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THE WHITE HOUSE

WASHINGTON

June 4, 1976

MEMORANDUM FOR:

JIM CAVANAUGH

FROM:

DAVE GERGEN *DX*

SUBJECT:

Saturday Press Conference

In view of the Raspberry column today, do you think a Q & A ought to be developed to the following:

Q. During the past week both you and your spokesman, Ron Nessen, have indicated that your busing proposal would require that busing be limited within a school district to specific violations charged to school officials. Since then, some people have asked whether this would be constitutional and others have said that the Supreme Court has already rejected this approach in the Denver case. How do you respond to these criticisms?

cc: Ron Nessen

EMBARGOED FOR RELEASE
UNTIL 11:30 A.M., SUNDAY
JUNE 6, 1976

JUNE 5, 1976

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

INTERVIEW WITH THE PRESIDENT
BY

HELEN THOMAS, UPI
BOB SCHIEFFER, CBS

AND
GEORGE HERMAN, CBS

ON
FACE THE NATION

11:50 A.M. EDT

QUESTION: President Ford, you say you are not making the assumption that Ronald Reagan will get the nomination or be elected, but the problem lies ahead of you now for Tuesday in California. Some political experts think you are going to have a really tough time at the convention if you don't win a good hunk of California's votes -- say 45 percent. Can you do it?

THE PRESIDENT: We are very encouraged by the last three days. I talked to some people in California and I have gotten reports from our people in California and we think we are coming from an underdog position with new momentum and we believe we are closing the gap, and we think that there is an opportunity to win California. That, of course, would be the ultimate, but we think we will do quite well in California.

QUESTION: Mr. President, how many delegates do you think you will have when you go to Kansas City and do you still think you will win on the first ballot?

THE PRESIDENT: Miss Thomas, I think we will win on the first ballot. At the present time we have 805 delegates. We expect to win a good share of the delegates on Tuesday. That will put us quite close to the necessary 1130 and if we do well on Tuesday, then I think we only need about 40 percent of the uncommitted delegates, so the opportunities look I think very good for us in Kansas City on the first ballot.

QUESTION: Mr. President, do you feel that you will have the delegates before the convention actually opens or do you feel as Vice President Rockefeller does that you probably will be 20 or 30 votes short, but you will have them by the time the first ballot comes around?

MORE

[6/5/76]

THE PRESIDENT: Individuals have rights. I would hope they would not, but individuals have a right, where they are willing to make the choice themselves, and there are no taxpayer funds involved. Now, this is a matter before the courts at the present time, and I think there will be a Supreme Court decision probably in this term or the next term, certainly, but individuals have a right where there are no Federal funds available.

I would hope they would not, and our own children have always gone to public schools, which were integrated, and they have gone to private schools where they were integrated. So, my own record is one of our children and my own belief in integration.

But, I think individuals do have some rights, where they are willing to make the choice and pay the price.

QUESTION: Are you working for a Middle East conference this year? You said you were talking actively to the Israelis and other Governments to move off dead center the status quo. Is there a possibility that there could be a Geneva conference this year?

THE PRESIDENT: It is not likely that there would be a Geneva conference this year. I don't rule it out entirely, but it is not likely. We are, however -- I am talking to the heads of Government when I see them, as I did with Prime Minister Rabin of Israel when he was here. We are talking with foreign secretaries. We think momentum has to keep going beyond the Sinai II agreement.

If we stop the momentum, the pot begins to boil again, so we are trying to deal bilaterally, urging other nations to get together to move forward. But the prospect of a Geneva conference in 1976 I think is somewhat remote.

QUESTION: Does the Syrian intervention in Lebanon have your blessing?

THE PRESIDENT: We have objected to any foreign intervention in Lebanon. We don't believe that military intervention is the right way to solve Lebanon's political problems. About eight weeks ago I sent Ambassador Dean Brown as my special emissary to Lebanon, and he was very helpful in trying to bring some of the parties together, and I think we made a significant contribution in seeking a political settlement without any military intervention.

I repeat, the United States Government is opposed to any military intervention in Lebanon. I think it could be destabilizing, even though thus far it has been done with restraint.

MORE

JUNE 12, 1976

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

PRESS CONFERENCE
OF

DAVID ARMOR
RAND CORPORATION, SANTA MONICA, CALIFORNIA
JAMES COLEMAN
PROFESSOR, DEPARTMENT OF SOCIOLOGY, UNIVERSITY OF CHICAGO
NATHAN GLAZER
SCHOOL OF EDUCATION, HARVARD UNIVERSITY
CHARLES HAMILTON
METROPOLITAN APPLIED RESEARCH CENTER, NEW YORK CITY
JOHN HARDY
PASADENA BOARD OF EDUCATION
PHILIP KURLAND
UNIVERSITY OF CHICAGO LAW SCHOOL
HENRY MARCHESCHI
PRESIDENT, AMERICAN TELECOMMUNICATIONS CORPORATION,
AND PRESIDENT, AMERICAN FREEDOM FOUNDATION
MICHAEL NOVAK
WRITER, LECTURER, WRITER-IN-RESIDENCE FOR THE WASHINGTON STAR
DIANE RAVITCH
ASSISTANT PROFESSOR OF HISTORY,
TEACHER'S COLLEGE, COLUMBIA UNIVERSITY
THOMAS SOWELL
DEPARTMENT OF ECONOMICS, UCLA
HENRY WILFONG
PASADENA CITY DIRECTOR

THE BRIEFING ROOM

2:20 P.M. EDT

MR. SPEAKES: As most of you know, this group has just concluded a luncheon with the President on busing, a discussion on busing. The meeting ran a little over two hours. I think you have a list of participants and you have a statement which it is my understanding is the presentation of the group's views to the President.

I think those that are participating in the meeting can explain it.

Q Can we say then this is the statement of all the guests at the luncheon?

MR. SPEAKES: Let's let them explain that. I think perhaps each participant should identify themselves as they step up since the members of the press may not know you.

MORE

MR. MARCHESCHI: Good afternoon, ladies and gentlemen. My name is Henry Marcheschi. I am the Past President of the Pasadena Board of Education. I and other members of this group had the pleasure and honor of meeting with the President today. The group consisted of myself, Dr. David Armor of Rand Corporation, Dr. James Coleman, University of Chicago, Dr. Nathan Glazer of Harvard, Dr. Charles Hamilton of Columbia, John Hardy, School Board Member from Pasadena, Philip Kurland, University of Chicago Law School, Michael Novak, philosopher and columnist, author, Dr. Diane Ravitch of New York City, Dr. Thomas Sowell, economist at UCLA and Henry Wilfong, the City Director of the City of Pasadena.

The group is an ad hoc informal group that has met on prior occasions and has previously corresponded in a rather unofficial way. They traded various position papers and articles on the subject of busing.

I recognize that in this present political climate, one of the first questions you may have is why would the President have lunch with a group of people who, generally speaking, express a view which can best be characterized as being deeply concerned about busing as a viable vehicle toward either integration or quality education.

Let me make it clear that this conference came at our request, not the President's, and that, further, the political makeup of the group is such that you would probably find few Republicans among us and those few that you do find probably voted for Governor Reagan in the California election.

Having said that, let me tell you, as best as I can, what I do think this group tries individually rather than collectively to represent. It tries to represent a group which, hopefully, is knowledgeable of the issues, is bi-racial, cuts across political lines, who has something to say regarding the busing issue, and, generally speaking, what we have to say is the following statement which was read to the President at today's luncheon.

The statement is titled "Integration and Quality Education: The Moral Case," and I believe this statement has been passed out to you.

"The vast majority of Americans believes in integration. The vast majority believes in quality education."

Q Are you going to read it all?

