

President Nixon's State of the Union Address was a unique combination of legislative review and personal comeback appeal. The two sections of the speech were interdependent. The President's survey of his past and present legislative recommendations was intended to convey the image of an active, busy, working Chief Executive and thereby lay the basis for Mr. Nixon's emotional concluding appeal for an end to public preoccupation with the Watergate scandals.

On first hearing the President's presentation of his legislative program sounded reasonable and comprehensive in the context of a moderately conservative philosophy. But a reading of the considerably longer written version submitted by Mr. Nixon suggests that the picture of the busy program-minded President is more illusion than substance. Several of the major programs alluded to by Mr. Nixon turn out to be vaporous and almost wholly lacking in specifics.

Both versions of the speech are decked out with applause lines and slogans as if the President were bidding for votes—as in a sense he was—rather than reporting soberly on the State of the Union. Thus, last year's farm law is described as one "which places production decisions where they belong—with farmers, not with the Government." The new health program is characterized as one that "will require doctors to work for their patients, not for the Federal Government." Such meaningless verbal trimmings have no place in a message presumably addressed to legislators familiar with the complexity of agricultural and health problems.

There is a striking discrepancy in tone and emphasis between the speech and the written message when Mr. Nixon deals with the economy. To the television audience, he boldly said: "There will be no recession in the United States of America."

But in the written message, he states candidly: "We have known for some time that a slowdown in economic growth is inevitable in 1974. . . . We expect that during the early part of this year output will rise little if at all, unemployment will rise somewhat and inflation will be high."

In place of the bold pledge of "no recession," the President in his written message offers the cautious assurance: "Should there appear to be a serious threat of a severe slowdown, then we will act promptly and vigorously to support the economy."

In his talk, the President tried to make inflation's bite seem less harsh than it really is by choosing his statistics with care. Thus, he observed that in the past five years the average American's real spendable income has increased by 16 per cent. This submerges the more relevant fact that in 1973 spendable income declined by 3 per cent.

• Forgetting Watergate

The critical question is whether Mr. Nixon succeeded in persuading Congress and the nation that Watergate should be laid to rest in order "for all of us to join together in devoting our full energies to these great issues that I have discussed tonight."

Despite the applause, predominantly from the Republican members of Congress and from well-wishers in the galleries, Mr. Nixon is hardly likely to have been so persuasive. The grim facts of Watergate are too menacing and inescapable.

"One year of Watergate is enough," he declared. This exhortation would make sense if he were referring to popular preoccupation with some natural disaster over which he had no control. But Watergate is a shorthand expression for a series of crimes committed by Mr. Nixon's associates, in Mr. Nixon's interest and—in the opinion of many Americans—with Mr. Nixon's knowledge and at his discretion. Under a government of law, only the special prosecutor, the grand juries, and the courts—not the President—can determine who is guilty

of these crimes.

It is fair enough for Mr. Nixon to serve notice that he had no intention of "walking away from the job that the people elected me to do." But that is not the relevant issue. Under the Constitution, only the House and Senate can determine whether he has violated his oath of office and requires removal through impeachment.

As so often in previous stages of the still developing Watergate controversy, Mr. Nixon misjudges the scope of his authority when he asserts that he will cooperate with the House Judiciary Committee only to the extent "that I consider consistent with my responsibilities for the office of the Presidency." Under the Constitution, he has no alternative except to cooperate fully with an impeachment inquiry. It is useless talk of priority for other "great issues" or of protecting the President's power to make unspecified "great decisions." The Constitution recognizes no issue greater than determining the integrity of the Presidential office.

• Transit Short-Changed

President Nixon's proposal for a six-year urban transportation program that will provide increasing Federal assistance for mass transit gives encouraging support to the nation's neglected public transportation systems. But funding provisions in the President's plan apparently will fall far short of the expectations and needs of such hard-pressed cities as New York. They will also fall short of the commitment to mass transportation that environmental and energy considerations demand.

Despite that inadequacy, New Yorkers will welcome the President's turnabout on operating subsidies, which the Administration had long resisted. The amount the State of New York seems likely to get for underwriting transit operating deficits will be, at most, only about half the \$200 million in Federal assistance that state ~~and local~~ officials have repeatedly said is necessary to save the city's 35-cent subway fare. City Hall can no

longer afford to postpone a determined search for additional sources of local transit support, if a fare increase is to be averted.

