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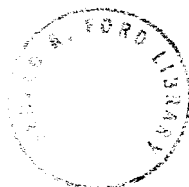
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THE WHITE HOUSE  
WASHINGTON

RON:

Here is a compilation of statements on busing put together by Art Quern and Jim Cannon. I think a few items are omitted (e.g., Ky media interview, Dallas interview or statements, statement sent to Boston ~~Herald~~ newspaper before the Mass primary). If we could get a complete file, Jim Cavanaugh and I think it might be helpful to make it available to the press.

Dave Gergen      5/27/76



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

August 21,  
1974

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.

(On signing HR 69,  
an omnibus education bill)

Much of the controversy over H.R. 69 has centered on its busing provisions. In general, I am opposed to the forced busing of school children because it does not lead to better education and it infringes upon traditional freedoms in America.

As enacted, H.R. 69 contains an ordered and reasoned approach to dealing with the remaining problems of segregation in our schools, but I regret that it lacks an effective provision for automatically re-evaluating existing court orders. This omission means that a different standard will be applied to those districts which are already being compelled to carry out extensive busing plans and those districts which will now work out desegregation plans under the more rational standards set forth in this bill. Double standards are unfair, and this one is no exception. I believe that all school districts, North and South, East and West, should be able to adopt reasonable and just plans for desegregation which will not result in children being bused from their neighborhoods.

ARTHUR ALBERT, EXECUTIVE NEWS DIRECTOR,  
WJAR-TV, SARAH WYE, CORRESPONDENT,  
WJAR-TV AND JACK CAVERNAUGH, CORRESPONDENT,  
WJAR-TV, Sheraton-Islander Inn  
Newport, Rhode Island

QUESTION: Mr. President, schools open very soon around the country and in New England. And in Boston and Springfield, Massachusetts that means forced busing for desegregation. You have had a position on busing before. Can you take a minute and clarify your position on busing? What is your position on busing?

THE PRESIDENT: Before I say anything about what my own personal views are, I want to say most emphatically that I, as President and all that serve with me in the Federal Government, will enforce the law, no question about that.

We will, to the extent necessary, make sure that any court order is enforced.

Now I add one thing that I hope is understood. We don't want any conflict developing in Boston or any of these other communities that have court orders forcing busing on local school systems. So I have sent up the Attorney General, and the community relations experts -- they have four or five people up there that are working with the court, with the school boards and with parents and with others. At the same time the new Secretary of HEW, David Mathews, has sent up his top man to work with the school system. And that individual, Dr. Goldberg, has authority to spend extra Federal funds to try and improve the situation in Boston.

Now, having said the law is going to be enforced, that we are going to try and moderate and work with the people in Boston, I will give you my views on what we are trying to do.

The basic thing that everyone is trying to do is to provide quality education. There is a difference of opinion on how you achieve quality education. My personal view is that forced busing by courts is not the way to achieve quality education. I think there is a better way.

We have had court order forced busing in a number of communities. There are studies that indicate that it has not provided quality education to the young people, which is of personal concern.

October 12, 1974

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.

JULIUS HUNTER, NEWS ANCHORMAN AND  
HOST, ROBERT HARDY, KMOX-RADIO  
ANNOUNCER, RICHARD DUDMAN, ST.  
LOUIS POST DISPATCH AND JOHN FLACK,  
POLITICAL EDITOR, ST. LOUIS GLOBE  
DEMOCRAT, Gateway Tower Building,  
St. Louis, Missouri

QUESTION: Mr. President, busing is a subject, a practice that is distasteful to a large segment of the American population, both black and white. If it is such a distasteful and wasteful process, why bus? Is there any alternative that you see?

THE PRESIDENT: I think that we have to decide, in the first place, what we are really trying to do by busing before you discuss whether it is good or bad. All of us -- white, black, every American, in my opinion -- wants quality education.

Now, the court decided in 1954 that separate but equal schools were constitutional and the courts have decided that busing is one way to try and desegregate on the one hand and perhaps improve education on the other.

Many of those decisions have raised great problems in many, many localities -- Louisville and Boston being the most prominent at the present time.

Discussing those two communities, let me very strongly emphasize the court has decided something. That is the law of the land. As far as my Administration is concerned, the law of the land will be upheld, and we are upholding it.

But then, I think I have the right to give what I think is a better answer to the achievement of quality education, which is what we all seek, and there is always more than one answer.

I think that quality education can be enhanced by better school facilities, lower pupil-teacher ratios, the improvement of the neighborhood, as such. Those are better answers, in my judgment, than busing under a court order.

I think there is a better way to do it. In my judgment, if the courts would follow a law that was passed, I think, two years ago, maybe two and a half years ago, it said that in those areas where you have a problem in seeking desegregation, the court should follow five or six rules. Busing was the last option.

There were five other proposals that courts could have followed and I think we would have avoided a lot of this conflict. That is one way I think we could have solved this problem. The other is the utilization of Federal funds to upgrade school buildings, provide better teacher-pupil ratios, to provide better equipment, that is the way, in my opinion, we achieve what we all want, which is quality education.

I just don't think court order, forced busing, is the way to achieve quality education. I think there is a better way.



INTERVIEW WITH THE PRESIDENT BY  
BOB ABERNETHY, JESS MARLOW  
AND WARREN OLNEY, KNBC-TV  
Century Plaza Hotel, Los  
Angeles, California

September 20, 1975

QUESTION: Mr. President, you have said that State courts in their effort to integrate the schools have ignored less drastic alternatives than busing. What specifically do you mean -- which less drastic alternatives?

THE PRESIDENT: The Congress in 1974 approved what was labeled the Esch Amendment, laid out six or seven specific guidelines for the courts to follow. The last of the recommendation to achieve what the courts should do was busing -- court ordered forced busing to achieve racial integration. Those steps, and I was in the Congress part of that time and I signed the bill that became law, those steps include a magnet school, utilization of the neighborhood school concept, the improvements of facilities, et cetera. I hope that in the future, as some course in the past, recent past, will utilize those guidelines rather than plunging into court ordered forced busing as the only option for the settlement of the segregation problem in the school.

QUESTION: The whole option to busing tends to get confused with racism and there are a lot of racial epithets and what not being thrown about on the protest line. Do you have anything to say about that? You are opposed to busing but how do you make the distinction?



Quality education can be achieved by more than one method. I was reading in the Washington Post this morning a column by one of the outstanding black columnists, Mr. Raspberry, and Mr. Raspberry has come to the conclusion that court ordered, forced busing, is not the way to achieve quality education for blacks or whites in a major metropolitan area.

That is a very significant decision by Mr. Raspberry, who I think Mr. Dudman, for example, highly respects.

QUESTION: I certainly do.

In Boston and Louisville, where the court has ordered busing, how well do you think the people of those two cities have conducted themselves in bringing about court ordered exchanges of black and white students?

THE PRESIDENT: There have been some disorders there over the last year or more.

QUESTION: I am thinking about this fall. There have been Federal agents there, of course, to try to maintain order. Are you reasonably well satisfied with the way things have happened or not?

THE PRESIDENT: So far, there has been a minimum of local disorder. I hope that that attitude can prevail in the months ahead as the police involvement and the Federal marshal involvement becomes less and less.

I am also an optimist, even though I disagree with the method by which they are trying to achieve quality education.

QUESTION: Are you counseling the people of those two cities to cooperate with the courts, or are you encouraging them to maintain their strong feelings in some cases that this is an improper solution?

THE PRESIDENT: Last year I did a televised tape urging the people of Boston to cooperate with the court and to maintain law and order. I did that then, and I have counseled everybody that I talked with in Boston to encourage their fellow Bostonians to obey the law and follow the court's action.

THE PRESIDENT: I don't think opposition to busing really has any relationship to racism on the part of most people. I think the best illustration, one of the rising young columnists in the country, Bill Raspberry, a black, has been most forceful and most constructive, I think, in opposing the court approach in many cases.

I have been opposed to busing as a means of achieving quality education from its inception. My record in the Congress in voting for civil rights legislation is a good one, so I believe that the real issue is quality education. It can be achieved better for disadvantaged people, minorities, by other means.

I have sought, through the support of the Esch amendment, through adequate funding, to help Boston and other communities where this problem exists, to upgrade their school system rather than to have this very controversial approach of forced busing.

QUESTION: Do you think it will be an issue in next year's campaign?

THE PRESIDENT: I hope it won't.

MOORE, KMBC-TV, GABE PRESSMAN, WNEW-TV,  
ALAN SMITH, WTTG-TV, GILBERT AMUNDSON,  
WTCH-TV, KENNETH JONES, KTTV-TV, and  
HERB KLEIN, METROMEDIA, Century Plaza  
Hotel, Los Angeles, California

October 30, 1975

QUESTION: Mr. President, school busing is a problem affecting Kansas City and many other cities in the country. You have not exactly endorsed school busing to achieve integration in the schools, but at the same time, you haven't exactly outlined an alternative.

What hopes can you hold out for cities like Kansas City that run the risk of losing millions of dollars in Federal aid in the not too distant future if they don't use school busing?

THE PRESIDENT: Really, I have spoken out consistently and for some time on this problem. I was one of the original Members of the House or the Senate that said that court-ordered forced busing to achieve racial balance was not the way to accomplish quality education.

That has been a consistent statement, view, policy of mine for a number of years. I believe it even more fervently today than I did before. So, we have to start out with the assumption that education, quality education, is what we are all seeking to accomplish.

Now, some people say we ought to spend more money, and I think there are programs where you can spend more money at the local level to upgrade schools in disadvantaged areas. There are others who say the long-range and, even to a substantial degree, short-range, is better distribution of housing, so we achieve integration in a different way and you can still rely on the neighborhood school system.

Dr. Coleman, who testified before the Senate Committee on Judiciary just a few days ago, had some thoughts on it. It is interesting that Dr. Coleman, who was an initial proponent of busing to achieve quality education, has now -- after studying the problem in a number of cities -- come to the conclusion that it is not the answer.

I don't think there is any patent medicine that can give us the answers, but I think we ought to spend whatever money is necessary for what we call magnet schools, to upgrade teachers to provide better facilities, to give greater freedom of choice. These are the things we ought to push hard.

QUESTION: There are those who say, including Congressman Jerry Luttin from Kansas City, that a separate Department of Education should be established, taking it away from HEW.

Would you be in favor of establishing a separate Department of Education to handle the complex problems of housing?

