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The President and the Constitution

By Malcolm Moos*

On Christmas Eve of 1929, a small fire broke out in the west wing of the White House where the President's office is located. For reasons not immediately available, the person discovering the fire did not turn in an alarm, but instead went over to the presidential living quarters where President Hoover was holding a small party for his Cabinet, and informed the chief usher of his discovery. The chief usher called the fire department at once, managed to retrieve important papers from Mr. Hoover's desk while firemen put out the blaze, and then sought to find out why an alarm had not been turned in immediately by the person discovering the fire. The answer was simple.

Twenty-five years earlier, the riotous Roosevelt children—the Oyster Bay Roosevelts—liked to provide uproarious entertainment for their young guests. Next to a rousing Sousa march played by the Marine Band, nothing could be contrived to make young hearts skip faster than a District of Columbia horse-drawn fire brigade charging through the gates of the White House, boilers steaming, and all Pennsylvania Avenue teeming with excitement. After a few of these wing-ding performances, an exasperated Theodore Roosevelt prescribed not the "Big Stick" but an order which declared that henceforth fire alarms could only be turned in by the chief usher—an order faithfully followed on Christmas Eve, 1929.

If some institutional changes grind slowly in the office of the President, others move swiftly. This has always been so with the American presidency.

Thirty years ago, the night of the fire in the White House, there were five on the White House staff, and Mr. Hoover was

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trying to persuade Congress to give him three secretaries instead of one. Today the White House Office and its Special Projects personnel number 274.

During Franklin Roosevelt’s tour of duty in the presidency, an aide who has worked close to presidents for thirty years estimates he signed his name about 200 times a day on official documents, letters, pictures, and memoranda. By his own count Harry Truman reports he signed his name 600 times a day while in office, and today the average signature figure for President Eisenhower runs into several hundred.

For two full days in 1956, a distinguished group of newspapermen, professors, legislators, and public administrators met in Philadelphia just to discuss the presidency. When the smoke lifted from their exalted brooding, their erudition was gathered by the American Academy of Political and Social Science and published under the title: “The Office of the American Presidency.” The subject matter seemed boundless, as a sampling of the chosen titles well illustrates: “The Art of the Presidency,” “The President as Chief Legislator,” “The Modern President as World Figure,” “The President and the Press,” and many others.

Clearly the subject of the presidency embraces enormously complex and eternally effervescent problems. When Louis Brownlow wrote his book on the President in 1949, he divided his material into seven presidential roles. Seven years later Clinton Rossiter published his lively volume—“The American Presidency,” in which he described nine specific roles of the President. It is by no means overstatement therefore to say that just to organize a book on the presidency is a major methodological task.

In training a lens on the presidency, of course, skilled journalists and scholars make every effort to bring public opinion, politics, personality, Congress, Constitution, the courts, and tradition into focus. Yet we sometimes forget that as the office takes on new dimension under changing circumstances and leadership, so also does our citizenry undergo profound changes in attitude. Nobody apparently paid any attention to the fact that George Washington, before leaving for New York to be sworn in as our first President, borrowed 600 pounds to pay off personal debts and to help defray expenses for his trip to the inaugural. We might also note that before leaving Springfield to be sworn in as
our sixteenth president, Lincoln wrote the following note to a wholesale clothing merchant of Boston:

Your note of the 1st inst., together with a very substantial and handsome overcoat which accompanied it by Express, were duly received by me, and would have been acknowledged sooner but for the multifarious demands upon my time and attention.

Permit me now to thank you sincerely for your elegant and valuable New Year’s gift, and the many expressions of personal confidence and regard contained in your letter.

There is no evidence that Lincoln ever sent back the coat.

With singularly few exceptions, the estimates of the American presidency as a repository of potential executive leadership have been high. Critics there have been, but it would be difficult to dredge up a remark about our own presidential office comparable to the characterization Clemenceau applied to the French presidency in the twilight of his career: “There are two things for which I have no utter use whatsoever,” he complained. “One is the French presidency; the other is the prostate gland.”

