

is predictive.⁹ The diagram suggests the probable growth of administrative services directly controlled by the courts and the channeling of the financial support for these agencies through the budget for the third branch. The failure of legislative bodies to perform adequately their duty to oversee prisons and law enforcement agencies might suggest the transfer of responsibility for these agencies to the courts. In this projection the position of court administrator would be of prime significance. The prophecy itself may be self-filling, as newly trained court administrators with a social justice mission flex their muscles and employ their lobbying skills to expand the boundaries of the third branch.

BEVERLY BLAIR COOK*

TOWARD A RATIONAL POWER POLICY—ENERGY, POLITICS AND POLLUTION. By Neil Fabricant and Robert M. Hallman. New York: George Braziller, 1971. Pp. vi, 292. \$3.95.

In some ways, it is a pity that this volume does not fulfill the promise of its title. We badly need serious thought about the requisites of a rational power policy that would address not only the engineering aspects of such an enterprise, but also the politics and economics that would be necessary to make it feasible. Rather, the writers have chosen to make a case against the power industry, the regulatory bodies and Governor Rockefeller. Since they are spokesmen for the Lindsay Administration, the animus against the Governor was perhaps inevitable. Unfortunately, the authors' perspective has given their work the air of a polemic rather than that of a balanced and hence more credible treatment of the principal issues involved. It is the work of an environmental prosecuting attorney rather than a serious effort to see the world not in terms of sheep and goats but in terms of cost benefits, trade-offs and compromises between conflicting values. The end result is moralizing of a tendentious sort, where a more sober recognition of the in-

9. Leenhouts, *Volunteers in the Lower Courts—The Weak Become Strong*, 55 AM. JUDICATURE SOC'Y J. at 239 (1972).

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evitable mix of goods and bads for all the parties involved might have been more helpful.

This said, the book is valuable and worth reading. It makes abundantly clear that the present extreme acceleration of the nation's energy requirements presents grave problems. Neither the use of present fossil power sources, nor resort to thermonuclear plants can be safely expanded to meet foreseeable power demands without unacceptable risks to human life and deterioration of the environment. A recent news story quotes the Federal Power Commission as stating that, "the nation's electricity needs will quadruple by 1990 and a cutback in nonessential consumer uses may be needed to help ease shortages" It is the contention of the authors that this power requirement is largely the artifact of the industry's own thrust toward limitless expansion—a thrust that, in the case of nuclear power, has been unleashed by federal statute freeing the industry from any major liability for accidents at nuclear power plants.

In similar fashion, the externalities of the impact of conventional power on the environment have been assessed against the public rather than internalized as costs of the industry. Given the incentive structure of the industry, endless expansion is rational for the industry though mindless and destructive from a public point of view. As evidence of the mindless pursuit of expansion for expansion's sake, the authors adduce the campaign to heat houses with electricity—a technology far less efficient than the home furnace and one that, despite the misleading slogan, "clean heat," is far more polluting of the environment.

If the entire case for the expansion of electric power rested on needs as suspect as home electric heating, we might well conclude that the sharply rising energy requirements are socially irrational and purely an artifact of the industry's socially dysfunctional incentive system. What we do not know and what the authors fail to address seriously is, to what extent a significant improvement in the standard of living for many people still depends on an increased supply of energy. When Governor Rockefeller sought to give New York's economy a jump on the rest of the country, by seeking to gain an edge in nuclear power, this was hardly an obviously antisocial, perverse policy. But the authors make it appear, and do so persuasively, that the utility industry is consciously or unconsciously trapping us into a situation where we

become so power dependent that we have no way to go but the route of ever expanding and dangerously expanding power production.

We badly need to know, and one emerges from this book not knowing, but at least knowing one's need to know, the answers to the following questions. How necessary is increased power to jobs and improving the human condition? How serious are the threats and damage to the human condition that inevitably or with unacceptably high probability must accompany the power increase needed to meet targets for human economic betterment? What are the realistic technological possibilities for limiting the adverse effects of energy expansion?

The authors tend to be pessimistic about the technical possibilities of having our power and living with it too. However, their illustrations, which seem to equate any loss of life and any hazard with an unacceptable risk, hopelessly belie our present national practice in other areas. We need a much more balanced assessment of the cost benefits of power expansion. The case for a rational power policy is clear enough. The education of the public and its representatives is furthered by Fabricant's and Hallman's polemic. It will be furthered still more when we have an assessment that concerns itself with both the benefits and the costs of more power.

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