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UNITED STATES SENATE
WASHINGTON, D. C.EDWARD W. BROOKE
MASSACHUSETTS

October 10, 1974

My dear Mr. President:

A public spirited group of Greater Boston media men and women have been working with tact and resourcefulness to preserve the rule of law and the safety of the children of Boston in our very difficult busing situation.

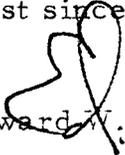
On their initiative, in the days immediately preceding the opening of the Boston public schools, many of us in public life as well as figures in the world of sports and other respected Greater Boston citizens taped radio and TV messages, the thrust of which was that the safety and education of the children must be put first. And remain first.

In a now deteriorating situation this same group feels that you are in a special, indeed unique, position to assist the forces of civility, law and order.

Their request, and I endorse their plea most sincerely, is that you tape a message to the people of Boston which the radio and television channels there could use during this period of crisis. They have provided me with a suggested draft, the text of which I send along to you. But they emphasize that the draft is subject to your amendment and revision. They believe that the message should be yours--from your heart and deep love of our Country's institutions.

I would be pleased to discuss this matter with you or your staff if you think it appropriate. But, I cannot emphasize too strongly, my conviction that such an act on your part would make a substantial--perhaps decisive--contribution toward keeping the peace.

Most sincerely,


Edward W. BrookeThe President
The White House
Washington, D. C.



UNITED STATES SENATE
WASHINGTON, D. C.

EDWARD W. BROOKE
MASSACHUSETTS

PROPOSED STATEMENT FOR PRESIDENT FORD

(Prepared by the Boston Ad Folks)

.Boston is a fine, proud City. The cradle of liberty.

Where many of the freedoms that we all so cherish today in this Country, were born, 200 years ago. The people of Boston share a tradition for reason, fairness and respect for the rights of others. Now, in a difficult period for all of you, it is a time to reflect on all that your City means to you. To react in the finest tradition of your City's people. It is up to you, every one of you, every parent, child, to reject violence of any kind in your City. To reject hatred and the shrill voices of the violent few, who simply don't care about the lives of your children.

I know that nothing is more important to you than the safety of the children in Boston. And only your calm and thoughtful action now can guarantee that safety. I know that you will all work together for that goal. And have one more thing to be proud of in the cradle of liberty.

Thank you very much.

Gerald R. Ford



October 18, 1974

Dear Ed:

Your letter of today's date to the President was received after he had left for Detroit this afternoon. However, I do want to assure you that I will make certain he receives it as soon as possible.

With best regards,

Sincerely,

William E. Timmons
Assistant to the President

The Honorable Edward W. Brooke
United States Senate
Washington, D.C. 20510



FOR IMMEDIATE RELEASE

OCTOBER 12, 1974

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT
REQUESTED BY BOSTON MEDIA REPRESENTATIVES

Boston is a fine, proud City. The cradle of liberty. Where many of the freedoms that we all so cherish today in this Country, were born, 200 years ago. The people of Boston share a tradition for reason, fairness and respect for the rights of others. Now, in a difficult period for all of you, it is a time to reflect on all that your City means to you. To react in the finest tradition of your City's people. It is up to you, every one of you, every parent, child, to reject violence of any kind in your City. To reject hatred and the shrill voices of the violent few.

I know that nothing is more important to you than the safety of the children in Boston. And only your calm and thoughtful action now can guarantee that safety. I know that you will all work together for that goal. And have one more thing to be proud of in the cradle of liberty.

[8/27/75]

Proponents of court-ordered school busing could in no circumstances have found pleasure in the report last spring of a study indicating that busing is reinforcing segregation in our big cities. But their distress was aggravated by the fact that the study came from a renowned champion of integration, Dr. James S. Coleman, a sociologist whose ambitious 1966 report on the beneficial effects of school integration had done valuable service for the probusing forces.

In his new, more limited study, Dr. Coleman concluded, on the basis of "preliminary results," that "the impact of desegregation, in these large cities, on whites' moving out of the central city is great"—and leads to a larger regional pattern of "resegregation" between city and suburb.

When, in June, an interview with Dr. Coleman appeared in *The National Observer* under the headline "A Scholar Who Inspired It Says . . . Busing Backfired," the friends of busing counterattacked in strength. The N.A.A.C.P.'s Roy Wilkins expressed concern that Dr. Coleman was being "used" to "draw the Negro away from the courts." Kenneth Clark, a New York State Regent, said Dr. Coleman's new work abetted efforts to circumvent the 1954 Brown decision. Thomas Pettigrew of Harvard pointed out that there had in fact been no city-wide court-ordered busing in America's 20 biggest cities during the years covered, 1968 to 1973.

Dr. Coleman conceded that he had overstated his findings somewhat, and in the interest of sorting out his present views, *The Times* assigned Walter Goodman, assistant editor of *The Times's* Sunday Arts and Leisure Section and author of numerous articles about education, to interview him. Goodman visited Dr. Coleman in his apartment in the Hyde Park neighborhood of Chicago, within walking distance of his office at the University of Chicago. Goodman describes him as a thickset man, with the look of a former athlete. At the age of 49, his face appears too young for the fringe of white hair that remains to him. He chain-smoked full-sized cigars during the interview, pausing often in conversation to relight and get his thoughts in order.

GOODMAN: Could you relate the famous Coleman Report of 1966 to the somewhat notorious Coleman Report of 1975?

COLEMAN: The Civil Rights Act of 1964 required that the Commissioner of Education carry out a survey on the lack of equality of educational opportunities by reason of race, national origin, religion, and I was supervisor of that survey. We attempted to answer the question of how the differing distribution of resources in schools attended by blacks and schools attended by whites affected children's achievement, and what kinds of redistribution of resources would help to equalize educational

INTEGRATION, YES; BUSING, NO

A leading authority on race and schools contends: 'The policies we're carrying out are going to make integration much more difficult to attain.'

achievement. One of the resources that we examined was the social composition of schools. We found that children from disadvantaged backgrounds did somewhat better in schools that were predominantly middle-class than in schools that were homogeneously lower class.

You were not necessarily talking about black and white then?

No, the principal factor had to do with the educational level of the children's parents and other resources in their homes. That is, if the disadvantaged child went to school with children from better-educated backgrounds, he did somewhat better in school. It was the social class background of his schoolmates that seemed to make the difference.

So a lower-class child would do as well in a middle-class black school as in a middle-class white school? And better in a middle-class black school than in a lower-class white school?

Yes — although there really were not that many middle-class black schools so that we could make a comparison. The relevance of this to school integration is fairly clear, since a high proportion of blacks come from disadvantaged backgrounds. If they are to receive the kind of educational resource that comes from being with middle-class schoolmates, it must be primarily through racial integration. That was the implication of our 1965-66 research.

It had considerable impact.

At the school-board level, at the state level, and in court, our report was used to show that equal educational opportunity either was augmented by school integration, or required school integration.

Were those fair conclusions from the report?

The first is a fair conclusion. I don't think the second, stronger point is a fair conclusion. If the report had found that a black child simply could not get an equal education unless he was in a majority middle-class white school, that would be a very strong argument that equal educational opportunity can be provided only that way. But that isn't what our report found.

Then your report did not imply that equal educational opportunity positively requires racial integration.

No. Nevertheless, the courts, to some degree, went on to use the argument that equal educational opportunity could be provided only by integrated schools. My own feeling is that the report is a legitimate basis for legislatures, school boards, school superintendents and so on to act to increase school integration insofar as they can—but not the courts. It seems to me there's a distinction between the constitutional issue of equal protection under the law on the one hand and the issue of what's benefi-



James S. Coleman

cial to disadvantaged children on the other. The first is the business of the courts; the second is not.

We'll be getting back to that—but first, has subsequent evidence borne out your 1966 conclusions?

The subsequent evidence has been inconclusive. In many of the school systems that have undergone desegregation, one cannot find any beneficial effect on achievement. Now, I don't know the reason for that. It could be that it's been a relatively short term that these children have been in desegregated settings. It could be that integration carried out through some kind of affirmative action is in some fashion different from other school integration. It could be that the later research was simply better-controlled than ours.

After your 1966 report, you were quoted as saying that integration could reduce the gap between black and white children by 30 per cent. What's your opinion now? Do integrated schools improve the achievement of the poorer students, or don't they?

In view of subsequent studies, that 30 per cent figure, if ever I used it, was an overestimate. Some of the studies do show some positive effects—not strong effects, but positive effects. I think the sum total of evidence suggests that school integration does, on the average, benefit disadvantaged children. The benefit is not very large, not nearly as great as the effects of the child's own home background.

You've been talking only about school achievement. Aren't there other desirable effects of integration?

