

# LAW AND CONTEMPORARY PROBLEMS

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VOLUME 21

AUTUMN, 1956

NUMBER 4

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## FOREWORD

"The power and prestige of the Presidency," Professor Edward S. Corwin once remarked, "comprise the most valuable political asset of the American people."<sup>1</sup> This thought, now almost axiomatic, accounts for and justifies the almost continuous preoccupation of scholars with the Presidency. There is now, however, a special justification. This symposium on the presidential office is offered in the conviction that a decisive turning point in the history of the Presidency as a political institution came with the administrations of Harry S. Truman and Dwight D. Eisenhower.

What is it about these two administrations that separates them from all their predecessors? One answer could be the present organization of the Presidency. Such an answer would not be inappropriate time-wise, since the present organization, while it has elements dating as far back as Warren G. Harding's administration,<sup>2</sup> is largely the product of the last two Presidents. Moreover, it is a phenomenon of sufficient importance to mark a great divide. This is true even if one is not prepared to join Mr. Rossiter in his refreshingly bold assertion that "what we have here in embryo are the lineaments of a Presidency not only for the twentieth or twenty-first centuries, but for every century to the end of the Republic."<sup>3</sup>

But important as this recent development is, it is hardly so fundamental as the change in what people have come to expect of the President and the Presidency. We have long been familiar, of course, with the usual domestic expectations, although even here the responsibility of the President was not rendered routine until after the last war. What is new is that the man in Cairo and in London, in Tel Aviv and in Rabat, has his expectations too—expectations which the President can now never safely ignore.

These new expectations that people the world over now have of the Presidency, in their number and in their complexity, have transformed the office. Because of them, one of our contributors suggests that even Franklin D. Roosevelt's first term bears a greater resemblance to the administration of Grover Cleveland than to that

<sup>1</sup> EDWARD S. CORWIN, *THE PRESIDENT* 306 (1941).

<sup>2</sup> Notably, the Bureau of the Budget, initially provided for in the Budget and Accounting Act of 1921, 42 STAT. 20, 31 U. S. C. §§ 11-16 (1952).

<sup>3</sup> Rossiter, *The Constitutional Significance of the Executive Office of the President*, 43 AM. POL. SCI. REV. 1206, 1215 (1949).

of Harry S. Truman. Because of these heightened expectations, we hear little nowadays—and none at all in this symposium—of the ancient cry of presidential autocracy. Rather, the fear now is that the power of the President will prove unequal to the task of satisfying the expectations centering on him. Indeed, these expectations themselves will be seen, on examination, to diminish rather than enhance the power of the office. Yet, the President cannot escape them. Thus, there is a concern, still somewhat novel, to add to the weapons in the President's armory or to render practically effective those already theoretically available to him. There is a concern, too, with old problems that have been exacerbated by the new expectations, as, for example, the problem of presidential inability.

To these questions, among others, our contributors have directed their thoughts. It is unnecessary to say that they have not always given definitive or precise answers. It is our hope, however, that they have clarified the bounds within which solutions must be sought.

J. FRANCIS PASCHAL.