Yet one of our pre-eminent presidents—a scholar and statesman—once took a very dim view of the American presidency. While a student at the Johns Hopkins University he wrote off the office as something of a nonentity in his doctoral dissertation and declared the constitutional position of our president to be an impossible one. But once president, Woodrow Wilson conducted the office in such a way as to demolish his earlier argument that the president was simply at the mercy of the congressional check-rein. Even so, it ought to be remarked that Wilson never did lose his great admiration for the English parliamentary system, and twice in his presidential career he actually contemplated resigning to carry his case to the people in the event of a defeat in Congress.

The American presidency has always captured the imagination—from Thomas Jefferson’s early feeling that the presidency was “a bad edition of a Polish king,” through Harold Laski’s estimation of the President as “both more and less than a king; both more and less than a prime minister.”

* * *

Any meaningful discussion of the office today should start with the selection process, the serious business of leadership suc-
cession in a republic. For the road to the presidency, like the office itself, has undergone some drastic construction.

Every fourth year the pre-convention campaign seems to get longer, more strenuous, more costly, and undoubtedly more decisive.

A generation has come of age that will never again see a "front porch" campaign. Instead, it has seen a losing candidate for the nomination gallop through fifteen state primaries.

An example of the rigors of modern campaigning is revealed in William Carleton's comment:

Since 1936, two of Florida's governors became gray-headed during the campaign, three were seriously ill while in office, and one died of a heart ailment generally believed to have been caused by the strain of his election campaign.

Seven years ago 1.2 million dollars was the sworn testimony of what was spent on behalf of a successful nominee. Certainly, as Will Rogers once observed: "Politics has become so expensive that it takes a lot of money to get beat with."

Another important development in the pre-convention campaign is the tendency of public opinion polls of the Gallup, Roper, Harris variety, to be self-fulfilling.

Sentimentalists will mourn the demise of that lovable equine, "the dark horse," but popular favorites will probably win the nomination—as they have in every convention since 1928.

In both the pre-convention and election campaigns, the tendency of polls to be self-fulfilling will encourage the sure winner to coast along on platitudes. Meanwhile the apparent loser will be driven to more desperate measures—more roundhouse swings to come from behind with a knockout. In such a climate for debate we can only hope to avoid clumsy chaos while seeking better ways of sharpening issues and uplifting the tone of campaigns.

* * * *

Turning now to the office of the presidency itself, in what ways does the changing nature of the twentieth century presidency affect and interact with other institutions—Congress, pressure groups, the press, political parties?

Perhaps we can set the scene for our discussion by trying on a pair of presidential shoes. Picking a day at random (not to fit any preconceived theory) Tom Stephens, President Eisenhower's
appointment secretary, has provided some details on the President's schedule for that day.

As any house has a way of taking on the character of its occupant, so too does a White House day now differ from twenty-four hours in a past administration. Yet the differences are probably what Andre Gide called "differences in tendencies," rather than policies, and from President Eisenhower's schedule we can at least approximate the physical demands of the modern American presidency.

**Wednesday, February 11, 1959**

7:52 a.m.—President Eisenhower arrives in his office. Between 8:18 and 8:44 the President meets with staff assistants Hagerty, Morgan, Merriam, and Stephens.

8:45-9:11—Conference with Mayor Brandt of West Berlin, the German Ambassador, and the Assistant Secretary of State for European Affairs. After the meeting Mayor Brandt comments to the United Press International:

> The President gave me the firm assurance that the United States shall defend the people of free Berlin against any effort to destroy their freedom.

After that important meeting, for the next fifteen minutes Mr. Eisenhower discusses with an administrative assistant two speeches he will deliver today.

10:20-11:00—Charles E. Bohlen, U. S. Ambassador to the Philippines, is with the President. The Ambassador is in Washington for consultation over what the press describes as the "strained relations" between the two countries.

The President chats with an old army friend from 11:00 to 11:17.