THE PRESIDENT: I don't think that, in and of itself, is a solution. That sounds good. Maybe it ought to be justified on other grounds, but I don't think it is necessarily the answer to this problem.

QUESTION: Mr. President, busing is very definitely in some States an issue in the campaign. You said previously that you didn't think it was the most agreeable answer to desegregation. Do you plan to propose any other alternative?

THE PRESIDENT: I never felt that court ordered busing was the proper answer to quality education. On the other hand, as President, I am obligated to see that the law is enforced. I signed a bill in 1974 or early 1975 that provided a list of steps that should be taken by the Executive Branch and the court has guidelines in resolving the problem of segregation in school systems. I think that the courts ought to follow those guidelines. I think the Executive Branch ought to follow those guidelines. If they do, I think it is a better way to achieve desegregation and to provide quality education.

QUESTION: Do you have any other alternative to forced busing as we now know it in several states?

THE PRESIDENT: I think the courts themselves are beginning to find some better answers. They have implemented, beginning this last week, a modified plan in the City of Detroit and to my knowledge there has been a minimum of difficulty.

Now what happened was the original order of two or three years ago was a very harsh order, it called for massive busing, not only in the City of Detroit but in the County of Wayne. A new judge took jurisdiction of that problem. He modified the court order, modified it very substantially, and apparently it is working. So I think some good judgment on the part of the courts following the guidelines set forth in what is called the Esch Amendment is the proper way to treat the problem.

ANSWER SESSION AT THE CHAMBER OF  
COMMERCE BREAKFAST, Elks Hall,  
February 20, 1976

QUESTION: Mrs. President, I would like you to share with us some of your thoughts on the educational system in our country; namely, do you feel that after two years of busing, the City of Boston now has a better system than two years ago and what are your thoughts on reintroducing prayer into the educational system of this country?

THE PRESIDENT: Let me answer the last question first. I had the wonderful experience of being the Republican Minority Leader in the House of Representatives at the same time my very dear friend, who has now passed away, Senator Everett Dirksen, was the Minority Leader in the United States Senate. We were close personal friends. He and I both agreed that the decision of the United States Supreme Court in precluding non-denominational prayer in public schools was wrong. I think that it ought to be possible to have that kind of time set aside for a non-denominational reflection and prayer. I think it ought to be permitted. I strongly feel that way.

On the question of busing, the Supreme Court has tried to do two things: It has tried to provide quality education, it has tried to end segregation. Those are worthy objectives, I agree with that. I think the emphasis should be on quality education. The emphasis should be on ending segregation, but I think the Supreme Court, and our courts, particularly -- some courts have used the wrong remedies and I vigorously oppose them.

It is my feeling that there has been a developing attitude on the part of some of the courts, however, to take a more moderate view in exercising their Constitutional authority and handle the problem. Let me illustrate it very quickly. Three years ago we had a Federal judge in Detroit who was going to mass bus children from one county to another, not just from the suburbs to the city. He is no longer the judge handling that case. We now have a Federal judge who is handling it and he has understood the problem and the net result of his order which seeks to achieve quality education and desegregation is accepted by the people of Detroit because it is responsible, it is moderate.

So the courts have the authority, it is just that some judges don't seem to understand that it is counter-productive to go as far as they have gone. Therefore, I support what has been done in some cases and I vigorously oppose what has been done in others.

QUESTION:-- Might I add, sir, do you feel, then, that in the case of the City of Boston that Judge Garrity has overgone his limits?

THE PRESIDENT: Well, let me say that I don't think it is appropriate for me to pick a certain Judge, whether he is right or wrong, and comment on his particular decision. I have an obligation. I took an oath of office to uphold the law of the land, and at least at this point what he has decided is the law of the land, whether I agree with his decision or not it is immaterial. I have an obligation to uphold the law of the land.

I have tried to explain my own personal philosophy and illustrate that in some parts of the country other judges have used their Constitutional remedy to be very effective in achieving both quality education, on the one hand, and desegregation on the other.



May 19, 1976

QUESTION: Mr. President, are you reserving the right to review any decision by Mr. Levi on the busing question?

THE PRESIDENT: It is contemplated that some time this week the Attorney General will come in and see me and undoubtedly tell me what his decision is. I think that is a very appropriate thing for him to do and a proper role for me to have, but he will make the decision.

QUESTION: Mr. President, how do you respond to some critics who read into your concern about a review of busing as an effort to play for votes in Kentucky where busing is a major issue?

THE PRESIDENT: I think the fact that these news stories broke over the past weekend and no decision having been made, and the controversy of busing in Detroit, is an indication that we in the Administration made a major effort to not interject busing into the primary situation. We didn't do any talking about what the Attorney General has been studying and what the Secretary of HEW has been working on.

This came from other sources than ourselves and we were disturbed that the stories did come out. We hope that we can keep this kind of matter away from the emotional involvement of this problem and the primary elections.

We certainly had no part of that, none whatsoever.

QUESTION: Mr. President, are you encouraged by the progress that your Administration is making in the search that you ordered last fall for alternative ways to achieve desegregation without forced busing? Are you optimistic? Are you encouraged that you will have found a solution?

THE PRESIDENT: I have had two of the outstanding members of my Cabinet working with others, trying to find any new approach or a combination of several new approaches, and I am encouraged with their progress to date because I think it is a matter we have to settle and settle in a constructive way, and between the Attorney General, Mr. Levi, and the Secretary of HEW, I believe that we may have some ways in which we can achieve the results without the tragedies that have occurred in some of our major metropolitan areas.

(Gergen)

Draft Statement on Busing

May 27, 1976

I have just completed a meeting with the Attorney General on compulsory school busing, and I want to report to you on the results.

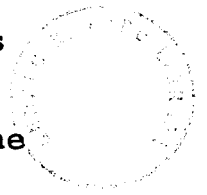
Last November, I directed the Attorney General, Mr. Levi, and the Secretary of Health, Education and Welfare, Mr. Matthews, to launch a full-scale effort to determine ways that we might minimize massive, forced busing in our schools. I also instructed the Attorney General to select an appropriate busing case in which the government could intervene so that we might obtain a judicial review of current case law on busing.

In my instructions, I made it clear that there was to be no retreat from this Nation's commitment to ending involuntary segregation. In recent years, America has made significant strides toward ending racial discrimination. That progress was hard-earned, it has made this a better society in which to live, and we are not going to surrender those gains now.

Yet at the same time, it has become clear that one of the remedies that has been used to overcome the effects of discrimination -- massive school busing -- has often subverted the very goal which it was intended to achieve. Instead of providing a quality education for more students, it has too often led to an inferior education for all students. Without sacrificing our commitment to freedom and equality, we must find better means of achieving quality education.

In the last few weeks, Mr. Levi and Mr. Matthews have recommended to me several proposals that might serve to relieve the pressures of school busing. Those proposals are currently under study within the Administration, and I expect that in coming weeks we will have more to say about them.

Today Mr. Levi has reported to me on the additional question of whether an appropriate case exists which could be the basis for seeking a judicial review of busing. It is Mr. Levi's decision that the Boston school case now pending before the



Supreme Court does in fact represent such a case. Accordingly, the Justice Department will file suit tomorrow on behalf of the defendants in that case, asking that the Supreme Court review the orders imposed upon the City of Boston to determine whether they exceed the bounds of law and reason.

>  
As this case proceeds, three points should be borne in mind:

-- First, a court review, even if successful, will not mean an end to all busing. It will mean instead that the worst ~~excesses~~ <sup>excesses</sup> of busing will be ended. Continued efforts must be made to find other remedies to busing.

-- Second, until the Supreme Court rules, the laws which apply are those enunciated by the lower courts. This Administration will firmly enforce the laws of this Nation and will show no mercy toward those who disobey them.

-- Finally, let us recognize there will be no retreat from our commitment to a better education and a better life

for all of our citizens -- black and white. We can achieve that goal only by dismantling the walls of segregation, not by rebuilding them.

The progress we have made in the last 25 years in erasing the stigma of racial injustice and in healing racial divisions in America is one of our proudest accomplishments as a people. Certainly, we have not finished the job; certainly we have a long way to go; but let there be no doubt: We will ultimately succeed. We will overcome.

Thank you.

MAY 29, 1976

Office of the White House Press Secretary

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THE WHITE HOUSE

## 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 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 to accelerate his efforts to develop legislative remedies to minimize forced school busing. It is my intention to send a message to the Congress recommending such legislation at the earliest possible time. In addition, I shall meet next week with the Attorney General, the Secretary of Health, Education and Welfare, and other members of my Administration to review other possible actions that can be taken to provide communities with assistance in achieving equal educational opportunity for all.

My objective is to create better educational opportunities consistent with the Nation's commitment to justice and equal opportunity. In my view, massive school busing, 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.

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In addition - - - (etc.)

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Question:

What is the nature of the legislation which the Department of Justice is drafting?

Answer:

The legislation will establish procedures to be followed by the trial courts in the designing of federal relief in cases involving unconstitutional discrimination within local school systems. Its general purpose is to require findings as to where the school system and its students would have been if the specific violations had not occurred and to limit the relief granted accordingly.

Buchen 5/29/76

AT THE WHITE HOUSE

WITH RON NESSEN

AT 5:10 P.M. EDT

JUNE 2, 1976

WEDNESDAY

MR. NESSEN: The meeting lasted about an hour and forty minutes. As you see, it just broke up about six or seven minutes ago. Basically two matters were discussed.

Q     How long did it last? When did it start?

MR. NESSEN: It was supposed to start at 3:15. It started about 3:20 actually, so it lasted about an hour and 35 or 40 minutes. Let's agree on an hour and a half.

First of all, the Attorney General outlined the legislation that he has been working on, and I think you are familiar with the general outline. You are familiar with the general outline of it because the President has described it a couple of times in the past couple of days. Then there was a discussion of that and various people offered their views and asked questions about it.

The second part of the meeting was HEW Secretary Mathews describing and explaining a number of approaches that he has recommended which would help a community avoid reaching the point where a court steps in and orders massive busing. Then there was a discussion of that.

Then there was a discussion of those approaches from Secretary Mathews and then there were a number of other people heard from, with comments and with some ideas of their own and with some questions of their own, and there were no decisions made at this meeting.

What will happen now is that the President will consider the opinions and views expressed today and he will be consulting as needed with the various participants, although there is no schedule of any formal meetings that I have to announce now.

After he is satisfied that he has the legislation he wants, he will propose it.

The participants were the Attorney General, Secretary Mathews, obviously, and Secretary Usery.

