

# Presidential Essay

By Richard M. Nixon

The principles underlying the Government of the United States are decentralization of power, separation of power and maintaining a balance between freedom and order.

Above all else, the framers of the Constitution were fearful of the concentration of power in either individuals or government. The genius of their solution in this respect is that they were able to maintain a very definite but delicate balance between the Federal Government and the state government, on the one hand, and between the executive, legislative and judicial branches of the Federal Government, on the other hand.

By contrast, in the British system, the Parliament is supreme. In the present French system the primary power resides in the executive, and in some older civilizations the judges were predominant. Throughout American history there have been times when one or the other branches of Government would seem to have gained a dominant position, but the pendulum has always swung back and the balance over the long haul maintained.

The concept of decentralization of power is maintained by what we call the Federal system. But the principle is much broader in practice. Putting it most simply, the American ideal is that private or individual enterprise should be allowed and encouraged to undertake all functions which it is capable to perform. Only when private enterprise cannot or will not do what needs to be done should government step in. When government action is required, it should be undertaken if possible by that unit of government closest to the people. For example, the progression should be from local, to state, to Federal Government in that order. In other words, the Federal

Government should step in only when the function to be performed is too big for the state or local government to undertake.

The result of these somewhat complex constitutional formulas is greater protection and respect for the rights of the individual citizen. These rights are guaranteed by the Constitution, not only by the first ten Amendments, which specifically refer to them, but even more by the system itself, which is the most effective safeguard against arbitrary power ever devised by man.

Yet the genius of the Founding Fathers is further demonstrated by the fact that while freedom for the individual was their primary objective they recognized that uncontrolled freedom for some would lead to the anarchy which would destroy freedom for all. Maintaining the delicate balance between freedom and order is, in my view, the greatest achievement of the American constitutional system. Inability to maintain that balance is the basic reason for the failure of regimes in Latin America, Africa and Asia which have tried to copy our system. They invariably go to one extreme or the other—too much emphasis on the freedom of men to do anything they please or too much emphasis on controlling the excesses of freedom. Each of these approaches leads inevitably to dictatorship either of the right or of the left, a tragedy which America will be able to avoid by continued dedication to the fundamental principles of our Constitution.

*This essay by President Nixon was written upon his admission to the practice of law in New York State Dec. 6, 1963. Such admission papers are normally sealed, but this essay was released for publication when the chairman of the bar's character committee told the Appellate Court the statement was the "finest" he had seen in 28 years.*