

Busing Controversy

Nixon in Conflict With Civil Servants, And Integration Effort Is in Confusion

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WASHINGTON, Aug. 14—The latest controversy over school desegregation points up a basic conflict between a political leader (President Nixon) who is intent on standing by his antibusing promises and civil servants who feel that, if they are to carry out the intent of the Supreme Court, they have no choice but to use busing. As a result, the entire desegregation process has been thrown into a new state of confusion on the eve of another round of integration in the South; officials in the Department of Health, Education and Welfare are angry and perplexed; and scores of desegregation plans that had been considered final are now up in the air.

Busing Upheld by Court

Until last spring it was not clear how much busing could be employed to carry out the intent of the Supreme Court. But in the case of Charlotte, N.C., the Court upheld the extensive use of busing to bring about total integration. It said that busing could continue to be used as one of a number of ways to achieve integration unless "the time or the distance is so great as to risk either the health of the children or significantly impinge on the educational process."

Officials of the Department of Health, Education and Welfare, noting that the President had emphasized that he would abide by the law, continued to draw up plans for the courts and for executive enforcement that contained additional use of busing.

In some situations, they noted that, after using other techniques, such as pairing of attendance zones and consolidation of schools, they were still left with substantial numbers of all-black schools, a situation that the Court had said would constitute a presumption that discrimination existed.

Purged By White House

Only busing, or letting the pupils provide their own transportation, could remedy this, they said.

At this point, according to the view of these officials, the department is hardly stacked with zealous activists. The White House, some sources said, purged the activists in a series of dismissals and resignations earlier in the Nixon term. The departmental people pointed out that Attorney General John N. Mitchell himself, as well as the Secretary of Health, Education and Welfare, Elliot L. Richardson, had approved the busing plan for Austin, Tex., that precipitated the President's directive Aug. 4 against busing and his proposal to forbid expressly the use of emergency desegregation funds.

The view from the White House, of course, was entirely

different. Mr. Nixon, in his 1968 campaign and later in a white paper on desegregation, came out strongly against extensive busing to achieve racial balance.

When the departmental plans began to come out after the Supreme Court decision, the White House started feeling political pressures. Republican state chairmen from the Southern states met in Denver recently and privately warned the President that the integration issue was destroying his Southern base.

Prodded by Wallace

After the President's statement in the Austin case, Gov. George C. Wallace of Alabama urged Mr. Nixon to take further steps against busing. The White House press secretary, Ronald L. Ziegler, then made the statement that any official not responsive to the Nixon policy would be reassigned or dismissed.

At this point, White House officials are understandably touchy about the entire matter. But it is the White House view that the Supreme Court left enough leeway on the busing issue to support the President's position, and that Mr. Nixon was rightfully angry that the departmental people were proceeding against his wishes.

Further, the White House rejects, without saying why, the argument that Mr. Nixon could have disciplined the bureaucracy in private rather than in public.

It is acknowledged, however, that the White House did not miss the significance of a Gallup Poll showing that a good majority of Americans opposed busing to achieve integration, and of a 351-to-36 vote in the House demanding figures from the Department of Health, Education and Welfare showing the extent of busing related to desegregation.

Calls His Record Good

Mr. Nixon, it is said, believes that racial barriers have fallen almost everywhere, that he has a good record on desegregation and that his approach to the issue will achieve more racial equality in the long run.

No one at the Department of Health, Education and Welfare would speculate today as to how the developments might effect the rate of desegregation this fall. The courts will continue to have much to say about the extent of integration and of busing.

The President's statements, however, have brought demands from the South for new plans involving less busing. And it is known that, if the President's instructions are carried out to the letter, there will be more all-white and more all-black schools than there would have been under the course the department was following.