MR. MARCHESCHI: Not if you don't care for me to.

Q We have it.

MR. MARCHESCHI: I believe that each of the participants in the conference would be more than delighted, as would I, to answer any questions you might have at this time.

MORE

Q What was the President's reaction to your statement?

MR. MARCHESCHI: The President said after I finished reading the statement that he would be the first to sign such a statement.

Q Are you trying to solicit more support on this particular statement?

MR. MARCHESCHI: I believe that to the extent that other people of similar persuasion would like to identify themselves with this statement -- it is not something we are trying to get signed -- we would certainly welcome that support. I know of no plans to go out and solicit such support.

MR. GLAZER: Nathan Glazer. I think we were making off the cuff remarks and we were not asking him to sign it and we were not at this point deciding what we were going to do with it. We just said, after we talked, "That is sort of our point of view," and he was, like, saying "That sounds pretty good to me."

Q How long have you been in existence as a group?

MR. MARCHESCHI: Again, I want to stress the informality of the group. The group first met, I believe -- and the only other time the majority of this group has been together -- was some time back last fall, as I recall, and we met in New York. Numerous members of the group have previously met at various forums throughout the country where the busing issue has been debated. Louisville, in particular, I think, was where we first got together.

Q Mr. Marcheschi, I am not all together clear, even after I tried to read your statement, as to whether this group favors or opposes court ordered busing.

MR. MARCHESCHI: I believe -- while I will let each member speak to this issue for himself -- I believe it would be less than correct to say that this group represents a posture that is very, very much for desegregation but has deep concerns, and in the case of some of us, feel very, very strongly against court-ordered busing to achieve racial balance in schools.

Q You say the group is basically against court-ordered busing?

MR. MARCHESCHI: Let me answer your question and then I would like to have other people fill in as they individually believe. I believe that in the case of Pasadena, we are before the Supreme Court now, and that we will have to see how the Supreme Court decides before we judge what Pasadena has to do. I have the great expectation that Pasadena won't be relieved of its racial balance decision which dictates busing half of our children across town for, in my opinion, very counterproductive purposes.

MR. COLEMAN: I would like to comment on your question by asking you, solution for what? You say what is the alternative solution. My question is, solution to what?

Q The question had to do with court-ordered busing and my question was, if you don't believe in obeying the court order, what solution do you have?

Q The courts passed judgment upon cases, as I understand it, that have to do with illegal conduct by school boards and other public authorities which produce segregation in schools. Now the courts have found busing to be a remedy for that problem.

MR. COLEMAN: My own position is this, that the remedy is wholly inappropriate in many cases. Louisville is one case, Boston is another case. The remedy is wholly inappropriate to the injustice that was found.

In other words, not that there were not actions on the part of school boards which increased segregation, but rather that the remedy which was a system-wide remedy, was wholly inappropriate to the actions that were found.

Q Doesn't that leave you still with the same problem? Since the remedy, so-called, is still the order of the court, what do you suggest be done?

MR. MARCHESCHI: Let me answer the question this way. I believe you have misunderstood the purpose of the group if you have understood it to be to oppose the law. Our personal experience is that we have lived with court-ordered busing for six years in Pasadena and have tried to follow the letter of the law and still avail ourselves of the judicial process and try to seek relief from the courts.

We finally got to the Supreme Court and now we are anxiously awaiting a decision. I think the point Dr. Coleman made is we don't agree that court-ordered massive busing to achieve racial balance is a viable tool -- in fact,

Q Sir, could you answer a couple of questions here a minute?

MR. WILFONG: Could I speak to that point? My name is Hank Wilfong. I am a City Councilman in the City of Pasadena. The way I would like to answer is -- I hate to answer a question with a question and that is the question that immediately came to my mind -- achieved what. No, we are not talking about holes in the law, but what are you trying to achieve? I would think we ought to try to achieve equality of education, not busing, equality of education.

A graphic example of what I believe is the problem in Pasadena as we see it now, the instances that you talk about where there were the violations, occurred prior to the time of my holding office, John Hardy holding office, or even Hank Marcheschi holding office. How long, then, must Pasadena go through the pain for those things that happened? And I am not saying that they didn't happen, because I fought them at that time, but interestingly in Pasadena we are precluded from doing a lot of the things we could do and would do to correct those remedies because we are controlled by an outside force, in essence an outside force being the court.

I think John Hardy, School Board Member from Pasadena, could speak graphically to that but one of the points that is impressed on me, we have a school set up in Pasadena called fundamental schools, where you have reading, writing and arithmetic and those kinds of things where quality education is taught. Black youngsters cannot get into the school now because of ethnic balancing. The youngsters that we are talking about trying to help to give the equality of opportunity cannot get into our quality schools because getting into that school would ethnically disbalance it and leaving another school would disbalance that school, so that is a kind of ridiculous situation.

Q Mr. Marcheschi said you all want true integration, viable education. Did you as a group or as individuals suggest to the President other ways of achieving that specific way? The statement here is extremely general, a bit, it seems to me, like coming out in favor of motherhood, God or country. Did you suggest anything specific?

MR. WILFONG: I did not say I was in support of integration. I said equality of education. I think desegregation is what I would look for. Segregation is bad and I am for desegregation. I am not so certain yet that the majority of black people are necessarily for integration,

I would oppose forced integration. I think the majority of my constituents particularly want to be free to do whatever we want to do and we want the Government to guarantee the opportunity for us to do that.

Q You are saying that quality education does not necessarily depend on racial balance?

MR. WILFONG: That's right, it definitely does not. It is facilities, curriculum and teachers, not necessarily blacks and whites sitting together.

Q Sir, what do you say to the argument which Clarence Mitchell, among other people, makes that all black schools will be ignored by public authorities and starve, as a political fact of life, unless there is integration and white students are involved, about whom the public authorities care?

MR. WILFONG: I would say to a great extent in the past that is true and even in some sections of the country that would be true now. It would not happen in Pasadena. I am speaking from a purely local issue. We have now an opportunity to impact upon the political spectrum but because of other kinds of things we are not free to do that. I admit that as a practical, political kind of expedient in many instances we have to have busing -- I am reacting to the gentleman's question -- but that is not the answer. Busing is not the answer. Equality of education. I disagree with that part of the Brown decision which said that separate but equal is inherently inferior. That is not true. People make it inherently inferior and I agree to that, that in many instances if you don't have that kind of mixture then people will not equally allocate.

But what I am saying is that Brown versus School Board came in 1954, and I know a lot of us who are now in the political spectrum were not active at that time and could not have an opportunity to impact on the decision.

MR. MARCHESCHI: May I answer his question because I think it is a very pertinent question and gets to the heart of the issue. I think each of us at this conference -- although the statement does not necessarily reflect that -- each of us have various experiences and various suggestions, some of which were made to the President, with respect to alternatives to massive forced busing to achieve racial balance.

Some of us from Pasadena especially cited the success of our alternative school program, which, as we said

The alternative school program in Pasadena has established a pluralistic approach to education. We have schools on one end of the spectrum that are very, very liberal schools and on the other end of the spectrum that are very conservative, basic three Rs, et cetera, and a lot of discipline. The interesting thing is that we are getting some of the most allegedly conservative, allegedly -- and I stress the word allegedly -- bigoted people in town willing to put their children on a bus for the totality of their school experience--to attend a school that is over 40 percent black voluntarily. That tells us something. That tells us that the magnet concept is viable. It tells us there are educational magnets which can be created which transcend whatever racial hangups some people can have.

Dr. Coleman here has, in the Louisville case, recommended an alternative plan, an alternative program, which is very, very specific and which has incidentally been turned down by the District Court. In the Pasadena case in the Supreme Court now one of the issues is whether we should have been free to implement a very, very specific alternative school plan that would have used educational inducements to create voluntary rather than coerced education.

