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The New Federalism

By Anthony Lewis

LONDON, March 11—When President Nixon calls for a renewal of American federalism, for dispersal of responsibility from Washington, he is on a theme that should be compelling. Centralized programs have been so disappointing in recent years as cures for poverty and social decay. Diversity and localism, once regarded as backward notions, are once again coming to be seen as essential in a continental country.

Why is it, then, that there is so much skepticism in the response to the President's theme?

One reason is that the general proposition has been linked with claims of particular progress that are manifestly absurd. On the very day when Mr. Nixon claimed that "the hour of crisis" for America's cities had passed, The Sunday Times of London published a grim survey of life in New York. There may have been some exaggeration in its picture of fortress schools, decaying public services, fearsome crime and corruption, but no one could seriously argue that New York's crisis is over.

Such puffery makes a good target for ironic comment. But there are deeper reasons for skepticism about the Nixon Administration's new federalism. They go to matters of character and philosophy.

Consider the great modern prophet of American federalism, Mr. Justice Brandeis. He believed in diversity and smallness for their own sake, thinking that democracy worked better close to home. He regarded size and remoteness and uniformity as enemies of good government.

But Brandeis favored state and local control not only because of his practical doubts that a country the size of the United States could be governed from the center. He also thought it was dangerous to try. Like the framers of the Constitution, he feared concentrated power. For him, federalism was an aspect of freedom.

Brandeis held to his principles even when they were uncomfortable. He welcomed Franklin Roosevelt's Presidency and was friendly with some of Roosevelt's confidants. But when the Supreme Court passed on the National Industrial Recovery Act, with its Federal administrative control of markets, he joined the majority in holding it unconstitutional. The Court found excessive delegation of power to the President and Federal intrusion into local affairs.

The United States today needs principled conservatism of that kind, opposed to centralized power on philosophical grounds. But Nixonism is not it.

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Richard Nixon and those around him are not against the concentration of power in America. They have taken more into their own hands at the White House than any of their predecessors, and it would be laughable to suggest that they intend to give up any of the substance of that power.

Particular proposals for change in urban aid programs may have merit. But to present them as products of a coherent philosophy is another matter. It takes no great cynicism to see that they involve interests politically alien to this Administration—citydwellers, the poor, the black. There are no White House proposals to reduce business subsidies, or end the scandalous tax inequities that are the greatest lever in American society for the concentration of real power—economic power.

True conservatism is of course dedicated to preserving institutions. It values tradition and lives by the rules. There again the Nixon Administration is something else. For it exemplifies the dangerous belief that those in power are entitled to break the rules in order to maintain that power.

That is the significance of the mounting evidence of currupt practice in the last year: the unreported contributions by interests with a stake in the President's re-election, the use of the F.B.I.'s director for political errands, the campaign of sabotage against the Democratic party. That aides to the President of the United States could be involved in such dirty business, as testimony indicates they were, must sicken any true conservative.

To function properly, the American Federal system, with its constitutionally divided powers, requires mutual respect on the part of those in power. It requires moderation. A comment of Learned Hand's is in point.

"What is the spirit of moderation?" Hand asked. "It is the temper which does not press a partisan advantage to its bitter end, which can understand and will respect the other side, which feels a unity between all citizens . . . which recognizes their common fate and their common aspirations—in a word, which has faith in the sacredness of the individual."

How remote those words seem from the spirit emanating from Washington today. What we have now is not federalism, not a philosophy of restraint or moderation. It is opportunism flavored by vengeful partisanship, the spirit of men whose overwhelming concern is power for themselves.