

NIXON DISAVOWS H.E.W. PROPOSAL ON SCHOOL BUSING

Bids 2 Members of Cabinet
Work With Local Districts
to Minimize Pupil Travel

OPPOSITION IS RESTATED

Steps Mark Major Change
From Previous Position
on High Court Ruling

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Text of President's statement
is printed on Page 15.

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WASHINGTON, Aug. 3 —

President Nixon disavowed today his Administration's plan for extensive crosstown busing to desegregate the public school system in Austin, Tex., and reasserted his strong opposition to busing as a means of achieving racial balance.

The resident directed Attorney General John N. Mitchell and the Secretary of Health, Education and Welfare, Elliot L. Richardson, to "work with individual school districts to hold busing to the minimum required by law" as school systems in the South seek to adjust to a Supreme Court ruling upholding the use of busing to desegregate schools.

Mr. Nixon instructed Mr. Richardson to submit to Congress an amendment to the proposed Emergency School Assistance Act "that will expressly prohibit" using any of the acts \$1.5-billion to acquire buses. The bill is intended to help schools that are desegregating.

A Major Change

The actions signaled a major change by the White House from its earlier interpretation of the Supreme Court's April 20 ruling on busing.

The Court declared, over the opposition of the Justice Department, that busing was proper unless "the time or distance is so great as to risk either the health of the children or significantly impinge on the educational process."

In its first school desegregation proposal after the Supreme Court ruling, the Department of Health, Education and Welfare recommended on May 14 that a Federal District Court in Austin approve "extensive" busing to achieve a city-wide mixture of the Negro and Mexican-American minorities with the white Anglo majority.

At that time, J. Stanley Pottinger, director of the Office of Civil Rights, said that the plan was clearly "the first indication" of the Government's interpretation of the Supreme Court ruling.

Federal District Judge Jack Roberts rejected the Govern-

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ment plan on July 19 in favor of the Austin school board's proposal to create centers for fine arts, social sciences, avocations and science and to bus elementary school pupils to them for periodic "cultural" experiences.

In a statement issued late today by the White House, the President said that the Justice Department would appeal Judge Roberts's ruling "on limited constitutional grounds."

Mr. Nixon said the Attorney General had advised him that he "must appeal" the Austin school board's plan for periodic interracial experiences "because that decision is inconsistent" with the Supreme Court ruling.

But the President's statement added:

"The Justice Department is not appealing to impose the H.E.W. plan. In the process of the appeal, the Justice Department will disavow that plan on behalf of the Government."

Gerald L. Warren, deputy White House press secretary, said he was sure that Mr. Richardson concurred in the disavowal.

Mr. Richardson was not available for comment. He left on a month-long vacation this afternoon.

Opposition Is Voiced

Mr. Nixon, who pledged in his 1968 campaign for the Presidency to do all he could to prevent the forced busing of pupils, said that he "would also like to restate my posi-

tion as it relates to busing." He declared:

"I am against busing as that term is commonly used in school desegregation cases. I have consistently opposed the busing of our nation's schoolchildren to achieve a racial balance, and I am opposed to the busing of children simply for the sake of busing.

"Further, while the executive branch will continue to enforce the orders of the Court, including court-ordered busing, I have instructed the Attorney General and the Secretary of Health, Education and Welfare that they are to work with individual school districts to hold busing to the minimum required by law."

The President's statement appeared to be a reply, in part, to a resolution adopted yesterday, 351 to 36, in the House of Representatives. It directed Mr. Richardson to furnish Congress with information on the extent of busing supported by his department.

Mr. Richardson sent a letter

this afternoon to Speaker Carl Albert, saying that the vote yesterday "may reflect a fundamental misunderstanding" of his department's programs. He said that there was "no program administered by this department either designed or used to support, promote or require the busing of schoolchildren to achieve racial balance."

The Secretary recalled in the letter a statement of opposition to busing by Mr. Nixon on March 24, before the Supreme Court ruling.

Mr. Richardson attached to his letter a copy of the proposed amendment to the emergency act. It states, "No funds appropriated pursuant to this act may be used to acquire or pay for the use of equipment for the purpose of transporting children to or from any school or otherwise to pay any part of the cost of any such transportation."

Statement On Busing

WASHINGTON, Aug. 3
(UPI)—Following is the text
of President Nixon's statement today on the busing of
schoolchildren:

The Justice Department is today announcing the Government's decision to take an appeal on limited constitutional grounds in the case of the United States v. Austin Independent School District, involving school desegregation.

The Attorney General advises me that he must appeal the district court's decision that the school board's plan to bus children periodically for interracial experiences eliminates the dual school system, because that decision is inconsistent with recent rulings of the United States Supreme Court. The Justice Department is not appealing to impose the H.E.W. plan. In the process of the appeal, the Justice Department will disavow that plan on behalf of the Government.

I would also like to restate my position as it relates to busing. I am against busing as that term is commonly used in school desegregation cases. I have consistently opposed the busing of our nation's schoolchildren to achieve a racial balance, and I am opposed to the busing of children simply for the sake of busing. Further, while the executive branch will continue to enforce the orders of the Court, including court-ordered busing, I have instructed the Attorney General and the Secretary of Health, Education and Welfare that they are to work with individual school districts to hold busing to the minimum required by law.

Finally, I have today instructed the Secretary of Health, Education and Welfare to draft and submit today to the Congress an amendment to the proposed emergency school assistance act that will expressly prohibit expenditure of any of those funds for busing.