President Merrill, members of the faculty, distinguished guests, and members of the graduating class:

Those who leave this institution today to begin their careers in society move into an America where, for more than a half century, the powers of government have been steadily expanding. This is a fact of life so clear as to be hardly worth mentioning. Less clear is the realization that this expansion of the state has as its inevitable reciprocal bearing — the diminution of the individual citizen.

The expansion of the state has been carried out through the growth of governmental bureaucracy, to a degree, and at a rate, that never could have been imagined 100 years ago. Congresses and legislatures have found it a practical necessity to delegate to the bureaucracy more and more administrative tasks of government, more and more executive discretion, and more and more rule-making and policy making functions.

Alpheus Thomas Mason, Princeton's Professor of Jurisprudence Emeritus, thinks the United States is experiencing a major political power crisis involving a clash between the mushrooming federal bureaucracy and an electorate that finds itself vastly over-regulated.
Whatever business or enterprise today's graduates undertake, they are going to find themselves in the midst of this crisis.

In our balanced system of government, recurrent power clashes have been inevitable. Whenever one part of government makes a drive for excessive power, there is a counter drive. The legislature checks the executive. The judiciary checks the congress. The executive challenges the other branches from time to time. The bureaucracy's grasp for steadily increasing power presents us with a much more difficult situation.

Mason has pointed out that it is peculiarly difficult to check because it is not one of the traditional parties to our system of government and so the constitution did not set explicit limits on its operations. And he says: "It does most of its work in secret, it mushrooms out of good intentions - most bureaus exist because of legislation intended to correct some evil or improve the lot of some group, it pervades the government at all levels, fusing executive, legislative and judicial functions. Once an administrative agency is in orbit, there seems to be no effective control".

The phenomena of bureaucratic growth has been ably analyzed by the late Max Weber. He pointed out that: "democracy becomes alienated from its purity where the group grows beyond a certain size or where the administrative function becomes too difficult to be satisfactorily taken care of by anyone whom rotation, the lot, or election might happen to designate....As soon as mass administration is involved, the meaning of democracy changes so radically that it no longer makes sense for the sociologist to ascribe to the term the same meaning". He too finds secrecy an aspect of bureaucratic rule.
The more the government interferes in the minutae of the daily life of the citizens, the bigger the bureaucracy it needs to handle this interference; and the bigger the bureaucracy gets the more it is enabled to interfere everywhere. The discretion remaining to the individual citizen steadily diminishes under this expansion of bureaucratic administration.

Alexis de Tocqueville, that canny observer of political phenomena, in 1835, observed this expansion in the governments of Europe. He wrote, in his classic book, DEMOCRACY IN AMERICA: "I assert that there is no country in Europe in which the public administration has not become, not only more centralized, but more inquisitive and more minute; it everywhere interferes in private concerns more than it did; it regulates more undertakings, and undertakings of a lesser kind; and it gains a firmer footing every day, about, above, and around all private persons, to assist, to advise, and to coerce them". His paragraph would fit the U.S. today, 140 years later.

De Tocqueville made the subtle argument that the very theory of democratic equality prepared the minds of men for this intrusion of government into daily life. The citizens of a democracy, he pointed out, submit to these invasions by a democratic government where they might resist them in an autocracy or a monarchy.

He describes the effect this expansion of government has upon the individual. The government, he said, "Covers the surface of society with a network of small complicated rules, minute and uniform, through which the most original minds and the most energetic characters cannot penetrate, to rise above the crowd. The will of man is not shattered, but softened, bent and guided; men are seldom
forced by it to act, but they are constantly restrained from acting. Such power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes and stupefies a people, till each nation is reduced to nothing better than a flock of timid and industrious animals, of which government is the shepherd.

This sort of gentle servitude, De Toqueville peremptively observed, "might be combined more easily than is commonly believed with some of the outward forms of freedom, and might even establish itself under the wing of the sovereignty of the people".

One is astonished at the prevision that led him to warn that, "it is especially dangerous to enslave men in the minor details of life", even while leaving the citizen the illusion of influence over the most important decisions of national policy.

