bad lot who know very little about the facts of life, the most important of which is that the public gets cheap merchandise because that is what the public wants.

Connecticut's Republican and Democratic organizations make little pretense to operating as representative bodies or as vessels of public enlightenment. They have no guilt feelings about it because they are practical, and a public spirit is impractical in a body preoccupied with private interests.

One consequence of this state of affairs is that it is almost impossible to tell the lobbyists from the legislators in the biennial sessions of the General Assembly, a situation also true in Sacramento, California, where one harassed assemblyman has asked for a law requiring lobbyists to wear identification buttons so that he will know to whom he is talking. Another consequence is that the party professionals can still run the legislature as if it were a privately owned supermarket.

This is not to say that each party does not have an allegiance to some official public philosophy. The assembly's Democrats have been rather faithful about passing run-of-the-mill social legislation—providing it doesn't cost very much—and the Republicans have never ceased to remind the electorate that a strong nation depends on thrifty house-keeping. But these are postures rather than philosophies, designed chiefly to hang on to campaign contributors. Each party understands the other's problem, so that when occasional confrontations do develop in the legislature, the heat that one ordinarily expects over an ideologi-

cal disagreement is missing. Legislators are often quite willing to disregard theoretical party lines on a bill outlawing racial discrimination in the National Guard, or one which would lift restrictions on clam digging at Connecticut beaches. The real thunder and lightning occurs when there is an argument over patronage. The assembly's voting records show the highest degree of party cohesion on such matters.

There are other factors that make it highly unlikely that the state's organizational politics and government will assume a more responsible role. For one thing, there is little sign of real public pressure for change, explainable at least in part by a gathering public impression that state government and state politics are irrelevant and archaic and consequently not worth bothering about. The public apathy is constantly reinforced by repeated demonstrations that governors are impotent in the face of political parties impervious to ideas and that the legislature is chronically afflicted with what Frank Trippett calls "microphilia"—an obsession with trivia.<sup>3</sup> Moreover, the party organizations are still unable to make even the minor decisions necessary to organize and vote on a legislative program without Bailey around to give instructions. Lieberman gives a striking description of the panic that assailed Connecticut's Democratic legislators in 1961 when Bailey, because of his Washington commitments, was not to be found at his customary pillar in the corridor of the State Capitol:

The absence of Bailey's old familiar voice around the Capitol was beginning to have its effect. As one Democratic town chairman tells it: "My representatives really began to grumble. They didn't know what was going on. They didn't know what caucuses were going to be held or what the party positions were. . . ."

As May began Democratic anxieties increased. Haggling continued over budget and tax programs, but nothing passed. . . . During the third week in May Bailey sent word that he would return to Connecticut for the last eight days of the session . . . he did indeed arrive in Hartford and he set about solving legislative difficulties in the best *deus ex machina* that any great drama could offer. Out of confusion Bailey brought order. On a heretofore barren record he placed significant accomplishments . . . the Governor had a record.

The episode is symbolic of the way the organization functions even in those rare instances when it has a purposeful governor—a Bowles or a Ribicoff—to goad it. The episode also reveals some of Bailey's major weaknesses as a leader. While he did bring order out of confusion, the responsibility for the confusion lay in his excessive reliance on improvi-

3. F. TRIPPETT, *THE STATES: UNITED THEY FELL* 172-84 (1967).

sation and in his failure to train leaders to take over some of his own responsibilities. The chairman has always found it easy to extricate himself from difficult situations, but almost impossible to anticipate them. And he places his confidence in people on whose personal loyalty he can count regardless of what he does. Such loyalists are not likely to have the independence and energy necessary to lead wisely in his absence. The chairman's apparent belief that to develop an able subordinate is to set the stage for one's own overthrow probably stems from his experience in deposing his own political mentor, T.J. Spellacy.

