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AT THE WHITE HOUSE

WITH RON NESSEN

AT 11:52 P.M. EDT

MAY 20, 1976

THURSDAY

MR. NESSEN: This morning the President saw some newspaper reporters and television and radio reporters from Kentucky. Many of them had written in and asked for a chance to talk with the President, so there was a group meeting held. The President did answer their questions for about a half hour. We will have a transcript available tomorrow morning at 9:00.

Q Why can't we have it sooner than that?

MR. NESSEN: Helen, let's not go through this whole thing again.

Q We haven't had a press conference with the President of the United States --

MR. NESSEN: Since yesterday afternoon.

Q You don't call that a press conference, do you?

MR. NESSEN: It was the President answering questions from the press. What is a press conference?

Q We have had one this year, Ron, and that is ridiculous.

MR. NESSEN: Well, there was one yesterday. He has had, I guess, dozens this year, Helen.

Q Ron, on this morning's interview, was there much discussion of the Louisville busing case?

MR. NESSEN: I tell you what. Why don't I go through the rest of the schedule and then return to that, Russ.

You all know about the luncheon today with the economists, I think, don't you?

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Q Is that called for any particular purpose?

MR. NESSEN: It is part of a series of meetings the President has had with various people from outside the Government to just discuss ideas they may have or he may have.

Q Can we take our Kodaks in there?

MR. NESSEN: Yes.

Have you put out a participants list?

MR. SPEAKES: Yes.

MR. NESSEN: Did you remove Milton Friedman?

MR. SPEAKES: I don't think so.

Q Are these the economists of London?

MR. NESSEN: No, it is the economists of the United States.

There will be a chance for some pictures, Tom, if you would like, at the beginning of the lunch.

On the weekend trip, nothing really much in very great detail to add to the kind of rough outline of yesterday. The President will stop in Las Vegas on Monday, and I guess the idea there is to go from southern California to northern California. It is basically a speech around the noon hour in Las Vegas to the International Council on Shopping Centers.

Q What is the speech going to be on that?

MR. NESSEN: I hope we have at least some of the bible for you late tomorrow afternoon.

Q Are we going to get there in a cart?

MR. NESSEN: As I mentioned to you before, the speech for Saturday night, the foreign affairs speech, I am really hopeful of getting it out Friday night or Saturday morning before we leave, and we are working on that.

Q He is not going to northern California until Tuesday, is he? That is the way I understood it yesterday.

MR. NESSEN: You are right. I guess he goes from the Orange County area to Las Vegas to the Los Angeles area for Monday night.

Q What happens to San Diego?

MR. NESSEN: San Diego is in.

Q Do you have anything on Tuesday's schedule like when he will be departing?

MR. NESSEN: When he will be departing to come back?

Q Yes.

MR. NESSEN: We will end up in the San Francisco Bay area -- not necessarily San Francisco itself -- the plan is to leave there about 5:30 or 6:00 California time, which will be 8:30 or 9:00 Eastern Time.

Q Ron, when will he be getting to Medford, the first stop? Do you have that approximately?

MR. SPEAKES: He leaves here at noon. It will be 2:00 local time.

MR. NESSEN: Around the noon hour on Saturday.

As you know, the Gross National Product for the first three months of 1975 was revised today, revised upward from 7.5 percent annual growth rate as originally announced to 8.5 percent. This is seasonally adjusted, and is the annual rate and it is with inflation subtracted from it, so the real growth rate was 8.5 percent.

The President's economists feel this revision is consistent with other upward trends and other upward revisions that have been made. This particular revision suggests to the economists that the economy is moving actually ahead faster than the projections made in December and perhaps even faster than later projections made at the end of the first quarter.

Q May I ask a question about that?

MR. NESSEN: Yes.

Q This is just a question more out of curiosity than anything else. This is after GNP deflated, but do they break it down as to how much of this is recovery from the recession and how much of it is additional growth, or is it all recovery from the recession? Do they compartmentalize it that way?

MR. NESSEN: I think you ought to get someone from Greenspan's office to help you with that or the Commerce Department, who puts out the figures. I don't know that much about it.

