

Pro-Life Liberals

When it comes to the issue of abortion, left-wing advocates of "choice" refuse to allow any dissent, writer Nat Hentoff charges in the *New Republic* (November 30, 1992).

Nearly 10 years ago I declared myself a pro-lifer. A Jewish, atheist, civil libertarian, left-wing pro-lifer. Immediately, three women editors at the Village Voice, my New York base, stopped speaking to me. . . . [But] men, women, and teenagers wrote from all over the country that they had thought themselves to be solitary pro-lifers in the office, at school, even at home. They were surprised to find that there was someone else who was against capital punishment, against Reagan and Bush, and dismayed at the annual killing of 1.6 million developing human beings. . . . I felt less alone myself. In time, I found other heretics. For instance, the bold, witty, crisply intelligent members of Feminists for Life of America. There are some in every

state, and chapters in 35. Many of them came out of the civil-rights and anti-war movements, and now they also focus on blocking attempts to enact death penalty laws. . . . You won't see much about Feminists for Life in the press. . . .

[The] disdain on the Left for anything or anyone pro-life has clearly taken a toll on the political process. Liberal/Left politicians who remain true to their philosophy and oppose abortion are virtually impossible to find. Like [Jesse] Jackson, most simply cave in to abortion-rights pressure, fearing that no matter how left-leaning they are on other issues, if they come out against abortion they will be branded as right-wing fanatics. Governor Robert Casey of Pennsylvania, a liberal pro-life Democrat, was forbidden from speaking at [the 1992] Democratic convention. And when the Village Voice later offered him a forum in New York. . . he (and I, the putative moderator) was shouted down by pro-choicers.

The Origins of Term Limits

"Undemocratic Vistas" by Garry Wills, in *The New York Review of Books* (Nov. 19, 1992), 250 West 57th St., New York, N.Y. 10107.

Imposing term limits on members of Congress—as 14 states, following the example of Colorado, decided to do last November—represents a return to the values of the Founding Fathers, columnist George Will solemnly maintained in his 1992 book, *Restoration: Congress, Term Limits and the Recovery of Deliberative Democracy*. Term limits were included in James Madison's "Virginia Plan," which was submitted to the Constitutional Convention, but the subject of "rotation" (periodic removal from office) was then set aside, according to Will, so that the delegates could attend to more urgent matters. Imposing term limits today, Will contended, would simply complete the task that the Framers began but were too distracted to complete.

This picture, journalist-historian Garry Wills asserts, "is false through and through. Rotation was not a peripheral concern but a central one. It was a fighting matter raised constantly by opponents of the Constitution and resolutely fought off by the draft's defenders (including Madison)."

It is true, Wills acknowledges, that Madison put rotation in his first draft of the Constitution—but only as part of his initial effort to cut

state legislatures completely out of the federal election system. Madison had been frustrated in the Continental Congress by the way in which the state legislatures tied the hands of the delegates they sent. His Virginia Plan proposed that the people elect one branch of the federal Congress, whose members would then elect the Senate. Term limits were to be imposed on delegates elected to the popular branch. When it became clear that the Framers would not go along with efforts to eliminate the state legislatures' role—they were allowed to choose senators in the completed draft—Madison abandoned term limits. Other delegates at the convention, however, favored rotation, especially for the president. The subject, contrary to Will, was not simply dropped by the Framers as a "detail" of no consequence. Although all rotation was excluded from the Constitution finally adopted by the federal convention, the Anti-Federalists continued their fight for term limits in the ratifying conventions of the states. The term limits that Will now advocates, Wills observes, represent a return to the values, not of the Founders but of the Anti-Federalists—the enemies of the Constitution.

"Restoration" was not the sole merit of term

limits in George Will's eyes. He also argued that they would deal a blow to the "careerism" of today's Congress. But, asks Garry Wills, is professionalism such a bad thing? One commentator wrote in a 1983 book that Washington politics is "a complex profession—a vocation,

not an avocation The day of the 'citizen legislator'—the day when a legislator's primary job was something other than government—is gone. A great state cannot be run by 'citizen legislators' and amateur administrators." That commentator's name? George Will.

Court Politics

"The Supreme Court and Political Eras: A Perspective on Judicial Power in a Democratic Polity" by John B. Taylor, in *The Review of Politics* (Summer 1992), Univ. of Notre Dame, P.O. Box B, Notre Dame, Ind. 46556.

Does the Supreme Court, as Mr. Dooley said, follow "th' iliction returns," or does it, as Justice Robert H. Jackson complained in 1941, the very year he assumed his seat, serve as "the check of a preceding generation on the present one"? Neither, argues Taylor, a political scientist at Washington College, Maryland.

If the Court did tend to lay the dead hand of the past on the pressing work of a new era, then one would expect that after "critical" elections in which basic electoral realignments occurred—the elections of 1828, 1860, 1896, and 1932—there would have been a high level of conflict between the "old" Court and the "new" president and Congress. Instead, Taylor finds, of the 92 instances in which the Court voided acts of Congress through 1968, only 25 took place during such "lag" periods—and only 19 involved legislation enacted by the new regime. Moreover, 12 of those 19 cases occurred during the New Deal era. That unusual experience was undoubtedly fresh in Jackson's mind when he leveled his charge against the Court in 1941. But 19 cases in 178 years, notes Taylor, "is not an impressively high number."

If humorist Finley Peter Dunne's Mr. Dooley was correct, one would expect, conversely, that once the Court had gained a sufficient complement of new justices, it would begin revising legislation from the earlier era. Not so, Taylor finds. Of the 92 instances of judicial review, 67 occurred after a new majority had established itself on the Court, but only two altered laws from the previous era. Surprisingly, the Court was much more likely to overturn legislation enacted during its own era.

"The Supreme Court is not normally a generation behind, nor is it a slavish adherent to the latest electoral trend," Taylor concludes. Politics, for the justices, is less a matter of political parties and transient elections than of constitutional issues and judicial philosophy. The Court's power tempers, and is tempered by, the political power of the two elected branches of government. Interacting with them in complex ways, the Supreme Court is "a major participant in an ongoing process, and it is in the mundane vibrations of power in that process, day in and day out, that the genius and the explanation of the system lie."

FOREIGN POLICY & DEFENSE

China's Rising Power

"Awakening Dragon" by Ross H. Munro, in *Policy Review* (Fall 1992), 214 Mass. Ave. N.E., Washington, D.C. 20002-4999; "China on the Rise" by Charles Horner, in *Commentary* (Dec. 1992), 165 E. 56th St., New York, N.Y. 10022; "China: the Coming Power" by Barber B. Conable, Jr., and David M. Lampton, in *Foreign Affairs* (Winter 1992-93), 58 East 68th St., New York, N.Y. 10021.

Since the Tiananmen Square massacre in 1989, Washington policymakers have been debating how best to promote democracy and human rights in China. But some analysts say that that

debate is now largely beside the main point. An economically vigorous China is suddenly presenting the United States with new opportunities—and perhaps new dangers. Today, warns