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—  
THE WHITE HOUSE  
WASHINGTON

Bill —

We need a good idea  
to push re busing.

What do you think of  
the Cuddy/Raspberry  
idea?

Steve

# The Washington Post

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FRIDAY, NOVEMBER 5, 1982

A 15

*William Raspberry*

## Is This The Way To Racial Balance?

D. L. Cuddy believes he has developed a near-perfect solution to the vexing problem of what he calls "forced busing."

He would, in a nutshell, allow any child to transfer, with transportation paid, from a school in which his race is in the majority to any other school in the district in which his race is in the minority.

Simple? Undeniably. Simplistic? Cuddy, a senior associate with the National Institute of Education, doesn't think so.

The purpose of the plan, which he hopes to have some member of Congress introduce, is "to protect minority rights." As he explains in a recent issue of the conservative publication, *Human Events*:

"Court-ordered racial balance busing denies blacks equal protection of the law. Because the courts do not allow 'token' integration, most all forced school desegregation remedies call for system-wide balanced integration. However, this means that if a system is 90 percent white and 10 percent black, then only 10 percent of the white students must be transported, but 90 percent of the black students must be. . . . This is flagrant discrimination against blacks."

*"D. L. Cuddy's plan would allow any child to transfer from a school in which his race is the majority to any other school in which his race is in the minority."*

His own approach, which is not endorsed by the NIE or any other federal agency, is an improvement over the discredited "freedom of choice" proposals of the 1960s (though quite similar to one put forward in the mid-1960s by Sen. Abraham Ribicoff).

Under "freedom of choice," black students would have been permitted to enroll in any white-majority school in the district so long as there were vacancies. Cuddy would give a student seeking to enter a school in which his race was in the minority first choice at a seat—even if it meant that a student in the school's own neighborhood would have to be denied space. That provision, along with the guarantee of free transportation, should please the civil rights leadership.

He believes it would also satisfy the courts, since the plan would, on its face, provide equal educational opportunity without regard to race.

"Even in a worst-case scenario, where a white racist school board might contemplate discriminating against blacks, with 'first choice and free transportation' guaranteed, all school boards will, in their own self-interest, see to it that schools in predominantly black neighborhoods receive equal, if not superior, facilities, teachers and appropriations," the 36-year-old North Carolinian said.

But wouldn't this be similar to what happened in the Deep South, when white school boards moved to upgrade black schools in an effort to avoid integration suits?

No, according to Cuddy, who said he attended integrated schools in his home state even before the *Brown* decision, "The key here is that the decision regarding satisfaction that equal educational opportunities are being guaranteed is in the hands of blacks themselves, and not in the hands of possibly racist school boards. Therefore, if the school in a particular black neighborhood is inferior, then every black student is guaranteed the right and transportation to attend a superior school in a predominantly white neighborhood," with the result that there might be "even more integration than under court-ordered busing."

Perhaps the biggest civil rights objection to the Cuddy proposal would be its requirement that other segregation remedies—including court-ordered busing and school pairings—would be repealed. The civil rights establishment has been understandably reluctant to give up any of its hard-won gains in exchange for something that *might* work better.

If Cuddy is serious about his proposal—and he has been pushing it for some years now—his best chance might be not to go to Congress but to get a local school district to adopt it on an experimental basis.

It is possible, for instance, that only the children of cream-of-the-crop blacks would take advantage of the plan, leaving their old school segregated by class and income as well as by race.

Cuddy doesn't see this as a serious drawback. From his viewpoint, it would mean only that the parents of the non-transferring students would see it in their best interest to keep their children where they were. And if the parents are happy, why should the rest of us get excited?

2022 Headlands Circle  
Reston, VA 22091  
November 6, 1982

To the Editor:

I would like to make one clarification to William Raspberry's excellent article (POST 11/5) concerning my plan to end the burden of busing on minorities. The plan would not disallow magnet schools.

When similar "open enrollment" plans had not allowed only majority-to-minority and vice versa transfers (e.g., Boston), when they allowed the potential receiving schools to be filled first by neighborhood students (e.g., Chicago), and when free transportation was not provided (e.g., Oakland), these plans didn't work. However, "open enrollment" **did** result in improving racial balance in Portland, Las Vegas, Fresno, Buffalo, Little Rock and a host of other cities. In fact, by 1973 in New York, over 77,000 students had voluntarily transferred for integration, and that was more than had been shifted by force!

The end of the burden of busing on minorities would not result in a resegregation of neighborhoods, and my "first choice, free transportation" plan allows for even more integration than under court-ordered racial-balance busing plans which require that minorities **are bused in inverse proportion** to whites. The 1954 Brown decision was to open society up so that minorities could live and go anywhere they wanted. That Supreme Court decision did not say a judge could deny minorities the right to go to a neighborhood restaurant if they felt it was the best in town. Likewise, minorities should not be forced to attend inferior schools in white neighborhoods miles away if they feel their own neighborhood school is superior.

Today, on the basis of race, minorities across this land are being bused in disproportionate percentage to whites, and that discriminatory burden must be ended. My plan would accomplish that while allowing for even more integration. A Congressional Research Service Specialist has indicated the plan does offer a remedy, and Justice Harry Blackmun seemed to invite my proposed solution when he indicated in the Supreme Court's latest busing case that any desegregation remedy which unfairly burdened one race (e.g., forced racial-balance busing) should be disallowed.

Sincerely,

*D. L. Cuddy*

D. L. Cuddy, Ph.D.

476-6650

*William Raspberry*

## Is This The Way To Racial Balance?

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The purpose of the plan, which he hopes to have some member of Congress introduce, is "to protect minority rights." As he explains in a recent issue of the conservative publication, *Human Events*:

"Court-ordered racial balance busing denies blacks equal protection of the law. Because the courts do not allow 'token' integration, most all forced school desegregation remedies call for system-wide balanced integration. However, this means that if a system is 90 percent white and 10 percent black, then only 10 percent of the white students must be transported, but 90 percent of the black students must be... This is flagrant discrimination against blacks."

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Under "freedom of choice," black students would have been permitted to enroll in any white-majority school in the district so long as there were vacancies. Cuddy would give a student seeking to enter a school in which his race was in the minority first choice at a seat—even if it meant that a student in the school's own neighborhood would have to be denied space. That provision, along with the guarantee of free transportation, should please the civil rights leadership.

He believes it would also satisfy the courts, since the plan would, on its face, provide equal educational opportunity without regard to race.

