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N E W S C O N F E R E N C E

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AT THE WHITE HOUSE

WITH RON NESSEN

AT 11:44 A.M. EDT

MAY 19, 1976

WEDNESDAY

MR. NESSEN: Let me go over the schedule of a couple of things.

Q Is there anything new on the schedule?

MR. NESSEN: Well, there might be.

Q We have seen the schedule. We would like to just have the new stuff so we can get to our questions.

MR. NESSEN: For instance, I don't know whether the meeting with Rog Morton, Stu Spencer and Dick Cheney -- is that on the schedule?

Q What about it?

MR. NESSEN: I am telling you about it now.

Q Who?

MR. NESSEN: Spencer, Cheney and the President. The President meets about twice a week with his political advisers and one of them normally, right after the weekly primaries. That is what this is all about.

Q We should have been told about this.

MR. NESSEN: It is just here on today's version of the schedule. The days' schedules do change.

Other than that, I think the schedule remains pretty much as you have seen it.

Q Can you tell us anything about the meeting?

MR. NESSEN: No, we never talk about the political strategy meetings.

Q What about the National Security Council?

MR. NESSEN: No.

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Q Would you describe it as routine?

MR. NESSEN: Yes, it is one of the one or two times a week meetings the President has.

Q Did they applaud?

MR. NESSEN: I don't think so.

Q What time did it start?

MR. NESSEN: 11:10.

Q Ron, are we going to see the President today?

MR. NESSEN: I would think there would be an opportunity this afternoon to see the President.

Q For what sort of opportunity?

MR. NESSEN: As far as I remember, every Wednesday the President has managed to appear somehow in your midst, and I think he will today.

Q Do you mean a press conference?

MR. NESSEN: No, not a full-fledged one.

Q Just a friendly encounter?

MR. NESSEN: I think there will be a chance to talk to him.

Q When?

MR. NESSEN: I would be back from lunch at around 2:20.

Q Where will this materialize?

MR. NESSEN: Don't you like surprises?

Q No.

MR. NESSEN: I think there will be an opportunity to talk to the President today.

Q Around 2:30 this afternoon?

MR. NESSEN: Somewhere in that area.

Q After Golda Meir?

MR. NESSEN: I am not going to spell it all out for you.

Q Why do you have to be so secret about this?

MR. NESSEN: There is nothing more to tell. I said I think there will be an opportunity to see and talk to the President today.

Q Hasn't it been determined that after he meets with Golda Meir he will come out and talk to us?

MR. NESSEN: I think that is all I am going to say about it.

For the events this evening, I think you know about Mount Vernon. The President and Mrs. Ford are going to go down there to join President and Madam Giscard for the first performance of a sound and light program called The Father of Liberty. This is a gift from the French nation to the American people for the Bicentennial.

The program will be held on the large lawn west of the mansion, called the Bowling Green. There will be a presentation ceremony beginning at 9:00. The two Presidents will participate in that and then there will be the sound and light program, which takes 47 minutes. The sound and light program sort of gives the outline of the life and times of George Washington.

Q Is this something that the public will be able to see after it is unveiled?

MR. NESSEN: Right. Every evening, weather permitting, during the Bicentennial year, this sound and light show will be performed at the same place.

At the conclusion of the 47-minute program, the Presidents and their wives will attend a reception for invited guests in the mansion and on the grounds. There will be open coverage of the presentation ceremony, so you can get there on your own for that, and also open coverage of the sound and light program. Because it would disrupt the program itself, there should not be any flashbulbs or TV lights turned on during the program.

If you are going to cover the event, your cameras and sound equipment should be in place by 7:00 p.m. We will take a travel pool from here. If you are going down there for the open coverage, your White House, Congressional or Metropolitan Police pass will get you in.

The reception part of it -- that is, after the presentation and after the program -- will be covered by a writing pool.

Q How is he going to go down?

MR. NESSEN: He is going down in the car.

Q Is this open to the public?

MR. NESSEN: 600 invited guests tonight, but starting tomorrow it is a regular --

Q Will there be any setup for telephone filing from there?

MR. NESSEN: No, there won't be special phones. They have pay phones there.

Q Will the French President and Mrs. Giscard go down with him?

MR. NESSEN: No, I think they will be there to receive him. It is possible, though, they may ride together in the same motorcade.

I can give you a few details on the weekend trip, if you would like to hear it.

Q Yes.

MR. NESSEN: It looks to me like the President will leave the White House on Saturday around 9 o'clock. It is not firm yet, but roughly in the 9 o'clock area in the morning. The press would be leaving, say, an hour or so earlier than that.

The first stop will be Medford, Oregon. The President will address a public rally in Medford, Oregon.

Q What time is that?

