

SESSION 2009

**CONCOURS EXTERNE
DE RECRUTEMENT DE PROFESSEURS AGRÉGÉS**

**Section : LANGUES VIVANTES ÉTRANGÈRES
ANGLAIS**

COMMENTAIRE DE TEXTE EN ANGLAIS

Durée : 6 heures

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Many of our colleagues have stated that the Congress possesses the constitutional basis for playing a meaningful and vigorous role in the development of foreign policy.

5 I believe this, and I believe that the record of the history of this Republic underscores the fact that Congress can and should play a very meaningful role in all matters of foreign policy and national security.

Unfortunately, power granted has not always meant power accepted. In fact, we have all witnessed the steady erosion of congressional power and prerogatives in the field of domestic and foreign policy.

10 When any President takes powers previously unknown to him—as this and other Presidents have done—he must take those powers from somewhere. And that somewhere is the Congress of the United States.

15 Presidential power has grown at the cost of diminished accountability and public scrutiny of executive branch activities. And it has grown at the cost of respect for and confidence in the constitutional processes of government.

I would not want to have my remarks interpreted as my believing in a weak Presidency. On the contrary, I believe in a strong Presidency, one in which prompt action can be taken, but, above all, in which leadership is exercised not only in governmental affairs but in all matters of private and public concern.

20 The Presidency is indeed the focal center of power and of interest in this country, and I do not want to see the Office of the Presidency diminished or demeaned in any way in terms of its responsibilities under our Constitution. Indeed, there is a long overdue need of examining the Presidency in light of the conditions in the 20th century, and also the conditions that may very well prevail in the 21st century.

25 In the field of foreign policymaking, Presidents have been able to base their actions not on legislative authority, but on inherent powers vested in the Presidency.

Since the end of the Second World War a unique combination of events and forces has been responsible for expanding Presidential power in foreign policymaking.

30 The international climate of cold war, a spiraling arms race, and intermittent regional clashes have provided Presidents with great latitude to conduct foreign policy and mobilize public support.

Strong Presidential personalities have been an important factor in this phenomenon. Strong willed men in the oval office have added to the perception that only the President can act in foreign policy matters and protect the national interest.

35 Finally, the Congress, lacking staff, expertise, information, and will, has been overwhelmed by the executive juggernaut.

40 This Congress appropriates, as other Congresses have, millions of dollars for the executive branch for additional personnel, millions of dollars for additional facilities, millions of dollars for information retrieval systems, millions of dollars for research; and treats itself as if it were the international pauper. It is ludicrous.

I am not here to condemn the President for his exercise of power, because we have permitted that. We talk about a permissive society. Congress is woefully guilty of permissiveness with the executive branch that violates the spirit, the language, and the intent of the Constitution.

45 I have served in the executive branch, and I want to tell you, it is easy to roll this body, because the executive branch comes in with power, comes in with information, is able to mobilize public opinion; and this Congress and other Congresses—I speak of the Congress as an institution—willingly and gladly supplies resources to the executive branch so it can exercise its will. And when it comes to ourselves, we are afraid. We are fearful men. We are afraid to go home and face our constituents. We will not even

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provide a parking lot. And yet we will provide for the executive branch of Government marble halls. I think we ought to examine ourselves as we examine the executive branch. "Know thyself," somewhere it is written. We prefer to know others.

55 The result of all of this has had very serious policy implications. The most serious is the almost total abandonment of a tradition of self-discipline and restraint in the use of power.

I am not exaggerating when I say that, with very few exceptions, the power to initiate and wage war has shifted to the executive branch.

60 The problem of "Presidential war"—the most serious constitutional issue before us to-day—is not unique to Richard Nixon. But he has gone further than any other Chief Executive in claiming an unlimited right to commit American forces to combat by his own initiative.

The Congress, in a spirit of bipartisanship, stands ready to correct this grave constitutional imbalance.

65 We have developed and agreed upon legislation which will limit a President's warmaking authority without curbing his role as Commander in Chief and protector of the Nation's security.

70 In the final version of the war powers legislation before us, the Congress is saying to the President: "We have a right and responsibility to share with the executive branch the awesome decision of committing American forces to combat."

It is unfortunate, even tragic, that a veto cloud now hangs over the War Powers Act. If vetoed, all of the pious words about bipartisanship and shared power will be lost in a Presidential pronouncement reinforcing the concept of unchecked power.

75 I do not think it is right for the executive branch to hold over Congress a constant club of a veto unless the President gets his way, particularly on this vital issue that is covered in the Constitution of the United States itself, the power to wage war.

If there is one lesson to be learned from more than a decade of war in Asia it is that a democratic society cannot long endure the stresses and strains resulting from the unshared moral and political burden of sending a nation's sons to war.

Senator HUMPHREY (Democrat, Minnesota),
Congressional Record, October 10, 1973.