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April 1, 1976



MEETING WITH THE PRESIDENT  
ON BUSING  
Thursday, April 1, 1976  
9:00 a.m.

Advising to work on busing The Oval Office

How - Busing works - 8-10 cases

Presumption Act - by P.

criteria creates a // to NRPB  
towards quality education -  
for a specific period of time -  
5-10 yrs

That comes at our points up  
on how, what's been done  
elsewhere, guide country leaders  
early in the process

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put our emphasis on  
Quality of Education -

and -  
studies show



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Quality of Education -  
ndie -  
No studies show

4/12/76

2. Busing

I have had two good discussions with Secretary Mathews about an attempt to find a better approach to this problem. I talked briefly with Ed Levi and will meet with him tomorrow.

At this point, we believe we must develop a concept based on these premises:

- (a) Communities should find solutions on their own rather than have them imposed by the Federal government;
- (b) Remedies can best be reached before any court action begins;
- (c) Any approach must be in accord with Federal law enforcement responsibilities.

If this meets with your approval, I will continue meeting with both Mathews and Levi to develop specific proposals for you.

Approve RA Disapprove \_\_\_\_\_

3. Navigability of Waterways

In the wake of Lake Winnepesaukee, other questions about which waters are navigable have been brought to our attention.

Since the Constitution was written, the definition of navigability has evolved to the point where its application often does not make common sense.

As a result, we believe we should ask Secretary Coleman to review the definition with the possible objective of recommending to Congress a more precise and practical interpretation. This review should include an examination of the Constitutional implications, and the advantages and disadvantages of making any changes in the definition of navigability.

Approve RA Disapprove \_\_\_\_\_



## 2. Food Stamps

No suit has yet been filed to block your administrative reforms which begin to be effective June 1, 1976. We understand that the Food Research and Action Committee has been shopping for a judge and is leaning now toward a Kennedy appointee in northern Minnesota. As soon as the suit is filed, we will schedule your meeting with Attorney General Levi, Solicitor General Bork and Secretary Butz to discuss how we will win the lawsuit.

## 3. Busing

~~We are working~~ on three possible approaches to help a community avoid a court order to bus:

- a) A "School Mediation Service," somewhat like the Federal Mediation and Conciliation Service for labor-management disputes, which could, at the invitation of local officials, send a mediator to attempt to work out a solution on school desegregation before a Federal Court order to bus. Secretary Usery believes this could work.
- b) A Federal "clearing-house" of information and technical assistance, which could be made available to a community at its request to help work out a solution before busing is ordered.
- c) A modest Federal fiscal incentive to assist a community leadership group in working out a solution to its school desegregation problems. The federal grant would match funds locally raised and could continue for no more than three years. The incentive funds would also be shut off if a Federal Court ordered busing.



BUSING/BOSTON Q&A

Question:

Does the President intend to give any direction to Attorney General Levi on the Boston school case?

Answer:

The President has had a number of discussions with Attorney General Levi on the whole issue of busing as a remedy for school segregation and has instructed him and Secretary Mathews to seek alternative remedies. He has specifically asked the Attorney General to look for the appropriate and proper case to ask the Court to re-examine busing as a remedy and to explore alternative solutions which are less destructive of the fabric of our community life. This is the President's direction to the Justice Department. The selection of the particular case is obviously best left to the legal experts and thus Attorney General Levi will make the decision in the Boston case.



in 1971, revenues were about \$13 million. They rose to \$22.2 million in 1973, dropped

to—review its financial and governing structure.

and militancy among the elderly.

In the Federal Government, the typical age is 70. Since

# Possible Move by Levi on Busing Is Debated in Boston

By JOAN KIFNER  
Special to The New York Times

BOSTON, May 15 — White antibusing activities here were encouraged today by reports that the United States Attorney General, Edward H. Levi, was considering urging the Supreme Court to reconsider busing as a solution to school segregation, but blacks expressed fear that the move could spur more violence.

Mr. Levi is seriously considering filing a friend-of-the-court brief in the next few days in connection with the Boston school desegregation case. His brief would support a petition filed by opponents of the court-ordered school desegregation plan here.

In effect, the brief would ask the high court to reconsider its landmark unanimous 1971 decision, written by Chief Justice Warren E. Burger, in which the Court held that Federal district judges had the authority to order extensive busing to remedy school desegregation fostered by the local authorities. The case concerned

schools in Charlotte, N.C.

Mayor Kevin H. White said in a statement this afternoon that the possibility of Justice Department intervention was "welcome news to the City of Boston," which he said had been "sorely tested" by the busing order.

### White Flight Alleged

The Mayor had submitted a petition to the Court arguing, in essence that the desegregation ordered by Federal District Judge W. Arthur Garrity Jr. be reconsidered because it was causing white flight from the schools and the city.

Mr. Levi, however, was considering supporting another petition concerning the judge's plan, filed by the Home and School Association, a parents organization that has opposed busing.

Judge Garrity's plan, which is known here as Phase Two desegregation, went somewhat beyond the plan drawn up by his own appointed experts, which had tried to keep some recognition of established neighborhood lines.

The City Council president, Louise Day Hicks, a leading opponent of busing, hailed the possibility of Federal intervention, saying the "people of Boston need a powerful friend in court" in order to "get better treatment."