MR. NESSEN: I don't have any times on this, Ralph, or precise locations, either.

Then, from Medford, the President will fly on to Portland and in Portland will address the World Affairs Council on Saturday evening.

I understand the deadline problems, and we will try to have that speech -- if all went wonderfully well, we would get it Friday night, embargoed for Saturday at 6:00 p.m. Eastern Time, but the next best plan would be to have it early Saturday morning before you go, and then the next best plan would be to have it on the plane.

Q It is a nighttime speech?

MR. NESSEN: Yes, nighttime, Portland time.

Q What about the Medford speech? Would you expect we would have that the next morning?

MR. NESSEN: I wouldn't expect that would be an advance text.

Then, the overnight is in Portland.

Q Is this a major foreign policy address?

MR. NESSEN: I never characterize them, Helen.

Q It has been characterized in other places.

MR. NESSEN: I don't know who has. It is a speech on foreign policy to the --

Q Is it a campaign speech?

MR. NESSEN: It is a speech on foreign policy.

Q As opposed to a campaign speech?

MR. NESSEN: I don't understand your question, Ann.

Q I was asking if it was a campaign speech. I assume this is a campaign trip.

MR. NESSEN: It is a foreign policy speech. I don't know exactly what a campaign speech means to the World Affairs Council. (Laughter)

You know, standing out to a rally in Medford, Oregon, yes, it is a campaign speech. This is a speech on foreign affairs to the World Affairs Council of Portland --

Q Ron, will all of this trip, including the speech that night, be charged to the political costs?

MR. NESSEN: Yes, the same rule we followed since January -- if one stop is political, it is all political.

The overnight is in Portland, unfortunately not at the Benson, as far as I can find out.

Q We just want to be where the President is.

MR. NESSEN: Sunday -- moving right along to Sunday, the President will deliver a commencement address at Warner Pacific College in Portland.

Q Is that hyphenated, Ron, do you know?

MR. NESSEN: No, it isn't, on my copy.

Q What is Warner Pacific? I lived out on the West Coast and haven't heard of it.

MR. NESSEN: It is a college but I don't have any details of it.

In the afternoon, the President will go to Pendleton, Oregon, for another public rally. Then, I guess, after that, we go on down to California.

Q Pendleton first?

MR. NESSEN: Yes. Pendleton, Oregon, and then a Bicentennial event at Mission Viejo.

Q Will he see President Nixon?

MR. NESSEN: No plans to.

Q Do you have any general idea what time he will be going to California?

MR. NESSEN: This isn't put together that tightly yet, Lou, that we can give times.

In the evening, the President will speak at Leisure World, a senior citizens community in Laguna Hills, and overnight in Anaheim.

Q Is that where we will stay, at the Disneyland Hotel?

MR. NESSEN: The press may stay at the Disneyland Hotel.

Q We want to stay wherever the President stays.

MR. NESSEN: On Monday, the President will speak before the California Peace Officers Convention in Anaheim. In the afternoon, we will be in San Diego. I don't have any events.

Q Where in Anaheim?

MR. NESSEN: I don't have the location yet, Trudy. I think it is probably at that convention. I don't know. It is in Anaheim, at the Peace Officers Convention.

Then, on to San Diego. I don't have the events to give you in San Diego yet.

Monday night we overnight in Los Angeles. I think it is the Hyatt.

Tuesday is still being worked on. It will be in California in the Los Angeles area, certainly, and perhaps in the San Francisco area, and then come back here, arriving in the early hours of Wednesday morning.

Q What happened to Nevada?

MR. NESSEN: It is still being worked on and I don't have any details.

Q Is there a stop there?

MR. NESSEN: Possibly, but it hasn't been worked out.

Q Would that be on Tuesday?

MR. NESSEN: It is still being worked on. I don't know whether we are going or when.

Q Is that the only campaign trip he will make to California before the primary?

MR. NESSEN: I don't have anything beyond this trip.

Q Do you have the last engagement on Tuesday and the time on that?

MR. NESSEN: No, because Tuesday is still being worked on.

Q Are you saying he might not go to Nevada?

MR. NESSEN: It is still being worked on.

Q You told us the other day he definitely was going.

MR. NESSEN: The Nevada stop, if there is one, is still being worked on.

Q Then it is not definite he is going there?

MR. NESSEN: There is a lot of the trip that is not locked up yet.

Q If he goes to Nevada, would that be Wednesday or on Tuesday?

MR. NESSEN: He will not extend the trip into Wednesday.

Q What time did the President go to bed, what time did he wake up, and what has he done all day?

Q One other thing on the trip, first, on the public rallies. Any Q and A's in any of those?

MR. NESSEN: I don't think they have been locked up that firmly yet as to format.

Q When will he go to San Diego?