His observation calls to mind the remark of a husband of many years who explained that his marriage had survived because he and his wife had agreed upon a division of responsibility. He decided the big issues of the family; its position on international affairs, war and peace, national economic policy, and so on, and she decided the little issues; where they should live, where the children should go to school, where they should spend vacations, and similar unimportant details.

Similarly, in our divisions of responsibility in the country today, citizens increasingly enjoy access to the means of influencing national and international policy (or have the illusion that they do so) while the decisions of daily life are decided for them by a sheltering government. The more decisions we entrust to bureaucrats, the fewer we leave the individual. The more we expand the omnipresent
apparatus of bureaucratic government, the more we diminish the individual citizen.

Abraham Lincoln's wise injunction to have government do for citizens only what they could not do for themselves has been often quoted by every subsequent president but seldom accepted as a guide to policy.

Perhaps the major departure in American policy came with the New Deal under President Franklin Delano Roosevelt. The nation was weary of a relatively passive government that seemed unable to or unwilling to cope with the great disaster of the depression. When President Roosevelt moved energetically to a new political activism in American life, the nation responded. Traditional and historic fears of expanding governmental power melted away in a flood of legislative interventions in every phase of society. In a sense, what then was done was not inconsistent with the injunction of Lincoln — citizens seemed unable to do much for themselves in that crisis. The habit and custom of government intervention did not end with the end of the depression. The nation contracted an illusory belief in the efficacy of governmental action on an unprecedented scale. It is only in the last few years that confidence in the power of the government to cure all problems has diminished. And that confidence, among the bureaucrats, seems to have diminished hardly at all.

It is one of the ironies of our history that the very phrase with which FDR launched the New Deal on April 7, 1932 — THE FORGOTTEN MAN — was borrowed from a philosopher who spoke in a differing context of a different forgotten man. William Graham Sumner,
professor of political science at Yale, in 1883 wrote of, "The forgotten man...delving away in patient industry, supporting his family, paying his taxes, casting his vote, supporting the church and the school....He works, he votes, he generally prays...but he always pays. All the burdens fall on him...".

Our earlier history is filled with the wise admonitions of statesmen and philosophers warning us against excessive government; but we pick and choose from the prophets, quoting the scripture to suit our purposes. Few names are more on the lips of this generation than the name of Henry David Thoreau, whose wisdom is invoked to justify civil disobedience, to protest environmental pollution, and to save the wilderness. Most of those who quote him would be astonished to learn that he also said: "Trade and commerce, if they were not made of India-rubber, would never manage to bounce over the obstacles which legislators are continually putting in their way; and, if one were to judge these men wholly by the effects of their actions and not partly by their intentions, they would deserve to be classed and punished with those mischievous persons who put obstructions on the railroads".

In his celebrated essay on civil disobedience, Thoreau concluded: "There will never be a really free and enlightened state until the state comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly".

Much of our social legislation, as it is administered by our modern bureaucracy, exhibits no awareness of the possibilities of diminishing a citizen even when the acts and rules of government
are intended to confer a benefit.

Gilbert Chinard, the distinguished French scholar, once remarked: "Very often in trying to serve people, or help them, you offend their dignity".

The whole apparatus of the welfare state is not going to be dismantled and discarded. It is now so built into our society, so embedded in our system, that the government could not be reduced to its previous passive state, even if anyone wished to do so. But we do need to look at the manifold interventions in private judgment that diminish the confidence and the capacity of the citizen, to see if we have not sadly affronted the dignity of the individual when trying to do him good. We need to curb the discretion of administrators, refine the administration of the system, and leave citizens free to make poor judgments as well as good decisions, if we prize stature in the individual.

Eighteenth Century students of our government were right when they foresaw that it might lead the individual to tolerate more power over his affairs than he would ever permit a sovereign or an autocracy. The extension of that power now has grown to a point where vast numbers of people see in their towering bureaucratic regime the aspects of oppression. They recognize that the growing government has meant a diminished and diminishing citizen.