Basically, there are two kinds of things that are important and on which, again, there aren't conclusive results. One is the child's feeling about himself, his feeling of self-esteem or sense of being in control of things that affect him in some way. The other has to do with interracial attitudes, white children's feelings about blacks and vice versa. Our work showed some positive effects of integrated schools on the first of these; the second, we really didn't examine in very much detail. Subsequent findings vary considerably. Some studies show that in the first year or so after integration, interracial attitudes get more negative. Others don't show that. My own feeling is that it depends very much upon the initial expectation of the community. I suspect in many Southern cities where the expectation was really very bad, attitudes got better. Some research in Northern places, Boston, for example, found that interracial attitudes got worse.

Partly as a consequence of your 1966 study, numbers of districts began to integrate their schools through the use of busing—which brings us to your new study.

The second study was carried out as part of a larger study I'm doing with Sara Kelly for the Urban Institute, to examine trends over the past 10 years with regard to American education.

What is the Urban Institute?

It's a nonprofit institute in Washington funded partly by Government contracts, partly by foundation grants. They're doing a report for the Bicentennial on the state of the nation, 1976. Nathan Glazer is doing the overall report. There's a section on poverty, crime, one on housing, one on transportation and one on city finance. Mine is the education section.

And this new study is a part of that section?

Yes. I wanted to examine the trends in segregation over whatever years we could get data for, and try to say something about the processes that are affecting integration or segregation. We examined whether those cities that had experienced some desegregation during the period of 1968-73 lost more whites than cities that did not experience desegregation. Now, the desegregation in our largest cities during these years was not great, and I was incorrect in the preliminary report in calling it "massive desegregation."

Since you now concede that "massive" desegregation didn't take place in the years you studied, couldn't the movement of whites away from the cities that you found be attributable to familiar big-city ills rather than to school desegregation? Your report, in fact, shows that middle-sized cities didn't experience much white flight.

One could conclude that, except for the fact that in those large cities that didn't desegregate, there was much less increase in the loss of whites over this period than in cities that did desegregate. Eleven cities out of the first 19 experienced little or no desegregation at all between 1968 and 1973. Based on the white loss that occurred in these 11 cities in 1968-69, they would have been expected to lose 15 per cent of white students between 1969 and 1973; their actual loss was 18 per cent, only slightly greater than expected. Eight cities experienced some desegregation; some of those experienced large desegregation, others not so large.

Compulsory busing, Coleman says, is a restriction of rights. We should be expanding people's rights, not restricting them.



Those eight cities, based on their losses in 1968-69, before desegregation occurred, would have been expected to lose only 7 per cent of white students between 1969 and 1973; they actually lost 26 per cent, nearly four times what would have been expected.

So your data convince you that the more blacks in a school, the fewer whites you're going to have in the school if they can get away.

Yes. In some of the large Southern cities — i.e. Memphis and Atlanta — which did experience extensive desegregation in these years, you can see it very clearly.

Your data on desegregation have to do mainly with Southern cities. You don't have similar data for the large Northern cities.

No, there had not been substantial desegregation in the largest Northern cities by 1973.

But you have your suspicion.

My suspicion is that resegregation will occur more in the North than in the South, because there are more suburbs available for people to move to. In Montgomery, Ala., for example, there was no place for whites to go, since the surrounding areas had just as many blacks as the city itself. But let's consider San Francisco: The proportion of blacks is low in San Francisco, but there was extensive desegregation in 1971, and considerable loss of whites. Well, perhaps you can't say that the ensuing loss of whites was a consequence of this, but the city experienced a considerably greater loss of white students than it had in the preceding years.

There are several variables that distinguish Northern cities from Southern cities. The fact that the suburbs are more easily available in Northern cities suggests that Northern cities may react more. On the other hand, the fact that racial prejudice is less deeply ingrained in the North suggests that they will react less. So you can't

really tell what's going to happen in the North. But one of the things that's clear from the Southern data is that as the proportion of blacks goes up, the greater the loss of whites. In other words, it's not just the rate of desegregation; it's also the actual proportion of blacks in the system.

That may be clear for Southern cities, but at the risk of being repetitious, do you have that kind of evidence for Northern cities?

Yes, this effect shows up in Northern cities as well as Southern. Detroit will be an interesting case next year. In Detroit's schools there are now 75 per cent blacks and 25 per cent whites. The issue in Detroit is whether all schools must be 75-25 or whether half the schools must be 50-50 and half of them all black. Now all the evidence that I've seen, not only from this research but from other work as well, shows that the higher the proportion black the greater the loss of whites. So that in a city like Detroit, my guess is there will be an enormous loss of whites if the courts decide that every school must be 75 per cent black.

Those who can afford it will move to the suburbs.

Yes. An alternative to individuals fleeing may be extreme conflict, such as we see in Boston.

But if in Boston or Detroit, lower-class white children remaining in the city were finally to integrate with lower-class black children, your 1966 study indicates that there'd be no benefit anyway.

No benefit in any sense as far as we know. And one of the things that's clear with regard to school integration is that the higher people's income the more likely they are to escape it.

You are saying that school integration isn't working in our biggest cities. Yet you were a great proponent of integration for many years.

And I still am a great proponent of

integration. But I'm discouraged and worried about situations such as in Detroit. I think the kind of policies that ought to be pursued are not those that tend to make a black central city, but those that stem the flow of whites. The policies we're carrying out are going to make integration in the future much more difficult to attain.

What are those policies? Busing?

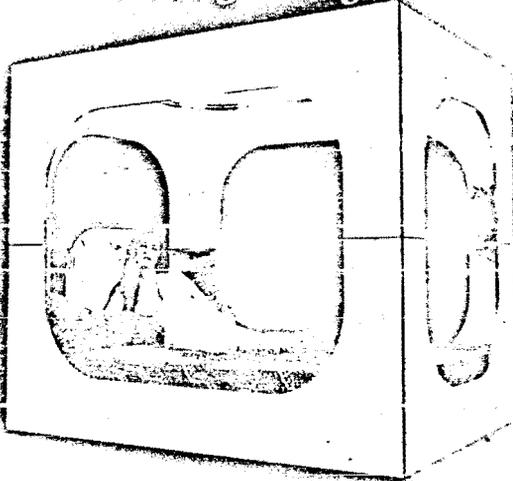
Yes. Let me put it this way. If it were constitutionally required that there be within a school district roughly the same racial composition in every school, then I would say we have to find some way of living with that, some way of keeping whites from leaving. But if that's not constitutionally required—and in my view, it is not—then my argument is that we really need to look at the consequences of such a goal. The consequences are to push whites into the suburbs. And once whites are pushed out, then we get a black school system in the central city with black staff and administration, a white school system in the suburbs with white staff and administration—and a set of entrenched interests on both sides that are not going to give up their students for integration.

Then what should the courts do?

Here's the legal argument the courts are following, and my argument as to what ought to be the legal position. Following some cases in the South, the court has found, and correctly found, that Northern school districts such as Detroit have engaged in actions, sometimes intentionally, that have strengthened segregation in the system by gerrymandering school districts or by the way new school buildings are located or by a variety of other techniques. Now, when that is the case, then the court correctly finds that the school system has violated the 14th Amendment concerning equal protection; black children have not been equally protected because they've been systematically excluded from attending certain schools. The argument is—and I agree with it—that this is no different in principle from the dual school systems in the South. Now, where I disagree is with the remedy that is then imposed. The legal precedent beginning with the Denver case is that once (Continued on Page 42)

'Social planners have to take into account people's reactions to their plans, especially in matters of school integration.'

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**THE NEW YORK TIMES
MAGAZINE**

Busing, No

Continued from Page 11

that kind of unconstitutional action has been found, then the remedy to be imposed by the court is to create racial balance in all the schools of the system. In other words, when there is any segregation from state action, then all segregation, anywhere in the system, must be eliminated.

And that requires busing?

The only way that can be achieved is through busing. In Detroit, for example, the school system has been found to engage in acts of segregation, and the plaintiff is arguing that this requires the system to desegregate fully, to eliminate all traces of segregation. The only way that can be done is through busing. Now, I think the appropriate remedy would be to eliminate the segregation that results from the state action. In other words, eliminate the gerrymandering, redraw school district lines to increase integration. That, I think, is an appropriate remedy by the court. That will still leave some segregation, which I think ought to be whittled away over time by the school districts themselves.

How would that be done?

It could be done through voluntary busing; it could be done as new schools are built and as schools are reassigned to different grade levels. It would have to be done with the recognition that segregation will never be entirely eliminated, and appropriately not, since it's not a constitutional matter of equal protection that all segregation must be eliminated. Just as it's not the case that all segregation between Irish and Italians must be eliminated. The goal of eliminating all segregation is not only not realizable, but not desirable; indeed it is improper.

Is the comparison really a good one—between Irish and Italians and blacks and whites in large cities?

