

# SCHOOL INTEGRATION 'AT ONCE' IS ORDERED BY SUPREME COURT; NIXON BID FOR DELAY REJECTED

## FIRST BURGER CASE

'All Deliberate Speed'  
Decision Voided in  
Mississippi Action

Text of the Supreme Court's  
opinion is on Page 34.

By WARREN WEAVER Jr.  
Special to The New York Times

WASHINGTON, Oct. 29—The Supreme Court ruled unanimously today that school districts must end segregation "at once" and operate integrated systems "now and hereafter."

The decision will unquestionably apply to Southern states where dual educational systems exist. The initial reaction of most legal authorities in the civil rights area was that it would not affect de facto segregation in Northern cities.

The Court replaced its 14-year-old decision that school desegregation should proceed with "all deliberate speed" with a new and much more rigorous standard: immediate compliance.

The effect of today's decision is to write a legal end to the period during which courts have entertained various excuses for failure to integrate Southern schools. Its basic message was integrate now, litigate later.

The decision was a stinging setback for the Nixon Administration. The Justice Department had argued less than a week ago that delays were permissible in requiring integration in some districts and that providing a continuing education should take precedence over enforcing social justice.

### View Rejected

The Court rejected this view unanimously in a two-page unsigned opinion.

The Court, which had heard the case on an expedited basis, released its decree in printed form as soon as it could be prepared rather than wait until Monday, its customary decision day.

It was the first major decision handed down by the Court with Warren E. Burger sitting as Chief Justice. He is President Nixon's first appointee to the Court, a man chosen to help restore a measure of conservative balance to the tribunal.

The ruling specifically affected 33 school districts in Mississippi, but its broad language will be a precedent for all pending Court cases involving school segregation and in all future suits that may be filed.

In the Mississippi cases, the Supreme Court held, all requests for additional time to present desegregation plans should have been denied "because continued operation of segregated schools under a standard of allowing 'all deliberate speed' for desegregation."

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tion is no longer constitutionally permissible."

"Under explicit holdings of this Court," the opinion continued, "the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools."

The Court specified directly that any exceptions to an integration plan sought by local school officials would be considered only after the plan had been put into effect, while it was operating.

When the disputed Mississippi school districts are operating on an integrated basis under an order that the United States Court of Appeals must now issue, the opinion said, a Federal District Court "may hear and consider objections thereto, provided, however, that the Court of Appeals' order shall be complied with in all respects while the District Court considers such objections or amendments."

The Supreme Court ordered an end to school segregation in 1954 in *Brown v. Board*, a case involving challenges in several states. Its establishment of the "all deliberate speed" standard came in an implementing decision a year later.

At the Justice Department, a spokesman said that the Supreme Court's action "now places the cases before the United States Court of Appeals for the Fifth Circuit, and the Department of Justice will await the Fifth Circuit determination."

In fact, the Fifth Circuit has no legal choice but to follow the Supreme Court order. The statement was apparently intended to give Attorney General

John N. Mitchell time to draft some responsive comment.

The decision was applauded by the organization that had brought the Mississippi suits in behalf of 14 Negro children, the N.A.A.C.P. Legal Defense and Educational Fund, Inc.

"Now that the Court has accepted the principle which we urged of no further delays and that integration should exist during litigation, we are going to press for such relief in all pending school cases," Jack Greenberg, director of the fund, said.

The decision for immediate school integration appeared to place all eight Justices of the Supreme Court within President Nixon's definition of an "extreme group."

At his last general news conference on Sept. 26 the President replied to a question about delaying school segregation with this statement:

"It seems to me that there are two extreme groups. There are those who want instant integration and those who want segregation forever. I believe that we need to have a middle course between these two extremes. That is the course on which we are embarked. I think it is correct."

## Political Strategy Seen

The Nixon Administration's decision to permit the Mississippi school districts to delay filing their integration plans had been regarded by critics of the President as further evidence that he had adopted a political strategy of favoring the South, to encourage Republican gains there in the elections of 1970 and 1972.

Such charges have emphasized that Attorney General Mitchell, who favored permit-

ting delays in school integration, was Mr. Nixon's campaign manager in 1968 and has continued as one of his closest political advisers.

Today's decision raised officially the question of how integration plans could be enforced, one that Nixon Administration spokesmen had raised speculatively over a month ago.

At the Morristown, N. J., airport, where President Nixon was making a campaign speech, for Representative William T. Cahill, who is seeking the governorship of New Jersey, Ronald L. Ziegler, the White House press secretary, was asked about the ruling. "We may have a comment on it tomorrow," he replied, "but we haven't seen the decision or had the time to study it. So there will be no comment tonight."

Assistant Attorney General Jerris Leonard, head of the Justice Department's Civil Rights Division, had said that "there are just not enough bodies and people" in the division to enforce a decision for immediate integration.

"If the Court were to order instant integration," he said on Sept. 29, "nothing would change. Somebody would have to enforce that order."

Under today's decision, these steps were required by the Court for the Mississippi cases:

¶The Court of Appeals for the Fifth Circuit, which had authorized delay last August, must now issue an order that all the 33 school districts "may no longer operate a dual school system based on race or color and directing that they began immediately to operate as unitary school systems within which no person is to be effectively excluded from any school because of race or color."

¶The Court of Appeals may order the schools to accept all or part of integration plans prepared by the Department of Health, Education and Welfare. The Court may modify the plan, as long as the result is "a totally unitary school system for all eligible pupils without regard to race or color."

¶The Court of Appeals should take these steps "without further arguments or submissions."

¶While the schools are being operated on an integrated basis, requests for changes may be submitted to a Federal district court and cannot go into effect without approval by the Court of Appeals as well.

The Supreme Court also ordered that the Court of Appeals remain responsible for "prompt and faithful compliance with its order," which it may change as "necessary or desirable for the operation of a unitary school system."