But Thomas Atkins, president of the local chapter of the National Association for the Advancement of Colored People, denounced the plan under consideration and said it was "a political move."

### Michigan Primary Noted

"While we are somewhat aware of the current primary season and the effect it may be having on policy considerations, we are hopeful that the President will reject this invitation to further contribute to the turmoil which has gripped this city from time to time," Mr. Atkins told a news conference this morning.

The N.A.A.C.P. leader referred to the Michigan primary next Tuesday, in which Mr. Ford is being challenged in his home state by Ronald Reagan. Busing has been a strong issue in the past there.

"The President of the United States should not be giving rocks to those who would stone buses, nor gasoline to those who would start fires, nor sticks to those who would seek to chase American citizens off of constitutionally protected ground," Mr. Atkins said.

Mrs. Hicks, on the other hand, renewed her call for a White House conference on the busing issue and said that Justice Department opposition to busing, if successful, would "bring back sanity and brotherhood to this city."

### Three Executed in Laos

VIENTIANE, Laos, May 14 (Agence France-Presse)—Three three "counterrevolutionaries" condemned to death recently for attacks on the Soviet and Cuban embassies here have been executed, the Justice Ministry confirmed here today. The three were members of a group of 12 "counterrevolutionaries," six of whom were given prison terms. The others were sentenced to death in absentia.

SUPPORT THE FRESH AIR FUND

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THE WHITE HOUSE

WASHINGTON

March 23, 1976

MEMORANDUM FOR:

JACK MARSH ✓  
JIM CANNON ✓  
MAX FRIEDERSDORF

FROM:

BOBBIE GREENE KILBERG *Bobbie*

Attached at Tab A is a letter which the President received from the Pasadena City Board of Education protesting the Justice Department's brief before the Supreme Court in that city's desegregation case. Though the letter is dated February 24, it did not reach the White House or Phil Buchen until a substantially later date. Both Phil and I have read the Justice Department brief and the Pasadena Board of Education brief, and we have prepared a draft response to the Board of Education members for Phil's signature. (attached at Tab B) In addition, Phil has talked with both Congressmen Rousselot and Moorhead, who hand delivered the Pasadena letter to Vern Loen.

Phil would like an answer to be sent to the Pasadena Board as quickly as possible, and thus we would appreciate your comments on the draft letter by Friday.

In addition to general comments, would you please let us know whether you feel the letter should be signed by Phil or by the President. Please also notice that in the first full paragraph on page 3 there are two different versions of the first sentence, and that in the second sentence of paragraph three on page 1 there is a choice between reference to the President or to Buchen. Please let us know which language you prefer.

Attachments.

cc: Dick Parsons  
Roy Hughes



TAB  
A

PASADENA UNIFIED SCHOOL DISTRICT

EDUCATION CENTER  
351 SOUTH HUDSON AVENUE  
PASADENA, CALIFORNIA 91109

BOARD OF EDUCATION

DR. HENRY S. MYERS, JR., PRESIDENT  
DR. RICHARD VETTERLI, VICE PRESIDENT  
JOHN L. HARDY  
JEROME D. MEIER  
LYMAN W. NEWTON

TELEPHONE  
795-6931  
AREA CODE 213

February 24, 1976

RAMON C. CORTINES  
SUPERINTENDENT OF SCHOOLS  
AND  
SECRETARY TO THE BOARD  
OF EDUCATION

President Gerald R. Ford  
The White House  
Washington, D. C.

Dear President Ford:

For nearly six years, the citizens of Pasadena have endured the yoke of forced busing imposed upon them by a Federal Court. They have done so peaceably. There has not been a single demonstration; no protest marches; no mob action; and no violence. Instead, they followed the specific advice of the Court to "go to the ballot box to solve your problem." Three times they soundly rejected pro-busing candidates and elected men who promised to carry the busing appeal to the Supreme Court, if necessary, and it was necessary.

At each step of the drawn out and costly procedure, our small group of attorneys, paid for by the taxpayers of Pasadena, were opposed by a whole battery of high-powered experts from the Justice Department. Before the initial case was brought to trial, a "research" team of five persons from the FBI spent more than a month on location at our Education Center, going over our files and interrogating our personnel in minute detail to build the Government's case against us. Thus for all phases of the legal process, we, the taxpayers, have been obliged to shoulder the cost not only of our appeal but also the costs of our opposition.

You are well aware that the latest nation-wide polls show fewer than 12 per cent of all Americans, white or black, in favor of forced busing. You, yourself, claim to be opposed to it and are looking for a better solution to bring about integration. We, in Pasadena, have found a better way and are seeking, via our Supreme Court hearing in April, to be freed from the rule of the Federal Court to pursue our plan for voluntary as opposed to forced integration. Our voluntarily integrated Fundamental Schools, now being copied across the nation, in two short years have brought about an almost unbelievable improvement in the achievement level of our minority students. Busing was designed to do just that but has failed miserably everywhere it has been tried.

And yet the Justice Department, headed by your personal appointee, Mr. Levi, has again filed a brief against us supportive of the District Court's forced busing program, this time stating that we are not qualified to run our own schools because our compliance with the Federal Court order was done "grudgingly". When our representatives visited Mr. Levi recently in Washington, he and his staff suggested that a solution to Pasadena's problem might be inter-district busing with neighboring communities.

