

INTRODUCTION: UNDOING THE NEW DEAL?

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We have heard all these wonderful discussions about formalism and functionalism, about Congress and the Judiciary, about constitutional federalism reborn, and about federalism in constitutional context. Now we take a great leap forward or backward, I am not sure which, and we come to this panel entitled "Undoing the New Deal?" The question mark looms very large, and lurking behind that question mark is an important question—"Is this really a constitutional problem, is it something that is going to be resolved in academic discussions, or is it a political issue?"

Basically, those who believe in democratic theory think that people ultimately get the kind of government they want. So one way of looking at it is to ask the question, "Do the people now have the kind of government we want," whether you talk about allocation of powers between the federal government and state governments or whatever. I have no idea what our panelists are going to say about any of this, but I am looking forward to the discussion immensely.

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