

rights on which the entire system was based. He analyzes the political process by which municipal power operation was achieved. He discusses the interesting history of the Los Angeles Water and Power Department, concluding that the Department was more efficient in the earlier days when it was "in politics" than later when the goals of a "business-type" administration were substituted.

Seeing how control over water has been used to mold the life of this region, Ostrom is moved to ask whether in other areas public control over natural resources is being employed as consciously or wisely. "What human ends are being served by the nourishment of the local 'grass roots' by the Corps of Engineers? To what kind of society is the Bureau of Reclamation committed by its policies of organization and operation?" He is even led to speculate whether the municipal corporation, operating so successfully in the form of the Metropolitan Water District, might not be a preferable alternative to the device of the federal valley authority.

If Ostrom's story is that of governmental institutions adapted to their resource task and in full command of the situation, Leuchtenburg's tale is one of a continuing stubborn and short-sighted refusal to consider the policies and governmental readjustments which could protect the Connecticut Valley from the conditions which subjected it to three catastrophic floods within eleven years. The record, up to the close of the narrative in 1950, is one of almost complete failure. Less than 5 per cent of the total drainage area of the valley has been brought under control. The reservoirs that have been built are single-purpose, no power being generated. Pollution of the river is still largely uncontrolled.

Leuchtenburg gives his assessment of the reasons. One is the conflict among federal agencies, with the Army Engineers operating in their traditional splendid isolation. A second is the parochialism of the states involved, bitterly resisting any prospect of federal intervention and agreeing to the mild co-operation of an interstate compact only under the threat of a Tennessee Valley Authority for the Connecticut. Ex-

perience with the compact convinces Leuchtenburg that it is a hopelessly inadequate device, and he quotes the Izaak Walton League's statement that "as a legal means of putting off the day of reckoning in pollution control, the inter-state compact probably has no equal."

Finally, Leuchtenburg suggests that failure on the Connecticut results from the habit of turning every water resources problem into an ideological dispute and of viewing every question as a moral issue. Vermont agriculturists and private utilities equally wrap up their selfish interests in states' rights language. The author concludes: "If the future development of the Connecticut Valley is to be accommodated to the New England faith in local authority, the state governments must demonstrate that they are interested in exercising power not to frustrate action by government at any level but to develop the river in the interest of the people of the valley."

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BARTLEY, ERNEST R. *The Tidelands Oil Controversy*. Pp. x, 312. Austin: University of Texas Press, 1953. \$5.00.

This is a study in federalism arising from disputed claims over the oil-producing tidelands of the United States, based largely on an examination of "the history and legal background" of the three leading tidelands oil cases. The study is presented in fifteen chapters including a brief statement of the problem (Chapter 1) and a chapter of conclusions. Dr. Bartley summarizes the development of the territorial concept of the marginal seas, reviews the bases of claims thereto attributed to the several states, analyzes the judicial controversies, and digests political points of view gathered from congressional hearings and debates and from actions taken and proposed by officers of the executive branch. In his analysis the author runs the whole gamut of legal concepts, state-federal relationships, party politics, political pressures, and private interests. The tidelands issues are here presented in a manner calculated to emphasize the possibilities of and the consequences of direct

clashes between the states and the nation in our federal system.

The author implies the fabrication of a legal doctrine (the doctrine of paramount powers) to justify an assertion of authority by a power-conscious central government. Having taken advantage of the relatively insignificant oil controversy to voice the doctrine, the author sees these same forces urging its eventual extension to claims of jurisdiction over territories and commodities never before believed to be within the reach of national power.

The doctrine of paramount powers, he asserts, is an extension of the concept of inherent powers and must therefore be associated with theories of external sovereignty. It is thus not an appropriate device for reading new meanings into those delegated powers which relate exclusively to matters of internal concern. Even so, there is the constant threat of encroachment. He states that the doctrine could perhaps be extended, "to cover first the bed of a river which is an international boundary, and later the beds of inland lakes and rivers which are not international boundaries." He questions, however, the possibility of extending the doctrine inland, for example, to the "iron ore in the Mesabi Range."

To me the most disappointing feature of the study is the author's all too casual analysis of his principal thesis, the doctrine of paramount powers. The analysis is neither complete nor entirely convincing. Dr. Bartley says that the doctrine of paramount powers "bears more than a superficial relationship" to Mr. Justice Sutherland's "famed inherent-powers" doctrine; ". . . it is obvious," he says, "that the two ideas are cut from the same cloth. . . ." These observations are not necessarily self-evident truths. Yet the ensuing analysis is neither searching nor penetrating. In fact, beyond the assertion, the identity of the two doctrines is established almost exclusively by a process of word matching. If the doctrine of paramount powers is "the contribution Justice Black has made to American constitutional law" (presumably in this series of cases), it would appear to merit a more exhaustive consideration. If the doctrine is destined

"to have far reaching effects," it should at least be placed in proper historical perspective, even in a study not limited to the constitutional and legal aspects of the controversy.

Certainly a great mass of materials has been collected and analyzed, and a wide sweep of original and secondary sources has been exhausted. One can well disagree with the author's conclusions and still be rewarded from a reading of the book. One must also admire the industry and perseverance which made this first full length study of the tidelands oil controversy available. The author's opinions and conclusions present a point of view on a highly controversial issue, and one which may well be confirmed.

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BEYER, WILLIAM C. *Limited-Term and Excepted Appointments in the Civil Service*. Pp. iv, 186. Philadelphia: Published by the Author, 1953. \$3.00.

The subtitle of this volume is "A Study of the Legal Provisions by Which They Are Regulated in Fifty-nine Jurisdictions in the United States." It is the product of assiduous scholarship and will undoubtedly prove to be a useful handbook for state and local merit systems the country over.

Provisional, temporary, seasonal, emergency, and excepted appointments—all exceptions to competitive examination for entrance—are covered in as many sections. Each part contains an introductory chapter, defining terms and significance; where appropriate there is a chapter on conditions attaching to the type of appointment; and there are one or two chapters on controls and on status of the appointee. In addition, recommendations are made for the type of statute needed to cover each category of appointment. Nine descriptive charts illuminate the text with convenient summaries of existing laws and practices.

In addition to the federal government the situation in 20 states, 30 cities, 6 counties, and 2 special districts is included. The value of this compendium and of its well-considered, concrete legal proposals is