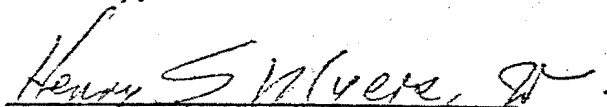
We believe the long-suffering people of Pasadena deserve a straightforward explanation from their President concerning why your Justice Department has taken a position diametrically opposite to that of your own.

Federal Judge Manuel Real once told us, "In this court, I am the boss. The buck stops here." In the United States, Mr. President, we respectfully suggest that you are the boss.

Our hearing before the Supreme Court is set for April 14, 1976. Time is running out. Pasadena's future is at stake. April 14 is the end of the line for us but only the beginning for hundreds of other cities across the Nation. The Pasadena decision will be a landmark one. If it should be unfavorable, Americans everywhere will know their elected officials are not representing the wishes of the majority, and they will have no choice but to proceed nationally as we have done so effectively at the local level to "go to the ballot box".

Your strong influence can make the difference. If you truly believe, along with the overwhelming majority of Americans, that busing is wrong, we ask you to proceed immediately, before it is too late, to exert that influence.

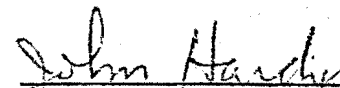
Sincerely,



Dr. Henry S. Myers, Jr., President  
Pasadena Board of Education



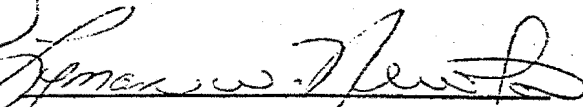
Dr. Richard Vetterli, Vice President



Mr. John Hardy, Member



Mr. Jerome Meier, Member



Mr. Lyman W. Newton, Member

TAB  
B

THE WHITE HOUSE  
WASHINGTON

March \_\_, 1976

Dear Messrs. Myers, Vetterli, Hardy, Meier and Newton:

On behalf of President Ford, I want to thank you for your letter on the case of Pasadena City Board of Education v. Spangler and United States of America, which was personally delivered to the White House by Congressmen Rousselot and Moorhead.

The President has consistently supported the Fourteenth Amendment's constitutional mandate to desegregate our public schools. He also has consistently supported the goal of quality education and firmly believes that the utilization of forced transportation of students as a remedy to achieve the desirable goal of integration is disruptive, counter-productive and detrimental to quality education.

The President has directed both Attorney General Levi and Secretary of Health, Education, and Welfare Mathews to explore and recommend alternative approaches to ending de jure segregation that do not involve forced busing. The Attorney General has informed me [the President] that he will be seeking the most appropriate case possible to present an argument to the Supreme Court that



forced busing, as an equitable remedy which has not worked, should be abandoned in favor of other remedies designed to achieve the constitutional mandate of desegregation.

In specific regard to the Pasadena case, Attorney General Levi and Solicitor General Bork have determined that the facts do not support the utilization of that case as a vehicle for the Supreme Court to reexamine busing as an equitable remedy. Because of the importance of that determination, I would like to quote directly from the Government's brief:

"The concern about transporting school children to accomplish desegregation is a legitimate one that may call for the further attention of the Court in an appropriate case. But petitioners made no record in the district court that would now permit a reexamination of busing as a remedy on the basis of experience with that remedy here, and in light of accumulated experience in other communities across the nation. The current law of equitable remedies in school desegregation cases supports transportation in a case such as this. . . .

". . . If, as appears to be the case, petitioners now seek to challenge court-ordered transportation as a futile or damaging response to de jure segregation, they did not focus their case below to that end. Their proof below was not guided by an articulation of the purpose of student transportation under a decree -- whether it is designed to produce the approximate degree of integration that would have existed absent a violation of the Fourteenth Amendment, to repair psychological injury inflicted by the state, to cure



educational deficiencies traceable to de jure segregation, or perhaps to achieve some other or additional purpose. Accordingly, petitioners failed to prove that transportation lacks utility in achieving the articulated remedial goal. In its present posture, this case is not an appropriate vehicle for the kind of reassessment petitioners ask this Court to undertake."

Given the status of the record in this case, the position of the Justice Department is appropriate [or, Given the status of the record in this case, it cannot be said that the position of the Justice Department is inappropriate.]. However, President Ford firmly intends to continue the pursuit of alternative remedies to the achievement of the dual goals of racial integration and quality education. He believes that both these goals can and should be achieved without the disruption of forced transportation of students. The Administration understands your concerns, and we hope that there will be progress in this area in the near future.

Sincerely,

Philip W. Buchen  
Counsel to the President

Dr. Henry S. Myers, Jr, President  
Dr. Richard Vetterli, Vice President  
Mr. John Hardy  
Mr. Jerome Meier  
Mr. Lyman Newton  
Pasadena Board of Education  
351 South Hudson Avenue  
Pasadena, California 91109



*Local effort  
County participation*

ISSUE

What is the appropriate role of the Federal Executive Branch in regard to addressing and correcting racial imbalance in elementary and secondary schools?

BACKGROUND

There are various means of attaining an educational system that offers equal educational opportunity to all students. Several basic premises which can serve as the foundation for choosing among the alternatives are:

1. Wherever possible, it is preferable to have solutions to problems reached at the local level, not imposed by the Federal level.
2. It is desirable to decide on remedial measures before court action is instigated. The objective of these measures should be the achievement of a cooperative process as opposed to an adversarial one.
3. Remedial measures must recognize the inviolability of Federal law enforcement responsibilities.

