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PRESIDENT SEEKS PERMANENT CURB ON SCHOOL BUSING

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Message to Congress Urges
Moratorium Pending the
Passage of Restraints

WOULD LIMIT THE COURT

Proposals Exceed Scope of
TV Speech to Nation—
Enactment Is Likely

By JOHN HERBERS

Special to The New York Times

WASHINGTON, March 17—
President Nixon asked Congress
today to place a moratorium
on all court orders that would
require busing to achieve school
desegregation and to enact dur-
ing the moratorium legislation
that would place permanent re-
straints on the use of busing
by the courts and the executive
branch. His proposal, thus,
went much further than he in-

Excerpts from the Nixon
message are on Page 14.

dictated in a special address to
the nation last night.

Last night, President Nixon
said he would propose a mora-
torium on busing, but he did
not hint that he would also ask
Congress to prescribe standards
for desegregation that would
put new limits on busing.

The moratorium would last
until July 1, 1973, or until Con-
gress enacted legislation that
would establish a uniform
standard for assigning students
under integration orders.

In a long message that in-
cluded two antibusing bills
drafted in the White House,
Mr. Nixon, in effect, asked
Congress to place limits on the
Supreme Court's jurisdiction in
the 18-year-old school deseg-
regation effort and to prescribe
by legislation steps to be taken
in remedying the denial of
equal educational opportunity
under the 14th Amendment.

Standards for desegregation
proposed by Mr. Nixon in his
legislation include assigning
students to the schools nearest
their homes when practical;

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permitting each student, on re-
quest, to transfer from a school
where he is among a racial
majority to another school
where he would be in a mi-
nority; revising attendance
zones and building new schools.

Addition busing could not be
required for kindergarten and
the first eight grades. Busing
could be prescribed for grades
9 through 12, but only as a last
resort.

A school board that has been
under a court-ordered desegre-
gation plan could reopen the
case and go back into court for
a new plan that would comply
with the legislation. Whether
this would permit a rollback
in hundreds of districts in the
South that have achieved a
great amount of integration
was a subject open to dispute.

The legislation submitted by
Mr. Nixon was believed to have
a good chance of passage in
Congress, particularly the bill
he entitled the Student Trans-
portation Moratorium Act of
1972.

The House recently enacted
strong antibusing legislation,
including a moratorium, and
the Senate came within one
vote of placing strong perma-
nent restraints on the authority
of the courts to order busing,
and this was done without the
Administration's support.

Further, a number of the
legislative proposals submitted
by the President are similar to
P.U. "The Supreme Court"

The Supreme Court, since its
landmark decision 1954 declar-
ing segregation by official
policy unconstitutional, has
been deciding both what con-
stitutes denial of educational
opportunity and the board
means of correcting it.

Process Would Change

Under the President's pro-
posals, that process would be
fundamentally changed, with
Congress assuming the chief
burden of deciding how equal
opportunity for millions of
minority children is to be
achieved.

Further, if Congress enacts
the full legislative package sub-
mitted by the President, the
desegregation process that has
been proceeding under court
orders will be slowed consid-
erably, assuming that the Su-
preme Court upholds the legis-
lation.

Like previous long documents
from Mr. Nixon on civil rights
subjects, the Presidential mes-
sage and the explanations by
Cabinet members left some con-
fusion as to what the precise
practical effect would be.

There was agreement, how-
ever, that massive busing or-
ders of the kind seen last year
in San Francisco, Nashville,
Flint, Mich., and other cities
would probably cease. The
Richmond decision, now on ap-
peal, and others like it combin-
ing central city and suburban
school districts would also be
turned back.

At the same time, Acting
Attorney Richard G. Kleindienst
announced that the Justice De-
partment would intervene im-
mediately in a number of pend-
ing desegregation cases in an
attempt to turn back extensive
busing. The cases include Rich-
mond, where a district court
has ordered the merger of sub-
urban and central city school
districts, and Denver, which is
before the Supreme Court on

appeal of an order that calls
for extensive busing.

There was disagreement as
to whether the Nixon legisla-
tion would roll back desegre-
gation that has already been
achieved. Mr. Nixon and his
advisers contended that it
would not, while civil rights
leaders and organizations such
as Americans for Democratic
Action charged that it would
constitute a "return to sep-
arate but equal with no hope
of actual equality."

Also in contention was the
constitutionality of the entire
package. Attorney General
legislative package. Attorney
General Richard G. Kleindienst
said in a White House briefing
that the Cabinet committee
that has been at work for
weeks on the subject consult-
ed constitutional authori-
ties and there was "no
legitimate doubt whatsoever"
that Congress had the power
to restrain the Court under Ar-
ticle 3 of the Constitution and
prescribe desegregation stand-
ards under Section 5 of the
14th Amendment.

Mr. Kleindienst agreed how-
ever, there was no recent prece-
dent from the Court itself on
the matter.

Conferred With Leaders

President Nixon, shortly be-
fore submitting his 8,000 word
message, conferred with Con-
gressional leaders. John D. Ehr-
lichman, assistant to the Presi-
dent for domestic affairs, said
some of the leaders inquired
as to what Mr. Nixon would
do if the Supreme Court should
hold the legislation unconstitu-
tional.

Mr. Ehrlichman, said Mr.
Nixon replied that in that event
a Constitutional Amendment
would be the "only alterna-
tive." But in his message, Mr.
Nixon said such an amendment
would have "a serious flaw—
it would have no impact this
year, it would not come into
effect until after the long pro-
cess of ratification by three
fourths of the state legis-
latures."