Back to Russ' question. Obviously there was some interest in busing, although not very much, really, about a page and a half of transcript is what it came to. The President was, first of all, asked about what the reporter referred to as an "element of skepticism" about why the busing issue should come up now. I could have told the President about that skepticism, if he had asked. (Laughter)

Q Are you suggesting there is skepticism in this room?

MR. NESSEN: Not after yesterday. I know I removed all doubt about the genesis of this.

The President said -- I will paraphrase this for you -- that he has vigorously opposed court ordered forced busing from the very beginning, back in the early sixties, that that is a consistent record of his and not anything that he has just come upon lately. He recalled that last November 20 he had had the meeting with Mathews and Levi to make them aware of his interest in having them prepare alternative means remedying the injustice of school segregation and to find a better answer, as he put it --

Q The injustice?

MR. NESSEN: I am paraphrasing. He didn't use those expressions. What he said is, "I said we have to find a better answer, a better remedy to quality education because court ordered forced busing is not the answer."

Then he points out that periodically since November Levi and Mathews have both been back into the White House to discuss some ideas they are working on and that the Solicitor, Robert Bork, has publicly stated in court that the Administration was looking for a case in which to ask the court to reconsider busing as a remedy.

Q Bork has been back and Bork is the one who first mentioned --

MR. NESSEN: No, I mentioned this yesterday, Mort, at the briefing, that when people said why are you just bringing this up now, I said as far back as February in a court appearance and again in April in a court appearance Bork stated publicly that the Administration was looking for a case to bring before the court to ask that busing be reconsidered as the remedy for desegregation.

Q On November 20, did the President tell the Attorney General to find an appropriate case?

MR. NESSEN: That is correct.

Q He told the Secretary of HEW something else.

MR. NESSEN: The purpose of that meeting was, as I mentioned yesterday, to discuss the President's desire that those two Cabinet members bring in recommendations for alternate remedies. In the course of that meeting, the President gave the policy directive to the Attorney General to find a case in which you could bring back to the court the question whether busing was a proper remedy.

Q Ron, a question on corporate corruption --

MR. NESSEN: Why don't I finish answering Russ' question about busing.

He reiterated he is for desegregation but totally opposed to court-ordered forced busing. He said the White House had nothing to do with the current interest in this case, that it has come from the news media over the past three or four days.

Q Would you repeat that?

MR. NESSEN: He said the White House did not release any of this information that has come to the news media over the past three or four days. I think what he meant was that we had nothing to do with initiating it; that it came in response to questions.

Then, he said that if he had wanted to use it for some political purpose, it would have been possible to give public orders to the Attorney General before the Massachusetts primary, for instance, or the Michigan primary, which is the same point I made yesterday.

Q Why don't you release that portion of the transcript?

MR. NESSEN: I can do that.

Q Let me follow-up on just one point. Was there any inquiry about whether Louisville was at one time considered as a proper and appropriate case for the Justice Department?

MR. NESSEN: In the course of discussing this, the President said that he didn't know what case Levi was going to settle on, if any, as a proper and appropriate one to bring this to the court. He said it could be Boston, it could be Louisville. He doesn't know and, as he said yesterday, it is not his decision to pick the case; it is Levi's decision to pick the case.

Q Do you know whether the Attorney General has told the President that Louisville might be the case that he would present?

MR. NESSEN: Not to my knowledge. Now, the Attorney General has asked for an appointment with the President tomorrow but we don't know for what purpose. I mean, presumably -- (Laughter). Wait a second, folks. Presumably he is going to talk about his decision, if he has made one. But, what the decision is, we don't know.

Q The decision is made -- just to get this straight -- to intervene, but the question is the case?

MR. NESSEN: If there is an appropriate and proper case. The President gave the policy direction last November to look for a case that would be proper and appropriate for the Government to raise with the court and ask for a reexamination of whether -- well, I probably ought to -- well, you recall what I said yesterday, day before yesterday, he has asked the Attorney General -- that was at the November 20 meeting -- to look for the appropriate and proper case to ask the court to reexamine busing as a remedy and to explore alternative solutions which are less destructive of the fabric of our community life. That was the directive he gave to Levi last November, and that is what Levi has been doing. The selection of such a case is up to the Attorney General.

Q Ron, does he think it would be appropriate and proper to make Kentucky the case and announce it right before the primary?