All of the foregoing is by way of emphasizing my strong disagreement with two of Lieberman's main conclusions about Connecticut's political system. First, I don't agree that the "one area" in which the state has lagged behind is in its failure to "adopt reforms in its political structure." Lieberman does not specify the reforms he has in mind except to suggest the adoption of a truly direct primary (which would make Chairman Bailey obsolete), and the giving of more home rule to local governments. Lieberman's reforms are designed to make the party organization more responsive to its general membership. I have already indicated my agreement with these suggestions, but they do not strike at the heart of the matter. Technical alterations will do little to change the nature of Connecticut's political process. Its most serious weaknesses have to do with values and goals, not with procedures. What is needed is for the state's parties to learn how to think about major public problems before they become catastrophes.

A second Lieberman conclusion to which I take exception is his statement that "the record shows that the modern political boss, John Bailey, while pursuing little more than political advantage, has made for more effective democracy in Connecticut. . . . He has built the Democratic Party into a strong and united political body. That strength and unity have allowed him to exercise authority. That authority has been used in the state's competitive political system to make the party significantly responsive to the popular will." But over the past thirty years both parties have been quite unwilling to grapple with the state's major problems. In the 30's and 40's, when the state's customary industry and agriculture grew feeble and scores of communities were left in anguish with the death of the textile mills, the rural wire and hat factories, and much of its small-scale farming, the political response was hardly "effective democracy."

Now the state is entering another cycle of change for which its politics is equally unprepared. Connecticut communities of all descriptions are being swollen by migrations of new workers, by escapees from the city,

and by a small but rapidly growing number of people who cannot be absorbed by the new job market. All of these people require space, housing, schools, employment, health and welfare services and transportation. Their presence is making old systems of taxation, zoning, and education obsolete. What has been the political response? The political system has not yet even fully identified the challenges.

I am also inclined against Lieberman's view (the prevailing one) that Connecticut politics has been remarkably free of corruption. There seems to be very little proof one way or the other. It is true that since 1938, when a whole crew of Waterbury Democratic leaders, including the Lieutenant Governor, were convicted of fraud and conspiracy, few politicians of either party have been sent to jail or accused of downright malfeasance. But, the assumption that 1938 produced a revolution in political morals is something else again.

Connecticut government and politics has been unusually immune to sharp and impartial investigation, either by government or the press. The state does not have an agency analogous to the New York State Investigation Commission. Most important, the Connecticut public is without information on the manner in which organized private interests have dominated the activities of its legislatures year in and year out regardless of what party held the governor's chair. Connecticut does not possess newspapers like the *New York Times*, which painstakingly catalogs the questionable practices of politicians and public officials. The Connecticut press, radio and television is not very good at the sort of investigative reporting needed to uncover shady practices in the Capitol.

The state's newspapers are badly undermanned in Hartford, as is the press in most state capitals, with one or two staffers required to cover everything from the fate of hundreds of bills to the doings of commissioners and ward leaders. One extreme example of thin coverage was the now defunct "bureau" of a wire service, consisting of one man who gathered his news by telephone and never left his cubby-hole several blocks from the Capitol.

Another obstacle to better press coverage is the unseemly reliance of some reporters on the state party chairman, to the point where Bailey and his Republican opposite number in effect write much of the state's political news.

One distinguished journalist who has observed the press and Connecticut politics has summed up his impression in these words: "You know how politics is covered. Individuals who stand up against the system are actually creamed by the press. The reporters dutifully wait

outside for the leaders to write their stories, which in turn become self-fulfilling prophecies.”

When the public does get wind of irregularities or suspected misbehavior, the tipoff as often as not comes from the press outside the state, or from non-press sources. The disclosures about Senator Dodd's alleged misuse of funds raised at his testimonial dinners and of federal travel funds came to light because ex-members of Dodd's staff went to a national columnist with their charges. It is this observer's view that they were wise in doing so. It is hard to believe that Dodd's activities were not known to some Connecticut reporters, especially since after the Drew Pearson disclosures the Democratic Town Chairman, Arthur Barbieri of New Haven, declared that there had been no mystery about Dodd's use of his dinner contributions and that he, Barbieri, saw nothing wrong with what Dodd had done.

