

Angry Zealot

"The Professor and the Commissions," by **Bernard Schwartz** (Knopf, 275 pp. \$4), is a tell-all report by the dismissed general counsel of the House Subcommittee on Legislative Oversight. Sidney Hyman, who witnessed the proceedings, frequently writes about the contemporary Washington scene. He is also the author of *"The American President."*

By Sidney Hyman

BERNARD SCHWARTZ is the professor of law at New York University who sparked the explosive chain of events leading to the resignation of FCC Commissioner Richard Mack and Presidential Assistant Sherman Adams. In the course of doing this, he was himself dismissed as general counsel of the House Subcommittee on Legislative Oversight. Now, in this book, he offers a revealing—perhaps too revealing—account of his experiences.

What he writes subdivides into four main lines of exposition, each in a key of its own. First he rehearses his embittering frustrations with a subcommittee whose majority did not want a searching investigation of the great regulatory agencies to see whether their day-to-day work conformed with the law. Second, he offers a lawyer's brief, with himself as the client, showing why he was forced to use wayward means to keep the investigation vital and relevant; and how the means differed from those employed by the late Senator Joseph McCarthy.

Third, standing a bit to one side of his personal experiences, he points up the discrepancies between what the regulatory commissions are supposed to do according to the law, and what they have in fact been doing as powerful economic agents wandering like nomads over the terrain of our Constitutional system. Fourth, in showing what the Subcommittee on Legislative Oversight has not yet done, he prescribes various remedies which will at one and the same time make the regulatory commissions truly independent, yet give them a clearly understood place without our Constitutional arrangement for responsible power.

It is in connection with the third and fourth lines of exposition that Professor Schwartz shows himself off to best advantage. Here he is the gifted scholar, lucid, balanced, judicious, soft-voiced but persuasive, who brings

a first-class mind to bear on a complex yet vitally important subject. To be sure, his analysis of the fictions and facts about the regulatory commissions is in the main but a restatement of his other writings dating from before his Washington experience. Also, his proposals for reforming the commissions repeat those which have been current for almost a quarter of a century. Nevertheless, the durable merit of the book lies in these portions.

The human interest lies in the first and second lines of exposition—that is, what actually happened to Professor Schwartz as general counsel for the Subcommittee. Here he is the angry zealot, still in traumatic shock, his sense of outrage oozing at every pore. Exposed to the man in print, the reader may come to feel a measure of the ambivalent embarrassment that was common among members of the Washington press corps who covered the story that Professor Schwartz unfolds.

I say "ambivalent" because the same members of the press who prophesied his slaughter even before it was known who the general counsel of the Subcommittee would be, were by no means convinced that Professor Schwartz was not an accomplice to his own ordeal.

They recognized from the start—and far better than did he—that a Congressional committee was not the proper agency to investigate the regulatory commissions, since the Congress itself was heavily implicated in the suspect acts that clamored for an airing. They also recognized that the majority of the Subcommittee was geared from the start to prevent a serious investigation from getting under way. They acknowledged that in the end Professor Schwartz did in fact accomplish something.

YET as they came to know the man better, as they watched him move about on the Washington scene with a conspiratorial air, as they listened to his orotund speech, as they read his overblown treatises in which thirty pages of text might be used to make a simple legal point, the members of the press came to mutter among themselves that Professor Schwartz would have exacerbated *their* nerves, had *they* been members of the Subcommittee. When he finally left town, there was no mourning his departure, no mourning even among the members of the press who were most sympathetic to the cause he had undertaken to advance.

Why no mourning? Professor Schwartz himself, without meaning to do so, provides the answer in this

(Continued on page 62)



Archangel Gabriel.



Head of Moses.



Woman Under the Cross.

"IVAN MEŠTROVIĆ" (Syracuse University Press, \$10), by Laurence Schmeckebier, is a profusely illustrated study of the Yugoslavian-born sculptor's works, published in celebration of his seventy-fifth year. Meštrović works freely in various materials. Above are sculptures in marble and walnut.

Backstage with National Book Awarders and Winners

From Hoopla and Huddles Emerge High Literary Standards

By DAVID DEMPSEY, *National Book Award fiction judge in 1954.*

SINCE we are a nation accustomed to slicing our literary history into decades, the tenth anniversary last week of the founding of the National Book Awards is an occasion worth noting. For ten years now we have been throwing the baby into the air, listening to his playful yells, and wondering when he was going to start growing up. At the age of latency, the Awards have survived long enough to become an established prize in American writing—and long enough, too, to generate the kind of criticism that overtakes any organized attempt at literary assay.