Past experience has shown that it is impossible to mandate one solution for every school district to use when dealing with specific problems of racial imbalance. It seems advisable, therefore, for the Federal Government to focus on the process by which localities can design their own solutions to individual problems. This focus on process results in an emphasis at the Federal Executive level on the specific courses of action which should be available to communities.

There are means of reaching conciliatory agreements for school desegregation plans that correct racial imbalances prior to court action. Charlotte, North Carolina, is one of several cities that achieved such an agreement through cooperative negotiation. In those terms, therefore, the Federal Government should consider the appropriateness of focusing its efforts on helping States and localities apply this procedural approach to the resolution of their specific situations.

## PROPOSAL

The following proposal is offered as one alternative.

The Federal Government should make 75-25 matching monies available to finance the costs of Local Leadership Councils. These Councils would be designated by State Governors to address problems of racial imbalance in school districts before the initiation of court action. Once a court order is issued dealing with any community's situation, the Federal funding must cease and the matter placed in the hands of the court as happens in the current situation.

The Local Leadership Council would be appointed by the Governor but  $3/4$  of its members must be residents of the school district and a minimum of  $1/3$  must come from nominations made by the school board.

Federal funding would be available for up to three years and could be used for the development of plans to improve the quality of education for all the students in a community. Funds could not be used for operational costs of actually implementing a plan but could be used to oversee the implementation of a plan.

The need for a Local Leadership Council must be articulated by the citizens whom it would affect. Before designating Councils, Governors would be required to hold public hearings within the district in question to determine the need for a Council and the acceptability of such an approach. Once initiated, a Council would be required to report every 90 days on its progress. *for when*

The formation of Local Councils could be accompanied by the initiation of an information clearinghouse proposal at the Federal level in order that states might share ideas and methodologies. The proposal should not, however, include a national council, panel, or commission.

## COMMENTS

The process outlined above is worth consideration for several reasons:

- The Councils would be established only at the initiation of individual communities and would depend on their active interest and support.

- Operation of the Councils would not be directly dependent on or an additional responsibility for existing school board structures, but would be linked to them.
  
- The Council process does not mandate one plan that must be activated by all school districts, but calls for direct participation by district residents in deciding on their own courses of action.

FLOWCHART OF BUSING LITIGATION

Identification of a School District

During this period, plaintiffs can negotiate with the school board or can request Attorney General of HEW to commence suit. Both A.G. and HEW are required to attempt voluntary conciliation prior to filing suit.

Filing of Suit

During this period, negotiation between plaintiff and defendant school board may continue. If agreement is reached, the litigation can be terminated.

Determination on the merits

If it is determined that the defendant school district is unlawfully segregated, the court will ask the school board to submit a plan to desegregate the school system. There will be a hearing on the adequacy of the board's plan and, if it is determined to be unsatisfactory, the plaintiffs and/or an outside consultant will be asked to submit a plan. Ultimately, the court will choose one plan or both.

Issue of G

# FLOWCHART OF BUSING LITIGATION

Filing of  
suit.

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Issuance  
of Court Order

→ BUSING



What has happened were?

