

lished in a quiet Missouri town of 15,000? Should a treatment center for a growing number of narcotics addicts be built at all; and, if so, where? Should restaurants be subjected to more rigid controls in the interests of public health. Should tuition be charged for the first time at a great American university. While these are, of course, important questions about which citizens can and should make their opinions known—vocally and otherwise—they are essentially policy decisions about which an ombudsman will be little concerned.

Nowhere is the ombudsman a creator or critic of public policy. He is not a reviewer of the policy decisions made primarily in political arenas. While he may criticize a department for reaching a decision not in accordance with facts or required administrative procedures, the policy decisions at any level of American Government are those in which the ombudsman will not participate and which he could not seek to supplant.

To some in our society, "politician" is a word dirty enough for enshrinement on public toilet walls. No matter how much people of that view want to expunge it from the community vocabulary, they are mistaken if they think it can or will be replaced by the word "ombudsman." "No matter how able an ombudsman may be, no matter how venerated by the public, he cannot supplant the political processes that in the end control the administration of public affairs," says Professor Gellhorn again.

The ombudsman is not a super administrator. He is not one anywhere. He is now operating, and it is a useless dream to think we can create a wizard of our's. As Professors Angus and Kaplan have noted, he is not a general supervisor of public services nor an overseer of those that do. Alleged deficiencies or failures in service or unimaginative exercise of the police power cannot be overcome by ombudsmanic wand waving. Anyone who thinks that an ombudsman at the local level will keep the streets in repair, remove the trash from a public park or stop firetrucks from siren wailings in the middle of the night is bound to be quickly disillusioned.

Fortunately for democratic processes, deciding the proper order of priorities and the setting of public policies will continue to be the job of the department officials and legislators. An ombudsman will bring no comfort to those who wish that another order of priorities had been chosen. His notation that the staff of the street maintenance department is too small to give proper service is far, far different from making the policy decisions to increase the staff; or, from deciding that the potholes on Boardwalk and Park Place will be filled before those on Baltic Avenue.

Nevertheless, there remains the need for serious consideration of new methods for the redress of citizen grievances or the improvement of existing ones, some of the categories of need are:

Complaints against discretionary decisions wherein the citizen disagrees with the manner in which an official has exercised his discretion but has no formal means of challenging it; or, at least, inexpensive means. The complaint in these cases is generally not that of the official abusing his power, but that the decision reached is not, in all circumstances, appropriate. There may be no allegation of bias, negligence or incompetence but merely the charge that the decision is misguided. In essence, this type of complaint is one that has not a right of appeal