So we touched on all of these things with the President. This statement did not address itself to being specific in that area. Rather, this statement addressed itself to say essentially this. "Hey, we are a bunch of people who feel very deeply about this issue. We feel that the other side undeservedly has held a moral high ground too long, and we feel that there is a moral case to be made for finding a workable solution to achieving true integration and quality education for all kids."

Q Mr. Marcheschi, to what extent did you get into the details of the Administration's legislative proposal?

MR. MARCHESCHI: The Attorney General very, very briefly mentioned the fact that there was such activity but we did not get into those details.

Q They didn't disclose to you their thinking or ask you for your comments on specific possible portions of the legislation?

MR. MARCHESCHI: No. The President left us free to pretty well say what each of us wanted to say. We each had approximately five minutes to do that. The President asked some questions of some of us. The Attorney General made a brief statement regarding some of the things that he was

Q That was all?

MR. MARCHESCHI: Essentially, yes.

Q Most of us are interested today -- rather than in a debate over busing and its merits -- we are interested in whether you gentlemen had any impact on President Ford's thinking before he comes out with whatever legislation he will.

MR. MARCHESCHI: I think we are all presumptuous and egotistical enough to think we had.

Q Was this basically a listening session in which you all feel -- it sounds to me as though the views you brought to us today very much back up and give support to what President Ford has already told us are his views. Did you get that impression?

MR. MARCHESCHI: I think that the President gave at least me the distinct impression that the views -- at least the majority of the views he heard expressed today -- were things he deeply believed and endorsed.

Q Could Dr. Glazer explain this sentence in more detail? "We have come to believe that the premises on which the case for court-ordered busing have been built are faulty."

MORE

MR. GLAZER. I will say one word and then ask Mike Novak to add something. One of the premises that we believe is faulty and totally faulty is the assumption that this is not a good society, or fair society, or a decent society until equal proportions of every race and ethnic group are assigned mandatorily to every significant institution like a school. We believe that is a faulty premise and we believe that is a premise that is dominating much of the judicial thinking and much of the orders, like the present situation.

Q Is it your belief that the whole theory of separate but equal if removed from a southern context maybe into the Boston-Harvard Yard --

MR. GLAZER. No, I do not believe that. I believe that reflects an unfortunate ignorance on the part of a large number of people in this country. We are not talking about separate but equal in Boston or any place else. We are not talking about a situation of transferring State ordered segregation and legitimating it in one part of the country and not legitimating it in another part of the country.

Whatever State action leads to segregation must be undone. What we are against is what the courts in many cases are doing which is not to undo State action leading to segregation, but to impose their views that a statistical balancing of the races is a proper remedy to whatever happens or that a statistical balancing of the races regardless of public opposition or lack of pragmatic result is in some sense what the Constitution calls for.

Q What would have been the proper solution for the Boston, in your opinion?

MR. GLAZER. The proper solution in Boston as suggested in a number of briefs which are now before the Supreme Court, would have been to undo all those acts of segregation that were found to say the school board cannot -- if that is what it was doing -- allow special classrooms to accommodate blacks, not to allow them to go to other schools.

I think there is another factor in terms of the faulty premise and that must simply be said that a lot of what courts claim is segregation -- court-ordered segregation in the briefs -- is not court-ordered segregation. I mean a lot of what courts say is government mandated segregation is not. They are referring to actions which either have no racial motivation or insofar as there is a racial component

Q Gentlemen, Judge Garrity found the segregation of conduct to be so pervasive in the school system that --

MR. GLAZER. I am sorry. You have not read the decision. He did not. He referred to about 20 schools out of 100 plus. He referred to action which under no possible interpretation could be considered State ordered segregation such as he referred to the conduct of the examination schools which were already operating under a test which everyone agreed on the basis of a previous court case was not discriminatory. So he merely found what he found and then asserted that this is so pervasive that I therefore must order this total racial balancing in the Boston school system. That is the case.

Q Gentlemen, are many of you disillusioned liberals?

MR. NOVAK: Not at all. We think -- let me speak in my own voice -- my name is Michel Novak. I will be the Leden-Watson Professor of Philosophy and Religious Studies at Syracuse beginning in January. Not at all. I think I am defending an essentially liberal position and I believe that the course of busing as a moral and as a practical solution to an admitted wrong or difficulty in American society has never been subject to sufficient liberal scrutiny. We have in many places liberal practices being used in pursuit of a liberal purpose and I at least object to that and I object to it both on the line of whether it fulfills the purposes that it says it fulfills, and whether it employs proper liberal means for fulfilling those purposes. Does busing bring about integration? Does it? Does it really?

Q Doesn't it?

MR. NOVAK: It doesn't seem to.

Q Why not?

MR. NOVAK: A great deal of evidence shows it does not.

Q Why not?

MR. NOVAK: Chiefly because of white flight.

Secondly -- if I may continue to give a sequence -- does it bring about integration? That is an important question. If you are talking about busing, you are talking about a means, a remedy. Is it a remedy?

Q What are you offering in place of it?

Q I don't know where it is not working. I think you can point to more places in the country where it is working than not working.

MR. NOVAK: Unfortunately that does not seem to be the case. Those who have studied the field cannot find that evidence.

Q Are you saying there is no place it is working?

MR. NOVAK: No, I am not saying that, nor would I oppose it when it works. It is an instrument. As the Democratic platform put it in 1968 and in 1972, busing is an instrument of racial integration. You judge instruments by how they work. Does this one work? In some cases it does.

Secondly, does it bring integration and does it bring quality education?

Q I think the premise here is will we have a lack of discrimination in our society. I don't think the Supreme Court really hit the theme of quality education, which is relative. I think the question was to break down racial barriers.

MR. NOVAK: Does it do that? That is the question.

Q I think it has basically.

MR. NOVAK: If you are a social policy maker and that is your belief, then that is what you do. If you are not, then you argue against that and that is a good social political argument. Then you want to see the evidence.

If I could call on my colleague David Armor, who studied some of the evidence.

Q Do you think it is worse today than in '54, in terms of equality?

MR. NOVAK: In some places it is.

Q In the South?

MR. NOVAK: Not in the South.

MR. GLAZER. The contrast is not with '54. The first large busing order was '71 in Charlotte.

MR. NOVAK: I have to add in the northern cities, northern central cities, the number of blacks in many of the cities who have moved in have multiplied -- have increased by multiples of four or eight or, in Seattle, since 1945, 1022 percent. So there has been a tremendous migration in a very short period of time.

Q Can I ask you a question about this meeting that was set up here. You asked the President to meet with you, is that correct?

MR. NOVAK: Yes.

Q Did the President know that you were going to come down here and make your statement public in the White House, since he also met this morning with another group who has had experience with busing operations and they were forced to stand outside in the heat in the driveway to talk to reporters?

MR. NOVAK: Since most of us did not know we were going to have a statement, I would guess the President did not know.

MR. MARCHESCHI: The first time the President saw the statement was when I read it to him.

Q Did you tell him you were going to deliver it to reporters here and did he have any comment on that?

MR. MARCHESCHI: Not to the best of my recollection, no.

Q I am a little concerned about the fact we are in the midst of a very, very tight political campaign, as I am sure all you people are aware, and at this particular time in our history it suddenly becomes apparently necessary for the President to get involved in the busing controversy.

Are you unaware of the fact you may be being used politically?

MR. MARCHESCHI: I would like to answer that question because frankly, I think that question entered the minds of all of us. I will attempt to, if not eliminate your fears or concerns, at least ameliorate them to this extent.

This meeting was not held at the request of the President or any of his advisors. It was held at our request.

Q How long have you had the request in?