Now let me explain Secretary Usery's participation a little better than I did this morning. He was there primarily because the President values his advice on a broad range of subjects not just limited to Labor Department matters or the educational matters handled by the Labor Department. Representing the Housing Department was Under Secretary John Rhineland. Secretary Coleman, obviously, would have been there but he is out of town. From the White House staff: the head of the Domestic Council, of course, Jim Cannon; Phil Buchen, the President's Counsel --

Q Did I understand you Secretary Coleman would have been there but he was out of town, is that what you said?

MR. NESSEN: Yes.

Q Why would Coleman have been there?

MR. NESSEN: For the same reason Usery was there. Because the President values his advice on this subject and others that are not directly related to transportation. I said Buchen, and Cheney and Marsh and Hartmann, and then a number of other people -- Max Friedersdorf, Paul O'Neill, Jim Connor, Bob Goldwin, Bobbie Kilberg of the Counsel's Office, Cavanaugh, Parsons of the Domestic Council, Dave Gergen, Art Fish. I think that is the list.

Q Rhineland is Under Secretary of Housing?

MR. NESSEN: Yes.

Q Did you get an answer to the question I asked this morning about whether the legislation would have a retroactive effect in any way?

MR. NESSEN: That is one of the legal matters that is being discussed in the course of considering this legislation.

Q And you also said no decisions were made in this meeting?

MR. NESSEN: That's right.

Q What decisions are there to be made, drafting legislation?

MR. NESSEN: That's right.

Q And they are obviously going to submit it, so what decisions are there to be made?

MR. NESSEN: The President has to decide when the legislation is drafted to his satisfaction and then he has to choose which, if any, of Secretary Mathews' approaches he wants to go forward with and which, if any, of the other ideas that were broached in the meeting he wants to go forward with.

Q Ron, when the President asked the Attorney General to find a court case he said the decision would be Levi's as to which, if any. Is this initiative on legislation largely with the Attorney General, as opposed to the White House?

MR. NESSEN: The President has directed the Attorney General to draft such legislation. The drafting of it is at the moment, or has been in the hands of the Justice Department. The legislation is now here at the White House where it continues to undergo revision and so forth. The Counsel's Office, the Domestic Council and the Justice Department and the President are all involved in the process.

Q How close in time frame are we talking about?

MR. NESSEN: I can't give you a timetable other than to say the President's words the other day -- on Saturday I guess -- which were, I think, as soon as possible still apply but I can't give you a timetable.

Q Are we talking about perhaps a matter of a couple of weeks or perhaps a month?

MR. NESSEN: I can't give you the time frame because this is a piece of legislation which needs to be carefully drafted and the decisions on the other matters need to be made and I just don't have a feeling of when these decisions are going to be made other than that they will be made as soon as possible.

Q Is the objective to have some impact on pending court cases in the pending school year -- September?

MR. NESSEN: I think I have to check the answer to that question before I can give it to you. I don't know the answer to that question.

Q Ron, is it not true that the Justice Department in addition to the drafting of legislation also are providing a brief for a Presidential statement to Congress on this?

MR. NESSEN: That is correct. A draft statement to Congress to go along with the legislation.

Q Is not Gergen a speechwriter and was not his presence there because the President is close to coming up with a speech to accompany this legislation?

MR. NESSEN: That was not my understanding of his presence there. He was there as one of Dick Cheney's assistants representing the Cheney office.

Q I know you don't want to be pinned down on time but is it possible that the President would send this up within a week or two?

MR. NESSEN: I just can't give you a figure on whether it is days or how many days or how many weeks. I just don't have the timetable.

Q Was Friedersdorf asked to give his estimate of how late you could submit it with the chance of passing?

MR. NESSEN: No, he was not asked any question at this meeting.

Q At what point did the civil rights leaders and the Members of Congress get in on this discussion? You said they were going to be there.

MR. NESSEN: They have not received the views of them -- the mechanism for that has not been arranged yet.

Q I assume Levi is still looking for proper and appropriate test cases, is that correct?

MR. NESSEN: That is correct.

Q Did he report at this meeting this afternoon on the results of his search so far?

MR. NESSEN: No, this dealt purely with the legislation to limit busing and the legislation from Mathews and a couple of other ideas but not with the other part of this which is seeking an appropriate court case.

Q Ron, is the legislation intended to achieve essentially the same ends as the review of a court case?

MR. NESSEN: Well, I know that question was asked this morning, Phil, and I don't, frankly, feel competent to make that kind of judgment. Maybe the better way to do it would be to put you in touch with somebody in the Legal Counsel's Office.



Q Did any discussion come up as to whether this is constitutional? There seems to be a clear question that it may very well be unconstitutional, an approach like this.

MR. NESSEN: I don't recall anybody at this meeting saying that the concept of limiting busing would be unconstitutional. There was some discussion of -- there was no specific discussion of -- nobody got up and said you can't do this because it is not constitutional but Ed Levi did describe some of the extremely complex legal questions involved in the kinds of legislation the President has asked for.

Q Did he talk about the fact, Ron, that the Court of Appeals struck down some of the applications of the Esch Amendment in the Dayton case? The President talks about the Esch Amendment an awful lot.

MR. NESSEN: The Dayton case did not really come up. The Esch Amendment did not really come up.

Q Ron, is it fair to say all the participants in this afternoon's meeting share the President's enthusiasm or give their endorsement to this search for legislation that would limit busing?

MR. NESSEN: There was such a wide range of participation and some of them did not speak, Russ, and some of them spoke on different aspects of the subject. I don't want to try to speak for everybody there.

MORE

Q Did anyone in the meeting say we should not be doing this, we should let the courts make this judgment without trying to circumvent via legislation?

MR. NESSEN: No, they did not.

Q Did Pottinger or Bork attend?

MR. NESSEN: They did not.

Q Does the fact that you can't give us a time-frame indicate that the President is finding the legislation that Levi has proposed still basically unacceptable?

MR. NESSEN: No, that is not the reason why I say I can't give you a timetable. There are decisions to be made. There is a final draft of the Levi legislation to be done and approved by the President, and there are the Mathews' ideas to be reviewed and chosen and the other ideas to be thought about, so it is only that there are a number of decisions to be made, and I don't know what the timetable for making those decisions is.

Q I guess what I am trying to get at is if the Attorney General submits legislation presumably it has been put together fairly carefully. The fact that you can't give us any indication how soon this might go to the Hill made me wonder if there were not some basic problems that still have to be resolved and that we are not really that close. I am not trying to put words in your mouth.

MR. NESSEN: I would not leap to this conclusion, Dick. It is just a question of -- there are a number of questions and there are a number of decisions the President needs to make, and I don't have the timetable for making those decisions.

Q You don't expect it before the primaries, do you?

MR. NESSEN: I just don't have any idea on the timetable, Bob.

Q How can you not have any idea? I don't mean to press you on this, but they have spent an hour and a half discussing this thing. It seems almost impossible to me that you could come out of a meeting like this and not have any idea when they are going to do something. Maybe if it is two or three weeks off, I could see your saying that you don't envision it within the next week, but to leave it openended like this --

MR. NESSEN: The President could go home tonight and sit down with all the papers and come in tomorrow with his decisions. He also could spend a considerable time considering his decision, and he did not say at the meeting which course he was going to follow.

Q Given the political climate that we are operating in right now, it becomes somewhat more significant if he is going to make a decision within the next few days or the next few weeks or whether we are talking about two or three weeks. .

MR. NESSEN: Whatever his decision and whatever his timetable, Dick, it is totally unrelated to whatever political factors you may have in mind.

Q Ron, the President did definitely express his desire to have legislation, he wants legislation?

MR. NESSEN: He made that clear, I think, on Saturday in the statement and he certainly has not changed his mind since Saturday.

Q Is the initiative his or Levi's on this legislation?

MR. NESSEN: It was the President directing the Attorney General.

Q Was there any discussion tonight of a June 7 televised address on this?

MR. NESSEN: No, there was not.

Q Was there any discussion in the meeting of attaching this legislation as an amendment to the education bill that comes up in the Senate in a couple of weeks?

MR. NESSEN: I did not hear any discussion like that.

Q Is the President's new proposal only for Executive action?

MR. NESSEN: There was discussion of, if the President decided to go forward with some of the Mathews ideas, how it would be carried out, but no decision was made.

Q Could they presumably require legislation?

MR. NESSEN: There was a discussion of how to carry them out, but I don't want to go any further than that.

Q Ron, to approach Bob's question on constitutionality for a minute, the President directed Levi to find the case and Levi, we are led to believe, did not feel the Boston case was proper because of various legal reasons, that it did not present a proper legal case.

Has he expressed any reservation about any legal approaches on this bill?

MR. NESSEN: Who, the Attorney General?

Q Yes.

MR. NESSEN: He is drafting it.

Q And he has no hesitations, expressed none about approaching it this way?

MR. NESSEN: Certainly not that I have heard.

Q When did the President direct the Attorney General to come up with legislation? Was it in November?

MR. NESSEN: I will check the date on that. I don't know the date. Maybe Cannon does.

Q Ron, when we talked this morning I asked you-- we talked about limiting busing--were you talking about limiting it to a situation where segregation is being perpetuated by an official body? You said yes and I said are you talking about prohibiting busing situations in places where segregation arose from other situations such as housing matters, and you agreed with that.

MR. NESSEN: Correct. Just to show you it is not only housing patterns, it would be things like zoning regulations, economic conditions and so forth.

Q Now, those people who are opposed to the idea or some of the people opposed to the ideas of the President's legislation on this, say that the courts already are only ordering busing in cases where an official body -- and every instance it has been a school board -- the court has found some action of the school board resulting in the deprivation of constitutional rights of some children.

So, my question is if that is what the courts are already doing, how could what you are proposing make any difference?

MR. NESSEN: Who is it that says this other?

Q The NAACP and the NAACP Legal Defense Department, which are two separate organizations.

MR. NESSEN: Having sat in on this meeting and other meetings, it is a very complicated legal and constitutional question, and I just don't feel qualified to pass judgment on a whole series of court cases which have dealt in this area.

Q . Ron, is it possible for you to give us a definition of what constitutes an official governmental act that creates segregation?

MR. NESSEN: I am going to pass on that one, Phil, on the grounds it is a complex legal question.

Q Does the President feel some sense of urgency about busing?

MR. NESSEN: What do you mean by that?

Q I mean, does he feel it should be something that must be tackled immediately?

