

# U.S. RIGHTS PANEL FINDS BREAKDOWN IN ENFORCEMENT

Hesburgh Says Nation 'Is on  
a Collision Course' Unless  
Government Gets Strict

## WARNS ON CREDIBILITY

Commission, in Report, Calls  
for Leadership by Nixon in  
Behalf of Racial Justice

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Excerpts from civil rights  
report are on Page 28.

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Special to The New York Times

WASHINGTON, Oct. 12—

The United States Commission on Civil Rights said today that there had been a "major breakdown" in enforcement of the vast complex of Federal laws and executive orders against racial discrimination.

The finding, as stated by the Rev. Theodore M. Hesburgh, commission chairman, was based on a six-month study of the executive departments and agencies charged with enforcing the body of civil rights law.

"The credibility of the Government's total civil rights effort has been seriously undermined," said Father Hesburgh as he held aloft at a news conference a 1,115-page report entitled "The Federal Civil Rights Enforcement Effort."

"Unless we get serious about this, the country is on a collision course," he said.

### Action for President

The commission urged President Nixon to exercise "courageous moral leadership" in behalf of racial justice and to set up in the White House committees to oversee the enforcement of civil rights laws.

Father Hesburgh indicated, in response to questions, that the White House had sought to delay release of the report until after the November elections. But the commission did not consider it a political document and went ahead with its plans, he said.

The enforcement failure, he said, "did not originate in the current Administration, nor was there any substantial period in the past when civil rights enforcement was at a uniformly high level of effectiveness."

A spokesman for the White House said the reason for seeking a delay was not concern about any effect it might have on the elections but, rather, the belief that the report would be better received by conservatives within the Administration if presented outside the context of political contest.

The commission is an independent agency set up in 1957 with authority to make studies and recommendations to Congress and the President. Father Hesburgh, president of the University of Notre Dame, served on the commission under the Eisenhower, Kennedy and Johnson Administrations. He said that all had had conspicuous failings in civil rights.

The report released today was one of the commission's

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## Rights Panel Finds Enforcement Lag

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most ambitious undertakings. While the findings came as no surprise, they pointed out one of the most troubling aspects of modern government—the seeming inability of the Federal bureaucracy to put national policy into effect.

Father Hesburgh said that during the last 15 years an impressive volume of law was enacted in education, employment, housing, voting, administration of justice and use of public accommodations usually in response to domestic conflict or crisis.

"Each civil rights law that has been passed, each executive order that has been issued, and each court decision favorable to the cause of civil rights has been viewed as another step along the road to full equality for all Americans," he said.

"But perhaps what has been lost sight of is that these legal mandates in and of themselves cannot bring about a truly open society, that they must be implemented—and it is at this point that we have found a major breakdown."

### No 'Over-All Direction'

Some of the laws have worked—notably voting rights, public accommodations and school and hospital integration—in a number of areas, the report said. But these were found to be exceptions. The commission said there was a Government-wide failure in en-

forcement in such areas as employment, housing, use of Government grants and services.

The commission did not seek to blame any agency or official but said the most serious flaw was "a failure to provide overall coordination and direction to the entire Federal civil rights enforcement effort."

Only one halting effort has been made in this direction, the commission said. In 1965, after passage of the Omnibus Civil Rights Act of 1964, President Johnson set up the President's Council on Equal Opportunity under Vice President Humphrey.

But after only a few months in operation, when the council's efforts began stirring up opposition in the agencies and departments, President Johnson suddenly disbanded it and gave the coordinating role to the Attorney General. This function has never been effective in the Justice Department, the commission said.

### Other Criticisms

For example, the main civil rights weapon is Title VI of the 1964 act, which gives the Government authority to cut off funds to any source that fosters discrimination. Coordinating Title VI enforcement, the commission said, has become "increasingly peripheral" to the work of the department, whose main function is filing lawsuits.

In the absence of pressures from the White House, the commission said, the depart-

ments and agencies have inadequate staffs for civil rights, the top leaders are unconcerned with enforcement and those who are assigned to enforcement are given inferior positions with little contact with those at the top.

The commission said that the tendency of most agencies had been to view civil rights enforcement as an impediment to their major function. For example, it said, no Federal contract has been canceled for failure to end discrimination, even though the authority to do so has existed for several years.

Now, the commission said, the recent reorganization of the White House offers a "unique opportunity" for bringing the "kind of systematic coordination and direction" that is needed.

The commission urged the President to establish a permanent civil rights subcommittee in the Cabinet-level Council on Domestic Affairs to oversee enforcement and to establish a Division of Civil Rights in the new Office of Management and Budget to work with the council and provide direction for budget examiners. Father Hesburgh said he was particularly hopeful on this last point because of the commitment of George P. Shultz, director of the office, to the civil rights cause.

There was no immediate comment from the White House.