"Even in a worst-case scenario, where a white racist school board might contemplate discriminating against blacks, with 'first choice and free transportation' guaranteed, all school boards will, in their own self-interest, see to it that schools in predominantly black neighborhoods receive equal, if not superior, facilities, teachers and appropriations," the 36-year-old North Carolinian said.

But wouldn't this be similar to what happened in the Deep South, when white school boards moved to upgrade black schools in an effort to avoid integration suits?

No, according to Cuddy, who said he attended integrated schools in his home state even before the *Brown* decision, "The key here is that the decision regarding satisfaction that equal educational opportunities are being guaranteed is in the hands of blacks themselves, and not in the hands of possibly racist school boards. Therefore, if the school in a particular black neighborhood is inferior, then every black student is guaranteed the right and transportation to attend a superior school in a predominantly white neighborhood," with the result that there might be "even more integration than under court-ordered busing."

Perhaps the biggest civil rights objection to the Cuddy proposal would be its requirement that other segregation remedies—including court-ordered busing, magnet schools and school pairings—would be repealed. The civil rights establishment has been understandably reluctant to give up any of its hard-won gains in exchange for something that *might* work better.

If Cuddy is serious about his proposal—and he has been pushing it for some years now—his best chance might be not to go to Congress but to get a local school district to adopt it on an experimental basis.

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# The Washington Post

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WEDNESDAY, NOVEMBER 10, 1982

A 30

## Mr. Cuddy Clarifies

I would like to make one clarification to William Raspberry's excellent article ["Is This the Way to Racial Balance?" op-ed, Nov. 5] concerning my plan to end the burden of busing on minorities. The plan would *not* disallow magnet schools.

When similar "open enrollment" plans failed, they failed because school officials didn't require that the transfer requests improve racial balance (e.g., Boston), because they allowed the receiving schools to be filled first by neighborhood students (e.g., Chicago), and because free transportation was not provided (e.g., Oakland).

However, "open enrollment" did result in improving racial balance in Portland, Las Vegas, Fresno, Buffalo, Little Rock and a host of other cities. In fact, by 1973 in New York, over 77,000 students had voluntarily transferred for integration, and that was more than had been shifted by force!

The end of the burden of busing on minorities would not result in a resegregation of neighborhoods, and my "first choice, free transportation" plan allows for even more integration than under court-ordered, racially balanced busing plans that require that minorities be bused in inverse proportion to whites.

The 1954 *Brown* decision was to open up society so that minorities could live and go anywhere they wanted. That Supreme Court decision did not say a judge could deny minorities the right to go to a neighborhood restaurant if they felt it

was the best in town. Likewise, minorities should not be forced to attend inferior schools in white neighborhoods miles away if they feel their own neighborhood school is superior.

Today, on the basis of race, minorities across this land are being bused in disproportionate percentage to whites, and that discriminatory burden must end. My plan would accomplish that, while



By Katy Kelly

allowing for even more integration. A Congressional Research Service specialist has indicated the plan does offer a remedy, and Justice Harry Blackmun seemed to invite my proposed solution when he indicated in the Supreme Court's latest busing case that any desegregation remedy that unfairly burdened one race (e.g., forced racially balanced busing) should be disallowed.

D. L. CUDDY

Reston

# A Solution to Forced Busing

By D. L. CUDDY

A cartoon recently showed Speaker of the House Tip O'Neill sitting on Senate anti-busing bills which had come to the House. While it is clear that the Democratic leadership in the House has serious reservations about these bills, it is equally clear from opinion polls that a majority of blacks and whites oppose forced busing. The nationally prominent black syndicated columnist for the *Washington Post*, William Raspberry, recently published a column asking whether there was not a better way of guaranteeing equal educational opportunity to those of all races.

Well (no presidential pun intended), I believe I have developed a solution that will satisfy nearly everybody, including the courts and the black leadership in this nation. Congress might simply enact the following free-standing statute, applicable retroactively so as to apply to everyone equally, entitled: "To End the Discrim-

*Dr. Cuddy is a senior associate with the Department of Education's National Institute of Education. This article was written by Dr. Cuddy in his private capacity. No official support or endorsement by NIE is intended or should be inferred.*

inatory Forced Busing of Minorities":

1. Whereas we live in an open society, nothing should be done to prevent the voluntary integration of schools;

2. Whereas, however, forced busing to achieve racial balance discriminates against minorities (defined as those of the minority race within the school system) because the minority population must be bused in inverse proportion to the majority race's population, forced busing to achieve racial balance will be prohibited and no individual of any race will be denied the right to attend her or his neighborhood school; but

3. To insure that the termination of forced busing to achieve racial balance does not result in coercive resegregation of schools and unequal educational opportunities for students of any race, any student will have the predominant first choice and free transportation right to attend a school in another neighborhood inhabited predominantly by those of another race, when a court has determined that intentional racial discrimination in educational opportunities has occurred.

At first glance, this proposal seems simplistic; but I will explain below why

✓ CONGRESSIONAL RESEARCH  
SERVICE Specialist in  
Education has stated:

"The remedy feature of the bill sets it apart from present bills not only because this particular remedy is offered, but also because any remedy is offered."

(over)



**Mr. Cuddy believes his proposal to end arbitrary court-ordered school busing—opposed by nearly everyone—would help to guarantee black children alternative means of quality education.**

this bill should satisfy nearly everyone concerned with this issue.

The purpose of this bill is to protect minority rights. Court-ordered racial balance busing denies blacks equal protection of the law. Because the courts do not allow "token" integration, most all forced school desegregation remedies call for system-wide balanced integration.

However, this means that if a system is 90 per cent white and 10 per cent black, then only 10 per cent of the white students must be transported, but 90 per cent of the black students must be, to achieve system-wide balanced integration. This is flagrant discrimination against blacks, just as if a court ordered 90 per cent of America's black youth drafted into the Army, but only 10 per cent of this country's white youth drafted, so that there would be an equal number of blacks and whites in the service.

The solution I propose should also satisfy the courts because they would still remain involved in determining where equal educational opportunities have been denied on the basis of race. They would not, however, have the right to burden blacks especially by findings of discrimination imputed from some affirmative action-type numbers game. But the courts would have enforcement authority regarding the "first choice and free transportation" provisions of the law if passed. Also, the courts' jurisdiction would not be limited any more than any other congressional statute (e.g. disallowing capital punishment) concerning judicial latitude would limit the courts.