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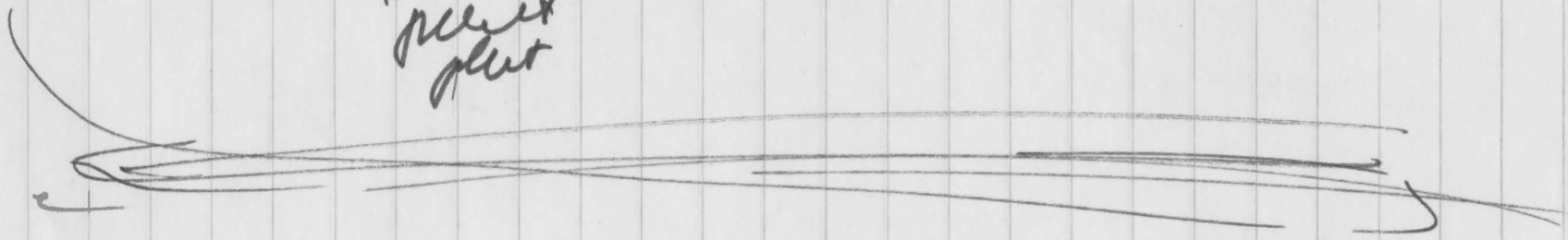
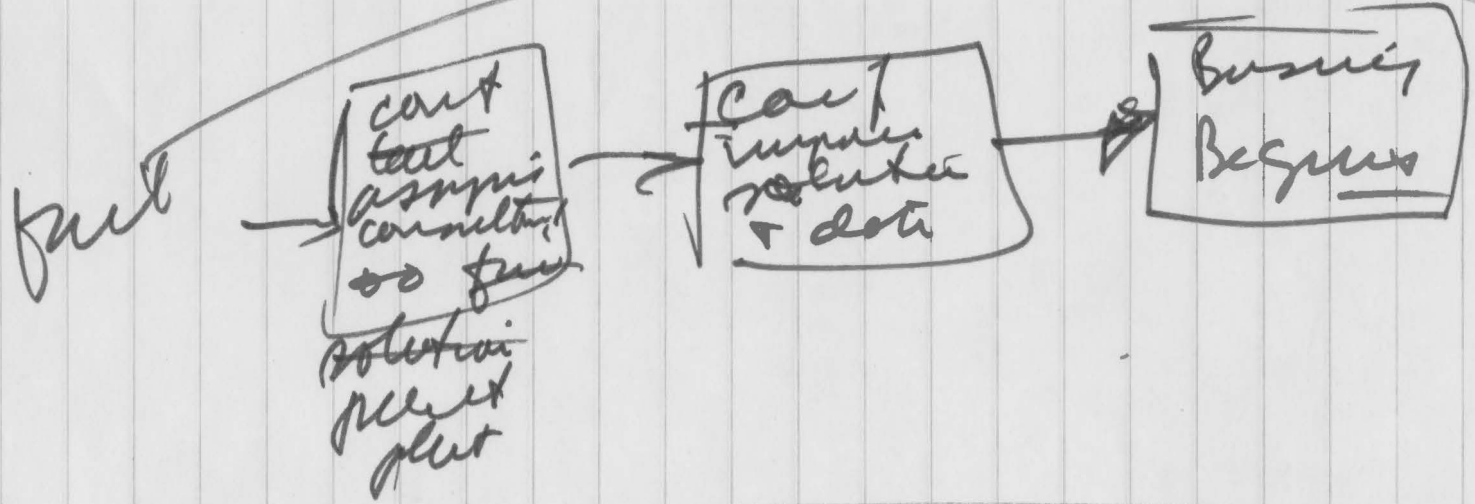
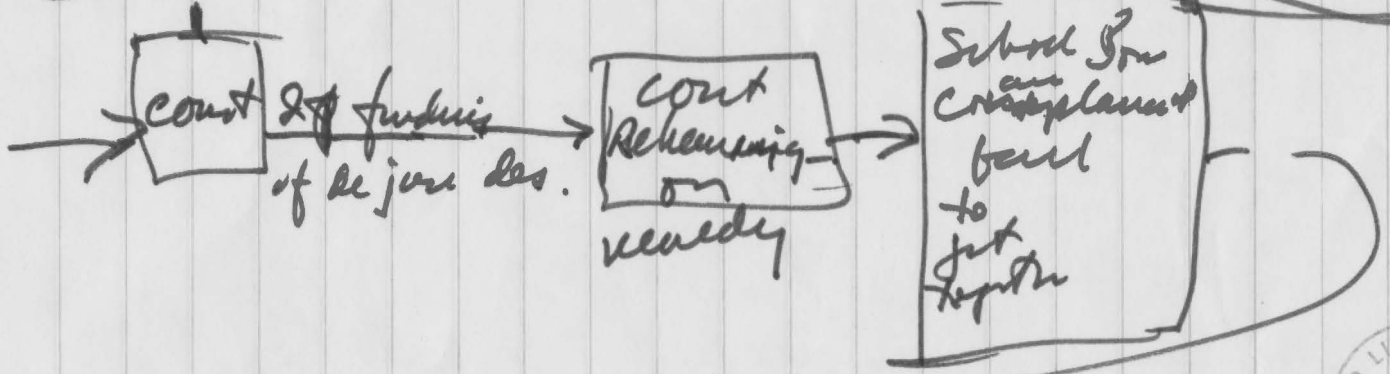
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sequence

NACAP funds target area

NACAP talks with School Bd

~~AA~~  
complaint usually filed by NACAP



April 1976 National Institute of Education  
compendium of research on integration  
and desegregation. Now being printed.

May 1976 Office of Education - Evaluation of  
the Emergency School Aid Act  
basic and pilot programs for  
desegregation. Contracted through  
the Systems Development Corporation.

June 1976 Office of Education. Evaluation of  
Title IV of the 1964 Civil Rights  
Act on the effectiveness in training  
and technical assistance in  
desegregating school districts.

Contracted by the Rand Corporation.  
Office of Education study of exemplary  
desegregated schools. Contractor is  
the Educational Testing Service.

September 1976 National Institute of Education Case  
Study of Boston.

October 1976 National Institute of Education study  
of racial integration, public schools  
and white flight.

February 17, 1976

MEMORANDUM FOR: Jim Cannon  
FROM: Dick Parsons  
SUBJECT: Alternatives to Busing

Herewith, the long-awaited Alternatives to Busing memorandum for the President. I am sorry about the delay in getting this memorandum to you, but, for some reason, I had a very difficult time securing the views of the President's senior advisers.

You will note that under the section entitled "Recommendations" your views are not recorded (see p. 5). If you were to ask me for my thoughts as to what you should recommend to the President, I would tell you Alternatives A, B, C and E deserve further analysis.

## MEMORANDUM FOR THE PRESIDENT

FROM: Jim Cannon

SUBJECT: Alternatives to Busing

This memorandum follows up your recent meeting with Attorney General Levi and Secretary Mathews regarding alternatives to busing. I have asked the Attorney General and the Secretary, as well as members of your staff, for their thoughts on what actions you might initiate to give the Administration a defensible and constructive stance with respect to this problem.