From 11:17 to 11:30 the President entertains a group of twelve explorer scouts. This is in connection with Boy Scout Week and the newspapers tell us that the boys reported "on the traffic, outdoor, and home safety campaign they undertook last year at the President's suggestion."

Next the Chief Executive devotes an hour to meetings with his staff. The President takes an hour for lunch and then departs for the National Guard armory to address the National Rural
Electric Cooperative Association. In his speech he makes a strong policy statement for raising REA interest rates.

Returning to the White House at 3 p.m. he meets with four staff members until 5:27, when he goes to the Mansion (as the living quarters in the White House are called.)

6:35—The President departs for the Statler Hotel to address the National Lincoln Sesquicentennial dinner. He talks on the universality of Lincoln, his meaning to the peoples of the world, and takes the opportunity to make some remarks on government spending.

And thus ends one presidential work day. A day that is atypical in that the President makes two speeches; yet hardly more hectic than one in which he holds his weekly press conference, or legislative leaders' meeting, National Security Council, or Cabinet meetings.

Since this particular day centers around speeches, perhaps without turning this into a “White House Confidential,” a few remarks about the presidential speech writing process are in order.

First, as to quantity: in 1953 and 1954, President Eisenhower made 245 speeches. This would average out to over two speeches a week. This year the President's pace may well be even brisker.

Secondly, as to authorship: One should seriously question any so-called “presidential speech writer” who talks about “my speech.” A public address by a President of the United States is clearly “his speech.” And this is meant quite literally. A preliminary draft submitted to the President is so revised by him as to completely take on his character, style, and thought. To the question, “Can an assistant make policy by writing for the President?” The answer is “no.” He can make suggestions. But the President works over a draft too meticulously for anyone to “put something over on him.”

These impressions are shared with my predecessors, as will be evident if you reread the two best pieces on speech writing in past administrations—the first chapter of Sam Rosenman’s “Working with Roosevelt,” and John Hersey's New Yorker profile on the writing of a Truman speech.

As a further aside about speechwriting a recent remark of
Allen Tate's about masterpieces of Southern literature is not without relevance:

There is no rule of the common law of literature which compels a writer to get better and better, year after year, until he is ninety. We literary critics watch for each book by an author in the hope that he will show signs of decay; or we feel a secret, jubilant disappointment if he doesn't.

I sometimes feel this attitude stalks the President as well as the speech writing assistant.

* * *

The example, presented earlier, of a presidential day, also illustrates something of the diversity of presidential duties. In this ordinary day ("ordinary" in that no unexpected major crises were raised or resolved) the President dealt with important national and international matters, as well as performed certain social and ceremonial duties. For partly political and partly historical reasons (the "every mother's son can grow up to be president" idea), the most important man in our country is also remarkably accessible. One suspects that even with proper credentials it is more difficult to get an audience with the head of one of our industrial giants or labor federations than with the President of the United States. Moreover, unlike most other nations, there is no figurehead, king, or president, to relieve the working chief of state from many tiring ceremonial functions.

Yet our presidential schedule leaves out a great deal; much that history will never know unless all presidential conversations are recorded for posterity. For surely Alexander Graham Bell played an ironic trick on the social scientist.

Will we ever again find the sort of gold nuggets that can be uncovered in Lincoln's notes to Stanton and the other members of his Cabinet?

And if not, it is not because our nation and its leaders have become more illiterate.

Rather, in our age, from the historian's point of view, it is just too easy to pick up the telephone. And parenthetically telephone conversations can be conveniently erased from history's slate.

In a supersonic world, time is too vital to wait for the courier.
Foreign policy, for example, must frequently be discussed by the President's calling the Secretary of State and exchanging ideas. Neither has to await a messenger to bring the other's response and reaction.

* * * * *

While a close look at a presidential day gives us something of the scope of the presidency, it is a very inadequate profile of the office. The problem here suggests a remark the noted sculptor Brancusi made when an acquaintance told him he was a writer. "I've never thought much of that medium," said Brancusi, "you can't see it from every side."