The black leadership of the nation should be satisfied with my proposed solution, because unlike "freedom of choice" where blacks might be told that schools in white neighborhoods are already filled or that they might have to attend those schools at their own transportation expense, the solution I am proposing guarantees the right of all black students to attend a school in a predominantly white neighborhood even before the white students of that neighborhood may attend that school, and free transportation is guaranteed as well.

**Thus, even in a worst-case scenario where a white racist school board may contemplate discriminating against blacks, with "first choice and free transportation" guaranteed, all school boards will in their own self-interest see to it that schools in predominantly black neighborhoods receive equal, if not superior, facilities, teachers and appropriations.**

The key here is that the decision regarding satisfaction that equal educational opportunities are being guaranteed is in the hands of blacks themselves, and not in the hands of possibly racist school boards. Therefore, if the school in a particular black neighborhood is inferior, then every black student is guaranteed the right and transportation to attend a superior school in a predominantly white neighborhood.

Thus, there could be *even more integration* than under court-ordered racial balance busing. However, if black parents in a particular neighborhood feel their school is superior, then they have the right to inform a judge or anyone else of authority that he or she cannot take their children against their will and bus them, in disproportionate numbers to white students, from a superior school to an inferior one. That is not what the civil rights movement has been all about. In fact, such discriminatory action by judges amounts almost to a return to the days of slavery in this country.

If there is a case of coercive action which inhibits blacks from exercising their "first choice" rights and thereby leads to the maintenance of inferior schools in minority neighborhoods, then a judge could simply levy fines against those responsible until the court determines that all schools within the system are equal.

Because my proposal protects minority rights, allows the courts to remain involved in determining where racial discrimination in education has occurred and in eliminating such discrimination, would end the discriminatory burden on blacks of racial balance busing, would place the decision regarding satisfaction of guaranteed equal educational opportunities in the hands of blacks and whites themselves, would not disallow alternatives to forced busing (e.g. magnet schools) to end unlawful segregation, and would allow for more integration, I believe this is as close to a panacea as this nation will come regarding an issue on which the majority of all races agree.

And that agreement is that court-ordered racial balance busing is opposed by nearly everyone, and should be ended as long as there is an alternative means of guaranteeing black children equal educational opportunities, and my proposal would help do just that. If only someone in Congress will now introduce this legislation, forced busing could be ended to the satisfaction of nearly everyone involved. ■

Further to my article, "A Solution to Forced Busing" (HUMAN EVENTS, October 30), the success of this proposed solution to forced busing greatly depends on whether it would be accepted by the Supreme Court. In that regard, the Court's recent decision regarding the state of Washington's busing case offers much hope.

Writing for the Court, Justice Harry Blackmun said: "In our view, Initiative 350 must fall because...it uses the racial nature of an issue to define the governmental decision-making structure, and thus imposes substantial and unique burdens on racial minorities." In effect, the Court is saying that any desegregation remedy which unfairly burdens one race should be disallowed. And since perhaps the majority of court-ordered busing rulings involve "racial-balance" remedies which, by definition, unfairly burden minorities, it seems clear that the Supreme Court now might be ready to end forced racial-balance busing in this nation. That is why the sooner someone in Congress introduces my proposed solution, the better.

D. L. Cuddy





Congressional Research Service  
The Library of Congress

Washington, D.C. 20540

September 13, 1982

FROM : Jim Stedman  
Specialist in Education  
Education and Public Welfare Division

SUBJECT : Constituent's Anti-busing Proposal

This memorandum was prepared in response to your request of August 23, 1982, concerning the busing bill (entitled "To End the Discriminatory Forced Busing of Blacks") proposed by your constituent Dr. D.L. Cuddy in his paper, "A Solution to Forced Busing." As discussed with your legislative aide, Ms. Trudy Wright, this memorandum will consider the following:

- (1) the proposal's similarity to bills already before the House Judiciary Committee; and
- (2) questions raised by the bill that may possibly merit further consideration.

This memorandum neither endorses nor rejects Dr. Cuddy's proposal; rather, it places the proposal in the context of current legislation and identifies certain issues that may be relevant to further consideration of the bill.

The Proposal

Before considering the similarity of the proposal to current bills, it is necessary to present an outline of Dr. Cuddy's proposal as we read it. The bill presents what may be characterized as findings of fact and a series of resulting limitations of the use of mandatory busing to achieve school desegregation.

First, the bill states that because "we live in an open society, nothing should be done to prevent the voluntary integration of schools." Second, the bill presents the finding that mandatory busing for racial balance is discriminatory against blacks because they "must be bused in inverse proportion to the majority race's population." As a result of this finding, the bill would prohibit mandatory busing for "racial balance" and would establish that the right of individuals to attend their neighborhood schools cannot be denied. This, in essence, would establish a right to neighborhood attendance. Third, in order to avoid "coercive desegregation" and "unequal educational opportunities," all students would have "first choice" and free transportation to attend schools in other neighborhoods "inhabited predominantly by those of another race." This right of transfer would be afforded students only in the event a court had determined that the school system was discriminating on the basis of race.

The bill's main features are (1) the prohibition of mandatory busing to achieve racial balance; (2) the creation of a right to neighborhood attendance; and (3) the establishment of voluntary transfer as the remedy for courts to impose when they find racial discrimination in a school system.

#### Current Proposals in the House

Although Dr. Cuddy's bill as presented does not define a neighborhood school, we have assumed for purposes of this section that such a school is the one nearest a child's place of residence that offers elementary or secondary education at the child's appropriate grade level. Using this assumption, it appears that Dr. Cuddy's bill partially duplicates bills already before the

House. For example, H.J. Res. 28 (Representative Emerson, January 5, 1981) proposes an amendment to the Constitution providing that:

No student shall be compelled to attend a public school other than the public school nearest to the residence of such student which is located within the school district in which such student resides and which provides the course of study pursued by such student.

Also, H.R. 2047 (Representative Moore, February 24, 1981), entitled the "Neighborhood School Act of 1981," would, among its various provisions, prohibit any court of the United States from ordering the assignment or transportation of any student to a school other than the one nearest the student's home, with certain exceptions. 1/ Parenthetically, it should be noted that it is not evident whether Dr. Cuddy's bill is proposing an amendment to the Constitution, or free-standing legislation. This issue is considered in the next section.

If one broadens the definition of the right to attend the neighborhood school to include the proposition that no child can be assigned by a court of the United States to attend a particular school on the basis of race, then the number of bills similar to this aspect of Dr. Cuddy's proposal grows significantly larger. 2/

What appears to distinguish Dr. Cuddy's proposal from most introduced in the House during the 97th Congress is the remedy feature. Dr. Cuddy would establish as a right for students in districts adjudicated to be discriminatory

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1/ H.R. 2047 is the House companion bill to S. 528 (Senator Johnston, February 24, 1981) which in a slightly modified form was approved by the Senate as an amendment to S. 951, the FY 1982 Department of Justice appropriations authorization bill. See the Congressional Research Service (CRS) issue brief on school busing (IB 81010) for further details.