MR. NESSEN: The advance team is out there and phoning back as things get locked up, and we will give you that as we get it.

Q I just want to establish, can we say he plans to be in Nevada?

MR. NESSEN: I don't have anything firm to give you on Nevada, Dick.

Q You did the other day. Should we then say that he is now reconsidering plans to go to Nevada?

MR. NESSEN: You can say it if you would like to, Dick, but the fact is that I don't have anything to give you on Nevada.

Q Let's put it this way: An earlier schedule the White House had sort of had the President in and out of Nevada and California. You had him going over to Nevada and then coming back for the San Diego part of it, and things like that. Is that now true?

MR. NESSEN: The Nevada stop is still being worked on and I don't have anything to give you.

Q Might it be on Monday, as the earlier schedule had it?

MR. NESSEN: Jim, I don't have anything to give you on a Nevada stop. I can't tell you when and where if I don't have anything to give you.

Q Are there any indications it has been wiped out?

MR. NESSEN: Helen, I don't have anything to give you on a Nevada stop.

Q The fact is, he might not go to Nevada?

MR. NESSEN: I don't have anything to give you on Nevada.

Q Can you tell us how the President feels about California as a possible primary State in which he might win?

MR. NESSEN: I don't know. You will have to ask the PFC what the outlook is on that kind of thing. I don't have anything on it.

Q Ron, can you confirm that the President had a meeting with the entire White House staff this morning?

MR. NESSEN: He asked the staff to come over to the State Dining Room, and they did.

Q What time was that?

MR. NESSEN: It was around 9:30.

Q Were you there? Can you tell us what he said?

MR. NESSEN: It was just to thank them for their hard work and that was about it -- to thank them for their hard work --

Q How many people were there?

MR. NESSEN: -- and their loyalty and team work and so forth.

I would guess there were between 200 and 300.

Q How long did he talk to them?

MR. NESSEN: From 9:35 to 9:40 -- five minutes.

Q This doesn't mean the White House staff is involved in the political campaign, does it?

MR. NESSEN: Oh, no, not at all.

Helen asked about a little chronology of events. The pool gave you a report on the President at the French Embassy. Before he went over there, some of the TV networks had already given a report of what their surveys of people coming out of the polls had found and so he had that information. Then, during the evening a couple of times there were results relayed by phone to Terry O'Donnell, who sent a card or note up to the President.

The pool gave you a report on the President coming back here and talking briefly to the pool outside, and then he went up to the Residence. Mrs. Ford was there, Dick Cheney, Terry O'Donnell, Bob Barrett and myself.

I think it was about 11:45 because we watched about half of the TV analyses, which was over at 12:00. Then he placed some phone calls to his headquarters in Michigan and in Maryland. Then he called a few other personal friends, including Senator Griffin and Bill McLaughlin --

Q Milliken?

MR. NESSEN: He couldn't get Milliken. He was in a car between stops and he couldn't reach him.

Also, he called Pete Secchia, Steve Ford called from California, and Red Cavaney, the advance man out in California.

Q Is Steve working for the President in California, to your knowledge?

MR. NESSEN: He is going to school, I think, and living on a ranch. I think he is going to come up and visit his father this weekend.

Q What is the school?

MR. NESSEN: California Poly Tech.

Q In San Luis Obispo?

MR. NESSEN: I think it is in Laguna, but I am not sure.

That went on until about 12:45 or 1 o'clock, and then the President and Mrs. Ford went to bed.

Then, this morning was the regularly scheduled meeting with staff; then, this 9:30 meeting with the whole staff; and the 11 o'clock meeting with Rog and Stu, and back on the regular schedule.

Q Was Attorney General Levi over here this morning, Ron?

MR. NESSEN: Levi was here to attend a meeting on the status of antitrust legislation.

Q Did they discuss the Boston case at all?

MR. NESSEN: Not in the course of that meeting. In the course of walking over to the staff meeting I was telling you about -- actually, the President interrupted the meeting on antitrust legislation to walk over to the State Dining Room and give his little message and come back and resume the meeting.

Ed Levi walked over with him to the State Dining Room. In the course of walking over there the President said to him, roughly, paraphrasing, if after you have concluded your consideration of whether Boston is the case, if you want to come in and tell me of your conclusion, I would be happy to see you.

That was about the extent of their conversation.

Q Can you give us anything on the antitrust legislation itself?

MR. NESSEN: Not really. I am not that much of an expert on antitrust. There is a bill before the Senate Judiciary Committee. It is supposed to come to the floor this week. That is in the Senate side. On the House side, there are three separate pieces of legislation being considered. So, it is just a review of the status of the legislation.

Q What are the President's views on the Boston busing case? Would he like to see that court ruling reversed?

