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THE WHITE HOUSE

PRESS CONFERENCE
OF

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THE BRIEFING ROOM

3:40 P.M. EDT

MR. CARLSON: As most of you know, the President has just spent about one hour and thirty minutes with the Leadership Conference on Civil Rights and here briefly to summarize the meeting and to take your questions we have Jack Greenberg, the Director and Counsel for the NAACP Legal Defense Fund; Nate Jones, General Counsel for NAACP; Vernon Jordan, the Executive Director of the National Urban League; Joseph Rauh, the Counsel, Leadership Conference on Civil Rights; and Mr. Roy Wilkins, the Chairman, Leadership Conference on Civil Rights; and Congresswoman Burke.

Q You didn't mention Clarence Mitchell, the most important man there.

MR. CARLSON: I'm sorry. The group has increased here.

MR. WILKINS: We presented to the President the following eight points.

Q Can we get a copy of that?

MR. WILKINS: Yes, you can get a copy of this.

MR. CARLSON: We can Xerox that and make it available if you like.

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MR. WILKINS: If you will.

The President be urged to reaffirm his belief in the Brown decision and its progeny and the President be urged to issue a national call for obedience to the rule of law and order of the courts.. The President be urged to condemn violence as a means of challenging court orders.

The President be urged to **withdraw his policy directive** to the Attorney General to seek out an appropriate case for Supreme Court review. The President be urged to abandon his search for legislative alternatives to remedies already approved by the Supreme Court. The President be urged to cease judicial and legislative efforts aimed at limiting proof of violations and restricting the scope of remedies for unconstitutional segregation.

Seven, the President be urged to call upon the various State Legislatures, State educational bodies and the local boards of education to take action to eliminate segregation in urban schools.

And, eight, and final, the President be urged to direct the Office of Civil Rights of HEW to move immediately to assist State and local boards of education to come into compliance with Title 6 of the 1964 Act.

We have these people here, each one of whom is our Congressman, each one of whom has the ability to answer the questions that you may have.

Now don't think that you have license to -- anything that is on this paper is fair game.

Q Well, could you give us a little more of the way the meeting was run? Did you read this to the President? What was his response?

MR. WILKINS: Well, we read it to the President --

Q At the outset of the meeting, the beginning?

MR. WILKINS: Yes.

Q Who read it?

MR. WILKINS: Our first speaker, Mr. Jones.

MR. JONES: Perhaps I could discuss it a little bit.

The President made some introductory remarks and we were encouraged that he, at the outset, stated that he would, as President, enforce the law even though he may have some reservations about the extent to which busing is appropriate in various cases.

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Following the President's remarks, he called upon Secretary of HEW, David Mathews, for remarks and the Attorney General also spoke. Mr. Clarence Mitchell on our behalf urged the President to be cautious in language, indicating that the use of the term "forced busing" was ill-advised, and the President noted that request.

I then made a presentation at which time I summarized the process by which law suits are filed and I indicated that when we considered desegregation we talk about two basic tracts -- a voluntary administrative approach, which can be taken by school boards on their own; and we also talk about the litigation route which is made necessary when the political process does not work. And once the judicial power of the court is invoked, the standards that have been enunciated by the Supreme Court must be adhered to and that gets us into the question of legal standards, the types of proofs. I indicated to the President that following a full inquiry by District Courts into the method by which school districts become segregated they generally have no choice but to conclude that the segregation results from the purposeful and intentional actions of the school authorities, thereby making a remedy mandatory.

And then we had a discussion about remedy and we indicated to the court that we felt that the remedies are of such a nature, or they must be of such a nature as to eliminate that which the court has found to be in violation of the Constitution.

Therefore, if the violation is one involving segregation, the remedy must be desegregation and that these are cases brought under the Fourteenth Amendment and the Fifth Amendment which allege racial discrimination and, therefore, the duty upon the school board is to fashion a plan that will eliminate segregation, that will eliminate racial identifiability of schools.

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Q Sir, what was the President's reaction to being urged to abandon his search for an alternative to busing?

MR. RAUH: I was going to answer that. I would just like to say that this was 16 representatives of the Leadership Conference on Civil Rights, which is 135 civil rights, religious, labor and civic groups, and that we urged on the President the unity of these groups in support of busing where it is the method by which integration can be accomplished.

We urged the President -- and I think this will be the test of whether we are good advocates -- we urged him not to go ahead with legislation restricting busing. I think if there was one thing that ran through what everybody said to the President it was "please don't go ahead with busing legislation because it will be the opposite of what you said."