MR. NESSEN: He indicated last Saturday, and he has not changed his mind, that he would like this legislation to go forward as soon as possible.

Q Would he like that legislation to have some effect on schools opening this September?

MR. NESSEN: That was the same question over here, Ann, and I said I would have to check the answer to the question.

Q Was there any mention in the meeting about the reaction in Boston to the Attorney General's announcement of Saturday?

MR. NESSEN: As I recall it, there was no discussion of the Saturday decision at all.

Q Was there any mention of violence, vandalism, that took place in Boston after the decision was announced?

MR. NESSEN: No. As I say, there was no discussion of the Boston decision at all.

Q If it had not come out in the open that Boston was being considered and the Attorney General had rejected Boston, it probably would never have been announced?

MR. NESSEN: That is correct.

Q Therefore, would there have been this meeting today on the legislation?

MR. NESSEN: I don't know. How can I say that? But you know the fact is that a while back the Justice Department considered the Pasadena case with no publicity whatever and decided it was not the proper case and walked away from it and there were no newspaper stories and no intense questioning here. The point is that I think it really goes to the same thing that I have been trying to get over for a long time without any success; that is, the White House has not raised this up. It is a political issue.

Q You are sure running with it.

MR. NESSEN: Anyhow, I was asked earlier when did the President direct the Attorney General to draft such legislation to limit busing. In early March the President had Jim Cannon, in his capacity as head of the Domestic Council, send a memo to the Attorney General on behalf of the President directing the Attorney General to prepare draft legislation which would minimize forced school busing for his consideration, so that is early March, April, May. I guess two and a half months.

Q You asked Levi for a court case six months ago and he could not find it and now you are asking for legislation two and a half months ago and he could not find it.

MR. NESSEN: Wait a minute. What do you mean he can't find it. It is here.

Q You say he has it and you are still reviewing it and reworking it. Is the President satisfied at the pace at which the Attorney General conducts his business?

Q Is he satisfied with the premise to avoid court orders that has been proposed in the legislation?

MR. NESSEN: Let's just wait and see the legislation.

Q It is very complicated, even the way the President described it.

MR. NESSEN: It is very complicated. That is why a lot of people sat around the table today and had a serious discussion about it.

Q One question in my mind, it is clear the President will submit legislation.

MR. NESSEN: It was clear last Saturday and it is clear today this legislation is the legislation to accomplish this purpose.

Q And it is clear the legislation he was describing would be the legislation?

MR. NESSEN: That is a generalized description of what the legislation will do, that is correct.

Q I guess what I am getting at is this afternoon, working from what he said inside, he was talking about the proposed legislation.

MR. NESSEN: Right.

Q I couldn't tell from his remarks whether that meant that this proposed legislation was in fact what he would send up without being refined. In other words, this is the concept that he is following, is that correct?

MR. NESSEN: That is correct.

Q So that is now an established fact?

MR. NESSEN: That's right.

Q In the interview he also talked about putting up money for cluster schools, is he prepared to do that?

MR. NESSEN: This is another aspect of it, not part of the legislation that Levi is drafting. This is more in the area of some of the ideas that Secretary Mathews has.

Q Ron, have you cited any examples here of busing that was prompted by factors other than official acts?

MR. NESSEN: I said, Russ, that I am just not enough of a constitutional lawyer to do that.

Q So the legislation now being considered which would completely ban busing that results from factors other than --

MR. NESSEN: Wait a second. I agreed with John Cochran this morning when he gave me a generalized description. I don't have to agree with John, although I am glad to. The President has given a generalized description two or three times in the past couple of days of what he wants the legislation to accomplish and I would rather stick to that definition.

Q That definition does include the banning of school busing as a remedy for segregation that is resulting from factors other than official action.

MR. NESSEN: I think it is worded the other way, Russ, that the remedy of busing should apply in those cases to remedy those situations of segregation of students which arise out of official acts.

Q What I am trying to do is to apply the legislation now being considered to cases around the country that presently exist. For example, would it apply to Cleveland or would it apply to Louisville?

MR. NESSEN: You mean would it literally apply to those cases or would it apply to situations like those?

Q Situations like or those particular cases.

MR. NESSEN: In the particular cases, as I said before, the question of any retroactive effects of the law, whether it has any at all or should have any at all, is one of the matters being considered in putting the legislation together.

Now on the question of whether it applies to situations like those that you mentioned, I am just not enough of a lawyer to answer that question.

Q The President, in one of the TV interviews that you made available today, expressed his hope that passage of this new proposed legislation, in conjunction with the 1974 Esch Amendment, would eliminate or minimize forced busing in cities in which it is already taking effect, so doesn't the President clearly address himself to that and doesn't he maintain, if Congress passes his new legislation, that there will be less busing in cities like Boston? Is that not the proper conclusion?

MR. NESSEN: I have to see that quote. I don't recall that particular passage that you quoted.

Q Ron, he also said that he could cite specific examples where school boards, city officials and the courts have gotten together to avoid extensive busing. Could you tell us who those are?

MR. NESSEN: The one he cited most often in my hearing is the Detroit case where there was an original ruling which called for quite extensive busing and then, if I understand correctly, there was another judge that took over in the case because of either the illness or death of the original judge and a second or revised order was handed down and that called for considerably less busing than the original order. That is the case that I have heard the President speak of most often when he says there are ways to limit the amount of busing and still accomplish the goal.

Q Ron, did I understand you to say that nobody in the room today opposed the idea of this legislation that the Attorney General is working on?

MR. NESSEN: Not in my hearing they did not.

Q I thought you said there were a variety of views expressed.



MR. NESSEN: Right, but somebody said -- I forget who it was -- "didn't anybody get up and say 'Mr. President, that is wrong, you should not do that.'" And I said, "No, nobody said that."

Q Did anyone dare?

MR. NESSEN: Well, those folks in the room, I think, were not reluctant to express their opinions.

Q Ron, as far as you can tell, everybody in the room agreed with the idea or the principle of legislation to limit busing but they may have disagreed on how to go about it.

MR. NESSEN: There was nobody in the room who stood up and said what somebody suggested they might have said, which is "I oppose that," or "I don't think you ought to do that." Nobody said that.

Q Did anyone raise the constitutional question, the legal question?

MR. NESSEN: I think I answered that before and said I did not hear discussed the question of whether this legislation contained any unconstitutional factors.

Q You also said Levi said there are some extremely complex legal problems involved in this.

MR. NESSEN: There are.

Q Did Levi raise any questions about those legal problems vis-a-vis the legislation itself?

MR. NESSEN: Certainly. He discussed many of the legal problems involved in this issue.

Q Did he tell the President there may be some problems with the constitutionality of it?

MR. NESSEN: I said, Walt, about three times that the question of whether this could be done constitutionally did not come up at this meeting.

Q Is there a question of retroactivity? Is that a complicated legal problem?

MR. NESSEN: Somebody mentioned, you know, what would be the application of this legislation and it is one of the matters that is being considered as part of the legislation.

Q Ron, did the President express a view that he would like to see it enacted?

MR. NESSEN: He did not. It was only a very passing reference to that aspect.

Q We get the impression, Ron, that the Attorney General is acting under the direction of the President and he is being a good soldier but he is really not very enthusiastic about the whole idea.

MR. NESSEN: I know there are some folks over at Justice floating that idea. I suggest you ask the Attorney General and I think you will get quite a different idea if you ask him.

Q He never holds a news conference. He is unapproachable, and inaccessible. It is really a bad situation over there.

Q Ron, did anybody bring up the possibility that legislation could raise false expectations? Did anybody say they must be very careful that we don't inflame passions? Did anybody talk about the sociological impact as opposed to just the legal?

MR. NESSEN: It was primarily a discussion of the legal aspects.

Q Ron, could I bring up a question? Yesterday, did not you tell me that the Administration was considering a prefatory meeting at Geneva -- I am serious about this, I am sorry I missed most of today's briefing -- for obvious reasons I am sorry I missed it -- but didn't you tell me that the day before yesterday?

MR. NESSEN: Dick, I told you exactly what I told everybody who has asked me about this matter in the past three months and the same thing Kissinger has said since you have talked to him about it since London, and what the State Department has said, which is we will help the parties take steps toward peace and the steps will be of their choosing and in the form of their choice.

If they want to do it step by step, we will help; if they want to do it at a Geneva forum or if they want to do it at some sort of preparatory meeting prior to Geneva, we will help. That has been our position.

Q Didn't you specifically cite without any prompting from me the fact that consideration he was being given a prefatory meeting in Geneva?

MR. NESSEN: I did not say anything yesterday that I did not say for three months before.

MORE

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Q Didn't you say it yesterday?

MR. NESSEN: Among the various choices. The same choices we have had all along, though.

Q But you specifically cited that one.

MR. NESSEN: Along with the other two.

Q . I don't understand what I heard about today's briefing, then, Ron.

MR. NESSEN: I have to go to a 5:30 meeting on another matter. Have we beaten the subject to death? I called you, Dick, on the phone yesterday and suggested that you had gone very much too strong on that story, but anyhow, we will talk about that later.

Q No, I am afraid that is not exactly the tone of what you said yesterday, but never mind. I still don't understand what I heard about today's briefing, a little thing about it being wrong. It wasn't wrong, and you know it wasn't wrong, Ron.

THE PRESS: Thank you, Ron.

END (AT 5:30 P.M. EDT)

#503



THE WHITE HOUSE

WASHINGTON

June 3, 1976

MEMORANDUM FOR:           RON NESSEN ✓  
                             JIM CAVANAUGH  
                             PHIL BUCHEN  
                             BOB ORBEN

FROM:                       DAVE GERGEN

SUBJECT:                   Presidential Responses on Busing

Last week Art Quern pulled together a partial compilation of past Presidential statements on busing. Judy Muhlberg has tried to flesh that out, bringing it up to date through the New Jersey interview of June 2.

REMARKS OF THE PRESIDENT AT THE 18th BIENNIAL  
NATIONAL FEDERATION OF REPUBLICAN WOMEN'S  
CONVENTION, Dallas, Texas, September 13, 1975

Let me add at this point, if I might, the matter of deep concern to me -- a matter that I am positive is of deep concern to all, those here and 214 million Americans -- we have tried hard, we have written laws, we have appropriated money to accomplish quality education for the young in America. In 1954 the courts of this country decided that one way in their estimation to achieve that was court order forced busing. Now, regardless of how we individually may feel, the law of the land must be upheld.

