

# Hesburgh Is Pessimistic On Civil Rights Outlook

NYTimes FEB 24 1973

By PAUL DELANEY  
Special to The New York Times

SOUTH BEND, Ind.—After 15 years on the United States Civil Rights Commission, the Rev. Theodore M. Hesburgh has come back full-time as president of the University of Notre Dame, his once-high hopes for equality for minorities turned to pessimism.

The 55-year-old priest insists he is not bitter about his dismissal from the commission by President Nixon.

But he is severely critical of the Administration's civil rights performance, as he has been for some time even though elevated to the chairmanship by Mr. Nixon four years ago, and he is saddened by what he perceives as the nation's fading commitment to the principle of equality.

"I would hate to be poor and in a minority in America today," said "Father Ted," as he is called by students, friends and admirers, leaning back in his leather chair and unwrapping a long, elegant cigar.

"I have no sour grapes, I'm not bitter, it's all over and done," he went on. "I don't fault the President. If he wanted another chairman, that's O.K., he was entirely within his rights."

He paused, then added, his voice cracking slightly: "But he shouldn't tell someone to get off the commission."

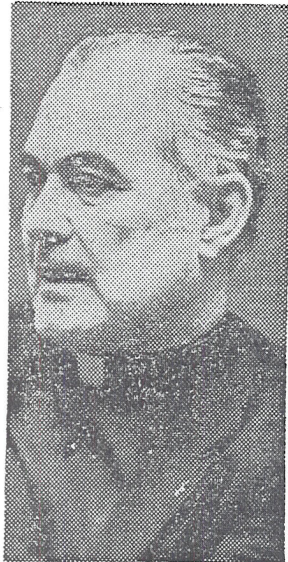
## An Eisenhower Appointee

Father Hesburgh's career on the Civil Rights Commission began in 1957 with an appointment by President Eisenhower. It ended last November when the "pro forma" resignation he had submitted along with some 2,000 other top officials was, unlike most of theirs, accepted.

There was so little warning that at the very moment that Father Hesburgh was pushing for strong civil rights laws at a meeting in the old Executive Office Building with Casper Weinberger, then director of the Office of Management and Budget L. Ronald Ziegler, Mr. Nixon's press secretary, was reporting next door at the White House that he was leaving at his own request.

Mr. Ziegler backed down the next day after Father Hesburgh had protested that he was not, in fact, leaving voluntarily. Indeed, he and the other commissioners had thought at first that as members of an independent body they would not be included in the President's mass-resignation call.

But soon, Father Hesburgh said, the office of Frederick V. Malek, a White House aide, ordered them to com-



United Press International  
Rev. Theodore M. Hesburgh

ply. And as it turned out, Father Hesburgh was not only the first official in the newly re-elected Administration to be dismissed—but the only one on the Civil Rights Commission.

His years on the commission, Father Hesburgh recollects, were marked by periods of national indifference, then surging confidence and progress, then frustration and disillusionment accompanied, in recent years, by mounting commission criticism of the Administration's civil rights activity.

The commission, which issues periodic assessments of civil rights progress but has no policing authority, charged in 1970 that the Federal Government was not adequately enforcing civil rights laws. Last year, in a report that was released only two weeks ago, the commission said it had found no significant improvement.

"To come back and say nothing had been done after two years is a terrible indictment of the Federal Government," Father Hesburgh said. "The Government should be firmly concerned about the rights of the poor and the powerless. The only hope for them is the Federal Government."

The graying, stocky educator, who looks as if he could play blocking back on one of his school's football teams, fingered his cigar and listened to the percussive finale of a Beethoven symphony being piped softly into his spacious old office.

The Nixon civil rights policies, he said, were "bothersome."

## 'I See No Hopeful Signs'

"I see no hopeful signs in the Administration for poor and minorities, not in program cuts, not in budget cuts," he continued. "It's O.K. for them not to like the multiplicity of programs for the poor. Some of them haven't worked. But the corollary is what is the Administration going to do that's better. That's a legitimate question and the answer has not yet been provided."

The Administration, he said, has not only failed to provide moral leadership by appealing to the "better instincts" of Americans in such fields as school and housing integration, it has also abandoned its strongest weapon against those who do not comply with civil rights law—the cutoff of funds.

He believes, too, that the Office of Management and Budget should require all Federal agencies to file a civil rights progress report along with their annual budget requests.

Father Hesburgh intends to remain active in the civil rights field. He plans to establish a civil rights center at the Notre Dame Law School, with perhaps a major conference and lecture series scheduled each year.

And he is also devoting time to the Overseas Development Council, a Washington-based organization meant to develop lasting relationships between the United States and the poor countries of the world.

## 'Conscience of Government'

Meanwhile, he said, the Civil Rights Commission should continue to be "the conscience of the Government."

"The people around the President, with the exception of Leonard Garment [special consultant to the President on civil rights] just don't realize that they can't fault the commission for doing its job," he said.

"The day the commission doesn't say anything unpleasant in Congress and the President, it ought to go out of business."

"The Administration would be well-advised to get the best people it can find regardless of political parties to work on these problems."

"I can understand the Administration being touchy about loyalty, all Presidents are. But the others merely expressed their disagreement with the commission without getting rid of commissioners."

"After the commissioners said the Federal Government should cut off funds to states that violated civil rights, President Kennedy called a press conference and said he didn't have such authority and didn't want it."

"The next year, President Johnson wanted it and he got it. But nobody talked about firing anybody."