2/ See CRS issue brief IB 81010 for a listing of some of these legislative proposals.

what may be called "majority-to-minority" <sup>& vice versa</sup> transfer. Students of the race which is in the majority in a school would have the right to transfer to any school in which their race would be in the minority. The remedy feature of the bill sets it apart from present bills not only because this particular remedy is offered, but also because any remedy is offered. It could be argued that H.R. 2047, cited above, does establish or maintain a remedy for school desegregation by not prohibiting busing altogether, but rather limiting its application. 3/

### Questions

Dr. Cuddy's bill raises a number of questions that may merit some consideration. These are presented below in no particular order. Following each question is a brief discussion of it.

(1) Is the proposed bill intended to offer an amendment to the Constitution or a free-standing statute? *(simple majority)*

The 97th Congress, particularly on the Senate side, has been engaged in a lengthy debate over anti-busing legislation (the amendment to S. 951, cited above) which would impose limits on the busing that courts of the United States could order. The legislation seeks to accomplish its ends through statutory means, not by means of a constitutional amendment. Critics have charged that this is a "backdoor" effort to "amend" the Constitution without following the amending process provided in the Constitution. In addition, they argue that the legislation is unconstitutional, exceeding whatever powers under the Constitution the Congress might have to affect U.S. court jurisdiction and constitutional remedies. Supporters of the legislation, on the other hand, argue

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3/ H.R. 5200 (Representative Young, December 11, 1981) is similar in this regard to H.R. 2047.

*No not limit jurisdiction  
only limit one remedy, just  
as Congress may pass law re*

that such legislation is clearly within the powers granted to the Congress under the Constitution and that, with regard to this specific proposal, a remedy is being limited, not removed entirely.

*capital  
punishment  
other  
ways  
with  
capital  
crime*

*without limiting courts' ability to deal in*

It would appear that Dr. Cuddy's proposal, if it is intended to be a free-standing statute, would generate much of the same sort of controversy that has marked the anti-busing debate in this Congress over S. 951. Also, the proposal would not limit a remedy, but would prohibit this specific remedy (mandatory busing) entirely, an aspect of the proposal which would generate additional debate and raise further questions about its constitutionality.

(2) Is the bill intended to apply only to courts?

It is not clear from the proposed language whether the bill is to limit only the actions of courts, or actions of State governments, or actions of local school boards as well. In addition, the bill does not specify to which courts it might apply--the lower Federal courts, the Supreme Court, or State courts? Clarifying the sweep of the proposal is necessary before one can consider its potential impact on such things as State and local control of education, or its constitutionality.

Yes

all

~~NA~~

(3) How is the term "neighborhood school" to be defined in the context of the bill?

Although a definition of "neighborhood school" (nearest school offering the appropriate grade) was assumed in the preceding section for the purposes of comparing Dr. Cuddy's proposal to current bills, even this definition may need some refinement to address some of the more basic questions that arise in this context.

*Yes, meaning courts can't prevent  
someone from going to his/her  
neighborhood school.*

Would the definition of the neighborhood school permit flexibility, that is, could a school system change a child's neighborhood school by changing the grade structure in its schools? The school nearest a fifth grade child's home may in one year offer grades K-6, but, under a desegregation plan, be converted into a school offering only K-3. Would the assignment of the child to another school offering grades 4-6 but located farther from home violate the limitations in Dr. Cuddy's bill? To some families the "neighborhood school" may not necessarily be the one nearest the family's home, but rather the one in the attendance zone of which the family resides. Would Dr. Cuddy's bill permit the modification of attendance zones? Yes

(4) Is the proposal retroactive? Yes, or would be unconstitutional in that the law wouldn't apply to everyone equally

There is no language in the bill concerning its application to school desegregation plans and court orders already entered and being implemented. The issue of retroactivity is controversial and complex. It raises questions about such things as the finality of long-standing desegregation plans, the extent to which communities might have to return to the status quo ante as they dismantle desegregation plans, and the fairness of applying different standards to different school districts.

(5) Does the right to attend one's neighborhood school conflict with the right to majority-to-minority <sup>and vice versa</sup> transfer in a school district adjudicated to be discriminatory?

The bill does not state how a school system can guarantee these two rights when they come into conflict. For example, a school at full capacity with neighborhood children might be faced with additional children seeking entrance who are exercising their right to transfer. Although in the body of his report, Dr. Cuddy describes the majority-to-minority transfer right as predominant, the

Yes.

bill, on its face, does not make such a distinction. <sup>It should</sup> It should be noted that Dr. Cuddy's reading of his bill in this regard suggests that not only is the right to attend a neighborhood school not absolute, but that the bill's requirement that "nothing should be done to prevent the voluntary integration of schools" might be limited as well. A child denied a seat in his neighborhood school because another child has exercised his own right to transfer is subject to a degree of coercion perhaps not in keeping with the bill's goal of voluntary school desegregation. *hypothetical problem which will not arise*

(7) What is meant by the phrase "forced busing to achieve racial balance?"

This is a critical question that would perhaps be best considered in a legal analysis. Nevertheless, some points can be made here that might be helpful for a more general consideration of Dr. Cuddy's bill. The proposal would prohibit "forced busing to achieve racial balance." "Racial balance" has been described elsewhere as referring "to a precise racial representativeness in a school's enrollment or other population" (such as faculty). (Meyer Weinberg, "A Practical Guide to Desegregation: Sources, Materials, and Contacts," Vol. IV of Assessment of Current Knowledge About the Effectiveness of School Desegregation Strategies, Institute for Public Policy Studies, April 1981, prepared under contract with the National Institute of Education and the Office for Civil Rights.)