For those unfamiliar with this yearly free-for-all, it should be explained that, unlike the Pulitzer Prizes (which are dispensed by mail), NBA selections climax a cocktail party-press conference-keynote address followed by a formal laying-on of hands. Ancillary activities throughout the week offer out-of-town book reviewers and other literary journalists a chance to drink up at the pub-

lishers' expense, and to criticize the proceedings, which they almost always do. The criticism becomes less vocal as the week goes on.

And yet it lingers, and it is these echoes that haunt the NBA Committee from one year to the next. It is said that the Awards have no real influence on popular literary taste; that they are an innocuous substitute for the excitement that good books are supposed to generate for themselves; that the wrong books are selected; that the NBA simply provides the publishing industry a chance to honor itself, and that the attendant ballyhoo makes a bigger impression than the books.

Some of these are valid criticisms, but the faults they refer to are not necessarily fatal. If the Awards have not remolded popular taste, it can be said that this was never their intention, which is rather to focus interest on the three books (fiction, nonfiction, and poetry) that deserve to be commended to the discriminating reader. (Whether justifiably so, in all cases, is another matter.) Regarding the ballyhoo, we should remind ourselves

that literature must be sold before it can be read. As tub-thumping goes, the NBA festivities are in good taste.

The basic problem of the National Book Awards is organizational. It is plagued by the fact that it must serve three masters—the book industry (which foots the bill), the judges (who call the tune), and the reading public (which doesn't always like what it hears). These competing claims, more often than not, are irreconcilable. It is no secret, for example, that in terms of increased book sales the NBA has never paid its way. ("Frankly, we can't afford to win a prize," the president of a small firm said to me in the days when winning publishers were expected to throw a buffet dinner for the press.)

If the winning book is already a best-seller, as was the case with "Ten North Frederick" and "The Lion and the Throne," neither the added publicity nor the \$1,000 prize money is needed, although paradoxically, for the author, the Award helps to remove the curse of success. On the other hand, if the selection is self-limiting in its appeal, as with most volumes of poetry, all the prizes in Christendom are unlikely to make it sell, and for these authors \$1,000 is hardly enough. It would seem to be the in-between type of book—the modest success that deserves a wider audience—that profits most, and this chiefly in terms of increased recognition for the author. "The greatest good has come from my own identity and confidence as a writer," wrote the winner of a previous year, in response to a poll conducted by the NBA Committee.

But are the books recognized each year by the judges the "most distinguished," as the Committee defines its winners? Not always, obviously. Because of the time involved, not more than twenty-five contenders in each of the three categories are put into the hands of the judges for reading. Of these, seven or eight will be seriously considered. Too much responsibility, it would seem, lies with the small group of publishers' employees who decide what books shall be sent out. A fairer system might be to have these initial selections made

Decade of Winners

1959: "The Magic Barrel," by Bernard Malamud; "Mistress to an Age," by J. Christopher Herold; "Words for the Wind," by Theodore Roethke; **1958:** "The Wapshot Chronicle," by John Cheever; "The Lion and the Throne," by Catherine Drinker Bowen; "Promises: Poems 1954-1956," by Robert Penn Warren; **1957:** "The Field of Vision," by Wright Morris; "Russia Leaves the War," by George F. Kennan; "Things of This World," by Richard Wilbur; **1956:** "Ten North Frederick," by John O'Hara; "American in Italy," by Herbert Kubly; "The Shield of Achilles," by W. H. Auden; **1955:** "A Fable," by William Faulkner; "The Measure of Man," by Joseph Wood Krutch; "The Collected Poems of Wallace Stevens"; "Poems: 1923-1954," by E. E. Cummings (special citation); **1954:** "The Adventures of Augie March," by Saul Bellow; "A Stillness at Appomattox," by Bruce Catton; "Collected Poems," by Conrad Aiken; **1953:** "Invisible Man," by Ralph Ellison; "The Course of Empire," by Bernard De Voto; "Collected Poems, 1917-1952," by Archibald MacLeish; **1952:** "From Here to Eternity," by James Jones; "The Sea Around Us," by Rachel Carson; "Collected Poems," by Marianne Moore; **1951:** "The Collected Stories of William Faulkner"; "The Trouble of One House," by Brendan Gill (special citation); "Herman Melville," by Newton Arvin; "The Auroras of Autumn," by Wallace Stevens; **1950:** "The Man with the Golden Arm," by Nelson Algren; "Ralph Waldo Emerson," by Ralph L. Rusk; "Paterson III" and "Selected Poems," by William Carlos Williams.