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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

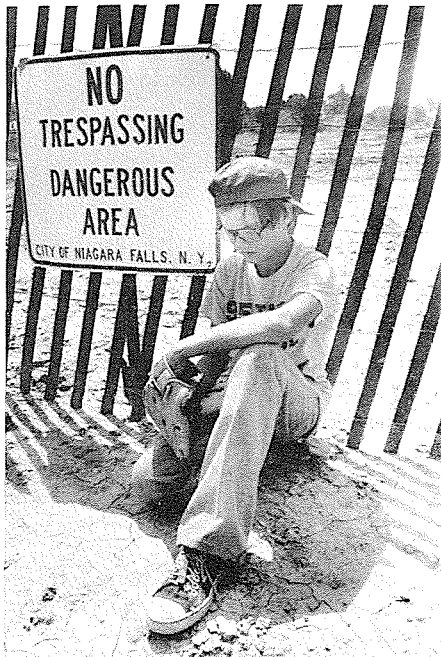
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spending per pupil in their school districts. A few, notably New Jersey, have limited exclusionary zoning power. But state legislatures, in general, are not likely to be aggressive in enacting such changes. The reason: As a result of the Supreme Court's "one man, one vote" decisions during the 1960s, requiring that seats be apportioned according to population, suburban representatives are now in the majority in many of these legislatures.

Rush to Judgment

"The Abuse of Science in Public Policy"
by William R. Havender, in *Journal of Contemporary Studies* (Summer 1981),
Transaction Periodicals Consortium,
Dept. 541, Rutgers-The State University,
New Brunswick, N.J. 08903.

The Food and Drug Administration's attempts to ban nitrites and saccharin, its successful campaigns against cyclamates and herbicide 2,4,5-T, and the 1980 evacuation (on orders from President Jimmy Carter) of 710 families living near a chemical dump in the Love Canal section of Niagara Falls, N.Y.—all have one thing in common. In each case, writes Havender, a biochemist at the University of California,



In all, 82 chemicals were found seeping from the ground near the Love Canal in Niagara Falls, N.Y. Reports of chronic illness, birth defects, and misshapen chromosomes prompted Washington to declare it a federal emergency area, evacuating families in 1978 and 1980. Yet, from the beginning, scientists questioned their colleagues' data.

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