*No* Does Dr. Cuddy intend the phrase "forced busing to achieve racial balance" to apply to all instances of mandatory busing for desegregation, or only those instances in which it can be shown that a proportional balance of majority and minority children is sought in each school in a system? Dr. Cuddy's analysis of his proposal suggests that he intends the term is to encompass nearly all instances of mandatory busing, largely because he argues that "most court-ordered desegregation remedies call for system-wide balanced integration." *Yes*

*Taken  
integration  
has been rejected*

Actually, court-ordered school desegregation plans vary markedly from school system to school system. While some indeed reflect Dr. Cuddy's characterization of busing, <sup>few</sup> some do not. It would, therefore, be possible to read the bill as affecting only some mandatory busing plans. Among the works that might be consulted in this regard is "Busing and the Lower Federal Courts" by Charles V. Dale, legislative attorney in the Congressional Research Service's American Law Division. Dale's analysis appears on pages 637-667 in the volume of hearings before the House Subcommittee on Civil and Constitutional Rights, entitled "School Desegregation" (serial no. 26, 97th Congress, 1st session).

(8) What would the proposal permit if the allowable remedy (majority-to-minority transfer) fails to desegregate a discriminatory school system?

In the event that a school system were required to offer the majority-to-minority transfer option by a court, but none or few students exercised that option and the system remained segregated, would the court or school board be permitted to employ mandatory assignment options, such as redrawing of attendance zones, or the pairing and clustering of schools? Dr. Cuddy argues that the imposition of the transfer option on a school system that wanted to remain segregated would lead to the system directing additional resources into certain schools in order to forestall children from exercising the transfer option. This suggests that Dr. Cuddy's proposal considers the improvement of educational quality for segregated students to be a legally sufficient remedy for school segregation. This is highly controversial issue that involves debate over, among other issues, what Brown v. Board of Education (347 U.S. 483) requires of school systems to guarantee equal educational opportunities to minority group children.

*This controversy is being resolved in that "achievement," "equal educational opportunity" etc. are the goals. To say "integration" against the will of all races is the goal is to imply blacks could be ordered into inferior*



At another point in his paper, Dr. Cuddy states that "[i]f there is a case of coercive action which inhibits blacks from exercising their 'first choice' rights and thereby leads to the maintenance of inferior schools in minority neighborhoods, then a judge could simply levy fines against those responsible until the court determines that all schools within the system are equal." This statement clearly places the desegregation of schools in a second priority position. It also finds no reflection in the language of his proposal.

(9) Do efforts to achieve a racial balance always discriminate against black children "because the minority population must be bused in inverse proportion to the majority race's population?"

This is one of the premises stated in Dr. Cuddy's proposal and from it flows his prohibition against mandatory busing for racial balance. The question of racial balance has been discussed above (question 7). The logic of this premise is explored below.

The degree to which minority group children will have to be reassigned, relative to the reassignment of white children, in an effort to achieve a strict racial balance in schools, depends upon the specific distribution of children within a particular system's schools. The burden of reassignment need not be invariably imposed unequally on blacks. In systems that are evenly divided between blacks and whites or predominantly black, the mathematical logic of reassigning children to achieve precise racial balance permits that, in the first instance, equal percentages of blacks and whites might be reassigned, and in the second instance, a smaller percentage of blacks might be reassigned. Consider the following examples. If a system with 100 white children and 100 black children had two schools, one entirely white and one entirely black, to achieve a racial balance in these two schools one of

several reassignment strategies could be followed. Half of the students in each school could be reassigned to the other--the same number and percentage of children from each race would be reassigned. Or, one of the schools could be closed and all the children of that one reassigned to the other--the burden could be either on black children or white children. Or, the enrollment of one school could be increased and the other decreased. For example, the black school's enrollment could be raised to 150. To achieve a racial balance, 25 black children would be reassigned to the white school and 75 of the white children would be reassigned to the black school. The schools would now be balanced--the former black school would have 75 blacks and 75 whites, the former white school would have 25 blacks and 25 whites. In this instance 25 percent of the blacks and 75 percent of the whites would have been reassigned.

To take another hypothetical example, in a predominantly black system with 600 students, 350 (58 percent) of them black, and 250 (42 percent) of them white, 300 of the black students attend one school as do 20 of the whites. That school is 94 percent black. In the system's only other school, 50 blacks are enrolled and 230 whites. The school is 82 percent white. To balance such a system with each school having a 58 percent black and 42 percent white student body, 113 of the black students could be reassigned from the black school to the white school, and 113 of the white students could be reassigned from the white school to the black school. In the black school there would now be 187 blacks and 133 whites (58 percent black/42 percent white). In the former white school, there would be 163 blacks and 117 whites (58 percent black/42 percent white). Here the burden falls disproportionately on the white students--32 percent of the blacks were reassigned, while 45 percent of the whites were reassigned.

Clearly the variations that one might consider are endless and can be made increasingly complex. A premise that black students are likely to ride buses for desegregation purposes in disproportionate numbers may be correct given the experience with actual desegregation plans, but an effort to achieve a racial balance in a school system does not mathematically dictate that blacks will be reassigned in inverse proportion to their representation in the system or that they will be the group more burdened by reassignment.

This is specious as in only those rare systems of equal balance racially there would be no burden on one race or the other. Whether a system is 70% white + 30% black or 70% black + 30% white, the "minority" (whether white or black) always bears a heavier burden + is thus denied the equal protection of the law based on race. In the latest Supreme Court case, the court said any remedy that unfairly burdens any race should be terminated.

N.I.E., Room 711-N  
19th and M Streets, NW  
Washington, DC 20208  
23 September, 1982

Thank you for the material from Jim Stedman re my busing proposal.

My responses are below:

- 1) CRS-4 "majority to minority transfer" - this would also be vice versa.

I appreciate Mr. Stedman's research analysis concerning whether the bill would be unique in that he states: "the remedy feature of the bill sets it apart from present bills not only because this particular remedy is offered, but also because any remedy is offered."

It would be a free-standing statute (requiring only a simple majority) as opposed to an amendment.

- 2) CRS-5 No, the bill would not limit courts' jurisdiction, but only the use of one remedy which racially discriminates. This would be similar to Congress enacting a law allowing or disallowing capital punishment without limiting the courts' jurisdiction or ability to deal in other ways with capital crimes.

Because the objective of the bill is to end a racially discriminatory remedy, it would have to apply to all governing bodies (e.g. what good would it do to prohibit courts from using a discriminatory remedy while allowing a racist school board to discriminate in its remedy?).

Re "neighborhood school," the proposal says that one cannot be prevented from attending his/her neighborhood school, but this does not mean one necessarily has a pre-emptive right to attend the school nearest his/her home.

- 3) CRS-6 Yes, a school system would have flexibility to alter grade structure, etc., and thereby change the definition of "neighborhood school."

Yes, the proposal would have to be "retroactive" or it would be unconstitutional in that the law would not apply to everyone equally.

(continued)

(CRS-6 continued)

Re "majority to minority transfer," this would also be vice versa, and yes, this right would be predominant.