As you will recall, it was the consensus of those who participated in the busing meeting that there is little the Executive Branch can do for a school district once legal action to compel desegregation has been initiated. The focus of our efforts, therefore, should be on helping cities keep themselves out of court in the first instance. The expectation should not be that the Federal government will move in to solve local problems but that it will help local communities with community initiatives. In this regard, the following actions have been suggested:

- P
- A. There should be greater Federal involvement in supporting and drawing advice from the professional educators who have been most successful in implementing voluntary desegregation and improving the quality of education. This could be done in a number of ways. You could give recognition to outstanding school superintendents and/or principals by having them come to the White House to share their experiences with you and your staff. Such an act, properly publicized, would greatly boost morale among secondary school administrators.
  - B. Further, you could direct the Office of Education to utilize supplemental funds to conduct a series of seminars for public school administrators which would enable those administrators who have dealt successfully with desegregation to share their views with their colleagues. Many believe that one reason so many
- P

school districts have not been successful in their efforts to voluntarily desegregate is the inability to draw on the experience of other school districts similarly situated. The creation of a de facto "clearinghouse" of information concerning voluntary desegregation through the use of this type of seminar would address this problem.

- C. Existing Federal programs which seek to assist localities to preserve desirable racial/ethnic neighborhoods (e.g., HUD's Neighborhood Preservation Program) should be redirected to have an impact on neighborhoods where further "white flight" would greatly increase the likelihood that local schools would become racially identifiable. Currently, many of these programs utilize noneducation-related priorities and criteria to determine how grant monies are to be expended. While it can certainly be argued that the expenditure of these monies in any neighborhood will ultimately have a favorable impact on local school conditions, it is equally true that some areas have a more pressing need, from the school desegregation point of view, than do others.

Unfortunately, notwithstanding the above, there are probably a number of localities that will ultimately be required to engage in substantial busing to achieve racial balance, given the current state of the law. While you and the Attorney General have agreed that the White House should not direct the Department of Justice to assume any specific position in litigating busing matters, it may be necessary for you to initiate some action designed to help school districts in trouble.

In this regard, it has been noted that a number of assumptions upon which the courts rely to justify busing have, of late, been seriously questioned by scholars and researchers, including Dr. James Coleman. For example, Coleman asserts that court-ordered desegregation, particularly where massive busing is involved, increases rather than decreases actual segregation. That is to say, resegregation is outpacing desegregation in cities where massive busing has been ordered. Other scholars argue that remedies other than busing, such as freedom of choice and open enrollment, were abandoned too soon by the courts and really could work if tried again. These findings and assertions are disputed by other scholars, however.

- D. You could direct a tripartite study by the Office of Education, the National Institute of Education, and

the Civil Rights Division of the Department of Justice to report to you on the accuracy of these and similar studies. (Such a study effort might also include taking a look at the effects of forced integration on achievement, race relations, and self-understanding.) This report, in turn, could serve to assist the Department of Justice in making the case to the Court that busing should be abandoned as a useful remedy.

- D
- E. It has also been suggested that you could direct the Department of Justice to propose legislation which would effectively accomplish what the Esch Amendments were meant to accomplish but failed to do. There are many who believe that legislation can be drafted which would restrict the power of the Judiciary to order massive busing of school children. While the submission of such legislation to the Congress would be highly controversial and divisive, this is the most direct way to attack the problem.

In a broader context, the following additional possible alternatives have been suggested:

- F. In order to encourage voluntary integration, you could direct the preparation of legislation establishing a right of each student to transfer from a school in which his race is in a majority to a school, within or out of his district, in which his race is in the minority. Transportation would be provided and the Federal government would provide financial incentives to encourage white schools to accept these transfers. For schools that remain more than x% black, Congress could provide additional funds to improve education.
- G. Courts have shown that they are willing to forego busing if major black groups in a school district express a preference for other remedies. You could direct Justice to investigate different remedies which might convince blacks to forego the busing remedy. These remedies might include an effective open enrollment plan, making more housing available in the suburbs through mortgage assistance or further aid to majority-minority schools.
- H. You might appoint a commission to review and assess progress on the broad spectrum of equal rights for all Americans since enactment of the Civil Rights Act of 1964 and to recommend measures to improve its imple-



mentation. The problems of busing and school desegregation could then be dealt with in the broader context of other civil rights issues.

Finally, experience has shown that residents of one locality may react quite differently to court-ordered busing than residents of another. Some cities, such as Charlotte, North Carolina; Jackson, Mississippi; San Francisco, California; Denver, Colorado; and Detroit, Michigan, have had a relatively peaceful experience, while others, such as Boston, Massachusetts; and Louisville, Kentucky, have experienced violence and general defiance of courts.

All of the reasons for these differing reactions may never be known, but it is likely that we can learn more about why certain localities have responded less violently to court-ordered busing than have others. What actions or inactions on the part of local officials led to peaceful acquiescence or violence? What beliefs or fears on the part of local residents helped or hindered their acceptance of the fact that their children would be bused to schools outside of their neighborhoods, and which of these beliefs and fears are justified? What aspects of a court order most inflamed or pacified those who were subject to it?

- I. To my knowledge, very little has been done to date to ascertain the answers to these and similar questions. You could direct a joint HEW/Justice task force to look into these questions so that we may learn more about why forced busing sometimes begets violence and sometimes does not. While such a study would not develop any alternatives to busing, it might produce some answers which will enable us to minimize the levels of violence associated with court-ordered busing.

