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THE WHITE HOUSE

WASHINGTON

February 24, 1976

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR:

JIM CANNON

FROM:

JIM CONNOR *JEC*

SUBJECT:

Alternatives to Busing

The President reviewed your memorandum of February 17 on the above subject and made the following notation:

"Good beginning. I suggest we pursue
A, B, D and E."

Please follow-up with appropriate action.

cc: Dick Cheney

THE WHITE HOUSE
WASHINGTON

Jim Cannon

Good beginning.

I suggest we pursue

A., B., D., & E.

February 17, 1976

MEMORANDUM FOR THE PRESIDENT

FROM: Jim Cannon *J 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 divisive, 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-

<u>Max Friedersdorf</u>	Favors Alternatives A, B, D, E and H.
<u>Bill Seidman</u>	Favors Alternatives B, D (very important) and H.
<u>Paul O'Neill</u>	Has no trouble with "further analysis" of all alternatives, but expressed reservations about Alternatives C, F and G.
<u>Bob Goldwin</u>	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.
<u>Jim Cannon</u>	Favors Alternatives A,B,C,E, and I

DECISION

Proceed with further analysis of:

Alternative A	<u> </u>
B	<u> </u>
C	<u> </u>
D	<u> </u>
E	<u> </u>
F	<u> </u>
G	<u> </u>
H	<u> </u>
I	<u> </u>

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.