Well, it isn't appropriate in the sense that there are many more segregating forces in terms of racial discrimination and so on between blacks and whites. But if we know anything about ethnic-group residential patterns, the elimination of racial prejudice will still not lead to full-scale integration.

If the Irish and Italians want to live separately, they can live separately in a similar way, with similar amenities. The problem between whites and blacks is that the blacks don't live in the same way as the whites. They live in a much poorer way, so if we're going to resign ourselves to a very long-range solution, aren't we condemning a lot of children to lifetimes of deprivation?

If that is the issue, not constitutional rights of equal protection, then policies should be designed to reduce this deprivation. They would include not compulsory, but voluntary busing, which would probably be nearly all one way, from the ghetto out. As for present policies, if they can be called that, there is no evidence of any sort to suggest that lower-class black children are being condemned to less deprivation by being in a school that's 75 per cent black instead of 100 per cent black, which is what legal precedent leads to in a city like Detroit or would lead to in a city like Baltimore or Philadelphia. I think there are two additional directions in which to work, one of which has improved enormously over the past decade and the other of which has not improved very much at all. The one that has improved is the income of some blacks. The median incomes of young black families containing both husband and wife are now about the same in the North and West as incomes of comparable young white families. There has been a notable increase of middle-class black families. The thing that has not improved as much as it should—although there are a lot of signs of change—is residential discrimination. There ought to be great attention to residential discrimination, to the use of zoning laws that prevent blacks from moving in. There ought to be a great deal of penetration of blacks into suburbs and not just into all-black suburbs. In every big city except Washington the disparity between black central cities and white suburbs has been increasing.

Are you suggesting now that all the attention we've given to the schools has been

(Continued on Page 46)

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Continued from Page 42

in a way misdirected, that we should have been working on other areas all along?

Well, I don't think it's been wholly misdirected, but I think it has led us to neglect questions of residential segregation, which are really profound, the strongest remaining source of actual discrimination in this country. If any other ethnic group had achieved what blacks have over the past five years, there would have been much more residential movement into middle-class areas that were not homogeneous of that ethnic group. But the percentage of blacks in the suburbs has not increased. Blacks haven't been able to move into white suburbs because of residential discrimination. There are indications of change; the new towns now growing up are much easier to integrate. For example, Columbia, Md., is much more integrated than anyone ever anticipated it would be—and it's integrated also in the sense of having a lot of interracial families. The increase in interracial dating and marriage around the country is very encouraging.

That does seem like a long-range hope.

I say intermarriage is extremely important because it creates interested parties, with a very fundamental investment in integration. If integration depends upon attitudes of liberal whites, who, to put it generously, seldom live close to lower-class blacks, it's a fairly fragile base.

Let me read you a couple of criticisms of yourself. Ken-

neth Clark criticized you recently as being "... part of an extremely sophisticated attempt ... to evade the effects of the 1954 Brown desegregation decision." And you recently did sign an affidavit on behalf of a Boston group opposing a court busing order.

Yes, but that was not a militant group. They were using nothing but legal means for appealing what I think was a bad decision—to use busing to eliminate all segregation in the city rather than just that which was caused by specific actions of the Boston school district.

Are you concerned about having your work used by foes of integration?

Yes, I'm concerned about that very much. At the same time, it seems to me there is a kind of emperor's-clothes phenomenon among advocates of busing; I think it is incorrect to ignore certain things that are in fact happening. Some people feel that if you don't talk about them they won't happen. And the vehemence of critics comes from their feeling of being embattled. If I felt that school desegregation hinged on busing, I'd feel as distressed as they do—but I feel that busing hurts school integration. Now, it may very well be that my research results will be used to lead in directions quite opposite from those I'm arguing, in the direction of metropolitan-area busing, which takes in suburbs as well as central cities. If that's so, that's a social choice that the American people will make—and I think that metropolitan area wide school integration is better than the course we're following now.

I am also not saying that an end to school busing will altogether stop the movement to the suburbs. It is a movement that preceded desegregation and will no doubt continue in any event—but it has been accelerated by school desegregation. If we blind ourselves to the fact that whites are fleeing the central cities, we're going to get ourselves into a situation of black cities and white suburbs.

You're saying that your critics, like Kenneth Clark, prefer not to look at uncomfortable data.

That's right.

On the other hand, you feel that the courts should not be using your study or any such study in any way.

Right. Exactly.

Well, on that Dr. Clark agrees with you. He, too, now says that it's not appropriate for the courts to pay attention to studies like yours. Yet his own study on the injurious effects of school segregation was cited by the Supreme Court in its original 1954 Brown decision.

Let's look at that 1954 decision. It was fundamentally a decision that it's not constitutionally correct for a state to segregate blacks from whites on the basis of race. But, in addition there were justifications, like the Clark material, that looked at the consequences of segregation for black children—and were really irrelevant to the constitutional question. If the consequences of segregation had been the basis for the Court's decision, then that decision would have had to be different. It would have said not just that segregation by law was unconstitutional but all segregation, whether it arose from individual action or whatever, was unconstitutional and should be eliminated. Let's suppose the 1966 research of mine had come out with the opposite conclusion—namely, that black children did worse in predominantly middle-class schools. Should the courts have used that as an argument? I cannot envision a decision saying that segregation is constitutionally required because black children do better in segregated classrooms.

Then the courts should deal only with their one constitutional issue in this area.

That's right. They are act-

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FOR
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HER

ing appropriately when they eliminate dual school systems and other forms of *de jure* segregation. The courts are the only mechanism for that. To eliminate *de facto* segregation, however, we have to limit ourselves to other means. In general, over the past 10 years, there's come to be a feeling that any social ill can be corrected through the courts. I don't think that's true. There are a lot of social ills for which we have to use other governmental means. Some of those means can be quite coercive, such as withholding state or Federal funds. In such cases, it is appropriate to look at the consequences—white flight and things like that.

Because the nonjudicial Government agencies aren't laying down constitutional law, but are trying to make public policy?

That's right.

So Roy Wilkins was not far off the mark when he charged you with drawing the Negro away from the courts.

I think that the suits brought by the N.A.A.C.P. Legal Defense Fund are perfectly appropriate suits. I think the findings of the courts are quite correct. But the remedies have been inappropriate. I certainly do not think that *de facto* segregation is appropriate for court action.

Do you think forced busing has changed the public attitude toward integrated schools in the decade between your first report and your second?

I think there's greater complacency around the country. One reason for it—maybe I'm an optimist—is that achievements of blacks in a variety of areas have been great enough in the past five years so that there's not quite the fear there once was that somehow blacks could never make it in competition with whites. I think also the reduction of separatism and black nationalism has led to a corresponding reduction in the feeling of urgency for full-scale mass integration. At the same time, I think it is overlooked that racially homogeneous areas, such as central cities are becoming, feed separatism and black nationalism.

Given the bitter emotions aroused by forced busing and its apparent consequences in some cities, why do its ad-

vocates persist? Is it that there is no other immediate way to attack school segregation?

If one wants integration now, there's no other way to do it—but I don't see any instant solutions. The style of the sixties and early seventies among policymakers in Washington, New York or elsewhere was to look for immediate solutions to all social problems. It's time we recognized that some problems don't have immediate solutions. What's necessary is to work at approaches that may take time but provide a stable solution. Fundamentally, it's a matter of finding ways to make the central city attractive for middle-class whites, to make the suburbs available to middle-class blacks and to provide jobs for lower-class blacks.

What's wrong with compul-

anyway. Social planners have to take into account people's reactions to their plans, in matters such as school integration especially. Legislatures are not going to institute compulsory busing. Surveys indicate that a majority of blacks as well as whites oppose busing. It is a solution that unfortunately puts on school integration the burden of a lot of things parents don't want—their child going some place far away where they don't know what's going on, the feeling of loss of control.

Can things be done within integrated schools to make them more attractive, and hold middle-class whites?

Yes. If an integrated school had one and a half times the budget of a nonintegrated school and could remain open from the time parents went

enough for just middle-class kids to be brought together.

There are other ways in which black and white children can have experiences with one another—extensive visiting of classrooms, for example, spending three weeks or six weeks in another school. We need more ingenious devices, but we can't use them if the constraint, as in Boston, is that every school must be within 5 per cent of the racial composition of the city.

Is there any rule of thumb, as far as percentages go, for how many lower-class blacks can be in a white middle-class school before bad things begin to happen?

