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Foreword

The Editors

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FOREIGN AFFAIRS AND THE CONSTITUTION: THE ROLES OF CONGRESS, THE PRESIDENT, AND THE COURTS

Foreword

The remarks on these pages were presented originally on November 6 and 7, 1987, in Washington, D.C. The symposium was put together by the Federalist Society, an organization dedicated to advancing the original vision of the framers of the United States Constitution. Although most members of the Federalist Society share an orientation that may be described imprecisely as conservative, the group is known for sponsoring forums that bring together prominent advocates of viewpoints spanning the full political spectrum.

This gathering must be placed in historical context. One year ago, as this issue goes to press, the American collective psyche was very much absorbed with the events known as the "Iran-Contra Affair." Many Americans had spent the summer watching the televised testimony of Lt. Col. Oliver North and others, and the final congressional report on the matter was due to be released within days. The last major issues separating the United States and the Soviet Union in the Intermediate-range Nuclear Forces (INF) Treaty negotiations had just been resolved, and President Reagan had announced that General Secretary Gorbachev would come to Washington on December 7 to join him in completing and signing the long awaited document. American naval forces had been escorting Kuwaiti tankers through the Persian Gulf for about three months. The United States had just destroyed an Iranian oil platform in the Gulf in retaliation for an Iranian attack on an American-flagged oil tanker. And

American hostages were held, as they are today, by various militant groups in Lebanon.

In the midst of this unique confluence of events that riveted American attention on foreign policy, a group of distinguished scholars, government officials, and thoughtful observers of foreign affairs gathered under the Federalist Society's banner to discuss the conduct of foreign policy within the American constitutional system. The ideas expressed were widely divergent, and to say the least, provocative.

Except as noted below, the published remarks are based on the actual words spoken during the symposium. The editors have modified the text only to improve the flow of language, clarify expression, or complete thoughts that the speakers may have passed over too quickly in the enthusiasm of verbal discourse. In all cases, we have tried diligently to preserve both the content and tone of the original statements. Additionally, the editors generated footnotes as necessary to supplement the remarks and cite to sources. All the speakers were given the opportunity to review and comment on our editorial contributions at an early stage of the publication process and again near the end. Without exception, their suggestions and corrections were incorporated into our drafts.

As a group, the speakers ask the reader's indulgence in understanding that their statements were intended for the ear, not the critical eye. Although the *Law Review* has endeavored to put their remarks into standard scholarly format, the speakers brought to this project primarily their expertise and their opinions, but not the kind of carefully directed research and drafting associated with their more formal writing.

Professor Nowak and Judge Rees have substantially rewritten their remarks for publication. Professor Van Alstyne has supplemented his participation with an explanatory essay. Only one participant in the symposium is not represented on these pages. Caspar Weinberger, then Secretary of Defense, declined to have his address published.

The editors would like to express their appreciation to Eugene B. Meyer, executive director of the Federalist Society, for his invaluable assistance in this project. Finally, a special acknowledgment must be made to Benjamin Smith, Editor-in-Chief of Volume 42 of the *Law*

Review, who started the ball rolling and without whose leadership and guidance publication of this important event would have been unthinkable.

THE EDITORS