MR. NESSEN: What is that, Phil? I didn't hear the question.

Q Does the President think it would be appropriate and proper for Kentucky to be the case and to announce it right before the primary?

MR. NESSEN: I think you have to ask Levi the question. The selection of a case is up to the Attorney General.

Q You made a big point out of it. If the President wanted to make something out of it politically, he could have announced it before Massachusetts, and he didn't.

MR. NESSEN: I tell you, Phil, I don't know. The President doesn't know and nobody at the White House knows what case, if any, that Levi, the Attorney General, the chief law officer, has selected to fill this general directive the President gave him.

As the President said, or the reporter said, I guess--the reporter said there is an element of skepticism. We spent an hour yesterday on my part trying to clear up the element of skepticism, to use the reporter's words. You know, I have really explored this and I am convinced in my own mind that it is exactly what it appears, which is something that came up last November which Bork has mentioned publicly since then, which, you know, if there was an effort to politicize the issue it would have, in my personal opinion, at least, been done before. I really respectfully think that it is wrong to suggest that this has come out in some political maneuver because it came out --

Q Ron, do you happen to know if the President --

MR. NESSEN: Let Phil finish his line of questioning.

Q Then, the answer to my question is, he sees nothing wrong with it?

MR. NESSEN: I didn't hear myself give that answer. What I said was it is up to the Attorney General to select the case.

Q But, the President would see nothing wrong if the Attorney General says Kentucky should be the test case and in announcing it just before the Kentucky primary?

MR. NESSEN: I would not speculate on what case the Attorney General might find appropriate to intervene on.

Q Ron, do you know if the President would accept any decision by the Attorney General, including a decision that there is no appropriate case?

MR. NESSEN: I think, as the President indicated to you more clearly on the lawn yesterday than I did here yesterday, he feels the decision is Levi's, whether or not to intervene, and if to intervene, in which case. Now, as he said, he would expect to be informed but I think he was fairly clear yesterday in what role he expected to play.

Q Ron, is Levi's decision based on legal or policy grounds? If Levi reaches a decision that he doesn't want to intervene in the case, can Levi do that on policy grounds or merely on legal grounds if there is no good case to intervene on?

MR. NESSEN: I think the President's policy direction uses the words "appropriate and proper" case. Now, what the grounds are on which Levi makes that decision, I think you have to talk to Levi about that.

Q Ron, correct me if I am wrong, but up to this point the talk has all been about whether or not there will be intervention in Boston, which is the case pending before the Supreme Court --

MR. NESSEN: Not all the talk you have heard here.

Q The talk we have heard publicly has pointed toward Boston, hasn't it? Isn't this the first time that Louisville has been raised as a possibility?

MR. NESSEN: I mentioned yesterday here to my own personal knowledge I know some attention had been given at one point to Pasadena to see whether that was the appropriate and proper case. I think Levi himself has said that Boston is being considered to see whether it is an appropriate and proper case.

This morning the President said -- well, his words were, "As of now, he hasn't told me whether he will or he won't" -- that is, intervene in any case. "He might do it in Louisville, I don't know. That is a decision I left to the Attorney General to make and I just want to be informed when he does."

Q Doesn't this raise the skepticism when the President himself raises Louisville as a possibility the week before the primary?

MR. NESSEN: No, I think it was in the context of talking to a bunch of reporters from Kentucky about busing.

Q What is pending in the Louisville case? Where is the Louisville case?

MR. NESSEN: I don't have the vaguest notion. I don't think the President does, either. The point is -- well, look, I find it hard, really, to persuade you of something that I believe is correct, but I will attempt to try.

But, let me just say this: The point the President was making is that it could be any school busing case that is working its way up to or is before the Supreme Court. He doesn't know what case Levi is going to select, if any.

Q But, the fact is, for the first time he mentioned Louisville in this meeting with a group of reporters from the area?

MR. NESSEN: I am sure Louisville has a great deal of interest to the editors and writers.

Q Ron, the President has been asked on countless occasions before this week about busing. Why didn't he ever announce the fact on any of those occasions that he had given this direction to Mr. Levi?