In highlighting some major problems of the presidency, it is a gross but convenient simplification to say that the President's work is organized around four important events: The weekly meeting with the congressional leaders, the press, the National Security Council, and the Cabinet.

Therefore, let us deal with certain presidential relations as they occur in a presidential week, starting with the role of the President vis-a-vis the Congress.

It is more than a century since Alexis de Toqueville predicted that the "struggle between the President and the Legislature must always be an unequal one, since the latter is certain of bearing down all resistance by persevering in its plans." In this instance, at least, history has proved the remarkably prophetic Frenchman wrong. Today it is only the narrowist constitutionalists who still regard the Congress as the policy formulator and the President solely as the administrator.

Certainly actions by Lincoln, Cleveland, Wilson, the two Roosevelts, and Eisenhower have qualified the notion that the President's only role in the legislative process is either to sign or to veto.

When one party controls both the White House and the Congress it is almost a certainty that the constitutional roles of the legislative and executive branches will be reversed; that the initial legislative sparks will come from the executive, while the congressional function will be to approve or reject.

And even under the present "mixed rule", with one party in control of the executive and the other holding a Congressional majority, much of the major legislation that becomes law will be
presidentially inspired. (Which indeed is the purpose of the President's major messages to the Congress.)

In fact, Wilfred Binkley and others contend that the citizen cares little for the President's executive function, and votes for the office on the basis of a candidate's legislative positions.

The implications of "mixed rule" are of course of particular importance at this time. For not since January, 1955, has President Eisenhower dealt with a Congress controlled by his own party. The 1029 days in which President Eisenhower has faced an opposition-controlled Congress in both houses is 601 days longer than any other president in our history has had to work with a legislature controlled by the opposition party.

Moreover, there are certain road signs that point the way to a future of increased political division between the executive and the legislature—no matter which party captures the White House in the next generation. For example, while the size of the Democratic victory in the 1958 election might be interpreted as a hardening of the political arteries, Samuel Lubell contends that the most significant feature of the last election was "how much easier it has become to shift the party allegiance of the American voter." And then he goes on to say that this "strange new restlessness of the . . . voter" has "quickened voting change to a tempo never before known in our history."

One concrete example of this remarkable turbulence of ballot behavior is the case of Ohio. In the 1956 election, William O'Neil, a Republican, was elected governor by the largest majority of any candidate for that office in history. Then two years later, Mike DiSalle, a Democrat, defeated the incumbent governor in a shattering record reversal.

What this all means, of course, is that in the future more people will feel free to pull the lever for a presidential candidate of one party and a congressional candidate of the opposing party. It is in this context that we must measure the effectiveness of presidential leadership.

Mr. Eisenhower has had to answer this unique question in American political history:

It is wise constantly to apply the stick to those of the opposition whose support is essential for enacting your proposals?
Would a solely negative approach have facilitated the passage by a Democratic Congress of such Eisenhower proposals as a four year extension of the Reciprocal Trade Act, the Defense Department Reorganization, the first Civil Rights bill in eighty-two years, and the omnibus aid to education act?

Future historians will have to judge the Eisenhower years by this new dimension, by different criteria than years of one party executive-legislative rule.

Today even a president faced by a legislature overwhelmingly dominated by the opposition party holds a big enough stick to get judiciously tough.

Although patronage is a minor weapon in the presidential arsenal, the power of the veto automatically gives the chief executive a legislative strength equal to one more than one-third of a quorum of Senators or House members.

The strongest presidential influence over Congress of course is not written into the Constitution. In a sense, it can be summed up by what a congressional leader of long standing in the Republican party has repeatedly told President Eisenhower: "Go ahead and attack us hard, for whenever the Congress tangles with the Executive, we always lose."

This is a bit of overstatement. Still, in the long pull, national leadership rests more and more with the President. As Sidney Hyman recently commented:

We may be witnessing such a profound shift in the division of Congressional and presidential power that in the future any presidential incumbent, no matter how strong or weak he is, can prevail in a test of wills.

Congress is an abstract. The President is one man. Today the mass media have given the man an opportunity to speak out in a way an abstract cannot. And so in a showdown, public opinion most often can be rallied to the side of the man in the White House.

