

PERIODICALS

Reviews of articles from periodicals and specialized journals here and abroad

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POLITICS & GOVERNMENT

Beware the Good Prince

"The reigns of good princes have always been most dangerous to the liberties of their peoples," wrote the philosopher John Locke (1632-1704), because "their successors, managing the government with different thoughts, would draw the actions of those good rulers into precedent."

American conservatives, writes Rep. Edwards (R-Okla.), chairman of the House Republican Policy Committee, have forgotten Locke's warning as well as the views of America's Founding Fathers. They have become advocates of the Imperial Presidency. In 1984, President Ronald Reagan launched a campaign to win a line-item veto for the president, and conservatives in and out of Congress (including George Bush) joined in. Complaints about congressional "meddling" in foreign policy—Central America, arms control treaties, weapons sales to other nations—have become standard fare in Republican stump speeches.

"The call for a line-item veto," says Edwards, "became a convenient shorthand means of blaming congressional Democrats (correctly, I believe) for excessive

"Of Conservatives and Kings" by Rep. Mickey Edwards, in *Policy Review* (Spring 1989), 214 Massachusetts Ave. N.W., Washington, D.C. 20002.

federal spending." But the precedents for congressional power of the purse are clear. In 17th-century England, the king was denied the power to amend money bills passed by the House of Commons. At the Constitutional Convention in 1787, the Founders only barely agreed to give the chief executive any veto power at all; even then, they made the vote subject to congressional override.

Yet, the Founders specifically reversed English precedent on war powers—raising fleets and armies, declaring war—vesting powers that had belonged to the king in Congress alone.

How quickly conservatives have forgotten that Democrats controlled the White House for 32 of the 48 years before Reagan! During those years, Edwards reminds his colleagues, congressional Republicans used their power to challenge, among other things, President Jimmy Carter's SALT II treaty. Edwards shares their frustration with the Democratic Congress. But he maintains that the answer is to win more House and Senate seats, not to cloak the presidency in royal purple.

Dividing the Spoils

The Irish did it, the Italians did it, the Poles did it, and so did other American ethnic groups. In city after city during the 19th and early 20th centuries, these ethnic communities gathered their strength,

"Blacks and Hispanics in Urban Politics" by Kenneth R. Mladenka, in *American Political Science Review* (March 1989), 1527 New Hampshire Ave. N.W., Washington, D.C. 20036.

elected one of their own to city hall, and then reaped the rewards: an array of municipal jobs, from street sweeper to budget director. Are blacks repeating this storied pattern of upward mobility?

Not in ways one would expect, reports Mladenka, a political scientist at Texas A&M University. Surveying 1,224 U.S. cities in 1984, he found that the 36 black mayors included in the study were unable to deliver many jobs. But if black mayors were unable to deliver (often because older, black-governed cities such as Newark and Detroit were in financial trouble), blacks managed to hold an impressive 20 percent of all municipal jobs in the cities Mladenka studied. How did they get them?

Using sophisticated "multiple regression analyses," he found that the black share of a city's total population was far and away the most significant factor. Plain old politics—white officials need black votes—affirmative action, and the realities of the labor market explain that. But Mladenka also discovered that the strength of black representation on city councils was often very important.

In the South and Midwest, blacks elected to city councils in cities with "reformed" governments (where members are elected "at large" by all the voters) were virtually powerless to award jobs. But blacks elected under the old-fashioned "ward" system (where members represent districts) were better able to "bring home the bacon."

Just to complicate matters, the form of government made no difference in the Northeast. And most western cities, where black council members were able to deliver the greatest number of jobs to other blacks, have "reformed" city governments.

What explains the differences? In the South and Midwest, Mladenka speculates, racial polarization (and neighborhood segregation) is high: Blacks elected at large are few, and the winners must trim their sails to make themselves acceptable to their white constituents. Blacks who rep-



In 1967, Cleveland's Carl B. Stokes became the first black mayor of a big U.S. city. Today, blacks govern several major cities, including Los Angeles, Detroit, and Baltimore.

resent black districts, however, are free to lobby for black interests. In the West, where the races are less polarized, blacks find it easier to win elections and to join the ruling coalition in city hall.

The lesson is clear, says Mladenka. Blacks need not rely solely on Washington or white allies for a larger share of the political pie. In most cities, they can make the political process work in their favor.

Age and the Court

"While Justice Sleeps" by Terry Eastland, in *National Review* (April 21, 1989), P.O. Box 96639, Washington, D.C. 20077-7471.

In 1937, President Franklin D. Roosevelt, angered by the "nine old men" on the Supreme Court, asked Congress to empower him to appoint one additional Justice for each sitting Justice over 70. FDR's politically inspired "court packing" scheme was a disaster, notes Eastland, a researcher at the National Legal Center for the Public Interest, but the issue of age and incompetence on the Court has never gone away.

The Justices are appointed for life, and many are determined to die on the bench. In 1974, the Court was crippled until Justice William O. Douglas, victim of a disabling stroke, reluctantly agreed to retire.

Today's Court—eight men and one woman, Justice Sandra Day O'Connor—includes several octogenarians. Justice William J. Brennan is 83 and Justices Harry Blackmun and Thurgood Marshall are both 80. Justice Byron White, the next oldest, is 72. Brennan and Blackmun remain spry, according to Eastland, although Blackmun's intellectual interest in the law appears to have waned. Marshall "is said to watch lots of television, in chambers."

"An aging Justice who uses his law-clerk bureaucracy skillfully can, like a smart athlete, conserve his diminishing energy and extend his career," says Eastland. It was not until the 1930s that every Justice employed a clerk—almost always a recent law-school graduate. A second was added in 1947, a third in 1970, and a fourth shortly thereafter. They do much of the Court's work, including the drafting of the 15 or so opinions each Justice is assigned each year. Only Justice John Paul Stevens is known to draft all of his own opinions. Others frequently assign the writing to clerks, then edit the drafts. (A joke has it that Justice Blackmun's clerks assign him the opinions they are not interested in.)

"Can an editor be a great judge?" asks Eastland. Try to imagine Justice Oliver Wendell Holmes polishing the draft opinions of his law clerks.

What to do? Short of endorsing a Constitutional amendment requiring Justices to resign at age 75 or 80, Eastland says, Congress could reduce its appropriation for the Court's clerks. Half as many would do. The Court's opinions would improve, he argues, and "Justices who couldn't cut it would be forced to step down." Justice Holmes, incidentally, was 91 when he retired in 1932.

The Media Mandate

What happens when the news media define our politics? Wilson Carey McWilliams, a Rutgers political scientist offers one opinion in Commonweal (March 10, 1989):

We lack the peer review that, in earlier years, was provided by party leaders and opinion makers who controlled nominations and guided campaigns. In 1884, the discovery that Grover Cleveland apparently had fathered an illegitimate child provoked the response that such private failings, then as now the focus of media attention, are not the most important indices of *political* character, and Cleveland won the election. In 1988, by contrast, while Gary Hart's derelictions shattered his candidacy, voters did not appear to notice that, after all his years in the Senate, Hart was endorsed by only one incumbent Democratic senator. Judgment by peers is yielding to an audition by the media, and private proprieties may now outweigh public virtues.