A government that has become the guardian, the trustee, the benefactor of the citizen, even if it is motivated by an affection, love and solicitude for the citizen, must inevitably diminish the individual to the status of a ward. The diminution of the American citizen is nowhere more evident than it is in the degree to which
the government feels it can trust him with information. When disaster threatened the Three-Mile-Island nuclear reactor, we had a flowering of 30 years of atomic secrecy, nurtured by the benefactor-ward, tutor-child, guardian-minor psychology of a bureaucracy that applied its "mother-knows-best" doctrines to the whole population. They gave out only as much information as they thought would be good for the citizens to know. No one seems to have suggested that the residents might have been told, as accurately as possible, the risks involved, and left to make their own decisions as to how much risk they wished to take. It was a characteristic bureaucratic operation. It was the continuation of a climate of secrecy that has for 30 years distorted the rewards of thermo-nuclear power and suppressed and deprecated the fearful risks that it involves. "The government, and the government's scientists know best", has been the rule. And, as has been true in other situations, it turns out that the scientists and the bureaucrats did not know as much as they thought they knew.

It is my own personal belief that if American citizens had been fully informed of both the risks and advantages of atomic power, the nation never would have embarked upon a nuclear power program until the means of managing reactors had advanced far enough to preclude a melt down and the technique of disposing of radioactive wastes had been perfected. Even in the wake of the near melt down, the public is being told that there were no injuries. No one will know the injuries that resulted from the radiation in Pennsylvania for another thirty or forty years when the facts on thyroid cancer and other effects of low level radiation are divulged.
(if they ever are). No one will ever know if there were genetic consequences that will not be manifest for generations.

It is my own view that we have made a Faustian bargain in order to gain a few years of comfort, convenience, pleasure and power, and that we ought to repudiate that bargain as an immoral and obscene engagement, and leave the future of thermo-nuclear power to a people fully informed of the terrible risks involved.

But this is only the most dramatic illustration of the bureaucratic disposition to make decisions about the safety and satisfactions of citizens that citizens ought to make for themselves.

In the lesser, mundane decisions of daily life, government bureaucracy is making our decisions for us. A people who fled from Europe to escape the centralizing tendencies of English government under King Charles are finding more and more of their local decisions made in state capitols and in the federal capitol. A people who scorned government's insistence on membership in and tithing to the established church, increasingly submit to laws and regulations compelling them to belong to or tithe to the secular church of the modern trade union.

Our bureaucracy was commenced on the pattern of the British Civil Service — technicians employed as the servants and advisors of parliament and ministers, restricted from political activity, precluded from elective office competition, secluded from partisan political alignment. It has emerged as an entrenched "new class", better paid than private counterparts in many cases, secured against the vicissitudes of economic fluctuations, irremovable to all intents and purposes, no longer content with the execution of policy but
increasingly involved in making it, defiant of legislative power, scornful of elected officials, contemptuous of popular will.

As long as any vestiges of democratic freedoms remain, the vast power of this bureaucracy to intervene in the smallest affairs of the individual citizen surely will be challenged. The contest for power foreseen by Professor Mason already is taking place. The graduates of this generation will find themselves in the center of this struggle. Like other constitutional struggles in this country, this collision will disturb domestic tranquility, threaten values that are esteemed, and sometimes unfairly reflect on dedicated public servants. In the end, I believe the young men and women of our rising generation will meet this challenge successfully, as their ancestors have met previous power conflicts in our system. The intrusions of bureaucratic administration into the lives of individual citizens ultimately will be curbed and citizens will be left freer to run their own lives with less intervention by expanding government.

The ordinary citizen will come to see in an expanded government his own diminution. He will come to associate with every enlargement of governmental authority a contraction of his own personality. He will perceive in even the well-intentioned interventions of bureaucratic authority a contempt for the dignity of the individual. He will grow to dislike more and more the plight of the diminishing citizen in the expanding state. Ultimately, it is to be hoped, he will discover a method of accommodating individual rights and bureaucratic authority, a means of reconciling collective good with private advantage. The effort promises to engage the generation.
coming into power in our society as previous generations have been engaged in the struggles between central and state authority, between the judiciary and legislative authority, between the judiciary and the executive. The American genius for compromise and accommodation may rescue society here on this continent from the smothering growth of bureaucratic authority without destroying the legitimate power of the state.

That may be the major challenge, and the major opportunity, of the graduates of 1979