MR. MARCHESCHI: I communicated with the White House office originally in the fall and most recently, approximately a month ago, regarding our desire to express some of our views to the President. But I would like to challenge you, if I may, on the fact that we don't bring up sensitive issues in an election.

It seems to me if we really believe in the democratic process, I don't think there is any better time for a public official to state his views on a question that is tearing

I am much more offended by the fact that in the Administration today, and especially in the Justice Department -- this is my personal feeling -- there are still those who don't agree and strongly disagree, if you will, with the President's position, and even in a post-Watergate environment I would like to know when I go to the polls this November that the man I vote for has a reasonable expectation to implement the policies which he believes and purports to represent to the American public as those which he is going to implement. And I believe that one of the tragedies of Watergate is that that is no longer the case.

MR. NOVAK: Some of us in another context were in a meeting in the fall with the President in which one of the outcomes of the discussion was encouragement that there should be a rather large study of this issue in the Government, partly because many of the figures that are involved are very difficult to release. Some agencies of the Government appear to have rather an advocacy role, than the role of a non-biased observer, and it is very difficult to get out of them statements of what is happening.

Also because this is, many of us believe, one of the greatest domestic issues for a long time to come and this also, if I might say, happens to be an opportune time, because the issue does rank very low in public opinion polls. The public is not terribly agitated about it right now. There are not many cases pending at this moment and that is a very fruitful time. In the next year or the year after that, there may well be cases. In Chicago, in Los Angeles and in other great cities and it will be a much more inflammatory issue, so at least from my point of view -- and I will almost certainly support a Democrat in the election -- this is a very opportune time to bring about a full dress criticism of this policy, as we do of every other policy. This one should not escape criticism and it should not escape criticism above all by liberals who have done so much to engender it. Liberals have a responsibility especially to this problem.

MORE

MR. HAMILTON: My name is Charles Hamilton. In line with the earlier question, I think it is very important to point out that the probable Democratic candidate in November is not going to be much different on this issue than the position we have articulated here today. I think that is very important to point out. I think that when anybody speaks on an issue of this kind at any time, whether it is during primaries, after primaries or in 1973, it is always going to be subject to potential political use, and I speak to you, sir, as a Democratic Precinct Captain in New York.

Q Are you saying this is Jimmy Carter's position?

MR. HAMILTON: I am saying Jimmy Carter's position on this question has been very clear. He is against mandated court-ordered busing. He is in favor of the so-called Atlanta Compromise, and I accept that and I am going to work diligently for Mr. Carter.

Q Then you are saying President Ford and Jimmy Carter are not very far apart, is that correct?

MR. HAMILTON: I personally don't feel they are very far apart on this issue.

Q Do you feel President Ford has exploited in any way this as a political issue?

MR. HAMILTON: No.

Q Do any of you?

MR. NOVAK: The reason I don't think that is so is what is to be gained by that just now? It is not an issue high in the minds of most Americans. Most Americans, according to the polls, seem to become concerned over this issue when it is local and most are for integration only in the immediate environment and it is not in any immediate environment this year and it won't be in the fall. It is not a very heavy political issue. It was not a big issue in the primaries.

Q Wasn't it an issue in the right wing where Mr. Ford is in the most jeopardy right now?

MR. NOVAK: I will let Republicans speak to that issue.

Q That is what we are asking about. That is the whole point of the discussion.

MR. GLAZER: I don't think any of us want to get into the subject that reporters can't seem to get away from, the notion that any issue of social policy is of no concern

Now obviously to some extent it does but in the case of the present situation I happen to know -- and as anyone should know -- that the involvement of the Attorney General in the Boston brief had nothing to do with any political timetable -- had to do only with the fact that those briefs of certiorari had been filed with the Supreme Court. That those briefs raised important points, that one of them had been written by a relatively distinguished lawyer and the Attorney General had to decide whether they would say something about it or not say something about it. That much I know, and what Mr. Ford wanted to make of it I know nothing about and I really don't care. I have been involved in this issue much longer than this political campaign and I see no reason to stop my interest in it because of the political campaign.

Q Do you think it is sheer coincidence that you are here right now?

MR. GLAZER: I don't think it matters.

MR. SOWELL: My name is Thomas Sowell. I am a Professor of Economics at UCLA. Various people here have identified themselves as Democrats or Republicans. I would like to identify myself as one of those vast number of people who neither register or vote. I am here simply because the merits of the issue itself interest me. I am concerned about it. I am concerned about the faulty assumptions which are never challenged. First of all, you have to have integration in order for the black kids to learn.

Secondly, black kids do learn better after integration for which the evidence is at best ambiguous and probably against that. That black kids are psychologically damaged by segregation and psychologically benefited by integration, however it is achieved. The studies I have seen done -- particularly a book by Dr. Gloria Powell called Black Monday's Children which has exhaustive studies all across the country. The evidence there is again at best ambiguous. The balance of it, in my judgment, is that black kids end up harmed by it. There have been any number of local studies showing racial isolation, interracial antagonism, greater both among blacks and whites, after these forced integration programs have been put into effect. That is the kind of thing we are concerned about.

Q Where did you go to school? Did you go to an integrated school?

MR. SOWELL: I went to both, both in college and

Q Which do you think you profitted most from?

MR. SOWELL: You mean can I generalize about three universities? I can't even count the number of other schools I have gone to.

Q You are making assertions here --

MR. SOWELL: No, I am reciting certain facts that others have already gotten through serious studies any number of places around the country. I am simply saying those facts have become non-events in the media apparently and it is assumed automatically that in fact there are some great benefits accruing to blacks as a result of this and I am saying I see no evidence of that benefit.

Q Do you see any benefit to segregation?

MR. SOWELL: I did not come here to ask the President to oppose Brown versus Board of Education.

Q But isn't that basically what we face here, how to deal with a court problem?

MR. ARMOR: A lot of us got here because we have done research and the research does not support some of the assumptions that school boards and the courts seem to be making, one being that a balanced school is a better educational institution. There are several of us who have done research, and we are quite convinced that a black child can do just as well in an all black school as in an integrated school. That is a factual or evidentiary issue and not a political one.

Secondly, the remedies that courts have imposed have caused such massive white flight that in a sense it is undoing the very action the court is aiming at so at least I, for one -- I am David Armor from Rand -- am here because I am concerned about the educational and social consequences. I am not concerned as much about the political issue. I think others of us would feel the same way. We think there are false assumptions. There is good evidence, and it almost challenges those assumptions, and we have to work towards alternatives that come closer to the goal that we think is far from the mark because of the white flight and other problems that are occurring.

Q I would like to ask you, you said Jimmy Carter had said he was against court-ordered busing and I wonder if you would give me a citation for that because I don't recall any unambiguous statement of that sort on Mr. Carter's part.

MR. WILFONG: Let me address that. I am speaking somewhat from a political thing. I am a City Councilman. I think part of the things that we are saying I don't think you are hearing. You are asking questions and maybe you are not satisfied with our answers.

For instance, a while ago the question was asked -- and we tried to follow that theme -- I was interested that someone asked about did that achieve integration, busing. Is that the object? Was the object to achieve integration? Wasn't the object to talk about equality in education? Wouldn't a more accurate appropriate question be, do you think that achieved equality in education or good education? What difference does it make if we have an integrated bad school? What are you saying you want us to have an equal opportunity --

Q Would you apply that to going to a restaurant in this town where you were separate --

MR. WILFONG: I don't really care about the restaurant. The point is when I come here I got to Pitts and eat some barbecue and maybe some chitlins. I may go to Hogates. I may --

MORE

MR. GLAZER: No one is talking about maintaining segregation. We assume that is behind us. We are all against segregation. That is behind us.