- 4) CRS-7 The bill should specify that the transfer right is predominant.

Concerning the hypothetical conflict between one's right to attend one's neighborhood school and one's right of transfer, 2 or 3 comments are in order. First, there is flexibility in the term, "neighborhood school." Second, I stressed earlier that one's right not to be prevented from attending one's "neighborhood school" is not exactly the same as saying one has an absolute right to attend his/her "neighborhood school." The potential controversy raised is a non-issue as the overwhelming evidence has shown that people choose to attend their own "neighborhood school" when they are guaranteed to their own satisfaction that they are receiving equal educational opportunities. Thus one will not see large numbers of individuals displaced from their neighborhood schools by students transferring, because even in a worse case scenario, every individual will be guaranteed to his/her own satisfaction that each is receiving an equal educational opportunity in his/her "neighborhood school."

No, I do not intend the proposed solution to apply to all instances of busing for the purpose of desegregation. However, the fact of the matter is that courts have constantly expressed their disapproval of busing schemes that only result in "token integration," and thus nearly all desegregation busing orders are of some "racial balance" variety.

- 5) CRS-8 Even if the proposed remedy failed to "desegregate" a "discriminatory" school system, it would only be because those of every race were satisfied they were receiving an equal educational opportunity and they would feel that was most important; otherwise they would exercise their right of transfer. Besides, this is no longer a controversy as "achievement," "equal educational opportunity," etc. have been long recognized as the objectives of desegregation (e.g. blacks did not pursue court cases to gain an inferior education). To say "integration" against the will of all races in a particular situation is required by the courts is to imply that blacks could be forced to attend inferior schools and that was not the intent of Brown v. Board of Education.

(continued)

(continued)

6) CRS-9,10 and 11 - the examples covered on these pages are misleading based upon an inaccurate definition of the word, "minority." Although the proposal's purpose is primarily to end the discrimination against blacks in racial balance remedies (because blacks are usually the "minority" race), the bill would end discrimination against any race in minority in any given situation. Thus, except in those rare instances where the racial proportions are exactly equal, one race is by definition in the "minority," and in any racial-balance busing remedy, that race would bear a discriminatory burden. The importance of this fact lies in the recent Supreme Court busing case (Washington), where the Court indicated that any desegregation remedy which unfairly burdened one race (any race) should be terminated.

Yours sincerely,



Dennis L. Cuddy, Ph.D.  
Senior Associate, NIE

# The Washington Post

TUESDAY, MARCH 24, 1981

A 21

*D. L. Cuddy*

## The Problem Is 'Forced' Busing

"You know what? I'm against forced busing, too!" That remark was made by a young intellectual black principal while I was addressing a meeting (in Raleigh, N.C.) of the local Fellows of the George Washington University Institute for Educational Leadership.

The principal's pronouncement was based on the fact that the burden of busing has fallen predominantly on blacks. In a school system where the black-white ratio is 30 to 70, for example, 70 percent of the black students must be bused to achieve racial balance, but only 30 percent of the white students must be bused. And if the purpose of forced busing is to achieve societal integration, increasing numbers of blacks are beginning to wonder if the required movement of their children to integrated schools during the day, and back to segregated neighborhoods at night, isn't becoming a permanent "solution" to the problem of racial discrimination rather than the temporary solution forced busing was originally designed to be.

Decades ago, "freedom of choice" was a slogan used by many whites largely for the purpose of maintaining segregated schools, with black schools usually of inferior quality. To correct this situation, the federal government logically was asked to assist blacks in re-

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*The writer is an instructor of American history at the University of North Carolina at Chapel Hill.*

*"Blacks as well as whites have pride in their neighborhoods and realize the importance of neighborhood schools."*

ceiving guaranteed equal educational opportunities. From that request, however, the federal government embarked on a policy that at least tacitly supports the racist view that black students cannot learn unless they are seated next to whites.

As one who attended a racially integrated school in the South in 1952 (two years prior to the Supreme Court's *Brown* decision), and who taught in both predominantly black as well as predominantly white neighborhoods, I can say two things regarding black-white educational relationships. First, in schools where educational excellence rather than social promotion is emphasized, there appears to be less racial discrimination. Second, during my public school teaching career, I had more disciplinary difficulty with spoiled students from affluent neighborhoods than I did with economically deprived, yet educationally motivated, black students in the same school.

While the Scholastic Aptitude Test scores for white students have been declining for approximately the past 17 years and many white youths have seemed determined to ruin their lives with drugs, black students whose parents have emphasized educational achievement have had a golden opportunity to excel. From time to time, I meet several of my black former students and now find that one works at the local state university, one at a television station, one is working toward her college degree in psychology, and I believe one is now an officer in the Air Force.

The point here is, that with government protection guaranteeing equal educational opportunities, blacks can perform as well as whites; but neither blacks nor whites want the government to adopt the principle that it can force people to do that which they do not want to do (e.g., forced sterilization, euthanasia). While blacks desire federal protection against discrimination so that they may attend whatever school they wish, go to any public establishment they choose, and live wherever they please, blacks do not want government implementing a policy that, for example, would require the break-up of black neighborhoods forcing the residents against their will to disperse throughout the white community. Blacks as well as whites have pride in their neighborhoods and realize the importance of neighborhood schools.

What of the contention, though, that we live in a world where blacks and whites must live

together, and abandonment of forced busing might lead to a return to a segregated, albeit voluntary, society? It should be emphasized here that the problem is not busing, but rather "forced" busing. There is nothing wrong with students voluntarily requesting to be bused to schools outside their neighborhoods. There is nothing wrong with school systems developing districts within which black neighborhoods already exist so that an integrated school system may occur naturally. And although "magnet" schools are undesirable for many because they tend to develop elitist attitudes among students, a majority of the American people might favor instead of forced busing an approach where students of all races voluntarily would choose to attend secondary schools offering programs fitting students' special interests.

Concerning the government's role, it is entirely proper for the government to guarantee that each school receive proportional financial support, and that teachers include all races and be of equivalent ability in each school. There is also nothing wrong with government offering developers incentives to construct housing projects on the outlying growth areas of urban communities that would allow racial representation.

As indicated earlier, the problem is "forced" busing. And blacks increasingly seem to be voicing their opposition to this apparently permanent federal policy, the burden of which falls predominantly on their children and their race.