MR. NESSEN: I think Dave Nyhan asked yesterday a similar question, why, when he was asked by the Boston Globe about the Boston school case, did he say he didn't want to talk about it.



I think there are two very distinct things here, and one is to comment on a specific court case, which he does not want to do and won't do, and the second is he gave a general policy directive last November, which the Attorney General is still looking for a way to carry out.

Q Why didn't he announce it last November or any of countless occasions?

MR. NESSEN: The Solicitor General of the United States has twice announced it, as far as I know.

Q Why didn't he announce it?

MR. NESSEN: I think Jim asked me yesterday, was I standing here and trying to tell you that every policy announcement the President of the United States made is not announced publicly, and I said yes.

Q Don't you think it is something the country ought to be aware of in an open Administration?

MR. NESSEN: I announced it here on Monday.

Q It was six months later.

MR. NESSEN: Many policy directives that the President gives are not announced publicly, as I told Jim yesterday.

Q Ron, here is an easy question.

MR. NESSEN: I don't want an easy question.

Q Ron, was there a discussion first of alternatives, and then the President said let's go in as a friend of the court?

MR. NESSEN: I didn't attend that meeting but I know both matters were discussed at the meeting -- one, alternatives from Levi and Mathews to busing as a remedy; and second, the direction given to Levi to look for a case.

Q Can't we then conclude the President was dissatisfied with any alternative he heard?

MR. NESSEN: I think I have told you this chronology, Sol, that Levi and Mathews did come in with some proposals. They were sent back for further work, elaboration, new ideas and so forth. They have been back and forth several times and a number of them are in the process now of being very seriously considered. The President has not approved of any particular one yet.

Let me take this question.

Q Some time ago the President instructed his Secretary of Commerce -- I forget which one it was then -- to make a report on corporate corruption. I have not seen that. Has it showed? I have a reason for asking.

The reason I have for asking is the Chairman of SEC sent a report in to Mr. Proxmire listing 100 cases of corporate corruption, the latest ones being the General Rubber and Tire people, and the Emerson people. Proxmire wants to know where the Secretary of Commerce's report is. That is what I am asking you.

MR. NESSEN: If I recall, it is Elliot Richardson who is heading that committee and, to my knowledge, I think it has been less than a month since that committee has been appointed. It is not to look into specific cases of alleged corruption but rather to look into the broad question of how do multinational corporations operate and what safeguards are needed in a broad sense.

You need to check with Horace Webb, who works for Elliot Richardson. But, I would think it is much too soon for that committee to have considered and sent in recommendations on such a broad question.

Q To follow up, does this relate particularly to the Arab boycott?

MR. NESSEN: No, I think this is another question.

Q Ron, could you tell us if you have a mail or telephone count relating to the busing question?

MR. NESSEN: I haven't checked.

Q Ron, the President's decision on this did not rip up the fabric based on a conclusion on his part that there is no legal segregation being practiced in some of these schools?

MR. NESSEN: This is a point I felt, in thinking back on yesterday, that I didn't make very clearly, although I did, I guess, privately to some people.

We are not talking about a question of whether school segregation should or should not continue to exist because the President said very flatly today, "I am for desegregation."

When the courts find that there is illegal school segregation, they then recommend a remedy to cure it. So, it is not a question -- the President is not arguing about whether there should continue to be segregation. Of course he doesn't favor that. He says flatly, "I am for desegregation." It is the second part, what is the remedy when the court finds there is illegal segregation. That is where the President feels there should be another remedy other than busing.

Q He says there are ways. Can you tell us what he has in mind?

MR. NESSEN: He has talked to you before about that, in terms of the Esch amendment, and he has those suggestions and proposals from Levi --

Q That is, basically busing as a last resort?

MR. NESSEN: There are about six or seven steps you go through beforehand.

Q Does he feel the outcome of this will be that the busing alternatives will be somehow eliminated by the courts? Is that the objective and that all other remedies would be resorted to except busing and not busing?

MR. NESSEN: I just don't think I should talk about this in a theoretical way, Mort. You know his feelings about busing; you know his feelings about seeking alternative remedies. Some remedies are under consideration in the Administration.

Q Ron, you said just now that he has not approved any of these yet. Does he expect to approve the alternative remedies that the Justice Department seek?