The first thing the President said to us was, "I intend to uphold the law." We took that in good faith and we accept that in good faith, but the sending up of anti-busing legislation will, as we said to him, be an inducement to people not to comply with the law and therefore this was quite unanimous among all our groups.

I think that this is interesting because just a couple of days ago the President had with him some people, even a black spokesman, who said he didn't wholly agree with the decision back in 1954. Well, let me tell you that the unanimous leadership conference groups were in here saying, "We do believe in it. The only way you can enforce it is for pro-busing actions by the courts." And legislation now proposed to stop that or to limit that can only have the effect of inciting, not upholding the law when the question now is, what is the President's reaction.

I think the President intends to uphold the law. I think he may not wholly agree with us, although he didn't make clear one way or another whether by sending up legislation he would in fact be doing what we say he is doing; namely, inciting violations of the law. But we did beg him not to go ahead with that legislation.

Q Mr. Rauh, you asked him two things: You asked him to stop using the term "forced busing" and you asked him not to send the legislation, which is supposed --

MR. RAUH: Plus the eight things here.

Q I understand that. And you got no satisfaction and no promise from him on either count; is that right?

MR. RAUH: It would not be fair to say we got no satisfaction because we got a fair hearing, but I would say that we got no promises that he would take our side of this and it would be a mistake for us to imply that he had promised us anything.

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MR. MITCHELL: Well, there was one additional thing that I think is terribly important. The President has repeatedly said that some courts have gone too far and that there has been massive busing ordered. We asked him to be specific. We have the cases. We have found none where the courts have gone too far but in deference to the President we asked him to name a case in which the courts have gone too far. He did not do so.

I think he could not do so because, as we pointed out to him, this is an issue which has been exacerbated by those who have improper intentions and wrong motives and we made it clear that as we understand the legislative proposal which is now under study, it would indeed be massive -- it would be a massive destructive attack on the principle of equity as we know it in the law and I think this goes beyond the question of whether you do or do not put children on a bus.

I think it goes to the question of whether having brought the Magna Carta over here to the United States and having it on display we are going to start dismantling the principles of law which have been given birth by the Magna Carta and the Constitution of the United States.

I submit that this is not merely an attack on the school children -- this is an attack on the concept of law as we know and live under it.

Q Did you use those words?

MR. MITCHELL: We did.

Q Before the President?

MR. MITCHELL: Yes.

Q What was his response to that specific set of words?

MR. MITCHELL: He listened.

Q Did the Boston school case come up, the ruling today by the Supreme Court?

MR. RAUH: Yes, and he said that -- it was several times referred to but I don't know that -- yes, the President did say that he at all times supported Mr. Garrity's decision. He did say that in almost those terms.

Q Supported the decision?

MR. RAUH: Yes, he said that the Justice Department had helped --

MR. MITCHELL: No, no. He said he, at all times, would uphold although he didn't agree.

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MR. JORDAN: I think it is very important to point out two things that the President said, and three commitments that he did not make.

Q Who are you?

MR. JORDAN: I am Vernon Jordan, National Urban League.

First of all, the President said that he would uphold the law; secondly, he said that he did not believe in a segregated society; he said thirdly that there were some instances where he felt that the court had gone too far.

I think it is terribly important to point out that we did not get a commitment from the President to withdraw his policy directive to the Attorney General to seek out an appropriate case for Supreme Court review. We did not get a commitment from the President to abandon his search for legislative alternatives to remedies already approved by the Supreme Court, and we did not get a commitment from the President to cease judicial and legislative efforts aimed at limiting proof of violations and restricting the scope of remedies for unconstitutional segregation. We did not get a commitment on those things. By the same token, we did not get a commitment to the contrary and I think it is very important that those be pointed out.

MR. MITCHELL: Mrs. Burke is here. As you know, she is Chairperson of the Black Congressional Caucus. She has gone to considerable trouble to be here and we would like for her to say something.

MRS. BURKE: Well, I do think that we should point to one fact that was mentioned by the President which seemed to be influencing his decision. He pointed out that there were 600 school districts that apparently would have to have orders of desegregation and would be faced in the immediate future with desegregation, and to us this was even more reason that we found it necessary to emphasize the introduction of legislation at this time, even if it was introduced today, which would mean that it would be hotly debated when the school system opens up.

So when we start a school year we are going to start a school year in an environment and in an atmosphere where those who would perhaps want to use violence to influence the passage of that legislation might find that they should call upon that to influence people at a time, especially Members of Congress, just before they were being elected.

So we hold our breath every September hoping that we can enter a school year without violence, and it seems as though if we can get past those first few months we then find things cooling off and we are at least able to get some semblance of understanding among people.

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Q Ma'am, would you please say where most of those 600 districts are -- within the North or the South?

