

The New York Times

Published every day by The New York Times Company

ADOLPH S. OCHS, *Publisher 1896-1935*

ARTHUR HAYS SULZBERGER, *Publisher 1935-1962*

ORVILLE E. DRYFOOS, *Publisher 1961-1968*



AUG 24 1970

'White Magic'

President Nixon and Attorney General Mitchell continue their wary policy of keeping within the letter of the law on civil rights while vigorously semaphoring the white South that all will be well. Every gesture to the black community is balanced by a gesture to segregationist opinion. The Administration, in the words of Whitney Young of the National Urban League, "has been consistent for its inconsistency. It's what I call white magic, you know, now you see it, now you don't."

On the symbolic level, the National Park Service has made a gesture by permitting the National Economic Growth and Reconstruction Organization (NEGRO) to develop Ellis Island during the next five years. In itself, the decision is inconsistent with the Federal Government's refusal to turn over Alcatraz Island to the Indians who are claiming it.

As against this decision in favor of NEGRO, President Nixon has approved the appointment of J. Fred Buzhardt, a former aide to Senator Strom Thurmond, as general counsel of the Defense Department. Because of the thousands of Negro servicemen and the many defense installations in the South, the general counsel's post is a sensitive one on civil rights issues. Can Negro servicemen and their families rely on Senator Thurmond's protégé to defend their right to unsegregated housing, schools and recreation?

On school desegregation, the Administration's thinking can perhaps be described as murky. Randolph W. Thrower, the Commissioner of Internal Revenue, has withdrawn eleven white private schools in Mississippi from the list of those eligible to receive tax-deductible contributions. But their exclusion from the list comes about only because they would not certify to the I.R.S. that they would be unsegregated. Mr. Thrower has told a Senate committee that if any school publicly declares that it accepts minority students, the I.R.S. accepts that declaration at face value and grants the school tax-deductible status. Since these schools were founded

solely for the purpose of evading racial integration, Senator Mondale and his colleagues are understandably mystified as to why the I.R.S. does not investigate the facts behind such declarations.

Attorney General Mitchell meanwhile genially assures everyone that court-ordered desegregation will be accomplished with relatively little trouble this fall but admonishes the Supreme Court not to "tear up the pea patch" by ordering busing to achieve racial balance. Voters below the Mason-Dixon Line will doubtless enjoy the Attorney General's use of a rural Southern metaphor to convey his meaning, but whether the Supreme Court will appreciate this gratuitous advice can be doubted.

On the job front, the Administration has announced its first enforcement action against a private contractor for failing to train and employ Negroes while carrying out a federally financed construction job. This move is welcome in an industry where many elements have been scandalously racist. But one contract cancelled does not equal vigorous enforcement.

Many Federal agencies, moreover, are looking the other way when it comes to promoting equal opportunity in their programs. The Civil Rights Commission, chaired by Father Theodore Hesburgh, has just completed three days of hearings in Baltimore; it picked that community as a typical Eastern metropolis where the inner city is being choked black in the face by the white noose of racially exclusive suburbs. The commission learned that the Federal Home Loan Bank Board, the Federal Housing Administration, the Federal Highway Administration and the Justice Department have done little or nothing to open up housing and jobs there.

No one expects racial integration to be accomplished overnight. But the nation's commitment to equality is morally inescapable and clearly set forth in law. That commitment cannot be honored when Administration officials appear more interested in practicing political white magic than in tackling the hard problems of enforcement and leadership.