

Michigan Law Review


Volume 63 | Issue 4

1965

Graves: American Intergovernmental Relations: Their Origins, Historical Development, and Current Status

Joseph E. Kallenbach
The University of Michigan

Follow this and additional works at: <https://repository.law.umich.edu/mlr>

 Part of the [Administrative Law Commons](#), [Law and Society Commons](#), [Legal History Commons](#), [Legal Writing and Research Commons](#), and the [Public Law and Legal Theory Commons](#)

Recommended Citation

Joseph E. Kallenbach, *Graves: American Intergovernmental Relations: Their Origins, Historical Development, and Current Status*, 63 MICH. L. REV. 742 (1965).
Available at: <https://repository.law.umich.edu/mlr/vol63/iss4/12>

This Book Reviews is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

RECENT BOOKS

AMERICAN INTERGOVERNMENTAL RELATIONS: THEIR ORIGINS, HISTORICAL DEVELOPMENT, AND CURRENT STATUS. By *W. Brooke Graves*. New York: Scribner's. 1964. Pp. xx, 984. \$13.95.

One must marvel at the multiplicity of approaches that may be followed to reach the heart of social, economic and political problems that confront the American nation today. Like a great mountain that may be climbed from a number of different points, these problems may be approached from various directions. Initially, they appear to differ in aspect with the approach taken; but as one follows the path of his particular exploration and eventually attains the summit, the overall view is found to be the same, regardless of the route that has been followed. Problems and issues confronting American society may be approached from the point of view of the social and political historian, the analyst of the individual and groups in the political process, the specialist in public administration, the social philosopher, the constitutional lawyer, the political sociologist, or the economist. Whatever the particular point of departure may be, however, sooner or later all explorers eventually find themselves contemplating the same baffling contemporary scene from the top.

Using the point of "intergovernmental relations" as his avenue of approach, Professor Graves follows its ramifications throughout the American system of government. The result is a comprehensive survey of just about every question of domestic public policy that presses for attention in this nation today: Judicial review and its proper role in the governmental process, civil rights, the party system and electoral reform, legislative reapportionment, conservation of natural resources, labor relations, crime, metropolitan "spread," fiscal policy, civil defense, highways and mass transit, air and water pollution, public welfare policy—whatever the problem or issue that may loom large in the thinking of students of public affairs, this work shows it can properly be considered as falling within the province of "intergovernmental relations."

The author, Adjunct Professor of Political Science at The American University in Washington, D. C., brings to his task a lifetime of productive scholarship in the field of American government. This work is a monumental addition to his already impressive list of major works in that area.¹ It demonstrates the author's capacity to

1. Major works by Professor Graves include: AMERICAN STATE GOVERNMENT (4th ed. 1953); FAIR EMPLOYMENT PRACTICE LEGISLATION IN THE UNITED STATES: FEDERAL, STATE, MUNICIPAL (1951); PUBLIC ADMINISTRATION IN A DEMOCRATIC SOCIETY (1950); REORGANIZATION OF THE EXECUTIVE BRANCH OF THE GOVERNMENT OF THE UNITED STATES, 1912-1948 (1949); UNIFORM STATE ACTIONS: A POSSIBLE SUBSTITUTE FOR CENTRALIZATION (1936).

master a tremendous volume of specialized studies, to extract their essence, and to derive worthwhile conclusions pertinent to his broad purpose. Intergovernmental relations, it should be observed, is an extremely complex subject. It embraces a five-way pattern of relationships among the one hundred thousand units of government in this country. It includes federal-state, state-local, interstate, federal-local, and interlocal relationships. The task of organizing the vast body of subject matter in a meaningful and coherent fashion is an extremely difficult one. Professor Graves has met this challenge as well as anyone could reasonably be expected to do.

An indication of his method and the scope of his undertaking is supplied by the six major subdivisions into which the twenty-six chapters of the book are grouped. Part I offers a historical treatment of the general subject of federalism, the reasons for its adoption as a fundamental element in the American scheme of government, and a brief survey of its use in other countries of the world. Part II deals with the governmental structure at the national and state levels and with the interrelationships among the three departments of government and their respective counterparts at these two levels. Part III constitutes a description and analysis of federal-state relations in a number of major functional areas. Part IV is devoted to an analysis of fiscal interrelationships among the various levels of government, along with an examination of the underlying economic substructure of American society, a factor which, in part, accounts for the continually changing pattern of tax-gathering and money-disbursing functions of particular units of government. Part V covers developments in the areas of interstate, state-local, and interlocal governmental relations. The final set of chapters is devoted to consideration of the new "cooperative federalism" that has evolved in the past four or five decades.