A lot of people have looked for "tipping" points when "bad things start to happen." Generally, the majority sets the climate of a school. But it may be that a 35 per cent minority sets the climate, whether that's a middle-class minority or a lower-class minority. To a large degree, it depends on the principal. I've come to the conclusion that there are two requirements for a principal in an integrated school. One, he must be extremely fair; two, he must be extremely tough, and not make exceptions for anybody. It's important to everybody in an integrated situation that they feel the administrative staff is acting fairly with regard to both blacks and whites. The only way they can act fairly is for a principal to be very tough, not let anybody get away with incidents. I think probably one reason integration goes badly in those cases where it does is that many white principals and teachers have never been near blacks and are afraid of blacks and don't know how to cope.

Well, while principals are getting educated and courts keep ordering busing, what are the prospects for integration?

I am optimistic because of these other processes that I see going on—the rise in the income of blacks, the beginning of a breakdown in housing segregation, changes in the way blacks are looked at by whites, partly because of the achievements of blacks in various walks of life, the increase in interracial dating and marriages. I'm optimistic about integration, not because of the policies of school integration we've been following, but in spite of them. ■

'If children learn to read faster, if they are happy when they come home, if they are not physically threatened, parents won't worry about the skin color of their classmates.'

sory busing is that it's a restriction of rights. We should be expanding people's rights, not restricting them.

Do you have some ways to do that?

I'd propose that each central-city child should have an entitlement from the state to attend any school in the metropolitan area outside his own district—with per-pupil funds going with him. That's a right no black child has now, and it would be extremely valuable in a place like Boston. This would entail some restrictions: The program wouldn't be subject to a local veto; whites couldn't move from black schools to white schools; the move should not increase racial imbalances. Also, there would have to be some kind of limit on out-of-district children, say 20 or 30 per cent.

Getting that kind of proposal through state legislatures wouldn't be easy. Are legislatures and school boards really likely to act on their own without pressure from the courts?

If such a program can't pass some kind of political process, it's not likely to stand

to work until they got back, that would attract a lot of people. Many schools have made themselves more attractive and are holding white populations. There's a school down here, a little bit outside Hyde Park, that has a racial quota, 60 per cent black, 50 per cent white, and it has waiting lists of blacks and whites both. If children learn to read faster, if the kids are happy when they come home from school, if they're not physically threatened, parents are not going to care about the skin color of their classmates. Unfortunately, crime in the schools tends to be associated with lower-class children—and, in particular, lower-class blacks. Middle-class kids get their lunch money stolen when a school integrates, or there's some kind of knife incident or something like that. That would be much less likely if the integration were of middle-class blacks and middle-class whites. If one found lower-class children from any two ethnic groups being thrust together, you'd run into knife incidents, too.

But if one of the reasons for integration is to give lower-class blacks the benefit, if that's the word, of a middle-class environment, it's not



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VIEWS ON BUSING

Rejected [8/29/75]

Q. What are your views concerning court-ordered busing to achieve racial balance?

A. Let me start by stating that, as President, it is my responsibility to uphold the Constitution and the laws of the United States and that I intend to do so. When a court has ruled and has issued an order, that court order must be obeyed. Neither violence nor disregard for the law can or will be tolerated.

Let me also say that I encourage debate and reassessment of the busing issue for, as a matter of policy, I do not believe that forced busing is either a good or effective tool for achieving equality of opportunity and quality education.

Shortly after I took office, on August 21, 1974, I signed into law the Elementary and Secondary Education Act Amendments (see Tab A) which was an omnibus education bill designed to increase equal educational opportunities. Among the bill's provisions was an improvement in the distribution of Federal funds to elementary and secondary schools and an improvement in the management of Federal education programs. In addition, the Act set priorities for remedies to correct denials of equal educational opportunities and denials of equal protection of the laws. These priorities essentially followed the standards currently applied by the courts. In implementing these remedial priorities, however, the Congress expressed its policy that no plan be put into effect which "would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the approximate grade level and type of education for such student." Section 1714(a). At the same time, the Congress correctly provided that this policy would be inapplicable if the 14th amendment required different relief.

This Congressional expression of policy provides a good vehicle for discussion. It should be made clear that busing is not the right we are seeking to protect. Equal educational opportunity is the right, and busing is only one partial remedy among many. Some proponents of busing have thought that by simply requiring integration of schools and school systems, equality of education and future opportunity would



become a reality. The sad fact is that in all too many cases this has not happened.

Numerous recent reports and studies, including one by Dr. James Coleman (see Tab B), a long-time proponent of busing, show that busing is not working. The evidence is that the educational achievement of black students has not improved as markedly as was expected and that urban school systems are becoming resegregated as a result of white flight to suburban housing patterns almost as quickly as they are integrated.

I know that many people feel that to be antibusing is to be anti-equal education for blacks. This simply is not true. If I am not mistaken, the majority of black parents do not want to have their children bused. Of course, these parents want a quality education for their children, but they do not see why a quality education cannot be provided in their neighborhood schools. They do not understand why they are required to send their children across town to get a good education. Neither do I.

I am for integration of our public schools. More importantly, at least in my view, I am for quality education for every American youngster. I believe we must begin to explore ways of assuring that each and every school, no matter where located, is a place where each and every student, no matter of what race, can get a quality education. Many school districts throughout the nation have been able to come to grips with the problem of providing quality education for students in an integrated environment without having to commence forced busing. Through improvements in curriculum and facilities of certain schools, through development of creative teaching innovations, and because of the good faith and hard work of school boards, school administrators, teachers and parents, these school districts have been able to achieve quality education in an integrated environment by voluntary action. The fact that these objectives can be achieved without court order leads me to believe that viable alternatives to court-ordered busing exist. We must more actively address ourselves to these alternatives.



CONSTITUTIONAL PROHIBITION ON BUSING?

Q. Would you recommend a Constitutional Amendment prohibiting busing for the purpose of achieving racial balance?

A. First of all, as you know, the President has no formal role in the development or passage of amendments to our Constitution. Therefore, I certainly could not initiate such an amendment. Moreover, I do not think that I would recommend such an amendment either. While I do not think that massive busing of school children is the answer to the problem of providing a quality education to all, I recognize that there may be limited instances in which some busing, in conjunction with other remedial actions, is appropriate. I would not want to see the Executive Branch or the courts constitutionally forbidden from utilizing this remedy in an appropriate situation.

TAB A



OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

REMARKS OF THE PRESIDENT
UPON SIGNING AMENDMENTS TO H.R. 69
THE ELEMENTARY AND SECONDARY EDUCATION ACT

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

2:15 P.M. EDT

Secretary Carlucci, distinguished administrators and employees of the Department of Health, Education, and Welfare, my former colleagues in the House and the Senate, fellow Americans:

It is really a great privilege and pleasure for me to be here. I know that all of us wish Secretary Weinberger were here, but he is off on a very important responsibility, and I am sure he is here in spirit, if not person.

I suspect this is the first Federal aid to education bill that has ever been signed by a left-handed President. I attach no significance to that, but it was difficult with a person with a short name to use so many pens. (Laughter)

President Eisenhower once said in discussing education, and I quote, "The Federal role should be merely to facilitate, never to control education."

Now, striking the right balance between helping on the one hand and dominating on the other is never an easy task. And those of you who participated in the preparation of the submission in the first instance to the Congress and those of you who have labored so hard in both the House and the Senate to find a balance in 1974 in my judgment all deserve a great deal of commendation and congratulation.

I don't think any one faction or any one party dictated the contents of that very substantial and very important piece of legislation. I know from some personal experience on the periphery, when I was in the House and subsequently as Vice President, how much hard work, how many long hours, how many compromises were made between, in the first instance, the Legislative and the Executive branches and between various points of view, legitimate, well-motivated, differences philosophically.

MORE

(OVER)

I don't believe anyone who labored so long and so hard would say this is a perfect piece of legislation, but I think it is a good law, it justified the final action by the Congress, and it fully justified my signature representing approval by the Executive branch.

It does provide, in my opinion, for a more effective distribution of Federal funds to help elementary and secondary schools so that our Federal tax dollars can be more appropriately and efficiently and economically utilized to improve education throughout our 50 States.

The legislation also provides for better Federal administration of the various programs under the more or less direct control of Federal officials, and this better management of Federal programs will help States and localities so they will have a better and more effective input into the management of these Federal programs.

I think it is fair to say that this legislation places reasonable and equitable restrictions upon the problem of busing, and in conjunction with the Supreme Court decision will hopefully relieve that problem and make the solution far more equitable and just.

It is my judgment that H.R. 69 represents the kind of an approach that in this day and age we must follow if we are to do the right thing in education, in housing and in a multitude of other highly essential programs for the benefit of our country as a whole.

This legislation itself does represent the way to solve disagreements, but if we approach other problems as we have approached this one, with candor on the one hand, cooperation on another, compromise on a third, I think we can march together, the Executive, the Legislative, Democrats, Republicans, liberals and conservatives in working together to make our country what we all want it to be, a better America.

Thank you very kindly.