The job of a President functioning with an opposition legislature is a tight-rope walk, a delicate balancing act, an application of both carrot and stick.

An era of divided government necessitates more responsible government. And here many are becoming concerned with the very subtle influence of public opinion polls on legislation.
Today, at least one-third of our Congressmen are taking periodic checks of their constituents' pulses. The rise of what we might call Gallup's grenadiers in Congress is all very well if polls are to be used as instruments of political intelligence. But there are incipient dangers in this business of holding a tuning fork aloft and counting decibels for or against a piece of legislation.

This is perhaps best expressed in the words of Woodrow Wilson:

"A great nation," he was fond of saying, "is not led by the man who simply repeats the talk of the street corners or the opinions of newspapers. A nation is led by a man who hears more than these things; or who, rather, hearing these things, understands them better, unites them, puts them into a common meaning; speaks not the rumors of the street, but a new principle for a new age."

Another development that may work to enhance the prestige of the presidency is an apparent increase in militancy on the part of pressure groups.

For our system of lobbies, representing the plurality of our society, focuses most of its attention on the Congress. Congress is recognized as representing all interests. It is only the President who is elected to represent all people.

This change of pressure group action might be stated as a new law of lobbying: A group increases in militancy in direct proportion to its decline in numbers.

Or stated otherwise, the more a group loses its natural advantages (economic or otherwise), the more it petitions the government for favor. And the greater appeal it makes to government, the more elaborate mechanism it must create for lobbying purposes.

This has certainly been the case with agriculture. As the farmers declined in numbers, their power grew by leaps and bounds. The traditional agrarian distrust of power that saw our farmers fighting monopoly in the nineteenth century was transformed in the twentieth through the rise of a structure of political power based on farm organizations that stretch from thousands of localities and every level of government to the highest councils of the nation.
The farmers with continuing demands for high price supports—sometimes no doubt justified morally on the ground that these subsidies are a kind of delayed kickback to justify earlier years of exploitation and hardship—are keeping the nation in a situation where we are paying one billion dollars a year just to handle the storage and interest charges of our surpluses.

Now the organized labor force is also in a relative decline in terms of the total number of employed in the United States. Will it grow stronger as its percentage of the gainfully employed decreases? Labor's activities on behalf of favored candidates last November suggests it will.

Returning now to the stated purpose of using the President's weekly functions to review some of the inherent problems, let us focus briefly on the presidential press conference and the question of press relations.

It was a sound impulse on the part of Theodore Roosevelt always to provide a public pronouncement of some sort on Monday morning. And the introduction of the modern press conference, under Woodrow Wilson, is a direct result of the new importance of the presidential office in the twentieth century.

The English scholar, A. L. Goodhart, in a recent BBC broadcast, comments:

It is significant that this meeting with the journalists has been called a conference, because that word represents the spirit in which it is held; it is a place where the President and the reporters can talk with each other.

Perhaps this is phrased a little too gently for American taste. It is certainly true that these weekly sessions can resemble more the fierce banter of equals than a question and answer period between an English master and his pupils, as Franklin Roosevelt once suggested when he introduced the reporters to Winston Churchill as “my beloved wolves.”

And it is undoubtedly for this reason that the press conference dominates Wednesday mornings at the White House starting at 7:30, when Jim Hagerty gathers the President's top staff members to try to anticipate the questions that will be asked their boss at 10:30.
The staff's function is to present the President with an outline of possible questions. This process starts in the press office, where Jim Hagerty prepares a list of topics. As an example, one such outline included:

- Labor Bill—President's reaction to Senate version.
- Stories on “delay” in appointing Herter.
- May 27th deadline on Berlin and high level flights.
- Nehru statement on Tibet.
- Draper Committee recommendations on Mutual Security.
- Nominations—Strauss and Mrs. Luce.
- Third term amendment and some dozen other items.

