

## Restraint of Executive Power

Paramount among the problems of our time is the reconciliation of executive power with democratic freedom. The question we face is not can they be reconciled, but how can it be done. Even under great exigencies we do not readily surrender our traditional democratic freedoms. Yet we have learned that the circumstances of present-day society require far-reaching exercise of executive authority by government. We are today concerned with the perfecting of our administrative methods and institutions so that we may in full measure realize the benefits of executive action without jeopardy to our personal rights and collective liberties.

The issue of power versus freedom is as old as history. Restatement of the issue in terms of power *and* freedom is relatively a new idea. It is hardly older indeed than the American republic, which is one of the few places in the world today where men have attempted the fusion of power and freedom in the laboratory of self-government. But the experiment could never have been begun until men came to believe that it ought to be tried; that it was safe to try.

At the beginning of our national history few Americans believed that executive power and democratic freedom were compatible. A century-and-a-half of colonial rule had fixed in many American minds the inseparable association of executive power with arbitrary authority. The colonial governors personified the irresponsible coercive power of English kings or lords proprietors. Colonial champions of popular liberties had been the leaders of the legislative assemblies. No governor distinguished himself as a defender of popular rights. And so when the royal provinces became republican states the executive power was treated as the invincible enemy of popular freedom. In most of the states executive office was abolished or was made subordinate to the legislature. In the Conti-

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