END (AT 2:20 P.M. EDT)



Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

ELEMENTARY AND SECONDARY EDUCATION
ACT AMENDMENTS (H. R. 69)

The President today has signed H.R. 69 which extends the Elementary and Secondary Education Act, the impact aid laws, the Adult Education Act, the Bilingual Education Act, and the Indian Education Act through fiscal year 1978. It also extends the Education of the Handicapped Act through fiscal year 1977 and the Emergency School Aid Act through fiscal year 1976.

As an omnibus education bill, the major provisions of H.R. 69 are as follows:

Title I Education of the Disadvantaged

- Under current law, Title I authorizes aid to States and local school districts for the education of disadvantaged students. Under H.R. 69 the Title I formula is revised and will more accurately reflect "need" and provide for better distribution of funds.
- Permits services directly to non-public school children where States fail or are restricted by law from providing equal educational opportunities.
- The Special Grants provision continues categorical authorization for State incentive grants and funds for "concentration" of poor children, instead of the single formula.

Busing

- Prohibits the use of all Federal funds (except Impact Aid) for busing activities.
- Allows the courts to terminate busing orders on a finding that the school district has and will continue to comply with the Fifth and Fourteenth Amendments.
- Prohibits any new order to bus past the next nearest school.
- Prohibits orders to bus except at the start of an academic year.
- Prohibits busing across district lines or altering district lines unless, as a result of discriminatory actions in both school districts, the lines caused segregation.
- Provides school districts a reasonable time to develop voluntary plans before a court order can be executed.

(MORE)

(OVER)

Impact Aid

- Eliminates entitlements on behalf of children whose parents work on Federal property in another State.
- Establishes a differential payment rate recognizing varying degrees of impact on school districts of Federal children.
- Provides priority funding for school districts whose high concentration of children residing on Federal property and whose parents work on Federal property.
- Increases entitlements for children of uniformed military personnel who are handicapped or have a learning disability.

Education of the Handicapped

- Establishes a Deputy Commissioner for a new bureau of handicapped.
- Extends State formula grants through FY 77.

Bilingual Education

- Provides financial assistance to State and local agencies to "establish equal educational opportunity for children of limited English-speaking ability."

Special Projects

- Beginning in FY 76, consolidates existing authorities into a new categorical grant program. Focus of funds on metric education, women's educational equity, consumer, gifted career, community schools.

Consolidation

- Several existing categories are to be fully consolidated into two groupings, Libraries and Instructional Resources, and Support and Innovation by FY 77.

Other

- Extends current Adult Education Law for 4 years and establishes a new 15% set aside from State funds for innovative programs and teacher training.
- Provides 2 new Vocational Education Act categorical authorities dealing with bilingual education.
- Extends Indian Education Act program for special projects for Indian education and programs for Indian children in public schools through FY 78.
- Extends through 1976 Emergency School Aid Act, which provides for assistance for local education agencies with special needs attendant to desegregation and overcoming minority group isolation in schools.

(MORE)

- Authorizes a new Reading Improvement Program with categorical programs for 1975-1978 to be distributed to States on school age population formula.
- Liberalizes Veterans cost of instruction payment institutional eligibility, to require only 10% of undergraduates to be veterans.
- Authorizes White House Conference on Education in 1977.
- Extends present Ethnic Heritage Studies program through FY 1978.

#



THE WHITE HOUSE
WASHINGTON

Revised
and
Rewritten



LOUISVILLE BUSING

Q. Do you have plans to stop busing in Louisville as Governor Carroll of Kentucky has requested?

A. First of all, as I am sure you know, the busing which has been the subject of controversy in the Louisville area is the result of a court order and, therefore, I could not act to stop it, even if that were desirable. That court order is being appealed by Louisville and Jefferson County school officials, however, and Governor Carroll has requested that the Attorney General intervene in the pending litigation in support of their petition. At my direction, my Counsel has asked the Attorney General to review this litigation to determine on the merits of the case if participation by the United States is appropriate.

R. D. Parsons
10-24-75

NATURAL GAS

Q. Do you support the Senate bill to decontrol the price of natural gas?

A. The Senate's action on natural gas legislation is a step forward toward helping to alleviate the unemployment and economic hardships that can result from predicted shortages this winter.

It also provides the necessary legislation to begin the process of clearing away, to increase gas production over the longer term.

I hope that the House will act promptly to insure that a comprehensive natural gas bill, including both short and long-term measures, can be placed on my desk for signature soon.

NIXON APPOINTMENT

- Q. Former President Nixon, according to Rabbi Bernard Korff, is planning a trip to China and hopes to be appointed as a freelance-roving ambassador sometime in the future. Do you have any plans to make such an appointment?
- A. 1. No.
2. I have no such plans, and have heard nothing like this from the former President.
3. (Turn it into a laugh) I think we have plenty of roving diplomats and I don't think we want any more freelancing in foreign affairs than we already get from Congress.



J. Calkins/R. Hartmann
10/25/75

NEW HAMPSHIRE PRIMARY

- Q. There have been suggestions, most notably in a recent Evans-Novak Column, that you not enter the primary in New Hampshire, because you have little chance of winning. Have you considered such recommendations, and at this stage, how do you feel your primary campaign can be improved?
- A. The organization of the New Hampshire President Ford Committee is progressing satisfactorily, and I have no doubt that it will be in excellent shape when that primary campaign begins in January.



J. Calkins
10/25/75

Q. The Consumer Price Index increased by .5 percent in September, signalling a decline in the rate of inflation. And, the Gross National Product for the third quarter rose 11.2 percent, indicating an increase in economic activity. It would seem that we are headed out of the present recession. How long do you expect it to be until we are out of the recession completely and the economy is back to normal, with low unemployment?

A. The recent economic statistics are quite encouraging. ~~Production rose rapidly in the third quarter. Retail sales have continued to exhibit strength. The overhang of excess inventories is being rapidly worked off and~~ the recovery is not only underway but it is stronger in its early stages than most observers expected. ^{As} We must not forget that we have a long way to go before reaching full recovery. ~~Unemployment is still 8.3 percent and even though we expect a continued improvement next year,~~ I have repeatedly stated that the journey back to a full recovery without inflation will be long and difficult. The recent figures tell us that we are moving in the right direction and at a good clip.

~~Following the flare up in prices in June and July, consumer prices have risen at a six percent rate in August and September. For the year as a whole (since December) prices have risen at a seven percent annual rate. This tends to confirm the reduction in inflation from the over 12 percent rate of 1974. It is a large improvement but~~ the rate of inflation, ~~and~~ ^{as} with unemployment, ~~are~~ ^{are} still far too high. Our policies must continue therefore to deal with both problems--as I believe the figures indicate we are doing.

CEA

October 27, 1975.

SPENDING CEILING

Q. How can you ask Congress to cut taxes and set a limit on spending without giving them a specific budget?

A. There is nothing unusual or particularly difficult about establishing an overall limit on Federal expenditures. It has been done in the past and there is no reason to believe that it cannot be done now.

Indeed, sound financial planning requires a determination of revenue and expenditure estimates together. Every family and business is aware of this basic fact, and it is appropriate that the Federal Government follow a similar pattern. It seems only sensible to me that when considering the size of a tax cut that we be clear in our minds about the anticipated level of expenditures. This is what I have proposed and what I hope and expect the Congress will adopt.

Seidman
October 27, 1975

RISE IN FEDERAL EMPLOYMENT

Q. How do you reconcile your pledge to cut the number of federal government employees with recent reports that federal employment has grown by nearly 64,000, and that your White House staff in July numbered 75 more people than it did under former President Nixon?

A. Let me quibble about the numbers in a minute, but first let me just say this: one of the reasons I proposed my spending ceiling plan was to slow down our program growth, and if we do that we'll get a real handle on employment. Now as to employment, you are comparing July to July. You forget the date I took office. If you will compare August to August you will find we have cut at the White House -- but only a handful. We are going to cut some more.

On the second part of your question, as far as overall federal employment goes, if you compare federal civilian employment -- fulltime, temporaries, the postal service, etc. -- everything but the military -- you will find that we did INCREASE employment slightly by some 2,500 people August to August. But let me tell you something about that -- on the EXECUTIVE side -- the side I control -- we went down by 500, while on the Legislative and Judicial side, they went up by 3,000 -- so you have a net increase because of their hiring. The August 31st figure was 2,903,351 (compared to 2,900,793 in August 1974).

OMB
October 27, 1975

CUTS FOR YOUNG, POOR AND AGED

- Q. Your budget Director, James Lynn, has suggested areas of spending cuts that seem to involve the young, the poor and the old. Are these programs aiding the disadvantaged the only areas you would cut back?
- A. Jim Lynn has emphasized that the only way we can achieve control of our explosive spending growth is to look at every expenditure in every area and make cuts based on evaluation and setting priorities. He has specifically included looking at Defense, for example. And he has said we ought to look at such things as Impact Aid -- where we are literally handing out millions of dollars to non-needy school districts at a time the government has a deficit near 70 billions of dollars. Specific cuts should be made after a careful look at all our programs by the agencies and departments, so that we have their ideas and suggestions before we announce detailed plans for expenditure reductions.