However, the Connecticut press is not by any means the real culprit. Its inability to police the parties is paralleled by the more significant refusal of the parties to police one another. The parties' tender regard for each other's collective reputation is based on self-interest, not altruism. For a long time both parties have by mutual, tacit consent engaged in practices which although technically legal, would certainly test the sensibilities of a good many, if not all, Connecticut voters if they were known. Particularly where patronage is involved, there is an unwritten inter-party agreement to overlook each other's didoes. Questionable practices which do come to light almost always have a strong bi-partisan odor. An example, described in detail by Lieberman, was the disclosure that state insurance contracts were being awarded on a patronage basis to political leaders in both parties. When a maverick Republican legislator named Nicholn Eddy attempted to expose this ancient system of subsidizing party leaders at public expense, leaders of both party organizations did everything they could to obstruct the investigation, even to the point of withholding records to which the public had every right of access. In the end, after the facts did come out, these same leaders protested that no laws had been broken.

---

A common rejoinder to the charge that the Democratic organization is sterile of ideas and repressive of intellectual dissent is to point to the distinguished leaders the party has given the state. The rejoinder misrepresents the relationship of these distinguished leaders with the organization. The philosophies and personalities of Democratic governors and senators often seem curiously detached from the rest of the party anatomy. Such outstanding Connecticut public servants as McMahan,

Bowles, Ribicoff, Benton and Mayor Richard Lee of New Haven might even be called party accidents. Certainly they have not inspired overwhelming affection in the lower levels of the party hierarchy. McMahon obtained the Senate nomination through the influence of his mentor, Attorney General Homer Cummings of Stamford, and once elected he played a lone hand. His ill-concealed distaste for the organization small fry, coupled with a tendency to be pompous, made him so unpopular with some leaders in his own county that on occasions he had to appeal to Bailey to get them in line with his own wishes. William Benton was even more of a party accident, not only because he first reached the Senate by appointment but also because his style and his views were very much at odds with the party traditionalists. Benton's fight against McCarthy made him so unpopular to many of Connecticut's regulars that there was even an effort to discourage him from campaigning for the ticket in 1954.

Chester Bowles was unpopular with much of the organization rank and file even before he became Governor, and defections within the organization contributed to his narrow defeat in 1950. Bowles' nomination in 1948 was considered almost valueless because it was generally assumed that Dewey would annihilate Truman, and some party leaders saw Bowles' run that year as an excellent way to get rid of him. An indication of how distasteful Bowles' aggressive liberalism was to a good part of the organization was Dodd's radio speech at the height of the campaign bitterly attacking the public housing program which was the key plank in Bowles' platform.

Senator Ribicoff has also been eccentric to the party pattern, and his rise in the Hartford organization as a judge and a Congressman is not likely to be duplicated. In the early phase of his career he supported the Citizens' Charter movement, a cause anathema to Bailey, and as he grew in prominence it seems to some organization leaders that he went out of his way to rebuke the party in public. His strategy developed strong support among Republican and independent voters and his successes at the polls gave him considerable independence of the organization. While the ward leaders grumbled more and more about Ribicoff's tendency to go it alone, they were tied to him because he was a winner, and because he allowed Bailey to handle patronage matters. As a Cabinet member and Senator, Ribicoff continued to develop his own style, and he has become absorbed in national rather than sectional issues. It is significant that his contributions, like McMahon's, have grown in direct proportion to the distance he has been able to put between himself and the organizational politics of

his home state. Washington, despite its own brand of insularity and oppressive bureaucracies, not only stimulates but demands intellectual activity and innovation.

Another party "accident" who has had less luck than Ribicoff in making his way to the top, is Richard Lee, whose rise in New Haven was very much a personal accomplishment. Formerly a public relations officer at Yale University, with strong ties to the liberal wing of the party, Lee's victory as Mayor came after several tries in which he received lukewarm support from the New Haven organization.

