PERIODICALS

Reviews of articles from periodicals and specialized journals here and abroad

POLITICS & GOVERNMENT

Two Cheers For Uncle Sam

"Are Parliamentary Systems Better?" by R. Kent Weaver, in *The Brookings Review* (Fall 1985), Brookings Institution, 1775 Massachussetts Ave. N.W., Washington, D.C. 20036.

Washington is not a model of efficiency.

With power divided among three governmental branches (including a bicameral legislature) and two heterogeneous political parties, America's regime is often criticized for being slow-moving and indecisive. Those who fault the U.S. system often cite England and Canada as examples of lean, smooth-running democracies. Both are governed by parliaments, where a majority party rules the legislature and its leader serves as prime minister.

But London and Ottawa have their troubles too, notes Weaver, a Brookings Fellow. When times are good, for example, parliamentary majorities can easily expand the welfare state. However, in the face of an economic slowdown, parliamentary cohesion (and decisiveness) usually fades. Strictly accountable to the voters for their party's legislative actions, prime ministers have difficulty tightening the national belt.

Indeed, the oft-heard claim that parliaments are fiscally more conservative is nonsense, says Weaver. It *is* true that with so many hands in the budget-making process, the U.S. government—through its system of congressional appropriations (tempered by presidential veto)—has great difficulty staying in the black. Presumably a parliamentary cabinet, smaller and more disciplined, could keep the national checkbook in better order.

The historical record tells another story. Using data from the International Monetary Fund, Weaver measured America against three parliamentary democracies, in terms of their budget deficits as a percentage of their respective gross domestic products. In 1982, they ranked as follows: the United States (4.2 percent), Britain (4.3 percent), Canada (5.5 percent), and Sweden (9.9 percent).

Moreover, prime ministers (like presidents) do not always stick to

their campaign promises. The Canadians can attest to that: In 1974, Pierre Trudeau and his Liberal Party won election on a platform attacking the Conservatives' proposal for wage and price controls. A year later, Trudeau imposed wage and price controls.

Parliamentary systems have some built-in hazards as well. They tend to discourage bipartisan cooperation, exacerbate regional tensions, and encourage splinter parties (e.g., Britain's Social Democrats, Ulster Unionists, Scottish Nationalists). Nor do they offer more long-range predictability in policy than Washington does. Consider the plight of Britain's steel industry: The Labour government nationalized it in 1967. Now Prime Minister Margaret Thatcher's Conservative coalition wants to denationalize it.

By comparison, says Weaver, Uncle Sam's regime—for all its faults—does not look so terrible.

Court Battles

"How the Constitution Disappeared" by Lino A. Graglia, in *Commentary* (Feb. 1986), 165 East 56th St., New York, N.Y. 10017.

Addressing the American Bar Association last July, U.S. Attorney General Edwin Meese said, among other things, that federal judges (especially those on the Supreme Court) should interpret the U.S. Constitution according to the intentions of its original framers.

Three months later, U.S. Supreme Court Justice William J. Brennan retorted that Meese's "facile historicism" would require judges to "turn a blind eye to social progress."

For his part, Graglia, professor of constitutional law at the University of Texas, takes issue with Brennan's advocacy of what he calls "judicial activism." While he does not support Meese's literal reading of the Constitution (which originally included provisions for slavery and property requirements for voting), he also rejects Brennan's antihistoricism. In essence, Graglia argues, during the past 30 years the High Court has usurped the role of federal and state legislatures. On many matters, the nine Supreme Court justices have become nonelected legislators for the entire country. Yet, contends Graglia, their opinions do not necessarily reflect the beliefs of the nation's majority (on such issues as capital punishment). And, by bearing down on a multitude of state and local laws, the justices have overstepped the Constitution's limits on federal authority.

Through judicial review, the Court is able to invalidate legislative actions as it sees fit. Although judicial review was initiated in 1803 (*Marbury* v. *Madison*), judicial activism did not take hold until after the Court's 1954 ruling in *Brown* v. *Board of Education of Topeka*. (In that decision the Court overturned an 1896 ruling in *Plessy* v. *Ferguson*, which sanctioned "separate but equal" status for whites and blacks.) The "undeniable rightness" of the 1954 decision, notes Graglia, led the Court to become a self-directed "engine of social change" in many areas for the next 30 years.