EFFECT OF TAX CUT

Q. What effect will your proposed cut in taxes and lid on growth in Federal spending have on the economy?

A. My proposal to reduce the growth of Federal spending by \$28 billion in fiscal year 1977 and to reduce taxes by \$28 billion effective January 1, 1976, would have several beneficial effects on the economy:

1. It represents the first major step in reversing the trend in Federal spending through a reduction in the rate of growth of the public sector. This demonstration of a commitment to fiscal responsibility will help in reducing inflationary expectations, resulting in lower price increases and lower interest rates.
2. My program, through our tax system, provides incentives for increased capital investment, thus creating more jobs in the private sector.
3. By moving toward a balanced budget within 3 years, the program will reduce the demands of the Federal Government in the capital markets, also permitting greater investment in the private sector.
4. My program requires determination of revenue and expenditure estimates together, which is the basis of sound financial planning.
5. By providing significant permanent tax relief for the American consumer and businessman, it will permit planning with confidence which is essential to sustained economic recovery.

Seidman

October 27, 1975

In 1973 our Nation peaked out in its production of natural gas. I have been asking the Congress all year for action which would deal with this winter's emergency and ~~measures to~~ increase our domestic production over the long term. More natural gas production is vital to American jobs and the growth of the American economy. The Senate Bill takes most of my recommendations and is a good step forward. I hope the House moves quickly on both the long and short term provisions. Continued Congressional delay on this and the other energy legislation I have submitted will only contribute to unemployment and higher consumer prices.

ELECTION LAW

- Q. Senator Pastore and others have begun to have second thoughts about the Federal Election Commission. Do you feel the campaign reform law should be repealed?
- A. I do not believe that the Federal Election Campaign Act of 1974 should be repealed, but there are several gray areas in the Act which merit reconsideration.
- Q. What are the "gray areas" in which you are referring?
- A. As I indicated in my signing statement, I have reservations about the First Amendment implications inherent in the Act. I also question whether or not the complexity of the Act inhibits its purpose - the cleaning up of Federal election procedures. Since the matter is about to be taken up by the Supreme Court, I'd rather not pursue the question further.

Background:

You signed this Act into law on October 15, 1974, stating "the times demanded this legislation." Prior to enactment, your Administration opposed campaign contribution limits and spending limits as a possible violations of the First Amendment. We also opposed the establishment of the Federal Election Commission. Senator Buckley and Eugene McCarthy appealed the law but it was upheld by the Court of Appeals in August. It is scheduled to go before the Supreme Court in November. The Department of Justice is defending the Act, except certain enforcement and interpretive rule making functions which the Department questions on constitutional grounds.

RDP
10/24/75

Q. What is your position on S-1?

A. As I indicated in my Crime Message, I believe that the Federal criminal laws should be a model upon which State and local governments can pattern their own laws.

I believe that S. 1, the Criminal Justice Reform Act of 1975, is basically a good effort. However, I recognize that some of the specific provisions of the Act are highly controversial and could bear further examination and debate. For instance, as I pointed out in my Crime Message, concern has been expressed that certain provisions of the bill designed to protect classified information could adversely affect freedom of the press. Responsible debate over this and other controversial provisions of S. 1 would be very useful.

While I would not endorse each and every provision of S. 1, therefore, I think everyone will agree that comprehensive reform of the Federal Criminal Code is needed. That is why I have urged the Congress to pass the kind of comprehensive code reform that S. 1 represents.

R. D. Parsons
10-24-75

THE WHITE HOUSE
WASHINGTON

Revised

October 28, 1975

MEMORANDUM FOR: DONALD RUMSFELD
FROM: MAX FRIEDERSDORF *M.F.*
SUBJECT: Presidential Meeting with Senator Tower on Busing

My notes on the President's meeting yesterday with Senator Tower indicate that the President told Mr. Buchen to order Justice and HEW to review the busing situation with the objective of seeking alternative remedies "to provide equal access on the part of everybody in such a way that everyone receives a balanced education."

He told Mr. Buchen to work with Matthews and Levy to seek a modification of the busing remedy if at all possible through new administrative techniques.

On the question of busing the President said that "busing is not a good remedy to achieve the Constitutional rights of those affected."

The President several times repeated his opposition to busing and indicated that he believes that it is a deterrent to students of both races obtaining a good education.

Senator Tower advised the President that he had introduced a Constitutional amendment and that hearings are scheduled in the Senate this week.

The Senator did not press the President for a position on a Constitutional amendment but said that he was advising the President that there was considerable support in the Senate for a Constitutional amendment to relieve the adverse impact of forced busing to achieve racial balance.

The President indicated that he had not been enthusiastic about a Constitutional amendment but would not indicate a commitment either for or against a Constitutional amendment.

Senator Tower was quite specific that the President is not committing himself either way on a Constitutional amendment and that the chief result of the meeting with the President was the President's instructions for HEW and Justice to seek alternative remedies.



The President also raised the subject and discussed in some detail the column by William Raspberry in the October 27 edition of the WASHINGTON POST which discussed a bill by Congressman Preyer pertaining to busing.

The President and Senator Tower both agreed that this bill reflected some sound thinking and that the President observed that it sounded a great deal like the Esch amendment which the President has supported.

cc: Jack Marsh
Philip Buchen
Jim Cannon

Ron - FYI

THE WHITE HOUSE
WASHINGTON

October 27, 1975

MEMORANDUM TO JACK HUSHEN

FROM: JUDY O'NEIL

SUBJECT: Leftover Questions from Today's Briefing

1. Senator Brooke has indicated that he has contacted the White House re. equal time on the busing amendment. Has the White House made any response? Dave Nyhan - Boston Globe

Senator Brooke's letter requesting ~~the~~ the meeting arrived in the middle of last week. Max Friedersdorf says that several senators have asked to meet with the President about the busing issue. So far, we have not been able to schedule anyone other than Senator Tower. Max could not say whether he thought a meeting between Brooke and the President might occur.

JWH

(Information given to Nyhan)

Rev, revised version

THE WHITE HOUSE
WASHINGTON

October 28, 1975

MEMORANDUM FOR:	DON RUMSFELD
FROM:	MAX FRIEDERSDORF <i>mf</i>
SUBJECT:	Presidential Meeting with Senator John Tower on Busing

My notes on the President's meeting yesterday with Senator Tower indicate that the President told Mr. Buchen to ask Justice and HEW "to review the busing situation with the objective of seeking alternative remedies," to provide equal access on the part of everybody in such a way that everyone has an opportunity for a good education.

He told Mr. Buchen to work with Matthews and Levy to seek a modification of the busing remedy if at all possible through new administrative techniques.

On the question of busing the President said that "busing is not a good remedy to achieve the Constitutional rights of those affected."

The President several times repeated his opposition to busing and indicated that he believes that it is a deterrent to students of both races obtaining a good education.

Senator Tower advised the President that he had introduced a Constitutional Amendment and that hearings are scheduled in the Senate this week.

The Senator did not press the President for a position on a Constitutional Amendment but said that he was advising the President there was considerable support in the Senate for a Constitutional Amendment to relieve the adverse impact of forced busing to achieve racial balance.

The President indicated that he had not been enthusiastic about a Constitutional Amendment but would not indicate a commitment either for or against a Constitutional Amendment.

Senator Tower was quite specific that the President is not committing himself either way on a Constitutional Amendment and that the chief result of the meeting with the President was the President's instructions for HEW and Justice to seek alternative remedies.



The President also raised the subject and discussed in some detail the column by William Raspberry in the October 27 edition of the WASHINGTON POST which discussed a bill by Congressman Preyer pertaining to busing.

The President and Senator Tower both agreed that this bill reflected some sound thinking and that the President observed that it sounded a great deal like the Esch amendment which the President has supported.

cc: Jack Marsh
~~Philip Buchen~~
Jim Cannon



MEMORANDUM FOR THE PRESIDENT

FROM: Jim Cannon

SUBJECT: Alternatives to Busing

This memorandum follows up your recent meeting with Attorney General Levi and Secretary Mathews regarding alternatives to busing. I have asked the Attorney General and the Secretary, as well as members of your staff, for their thoughts on what actions you might initiate to give the Administration a defensible and constructive stance with respect to this problem.