MR. NESSEN: This is a matter being left entirely to the Attorney General as to whether that is the proper case on which to ask the court to take another look at busing as a remedy.

Q Just some more basic stuff. Did Levi answer him when he passed this information on to him?

MR. NESSEN: Levi indicated he had not made his decision on whether Boston was the case.

Q And did he say when he was going to do it?

MR. NESSEN: He did not, no.

Q Ron, by your giving us a paraphrasing of the President's remarks to Mr. Levi, you are indicating to us, are you now, that the President is very interested in this case? Is that the thrust of your remarks?

MR. NESSEN: I wouldn't say this case, Phil. This is a suggestion that the President made to Levi, as you know, last November, suggesting that Levi find a case that would give an opportunity that might be proper and appropriate to ask the Supreme Court to take a new, fresh look at busing and whether it is the best remedy and the most equitable remedy.

Levi, as I understand it, ever since last November, has been looking for such a case.

Q Does the President think Mr. Levi is moving too slowly on it, Ron?

MR. NESSEN: I don't think he has an opinion about that, Lou. You know periodically Levi and Phil Buchen have talked about it, and Levi has given him a kind of running report on how he is coming. I know he looked very strongly at one particular case earlier in the year.

Q Which was that? Was that Louisville?

MR. NESSEN: No.

Q What was it?

MR. NESSEN: Pasadena.

Bork twice has publicly laid out the fact this was underway. Once in February of 1976, when Bork filed a brief with the Supreme Court in the Pasadena case, he said, "The concern about transporting school children to accomplish desegregation is a legitimate one that may call for further attention of the court in an appropriate case."

So, he sort of signaled last February that the Justice Department was looking for a case.

Then in April, in oral arguments before the court, again in the Pasadena case, the Solicitor General said, "The United States thinks in an appropriate case -- and some appear to be on their way to this court -- the proper scope of initial remedy in such a case as this should be re-examined."

So, Bork and Levi have indicated publicly that they are looking for such a case in response to the President's suggestion.

Q Ron, this all took place in the last couple of months. When did November get into it?

MR. NESSEN: This was the initial time that the President suggested to Levi that he look for an appropriate case.

Q I thought there were suggestions or recommendations made and the President sent them back in the last month or so, like in February.

MR. NESSEN: As you know, the President asked both Levi and Mathews to make some recommendations on alternatives to busing, and they did come up with an initial list and he sent them back and they have periodically discussed with both the President and the Domestic Council some ideas, but they haven't come up with any recommendations and he hasn't made any final decisions.

But, it was last November that he initially suggested to Levi that he look for a case.

Q How did he do that?

MR. NESSEN: In the course of a meeting that he was having on the busing matter.

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Q Was he called for specifically that reason? Did the President call him over here specifically to propose that they find a case?

MR. NESSEN: No. Let me check. No, he didn't call him over here specifically to tell him that, but what the purpose of the meeting was, I don't know.

Q Did you announce at the time or did the subject or the fact come out in any way from here that this had been done? I frankly don't remember and I am just trying to find out.

MR. NESSEN: I don't recall that there was any public announcement of that, but there wouldn't be one, I don't think.

Q What I am trying to get clear is the chronology as far as the White House is concerned. Yesterday you used the phrase several times, "As I have said before, the President is opposed to busing," and we all know that. That has been brought out. But prior to the time you were asked about this on Monday, when you were asked if the Attorney General was going to intervene in the Boston case, had you ever told us about these instructions to Levi to find a case and intervene, whether that telling us was in November or whenever it was, had you ever told us that?

MR. NESSEN: I don't recall that I, from this particular podium, have indicated that the President had given that instruction. As I say, Bork has at least twice publicly in appearances before the courts indicated that the Justice Department was looking for such a case.

Q Can you recall now, after the passage of several months, why it was you didn't tell us about this in November?

MR. NESSEN: I am not sure it ever came up, Jim.

Q I assume it didn't come up in the briefing, if we didn't know about it.

Q Ron, on February 21 in an interview we had with the President, we asked him about these half dozen remedies and he said at the time he didn't want to discuss it. So, was there a political decision taken to keep the lid on this until Levi found his case?

MR. NESSEN: I don't think there was any political decision made. I don't know. The matter just never came up, and I don't think it would be a matter for public announcement of the President giving a direction to one of his Cabinet members.

The meeting of last November 20 was on the schedule, Larry points out to me, at 2:00 in the afternoon. It should be on the public schedule, a meeting between Levi, Mathews and the President. I would have to look at my transcript of the 20th of November. I am sure we must have described it as a meeting at which the President asked for or discussed his ideas for finding alternative remedies to busing.

Q My earlier question was, was that meeting called specifically for that reason to propose to the Attorney General that he look for a case?