Of greater long-run concern to this and other cities is the inadequacy of the President's commitment to over-all mass transportation assistance, most of which quite properly is directed toward capital improvements. If the automobile-riding public is to be lured back to public transportation, to curb congestion and pollution and save fuel, major investments will have to be made in New York and throughout the nation in new and improved facilities and equipment. Yet Mr. Nixon's program, as described so far by Federal transportation officials, offers only modest increases in the \$2-billion over-all urban transportation program that has been developed over the past few years.

Although the President is moving in the right direction, Congress will have to move farther and faster in order to put this country's commuters back on the rails and buses where they belong.

• Defense of Privacy

Ironic as it may seem for the creator of the White House "plumbers" to lead a crusade in defense of individual privacy, the President's strong plea for controls on electronic surveillance and other invasions of privacy deserves a constructive response from both his own executive branch and Congress.

There are two aspects of this increasingly pervasive problem. The more immediate concerns the activities of the Federal Government itself, with its awesome facilities for electronic eavesdropping and comprehensive record-keeping. The five years of this Administration have seen a frightening increase in the bugging of officials in their homes and offices. Ranking officials have spied on their closest associates and on private citizens with Kafkaesque abandon.

Guidelines to curb such excesses at all levels of Government have become a matter of urgency, but even the best drawn guidelines will be meaningless if an expansive definition of "national security" keeps open a gaping door for the destruction of individual rights.

More subtle and difficult to regulate is the potential invasion of privacy created by the widening network of computerized databanks, both governmental and private. Some principles of controlling data collections have already been defined in privately sponsored studies. One is the need for a positive demonstration of why certain information is collected, how long it can be appropriately stored, and for what purpose such data is to be used. Another is the necessity of fullest possible access by any individual to his own files, and the opportunity to correct any errors which—as every charge account customer knows too well—computers can make. Finally, there should be clear restrictions on the sharing of information among different databanks; a central file indexed by a person's Social Security number may seem attractive from the point of efficiency, but not if it would open extensive personal data to any casual inquiry. It is past time for effective curbs on Big Brother.

• New Try on Welfare

By all odds the most imaginative social initiative of the Nixon Administration was the President's 1969 proposal to put a floor under family income as a means of moving away from the "colossal failure" of the public welfare system.

That proposal, assigned top priority on the original Nixon list of "must" legislation, died in 1972 under a crossfire of conservative and liberal attack. A major element in its demise was that the President himself walked away from the plan as it became obvious that there was little political plus in doing anything innovative about bringing the millions on welfare back into the mainstream of American life.

Mr. Nixon's State of the Union Message provided a welcome indication that he recognizes the need for a new national effort now to remake a system that is as destructive of the people it is supposedly designed to help as it is irksome to the taxpayers who find it bankrupting their communities.

The over-all cost of public assistance has more than doubled since Mr. Nixon first advanced his Family Assistance Plan. The outlay from Federal, state and local treasuries was \$10.6 billion a year then; it was \$22.7 billion last year. The mushroom growth in the number of people receiving aid has been halted in recent months by tighter administration and more stringent work requirements, but the total is still more than 3 million above the 11-million figure of mid-1969. The harshest toll of all remains the human misery this debilitating system inflicts on its "beneficiaries."

Though the President provides no specifics on what he would put in place of this morass, the guidelines in his message point in the direction of a negative income tax—one that would assure every family of a guaranteed annual income in cash and that would provide incentives for self-support. The practicality of that approach has been indicated by the recently published results of a three-year experiment conducted by the Office of Economic Opportunity among the working poor in five New Jersey and Pennsylvania cities.

Regrettably, no spirit of urgency attends the President's call for a fresh look at welfare reform. All he asks is that Congress debate the issue this year. Nevertheless, strong hope persists that Mr. Nixon will come forward this spring with a concrete plan even bolder than the innovative one he has advanced five years ago. It is time for a new try—and for action.

Additional comment will appear tomorrow on the President's programs for health insurance, the economy and foreign affairs.