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FW

Charlie:

Pat and I delivered busing packets to the following people:

Butler
Fish
McClory
Wiggins
C. Moorhead
Mazzoli
Flowers
Minority Staff - Judiciary Committee

Erlenborn
Buchanan
Jeffords
Goodling

Waggoner
Satterfield

(S.L.)

MAY 29, 1976

O'Neil

~~*MOAKLEY*~~

~~*J.A. BOLKE*~~ ⁶⁰
MOORE

~~*CONF*~~

HECKLER

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

*Called
made by
Report
5/27/76.*

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

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

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

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

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

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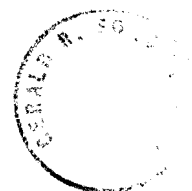
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OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

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OF

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UNIVERSITY OF CHICAGO LAW SCHOOL
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AND PRESIDENT, AMERICAN FREEDOM FOUNDATION
MICHAEL NOVAK
WRITER, LECTURER, WRITER-IN-RESIDENCE FOR THE WASHINGTON STAR
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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 in 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. MARCHESI: 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: Yes, sir.

Q In that case what solution do you come up with in view of the orders of the Supreme Court?

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, some of us who go so far as to say it is an intellectually and morally bankrupt tool -- to achieve what we all desire to achieve, and that is true integration and quality education for all children.

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, particularly forced integration. What we are talking about -- and I am speaking from my viewpoint -- is that I would wholeheartedly support desegregation, forced desegregation, if you want to call it that.

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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 to the President, has proved to many of us that voluntary integration can indeed be made to work.

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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 concerned about, such as complying with the law.

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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."

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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 are actions most of us would consider benign--such as in the case of Boston, the request of a principal heading a mostly black school to a central personnel office to send them some black teachers. It is that kind of thing which we feel is faulty premise, the assumption that -- well, that is one kind of assumption.

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?

MR. NOVAK: We will come to that secondly. But it is important to take -- when you have a policy that is breaking in your hands and not working, then you go on to the second step.

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.

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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 this country apart than when he is running for office.

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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.

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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 of itself but only exists as a counter in politics.

MORE

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 pre-college. I have taught in both.

MORE

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. ARMOR: No, I can't. I just follow everything he says and that you people write about.

Q That was in the New York Times yesterday. It is in all of his literature.

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 us, we are in favor of integration, we want to see a unified society, we believe in the Brown decision wholeheartedly and all the changes it has brought about in American society.

MORE

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 busing and integration, I have run into many people, in and outside the civil rights movement, who say we must have busing because only through integration will children ever learn.

MORE

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 parents, "This is what we are going to do for your kids if you bring them back into this district. We are going to teach them the basic 3 R's. We are going to teach them discipline. We are going to teach them pride, we are going to teach them respect." We have a waiting list to get into those schools.

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)

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LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
AND EXECUTIVE DIRECTOR, NAACP, JAMAICA, NEW YORK

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.

MORE

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.

MORE

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.

MORE

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.

MORE

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.

MORE

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.

MORE

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.

MORE

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.

MORE

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."

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.

MORE

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?

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)

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 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 the Congress, a responsible and orderly debate within the Democratic process and not on the streets of our cities.

I will now sign the two messages -- one to the House and one to the Senate -- which will be delivered today along with the proposed legislation.

END (AT 11:43 A.M. EDT)

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.

more

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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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.

more

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.

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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.

more

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

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

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