MR. WILFONG: That is not the object. I am against that, but if I chose to do that, if I choose to go to Pitts, then right on.

The point we are saying -- getting back to the situation in Pasadena -- of a political nature. I am a Republican and I am supporting the Governor of California, so I would not allow myself to be used by the President, President Ford, for that purpose.

I don't think, though -- and someone said this earlier -- why should we stop doing the things we are doing just because it is election time. Why should I oppose a good program by a man who is the present President because I am supporting someone else. Why shouldn't I come to a forum like this, to talk to the President of our United States to give my viewpoints on that issue.

The issues as we see it back in Pasadena are this: One, will we be allowed to do our thing in Pasadena? Will we be allowed to have freedom to make our own decisions based upon our neighborhood rather than what a court decides based upon its interpretation of some incident which was probably appropriate at that time.

Q We want you to have this forum, we assure you, and we hope when the pro-busing people come along that they will have the forum. We doubt they will.

MR. MARCHESCHI: Dr. Ravitch would like to say a word and then I would like to close.

MS. RAVITCH. My name is Diane Ravitch. I am a professor at Teacher's College. I am a historian and writer. I have done some studies into the history of the school integration decisions and implementation.

My own concerns are these. I am a liberal Democrat. I expect to be supporting Jimmy Carter in the fall, assuming he is the nominee. I obviously don't want to be politically used by anybody, but I have my own concerns. I don't think you stop thinking about issues because of it being an election year and I don't think you can stop governing because it happens to be the fourth year.

My concerns are these. I think one of the efforts in achieving integration is not only to have an integrated society -- and obviously like everybody else in this group which is not any kind of a formal association -- like all of

My concern is with the pragmatic effects of school busing. Not that busing should not be a tool, it should be a tool. Absolutely. But the question is what are its effects? How much white flight is there. If you win a decision and lose the white population and end up with more segregation than you had before the decision, have you won?

At the time of the decision in Boston, there was a 61 percent white majority in Boston schools. There is now a white minority in the Boston schools. That is a concern or should be a concern. It is a concern to me as a researcher.

If you look at the results coming in from different places in the country -- the education results -- they are equivocal at best -- there is no strong evidence that busing leads to better education and my own position -- which I would distinguish from the rest of the group -- is I have no hard and fast conclusions except I would urge the President and the Secretary of HEW to initiate a thorough study, if possible, even in an election year.

What is the educational impact of busing? How can we provide better quality education? Are there cities, are there States, are there nations that have done a better job of educating low-income children than we have? We have not succeeded. That is very clear and if we want to achieve equality we have to do a better job in educating low-income kids in order that they can have the kind of mobility that we assume middle class kids get through education.

So, that is my concern and I would think it would be wrong to say that we are exploiting the issue or that the President -- I don't know if the President is exploiting it -- I don't think it is exploiting. My understanding is he has basically taken this position consistently for many years. If he suddenly switched positions in the middle of an election, you could say he was exploiting it, but I don't think saying what you have always said is necessarily exploitation.

Q Was the value of your visit today to convince him of what he already believed?

MS. RAVITCH: My purpose in coming was to say I think a lot of people are making statements for which they have no factual basis. In the course of writing about

Now I don't know on what they base that. I believe there are many ways in which children learn and we have not begun to fathom them. I think we can do a better job than we are doing now and we don't seem to be moving in the right direction, so I was urging we do a better job of finding out why we have these assumptions.

Q May I ask a question about white flight which a number of you have mentioned.

MS. RAVITCH: Dr. Coleman might be best to speak to that.

Q Why is the answer to white flight not to expand the realm of busing instead of to contain it in areas -- especially in the case of Boston, why is it not better to expand busing out into the suburbs to prevent white flight?

MR. COLEMAN: I see your point. It seems to me the white flight that exists tells a few things. One is the actual consequences of white flight, namely, the shift -- reduction of 30 some percent of the white population in Boston in a short period of time -- in a period of two years. That is one thing.

The other is what it tells us symbolically. That is it says that here is an issue, namely the choice of where to send one's child to school, which is so important to so many people that they will suffer an economic loss, that they will suffer losses of friends, losses of a whole variety of sorts in order to achieve their goal.

Now if that is the case, if it is so important to so many people, then one must begin to question the basic philosophy of the thing and it seems to me when one looks at the philosophy of the thing then you find it is a kind of "Emperor has no clothes" phenomenon that it is based on -- as several people have said before -- a set of faulty premises.

MR. HARDY: I would like to comment on that white flight.

I am John Hardy from the Pasadena Unified School District, Board of Education. I am in support of Governor Reagan too, so there is no political tie to President Ford. But Pasadena is unique. I think it is one of the very few districts under court order to bus where we have been able to turn around the white flight. We brought back into the district around 1,200 white families or white kids.

Basically because we have offered a volunteer -- and we have told them the awful thing we have told the

MR. MARCHESCHI: Some of us have airplanes to catch. May I just make one parting comment.

I do appreciate your focusing on the issue and the political issue involved. As the unofficial organizer of this group, ad hoc group, let me make this confession to you. There are quite a few of us up here who have carried quite a few scars from this battle. Some of us have seen districts lose 40 percent of their white children. Others of us have put a great number of children on buses and bused them across town. Others of us have had reputations and positions in various universities challenged -- challenging some of the assumptions that underlie the whole premise of busing.

I think the most honest thing we can say is this: There are those in this group who very, very much want to communicate what we consider to be sincere knowledgeable opinions to the media and to the country on this issue.

And to the extent that anyone has been used today, I would be much more concerned about us using the President than the President using us. I think we have had a platform to legitimate, if you will, the anti-busing argument and we appreciate that.

Thank you very much.

END

(AT 3:05 P.M. EDT)

Levi Believes the Courts Try to Heed Busing Law

By LESLEY OELSNER
Special to The New York Times

WASHINGTON, June 16—Attorney General Edward H. Levi said today that he thought the Federal courts had tried to follow the 1974 law that calls on the courts to order busing in school desegregation cases only as a last resort.

His statement sharply contrasts with the repeated assertions of President Ford that if the courts would follow the law, the so-called Esch Amendment, they would not have to impose "forced busing."

Mr. Levi, holding his first news conference in a year, also said that he did not think that the Supreme Court should "go back" on its earlier rulings on school desegregation and busing.

This contrasts with the im-

pression given by recent Presidential and White House statements, such as Mr. Ford's statement on May 26 to some Ohio reporters that "we hope that at least possibly the Supreme Court will review its previous decisions and possibly modify or change" them.

It also contrasts with the impression recently given by statement and actions of the department.

The Justice Department gave serious consideration recently to intervening before the Supreme Court in the Boston school case with a friend-of-the-court brief that some criticized as inconsistent with earlier Supreme Court rulings, in-

Continued on Page 25, Column 1

Levi Believes That U.S. Courts Try to Follow 1974 Busing Law

Continued From Page 1, Col. 3

cluding the Court's ruling in the 1973 Denver school case.

Mr. Levi said today that he had said there should be a "rethinking of the law on busing, adding that "perhaps what I should have said is, it needs thinking, "rather than "rethinking."

Mr. Levi contended at one point, in answer to a question, that he did not think there was "a basic disagreement between me and the President" regarding busing.

People familiar with Mr. Levi's thinking on busing agree, saying that Mr. Levi, like Mr. Ford, believes that busing should be used as little as possible in school cases, and that he also believes, as Mr. Ford appears to, that busing is a highly disruptive issue.

Mr. Levi made another statement today that appeared to back up this point.

The November Meeting

After it became known that Mr. Levi was considering intervening in the Boston busing case, the White House announced that Mr. Ford met with Mr. Levi last November on the subject of busing and was given a "Presidential directive" to search for "an appropriate and proper case to ask the Court to re-examine busing as a remedy."