But if I could give you a view that I have expressed, not just recently but for 10 or more years, there is a better way to achieve quality education in America than by forced busing. We can and we will find a better way.

We can increase pupil-teacher ratios; we can improve facilities, have more and better equipment, rely more heavily on the neighborhood school concept. There is a way and we must find it.

INTERVIEW WITH THE PRESIDENT BY THE BOSTON GLOBE,  
In the Oval Office, February 21, 1976

QUESTION: We will begin with the Boston busing, specifically your request from HEW and Justice that you get some alternatives to busing and so forth -- any progress?

THE PRESIDENT: I received a memo a day or so ago with five or six alternatives. I have not had an opportunity to analyze the suggestions yet. It is a matter that is being currently studied right here in the Oval Office, but proposals and various options just came to me about 24 or 48 hours ago.

QUESTION: What were the five or six, can you at least tell us that?

THE PRESIDENT: I don't think I really ought to discuss the proposals because they cover a wide range of suggestions, and until I have had an opportunity to sit down with the Attorney General and Secretary of HEW and get the benefit of the views of the Domestic Council, I think it is premature to even discuss the various options.

THE PRESIDENT: I have some reservations about that. The truth is, and I said that in a press conference or in a response to a question up in, I think it was, Dover yesterday that actually what the Supreme Court has ordered is that local district courts have a remedy to end segregation on the one hand and provide quality education in disadvantaged areas on the other.

Some judges have gone very far, others have shown a more moderate view in trying to apply that remedy. I refused, and I think properly so, not to identify any particular judge or any particular remedy used, but it is perfectly obvious that in some communities where one judge is used to remedy with moderation the problems have been resolved without tearing up the fabric of the community. What some judges have done is used, to a degree, the Esch Amendment, the seven steps or criteria that the Congress recommended, which I approved of. I feel very strongly that our principal emphasis should be on how you best achieve quality education, and the extreme view of some judges, I don't think, achieves that, and the extreme views of some judges has not, in my opinion, solved the problem of desegregation. So there is a remedy if it is properly used.

QUESTION: Without busing, Mr. President?

THE PRESIDENT: I think in some areas judges have used the remedy of busing without tearing up the fabric of the community and it depends upon the wisdom and the judiciousness of the judge who has to deal with reality.

QUESTION: One last question to wrap up on busing. These alternatives that you have here, when do you expect that you will unveil them?

THE PRESIDENT: I always hesitate to put a deadline, but I would say it would take us --

QUESTION: After the Massachusetts primary?

THE PRESIDENT: It would take us until some time next month to come to some resolution of whether any one or any part of these recommendations would --

QUESTION: One other thing, Mr. President. Have these come from both the HEW and the Justice Departments?

THE PRESIDENT: I have ordered them to undertake the review and I think they are the combination of their joint efforts.

QUESTION: I would like to clear up one more matter on the busing issue, which we opened with. You mentioned how you had these proposals and were going to study them, but you seem to leave open the option that as much as you favor the search for alternatives to busing you might not get into it at all. Is that a fair assessment?

THE PRESIDENT: I don't think I should pre-judge precisely what I am going to do. The alternatives cover a wide range of options and they might take any one of several courses of action but to pre-judge it now I think would be unwise.

QUESTION: Let me just add this one thing. I read a letter to the editor in our paper relating to the violence in Boston last Sunday, and this person said, "This is what happens when you have policy made by the Judiciary instead of the Legislative Branch."

Is it your objective that you could convince Congress to do something in this field so that at least the will of the people could feel represented and not under the thumb of the Federal Judiciary?

THE PRESIDENT: Under our system of Government when you have three coordinate branches and there is a constitutional issue involved and the court has made a finding, even if I disagree, I think the President, first, has an obligation to enforce the law despite any disagreement I have. It would be far better if we could find a solution outside of the court administration -- it would be far better.

Certainly the handling of the administration of a local school system by the Federal Judiciary, I think, is very annoying to literally thousands of people because the public, for almost 200 years, has believed that the education of their children is primarily the responsibility of the community and it is such a stark contrast between that concept which is so deeply engrained with the opposite where a single judge is running a school system. I think that is one of the basic problems, and if we can somehow find an answer that gets away from that, it would be a lot more acceptable to the public.



QUESTION: I know you are very clear about enforcing the law, I am not trying to trip you up on that, but if you lived in a school jurisdiction where a court order had been laid down for busing and your children were going to public schools, would you send them to private schools or move out of the jurisdiction or do something to avoid that yourself?

THE PRESIDENT: That is a very good question. All of our children were brought up and went to school in Alexandria, Virginia, and with the exception of our daughter who went one year to a private school, all of our children started in the first grade because they don't have any kindergarten.

The three boys went from first grade through high school; Susan went from first grade to, I think, the tenth grade, she went one year to private school and then one year there and one year to a private school when we were here.

But Alexandria was either under a court order or under administrative action taken by HEW and they had an imposed restriction of their school system and had substantial busing and our children went to those schools during that period of time. None of our children went to private schools as a result of that action either taken by the court or by HEW.

QUESTION: Were they bused as such or did they go on their own?

THE PRESIDENT: The boys -- Steve had a carry thing, but Susan was bused.

QUESTION: She was. If you had elementary school children who would have to be bused in a particular jurisdiction, would you stand for that?

THE PRESIDENT: I can only reiterate what we did under the circumstances.

QUESTION: Right.

THE PRESIDENT: I think I would rather go by the way we handled it rather than any speculation.

BUSING

Q. Boston, more than any other city in the nation, has seen its people divided, its racial tensions increased, its classrooms become centers of conflict, and its streets become battlegrounds because of the forced busing of thousands of its schoolchildren. There is growing agreement among parents, politicians, sociologists and educators that though desegregation of the schools is a desirable end, forced busing is an imperfect and ineffective means to achieve it. You have added your voice to the critics of busing by saying that you oppose it and that there are better alternatives to it. But you have never really spelled out, in specific detail, what these alternatives are and what you propose to do as President to bring them about.

Exactly what do you advocate to bring about integration in the schools and reduce the racial tension in our city--and what actions will you take to achieve those goals?

A. The first question we must answer is, "What are we really trying to do by busing?" All of us--white, black, every American, in my opinion--want quality education.

Second, let me strongly emphasize that the Supreme Court, in 1954, decided that separate but equal schools were not constitutional. That is the law of the land. As far as my Administration is concerned, the law of the land will be upheld and we are upholding it.

Subsequently, the Federal Court decided that busing is one way to desegregate schools and perhaps improve education at the same time. But there is always more than one answer,

and I have the responsibility to give what I think is  
answer to the achievement of quality education, which is what  
we all seek.

I believe that quality education can be enhanced by better  
school facilities, lower pupil-teacher ratios, the improvement  
of neighborhoods and possibly by other alternatives.

Accordingly, I directed the Secretary of Health, Education  
and Welfare, the Attorney General, and members of my staff to  
develop better methods of achieving quality education within  
an integrated environment for all children.

The development of these alternatives is going on now.

REMARKS OF THE PRESIDENT AT THE LOS ANGELES PRESS  
CLUB BREAKFAST, Hyatt House International, May 25, 1976

• THE PRESIDENT: We can have one more after this if somebody is ready, willing and able.

QUESTION: Mr. President, I wanted to know whether you believe that there are some situations in which busing could help toward the implementation of the 1954 Supreme Court school desegregation ruling?

THE PRESIDENT: Basically, I have opposed the kind of busing remedy that the courts have utilized for the achievement of quality education. I think the courts have gone much too far in most cases in trying to achieve quality education by the imposition of court-ordered forced busing to achieve racial balance.

I am strongly opposed to segregation. I fully oppose the constitutional rights of those who have been discriminated against in the past. But the Court really has a tool in court-ordered forced busing.

I can cite one case that I am personally familiar with where they handled that remedy in a responsible way -- my own hometown of Grand Rapids, Michigan. A judge used good judgment and the problem was solved. We took care of segregation in a proper way constitutionally and, at the same time, we were able to put the emphasis on quality education.

But I can't cite some other judges -- and I won't do that because the Attorney General admonishes me not to do so -- where I think they have gone far too far, and the net result is we have torn up a number of communities and it is tragic and sad.

I hope that the Supreme Court in the proper case can give some better guidelines, more specific guidelines to some of these lower Federal courts so that they can use a better judgment in trying to achieve, first, quality education and, secondly, the ending of segregation, and the protection of constitutional rights.

Q & A Session, PENDLETON MUNICIPAL AIRPORT, May 23, 1976

QUESTION: Ronald Reagan says the attitude of the Attorney General apparently signifies some sort of change in attitude of the Administration toward busing. What is the attitude now of your Administration toward busing?

THE PRESIDENT: There is no change in my attitude. I have been totally opposed to court-ordered forced busing to achieve racial balance, because that is not the right way to get quality education. The Attorney General is investigating the possibility of filing an amicus curiae proceeding, as far as the Supreme Court is concerned. He will make the decision, if the facts justify it, and he will report to me when he has made that decision.

But the basic attitude of the Ford Administration is the same as it has been in the Congress and in the White House. Quality education is not achieved by court-ordered forced busing.

Q & A SESSION AT SAN DIEGO AIRPORT, LINDBERGH FIELD,  
May 24, 1976

QUESTION: Mr. President, when you talk about quality education, are you speaking about desegregated education?

THE PRESIDENT: I am talking first that quality education is our prime responsibility. But, at the same time, we have to maintain the constitutional rights of individuals that we should not have segregation. I think we can have both. If we do the right thing, both with the courts on the one hand and the Congress and the President on the other, we can achieve quality education without undermining the constitutional right of individuals to have desegregation.

Q & A SESSION AT EL TORO MARINE CORPS AIR STATION,  
May 23, 1976

QUESTION: Mr. President, what do you propose as an alternative to forced busing?

THE PRESIDENT: The alternatives are well set forth in what we call the Esch amendment, the Esch amendment which was approved when I was a Member of the House of Representatives, and I signed it as a law in late 1974; provides a list of alternative steps which, if the courts of this country would follow, they wouldn't get down to the last one, which is forced busing to achieve racial balance.


The courts, in my judgment, have to look at the guidelines prescribed by the Congress. The Congress is interested in quality education, as I am, and they -- the Congress -- are also against segregation, but we can find a way for quality education if we follow the Esch amendment, and I hope and trust that the courts will in the future.

Q & A SESSION AT THE JACKSON COUNTY-MEDFORD COUNTY  
AIRPORT, May 22, 1976

QUESTION: Mr. President, are you moving to the right on the racial issue with these busin~~g~~ remarks, and the nuclear reactions in South Africa?