# Should Forced Busing Be Ended?

**YES—Blacks should have the right “to attend any school of their choice”**



**Interview With  
Dennis L. Cuddy**

History Instructor,  
University of North Carolina  
At Chapel Hill

**Q Mr. Cuddy, why do you feel school busing for racial desegregation should be stopped?**

**A** Because forced busing, as a permanent solution to the problem of how to integrate society, is discriminatory against blacks. For example, to achieve integration in a city that is 70 percent white and 30 percent black requires the busing of 70 percent of those of the minority race, but only 30 percent of the white students.

In addition, it becomes more difficult for the minority students who are bused to participate in extracurricular activities before and after school. And their usually poor parents are deterred from attending parent-teacher meetings or their son's or daughter's athletic or cultural events in schools on the other side of town.

Lastly, there's the loss of the neighborhood-school identification, which results in a loss of respect and responsibility for the school's condition and leads to increased vandalism by those of both races.

**Q Proponents of busing say it has lessened discrimination. Wouldn't there be a danger that this trend might be reversed?**

**A** No. The question assumes that forced busing is the only means of maintaining an integrated society, but that's not true. It is doubtful that those blacks living or working in predominantly white neighborhoods would move to predominantly black neighborhoods simply because forced busing was terminated.

We should continue to have an integrated society and maintain the right of blacks to attend any school of their choice, to go to any public establishment they please and to live wherever they desire.

So, if a certain percentage of black parents do not want the government telling them that they must send their children to schools outside of their neighborhood, the government should not be able to overrule the parents.

**Q How would you enforce the right of blacks to attend schools of their choice?**

**A** It should be made legally incumbent on every school system to provide equal educational opportunities in all schools. Then relatively few students would choose to leave their own neighborhood schools.

**Q Job opportunities for minorities have increased since busing for integration began. Can't this be attributed at least in part to the better education blacks are receiving?**

**A** Well, forced busing is not the only way blacks can obtain a quality education. As one who attended an integrated school in the South before the Supreme Court's 1954 Brown decision, I can attest to that.

Marva Collins, a Chicago teacher, and the All Saints

**NO—“Busing has been a very useful tool in correcting wrongs”**



**Interview With  
William L. Taylor**

Director, Center for National  
Policy Review, Catholic  
University of America  
School of Law

**Q Mr. Taylor, why do you favor the continuation of school busing?**

**A** First of all, it is a matter of the Constitution and the laws of this country. The Supreme Court has found that busing is an indispensable tool in some communities to eliminate the wrong that has been done to minority students through enforced segregation.

Secondly, despite all the furor over it, busing has been a very useful educational tool, as well as a legal tool in correcting wrongs. Researchers tend to agree that when you establish classrooms in which advantaged children are in the majority, there is a favorable educational environment for all children. Busing makes this possible.

**Q How do you answer the objection that parents of bused children are unable to participate in the activities at distant schools and bused students cannot engage in extracurricular programs?**

**A** Those claims are not generally true. After the Charlotte-Mecklenburg, N.C., busing plan was put into effect, for example, 10,000 parent volunteers came into the schools—far more than before. Black parents in other communities have told me that while the black school was closer, they actually felt more involved, more able to have an influence on the education of their children in the integrated schools. It is physically inconvenient in some cases, but that is not the only factor.

**Q What about incidents of racial strife?**

**A** When desegregation begins, sometimes there is conflict. But when you look at these communities a few years later, you often find there has been a large degree of acceptance.

**Q Haven't blacks who stayed in neighborhood schools done as well academically as those who were bused?**

**A** There is a good deal of evidence to the contrary. One researcher who is hostile to desegregation examined a voluntary program in Boston some years ago. He found that black children who went from the central city to suburban schools were getting into better colleges and doing better than black children who went to city schools.

In Louisville, Ky., despite substantial conflict as a result of busing, black students have made significant gains in achievement. And white students' education has not suffered in any way.

The desegregation process is giving people the chance to participate fully in this country, to realize their own potential. And that, I think, is what it's really all about.

**Q Aren't some inner-city schools becoming more black and some suburban schools more heavily white, despite busing?**



## Interview With Mr. Cuddy (continued)

School in Harlem, among others, have shown that economically deprived minority students can score higher than the national average on tests.

As for job opportunities for blacks, those who strive for educational excellence will be able to obtain employment in almost any major American industry today and have tremendous opportunities for advancement. This is not because American industry has suddenly felt a magnanimous attitude toward minorities, but because executives realize that it is in their own economic self-interest to hire the most qualified person, regardless of race.

**Q** Another reason busing is said to be ineffective is that it is not required between separately administered city and suburban school districts. Why shouldn't this be tried?

**A** In countywide school systems, such busing is already occurring, and I have nothing against the city school system expanding to include the county. My only questions are: What about those black parents who feel their children can be guaranteed an equal educational opportunity in their own neighborhood school? Why would they want their children bused across town every day just to attend a school with a certain percentage of white children?

**Q** Since most black spokesmen adamantly insist on school busing, wouldn't an end to busing deepen racial animosities between blacks and whites?

**A** No, because the original purpose of mandated busing was to guarantee equal educational opportunity for all children, regardless of race. Thus, turmoil will only result if blacks are denied equal opportunity.

And may I suggest that whenever black leaders have appealed to the innate sense of justice and fairness in most white Americans, black Americans have had far greater success in achieving their goals than when they have appealed for something on the basis of race alone, which usually results eventually in a reactionary white backlash, unfortunately.

**Q** How would you stop busing—by amendment to the Constitution, legislative action by Congress or some other means?

**A** If it can be shown that equal educational opportunity exists for every child within a school system, then the courts will have no grounds for ordering continued forced busing of blacks and whites against their will.

**Q** Is there any merit in voluntary programs such as that proposed by the government for St. Louis, which would give college-tuition payments to those who participate in busing programs?

**A** Yes. Voluntary or incentive or options approaches are the best vehicles for achieving integration. Furthermore, you might try magnet schools—where those desiring college-preparatory instruction go to particular schools, those interested in technical education go to other schools, and those in the arts to still other schools.

But if we are not willing to try the incentive or voluntary approaches, then we must ask whether society would next adopt other unacceptable authoritarian programs. I definitely recommend the nonauthoritarian approach to integration as long as all students are guaranteed an equal opportunity to receive a quality education. □

## Interview With Mr. Taylor (continued)

**A** The most successful programs involve a metropolitan area or county. That is true in many parts of the South, including all Florida counties, the city of Charlotte and Mecklenburg County, the city of Nashville and Davidson County, and Louisville. In these places, desegregation has not led to white flight.

