

The rising chorus vs. the Constitution

John Anderson is not alone. As the 1980 presidential campaign has unfolded, several prominent political figures, echoed by media commentators, have taken up the cudgels against the U.S. Constitution. They uniformly call for the British parliamentary system against which the American Revolution was fought. Among the loudest voices are:

- Lloyd Cutler, counsel to President Jimmy Carter. Writing in the Fall 1980 issue of the Council on Foreign Relations journal *Foreign Affairs*, Cutler, a member of the CFR's board of trustees, urges "changes in our Constitution."

"A particular shortcoming in need of remedy," Cutler maintains, "is the structural inability of our government to propose, legislate and administer a balanced program for governing. In parliamentary terms, one might say that under the U.S. Constitution it is not now feasible to 'form a government.' The separation of powers between the legislative and executive branches, whatever its merits in 1793, has become a structure that almost guarantees stalemate today."

The constitutional system is outmoded, says Cutler, because "government is now constantly required to make a different kind of choice than usual in the past, a kind for which it is difficult to obtain a broad consensus. . . . There may have been a time when we could simultaneously pursue all of [our national] goals to the utmost. But even in a country as rich as this one, that time is now past. One of the central tasks of modern government is to make wise balancing choices among courses of action that pursue one or more of our many conflicting objectives. . . ."

"For balancing choices like these, a kind of political triage, it is almost impossible to achieve a broad consensus."

Therefore, argues Cutler, the United States needs to adopt a system where the executive and legislative branches of government are more integrated and thus capable of dictating policy more readily—without the interference of constituency politics.

Cutler proposes the establishment of a "bipartisan presidential commission—perhaps an offshoot of President Carter's first-class Commission on the Eighties to analyze the issues, compare how other constitutions work, hold public hearings, and make a full report."

Cutler personally favors a series of constitutional amendments that would: 1) limit the presidential tenure to one six-year term; 2) have the President, Vice-President, Senators and Congressman elected for simultaneous six-year terms; 3) permit the President on one occasion in his term to dissolve Congress and call for new congressional elections. If he did so, Congress could call for simultaneous new elections of the President and Vice-President; and 4) limit the procedure for mid-term elections, from primaries and conventions through the election itself, to 120 days.

- William Fulbright, former Senator from Arkansas and a lawyer with the Washington firm of Hogan and Hartson. In an op ed in the Sept. 13 *Washington Post*, Fulbright uses the spectacle of the current presidential election to argue for changes in the Constitution.

"Our Constitution and the structure of our government are 200 years old. . . . It seems reasonable to me, without denigrating our Constitution or our history under it, that we might well give serious consideration to making some basic changes designed to strengthen our capacity to deal with modern conditions, especially in the area of our foreign relations. It is no secret that the division of power in our present system presents a major obstacle to effective diplomacy, a weakness we can ill afford in this nuclear age."

Echoing Cutler's proposal, Fulbright suggests merging the executive and legislative branches. "Selection of the executive by the legislature from among its own members could be beneficial to our government in a number of respects, especially in enabling a president, so selected, to carry on our foreign affairs more effectively and more responsibly."

The forum should be "for Congress to propose amendments to the Constitution, or for two-thirds of the state to convene a constitutional convention. . . ."

There are several efforts afoot on Capitol Hill to implement changes along the general lines they suggest, in which Rep. Henry Reuss (D-Wisc.), Rep. Newt Gingrich (R-Ga.), Rep. Jonathan Bingham (D-N.Y.), and Rep. Richard Bolling (D-Mo.) are playing leading roles.

At the same time, two of Washington's most influential think tanks, the Brookings Institution and the American Enterprise Institute, are using the upcoming bicentennial of the U.S. Constitution to sponsor ambitious programs designed to spur public discussion of the Constitution's relevance to current conditions.