THE PRESIDENT: Not at all. I have strongly opposed court ordered forced busing to achieve racial balance. I have consistently all my life lived and believed and voted for the end of segregation. But I think the real answer that we are trying to get is quality education, and court ordered forced busing is not the best way to achieve quality education.

Therefore, what may transpire by the Attorney General -- and he has not yet made his final decision -- is an attempt to get a better remedy for quality education than the remedy that has been applied in several States.

 In the case of South Africa, we are trying to end the radicalism which has developed in South Africa since the Soviet Union and Cuba took over Angola. The way to do that is to convince the independent States in South Africa that there should be no outside power controlling that part of that continent.



PRESS CONFERENCE IN THE PRESIDENTIAL BALLROOM  
EAST AT THE NEIL HOUSE HOTEL, Columbus, Ohio,  
May 26, 1976

QUESTION: Mr. President, Mr. Udall has' accused you of playing politics with busing. Some Ohio civil rights leaders have indicated agreement. What is your answer to this criticism and also what is your advice to residents of Ohio cities facing court-ordered desegregation next fall?

THE PRESIDENT: First, let me say that I have vigorously opposed court-ordered forced busing to achieve racial balance as the way to accomplish quality education. I have opposed it from 1954 to the present time.

We all know the tragedy that has occurred in many communities where the court has ordered forced busing on a massive basis. I think that is the wrong way to achieve quality education.

Last November, well, before the Presidential primaries got going, I met with the Secretary of HEW and with the Attorney General and asked them to come up with some better alternatives to the achievement of quality education and court-ordered forced busing. The two Secretaries in my Cabinet have been working on alternative proposals.

The Attorney General is in the process of deciding whether or not, where and when he should appear on behalf of the Federal Government to see if the Court, the Supreme Court, won't review its previous decisions in this record. And secondly, the Secretary of HEW is submitting to me in a week or so the alternatives that he would propose to achieve quality education without losing the constitutional right of individuals so that we can do away with segregation and, at the same time, achieve quality education.

Now, the various communities in the State of Ohio that are in various stages of action by various parties, as far as busing is concerned, certainly ought to abide by the law. But, we hope that at least possibly the Supreme Court will review its previous decisions and possibly modify or change. We can't tell.

But, in the meantime, local communities, of course, have to obey the law and my obligation is to make certain that they do. But we must come back to the fundamental objective -- one, quality education, I believe there is a better remedy than court-ordered forced busing.

QUESTION: Mr. President, there are many civil rights groups who believe that the word "quality education" is a code word; that is, it is not in conformity with the Supreme Court's 1954 decision that we should have desegregated schools and that separate but equal are not equal. What is your definition of "quality education"?

THE PRESIDENT: I respectfully disagree with some of the civil rights leaders. I think the best way to outline how we can achieve better or quality education and still insist upon desegregation is set forth in legislation under the title of Equal Educational Opportunities Act, which was passed in 1974.

If the court will follow those guidelines that were included in that legislation, we can protect the constitutional rights of individuals, we can eliminate segregation and, at the same time, we can give to individuals, the students, a better educational opportunity and accomplish quality education.

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.

QUESTION: Mr. President, I was wondering if you could give us some hints about these alternatives that you are considering to forced busing. I just wondered what, beyond the Esch amendment, and what is spelled out in the law, and what the courts have already examined, what possibly could be an alternative that would hold up in the courts? What are the sorts of things that you are looking at?

THE PRESIDENT: When the proper time comes, Mr. Schieffer, we will reveal what Secretary Mathews has revealed to me and the options I have selected. I think there are some possibilities, but I think it is premature until I have made the final decision to indicate what he has thought might be an improvement over the way we have been handling the situation in the past.

QUESTION: Is it fair to say, though, Mr. President, that this is going to require some major legislative work, some major changes in the law?

THE PRESIDENT: Not necessarily, not major legislative changes. It can have some legislative impact, but it is also what we can do administratively.

QUESTION: Why not just go for a constitutional amendment against forced busing?

THE PRESIDENT: I think that is too inflexible and the facts of life are that that constitutional amendment has not gotten, or it can't possibly get a two-thirds vote in either the House or the Senate, and it certainly can't be approved by 75 percent of the States.

So, anybody who talks about a constitutional amendment is not being fair and square with the American people because no Congress that I have seen -- and this one is a very liberal one -- has done anything to get it to the floor of the House or even to the floor of the Senate.

So, when you talk about a constitutional amendment, you are kidding the American people and anybody who has been in Congress knows that.

QUESTION: At least that is saying what you are for. What I am wondering is, why you can't give us a few hints about what the alternatives are that you think will solve the problems?

THE PRESIDENT: At the proper time, Mr. Schieffer, Secretary Mathews will have the option paper before me, and I will be glad to review it and make it public at that time.

QUESTION: Mr. President, since Governors Reagan, Carter and Wallace have all conducted, to some degree, an anti-Washington campaign, should you be the nominee and Governor Carter be the Democratic nominee, how do you propose to attract the votes of the Reagan supporters, particularly the Wallace crossovers to Reagan?

THE PRESIDENT: I want to appeal to as many Democrats as I possibly can and that is what I did in Michigan in the recent primary. My opponent very obviously wanted the Wallace element and only the Wallace element. I appealed in Michigan to all Democrats and all independents who wanted to cross over and vote for me if they believed in my record and believed in what I was trying to do, and we got a tremendous number of Democrats in Michigan to cross over and I am very proud of it.

Now, after we get the nomination in Kansas City, we will naturally want to get as many Democrats as we can because the Republican Party, according to statistics, has only about 19 percent of the public and the Democratic Party has 35 to 40 percent, as I recall. The rest of the people are independents.

So, a Republican candidate for the Presidency has to have a lot of support from independents and a significant support from Democrats. And the experience in Michigan, where I got a broad spectrum of independents as well as Democrats certainly is conclusive that I have a very good appeal to independent voters as well as broad-minded and I think very wise Democrats.

QUESTION: Mr. President, I think any number of people are a little confused about the status of the so-called alternatives to court-ordered busing. Just last week, you told a group of Kentucky editors just before the Kentucky primary that you had three alternatives that you were studying and that you would be making a judgment on them within a few weeks.

At that same meeting, you said the Justice Department may choose Louisville when, in fact, the Justice Department was not at that time considering Louisville. Do you now have those alternatives before you or, as you have indicated tonight, will they come from David Mathews? Finally, as a result of all this confusion, don't you see how the impression is left strongly that you may be doing this for political reasons?

THE PRESIDENT: I think you have confused it by not relating the whole sequence of events. I have repeatedly said that last November I called in the Attorney General and the Secretary of HEW and said I wanted a better answer so we could achieve quality education and not tear up society in a City such as Boston.

A month or two later they came back with a number of options. I said they ought to winnow them down. This was well before any Presidential primaries were on the agenda.

We have been seriously and constructively working together and the Attorney General, in due time, as he finds the right case, will go to the Supreme Court if he thinks the record justifies it. And Secretary Mathews will come to me with a more limited number of options at the proper time, and I expect some time within the next several weeks I will get those recommendations.

QUESTION: But did you not tell the Kentucky editors, as I recall it quite vividly, that you had three alternatives already that you were studying and that you would make a judgment on those shortly?

THE PRESIDENT: I had three and I asked Secretary Mathews to review them and to make sure that they might be alternatives that would really be helpful. And he has gone back to review those three alternatives and I expect shortly he will come up with a more complete recommendation.

QUESTION: Just to follow up my original question, sir, you said in reply to a question on busing on the West Coast, and I think I am quoting you correctly, that "maybe we need some new judges."

Mr. President, are you suggesting if elected, you might try to pack the Federal courts with judges favorable to your position on busing?

THE PRESIDENT: Let me say that the one opportunity I have had to appoint a judge to the United States Supreme Court, he was almost unanimously approved because of his high quality. He wasn't selected because he had any prejudgments or conclusions concerning anything. He was a man of great intellect, great experience and good judgment. And I would expect in the next four years to appoint people of the same quality and caliber and I would expect the United States Senate to overwhelmingly approve them as they did Justice Stevens.

REMARKS OF THE PRESIDENT AT THE 18th BIENNIAL  
NATIONAL FEDERATION OF REPUBLICAN WOMEN'S  
CONVENTION, Dallas, Texas, September 13, 1975

Let me add at this point, if I might, the matter of deep concern to me -- a matter that I am positive is of deep concern to all, those here and 214 million Americans -- we have tried hard, we have written laws, we have appropriated money to accomplish quality education for the young in America. In 1954 the courts of this country decided that one way in their estimation to achieve that was court order forced busing. Now, regardless of how we individually may feel, the law of the land must be upheld.

But if I could give you a view that I have expressed, not just recently but for 10 or more years, there is a better way to achieve quality education in America than by forced busing. We can and we will find a better way.

We can increase pupil-teacher ratios; we can improve facilities, have more and better equipment, rely more heavily on the neighborhood school concept. There is a way and we must find it.



THE WHITE HOUSE  
WASHINGTON

May 26, 1976

MEMORANDUM FOR JIM CANNON

FROM: ART QUERN

SUBJECT: President's Busing Statements

Enclosed is a catalogue of the President's statements on busing since the time he entered office.

Attachment

(On signing HR 69,  
an omnibus education bill)

Much of the controversy over H.R. 69 has centered on its busing provisions. In general, I am opposed to the forced busing of school children because it does not lead to better education and it infringes upon traditional freedoms in America.

As enacted, H.R. 69 contains an ordered and reasoned approach to dealing with the remaining problems of segregation in our schools, but I regret that it lacks an effective provision for automatically re-evaluating existing court orders. This omission means that a different standard will be applied to those districts which are already being compelled to carry out extensive busing plans and those districts which will now work out desegregation plans under the more rational standards set forth in this bill. Double standards are unfair, and this one is no exception. I believe that all school districts, North and South, East and West, should be able to adopt reasonable and just plans for desegregation which will not result in children being bused from their neighborhoods.

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

August 21,  
1974

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.

STATEMENT BY THE PRESIDENT REQUESTED  
BY BOSTON MEDIA REPRESENTATIVES

October 12, 1974

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.