MRS. BURKE: He did not say specifically.

Q But you know, where they are. Where are they?

MRS. BURKE: They are in the North, I am sure.

Q Thank you, Ma'am.

Q Mrs. Burke, are you convinced that the President is committed to an integrated society?

MRS. BURKE: Well, he pointed to his own example of Pontiac, Michigan, where he seemed to feel that they had resolved their problems of integrating schools -- I am sorry, Grand Rapids -- but he pointed to that school and to some of the things it had done. Now he seemed to be convinced in that instance that we worked out their problems and that it was in the best interest of everyone to work those out constructively.

Now, he did have a few questions about some of the judicial procedures that were used. However, we came away from there certainly getting the impression that he was listening to us and I believe that he is probably very troubled because I could see where he is faced with a tremendous decision. If he introduces this legislation, he may have greater problems, really, in September.

Q What was his reaction to your point 1; that is to say, the reaffirmation of the Brown decision? There seems to be some ambiguity in the statements on this.

MRS. BURKE: I am going to ask someone else to answer this.

MR. RAUH: I am going to say, as I have been a severe critic, that the President said flatly that he was opposed to segregation. I don't believe he left any question about that. The problem we face is that we think his actions helped segregation but we do not challenge his words that he opposes segregation. I think that we didn't come here to challenge his good faith, but we think what he is doing by having the Attorney General go get cases to weaken busing, and by going for legislation to weaken busing, is hurting integration and helping segregation, but the fact that his actions are doing that does not mean he is not saying in good faith his feeling the other way.

Q Did anyone relate to him that perhaps his positions recently have been related to the political campaign?

MORE

MR. WILKINS: No.

MR. RAUH: I don't think anybody mentioned that.

Q Did no one say to him, "Please, Mr. President, cool it on this issue because there is a campaign underway"?

MR. RAUH: We said cool it on this issue because if you go ahead with this issue you are in fact inducing violation of law. We are a nonpolitical organization and we were doing this on the basis that his actions would induce violation of law rather than getting into policy.

Q While we are on this point of politics, would any of you care to say how you think this places him in the race for President?

MR. RAUH: I wouldn't.

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Q Would you care to say what effect you think this would have on the President's campaign?

MR. RAUH: N .

MR. GREENBERG: Well, I don't know.

Q Would any of you care to say this?

MR. RAUH: If we came all the way over here and never had in an hour and a half's conversation a political word, I don't see it would be to the benefit of what we are after, which are integrated schools, to have a political word here.

Q Let me say, what did Mathews say? Did they have anything to --

MR. GREENBERG: Well, I think they merely said that there was some uncertainty at least in the Attorney General's mind as to precisely what the requirements of the law were and to which agency of government the argument should be addressed. That is the Judicial Branch but it was not really very precise.

I would like to make the point that one of the things that some of us tried to impress upon the President was that the issue of busing should be seen in some sort of perspective, that of the 40 million school children in the United States, somewhat over half go to school on the bus anyway for one reason or another and almost all of those who do go to school on the bus take it for reasons unrelated to racial integration.

A very small percentage are bused for the purposes of integration and in virtually every situation where that occurs -- and there was a reference to the South and the North -- in the South it is no longer a volatile issue. It is perhaps an issue as controversial as many of the other of the total range of educational issues may be but it is fairly well accepted.

Little Rock, for example, which is one community that was mentioned, is a well integrated, successfully functioning school district. There are well integrated successfully functioning school districts in the North also and some where busing occurs, including some in the State of Michigan. Boston is a notable exception, but we don't think that --

Q What about Nashville?

MORE

MR. GREENBERG: I understand that busing is working fairly well in Nashville these days.

Q Mr. Greenberg, did you come away with the impression that anything that was said substantially changed the President's plans?

MR. GREENBERG: I came away with no distinct impression on that but as one of the speakers said before me, he was listening and I would not be surprised if what we said today, which I think was reasoned and documented and so forth, made some difference in what it is he is going to do. One of the things that was rather substantially suggested was that Secretary of HEW Mathews conduct a study of districts which are integrated and where there is busing under court order and otherwise to see what role that plays in education and to base legislation on that or not base legislation on that with full awareness of the facts. We have a feeling that people don't know what all the facts are.

Q Do you mean to tell us that he has not already done that?

MR. GREENBERG: I have not seen such a study. There may be such a general impression but I don't know that it has been directed --

Q Did you make the statement as you began today, did I understand you to say that Levi and Mathews didn't understand the law?

MR. GREENBERG: No. I said that Attorney General Levi said that the law was not precisely defined on some of these issues and that some of our arguments perhaps or some of the arguments on this issue should be addressed to the courts and some to the Executive Branch and he was quite general.