As you will recall, it was the consensus of those who participated in the busing meeting that there is little the Executive Branch can do for a school district once legal action to compel desegregation has been initiated. The focus of our efforts, therefore, should be on helping cities keep themselves out of court in the first instance. The expectation should not be that the Federal government will move in to solve local problems but that it will help local communities with community initiatives. In this regard, the following actions have been suggested:

- A. There should be greater Federal involvement in supporting and drawing advice from the professional educators who have been most successful in implementing voluntary desegregation and improving the quality of education. This could be done in a number of ways. You could give recognition to outstanding school superintendents and/or principals by having them come to the White House to share their experiences with you and your staff. Such an act, properly publicized, would greatly boost morale among secondary school administrators.
- B. Further, you could direct the Office of Education to utilize supplemental funds to conduct a series of seminars for public school administrators which would enable those administrators who have dealt successfully with desegregation to share their views with their colleagues. Many believe that one reason so many

school districts have not been successful in their efforts to voluntarily desegregate is the inability to draw on the experience of other school districts similarly situated. The creation of a de facto "clearinghouse" of information concerning voluntary desegregation through the use of this type of seminar would address this problem.

- C. Existing Federal programs which seek to assist localities to preserve desirable racial/ethnic neighborhoods (e.g., HUD's Neighborhood Preservation Program) should be redirected to have an impact on neighborhoods where further "white flight" would greatly increase the likelihood that local schools would become racially identifiable. Currently, many of these programs utilize noneducation-related priorities and criteria to determine how grant monies are to be expended. While it can certainly be argued that the expenditure of these monies in any neighborhood will ultimately have a favorable impact on local school conditions, it is equally true that some areas have a more pressing need, from the school desegregation point of view, than do others.

Unfortunately, notwithstanding the above, there are probably a number of localities that will ultimately be required to engage in substantial busing to achieve racial balance, given the current state of the law. While you and the Attorney General have agreed that the White House should not direct the Department of Justice to assume any specific position in litigating busing matters, it may be necessary for you to initiate some action designed to help school districts in trouble.

In this regard, it has been noted that a number of assumptions upon which the courts rely to justify busing have, of late, been seriously questioned by scholars and researchers, including Dr. James Coleman. For example, Coleman asserts that court-ordered desegregation, particularly where massive busing is involved, increases rather than decreases actual segregation. That is to say, resegregation is outpacing desegregation in cities where massive busing has been ordered. Other scholars argue that remedies other than busing, such as freedom of choice and open enrollment, were abandoned too soon by the courts and really could work if tried again. These findings and assertions are disputed by other scholars, however.

- D. You could direct a tripartite study by the Office of Education, the National Institute of Education, and

the Civil Rights Division of the Department of Justice to report to you on the accuracy of these and similar studies. (Such a study effort might also include taking a look at the effects of forced integration on achievement, race relations, and self-understanding.) This report, in turn, could serve to assist the Department of Justice in making the case to the Court that busing should be abandoned as a useful remedy.

- E. It has also been suggested that you could direct the Department of Justice to propose legislation which would effectively accomplish what the Esch Amendments were meant to accomplish but failed to do. There are many who believe that legislation can be drafted which would restrict the power of the Judiciary to order massive busing of school children. While the submission of such legislation to the Congress would be highly controversial and devisive, this is the most direct way to attack the problem.

In a broader context, the following additional possible alternatives have been suggested:

- F. In order to encourage voluntary integration, you could direct the preparation of legislation establishing a right of each student to transfer from a school in which his race is in a majority to a school, within or out of his district, in which his race is in the minority. Transportation would be provided and the Federal government would provide financial incentives to encourage white schools to accept these transfers. For schools that remain more than x% black, Congress could provide additional funds to improve education.
- G. Courts have shown that they are willing to forego busing if major black groups in a school district express a preference for other remedies. You could direct Justice to investigate different remedies which might convince blacks to forego the busing remedy. These remedies might include an effective open enrollment plan, making more housing available in the suburbs through mortgage assistance or further aid to majority-minority schools.
- H. You might appoint a commission to review and assess progress on the broad spectrum of equal rights for all Americans since enactment of the Civil Rights Act of 1964 and to recommend measures to improve its imple-

mentation. The problems of busing and school desegregation could then be dealt with in the broader context of other civil rights issues.

Finally, experience has shown that residents of one locality may react quite differently to court-ordered busing than residents of another. Some cities, such as Charlotte, North Carolina; Jackson, Mississippi; San Francisco, California; Denver, Colorado; and Detroit, Michigan, have had a relatively peaceful experience, while others, such as Boston, Massachusetts; and Louisville, Kentucky, have experienced violence and general defiance of courts.

All of the reasons for these differing reactions may never be known, but it is likely that we can learn more about why certain localities have responded less violently to court-ordered busing than have others. What actions or inactions on the part of local officials led to peaceful acquiescence or violence? What beliefs or fears on the part of local residents helped or hindered their acceptance of the fact that their children would be bused to schools outside of their neighborhoods, and which of these beliefs and fears are justified? What aspects of a court order most inflamed or pacified those who were subject to it?

- I. To my knowledge, very little has been done to date to ascertain the answers to these and similar questions. You could direct a joint HEW/Justice task force to look into these questions so that we may learn more about why forced busing sometimes begets violence and sometimes does not. While such a study would not develop any alternatives to busing, it might produce some answers which will enable us to minimize the levels of violence associated with court-ordered busing.

Each of the above "alternatives" has been described in very preliminary fashion and further work would need to be done on any one of them before it could be finally presented for your consideration.

RECOMMENDATIONS

The views of your senior advisers are as follows:

<u>Phil Buchen</u>	Favors Alternatives A, B and C.
<u>Robert T. Hartmann</u>	Favors Alternative B and feels that Alternatives D, E, G and I have merit.
<u>Jack Marsh</u>	Favors Alternatives E, F and I.

Max Friedersdorf

Favors Alternatives A, B, D, E and H.

Bill Seidman

Favors Alternatives B, D (very important) and H.

Paul O'Neill

Has no trouble with "further analysis" of all alternatives, but expressed reservations about Alternatives C, F and G.

Bob Goldwin

Favors Alternatives A, B, E, F (emphatically) G and H. Also favors a study as suggested in Alternative D, but not to be carried out by HEW and Justice.

Jim Cannon

DECISION

Proceed with further analysis of:

- Alternative A _____
- B _____
- C _____
- D _____
- E _____
- F _____
- G _____
- H _____
- I _____



[May 1976?]

The reference to the Brown case was incorrect. The President has consistently and firmly stated that he supports the Brown decision. What he was referring to in the Q&A was more recent court cases since Brown that have ordered forced busing to achieve desegregation goals.

Revised



QUESTION: I am speaking about the part where the proposal states that many of the persons would either receive limited amounts or some would be dropped totally. I know it is a complete package, but how will you deal with that total situation?

THE PRESIDENT: There are a number of areas of welfare where we have sought to take corrective action. One of them is the food stamp program. I have made recommendations in the food stamp program to give more food stamps to the really needy and eliminate from the food stamp program people who are well above the poverty line and in the process save about \$1 billion 600 million.

There are other areas, and I cannot detect from the way you have described it which one you are talking about other than the food stamp program because that was \$1 billion 600 million, too.

QUESTION: Mr. President, you have reiterated tonight that you are against court ordered busing to achieve school desegregation, a remedy that is the law of the land. You have also said that you told your Attorney General to get the Supreme Court to reconsider its busing decisions.

Just this week you also indicated that you would get your Administration to try and reverse a court order protecting porpoises against being killed by tuna fishing.

My question is this, sir. If the President of the United States does not accept court decisions, doesn't that encourage the people of the United States to defy court decisions and isn't there a danger the law of the land will be eroded?

THE PRESIDENT: Not at all because whether I agree with decisions or not, this Administration, through the Attorney General, has insisted that the court decisions, whether they are in Boston or Detroit or anyplace else be upheld. I have repeatedly said that the Administration will uphold the law.

Now, in the case of court ordered forced busing, which I fundamentally disagree with as the proper way to get quality education, the Attorney General is looking himself to see whether there is a proper record in a case that would justify the Department of Justice entering as amicus curiae a proceeding before the Supreme Court to see if the court would review its decision in the Brown case and the several that followed thereafter.

I think that is a very proper responsibility for the Department of Justice and the Attorney General to take. They need clarification because all of those busing cases are not identical and if the Department of Justice thinks that they can't administer the law properly under the decisions because of the uncertainties. I think the Department of Justice has an obligation to go to the court and ask for clarification and that is precisely what the Attorney General may do.

MORE

[May 1976?]

I have directed the Attorney General to continue an active search for a busing case which would be suitable for judicial review of current case law on forced school busing, and accelerate his efforts to develop possible legislative and other remedies to minimize forced school busing. It is my intention to send a legislative message to the Congress at the earliest possible time.