Each of the above "alternatives" has been described in very preliminary fashion and further work would need to be done on any one of them before it could be finally presented for your consideration.

#### RECOMMENDATIONS

The views of your senior advisers are as follows:

<u>Phil Buchen</u>	Favors Alternatives A, B and C.
<u>Robert T. Hartmann</u>	Favors Alternative B and feels that Alternatives D, E, G and I have merit.
<u>Jack Marsh</u>	Favors Alternatives E, F and I.

Max Friedersdorf

Favors Alternatives A, B, D, E and H.

Bill Seidman

Favors Alternatives B, D (very important) and H.

Paul O'Neill

Has no trouble with "further analysis" of all alternatives, but expressed reservations about Alternatives C, F and G.

Bob Goldwin

Favors Alternatives A, B, E, F (emphatically) G and H. Also favors a study as suggested in Alternative D, but not to be carried out by HEW and Justice.

Jim Cannon

DECISION

Proceed with further analysis of:

- Alternative A
- B
- C
- D
- E
- F
- G
- H
- I

May 21, 1976

THE WHITE HOUSE

WASHINGTON

May 21, 1976

MEETING WITH ATTORNEY GENERAL

Friday, May 21, 1976  
2:30 p.m. (20 minutes)  
The Oval Office

From: Jim Cannon

I. PURPOSE

The Attorney General has asked to see you to discuss the status of the Department of Justice's possible intervention in one of the busing cases.

II. BACKGROUND, PARTICIPANTS AND PRESS PLAN

A. Background: Last November you directed the Attorney General to find an appropriate case in which the Department of Justice could intervene. Over the last week there have been a number of press reports indicating that the Attorney General is considering filing a brief in the Boston case. From discussions that Phil Buchen had earlier today with the Attorney General, it appears that the Attorney General has not made a final decision to brief you today on the considerations he has before him. He also wants to advise you that if Justice does decide to intervene, that in all likelihood there will continue to be substantial court-ordered busing in Boston.

The Attorney General may also wish to bring up his desire to find some additional alternatives to court-ordered busing such as the idea of a "school mediation services." You may wish to defer any discussion of alternatives to a later



meeting and confine this meeting to the proposed Justice Department actions. You may also wish to discuss what will be said to the press after the meeting here and at Justice.

- B. Participants: Attorney General, Dick Cheney, Phil Buchen, Jim Cavanaugh. + K... ..
- C. Press Plan: To be announced.



June 1, 1976

THE WHITE HOUSE  
WASHINGTON

June 1, 1976

MEETING ON SCHOOL DESEGREGATION

Wednesday, June 2, 1976  
3:30 p.m. (90 minutes)  
The Cabinet Room

From: Jim Cannon *J. Cannon*

I. PURPOSE

To review the proposed legislation developed by the Attorney General regarding the orderly adjudication of school desegregation and to discuss proposed approaches to help a community avoid a court order to bus.

II. BACKGROUND, PARTICIPANTS AND PRESS PLAN

A. Background: When it was announced that the Attorney General decided not to file a brief in the Boston case, it was indicated that he was developing legislative remedies to minimize forced school busing. The fact that you had asked the Secretary of HEW and the Attorney General to develop alternatives to help a community avoid a court order to bus has been mentioned frequently in recent weeks.

B. Participants:

Attorney General Levi  
Secretary Mathews  
Secretary Uesry  
Dick Cheney  
Jack Marsh  
Robert T. Hartmann  
Phil Buchen  
Max Friedersdorf  
Paul O'Neill  
Robert Goldwin  
Bobbie Kilberg  
James Cannon  
Jim Cavanaugh  
Dick Parsons  
Art Quern



C. Press Plan: To be announced.

III. TALKING POINTS

1. I would like to begin by reviewing the Attorney General's proposed legislation.
2. Following this discussion I want to review the alternatives to court ordered busing that you have been working on.





June 2, 1976

THE WHITE HOUSE

WASHINGTON

June 2, 1976

MEETING ON SCHOOL DESEGREGATION

Wednesday, June 2, 1976  
3:15 p.m. (90 minutes)  
The Cabinet Room

From: Jim Cannon

*Jim*

I. PURPOSE

To review the proposed legislation developed by the Attorney General regarding the orderly adjudication of school desegregation and to discuss proposed approaches to help a community avoid a court order to bus.

II. BACKGROUND, PARTICIPANTS AND PRESS PLAN

A. Background: Last Saturday, when the Attorney General announced that he had decided not to file a brief in the Boston case, the White House Press Office released your statement indicating that you would consider:

1. legislative remedies to minimize forced school busing, and
2. other possible actions that can be taken to provide communities with assistance in achieving equal educational opportunity for all.

B. Participants:

Attorney General Levi  
Secretary Mathews  
Secretary Usery  
Under Secretary John Rhinelander  
Dick Cheney  
Jack Marsh  
Robert T. Hartmann  
Phil Buchen  
Max Friedersdorf  
Paul O'Neill  
Jim Connor  
Robert Goldwin



Bobbie Kilberg  
James Cannon  
Jim Cavanaugh  
Dick Parsons  
Art Quern  
Dave Gergen

- C. Press Plan: The fact that you have met with Attorney General Levi, Secretary Mathews and other members of your Cabinet and senior advisers is to be announced.

We recommend that we leave open the question of when any decision will be made on the issues discussed.

