

U.S. Rights Advisers Will Resign For Nixon After Refusing Johnson

NYTimes

By JOHN HERBERS

NOV 17 1972

Special to The New York Times

WASHINGTON, Nov. 16 — Members of the Civil Rights Commission, reversing a stand taken in 1964, have agreed to tender their resignations to President Nixon.

There was disagreement today as to whether the six commissioners were included in Mr. Nixon's request for the resignations of some 2,000 high Government officials to give him a free hand at the start of his second term.

The White House said the Civil Rights commissioners were not included in the order.

But commission staff members said the White House had sought the resignations, and in South Bend, Ind., the Rev. Theodore Hesburgh, commission chairman and president of the University of Notre Dame, said he was submitting his resignation today.

Father Hesburgh said that during a commission meeting here a few days ago, the White House, through an aide, had sent word that President Nixon wanted the resignation of the commission members. Tendering his resignation, he said, "was not important, but what President Nixon does about it is."

The Civil Rights Commission is an independent agency that over the years has been critical of executive branch enforcement of civil rights laws.

In 1964, when President Johnson asked for the resignation of the commissioners as

Continued on Page 22, Column 4

Continued From Page 1, Col. 3

part of his own effort to reshape the Administration in preparation for a new term, Erwin N. Griswold, then a commission member and now President Nixon's Solicitor General, entered a strong objection.

In a memorandum to his colleagues on Nov. 23, 1964, Mr. Griswold said that to comply with the resignation request "would be an acknowledgement that we are not an independent agency, but are merely a part of the Presidential staff, holding office at the pleasure of the President. I do not think that is either the legal or factual situation."

Ziegler Comments

Commission sources said that at least some of the commis-

sioners agreed with Mr. Griswold at that time and did not comply with the Johnson request.

Ronald L. Ziegler, White House press secretary, said that the commissioners were not included in Mr. Nixon's resignation request, but that it did apply to John A. Buggs, the commission staff director who is a Presidential appointee.

"There are no plans to gut the commission," Mr. Ziegler said, but he left the impression that the Hesburgh resignation would be accepted. He said that Father Hesburgh had said before the election that he would resign should Mr. Nixon win a second term.

Mr. Ziegler apparently referred to a remark Father Hesburgh was reported to have made on Oct. 28, 1971, that he could "not survive if the President is re-elected—either by his wishes or my own."

4 Presidents Criticized

The commission was created by the Civil Rights Act of 1957 to conduct research and monitor the rights policies of other Government agencies. The six members are appointed by the President for an indefinite period with the advice and consent of the Senate.

It has freely criticized the civil rights performances of Presidents Eisenhower, Kenne-

dy, Johnson and Nixon and is currently at work on a report of recent actions by the executive branch. Father Hesburgh has severely condemned the Nixon legislative proposals and policies against busing of school-children to achieve desegregation.

Some members were reported to feel that submission of resignations under a new President was a routine matter that they would not oppose.

Mitchell Is Critical

Maurice B. Mitchell, chancellor of the University of Denver; Robert B. Rankin, a former professor at Duke University, and Mrs. Frankie Freeman, a St. Louis lawyer, were reported to be preparing resignations, along with Father Hesburgh.

At a commission hearing on the rights of Indians in New Mexico, Mr. Mitchell said, "The President never consulted or saw the commission in the four years he has been in office. There has been much less contact with this commission led by the President than any President since the commission was formed."



The New York Times

Rev. Theodore M. Hesburgh