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Rights Commission Hits Nixon Integration Plank

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statement that his Administration intends to carry out the Supreme Court's mandate of an immediate end to legally sanctioned segregation.

"The problems of racial isolation in the nation's schools cannot be resolved solely through cautious adherence to a narrow construction of existing case law," the report said.

The commission was especially critical of Mr. Nixon's contention that "local leaders" in Los Angeles estimated that the Feb. 11 court decision in the city's school desegregation case would cost $40 million in bussing over the next year.

Called 'Unrealistic'

That estimate, the commission said, was presented by defendants to argue against the feasibility of desegregating the city's school system and was rejected by the court "as unrealistic."

"In Los Angeles, as in other cities, substantial desegregation can be accomplished through relatively simple devices such as alteration of existing school attendance areas, school pairing, and the establishment of central schools," the commission said.

"To be sure, transportation is necessary in giant urban centers as it is in smaller cities, but here, too, it is false and defeatist to assume that the bus rides must be lengthy or that the education of our children will be disrupt-"

bipartisan commis- ded by the Rev. Theodore M. Hesburgh, president of the University of Notre Dame, was created by Congress in 1957 to advise the executive and legislative branches and the general public on civil rights matters.

The commission said the experience and information it has gathered over the years on school desegregation provided "a sound basis for analysis and comment" on the President's statement.

Last September, the commission unanimously rebuked the Administration for making an apparent "major retreat in the struggle to achieve meaningful school desegregation."

In its latest report, the commission disputed the sharp distinction the President drew in his statement between segregation that is de jure—rooted in law or official actions of school boards and other governmental bodies—and that which is de facto—resulting solely from neighborhood housing patterns.

'Crucial Thrust'

Mr. Nixon said there is a positive duty to end de-jure segregation, but that school authorities are not constitutionally required to take positive steps against de-facto segregation.

The distinction "tends to blunt what many think is a crucial thrust" of the Supreme Court's 1954 decision that held public school segregation to be unconstitutional, the commission said.

"The court expressly recognized the inherent inequality of all segregation noting only that the sanction of law gave it greater impact," the commission said.

The distinction is important because school officials in Northern cities and many urban centers of the South as well believe that they can defend against any efforts in desegregation by insisting that their racial separation results entirely from housing patterns.

Citing its own investigation in the North and the South, the commission said it found that in many cases school segregation appearing to result solely from accidental housing patterns "turns out, upon closer examination, to result in large part from decisions by school and other public officials."

Even where school segregation reflects housing patterns "with no apparent complicity of school officials," the commission said, all levels of government invariably are heavily implicated.

As examples it cited the lingering effects of racial zoning ordinances, restrictive covenants, federal housing urban renewal and highway programs that have created and perpetuated separation of the races.

"There is probably little legal substance to the concept of de-facto school segregation," the report said. "The government has a moral as well as legal responsibility to undo the segregation as it has helped to create and maintain.

"There is no statute of limitations by which government in its many forms can be exonerated from its past misdeeds or relieved of its current obligations," the commission said.

The commission recommended that sufficient resources be given the Justice Department and the Health, Education and Welfare Department to pinpoint those cases of de-facto segregation that are actually the result of government action and then to correct the situation.

The report urged the President to make a clear policy statement detailing what the government would do to enforce desegregation. It said Mr. Nixon was "largely silent" on enforcement, except to note that he would be guided by local discretion and reliance on good faith of local school administrators.

"On the basis of the experience of the past 16 years, the commission believes that neither is adequate assurance," the report said.

The commission also questioned Mr. Nixon's emphasis on maintaining neighborhood schools and his statement that depending on schools to carry out desegregation was asking too much of them.

The commission said "inconsistency and hypocrisy all too often surround the lip service paid to the neighborhood school principle."

Larger school units frequently produce economies that can then result in broader curriculum and better equipment, the commission said.

"Adherence to the neighborhood school principle under current conditions not only tends to interfere with efforts of desegregation but also has little bearing on efforts to improve the quality of education and in some cases may even thwart those efforts, the report said.

CARMICHAEL

Nixon School Plan Hit By Rights Unit

WASHINGTON (AP) — The U.S. Commission on Civil Rights criticized President Nixon's school desegregation policy statement yesterday, saying it stirred emotions and might signal "a major departure from the policy of moving toward integrated schools."

In a 27-page statement, the commission, headed by the Rev. Theodore M. Hesburgh of Notre Dame University, avoided any personal attack on Mr. Nixon but analyzed critically the President's March 24 policy message.

It found fault with all of Mr. Nixon's major stands, including his distinction between legal and residential segregation, his support for the neighborhood-school concept and his opposition to busing pupils to achieve racial balance.

The bipartisan agency said the "categorical distinction" between de jure, or legally compelled, and de facto, or accidentally imposed, segregation may be virtually nonexistent.

CITES EXAMPLE

For example, the commission said, practically all racial housing patterns throughout the country can be traced to official actions by state, local and federal government and, therefore, cannot be considered as purely de facto.

The agency cited zoning ordinances, building-inspection standards and public-housing programs as ways in which official actions excluded minority group members from some neighborhoods.

Attacking Mr. Nixon's opposition to busing, the commission suggested the President contributed to a general misunderstanding about the issue.

"The plain fact is that every day of every school year 18 million pupils — 40 per cent of the nation's public school children — are bused to and from school. . . ," the commission said.

[illegible] in the South for decades, [illegible] "black and white children [illegible] bused as much as 50 miles or more each day to assure perfect racial segregation."

EXCLUSIVE PRIVILEGE

"In many cases, busing was the exclusive privilege of white children — black children often were required to walk considerable distances. No complaints then were heard from whites of any harmful effects."

The commission rejected Mr. Nixon's endorsement of neighborhood schools, questioning whether that principle "should be one of the cornerstones upon which national educational policy rests."

It said "a good deal of inconsistency and hypocrisy" surrounds "the lip service paid to the neighborhood school principle."

The commission said many communities "have recognized the problem of school segregation and have determined to eliminate it on their own" by "devising imaginative and successful plans not only for achieving physical desegregation but also for assuring quality education for all children."

Rights Commission Hits Nixon Plank

BY RONALD J. OSTROW
Times Staff Writer

WASHINGTON—The U.S. Civil Rights Commission Saturday disputed key planks of President Nixon's school desegregation statement and urged the federal government to take a much more active role in encouraging integration.

The commission said it feared that Mr. Nixon's statement might unintentionally signal "a major departure" from the movement toward school integration.

Marking the second major criticism by the independent commission of the Nixon Administration's civil rights policies, the report amounted to a rebuttal and questioning of the heart of the President's March 24 statement.

The commission in its unanimous report questioned the President's emphasis on maintaining neighborhood schools, challenged the distinction he drew between de-facto and de-jure segregation and urged Mr. Nixon to clarify his policy further.

"Much more" is necessary, the commission said, than Mr. Nixon's

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