MR. NESSEN: I would have to check my transcript, Tom, but I feel sure it must have been described as a meeting at which the President asked Levi and Mathews to go back and bring in ideas for alternate remedies to busing.

Q I am struck, too, by the curious progression of the President's role in this just between Monday of this week and now, today. Monday we were given the clear impression --

MR. NESSEN: I am not sure what "curious progression" is.

Q Monday, the deliberate impression you gave us, according to my notes and according to my memory, was that the President really had no role in this discussion or in the decision-making process that was going on over at the Justice Department.

MR. NESSEN: That is correct. That was perhaps the impression you got Monday, and it certainly is the impression you should get today, that the President gave the overall policy direction to Levi last November to find a case that was appropriate and proper to raise with the court the entire matter of busing being the correct remedy.

Since then, and to this day and hour, it has been up to Levi to determine if there is such a proper and appropriate case and, if so, to raise it with the courts. That is the impression I meant to give because that is the President's role in this; that is, to give a policy direction and then leave it up to the Attorney General to find the proper and appropriate case, if there is one.

Q Ron, what would the elements be in a proper and appropriate case?

MR. NESSEN: You need to ask Ed Levi.

Q Since he gave that direction in November and he jogs Levi about it today, it sounds like he doesn't think they are getting the job done.

MR. NESSEN: No, I think I mentioned earlier that the Attorney General and Phil Buchen have been in touch periodically over the months as the Attorney General has been looking over cases.

As I mentioned earlier, there was at one point serious consideration given to the Pasadena case; by the Attorney General, not by the White House.

Q Does the fact we are getting the President's views or participation in this today--for what may or may not be the first time, but in some detail--have any connection with the fact there is an important primary in Kentucky next week and busing is a very hot issue in Louisville?

MR. NESSEN: You couldn't resist.

The reason this came out, it seems to me -- the answer to your question is no. To go beyond that a little bit --

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Q No connection?

MR. NESSEN: That is correct. I mean, the direction was given last November, as I say.

Q I understand.

MR. NESSEN: My understanding of why this has come up now is that I got a question the other day -- what day was it, Monday -- about was Ed Levi going to intervene in the busing case. I didn't know very many details at that time. I gave what I could. I checked around and I had more details yesterday, and I checked further and had more details today, but it was not something the White House initiated -- it was something I have been pulling together in response to press queries, if my memory of the whole thing is correct.

Q Ron, as Dave points out, when the President was interviewed for the Boston Globe interview, he didn't want to get into what the course was. What has changed that now he is willing to participate in this way and obviously to have you come out here and make the statements? Has there been anything that has changed his willingness to do that?

MR. NESSEN: Lou, I don't agree with your description of what has happened. The President, since last November right up to this minute, has played no role in the selection of a proper case, if there is a proper case. He gave a policy direction last November.

In response to press questions beginning Monday, I have attempted to find out as many details as I can, which I have presented to you as I found them out. But, the President has no role in selecting the case, if there is a case, and I have not come out here and attempted to volunteer or dump this story on you. I have done it in response to questions which began on Monday.

Q If I can follow-up, up until this week, if that question was put even to the President, let alone to his spokesman, he didn't want to discuss this.

MR. NESSEN: Discuss what?

Q He didn't want to discuss what the White House role was going to be in trying to get an alternative to busing.

MR. NESSEN: But there is not a White House role in selecting a case to have the Court look at. You know the role the White House has played in asking Levi and Mathews to come up with some recommendations.

Q Can we ask the question this way, Ron: Why is it that you are willing to discuss now the policy directive that the President gave in November when you were not willing to discuss that policy directive in November and the President was not willing to discuss it in February?

MR. NESSEN: Well, for one thing, back in November, Larry points out to me, at my briefing on November 22 I was asked about this meeting that appears on the schedule of November 20, "What did they talk about?" If you recall, my answer was, "If you recall, the President said publicly on a couple of occasions that he asked the Attorney General and the HEW Secretary to consider alternatives to busing. They have been doing that and they wanted to discuss their views with the President." In the course of that meeting, the President gave this policy directive.

I didn't come out here and make a public announcement of it.

Q And the President, in February, when he was asked about it, now in response to questions admittedly -- but the fact is, you are now willing to discuss it when you, for whatever reason, didn't discuss it in November and the President didn't discuss it in February. What has changed? Why are you now willing to discuss it?

MR. NESSEN: Jim, I don't think there is any change. The policy direction was given in November. Periodically, Solicitor General Bork has discussed it publicly in the course of arguing these cases.

I got asked about it Monday and, as I said, answered what I knew on Monday. I collected further information and answered further yesterday, and collected further information and answered further today.