This list is then expanded by the staff and arrives on the President's desk at least an hour before he meets the press in the Indian Treaty room (or “Cupid Room” as it is sometimes referred to because of the bronze angels which support the lighting fixtures.)

Several innovations have been added to the press conference under the Eisenhower administration. The entire sessions are now taped, recorded, and filmed. This has raised radio and television to a co-equal position with the press as conveyors of this news event. Also, for the first time, a private stenotypist produces a transcript of the conference within less than three hours for sale to interested parties. This has facilitated the publication of the complete record in many of the major morning newspapers. One result of this is that the reporter is no longer the only ear-witness authority on what is said, and his copy must jibe with the exact text found elsewhere in the paper.

How candid can the President be with the press? Clearly, in two areas, national defense and the economy, he must leave certain things unsaid.

The consideration in the case of defense matters is of course security. Similarly, on the economic side, the President cannot be too pessimistic. While he cannot be given to overstatement, he must always be aware of the impact of his words.

Whenever problems of news gathering in Washington are editorialized, almost invariably the first “gripe” deals with classifying material or, as it is less elegantly referred to, censorship. “Secrecy” and “handout” have become editorial epithets frequently directed at Capitol news sources.
Without being an advocate of unnecessary withholding of information, or wishing to minimize its inherent dangers, one may still share a bit of the skepticism of Douglass Cater on this subject. This writer explains in his recent book, “The Fourth Branch of Government”, that the experienced reporter takes obstacles in his stride, applies pressure at the proper places, and usually comes up with his story.

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Mention of the Cabinet always brings to mind the deceptively simple question: Who is a member of the President’s Cabinet?
The instinctive reply is, “Why, the heads of the executive departments.” For they are members by tradition.
Yet those most closely associated with Cabinet affairs at the White House say that the correct definition of a Cabinet member is anyone the President regularly invites.
Thus under President Harding the Vice President became a member of the Cabinet—and still is.
During World War II, Franklin Roosevelt’s Cabinet meetings grew so large with the inclusion of war agency heads that F. D. R. is reported to have said, “Every time I come to the Friday meetings . . . I feel like I am addressing either a town meeting in New England or a camp meeting in Georgia.”
Now under President Eisenhower, our representative at the United Nations, Henry Cabot Lodge, is a member of the Cabinet, as was Harold Stassen when he was Disarmament Advisor.
Students of public administration will be interested in following a fairly recent development in the organization of the Cabinet—the Cabinet Secretariat. This agency which President Eisenhower established prepares agendas, circulates papers in advance, and keeps track of decisions made.
Since the Cabinet is not even mentioned in the Constitution, in any law, or in any executive order, but is merely a creature of custom, designed to furnish advice to the President, it naturally raises the question of how the Chief Executive can get the best advice possible.
The ability and choice of presidential advisors has been very much in the news—and in the Senate—lately.
Perhaps a cloud has obstructed what should be a very basic fact: To carry out the incredible responsibilities of the office, the
President must have a sizeable group of top aides of his own choosing in whom he had implicit trust and confidence.

At any rate, the office of the presidency has come a long way since the mid-nineteenth century when a President had to pay his private secretary out of his own pocket.

In fact, today a building that once housed the entire State Department, War Department, and Navy Department, is completely occupied by the executive office of the President.

At present, there are about thirty-five people on the President’s White House staff who can be considered to have some policy responsibility. And it should be recognized that these positions are not merely rewards for the politically faithful.

The problem in high echelon staffing is no longer one of shielding the President from the multitudes of office seekers (as we read was the case in Lincoln’s time). Today it is a matter of convincing, often imploring, men of ability temporarily to leave high salaried jobs outside of government to serve their country at a financial loss. This recruitment will not be made easier by congressional hounding.

The importance of finding able political executives was again spotlighted by Stephen K. Bailey in his recent paper for the Fund for the Republic, entitled, “The Condition of Our National Political Parties.” Bailey suggests that our national party committees compile “a continuing roster of good people” for “strategic jobs.” Perhaps it might also be possible for interested groups to prepare lists for a particular position in much the same way as the bar associations make suggestions for judgeships. Groups with a broad civic interest, such as the League of Women Voters, might study this proposal. Other specialized groups might recommend in their field, such as the farm organizations suggesting possible candidates for Secretary of Agriculture, and the American Bar Association making a list for Attorney General. These suggestions would not in any way bind the President, but might serve as useful guides.