Mr. Levi today gave this account of the November meeting, suggesting that the idea for finding a test case had been initiated by the Attorney General.

"There was a meeting at the White House with the President at which the whole problem of busing and various aspects of that was discussed, and the position I took was I did not think this was a matter for constitutional amendment; that I did think one had to realize [that] the cases as I saw them were still developing—that doesn't mean I think they're going to go back. I don't think they are, and I don't want them to.

"And I made that point at the meeting and said the department was looking for the appropriate case in which to help this development along."

Mr. Ford, Mr. Levi then said, "in making up his mind as a result of that meeting," directed that "various things be done," including the search for the test case.

More Assertions Made

Mr. Levi also made the following assertions:

¶The Boston case, after that most of the busing ordered in Boston was appropriate.

¶The busing legislation being prepared by the Justice Department—involving a general five-year limit on busing orders, after which busing would be allowed only in limited circumstances—would be constitutional.

The Esch amendment describes various alternative desegregation remedies that courts should consider before resorting to ordering busing, such as school assignments close to home, revision of attendance zones, construction of new schools and magnet schools. Judge W. Arthur Garrity Jr., for instance, considered these before deciding that busing was necessary in Boston.

Mr. Levi said today, "I think the courts have tried to follow the Esch amendment," and, "The courts have more or less considered that priority list." He also said, however, "I'm not sure those priorities are the right priorities."

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

REMARKS OF THE PRESIDENT
UPON SIGNING THE BUSING MESSAGE

THE OVAL OFFICE

11:40 A.M. EDT

To many Americans busing appears the only way to achieve the equal educational opportunities so long denied them. To many other Americans busing appears to restrict their individual freedom to choose the best school for their children to attend.

It is my responsibility and the responsibility of the Congress to seek a solution to this problem -- a solution true to our common beliefs in civil rights for all Americans, individual freedom for every American in the best public education for our children.

Today I am submitting to the Congress legislation which I believe offers such a solution. I ask the Congress to join with me in establishing the guidelines for the lower Federal courts to follow. Busing as a remedy ought to be the last resort and it ought to be limited in duration and in scope to correcting the effects of previous violations. These legislative guidelines are drawn within the framework of the Constitution.

I believe every American community should desegregate on a voluntary basis. Therefore, I am proposing the establishment of a committee composed of citizens who have had community experience in school desegregation and who are willing to assist other communities in voluntarily desegregating their schools.

Citizens groups I have consulted on both sides of the busing issue have told me such a committee would be a welcome resource to communities which face up to the issue honestly, voluntarily and in the best spirit of American democracy.

Concern has been expressed that by submitting this bill at this time we risk encouraging those who are resisting court-ordered desegregation sometimes to the point of violence. Let me state here and now that this Administration will not tolerate unlawful segregation. We will act swiftly and effectively against anyone who engages in violence. This Administration will do whatever it must

June 24, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

THE SCHOOL DESEGREGATION STANDARDS
AND ASSISTANCE ACT OF 1976

The President today is sending legislation to Congress to improve the Nation's ability to deal with elementary and secondary public school desegregation.

BACKGROUND

The proposed legislation is the result of an eight-month review of school desegregation. In November, 1975, President Ford directed Attorney General Levi and Secretary Mathews to consider ways to minimize court-ordered busing. The President also stressed the need to assist local school districts in achieving desegregation before court action commenced.

Recently, President Ford has held a series of meetings with outside sources to discuss the recommendation resulting from the review. These meetings have included school board representatives, academic and educational experts, community leaders who have dealt with desegregation on the local level, civil rights leaders, members of Congress, and Cabinet officers.

DESCRIPTION OF THE LEGISLATION

The School Desegregation Standards and Assistance Act of 1976, in order to maintain progress toward the orderly elimination of illegal segregation in our public schools, and to preserve or, where appropriate, restore community control of schools, would:

1. Require that a court in a desegregation case determine the extent to which acts of unlawful discrimination have caused a greater degree of racial concentration in a school or school system than would have existed in the absence of such acts;
2. Require that busing and other remedies in school desegregation cases be limited to eliminating the degree of student racial concentration caused by proven unlawful acts of discrimination,
3. Require that the utilization of court-ordered busing as a remedy be limited to a specific period of time consistent with the legislation's intent that it be an interim and transitional remedy. In general, this period of time will be no longer than five years where there has been compliance with the court order.

4. Establish a National Community and Education Committee which will assist, encourage, and facilitate community involvement in the school desegregation process. This Committee will be composed of citizens from a wide range of occupations and backgrounds, with particular emphasis on individuals who have had personal experience in school desegregation activities. Committee members will assist on request communities which are, or will be, engaged in the desegregation of their schools by sharing ideas and recommendations for anticipating and resolving conflicts.

In addition to providing advice and technical assistance, the Committee will be authorized to provide grants to community groups for the development of constructive local participation that will facilitate the desegregation process. The Committee will be composed of not less than 50 nor more than 100 members. Ten of those, appointed by the President for fixed terms, will serve as an Executive Committee and will appoint the balance of the Committee.

PURPOSE OF THE LEGISLATION: LIMITS TO BUSING

The President indicated that where Federal court actions are initiated to deal with public school desegregation, busing as a remedy ought to be the last resort and ought to be limited in scope to correcting the effects of previous violations.

He proposes that Congress join with him in establishing guidelines for the lower Federal Courts in the desegregation of public schools.

The President also indicated his belief that each community should choose the alternative of voluntarily desegregating its public schools.

He proposes the establishment of a committee composed of citizens who have community experience in school desegregation activities and who are willing to assist other communities voluntarily desegregate their schools.

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[ca. 6/24/76]

Question:

Ron, we have been asking for a long time for a specific case where this legislation would make a difference and you have refused to cite any case to us. Can you do so now?

Answer:

First of all, the President is proposing this legislation because he thinks that it will make a difference in a significant proportion of the cases that may come up in the future. With respect to cases that have been decided in the past, I think it is fair to say that if you read the opinions in a number of these cases, you will find that the analysis that the courts have used is different from the analysis required by the proposed legislation. In this regard, I suggest you review the Denver, ~~Philadelphia~~ and Wilmington cases, for example. I want to stress, however, that had those cases been tried under the procedures specified in this legislation, more extensive evidence might have been presented and some of those cases might well have come out with the same result.

District
Court

June 24, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

FACT SHEET

THE SCHOOL DESEGREGATION STANDARDS
AND ASSISTANCE ACT OF 1976

*Reasonably
attributable
to other causes*

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3. Require that the utilization of court-ordered busing as a remedy be limited to a specific period of time consistent with the legislation's intent that it be an interim and transitional remedy. In general, this period of time will be no longer than five years where there has been compliance with the court order.

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The President indicated that where Federal court actions are initiated to deal with public school desegregation, busing as a remedy ought to be the last resort and ought to be limited in scope to correcting the effects of previous violations.

He proposes that Congress join with him in establishing guidelines for the lower Federal Courts in the desegregation of public schools.

The President also indicated his belief that each community should choose the alternative of voluntarily desegregating its public schools.

He proposes the establishment of a committee composed of citizens who have community experience in school desegregation activities and who are willing to assist other communities voluntarily desegregate their schools.

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EMBARGOED FOR RELEASE
UNTIL 11:45 A.M. (EDT)
WEDNESDAY, JUNE 24, 1976

June 24, 1976

Office of the White House Press Secretary

THE WHITE HOUSE

TO THE CONGRESS OF THE UNITED STATES:

I address this message to the Congress, and through the Congress to all Americans, on an issue of profound importance to our domestic tranquility and the future of American education.