The presence, then of a few bright lights does not change the fact that the Democratic organization is unresponsive to the basic problems facing Connecticut. Lieberman seems to feel that the cure lies in technical adjustments such as the adoption of a direct primary. But a real cure can only come when the organization opens itself up to ideas and people who deal in ideas. Unfortunately, the liberals in the Democratic Party have lacked the persistence needed to remold the organization. Like their leader, Chester Bowles, they have intervened in Connecticut politics fitfully. As Lieberman notes at the conclusion of his book:

If major Democratic officeholders in Connecticut are not as liberal as they might be, it is either because the voters of the state did not want liberal leadership or because the liberal leaders did not go out and convince the voters that they should want them. Liberals yelled in 1958 when Tom Dodd, with Bailey's subtle backing, defeated Chester Bowles and William Benton for the nomination. But where were they over the years between elections when Dodd was out on the hustings assiduously building popular support?

Without active liberal participation the Democratic organization cannot be changed from an old grey mare to a sleek racehorse. And as long as the organization is a mare, it will need a man like John Bailey to make it go.

In contrast to McMahon, Bowles, Ribicoff and Lee, the elected official in the party who represents the emotional cast of the organization's second echelon leadership is Senator Dodd. His attunement to the basic conservatism of the big city organizations and his appeals to the regulars' submerged antipathy to the "Bowles and Benton" liberals has been a great political asset. His criticisms of Adlai Stevenson's and President Kennedy's foreign policy and his investigations in Senate committee hearings of Linus Pauling's patriotism may have embarrassed the party nationally, but they have had considerable appeal in Connecticut. This appeal enabled Dodd to predict truculently and confidently that he would defeat Bowles in a Democratic primary for the



1958 Senate nomination—and Bailey's recognition of this fact played a great part in convincing him that he and Governor Ribicoff should stand aside at the convention that year.

However, the character of the organization cannot be blamed entirely on those glandular conservatives in the party who seem to get their inspiration from the politics of Arizona. The liberal wing of the party has offered very little in the way of constructive criticism or effective opposition to the status quo. Since Bowles' defeat for the Senate nomination at the 1958 convention the liberal wing has waned into insignificance as an intellectual or political force, and the manner in which some of its leaders buckled under Bailey's pressure at that convention considerably diminished the liberals' reputation for courage in battle. But even in their heyday during Bowles' governorship, the liberals missed many opportunities to build a power base that might have enabled them to remain in contention when Bowles left the picture.

The inability of its top leaders to stay put in Connecticut was a serious drawback to the liberal cause. Bowles' governorship and Stevenson's two Presidential campaigns brought out many thousands of new reform-minded Democrats who might have had the capacity to change the temper of the party. But the liberals needed day-in-day-out leadership, and neither Bowles nor Benton were prepared to commit themselves to this role. Once they had been defeated for office, they left the state mentally and physically to take over other public responsibilities. Their departure could have been expected, because as creative men they could not stand disuse, but their departure doomed any chance of an effective liberal coalition in the party.

If major Democratic officeholders in Connecticut are not as liberal as they might be, it is either because the voters of the state did not want liberal leadership or because the liberal leaders did not go out and convince the voters that they should want them. Liberals yelled in 1958 when Tom Dodd, with Bailey's subtle backing, defeated Chester Bowles and William Benton for the nomination. But where were they over the years between elections when Dodd was out on the hustings assiduously building popular support?

Bereft of leadership, much of the old Stevenson-Bowles contingent decided the best course would be to make their peace with the old pros, and play by their rules in the hope that party regularity would entitle them to consideration in party matters. In some towns in which the Volunteers for Stevenson had taken over the local Democratic organizations and revitalized them the newcomers' behavior soon became indistinguishable from the old-liners they had replaced. They competed

