

POLITICS & GOVERNMENT

*Federalism
Triumphant*

"The Court Found That Congress Exceeded Its Power" by Sarah C. Carey, in *Nation's Cities* (Sept. 1976), 1620 Eye St., N.W., Washington, D.C. 20006.

In June 1976, the Supreme Court ruled 5 to 4 (in *National League of Cities v. Usery*) that Congress had exceeded its power in extending the wage and hour provisions of the Fair Labor Standards Act to state and municipal employees. This "unprecedented" interpretation of the Constitution is likely to have far-reaching impact on federal-state relations, writes Carey, a Washington attorney formerly associated with the National Urban Coalition.

The key issue was not that the FLSA provisions would increase the costs of state and local government by millions of dollars. Rather, it was the effect that the "budget crunch" resulting from these outlays would have on functions essential to a state or local government's independent existence. Left still undefined is the question of precisely when and how the federal government can legitimately interfere with non-federal governmental functions.

The Court's decision had the immediate effect of absolving states and localities of the costs involved in implementing the 1974 amendments to the Fair Labor Standards Act. But it remains to be seen whether public-employee unions will not achieve the same end by persuading Congress to require state and local governments to observe the FLSA provisions as a condition for receiving revenue-sharing funds and other federal grants.

However, Carey calls the Court's decision "a validation of the principles of federalism" and predicts that it may well serve "as the basis for additional decisions preserving state powers and even restoring authority that has eroded over the past decades."

*Getting a Handle
On Technology*

"Technology Policy and Democracy" by Barry M. Casper, in *Scientific American* (Oct. 1976), 415 Madison Ave., New York, N.Y. 10017.

Neither a proposed "science court" nor forums in which advocates debate the scientific aspects of public-policy proposals would be sufficient to establish democratic control of technology in America, argues Casper, a physicist at Carleton College.

Proponents of the "science court" idea, he says, assume it is desirable to separate the scientific from the non-scientific elements of policy issues (e.g., the anti-ballistic-missile and SST debates), when, in fact, this tends to give technical matters more significance than they sometimes deserve. The use of expert advocates to argue policy issues in adversary proceedings can be useful, but asking other scientists to act as judges in a "science court" ruling on the "presumptive validity" of scientific "facts" is potentially subject to abuse.