Most Americans know this issue as busing -- the use of busing to carry out court-ordered assignment of students to correct illegal segregation in our schools.

In its fullest sense the issue is how we protect the civil rights of all Americans without unduly restricting the individual freedom of any American.

It concerns the responsibility of government to provide quality education, and equality of education, to every American.

It concerns our obligation to eliminate, as swiftly as humanly possible, the occasions of controversy and division from the fulfillment of this responsibility.

At the outset, let me set forth certain principles governing my judgments and my actions.

First, for all of my life I have held strong personal feelings against racial discrimination. I do not believe in a segregated society. We are a people of diverse background, origins and interests but we are still one people -- Americans -- and so must we live.

Second, it is the duty of every President to enforce the law of the land. When I became President, I took an oath to preserve, protect and defend the Constitution of the United States. There must be no misunderstanding about this: I will uphold the Constitutional rights of every individual in the country. I will carry out the decisions of the Supreme Court. I will not tolerate defiance of the law.

Third, I am totally dedicated to quality education in America -- and to the principle that public education is predominantly the concern of the community in which people live. Throughout the history of our Nation, the education of our children, especially at the elementary and secondary levels, has been a community endeavor. The concept of public education is now written into our history as deeply as any tenet of American belief.

more

In recent years, we have seen many communities in the country lose control of their public schools to the Federal courts because they failed to voluntarily correct the effects of willful and official denial of the rights of some children in their schools.

It is my belief that in their earnest desire to carry out the decisions of the Supreme Court, some judges of lower Federal Courts have gone too far. They have:

- resorted too quickly to the remedy of massive busing of public school children;
- extended busing too broadly; and
- maintained control of schools for too long.

It is this overextension of court control that has transformed a simple judicial tool, busing, into a cause of widespread controversy and slowed our progress toward the total elimination of segregation.

As a President is responsible for acting to enforce the Nation's laws, so is he also responsible for acting when society begins to question the end results of those laws.

I therefore ask the Congress, as the elected representatives of the American people, to join with me in establishing guidelines for the lower Federal Courts in the desegregation of public schools throughout the land -- acting within the framework of the Constitution and particularly the Fourteenth Amendment to the Constitution.

It is both appropriate and Constitutional for the Congress to define by law the remedies the lower Federal Courts may decree.

It is both appropriate and Constitutional for the Congress to prescribe standards and procedures for accommodating competing interests and rights.

Both the advocates of more busing and the advocates of less busing feel they hold a strong moral position on this issue.

To many Americans who have been in the long struggle for civil rights, busing appears to be the only way to provide the equal educational opportunity so long and so tragically denied them.

To many other Americans who have struggled much of their lives and devoted most of their energies to seeking the best for their children, busing appears to be a denial of an individual's freedom to choose the best school for his or her children.

Whether busing helps school children get a better education is not a settled question. The record is mixed. Certainly, busing has assisted in bringing about the desegregation of our schools. But it is a tragic reality that, in some areas, busing under court order has brought fear to both black students and white students -- and to their parents.

No child can learn in an atmosphere of fear. Better remedies to right Constitutional wrongs must be found.

It is my responsibility, and the responsibility of the Congress, to address and to seek to resolve this situation.

In the twenty-two years since the Supreme Court ordered an end to school segregation, this country has made great progress. Yet we still have far to go.

To maintain progress toward the orderly elimination of illegal segregation in our public schools, and to preserve -- or, where appropriate, restore -- community control of schools, I am proposing legislation to:

1. Require that a court in a desegregation case determine the extent to which acts of unlawful discrimination have caused a greater degree of racial concentration in a school or school system than would have existed in the absence of such acts;
2. Require that busing and other remedies in school desegregation cases be limited to eliminating the degree of student racial concentration caused by proven unlawful acts of discrimination;
3. Require that the utilization of court-ordered busing as a remedy be limited to a specific period of time consistent with the legislation's intent that it be an interim and transitional remedy. In general, this period of time will be no longer than five years where there has been compliance with the court order.
4. Create an independent National Community and Education Committee to help any school community requesting citizen assistance in voluntarily resolving its school segregation problem.

Almost without exception, the citizens' groups both for and against busing with which I have consulted told me that the proposed National Community and Education Committee could be a positive addition to the resources currently available to communities which face up to the issue honestly, voluntarily and in the best spirit of American democracy.

This citizens' Committee would be made up primarily of men and women who have had community experience in school desegregation activities.

It would remain distinct and separate from enforcement activities of the Federal Courts, the Justice Department and the Department of Health, Education and Welfare.

It is my hope that the Committee could activate and energize effective local leadership at an early stage:

- . -- To reduce the disruption that would otherwise accompany the desegregation process; and
- To provide additional assistance to communities in anticipating and resolving difficulties prior to and during desegregation.

While I personally believe that every community should effectively desegregate on a voluntary basis, I recognize that some court action is inevitable.

In those cases where Federal court actions are initiated, however, I believe that busing as a remedy ought to be the last resort, and that it ought to be limited in scope to correcting the effects of previous Constitutional violations.

The goal of the judicial remedy in a school desegregation case ought to be to put the school system, and its students, where they would have been if the acts which violate the Constitution had never occurred.

The goal should be to eliminate "root and branch" the Constitutional violations and all of their present effects. This is the Constitutional test which the Supreme Court has mandated -- nothing more, nothing less.

Therefore, my bill would establish for Federal courts specific guidelines concerning the use of busing in school desegregation cases. It would require the court to determine the extent to which acts of unlawful discrimination by governmental officials have caused a greater degree of racial concentration in a school or school system than would have existed in the absence of such acts. It would further require the court to limit the relief to that necessary to correct the racial imbalance actually caused by those unlawful acts. This would prohibit a court from ordering busing throughout an entire school system simply for the purpose of achieving racial balance.

In addition, my bill recognizes that the busing remedy is transitional by its very nature and that when a community makes good faith efforts to comply, busing ought to be limited in duration. Therefore, the bill provides that three years after the busing remedy has been imposed a court shall be required to determine whether to continue the remedy.

Should the court determine that a continuation is necessary, it could do so only for an additional two years. Thereafter, the court could continue busing only in the most extraordinary circumstances, where there has been a failure or delay of other remedial efforts or where the residual effects of unlawful discrimination are unusually severe.

Great concern has been expressed that submission of this bill at this time would encourage those who are resisting court-ordered desegregation -- sometimes to the point of violence.

Let me here state, simply and directly, that this Administration will not tolerate unlawful segregation.

We will act swiftly and effectively against anyone who engages in violence.

I assure the people of this Nation that this Administration will do whatever it must to preserve order and to protect the Constitutional rights of our citizens.

The purpose of submitting this legislation now is to place the debate on this controversial issue in the halls of Congress and in the democratic process -- not in the streets of our cities.

The strength of America has always been our ability to deal with our own problems in a responsible and orderly way.

We can do so again if every American will join with me in affirming our historic commitment to a Nation of laws, a people of equality, a society of opportunity.

I call on the Congress to write into law a new perspective which sees court-ordered busing as a tool to be used with the highest selectivity and the utmost precision.

I call on the leaders of all the Nation's school districts which may yet face court orders to move voluntarily, promptly, objectively and compassionately to desegregate their schools.

We must eliminate discrimination in America.

We must summon the best in ourselves to the cause of achieving the highest possible quality of education for each and every American child.

GERALD R. FORD

THE WHITE HOUSE,

June 24, 1976.

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OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

REMARKS OF THE PRESIDENT
UPON SIGNING THE BUSING MESSAGE

THE OVAL OFFICE

11:40 A.M. EDT

To many Americans busing appears the only way to achieve the equal educational opportunities so long denied them. To many other Americans busing appears to restrict their individual freedom to choose the best school for their children to attend.