Q Mr. Greenberg, keeping track of cases as you do, this estimate of 600 new desegregation cases coming up, where do they come from?

MR. GREENBERG: I was surprised by that figure and I don't know what the President meant by that. I don't think I meant there were going to be 600 cases. I got the impression that there was a possibility that busing might become an issue in as many as 600 school districts.

MR. MITCHELL: He said specifically that this morning a member of his staff --

MR. GREENBERG: The Domestic Council, he said.

MR. MITCHELL: -- had given him this figure and that this might be a problem.

MR. GREENBERG: He was not questioned on that and it is difficult to know what that means except that there might be integration in as many as 600 districts.

Q Would you paraphrase what he said as closely as you could, please?

MR. GREENBERG: Well, I think he said that the Domestic Council informed him fairly recently that school busing might be something that would have to be considered or dealt with in as many as 600 school districts.

MR. RAUH: I think I can help you because I think I can give you the context. It was in response to Mr. Greenberg's statement that only 3 percent of the busing occurs for school integration purposes. He said yes, but a member of the Domestic Council this morning told me that that might be affected in 600 school districts. I think that is pretty close. It was in response to our saying how small the busing is for purposes of integration, that he referred to 600 school districts where the issue might arise.

Now from our experience in the Adams against Richardson or Brown against Weinberger where we are suing HEW on that, I rather doubt that there is anything like that number of places where there could prove to be a busing problem.

Q Did any of you have the feeling today that --

MR. CARLSON: Let Jim Cannon say one word on this one point.

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MR. CANNON: These are the latest HEW figures which we have. We gave them actually to the President last week. I am going to read it because it should be said precisely.

There are 600 school districts in the country which are likely to have to go through desegregation voluntarily, by court-order, or some combination of those two.

Q Ultimately?

MR. CANNON: Correct.

Q No time frame on that?

MR. CANNON: No time frame.

Q North, South, East, West?

MR. CANNON: Throughout the country.

Q Can you break that down?

MR. CANNON: No, we cannot. But you can see from the way it is put --

Q Do they get this figure off the wall or something?

MR. CANNON: No.

Q Isn't there any kind of breakdown?

Q Why put out a figure like that without any substantiation at all?

MR. CARLSON: They are HEW figures.

MR. CANNON: They are HEW figures.

MR. CARLSON: Call HEW.

Q Who in HEW?

Q Have you discussed at all any details of the planned legislation?

MR. RAUH: Well, we said what we thought was in it. The Attorney General said that some of us had been misinformed because some of you guys and girls had written-in some of the stuff and you had misinformed us, but we argued against the legislation based on what we had read in the press about the decision.

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MR. MITCHELL: I would have to take except on to that. I am not misinformed. The Government of the United States is putting together a legislative package which would contain these elements.

First, that in a school district where there is segregation and the court finds that there is segregation, the court would be limited to putting that school district back in the position where it would have been but for the action of the school board; which rules out these great principles which have been enunciated in the Swann case and similar decisions.

The second part of this has to do with the period of time in which the courts will retain jurisdiction. As of now, the courts acting on the equity principle retained jurisdiction as long as it is necessary to correct the wrong.

Under the Administration's position, the courts would be required to review the cases at the end of a three year period. They would then be in a position to decide whether there had been good faith action. If there had not been good faith action, they would retain jurisdiction.

At the end of five years -- and this is the deadly part of the proposal -- at the end of five years the courts would review it again and they would not be able to retain jurisdiction except in extraordinary circumstances, and the extraordinary circumstances have not been defined. I say that is an abandonment of a principles of equity where the court retains jurisdiction until the wrong has been righted and I do not say this in hostility to the President because I admire him personally and like him personally but I would say to you it seems to me that if the President and his aides could come up with 600 school districts where they anticipate problems, they ought to come up with one where a court, as they put it, has exceeded its authority. They did not come up with one.

Q Are you essentially saying that legislation is intended to overturn the burdenship and the --

MR. MITCHELL: I am saying the legislation, if carried to its logical conclusion, would throw a monkey-wrench in the implementation of Brown versus the Board of Education and that it is inconceivable to me that a lawyer or a person giving advice to anyone would not know that.

Q Did any of you come away with the feeling that he might re-think or revise his views?

MR. RAUH: "Might" is a big word. I am an optimist. I accept the word "might."

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Q What were his parting words?

MR. RAUH: Goodbye. (Laughter)

Q By what you people have said, not to introduce any legislation for fear that it might introduce more violence, would that then preclude he or any other President from introducing legislation since there will be desegregation cases coming down the line next year and the year after, in your view?