As to Northern cities, the move toward suburbanization has been going on for 40 or 50 years. But if you look at two cities, one in which desegregation has occurred and one in which it has not occurred, five years after the desegregation order you're likely to see the same patterns of migration.

So if we're concerned about racial apartheid in our metropolitan areas, the answer is not to limit school desegregation but to do something about the basic conditions that give rise to apartheid.

**Q** Should the courts take more-drastic steps, such as requiring busing between suburban and city school districts?

**A** Well, if you prove there has been widespread deliberate segregation, you will get that kind of a remedy. The Supreme Court has ruled that not only must it be proved that segregation occurred, but also that it affected the whole metropolitan area. That's been proved in Wilmington, Del., and Indianapolis. It has not been proved to the Court's satisfaction in a couple of other cases, principally Detroit and Atlanta.

**Q** In view of antibusing sentiment in Congress and President Reagan's opposition to busing, is there really any likelihood of strengthening busing laws?

**A** Frankly, I don't think there is much prospect of a legislative remedy right now. Indeed, there are initiatives to try to cut back, through the use of legislation or constitutional amendments, the remedies that the courts have afforded.

The time of greatest progress in this country was when the courts, Congress and the executive branch all worked together in the 1960s, and recognized that this isn't just a political popularity contest. These issues are crucial to the future of our country.

**Q** How practical is the Justice Department's proposal for St. Louis, which would give college-tuition payments to those who volunteer to be bused out of their neighborhoods?

**A** Generally speaking, voluntary measures are certainly to be welcomed. The Justice Department plan draws on a Wisconsin statute that provides reimbursement both to school districts that send students, and school districts that receive students. That has had modest success in Wisconsin. In St. Louis, the added wrinkle is the tuition payments to students. There are all kinds of questions of equity that can be raised. What about students who are not college bound? I don't think anyone expects that it will deal with the basic

condition of segregation that exists in that metropolitan area.

There are a number of voluntary efforts that have proved very useful. In Boston, there is a program under which some 3,000 minority students of all incomes have enrolled in suburban schools. There are counterparts in Connecticut, Rochester, N.Y., and other places. But these programs are not equitable in the sense that white students don't enroll in minority schools. □

The mandatory busing of schoolchildren to promote desegregation, in effect in many places, is coming under fresh attack in Congress.



# Chicago Tribune

Saturday, September 12, 1981

Section 1 11

## The burden of forced busing

By D.L. Cuddy

ON JULY 21, the Justice Department informed U.S. District Judge Milton I. Shadur that the Chicago Board of Education's school desegregation plan was "inadequate." Although on Aug. 28 the Justice Department reversed itself and said it was satisfied with the plan, Hugh McComb, a school board attorney, indicated that if no further progress toward desegregation were made, in December the Justice Department might well resubmit its original finding of inadequacy.

Implicit in the Justice Department's attitude, however, is the concept that a desegregation plan ultimately will be deemed "adequate" only when systemwide racially balanced school integration has occurred. Unfortunately, such an attitude leads to the almost inevitable conclusion that a massive court-ordered forced busing program will eventually be required to achieve racial balance in all of Chicago's public schools.

I attended an integrated school even before the Supreme Court's 1954 Brown decision, and I have taught in both predominantly black as well as predominantly white neighborhoods. As a result of those experiences, I can assure Judge Shadur and the Justice Department that "racial balance" in schools is not required for black youngsters to receive equal educational opportunities. In fact, it is something of a racist notion that blacks must be next to a certain number of white students in order to learn.

**INDEED, IF massive, forced busing in Chicago is ordered to achieve racial balance in schools, this will be discrimination against blacks.** Statistically, the minority population must be bused in inverse proportion to the majority population in order to achieve racial balance.

From the experience of nationally acclaimed Chicago school teacher Marva Collins, we know full well that it is an emphasis on academic achievement, and not the "achievement of racial balance," that is needed for blacks to excel.

When educational excellence is emphasized, we then do not have "a black 'A' student" but rather "an 'A' student who happens to be black." Besides, what demonstrated educational purpose is served by black students riding a segregated school bus perhaps for an hour across town from a segregated neighborhood, to a racially balanced integrated school, and then back again to a segregated neighborhood?

And with a massive mandatory busing program taking blacks in disproportionate numbers away from their neighborhoods, will it not be far more difficult for poorer black parents to be supportive of their children's extracurricular activities at schools far away?

Under a forced busing program, blacks would be told that

they must get on a school bus whether they like it or not. What must be realized is that while blacks want government to protect their right to live or attend school wherever they wish, blacks do not want the government forcing them to live or attend school in some particular place against their will.

**OFTEN, THOUGH, we hear that forced busing is used "only as a last resort."** But is that really true? Will Chicago courts have exhausted all other alternatives before a massive forced busing program is ordered? Will magnet schools have been tried in addition to a tax incentive plan (where parents are given tax credits if they send their children to schools in neighborhoods inhabited predominantly by those of another race) in addition to college tuition credits (where, as in St. Louis, students receive a year's free college tuition for each year they attend an integrated high school)? Will all of these have been tried before a massive, mandatory busing program is implemented?

May I offer a simple solution to the problem of forced busing? It is a solution I feel will be satisfactory to the majority of those of all races. Congress might simply pass the following bill entitled: "To End the Discriminatory Forced Busing of Blacks" —

(1) Whereas we live in an open society, nothing should be done to prevent the voluntary integration of schools;

(2) Whereas, however, forced busing to achieve racial balance discriminates against blacks because the minority population must be bused in inverse proportion to the majority race's population, forced busing to achieve racial balance will be prohibited and no individual of any race will be denied the right to attend his or her neighborhood school, but

(3) To insure that the termination of forced busing to achieve racial balance does not result in coercive resegregation of schools and unequal educational opportunities for students of any race, any student will have first choice and free transportation to attend a school in another neighborhood inhabited predominantly by those of another race, when a court has determined that racial discrimination in educational opportunities has occurred.

**WITH "FIRST CHOICE," the school board could not claim that certain schools were already filled; and with "free transportation," the school board could not prevent the poor of any race from attending the school of their selection.** Thus, school boards everywhere will bend over backwards to see that all schools receive equal funding, facilities, and teachers. And black students will be guaranteed to their own satisfaction that they are receiving equal educational opportunities. Forced busing then will no longer be deemed necessary.

If only someone in Congress will introduce such legislation, not only might the problem of forced busing be avoided in Chicago, but everywhere else in the nation as well.

*Dr. D.L. Cuddy is a political risk analyst for an international consulting firm. He lives in Raleigh, N.C.*