## Book Reviews

for appointments, stilled their criticism of Bailey, enthusiastically supported Senator Dodd's renomination in 1964 and lapsed into docility at state conventions. The more stubborn of the liberal reformers who did not go along with the "new realism" either dropped out of party activities or were voted out. The history of Connecticut's liberal Democrats is somewhat like that of New York City's insurgent reform Democrats who entered politics during the Stevenson era, convinced that the party should interest itself in community service, divorce the reform clubs from patronage, demand a higher code of ethics from public officials, provide a forum for discussion of public issues, and bring more low-income and minority group people into the Democratic organization. After the reform clubs had won their victories and replaced Tammany as the "official" organization in their election districts, they discarded their old resolves. Their community service committees withered and died. The clubs gave up active efforts to recruit low-income Negroes and Puerto Ricans and thereby remained parochial, middle class and white. Reform leaders and sub-leaders soon began a scramble for judgeships and city jobs that is still increasing in intensity. The rational discussion of public issues has been made difficult by the emergence of a hard liberal orthodoxy quite as intolerant of deviationists as the conservative orthodoxy of their Tammany predecessors. And the reformers' code of ethics for public officials has shown itself to be less than rigid: while the reform clubs are in total sympathy with congressional efforts to punish Senator Dodd, whom they despise, for alleged misuse of public funds, they have strongly condemned congressional moves to discipline Rep. Adam Clayton Powell, whom they admire, for similar alleged offenses of a graver nature.

Any evaluation of Connecticut's Democratic Party organization and Bailey's leadership must take into account what has happened to the state and local governments to which the political system must adapt itself. It bears repeating that, by and large, these governments are failing institutions, and we have the testimony of assorted mayors and governors before the Muskie Senate subcommittee to add to the record. A long history of the states' refusal to reorganize their administrative agencies, combined with a tradition that state governments should be unobtrusive and their legislatures a part-time institution, has contributed to the disintegration of state power. Reapportionment of the Connecticut legislature at this late date will not restore representative government overnight to a state that has accustomed itself to double machine politics growing out of a system which guaranteed the Republican Party control of the lower House regardless of the popular will.

Nor will the minor constitutional changes recently enacted by a politically controlled Constitutional Convention do much to shake the prevalent idea in both party organizations that long-range planning for social ends is a Marxist plot to destroy individual initiative and raise the tax rate.

As state problems have grown, the areas of state government activity have actually decreased. The result of this atrophy is that the state, like others, is relying more and more on federal thinking, federal planning, and massive federal aid to deal with such matters as crime prevention, housing, welfare, education, the war on poverty, health and the control of air and water pollution. A common symptom of the abdication of responsibility by state and local governments is the hand-wringing of Connecticut officials who will talk about the need for urban renewal and better schools, but who offer study committees instead of workable programs, and who will not face up to the necessity for new revenues and new systems of taxation. In such a situation it is not remarkable that the most useful skill a state or municipal executive can have today is a genius for obtaining the biggest possible chunks of federal money, regardless of whether or not he knows how to use it.

The stress of new challenges has simply revealed the extent to which the life has been draining out of the local politics and institutions that were intended to be our best means of responding sensibly to the opportunities that come with age and growth. Almost all of the structures of government and party which Connecticut developed early in the last century have been beautifully preserved, and the moral talk that accompanies the transactions of the state and its political parties on special occasions is still filled with reverence for man's dignity and conscience. But the compassion, the excitement and enthusiasm, and the faith in the goodness of human nature on which Eric Hoffer's "sober desire for progress" depends have departed. In the process of accommodating themselves to the way things seem to be, many state political parties, like Connecticut's, have given up an intellectual and creative life of their own, related to public wants and opinions, but also quite distinct from them. It does not seem likely that without such an interior intellectual life our politics can regain its relevance to the human condition and become that "centre of new and original representations" which Emile Durkheim believed to be the role of the ideal state.

JOSEPH P. LYFORD†

† Professor of Journalism, University of California.





The editors share with the friends, colleagues and former students of Professor Arthur L. Corbin a deep sorrow at his death. We were not privileged to know him personally; but we have, as have many before us, been shaped by his work. His presence at the Law School and in the law continues undiminished.

The brief remembrances contained in this issue will be followed next winter by articles contributed in memory of Professor Corbin.