MR. NESSEN: You know, there are remedies that will be ordered by the courts in some cases. There are also administrative or legislative remedies and some of these suggestions fall into those categories.

Q Ron, does the President believe that six months from the time he asked this, considering the brilliance of Mr. Levi, I mean this seriously, as well as the size of the Department of Justice, does the President consider that six months is kind of a long time to find such a case or does he feel it is more or less average on a thing of this magnitude?

MR. NESSEN: It is a complex legal question which the Attorney General has been working on.

Q Ron, was there some trouble or something in that interview the President had?

MR. NESSEN: There was something at the very end of which I am not entirely clear, but a photographer apparently felt he was being bumped or pushed by other photographers and he sort of pushed out a little bit. The Secret Service thought he was pushing out a little too aggressively, so they asked him to step out.

Q Who was it?

MR. NESSEN: I don't have the name. Maybe Larry does.

Q Was it a major deal, shouting or anything like that?

MR. NESSEN: No.

Q Was there a hard push by the Secret Service?

MR. NESSEN: No, there wasn't a push at all by the Secret Service. It was a gentle leading away.

Q Where?

MR. NESSEN: In the State Dining Room.

Q Did these Kentucky editors and reporters ask the President how he thought he was going to do in Kentucky and did he give them a reply?

MR. NESSEN: I have to look up the transcript. I think at the very beginning there was some discussion of the outlook in Kentucky, but we have to look up what he said.

Those of you who want to take pictures or go over and observe the beginning of the lunch with the economists should meet out here in the driveway right now.

Q Could I go back to the corporate --

MR. NESSEN: Are we finished with busing?

Q Has the President been told by the Attorney General that the Attorney General's office is also checking out the Louisville case?

MR. NESSEN: I will have to check and find out whether he has been told that or not.

Q And any others?

MR. NESSEN: He knows the Pasadena case was looked at at one time.

Q They already argued that. That is water under the bridge.

MR. NESSEN: And it was decided not to intervene in the Pasadena case.

Q Ron, could I have a question? Does the President feel that if he had informed the public of a policy directive last November that it would have been inflammatory to some of those people in Boston? Was that a possible reason for not announcing a specific directive to look for a case?

MR. NESSEN: I don't know any particular reason for not announcing it, except it was in a private meeting and a lot of private directives given by the President and --

O But this affects the whole country?

MR. NESSEN: All the President's directives affect the whole country, Helen.

Q Can you tell us whether Mr. Levi will see the President in the morning, in the afternoon or evening?

MR. NESSEN: I don't have the schedule for tomorrow at this point.

Q I think major policy directives the country should know about as part of an open Administration.

MR. NESSEN: Then when the policy announcements are told about then they are dismissed as nothing but politics. So, it is hard to win in this campaign, Helen.

O Ron, would you anticipate that if there is a case selected tomorrow and --

MR. NESSEN: Or announced tomorrow, if Levi announces a case.

O Is Levi going to announce tomorrow?

MR. NESSEN: I don't know. I don't know exactly why Levi has asked for the appointment. I assume it has something to do with this consideration.

Q If your assumption is right, will it be after that meeting that you, or the President, or Levi or some other spokesman will announce --

MR. NESSEN: I didn't have time to talk to Levi about it this morning so I don't know what the plan is for tomorrow. As I say, I don't know exactly why he is coming in.

Q Were any other policy directives issued at this November 20 meeting?

MR. NESSEN: Not that I know of, except on asking Levi and Mathews to come up with some alternative suggestions to busing as a remedy.

Q Who was assigned to be working on the legislative recommendations for a remedy?

MR. NESSEN: I guess the Domestic Council has been working on this.

Q When and under what circumstances do you anticipate they will be announced?

MR. NESSEN: I don't have a timetable to give you.

Q Are they dependent on the court case?

MR. NESSEN: If there are any legislative recommendations, Mort.

Q Are they dependent on the court case? In other words, are they going to wait until the court decides and then issue the legislative recommendations or are you going to act sooner than that?

MR. NESSEN: I don't know. Let me look into it and see where it stands.

Q Isn't six months kind of slow for you to be looking for administrative or legislative remedies?

