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Good News and Bad

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IN THE NATION

By TOM WICKER

WASHINGTON, June 24—The good news is that President Nixon has signed the Higher Education Bill, with its aid for colleges and universities and its mild restraints on pupil busing. The bad news is that he is still threatening to campaign in the fall for a constitutional amendment prohibiting busing.

Signing the bill brought the President down on the right side of what he had termed "a close call" at his news conference this week. Scarcely anyone had disputed the need for massive higher education assistance, either to the hard-pressed institutions themselves or to students. The antibusing provisions, added to the bill in the heat of last winter's political eruption of that issue, caused the trouble.

Not that these provisions were too stringent — although some liberals and blacks thought so and urged the bill's defeat. Mr. Nixon thought they were too weak, said so in his news conference, repeated the message in signing the bill and clearly kept the issue open for fanning this fall.

To many others, including most of those who framed the antibusing provisions, they seem to be the lesser of the available evils — a middle way between the total moratorium on busing proposed by Mr. Nixon and the defeat of the Higher Education Bill if no antibusing language at all had been added.

Mr. Nixon accurately pointed out the crux of the matter at his news conference. He said his own proposal for a moratorium would have prevented the recent order to desegregate Detroit schools by the use of extensive busing while the legislation he now has signed will mean only that the Detroit order cannot be put into effect until all appeals to higher courts have been exhausted. This may seem to be unnecessary delay to those who regard busing as a legitimate means of desegregation but, from their point of view, surely it is preferable to a Congressional mandate to the courts not to order busing at all — a mandate as dubious constitutionally as it would be socially.

Mr. Nixon is leaving no doubt about his political intentions. He conceded at his news conference that it was "somewhat doubtful" his own antibusing legislation would pass Congress, and if not, "then the only recourse left is for a constitutional amendment, and I will move in that direction." His top aide on domestic legislation, John Ehrlichman, added that the outlook for the Nixon legislation was not "hopeful" and that without it the President "will go to the people" for a constitutional amendment.

No doubt this is scare talk, designed both to egg Congress on and to maintain Mr. Nixon in the public eye as an antibusing champion. He and Mr. Ehrlichman know that a constitutional amendment would be difficult to write, harder to get through Congress and a dangerous and heavy-handed remedy for a temporary problem and could not be enacted for years, thus failing to deal with the immediate crisis the President thinks he sees.

But it is dangerous scare talk. The more the President, who so nearly sets the tone of discussion on public issues, exploits antibusing sentiment for political profit, the more enflamed that sentiment becomes, and the more it generates pressures on politicians at all levels to respond, however unwisely. Mr. Nixon is helping to fan a fire that could consume far more than his political opposition.

Moreover, this is a time when the President's influence could be particularly helpful. Just as the perils of busing have been vastly exaggerated, the educational benefits of school desegregation also appear to have been overstated—at least so far as statistics can show. Mr. Nixon ought therefore to be leading the country toward some reasonable middle course, not further down the path of fear and division.