What I sense you are suggesting by your questions is that this is some kind of public relations plot, and I submit that it is not, because I have done all this in an effort to be helpful in response to your questions.

Q Ron, I understand what you are saying, but why did it take six months for the Administration to inform the people of this country that the President had decided to go to the Supreme Court to overturn busing?

MR. NESSEN: It didn't, Dave. As I say, I think you have had at least two occasions -- one in February and one in April -- in which the Solicitor General publicly stated that in the course of arguing cases.

Q They are obscure court documents.

MR. NESSEN: They are not obscure court documents. They didn't happen in the White House Press Room but they were public statements.

Q Give us your version of the events, Ron.

MR. NESSEN: Okay, let me just say my version of events is what I have made a serious effort to reconstruct and which I believe to be the facts.

Q I understand that and I don't mean to challenge that. What I am asking you is, why, when Senator Brooke called the President on Sunday night, did Senator Brooke then say that the President didn't know anything about the Boston case and told him, "Ed, this was done without my knowledge or consent."? Why did Brooke get that impression?

MR. NESSEN: Here is what happened: Buchen was told last Thursday that the Attorney General had now shifted his attention to the Boston case as a possible one that would fit the proper and appropriate case to raise his question with the Court. That happened, I believe, early in the afternoon on Thursday that Buchen was told that. He did not immediately inform the President that the Attorney General was looking at the Boston case.

Later that same night, Brooke called the President and I don't know what the exact words of the conversation were.

Q This is still Thursday night?

MR. NESSEN: Yes, Thursday night.

But he did raise with the President the question of why was Levi looking at the Boston case and thinking of intervening in it. I don't know precisely what the President said to Brooke except it is the fact that the President did not know at that time that the Attorney General was looking at the Boston case as a possible --

Q Buchen had not told the President?

MR. NESSEN: That is correct.

Q When did the President first discuss this with Buchen? What did Buchen say to him? What is the rest of that scenario?

MR. NESSEN: We will have to find out for you. I don't know.

Q I am sure the President took Brooke's question and did something with it. I am trying to find out what did he do. He seems to imply in the answer the Globe ran that he doesn't really think Boston is the best place for it.

MR. NESSEN: I tried to indicate, because it is the fact, that the President is not involved in any way in the selection of the case, if there is a case. And, at the time that Senator Brooke called him last Thursday, he did not know the Attorney General was considering Boston as a possibility for the case.

Now, I will have to track down when Phil talked to the President and informed him that the Attorney General was considering Boston as a case.

Q Could you also find out his view on whether Boston is the proper place?

MR. NESSEN: The President will not have a view on that question.

Q The President has, I think in one of his first press conferences, commented on busing in Boston, and I think very directly. He has been on the record on Boston busing before.

MR. NESSEN: The Attorney General has not selected any case which he feels is proper and appropriate to raise this question with the Court again. I feel relatively sure, that if and when Ed Levi does find such a case, that he would discuss it with the President.

Q Before announcing it publicly?

MR. NESSEN: I would think so.

Q Would he just come over here and say to the President, we have finally settled on a case?

MR. NESSEN: No, I think they will discuss it.

Q Then, in effect, that means the President will have a kind of review authority?

MR. NESSEN: Since Ed Levi has not found such a case, it is just very difficult to figure out what the process will be after he does find a case, if he finds a case.

Q Ron, you began the briefing by saying that the President -- paraphrasing him -- told Levi that once he made his decision, if he wanted to come over, he could tell him.

MR. NESSEN: I don't think you have accurately paraphrased what I said. You have not paraphrased what I paraphrased.

Q "If you want to come to see me, I will be happy to see you."

MR. NESSEN: After you have concluded your consideration of whether Boston is the proper case, if you want to come and tell me of your conclusion, I will be happy to see you.

Q Does that mean the final decision on whether Levi should proceed will depend on the President, or will it be entirely up to Levi?

MR. NESSEN: Tom, it is just not possible to project that far ahead after Levi finds a case, if he finds a case.

Q There isn't any question, Ron, that he is going to find some case.

MR. NESSEN: I don't know, it has been six months so far. That is something you have to ask the Attorney General, really.

Q What do you anticipate as the President's role, and how does the President see his role? You have had a discussion --

MR. NESSEN: I can't anticipate the Presidential role right now.

Q You have had a discussion with him, obviously, at some length, about his role in this case now because we have been getting, as I say, more evidence every day about the Presidential role.

MR. NESSEN: In response to questions, Tom, and I don't think you ought to leave the impression that I somehow have doled this out for some ulterior motive. I have gone back and dug out as many answers as I could 100 percent in response to press questions. I don't like the implication I hear from a number of people that I somehow have orchestrated something for some other purpose.