In a work as broad in scope as this, it is perhaps inevitable that a few errors appear. In his discussion of the Internal Security Act of 1950 and the Communist Control Act of 1954, for example, the author has not made entirely clear the distinction between the provisions of the two laws and the relevance of court decisions dealing with them.² Provisions of the Submerged Lands ("Tidelands") Act of 1953 have been confused with those of the Outer Continental Shelf Lands Act of the same year.³ The Electoral College did not "fail to elect" a President in the 1876 election, and there was no "selection" of a President by the specially constituted electoral commission at that time.⁴ There have been more than five "minority" Presidents chosen since 1860.⁵ It is not accurate to say, in

2. Pp. 278-79.

3. Pp. 109-10.

4. P. 244 n.9.

5. P. 244.

connection with the Kansas-Nebraska Bill controversy of 1854, that the "Southern group wished to preserve the Missouri Compromise of 1820, the Northern group to repeal it."⁶ In the discussion of the prior incorporated or unincorporated status of territories admitted as states, the statistics are confusing and contradictory.⁷

The few minor inaccuracies of this type, however, do not detract from the great value of the work as a whole. The author's outlook on the broad question of the future of intergovernmental relations in the United States is constructive and forward-looking. His point of view is summarized in the following statement:

"The problems which confront the States will not be solved by appealing to any of the time-honored and outmoded shibboleths so often relied upon in the past, to concepts that now serve only to arouse emotional responses that becloud and make rational consideration of the real issues more difficult. States' rights has long since outlived any usefulness it may once have had as a suitable guide in the determination of public policy. Home rule of the conventional variety common in the past is an anachronism in the modern world. The idea that centralization is wicked will not help either, for much of it is necessary, or at least inevitable, under modern conditions. Nor will the idea that bigness is in and of itself improper help, for this is a big country and growing larger. Even State and local government today is big business."⁸

In his concluding chapter, entitled "Making Federalism Work," the author outlines what he considers to be the essential elements of a national policy designed to keep American federalism viable and effective. To this end, he endorses (1) a declaration of policy by Congress, dedicating itself to efforts to "assist and encourage the smooth and efficient operation of the American federal system and to encourage cooperation between and among its several levels and units of government"; (2) establishing as a permanent part of the federal administrative machinery a Department of Federal-State-Local Relations, along with an Advisory Council; (3) the institution of an annual report on intergovernmental relations by the President, similar in general character to that required of him by the Full Employment Act on the Economic State of the Union; (4) an Intergovernmental Reference Service to be set up by Congress for the purpose of assembling and dispensing information for use by state and local governments; (5) establishment of a permanent Joint Committee on Intergovernmental Relations by Congress to carry out continuing studies of matters dealt with in the President's

6. P. 96.

7. Pp. 94-95.

8. P. 818.

Report; and (6) a structuring of state and local governments to further their own efforts to promote intergovernmental cooperative relationships.

One can hardly quarrel with the author's basic conclusion that federalism and decentralized government have values which it is essential to preserve for the sake of maintaining democracy, citizen participation, and locally felt responsibility for public policy formulation and administration. Whether the particular programs he advances are well-adapted to achievement of these ends is, of course, another matter. One wonders, for example, just what functions of administration would be entrusted to a Department of Federal-State-Local Relations (rather than a Department of Urban Affairs, as some have advocated). He speaks of allocating to such a department the functions of "coordination of Federal programs in the field" and "coordination of Federal-State-local governmental activities."⁹ As his own analysis amply shows, there is hardly an area of federal governmental activity that does not entail a large measure of cooperative action with state and local governments. If such a department were to be established, with its functions so broadly defined, it would be difficult to determine what would be its administrative relationship with current operating departments. It could hardly be expected to supplant them insofar as assuming responsibility for administering their functions where cooperative operations are concerned. On the other hand, if its purpose were merely to study, advise, and serve as a clearing house for information, this function would hardly warrant characterization of it as a "Department." This purpose is now being served in part by the existing Commission on Intergovernmental Relations.

On the whole, one cannot fail to be impressed by this elaborate study of a most important and complex subject. This work consolidates, in meaningful form, a vast body of data bearing on the problems which inevitably arise because of a simple, but significant factor; namely, that an increasingly large proportion of the matters with which government must deal do not obligingly fit into the structural pattern of those governmental units that must grapple with them. Each chapter, it should be noted, is accompanied by an extensive bibliography on the topics treated. This in itself makes the work a most valuable scholarly contribution. The data contained in two appendices—one documenting every federal grant-in-aid statute from 1803 to 1962, the other detailing the allocation and matching formulas contained in thirty-five current major grant-in-aid programs—are extremely useful compilations. On balance, this book is a most noteworthy contribution and one which will long stand as

9. P. 918.

an authoritative treatise on the subject of the actual workings of the American federal system.

Joseph E. Kallenbach
Professor of Political Science,
The University of Michigan