It is my responsibility and the responsibility of the Congress to seek a solution to this problem -- a solution true to our common beliefs in civil rights for all Americans, individual freedom for every American in the best public education for our children.

Today I am submitting to the Congress legislation which I believe offers such a solution. I ask the Congress to join with me in establishing the guidelines for the lower Federal courts to follow. Busing as a remedy ought to be the last resort and it ought to be limited in duration and in scope to correcting the effects of previous violations. These legislative guidelines are drawn within the framework of the Constitution.

I believe every American community should desegregate on a voluntary basis. Therefore, I am proposing the establishment of a committee composed of citizens who have had community experience in school desegregation and who are willing to assist other communities in voluntarily desegregating their schools.

Citizens groups I have consulted on both sides of the busing issue have told me such a committee would be a welcome resource to communities which face up to the issue honestly, voluntarily and in the best spirit of American democracy.

Concern has been expressed that by submitting this bill at this time we risk encouraging those who are resisting court-ordered desegregation sometimes to the point of violence. Let me state here and now that this Administration will not tolerate unlawful segregation. We will act swiftly and effectively against anyone who engages in violence. This Administration will do whatever it must


THE WHITE HOUSE

WASHINGTON

June 25, 1976

MEMORANDUM FOR THE PRESIDENT

FROM:

EDWARD SCHMULTS 

SUBJECT:

Private School Discrimination Case

In Runyon et ux., dba Bobbe's School v. McCrary et al., (decided June 25, 1976), the Supreme Court held that 42 USC 1981*/ may be constitutionally applied to prohibit private, commercially operated, non-sectarian schools from denying admission to prospective students because they are Negroes. Justice Stewart wrote the opinion, in which Chief Justice Burger and Justices Brennan, Marshall, Blackmun, Powell and Stevens joined. The latter two also filed concurring opinions. Justices White and Rehnquist dissented.

At the outset the opinion noted that the case did not present any question as to (a) the right of a private social organization to limit its membership on racial or other grounds,**/ (b) the right of a private school to limit its student body to boys, to girls, or to adherents to a particular religious faith, and (c) the right of private sectarian schools to practice racial exclusion on religious grounds.

The Court said that it was well settled that Section 1981 prohibits racial discrimination in the making and enforcing of private contracts and cited three earlier decisions (the Jones case - barring under another Reconstruction statute private racial discrimination in the sale or rental of real or personal property; the Tillman case - holding that a private swimming

*/ The section provides that "All persons . . . shall have the same right . . . to make and enforce contracts . . . and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white persons . . .".

**/ Of course, the Court did not express an opinion on this point.

club had violated Section 1981 by enforcing a guest policy that discriminated against Negroes; and the Johnson case - holding that Section 1981 prohibits the discrimination in private employment on the basis of race).

In holding that Section 1981 was constitutionally applied by the lower courts, Justice Stewart said that such application did not violate any constitutionally protected rights of free association and privacy, or a parent's right to direct the education of his children. He assumed that parents had a First Amendment right to send their children to educational institutions that promote the belief that racial segregation is desirable, and that children have an equal right to attend such institutions. But it did not follow that a school's exclusionary practice was protected by the same principle. Stewart said that no challenge was being made to the right of parents to send their children to a particular private school rather than a public school. While parents have a constitutional right to select private schools that offer specified instruction, they have no constitutional right to provide their children with private school education unfettered by reasonable government regulation such as Section 1981.

In his concurring opinion, Justice Powell stressed that the schools were "private" only in the sense that they were managed by private persons and did not use public funds. He referred to the fact that the schools extended a public offer to any child meeting minimum qualifications and advertised in telephone directory yellow pages and by general mail solicitations. He said there was no reason to assume the schools had any special reason for exercising an option of personal choice among those who responded to the public offers.

Justice Stevens said that he believed the earlier cases had been incorrectly decided and that, were he writing on a clean slate, he would reverse the lower courts and find that Section 1981 did not prohibit private school discrimination. However, he joined in the Court's opinion in the "interest in stability and orderly development of the law". To overrule the earlier decisions would, in Stevens' view, be a significant step backward in the Nation's movement to eliminate racial segregation.

In their dissent, Justices White and Rehnquist said that Section 1981, on its face, only outlaws any legal rule

disabling any person from making or enforcing a contract, but does not prohibit privately motivated refusals to contract. The dissenters were concerned that the Court's decision would embark it on the treacherous course of deciding whether the statute applied to a variety of associational relationships -- such as black and white social clubs.

THE WHITE HOUSE

WASHINGTON

June 29, 1976

MEMORANDUM FOR: RON NESSEN

FROM: BOBBIE GREENE KILBERG *Bobbie*

SUBJECT: Q&A on the Supreme Court's
Decision in the Pasadena School
Desegregation Case, June 28, 1976

Question:

Does the Supreme Court's 6-2 decision in the Pasadena case support the basic intent of the President's new legislation?

Answer: [based on newspaper reports of case; have not yet seen actual opinion]

Yes, it does. In the majority opinion written by Justice Rehnquist, the Supreme Court held that district courts cannot require school authorities to readjust attendance zones each year to keep up with population shifts if there was no evidence that officials were to blame for those population shifts. This would apply even if the officials had not fully complied at that time with other aspects of a court-ordered desegregation plan such as the hiring and promotion of teachers.

The Court said as follows:

"in this case the district court approved a plan designed to obtain racial neutrality in the attendance of students at Pasadena's public schools, . . . No one disputes that the initial implementation of this plan accomplishes that objective. That being the case, the district court was not entitled to require the school district to re-arrange its attendance zones each year so as to insure that the racial mix desired by the court was maintained in perpetuity. "

The Pasadena ruling supports the provision of the President's legislation which would prohibit a court from requiring a modification of student assignment plans, in effect pursuant to a court order, because of subsequent residential shifts in population which result in changes in student racial distribution. An exception to this prohibition would occur if the court finds that such changes resulted from acts of unlawful discrimination.

[Note, however, that the Pasadena court order required system-wide remedies but the President's legislation would limit the scope of remedies to the scope of the proven constitutional violations.*/ While the Court did not rule on the appropriateness of the system-wide remedy in this case, it did use some language such as "racial neutrality" in student attendance which might be helpful.]

The Court also stated that its ruling is consistent with its 1971 decision in the Swann case (Charlotte-Mecklenburg).

Question:

Does the Pasadena opinion rule on the length of time that a Federal district court can supervise school authorities to make sure they are complying with the initial court order?

Answer:

It does not and thus does not affect the provision in the President's legislation to limit the utilization of court-ordered busing as a remedy to a period that would generally be no longer than five years, provided there had been compliance with the court order and no extraordinary circumstances.

*/ President's legislation would require that a court in a desegregation case determine the extent to which acts of unlawful discrimination have caused a greater degree of racial concentration in a school or school system than would have existed in the absence of such acts and further requires that busing and other remedies be limited to eliminating that degree of student racial concentration.

Question:

Was the Pasadena decision a busing decision?

Answer:

Not really. The decision did not relate directly to the utilization of busing as a remedy but rather to the changing of attendance zones yearly to accommodate population shifts.

[You should be aware that Solicitor General Bork and Attorney General Levi decided not to use the Pasadena case as a vehicle to argue before the Court that it should limit the scope of judicial busing orders. The basic reason for Bork's conclusion was that the petitioners had not made a record in the district court that would properly permit a re-examination of busing as a remedy in this case. However, in the Justice Department's brief, Bork did state that "the concern about transporting school children to accomplish desegregation is a legitimate one that may call for the further attention of the court in an appropriate case."]

cc: John Carlson
Ed Schmults