Q Whatever inference you care to draw, you may. The fact is that we have been getting more each day about the President's role in this case.

MR. NESSEN: In response to press questions.

Q But what is it when you talk to the President, then, about his role and you question him about what he said to Levi today and so on? Don't you discuss with him and does he not give you some kind of judgment of what his role will be ultimately in the decision as to whether or not to go ahead?

MR. NESSEN: I don't think it is possible to project the story that far ahead now, Tom, because Levi has not found a case he considers appropriate and proper. He has not informed the President of his conclusions.

As I say, I anticipate Levi would tell the President and discuss with the President what he concludes. But, I can't answer the question because there isn't an answer at the moment.

Q I am not asking for a judgment on a hypothetical case. I am asking whether the President will reserve for himself the ultimate authority as to whether the Justice Department will proceed on whatever case it picks.

MR. NESSEN: I can't answer the question because it has not arrived at that yet.

Q As a general matter--and I am not asking this just about this White House, but I am asking about all White Houses--in general matters in cases of very considerable and significant importance, doesn't the President always reserve the right to make the final decision?

MR. NESSEN: I just don't want to get into what his role might or might not be at the time Levi does find a case. As I say, I am sure Levi will discuss it with him. Beyond that, I can't answer what the President's role will be.

MORE

Q Ron, in view of the fact that the President so often says this is an open Administration, why was it that on an issue of this importance last November you did not tell us what his directive was?

MR. NESSEN: I don't know that we announce all the suggestions that the President makes to his various Cabinet members.

Q Suggestions? Wasn't this a directive?

Q Ron, was the President unhappy that the Senate did not confirm William Springer of the Federal Elections Commission along with the others?

MR. NESSEN: Is he what?

Q Was he unhappy?

MR. NESSEN: He thinks the Senate should confirm Mr. Springer as quickly as possible so the six members can be sworn in and get on with the business of overseeing the election.

Q The law says that --

MR. NESSEN: The law also says that the Commission shall be evenly balanced -- three Democrats and three Republicans. Since the Commission does have a very wide-ranging influence on the conduct of the election, it seems only proper to live up to the Congressional intent of having a balanced and nonpartisan Commission by having the members balanced as Congress said they should be.

So, when the sixth member is confirmed, they will be sworn in.

Q Ron, I would like to go back to this busing thing to go a little further with Fran's question. In most of your replies you referred to this as the President setting the policy. You referred to it as a policy directive. Now, in response to Fran's question you say you don't make it a practice to announce all Presidential suggestions.

MR. NESSEN: Directives or instructions.

Q What was this?

MR. NESSEN: A directive.

Q This was a policy directive?

MR. NESSEN: Correct.

Q Then you are saying you do not find it necessary on significant policy directives always to tell us when the President has given a policy directive to a Cabinet officer?

MR. NESSEN: I think that is probably right.

Q You do not?

MR. NESSEN: Right.

Q And you still refer to this as an open Administration and wish it to be known as such, is that right?

MR. NESSEN: That is right.

Q Does your paraphrase of what the President told the Attorney General say, in effect, that he is letting the Attorney General know it is not the Attorney General's final, sole decision?

MR. NESSEN: No, I wouldn't read any more into that little conversation during the walk over. It was just exactly what it appears on the face of --

Q He didn't say it is "entirely up to you," did he?

MR. NESSEN: I honestly wouldn't make what I think you are trying to make of that conversation because that was a walk over, it was really quite a casual remark, and it doesn't indicate any --

Q The reason I am asking is when you read it rapidly the first time, I had the impression he was saying, when you have reached your conclusion -- which I took to mean a decision -- come in and talk to me about it. But, it is your decision, in effect.

Now you said something later that indicates quite the opposite so I didn't know which way to go.

MR. NESSEN: I don't think so. I don't think I have said anything that was quite the opposite. I said from the very beginning the decision on whether there is a case and, if so, which case it is, that is appropriate and proper to raise the busing matter with the court again, that that decision is the Attorney General's decision.

Q Would the President care if Levi went ahead and made this decision without coming over here to see him and without checking with him ultimately on what the decision is?

MR. NESSEN: Levi will make the decision on his own whether there is such an appropriate case.

Q If a decision is made on a case, would the President be upset if Levi then went ahead and proceeded without coming over here to see him or without discussing it with him?

MR. NESSEN: As I said, I am relatively sure Levi will discuss it with him after he has made this decision.

Q Let me ask it another way. Will Levi's decision be binding?

MR. NESSEN: I told Tom I can't project beyond where we stand right now, which is that Levi is considering this, seeing whether there is such a case, and I feel sure he will discuss his conclusion with the President. Beyond that, I can't go.

Q Is the White House apprehensive about Levi's independence?

MR. NESSEN: I don't know what that means.

