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Introduction to the Separation of Powers Symposium

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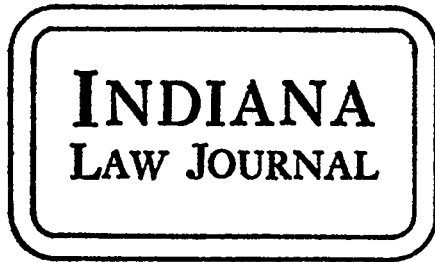
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Introduction to the Separation of Powers Symposium

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Symposium: Separation of Powers



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Introduction: Separation of Powers

The doctrine of separation of powers, because of its central importance to American Government, has often been the subject of scholarly legal writing. In order to avoid repetition of earlier articles, this symposium is designed to have a more functional focus. Representatives of the executive and legislative branches of the federal government and of the academic community have contributed articles based on their own experiences, focusing on current problems involving separation of powers.

As a foundation for the discussion, Professor Wallace Mendelson's historical introduction develops an insightful concept of the role that separation of powers has played in the development of American Government. As he illustrates, the doctrine has been employed by both the weak and the strong and as both a positive and a negative factor.

Senator James Abourezk, Chairman of the Subcommittee on Separation of Powers of the Committee on the Judiciary, and Professor Arthur S. Miller and Mr. George M. Knapp, in discussions involving the legislative veto, laud that procedure as an effective means by which Congress can retain control over administrative action without being forced to first specifically define the scope of the administrative action. On the other hand, Mr. William H. Taft IV, former Chief Counsel for the Department of Health, Education and Welfare, claims that Congress' failure to adequately define legislative policy has caused a derogation of the doctrine of separation of powers and inefficient administration of legislation. In the area of foreign relations, Senator John Sparkman, Chairman of the Senate Foreign Relations Committee, argues for an expanded congressional role, while Mr. Arthur W. Rovine, an Assistant Legal Counsel in the Treaty Affairs Division of the State Department, argues the necessity of maintaining a predominantly executive role in foreign relations.

In presenting this symposium, the *Indiana Law Journal* recognizes that many significant questions have not been considered, including the important relationship of the judiciary to the other branches of government. Perhaps those questions can be considered in future issues of this or other periodicals. The *Journal* hopes that this symposium will lay open the foundation for the application of the doctrine of separation of powers to current problems, thus, assisting in a better understanding of the functional aspects of the doctrine.