III. TALKING POINTS

1. First, I suggest we begin by reviewing the Attorney General's proposed legislation. Call on Attorney General Levi, then open issue to discussion.
2. Take up alternatives to court ordered busing. Suggest, in turn, Bill Usery, Phil Buchen, and Secretary Mathews each describe briefly his alternative, then open for discussion.
3. At the completion of these discussions, we should talk briefly about the plan for and timing of the presentation of your decisions to Members of Congress, Civil Rights communities, other interested parties, and the public at large.

*Mathews -  
editors - How was  
writing order*



June 9, 1976

THE WHITE HOUSE

DECISION

WASHINGTON

June 9, 1976

MEMORANDUM FOR THE PRESIDENT

FROM:

JIM CANNON *Jim*

SUBJECT:

Planned and Proposed Meetings on Busing

Listed below are the planned and proposed meetings that have been developed for your participation on the busing issue. I have reviewed this proposed plan with Phil Buchen, Paul O'Neill, and Dick Cheney. We propose that once you have approved all the meetings that Ron Nessen announce them all as one package either tomorrow or Friday at his press briefing.

*one  
at  
a  
time*

\_\_\_\_\_ Approve

\_\_\_\_\_ Disapprove

We also propose that these sessions be more than listening sessions in that you would open the meeting with a general review of your position on the busing issue, indicate that you will send legislation to the Congress, but that before doing so, you wanted to get the opinions of a number of groups and individuals before making your final decisions.

Approved Meetings

- ✓
1. Meet with Secretary Coleman to obtain his views on busing and to receive his suggestions on what Constitutional experts you might want to meet with at a later date.

Wednesday, June 9, 4 p.m., 30 minutes.

2. Meet with six individuals from communities that have successfully desegregated their school systems without massive amounts of forced busing.

Saturday, June 12, 10 a.m., 45 minutes.



- 3. Meet with group including Irving Kristol and Dr. James Coleman, who are supportive of what you have been saying about the busing issue.

Saturday, June 12, 11:30 a.m., 90 minutes (luncheon).

- 4. Meet with Roy Wilkins and eight other civil rights leaders at their request to receive their views on the busing issue.

Monday, June 14, 2 p.m., 45 minutes.

Proposed Meetings for the Week of June 14

- 1. Meet with a group of friendly members of Congress who are knowledgeable about this issue or who would support your proposal (Esch, Quie, Waggoner, et al).

Wednesday, June 16, 1976, 30 minutes.

Approve  Disapprove

- 2. Meet with a small group of recognized Constitutional experts to obtain views on constitutionality of the proposal.

Saturday morning, June 19, 1976, 45 minutes.

Approve  Disapprove

- 3. Meet with a small group of general educational leaders (not busing experts).

Saturday morning, June 19, 1976, 30 minutes.

Approve  Disapprove

- 4. Brief the bipartisan Congressional leadership on your proposal.

Monday, June 21, 1976, 45 minutes.

Approve  Disapprove

*Hold*



- 5. Announce details of your busing proposals in an opening statement at an evening televised press conference.

*Hold*

\_\_\_\_\_ Approve                      \_\_\_\_\_ Disapprove

- 6. Meet with Secretary Mathews and the Attorney General for a press photo to sign your Message to the Congress transmitting your legislative proposal.

*Hold*

Wednesday, June 23, 1976.

\_\_\_\_\_ Approve                      \_\_\_\_\_ Disapprove



P + Coleman

6/9/76

## Moral Leadership

P - legal type to

1) NO Fed Cont money, only  
any plan w/o fed power

Spent out of receipts

your company, do

anything to receive all

or type - currency other system

3) Bank - on nature of

a power - in Charlotte - Washington, -

new - "nature of violation"

determine scope of currency"

the next returns - currency -

what system,





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relations - can have an effect  
to develop. research

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(of 41.4). - probably are based for  
every purpose

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1955-1973 - 623,000 pages  
50 k



IT-73 —

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in public buses  
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Plans for  
Busing older

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new aspect of emergency)

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develop in any other field

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P - 2 years

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C. plan. one year Aug  
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on a moral basis. -  
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great in comparison w/  
other movements

new direction on Vietnam  
than the business.

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w/ me

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deep personal feeling  
a shared symbol

My letter on 5 - 1

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Then to evaluate  
new rules of children

Alexander - nitazulide -

+ brew

I want adult

I have a phobia about  
buses -

I walk to school

through snow - on a bus by

I don't like buses period  
because it is the only  
I'm human -

disturbs me.

way it  
p. walk out  
in Alex  
picture of Black

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~~South~~

c) South - separate schools  
North - " ghetto

lifted - in Swann v  
Charlotte

c - no way to draft  
out statute to cover  
all situations

Atlanta - Carter - show over  
problem

in turn can - poor  
of Brown plus the  
accused desegregation





to C list -

add new reports -

C - let state

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of school board  
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plan - board to  
get Jaden to go  
more.

P - Materu - let work  
clean - but practice

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from office

Court acts when  
School Board in  
Defiance of (Baker-stick)

Get a good case -

Bring out aspect of case  
, the - 1) study case  
2) pros look at  
legal aspects

- 3) studying each case <sup>(7/10)</sup>!
- 4) then not down.
- 1) stand for on  
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P - want  
gone up on this.