My objective is to create better educational opportunities consistent with the Nation's commitment to justice and equal opportunity. In my view, the remedy of massive school busing to correct the abuses of illegal segregation, while done with the best of intentions, has too often disrupted the lives and impeded the education of the children affected. I believe that ways can be found to minimize forced busing while also remaining true to the Nation's ideals and our educational goals. That is my objective.

To that end, I shall meet next week with the Attorney General, the Secretary of Health, Education and Welfare, and other members of my Administration to review possible administrative and legislative actions that can be taken to provide communities with assistance in achieving equal educational opportunity for all.

STATEMENT BY THE PRESIDENT

The Attorney General has notified me that after a thorough review, he has decided that the Department of Justice should not file a brief in the Boston school desegregation case at the current stage of litigation.

The Attorney General also pointed out that for over two decades the Department of Justice has entered virtually every school desegregation case that the Supreme Court has agreed to review. If the Supreme Court agrees to review the Boston case, the Department of Justice will follow past practice and enter the case at that time.

I have informed the Attorney General that I respect his decision not to intervene at this time and agree with him that the decision in no way reflects upon the merits of the case.

I have also directed the Attorney General to continue an active search for a busing case which would be suitable for judicial review of current case law on forced school busing. That search began under my instructions last November.





Office of the Attorney General
Washington, D. C. 20530

May 29, 1976

The President
The White House
Washington, D.C.

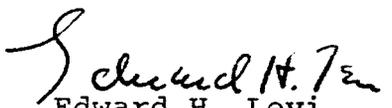
Dear Mr. President:

As you know, I have decided the United States will not file a memorandum with the Supreme Court at the present stage of the Boston School Desegregation case. If, however, the Supreme Court decides to grant certiorari in this case, the Solicitor General will then file a brief as amicus curiae, in connection with arguments on the merits of the relief granted. This step would be consistent with the practice of participation by the United States either as party or as amicus curiae in virtually all of the previous school desegregation cases which the Supreme Court has elected to review.

The Department of Justice is continuing to review possible cases which in the Supreme Court may help clarify the governing decisions on the scope of relief.

At your direction, the Department has been drafting legislation covering procedures to be followed by the trial courts in the designing of federal relief to eliminate unconstitutional discrimination and its effects in school systems, and to put the school system and its students where they would have been if the violations had not occurred. I believe this legislation will be an important step forward, and I hope you will be willing to recommend it to the Congress.

Respectfully,


Edward H. Levi
Attorney General



Attorney General Edward H. Levi^{h75} decided ~~today~~ that the United States will not file a brief in the Supreme Court at the present stage of the Boston school desegregation case.

He pointed out, however, that the Department of Justice has filed a brief in almost every school desegregation case the Supreme Court has agreed to review and that the Department would follow the same practice if the Court decides to grant review in the Boston case.

After the Department of Justice had been notified of the petitions for certiorari, filed by parties to the Boston case, deliberations began in due course in the Solicitor General's office on whether or not to file a memorandum in the Supreme Court in support of one such petition. In view of the publicity given to these deliberations, the Attorney General stated he knew it would be desirable if the Department could now explain the reasons for the decision which it had reached after some weeks of deliberation. The Attorney General pointed out, however, that in view of the four petitions now pending before the Court, he did not think it would be proper to enter into such a discussion at this time.

The Attorney General advised that the Department continues to have under study the question of the scope of necessary remedies in school desegregation cases. "The desire and intention of the Department to seek clarification of the rulings of the Supreme Court in school desegregation cases,"

the Attorney General said, "is well known, as is the strong and continuing commitment of the Department not to tolerate acts of lawlessness in violation of the orders of the district court."

The Attorney General said he wished to stress that there should be no implications drawn from the Department's decision not to file a memorandum at this stage as to the Department's view of the merits for or against the pending petitions.



Draft

[May 1976?]

The President has discussed with members of his Cabinet and with his senior advisers the issue of busing and its implications. He has received a draft of legislation to limit forced busing and proposals on how communities could be assisted in avoiding court-ordered busing.

The President has also received a great deal of factual information about the progress made so far in desegregating schools throughout the country. He has asked for additional factual information.

The President considers this issue to be so important and far-reaching that before he reaches his decision, he wants to review the matter further, consider the views of others, including members of the House and Senate, civil rights leaders, civic leaders opposed to busing, Constitutional experts, state and local officials.

No decision will be made by the President until after these additional discussions have taken place.

Key interview
20 May 1976

QUESTION: Mr. President, there is an element of skepticism about your participation on the busing issue. Why are you doing this now and how would that affect the Kentucky primary?

THE PRESIDENT: First, let me say this: I have vigorously opposed court ordered forced busing to achieve racial balance from the very beginning, and that goes back to about 1964 and 1965. I have a consistent record that court ordered forced busing is not the way to achieve racial balance.

Last November I got the Attorney General and the Secretary of HEW, David Mathews, together and I said we have to find a better answer, a better remedy to quality education because court ordered forced busing is not the answer.

So, as far back as November I have been working with those two Cabinet officers and they have met with me, submitted option papers to me over that period of time. Several months ago the Attorney General told me that he and his Solicitor, Mr. Robert Bork, were looking for a case where the Federal Government might intervene. I didn't decide which case, and I am not sure which case today that they might intervene, in order to try and get the court to take a slightly different viewpoint or a viewpoint that is different from the court decisions up to date.

I am for desegregation, but I am totally opposed to court ordered forced busing.

Now, the White House didn't release any of this information that has come to the news media over the last three or four days. If I had wanted to, for political purposes, I could have gotten the Attorney General perhaps before the Massachusetts primary to intervene, or he might have decided to intervene prior to the Michigan primary.

As of now he hasn't told me whether he will or he won't. He might do so in Louisville. I don't know. That is a decision that I left to the Attorney General to make, and I just want to be informed if and when he does.

QUESTION: Is your Administration going to offer an alternative to busing?

THE PRESIDENT: Well, there are two answers to that. One, there is a possibility that the Attorney General may intervene in one of the court cases that are now in the Federal Courts. That is one possibility.

Number two, as I indicated, I have asked the Attorney General and the Secretary of HEW to find some other alternatives that would be far preferable to court ordered forced busing --

QUESTION: Have they commented?

THE PRESIDENT: -- and they have submitted to me three alternatives that I will pass judgment on probably within the next few weeks. They appear to be constructive, and I hope would be effective.

QUESTION: Can you tell us what they are?

THE PRESIDENT: I would rather wait until I have made the final decision, but we are in the process right now.

#



Tenn News Conf
21 May 1976

QUESTION: Why did you choose this particular time for considering a revision of your busing policy, and is it possible that your Presidential disposition toward the ERA and abortion are also going to be under reconsideration?

THE PRESIDENT: Let me take the busing situation first.

Last fall, in early November, I had a meeting with the Attorney General and the Secretary of HEW because I was very disappointed in some of the developments that were taking place around the country where courts were ordering forced busing to achieve racial balance. I have for 15 years or thereabouts been vigorously opposed to court ordered forced busing to achieve racial balance because that is not the way to get quality education for young people.

So, this study that I ordered of the Attorney General and the Secretary of HEW has been something that has been in the process for a number of months. It had no relationship whatsoever to any Presidential campaign.

I am against segregation. I am for quality education, and there is a better way of getting quality education than by court ordered forced busing.

I believe between the Secretary of HEW and the Attorney General we can find some way, with the cooperation of the court, to get quality education without court ordered busing.

QUESTION: How do you propose to get quality education?

THE PRESIDENT: There are a number of alternatives. First, the courts could follow the so-called Esch amendment, which Congress enacted about two and a half years ago. If the courts would follow the step-by-step process set forth in that legislation, they could get quality education without having court ordered forced busing.

Secondly, there are programs that the Secretary of HEW is submitting to me as a result of my ordered study that I think will be helpful in alleviating the problems of any court action, so we are trying to find something that is a better remedy than these decisions by various courts, and I can assure you that this study and these recommendations were done well before any Presidential campaign was undertaken.



QUESTION: Mr. President, back on the busing issue, I understand you are going to meet with the Attorney General today and he is going to ask you what role the Justice Department should play in this busing issue. Also, there have been reports that not only Boston will be a test case but also Louisville, Kentucky.

What are you going to tell the Attorney General, and what --

THE PRESIDENT: The Attorney General is coming to visit me this afternoon, at his request, to bring me up to date on what he will recommend the Department of Justice do in the area of busing.

The Attorney General knows my views. I am against court-ordered forced busing as the various courts around the country have interpreted the basic Brown decision of 1954. But I feel in this case that the decision ought to be that of the Attorney General. That is his responsibility as a member of the Cabinet and I expect him to make a recommendation to me as to what he feels is the proper course of action by the Department of Justice. I don't know at this time what he will recommend.