MR. NESSEN: I don't think so. I think the people who have asked to do this have been working on it. They have been back and forth several times. Their ideas have been discussed and are being worked on.

Q Wouldn't coming up with legislative recommendations this late in an election year make busing a national campaign issue?

MR. NESSEN: If there are any recommendations, Mort.

Q Ron, in recent weeks, or months, at one time the President said he thought that Humphrey would be --

MR. NESSEN: Is that the end of the busing thing?

Q Let me ask one question. Has there been a discussion at the White House about the public's perception of this whole dispute coming up at this time and what kind of political kick-back it might have on the President?

You have expressed your feeling. I think the President has his, but has there been any effort to evaluate what the public opinion might be?

MR. NESSEN: There has not, Russ. This is something -- it is not something that started on Monday. It is something that started November 20, 1975 that has been mentioned publicly by Administration spokesmen and so forth.

Now, there has been a tremendous amount of interest in this room since Monday, but that doesn't change the fact that it was something that the Administration has been working on since November.

So, in terms of -- and that is why I respectfully say I think it really is a bum rap to suggest this is something that was dumped out on Monday for its political purpose.

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Q I accept that, but the Levi announcement is coming just before the Kentucky primaries?

MR. NESSEN: Maybe not. He may decide Boston is not the right case. I don't know what he is going to announce, if anything.

Q But Louisville is -- he might decide Louisville is, might he not?

MR. NESSEN: He might very well. I suggest you ask him what he has decided since we don't know.

Q Ron, other than the two obscure court document references from the Solicitor General, Mr. Bork, that were filed in court, can you cite any public announcement by an Administration spokesman, going back for the last six months, that told us the President had decided to try and overturn busing in court?

MR. NESSEN: I don't accept your description of Bork's two appearances in court as obscure. I guess it was sort of like when I was at NBC and we had a rule if it didn't happen on NBC, it didn't happen at all. Just because these announcements didn't happen in the White House Briefing Room, they happened. They were things that happened.

The man made the announcement. Whether this group was there or not didn't stop it from being a fact.

Q Were these filings in a court document?

MR. NESSEN: One was in an oral argument and one was in a brief.

Q The NBC rule still holds, Ron.

MR. NESSEN: I suspected it did.

Q Ron, do you recall whether that oral argument was reported anywhere? Did anybody pick it up, or was it an oral argument in regard to something obscure? I mean, they have a good point here. It sounds as though it was obscure.

MR. NESSEN: I don't know. Fred Graham made quite a point of it, I thought, last night on CBS, in which he said the Administration seemed to be right in its efforts to convince people that this was not something dreamed up on Monday, and he cited Bork's testimony. So, Fred Graham of CBS at least knew about those two obscure appearances.

Q Ron, in the President's directive to the Attorney General, is he talking about the Attorney General looking to see whether too much busing was ordered in Boston or whether the Supreme Court's basic busing case, the 1971 Swan case, should be totally reviewed?



MR. NESSEN: You will have to ask Levi. I have no idea on what basis he is making those decisions.

Q Wasn't that the Presidential directive?

MR. NESSEN: I told you what the Presidential directive was.

Q Is it your impression that the President wants the court to review totally its current position on busing as a legitimate tool?

MR. NESSEN: I told you what the directive of Levi was and I think I would like to leave it there. What Levi is considering and weighing his judgment, you need to ask him about the decision.

Q May I ask about the Elliot Richardson corporate bribery study? Whenever you get it, are you going to give it to us? Is it your intention to make it public?

MR. NESSEN: I don't know, Jim. It is a little premature to make that decision.

Q Is this luncheon substantive discussion on the economy?

MR. NESSEN: I have been to a couple of these meetings he has had with just outside groups and people to discuss things of interest to them and to him, and they are wide-ranging and they do deal with substantive issues.

Q Will anybody from your office be there, Ron?

MR. NESSEN: No, it is a private lunch.

Q May I ask a question now?

MR. NESSEN: I am sorry, yes, Cliff.

Q Weeks or months ago the President said he thought the Democratic nomination would go to Humphrey. More recently, he indicated it might go to Jimmy Carter.

Following the two primaries this week, has he offered any thought?

MR. NESSEN: I haven't heard anything on that.

THE PRESS: Thank you, Ron.