* * *

If we remind ourselves that the President’s Cabinet meetings fall on Fridays, we might conclude that the presidential work week is now over. Yet if President Eisenhower goes to his Gettysburg farm for the weekend, the problems of the presidency
travel with him. And a presidential vacation is a very different thing from what we normally consider a vacation to be.

For example, when President Eisenhower went to Denver for eight weeks in 1954, he worked at his temporary office thirty-seven days; was visited by 225 persons (an average of over six each day); held two meetings; delivered seventeen speeches (of which four were major); made four "business" trips; appeared on radio and television three times; considered 513 bills (approving 488, vetoing 25); signed 420 official papers; sent approximately thirty-five personal letters each day; issued 160 press releases; and on the private teletype circuit between Denver and Washington, a total of 245,125 words were transmitted for a daily average of 4,457 words.

One major role of the President which we have not discussed, is as party leader; as spiritual guardian of some 170,000 precinct committees, 3,000 county committees, a half-hundred state committees, and, at the top (or bottom—depending on how the organizational chart is drawn), the National Committee.

Our parties, as a bundle of localisms, cannot be dictated to. But they can be energized, charged up, and triggered. Yet the very mechanism to do this job is basically faulty. The National Committee, made up of a man and woman from each state, is designed to be separate, but equal, from the real mainstream of the party. It need not be separate, and it's never been equal.

By setting a National Committeeman and woman alongside the state hierarchy—Chairman and Vice Chairman—the parties have asked for trouble. If the National Committee representatives go their separate way, they naturally cause friction in the state organization and possibly a useless schism. On the other hand, if they are just puppets of the state chairman or governor, they serve no useful purpose (except to carry a proxy to Washington).

It is time to make the National Committee reflect the real power structure of the parties. This can be done by turning the Committee into a state chairmen's committee of the whole.

Another question that has plagued the parties is what to do with defeated presidential candidates. H. L. Mencken proposed
"that all unsuccessful candidates for the presidency be quietly hanged, lest the sight of their grief have a very evil effect upon the young." On the other extreme we have bestowed upon the loser the title "titular leader," although what this means has always been a mystery.

One possibility here might be to make the defeated candidate the National Chairman, unless vetoed by a majority of the Committee. His term should run from his defeat through the mid-term election. This would allow him to be a free agent through the pre-convention period if he should wish to seek the nomination again. (And our parties now seem to be more willing to give a man a second chance.) This embryonic idea would give the "out" party the prestige of having a nationally known figure as its working leader. And it would place the responsibility of rebuilding the party on the man who (as a famous convention orator once said) "led us down the road to defeat."

When a man accepts the highest honor of his party, he is, in effect, indicating his availability for the next four years. If he should not win office, he can at least spend two of those four years helping to knit the pieces together again.

While our beatniks continue their endless search for what they call the "inner luminous experience," our politicians must strive to solve the more mundane riddle of power—winning, losing, holding.

One of the most interesting developments in this endless quest is the establishment by the Democratic National Committee of advisory councils.

These new groups are a sort of faint institutionalization of the "Shadow Cabinet"—the British idea of the "Loyal Opposition," or that the duty of the opposition is to oppose. (A notion, incidentally, doggedly pursued by the late Robert A. Taft.)

Specifically, the Democrats seem to have developed a shadow Council of Economic Advisors (John Galbraith, Leon Keyserling) and a shadow National Security Council or Policy Planning Staff (Paul Nitze, Charles Marshall, James King). How well and how responsibly such groups will perform is still a matter of conjecture. Nevertheless there is strong reason to believe that this
Finally turning to the last topic on the agenda: the twenty-second amendment.