MR. RAUH: You could put some legislation in that would strengthen busing. That is a possibility. Or Mr. Levi was suggesting that we opposed his coming in at the appellate level. We made clear that we don't oppose his coming in at the appellate level, it is only that lately they seem to come in at the appellate level against us. But the fact is that the Justice Department either putting up anti-busing legislation or doing anti-busing acts in court, both of those give aid and comfort to the Louise Hickses of this world.

Indeed we used that name and I think the President made some joking reference that that was not his intention to give aid and comfort to those who have tried to violate the orders of the court. And I believe the President, he does not want to give them aid and comfort but I believe what Justice is doing does give them aid and comfort.

MR. MITCHELL: Let me say this. You want a perspective on this thing. As all of you know, after 1954 we were attacked with all the force of the State power. The State treasuries were opened and the State money collected from all the taxpayers was used to try to frustrate the Supreme Court decision. Those of you -- and I see many of you here -- who followed the enactment of the 1964 Civil Rights Act know that we asked that there be included in that Act a provision which enables the Government of the United States to be a party to these actions sometimes because the plaintiffs were being intimidated, sometimes because they could not afford it but really to equalize the contest between the States and the citizens who were trying to vindicate their Constitutional rights.

The posture of the Justice Department and this Administration at this time is contrary to the intent of that part of the law because it seeks to move the Government of the United States on the side of those that the law was enacted to try to protect us against.

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MR. CARLSON: Just one last question.

MR. JONES: I would like to follow up what Mr. Mitchell said to indicate to you just what supports that statement.

This proposed legislation is unconstitutional, clearly, and that was pointed out. It is inconsistent. In the first place, this matter of terminating jurisdiction is contrary to the position that was argued by the Justice Department in the Pasadena case. The issue in that case was whether or not the District Judge should be required to terminate jurisdiction.

The position of the Justice Department in that case as argued by the Solicitor General is that the system has not become unitary yet and, therefore, the court must continue its jurisdiction. Yet through this legislation the proposal is to require this three-year-two-year review.

Furthermore, there are explicit limitations and directions on limitations on busing that District Courts must follow. In the Swan decision Chief Justice Burger wrote that courts must recognize and acknowledge time and distance factors and that no bus ride must be so long as to impinge upon the educational process or to impact upon the health of children. Time and distance factors must be regarded by District Courts. So that is the limitation.

So it is not necessary to get clarification on that, it is already clear. District Courts have no problem with that. The problem that we have encountered in this country is resistance and that is the direction which the Executive Branch of this Government should be focusing -- how to bring about compliance. During my presentation to the President I pointed out that there is dawning on this country a feeling of inevitability about desegregation and cities that are undergoing due process are experiencing a coming together of diverse groups. I cited Cleveland, for example, where civic groups, church groups, labor, management -- groups of all kinds -- are coming together to bring about a peaceful implementation of a court order.

We hear too little about that aspect of Judge Garrity's plan in Boston. And the same thing in Denver where Judge Doyle created a city-wide bi-racial council of parents and teachers and what have you to bring about peaceful implementation. So it is doable and we think that if the Administration wants to propose legislation it should be in the direction of encouraging that kind of activity and not cut back on the part of the court to vindicate the Constitutional rights.

Q Is this the first time you have ever heard of a President who has come forward against what you know to be the law and what you think is constitutional and what are the court decisions?

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MR. JONES: Since Brown it is my first recollection of a President who has called for this type of cutback on the powers of a court to vindicate the rights that have been found by a trial judge to be clearly violated. It is the first time.

MR. RAUH: I just have to correct that a second, Nate. President Nixon proposed legislation in about 1970 to take the jurisdiction of the courts away in this kind of situation. What we did say to the President was that his proposed legislation would have a similar bad effect as President Nixon's proposed legislation, if you recall; that was to say, no court would have jurisdiction to issue an order on busing. That never passed, and I think we made it clear to the President we don't think this legislation is going to pass. We think that the groups that were in there today can help defeat that legislation. That is not the problem. The minute that legislation goes up, it is an inducement to violation of the law -- it is not that he can pass it. I don't believe anybody in the White House where we stand believes they can pass that legislation. They want it and they are wrong. They are trying to make it appear that this is a way of dramatizing their opposition to busing. That is very dangerous.

Q Did you get any idea what time frame they have in mind for sending it up?

MR. RAUH: No, that was not -- indeed we were hoping they would not send it up. We haven't given up hope.

MR. CARLSON: Thank you, gentlemen. You can talk here all you want on your own.

END (AT 4:17 P.M. EDT)