

PERIODICALS

Reviews of articles from periodicals and specialized journals here and abroad

POLITICS & GOVERNMENT 11	RELIGION & PHILOSOPHY 27
FOREIGN POLICY & DEFENSE 15	SCIENCE & TECHNOLOGY 30
ECONOMICS, LABOR & BUSINESS 19	RESOURCES & ENVIRONMENT 33
SOCIETY 22	ARTS & LETTERS 36
PRESS & TELEVISION 25	OTHER NATIONS 39

POLITICS & GOVERNMENT

Congress versus the President

“Congress Versus the President: The Formulation and Implementation of American Foreign Policy” by John G. Tower, in *Foreign Affairs* (Winter 1981/1982), Reader Services, 58 East 68th St., New York, N.Y. 10021.

Who is chiefly responsible for American foreign policy: The Executive? The Congress? Or are they equal partners?

The issue has bedeviled the Republic since its founding, writes Tower, a Republican Senator from Texas, but the first significant congressional challenge to a President’s conduct of foreign affairs was the Senate’s rejection of Woodrow Wilson’s Versailles Treaty in 1920. For two decades thereafter, the legislature flexed its muscle. Franklin Roosevelt regained the upper hand after Pearl Harbor. His successors managed Cold War diplomacy with “bipartisan support”—often meaning, in effect, acquiescence on the Hill. But, Tower observes, congressional disenchantment with the Vietnam War altered the balance once again.

Since 1970, Congress has enacted more than 150 measures to restrict the President’s authority in such areas as troop deployment, arms sales, foreign aid, and intelligence gathering. Some prohibitions were confined to specific locales: Vietnam, Laos, Cambodia, Angola. Many have been sweeping. The Nelson-Bingham Amendments (beginning in 1974), for example, gave Congress a veto over most arms sales. The bitter and protracted public disputes that ensued between the White House and Capitol Hill—over arms for Turkey, Jordan, Saudi Arabia—raised allies’ doubts as to U.S. reliability, Tower contends.

How, ideally, *should* foreign policy be conducted? The Constitution, writes Tower, provides “no unambiguous guidance.” The document

POLITICS & GOVERNMENT

merely names the President as Commander in Chief and gives the Senate power to declare war and ratify treaties. Yet, Tower notes, a presumption of presidential prerogative has existed since the days of John Jay (writing in *Federalist* 64) and Chief Justice John Marshall. "The President," Marshall stated in 1806, "is the sole organ of the nation's external relations." Congress lacks the necessary staff, information, and instinct for diplomacy. Its 535 members are buffeted continually by parochial political concerns. In 1981, Tower recalls, House Whip Dan Rostenkowski (D-Ill.) admitted to voting against the sale of AWACS planes to Saudi Arabia not on the proposal's merits but because of the political sentiment in his home district.

Domestic policy may benefit from horse-trading, but diplomacy should be made of sterner stuff. Foreign policy is a chess game, Tower concludes dryly, and "chess is not a team sport."

Suburban Victories

"Local Government, Suburban Segregation and Litigation in U.S. Metropolitan Areas" by R. J. Johnston, in *Journal of American Studies* (Aug. 1981), Cambridge University Press, 32 East 57th St., New York, N.Y. 10022.

Since its famous 1954 *Brown v. Board of Education* decision, the Supreme Court has dealt sternly with communities that practice racial discrimination. But Johnston, professor of geography at the University of Sheffield (United Kingdom), argues that the Court has failed to attack laws that allow suburban communities to exclude the poor and, sometimes, even the middle class.

Because suburban communities can incorporate as separate municipalities, they can escape paying the costs of education and other services elsewhere in the area. They are also free to practice "exclusionary zoning," which allows them to set housing standards (minimum lot sizes, limitations on the construction of apartments) so high that all but the affluent are priced out of the market. Thus, the 279 Standard Metropolitan Statistical Areas identified by the Census Bureau in 1977 contained 6,444 separate municipalities, and over half of these had fewer than 2,500 residents. There were 5,220 independent school districts within the 279 metropolitan areas, only 1,213 of which operated 10 or more schools.

In *San Antonio School District v. Rodriguez* (1973), the Court ruled that states did not have to equalize the amount spent per pupil in different school districts. The Court has also refused to restrict suburban zoning powers. In *Warth v. Seldin* (1975), it held that a Rochester, N.Y., suburb could not be sued for zoning rules that effectively excluded the poor, because it was "the economics of the housing market, [not] respondents' assertedly illegal acts," that were at issue.

Johnston notes that individual states have applied some remedies. About half have programs that aim (with mixed success) to equalize