Most students of government initially felt that writing "no third term" into the Constitution would cripple the chief executive during his last two years of his second term. Stripped of the threat or promise of succeeding himself, he could command no loyalty from his party, no obedience from Congress, and no voice as a leader among nations.

President Eisenhower is the first man to be bound by this provision. It is still perhaps too early to make an evaluation. Also since Mr. Eisenhower will be seventy next year it can be contended that the amendment puts no additional handcuffs on him since he probably would not run again anyway.

Yet unmistakably a preliminary estimation of the twenty-second amendment is that it will not create an ineffective lame duck president.

Two signs point to this conclusion:

First, President Eisenhower's influence and popularity is clearly rising, not falling. And even under the most difficult circumstances—Congress overwhelmingly controlled by the opposition party—it is the President's program that is being pushed through the legislature (not the personal "State of the Union" message delivered last December by Lyndon Johnson).

In fact, it may be that the President is using the twenty-second amendment as a political weapon aimed at Congress. In other words, the President can gain support for his policies because he can convince the people that he has nothing to gain personally. The amendment eliminates self-interest.

The second reason the amendment has not had the undesirable effect many predicted is institutional, rather than personal.

Simply stated, the office of the American presidency has so overshadowed the Congress that the President's power cannot be dulled merely by limiting his tenure.

Inescapably in assessing the presidency in mid-passage of the twentieth century we are driven to the conclusion that it has
PESIDENT AND

CONS'rON
come to be the great gyroscope of our society, bearing unbeliev-
abably heavy burdens in spite of our efforts to reduce some of the
load by prudent delegation. Under the McCormack Act we have
divested the President of many administrative responsibilities,
and we shall continue to do so. Nonetheless the President must
still approve the itinerary of the Marine Band each time it goes
on tour. Moreover, as rapidly as we relieve the President of the
burdens of yesterday, new ones arise to overtake the old, as
foreign affairs are no longer foreign affairs but "world" affairs,
and as man reaches for the stars.*

Today the American president must give sustained leadership
amidst a welter of conflicts that range from whether we should
spend more on biscuits and less on bayonets in our overriding
aim to build a durable peace, to agreements that insist we need
more arithmetic and less "adjustment" if we are effectively to
meet the challenge of the Soviets.

In a climate of challenge and response, the American presi-
dency continues to write many shining hours. Admittedly our
existing party system which our presidents head is disorderly
and party discipline does not even meet the test of a loosely
administered parole system. But with all its imperfections there
is real vitality in our amiable constitutional system of counting
heads rather than breaking them.

All of us should remember that the politics of the presidency
is not an easy profession. Part of its occupational hazards remind
me of an anecdote of Mme. de Saint-Exupery, the wife of the
French writer and war flier. After the Second World War she
told an American friend of her late husband that there were plans
to raise a monument to his memory.

* One burden—not discussed here, but far-reaching in importance, is what
is the effect of the destruction of privacy? Toynbee it will be recalled, contends
that privacy (withdrawal and return) is essential to making the correct responses
to challenges.

In working close to the President, one is constantly reminded that he is never
completely free—a circumstance I might illustrate by reference to an incident in
the mayorality campaign between Jimmy Walker and Fiorello LaGuardia back in
1929.

Walker made only two speeches. The first one he ended up by asking, "What
was LaGuardia doing in Bridgeport on July 9?" Then after his opponent exploded
with indignation, he ended up the second speech with the statement: "La Guardia
says he never was in Bridgeport."

This illustration may seem a mite far-fetched, but it is useful simply to show
that no one could ever use this tactic on the President of the United States be-
cause, by law, somebody is always with him. He is never alone.
"In France," remarked the American, "you will never have stones enough to raise monuments to the memory of your great men." "Well," she sighed, "there will always be plenty to throw at them while they're alive."

With this sentiment and with the belief that politics is the most hazardous of all professions, we can all agree.

Even more immovable, however, is our unshakable belief that for all its turbulence politics is still the noblest career that man can choose and in the hands of the American presidential system rests the leadership of the free world.
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