ARTHUR ALBERT, EXECUTIVE NEWS DIRECTOR,  
WJAR-TV, SARAH WYE, CORRESPONDENT,  
WJAR-TV AND JACK CAVERNAUGH, CORRESPONDENT,  
WJAR-TV, Sheraton-Islander Inn  
Newport, Rhode Island

QUESTION: Mr. President, schools open very soon around the country and in New England. And in Boston and Springfield, Massachusetts that means forced busing for desegregation. You have had a position on busing before. Can you take a minute and clarify your position on busing? What is your position on busing?

THE PRESIDENT: Before I say anything about what my own personal views are, I want to say most emphatically that I, as President and all that serve with me in the Federal Government, will enforce the law, no question about that.

We will, to the extent necessary, make sure that any court order is enforced.

Now I add one thing that I hope is understood. We don't want any conflict developing in Boston or any of these other communities that have court orders forcing busing on local school systems. So I have sent up the the Attorney General, and the community relations experts -- they have four or five people up there that are working with the court, with the school boards and with parents and with others. At the same time the new Secretary of HEW, David Mathews, has sent up his top man to work with the school system. And that individual, Dr. Goldberg, has authority to spend extra Federal funds to try and improve the situation in Boston.

Now, having said the law is going to be enforced, that we are going to try and moderate and work with the people in Boston, I will give you my views on what we are trying to do.

The basic thing that everyone is trying to do is to provide quality education. There is a difference of opinion on how you achieve quality education. My personal view is that forced busing by courts is not the way to achieve quality education. I think there is a better way.

We have had court order forced busing in a number of communities. There are studies that indicate that it has not provided quality education to the young people, which is of personal concern.

I think there is a better way to do it. In my judgment, if the courts would follow a law that was passed, I think, two years ago, maybe two and a half years ago, it said that in those areas where you have a problem in seeking desegregation, the court should follow five or six rules. Busing was the last option.

There were five other proposals that courts could have followed and I think we would have avoided a lot of this conflict. That is one way I think we could have solved this problem. The other is the utilization of Federal funds to upgrade school buildings, provide better teacher-pupil ratios, to provide better equipment, that is the way, in my opinion, we achieve what we all want, which is quality education.

I just don't think court order, forced busing, is the way to achieve quality education. I think there is a better way.

JULIUS HUNTER, NEWS ANCHORMAN AND  
HOST, ROBERT HARDY, KMOX-RADIO  
ANNOUNCER, RICHARD DUDMAN, ST.  
LOUIS POST DISPATCH AND JOHN FLACK,  
POLITICAL EDITOR, ST. LOUIS GLOBE  
DEMOCRAT, Gateway Tower Building,  
St. Louis, Missouri

QUESTION: Mr. President, busing is a subject, a practice that is distasteful to a large segment of the American population, both black and white. If it is such a distasteful and wasteful process, why bus? Is there any alternative that you see?

THE PRESIDENT: I think that we have to decide, in the first place, what we are really trying to do by busing before you discuss whether it is good or bad. All of us -- white, black, every American, in my opinion -- wants quality education.

Now, the court decided in 1954 that separate but equal schools were constitutional and the courts have decided that busing is one way to try and desegregate on the one hand and perhaps improve education on the other.

Many of those decisions have raised great problems in many, many localities -- Louisville and Boston being the most prominent at the present time.

Discussing those two communities, let me very strongly emphasize the court has decided something. That is the law of the land. As far as my Administration is concerned, the law of the land will be upheld, and we are upholding it.

But then, I think I have the right to give what I think is a better answer to the achievement of quality education, which is what we all seek, and there is always more than one answer.

I think that quality education can be enhanced by better school facilities, lower pupil-teacher ratios, the improvement of the neighborhood, as such. Those are better answers, in my judgment, than busing under a court order.

Quality education can be achieved by more than one method. I was reading in the Washington Post this morning a column by one of the outstanding black columnists, Mr. Raspberry, and Mr. Raspberry has come to the conclusion that court ordered, forced busing, is not the way to achieve quality education for blacks or whites in a major metropolitan area.

That is a very significant decision by Mr. Raspberry, who I think Mr. Dudman, for example, highly respects.

QUESTION: I certainly do.

In Boston and Louisville, where the court has ordered busing, how well do you think the people of those two cities have conducted themselves in bringing about court ordered exchanges of black and white students?

THE PRESIDENT: There have been some disorders there over the last year or more.

QUESTION: I am thinking about this fall. There have been Federal agents there, of course, to try to maintain order. Are you reasonably well satisfied with the way things have happened or not?

THE PRESIDENT: So far, there has been a minimum of local disorder. I hope that that attitude can prevail in the months ahead as the police involvement and the Federal marshal involvement becomes less and less.

I am also an optimist, even though I disagree with the method by which they are trying to achieve quality education.

QUESTION: Are you counseling the people of those two cities to cooperate with the courts, or are you encouraging them to maintain their strong feelings in some cases that this is an improper solution?

THE PRESIDENT: Last year I did a televised tape urging the people of Boston to cooperate with the court and to maintain law and order. I did that then, and I have counseled everybody that I talked with in Boston to encourage their fellow Bostonians to obey the law and follow the court's action.



INTERVIEW WITH THE PRESIDENT BY  
BOB ABERNETHY, JESS MARLOW  
AND WARREN OLNEY, KNBC-TV  
Century Plaza Hotel, Los  
Angeles, California

September 20, 1975

QUESTION: Mr. President, you have said that State courts in their effort to integrate the schools have ignored less drastic alternatives than busing. What specifically do you mean -- which less drastic alternatives?

THE PRESIDENT: The Congress in 1974 approved what was labeled the Esch Amendment, laid out six or seven specific guidelines for the courts to follow. The last of the recommendation to achieve what the courts should do was busing -- court ordered forced busing to achieve racial integration. Those steps, and I was in the Congress part of that time and I signed the bill that became law, those steps include a magnet school, utilization of the neighborhood school concept, the improvements of facilities, et cetera. I hope that in the future, as some course in the past, recent past, will utilize those guidelines rather than plunging into court-ordered forced busing as the only option for the settlement of the segregation problem in the school.

QUESTION: The whole option to busing tends to get confused with racism and there are a lot of racial epithets and what not being thrown about on the protest line. Do you have anything to say about that? You are opposed to busing but how do you make the distinction?

THE PRESIDENT: I don't think opposition to busing really has any relationship to racism on the part of most people. I think the best illustration, one of the rising young columnists in the country, Bill Raspberry, a black, has been most forceful and most constructive, I think, in opposing the court approach in many cases.

I have been opposed to busing as a means of achieving quality education from its inception. My record in the Congress in voting for civil rights legislation is a good one, so I believe that the real issue is quality education. It can be achieved better for disadvantaged people, minorities, by other means.

I have sought, through the support of the Esch amendment, through adequate funding, to help Boston and other communities where this problem exists, to upgrade their school system rather than to have this very controversial approach of forced busing.

QUESTION: Do you think it will be an issue in next year's campaign?

THE PRESIDENT: I hope it won't.

October 30, 1975

QUESTION: Mr. President, school busing is a problem affecting Kansas City and many other cities in the country. You have not exactly endorsed school busing to achieve integration in the schools, but at the same time, you haven't exactly outlined an alternative.

What hopes can you hold out for cities like Kansas City that run the risk of losing millions of dollars in Federal aid in the not too distant future if they don't use school busing?

THE PRESIDENT: Really, I have spoken out consistently and for some time on this problem. I was one of the original Members of the House or the Senate that said that court-ordered forced busing to achieve racial balance was not the way to accomplish quality education.

That has been a consistent statement, view, policy of mine for a number of years. I believe it even more fervently today than I did before. So, we have to start out with the assumption that education, quality education, is what we are all seeking to accomplish.

Now, some people say we ought to spend more money, and I think there are programs where you can spend more money at the local level to upgrade schools in disadvantaged areas. There are others who say the long-range and, even to a substantial degree, short-range, is better distribution of housing, so we achieve integration in a different way and you can still rely on the neighborhood school system.

Dr. Coleman, who testified before the Senate Committee on Judiciary just a few days ago, had some thoughts on it. It is interesting that Dr. Coleman, who was an initial proponent of busing to achieve quality education, has now -- after studying the problem in a number of cities -- come to the conclusion that it is not the answer.

I don't think there is any patent medicine that can give us the answers, but I think we ought to spend whatever money is necessary for what we call magnet schools, to upgrade teachers to provide better facilities, to give greater freedom of choice. These are the things we ought to push hard.

QUESTION: There are those who say, including Congressman Jerry Litten from Kansas City, that a separate Department of Education should be established, taking it away from HEW.

Would you be in favor of establishing a separate Department of Education to handle the complex problems of housing?

THE PRESIDENT: I don't think that, in and of itself, is a solution. That sounds good. Maybe it ought to be justified on other grounds, but I don't think it is necessarily the answer to this problem.

REMARKS OF THE PRESIDENT AND QUESTION AND  
ANSWER SESSION AT THE RECEPTION FOR  
THE RADIO AND TELEVISION NEWS  
DIRECTORS ASSOCIATION, The State Floor

January 30, 1976

QUESTION: Mr. President, busing is very definitely in some States an issue in the campaign. You said previously that you didn't think it was the most agreeable answer to desegregation. Do you plan to propose any other alternative?

THE PRESIDENT: I never felt that court ordered busing was the proper answer to quality education. On the other hand, as President, I am obligated to see that the law is enforced. I signed a bill in 1974 or early 1975 that provided a list of steps that should be taken by the Executive Branch and the court has guidelines in resolving the problem of segregation in school systems. I think that the courts ought to follow those guidelines. I think the Executive Branch ought to follow those guidelines. If they do, I think it is a better way to achieve desegregation and to provide quality education.

QUESTION: Do you have any other alternative to forced busing as we now know it in several states?

THE PRESIDENT: I think the courts themselves are beginning to find some better answers. They have implemented, beginning this last week, a modified plan in the City of Detroit and to my knowledge there has been a minimum of difficulty.

Now what happened was the original order of two or three years ago was a very harsh order, it called for massive busing, not only in the City of Detroit but in the County of Wayne. A new judge took jurisdiction of that problem. He modified the court order, modified it very substantially, and apparently it is working. So I think some good judgment on the part of the courts following the guidelines set forth in what is called the Esch Amendment is the proper way to treat the problem.

QUESTION: Mrs. President, I would like you to share with us some of your thoughts on the educational system in our country; namely, do you feel that after two years of busing, the City of Boston now has a better system than two years ago and what are your thoughts on reintroducing prayer into the educational system of this country?