Q Are they worried he is going off on his own?

Q Right. The casual remark you relayed to us, I think it is ridiculous for you to suggest to us it is a casual remark. What you have told us indicates it is not a casual remark.

MR. NESSEN: I can see I am going to get stuck with making some kind of major policy pronouncement when everything I have said today is in response to questions and the amount of research I have done is in anticipation of questions and not in an effort to any other --

Q Just in following up Aldo's question, are you suggesting that the President doesn't know yet how he is going to handle this case after almost seven months?

MR. NESSEN: What case is it?

Q Whatever the case --

MR. NESSEN: -- may be. That is exactly why I can't answer Tom's question.

Q Surely he must have had some idea why when he issued this directive of what role he was going to play in deciding whether they would go forward or not.

MR. NESSEN: Suppose Levi comes in here and says "there is no such proper case, Mr. President"?

Q That is not the kind of hypothetical we have been talking about.

MR. NESSEN: No, but it gives you an example of where you go if you start saying, what if.

Q But the President told him to find a case.

MR. NESSEN: To see if there was a case.

Q But they have not yet found a way out, have they?

MR. NESSEN: I don't know what you mean by "way out."

Q I mean an alternative remedy. The President directed them to find an alternative remedy in November and the fact is they have not yet found one.

MR. NESSEN: They have sent in some suggestions and gone back and looked for other suggestions and discussed some of their suggestions with the Domestic Council and with the President.

But, as I said earlier, the President has not made a decision on accepting any of their suggestions or recommendations.

Q The point I was trying to make, maybe I didn't make it clearly, the President is clearly now aware that Mr. Levi is focusing on Boston, he is close to a decision.

MR. NESSEN: I don't know that he is close to a decision. I don't have any idea.

Q All the reports there are that he is. In any case, he alluded to the situation this morning and, if I understand you correctly, you are saying that he still doesn't know whether he is going to have the final say or whether Levi is?

MR. NESSEN: It is just not possible for me to answer your question, Dick.

Q Are you saying it is not possible to answer the question or he doesn't know what he is going to do?

MR. NESSEN: It is not possible for me to answer the question.

Q So, he does know what he plans to do?

MR. NESSEN: It is just a matter that hasn't come here for a decision. Levi hasn't picked a case yet. He hasn't told the President whether there is such a case or not, if there is, what it is. It is not possible to answer the question.

Q Ron, as the President's Press Secretary, do you know of any difference between the President's views on busing and the views on busing of Governor Reagan?

MR. NESSEN: You will have to compare the records. I can't do that for you.

Q I could do that, Ron, but having done that, I don't see any difference and I was wondering if you know of any difference?

MR. NESSEN: I will let you reach your own conclusion, Les.

Q The President's directive was to find a test case which would overturn a busing rule?

MR. NESSEN: I am sorry, Walt, but I wish you would stick to the wording I used yesterday since that was the proper wording.

Q I would like to know, once you find a test case and you take it to the court and you try to overturn a busing ruling, where does the President intend to go beyond there or will he just be satisfied in reversing a busing order?

MR. NESSEN: I am just not prepared to go anywhere near that far, Walt, since where the matter stands now is that the President last November asked the Attorney General where there was an appropriate and proper case to raise with the court the matter of busing as a remedy, and that is where it stands now, and I am not going to speculate on the future.

Q But presumably at that November meeting, once the President asked for a directive for a test case to overturn a busing order, certainly he had something more in mind than just to repeal busing in that particular city.

MR. NESSEN: I said yesterday and I think if you read the words of yesterday you will see that the purpose of this directive was to find a proper and appropriate case in which you could raise with the court the matter of busing as an equitable remedy. I mean, after all we are dealing here with a complex legal matter, and I think that always ought to be kept in mind. This is a legal matter, and that is why the Attorney General is involved in it, and why the White House is not involved in it and the Solicitor General.

Q Is the President's intent merely to eliminate busing in a city or does he have an alternative plan to continue the progress of school desegregation?

MR. NESSEN: The purpose of asking the Attorney General to see if there were such a case is exactly as I stated it yesterday.

Q But that is a negative purpose. The intent of the law was to desegregate schools.

MR. NESSEN: When you talk about remedies, Walt, that is why I say this is a legal question.

Q Let me ask my question. Is the President out to repeal a busing case or does he have a positive, constructive end in mind? That is what I want to know.

MR. NESSEN: The purpose is exactly what I said it was yesterday.

Q Ron, on another issue, what is the President's reaction to the astonishing victory of Governor Brown in Maryland? Did he have one?

MR. NESSEN: He has made it a practice not to comment on the Democratic situation.

THE PRESS: Thank you, Ron.

END (AT 12:36 P.M. EDT)

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