

## Louisiana Law Review

---

Volume 14 | Number 3

April 1954

---

THE AMERICAN PRESIDENT, by Sidney Hyman. Harper & Brothers, New York, 1954. Pp. 342. \$4.00.

Robert J. Harris

---

### Repository Citation

Robert J. Harris, *THE AMERICAN PRESIDENT*, by Sidney Hyman. Harper & Brothers, New York, 1954. Pp. 342. \$4.00., 14 La. L. Rev. (1954)

Available at: <https://digitalcommons.law.lsu.edu/lalrev/vol14/iss3/33>

This Book Review is brought to you for free and open access by the Law Reviews and Journals at LSU Law Digital Commons. It has been accepted for inclusion in Louisiana Law Review by an authorized editor of LSU Law Digital Commons. For more information, please contact [kreed25@lsu.edu](mailto:kreed25@lsu.edu).

selected as in Gellhorn's recent edition.<sup>4</sup> This, however, is partly obviated by a valuable, albeit brief, survey of "legislative supervision of administration." In discussing the court-or-board question for industrial accident claims, however, the author thinks that "railway labor resists the enactment of a compensation law," which is partly inaccurate (there are some weighty railway labor voices that favor the enactment of a uniform compensation law for railroad and similarly situated workers) and at any rate not a cogent argument pro or contra. For those who favor court law suits in railway labor accident cases do so largely because of the possibility of obtaining jumbo verdicts in court rather than because of any well-organized opinion on the preferability of boards or courts.

All in all, a very useful book especially for those schools that wish to confine administrative law to two hours per week.<sup>5</sup>

*Reginald Parker\**

THE AMERICAN PRESIDENT, by Sidney Hyman. Harper & Brothers, New York, 1954. Pp. 342. \$4.00.

At a time when the air has long been befouled by senseless lamentations over "federal usurpation" and "executive dictatorship" this wise little book injects an element of freshness and sanity into the atmosphere of political discussion. Mr. Hyman's study of the presidency is not an exhaustive historical and legal study of the institution as exemplified by the definitive book of Edward S. Corwin entitled, *The President: Office and Powers* (New York University Press, revised edition, 1948). It is rather a general and readable account of the historical and political development of the presidency which will perhaps provide little new information concerning the office to careful students of American government. To say this is not to disparage the genuine merit of Mr. Hyman's book as a non-technical account of the presidential office rich with insights in American political institutions. Indeed, this book is required reading for all thought-

---

4. GELLHORN & BYSE, ADMINISTRATIVE LAW: CASES AND COMMENTS (3d ed. 1954).

5. This usefulness is a bit marred by the fact, however, that the Gellhorn-Byse book, which has 1273 pages plus a bibliography of nearly 90 pages, cost merely \$9; whereas the present volume, although it is only about half as big, costs \$10!

\* Professor of Law, Willamette University.

ful citizens as well as those who profess to be leaders of thought and opinion.

The volume contains a general account, fortified by historical references, of the means of electing the President, his functions as chief of state, head of government, party leader, chief administrator, commander-in-chief, spokesman in foreign affairs, and reorganization of the executive branch of the government. In discussing proposals for changing the mode of electing a President Mr. Hyman is wisely opposed in my opinion to taking the nomination from the hands of party leaders in the nominating conventions and vesting it in the hands of the people directly through the medium of a direct primary. Such a change, he thinks, would render the framing of a platform difficult. This difficulty is perhaps not so important because of the general unimportance of platforms. More important are the other assigned reasons such as the diffusion of party responsibility, the difficulty of obtaining a majority, and the resulting impossibility of drafting reluctant or independent candidates like Charles E. Hughes or Adlai E. Stevenson.

Mr. Hyman is almost as unenthusiastic for the abolition of the electoral college and election of the President by a direct vote of the people or some modification of this plan. Nor does he favor a party realignment whereby all liberals would constitute one party and all conservatives the other. Aside from the political unreality of such a change, Mr. Hyman is convinced that it would expose each party to "the peril of annihilation" once it made a wrong guess and by suppressing dissenters and compromises would drive each party to political extremes. He also believes that such a realignment would either turn the President into a prime minister, or if he insisted on being President, it would enlarge the areas of conflict with his party.

One of the more interesting portions of Mr. Hyman's book is that in which he rejects the familiar distinction between strong and weak presidents in terms of the expansion of executive power in favor of a distinction drawn in terms of the President's ability to mobilize public opinion in support of the work of the presidency "under the sanction of the law." Employing this distinction Mr. Hyman lists Washington, Jefferson, Monroe, Jackson, Polk, Lincoln, Cleveland, McKinley, Wilson, the two Roosevelts, and Truman as "strong" presidents. Among the weaker presidents, some of whom were great men, he lists the two Adamses, Madison, Van Buren, William Henry Harrison,

Tyler, Fillmore, Pierce, Buchanan, Grant, Johnson, Garfield, Arthur, Harding, Coolidge, and Hoover. Excepting General Eisenhower these categories leave only four midway between "strong" and "weak"—Taylor, Hayes, Benjamin Harrison, and Taft. Whatever this distinction as applied may lack in accuracy it has the merit of giving politics a priority over administration and artistry in leadership over a barren legality.

Mr. Hyman's comments on the political eligibility of presidents, careers leading to the White House, generals as presidents, and the abuse we heap upon our presidents because we force them to be party leaders and then condemn them for it provide entertaining and informative reading. Considering the scope of the materials covered in so general a treatment the book is relatively free of errors of fact and of conclusions that cannot be supported, however debatable they may be.

*Robert J. Harris\**

---

\* Professor and Head, Government Department, Louisiana State University.