THE PRESIDENT: Let me answer the last question first. I had the wonderful experience of being the Republican Minority Leader in the House of Representatives at the same time my very dear friend, who has now passed away, Senator Everett Dirksen, was the Minority Leader in the United States Senate. We were close personal friends. He and I both agreed that the decision of the United States Supreme Court in precluding non-denominational prayer in public schools was wrong. I think that it ought to be possible to have that kind of time set aside for a non-denominational reflection and prayer. I think it ought to be permitted. I strongly feel that way.

On the question of busing, the Supreme Court has tried to do two things: It has tried to provide quality education, it has tried to end segregation. Those are worthy objectives, I agree with that. I think the emphasis should be on quality education. The emphasis should be on ending segregation, but I think the Supreme Court, and our courts, particularly -- some courts have used the wrong remedies and I vigorously oppose them.

It is my feeling that there has been a developing attitude on the part of some of the courts, however, to take a more moderate view in exercising their Constitutional authority and handle the problem. Let me illustrate it very quickly. Three years ago we had a Federal judge in Detroit who was going to mass bus children from one county to another, not just from the suburbs to the city. He is no longer the judge handling that case. We now have a Federal judge who is handling it and he has understood the problem and the net result of his order which seeks to achieve quality education and desegregation is accepted by the people of Detroit because it is responsible, it is moderate.

So the courts have the authority, it is just that some judges don't seem to understand that it is counter-productive to go as far as they have gone. Therefore, I support what has been done in some cases and I vigorously oppose what has been done in others.

QUESTION:- Might I add, sir, do you feel, then, that in the case of the City of Boston that Judge Garrity has overgone his limits?

THE PRESIDENT: Well, let me say that I don't think it is appropriate for me to pick a certain Judge, whether he is right or wrong, and comment on his particular decision. I have an obligation. I took an oath of office to uphold the law of the land, and at least at this point what he has decided is the law of the land, whether I agree with his decision or not it is immaterial. I have an obligation to uphold the law of the land.

I have tried to explain my own personal philosophy and illustrate that in some parts of the country other judges have used their Constitutional remedy to be very effective in achieving both quality education, on the one hand, and desegregation on the other.



May 19, 1976

QUESTION: Mr. President, are you reserving the right to review any decision by Mr. Levi on the busing question?

THE PRESIDENT: It is contemplated that some time this week the Attorney General will come in and see me and undoubtedly tell me what his decision is. I think that is a very appropriate thing for him to do and a proper role for me to have, but he will make the decision.

QUESTION: Mr. President, how do you respond to some critics who read into your concern about a review of busing as an effort to play for votes in Kentucky where busing is a major issue?

THE PRESIDENT: I think the fact that these news stories broke over the past weekend and no decision having been made, and the controversy of busing in Detroit, is an indication that we in the Administration made a major effort to not interject busing into the primary situation. We didn't do any talking about what the Attorney General has been studying and what the Secretary of HEW has been working on.

This came from other sources than ourselves and we were disturbed that the stories did come out. We hope that we can keep this kind of matter away from the emotional involvement of this problem and the primary elections.

We certainly had no part of that, none whatsoever.

QUESTION: Mr. President, are you encouraged by the progress that your Administration is making in the search that you ordered last fall for alternative ways to achieve desegregation without forced busing? Are you optimistic? Are you encouraged that you will have found a solution?

THE PRESIDENT: I have had two of the outstanding members of my Cabinet working with others, trying to find any new approach or a combination of several new approaches, and I am encouraged with their progress to date because I think it is a matter we have to settle and settle in a constructive way, and between the Attorney General, Mr. Levi, and the Secretary of HEW, I believe that we may have some ways in which we can achieve the results without the tragedies that have occurred in some of our major metropolitan areas.



INTERVIEW OF THE PRESIDENT BY DON WAYNE  
WHIO-TV, Dayton, Ohio, The Oval Office, June 1, 1976

MR. WAYNE: Boston, Louisville, even in my own community of Dayton, Ohio --

THE PRESIDENT: My hometown, Grand Rapids, Michigan, too.

MR. WAYNE: -- school busing is an issue. We know, I think, fairly well where you stand on the school busing, but you keep talking about alternatives. The American voter is not sure what alternatives you are talking about. Are you talking about legislation, constitutional amendment? Can you clarify it?

THE PRESIDENT: First, let me re-emphasize my total opposition to court ordered forced busing to achieve balance in the school system. I think court ordered forced busing is the wrong approach to achieve quality education. The question then is how do you achieve quality education if you don't go along with court ordered forced busing. My answer is that we can improve, through some additional Federal money, school facilities.

I think we can improve the equipment that is available to make educational opportunities better available to the students. I believe that we can inaugurate what they call cluster schools or neighborhood schools in place of cross-town busing. There are a number of alternatives that were written by the Congress when I was in Congress, and subsequently signed by me when I became President, in what we call the Equal Educational Opportunities Act.

It lists seven alternatives, six of them ahead of busing, and if the courts would follow those guidelines, I think we could avoid most of the busing that would take place. Now, in addition to that, the Attorney General has drafted some legislation which would be an additional guideline to the courts that they should follow in these desegregation cases.

What it provides is that if there is segregation, then the court should take cognizance of those instances where there is segregation, but it would limit the courts remedy to just those areas rather than taking over a whole school system, as the courts did in the case of the Boston case and several others.

So, between the present law and that legislation which I am recommending, I think we can minimize to a substantial degree busing and, at the same time, achieve better educational opportunities.

INTERVIEW OF THE PRESIDENT BY WJW-TV, Cleveland, Ohio  
The Map Room, June 1, 1976

QUESTION: Mr. President, as you know, in the City of Cleveland there is pending a decision by a Federal District Judge following a suit by the NAACP, the outgrowth of which when this decision comes, perhaps this summer, might be forced busing to achieve racial integration in the public school system in Cleveland. At this point what would be your advice to the City of Cleveland if this comes about?

THE PRESIDENT: My feeling is, number one, they have to obey the law. Because whether they like it or not, in this country the President and everybody else must obey the laws as decided by the Congress on the one hand or the courts on the other.

Number two, if it is a decision to have busing, I think that leadership in the community must make a maximum effort to try and do it in an orderly fashion. Now, I happen to be against court ordered forced busing to achieve racial balance because I think there is a better way to achieve quality education. But, at the same time, I fully believe in protecting the Constitutional rights of people, that there should not be segregation in our school system. That is unconstitutional according to the decisions of the Supreme Court. But I think there is a way in which the courts can get quality education by using a remedy that does not just take over a whole school system but takes the position that where there is segregation they ought to correct that but not destroy the whole school system.

QUESTION: As you indicate, Mr. President, for approximately the last 25 years segregation has been unconstitutional in this country. What remedies are there to get around busing, if any at all?

THE PRESIDENT: I think there are several remedies. I strongly am opposed to segregation. It is unconstitutional but I think other remedies can be utilized to improve education to achieve what we call quality education. We have what we call the Educational Equal Opportunities Act which lists six things prior to busing that the courts can utilize, neighborhood schools and other constructive devices, and in addition the Federal courts don't have to take over a whole school system in order to eliminate segregation in a part of the school system so either by using more judicious action by the courts on the one hand or the courts following the guidelines on the other, you can get the Constitutional rights protected and at the same time improve the opportunity for quality education.

QUESTION: Yet in a city like Cleveland there is a situation, the east side of Cuyahoga River is basically predominantly black and the west side is very predominantly white. What do you do in a situation like that?

THE PRESIDENT: This is where I think the school officials have to sit down with the court and with the leadership in the communities to try and work out the necessary remedies so you get a minimal amount of busing. This can be done. It has been done in a number of communities and if it is done properly what it achieves is the court orders being upheld without violence and at the same time you are able to get what you want really as quality education without violation of anybody's Constitutional rights. It can be done.

I could cite several communities where, with the proper leadership, sitting down with the court, with the Board of Education and handling it, we have avoided the violence that has taken place in several other places.

INTERVIEW OF THE PRESIDENT BY NEW JERSEY NEWS  
MEDIA REPRESENTATIVES, East Room, June 2, 1976

QUESTION: Mr. President, you said you are concerned about the busing legislation that is being drafted. What is the theory behind this legislation?

THE PRESIDENT: The legislation seeks to achieve a clarification of the various decisions that have been made by the Supreme Court on the extent of the remedy that local courts can utilize when they find a violation of constitutional rights. There have been some cases where the local district court has found a violation of a constitutional right, segregation. The court has then gone in and taken over the whole school district rather than trying to remedy the limited area where there was segregation within a school district.

Now, the proposed legislation seeks to limit the authority of the local district courts to remedy the precise problem and not to become a school board in every case.

QUESTION: Mr. President, won't that still be segregation in some school districts where busing is taken away from them?

THE PRESIDENT: Not according to the information that has been given to me by the Department of Justice.

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INTERVIEW OF THE PRESIDENT BY NICK CLOONEY  
WKRC-TV, Cincinnati, Ohio, The Map Room, June, 1, 1976

MR. CLOONEY: Mr. President, it has been charged in at least one political column that I read recently and elsewhere that you deliberately brought busing into the primary campaign as an issue and since Cincinnati, as other communities, is going to be a court test, we have great interest in that. What is your response?

THE PRESIDENT: I have been against court ordered forced busing to achieve racial balance since the mid-1950s, so that is almost 20 years. I don't think court ordered forced busing is the way to achieve quality education. So, any allegation that this is a new thought on my part is totally without foundation. Last November I asked the Attorney General, as well as the Secretary of HEW, to come forth with some new approaches or new programs that might either alleviate the problems caused by court ordered forced busing or any other solution that they might find beneficial.

It was something done way last year, plus my long-standing record of being against court ordered forced busing, that I think certainly knocks in the cocked hat these allegations about my comments on busing being involved in the primaries. It is not true.

MR. CLOONEY: But Mr. President, do you support busing as a last measure in integration?

THE PRESIDENT: Under the Equal Educational Opportunities Act, which was passed in 1974, which I signed, court ordered forced busing is the last resort in order to protect constitutional rights, but there are six other approaches that a court can take before it gets to busing. In addition, the Attorney General has recommended to me some legislation which would limit the remedy of a court when it finds segregation, to correcting those areas of a community where there is segregation instead of giving the court the authority to come in and take over a whole school system, as some Federal district courts have done.

So, the combination of the proposal made to me by the Attorney General and the legislation which was passed in 1974 would severely limit and, in some cases, eliminate court ordered forced busing.