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THE WHITE HOUSE  
WASHINGTON

September 4, 1981

TO: ED MEESE

FROM: MORTON BLACKWELL *MB*

RE: Proposed meeting between yourself and representatives of the National Association for Neighborhood Schools, Inc.

The National Association for Neighborhood Schools is the largest and most influential anti-busing organization in the country. They have been in frequent contact with the Office of Public Liaison, and are anxious to arrange a meeting with you to discuss their concerns.

These concerns center around reports in the news media that the Administration does not intend to push hard for the "social issues," a term which generally encompasses the busing issue. Various statements that have been attributed to members of the Administration by the press have been the cause of some anxiety in NANS. For example, they have specifically mentioned a statement by Max Friedersdorf that "it (social issues) is an area we are wise to stay out of" and a statement by you that expressed your concern regarding legislation removing from the Federal courts jurisdiction over busing cases.

They would be interested in discussing with you (a) the role of the Justice Department in encouraging or discouraging court-ordered forced busing, (b) the Administration's positions on various congressional initiatives regarding forced busing, and (c) the extent of the Administration's willingness to lobby in Congress for those positions.

In addition, they would probably wish to discuss the situation in Missouri, where an already warm court battle over desegregation has been heating up considerably. The Missouri affiliates of NANS were furious when, in mid-August, the Justice Department urged the Supreme Court not to hear an appeal to court-ordered desegregation by Missouri Attorney General John Ashcroft. They were somewhat more encouraged just yesterday, when Craig Crenshaw of the Justice Department made a motion in court opposing Judge Hungate's controversial order naming 18 school districts as defendants in the suit. (One of the five NANS representatives at the meeting will be the head of a Missouri affiliate of NANS, Mr. Gayle Taylor.)

As you know, the issue of forced busing is an extremely sensitive and important one to many citizens around the country. Because such

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

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court orders involve the determination of where children will go to school, parents of affected children understandably come to feel that their control over their child's education is being threatened. Opponents of forced busing are worried that the President is backpedaling on commitments he made during the campaign. A meeting between the representatives of NANS and yourself could deal with this anxiety before it grows to less manageable proportions. They understand that you may not be able to present them with a complete policy, but they want to be heard before such a policy is formulated. You may not be able to satisfy them completely, but the simple fact that the meeting is taking place will go a long way toward assuaging their fears.

I think such a meeting is very important, and urge you to arrange one. I would be happy to talk with you or a member of your staff about details.

(I have attached a list of those representatives of NANS who would attend this meeting.)

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

1. William D. D'Onofrio - President, NANS
2. Mr. James A. Venema - Board Member, NANS
3. Mrs. Kaye C. Cook - Secretary, NANS
4. Mr. Clarence B. Randall, Jr. - NANS Washington lobbyist
5. Mr Gayle Taylor - NANS affiliate head from Missouri



## NATIONAL ASSOCIATION FOR NEIGHBORHOOD SCHOOLS, INC.

August 31, 1981

Mr. Morton Blackwell  
 Special Assistant to the President  
 128 Executive Office Building  
 Washington DC 20501

OFFICERS & DIRECTORS:

*President:* Wm. D. D'Onofrio,  
 Wilmington, De.  
*1st V.P.:* Robert DePrez,  
 Louisville, Ky.  
*2nd V.P.:* Robert Shanks,  
 Cleveland, Ohio  
*Secretary:* Kaye C. Cook,  
 Fredericksburg, Va.  
*Treasurer:* Earl Stauffer,  
 Columbus, Ohio

Attn: Miss Shortley

Dear Miss Shortley:

This will respond to your request in our telephone conversation of this a. m. concerning a list of those from my organization who would attend a meeting with key administration officials to discuss the busing issue.

Those in attendance will in all probability be:

1. Myself, as President of NANS.
2. Mr. James A. Venema, a NANS board member.
3. Mrs. Kaye C. Cook, NANS Secretary.
4. Mr. Clarence B. Randall, Jr., NANS Washington lobbyist.
5. Possibly Mrs. Barbara Mueller (a NANS board member) or Mr. Gayle Taylor (a NANS affiliate head) from the St. Louis area.

Please note that Mr. Venema, Mr. Randall, Mrs. Cook, Mrs. Mueller and myself were all present at a June 3, 1981 meeting with Mr. Blackwell.

I do not foresee the above list being added to. It may be that it will be reduced in size.

In my letter to Mr. Blackwell of August 25, 1981, I suggested Mr. Edwin Meese III and Mr. James Baker as the administration people with whom we would like to meet. After further thought, we feel we would like to add Mr. Lynn Noftziger. Frankly, we feel that Mr. Noftziger might be even more sympathetic to the views and goals of our organization. I'm sure that Mr. Blackwell, as a strong conservative, can appreciate this.

You are aware, I assume, that our top priority in this vein continues to be a meeting with the President himself. We feel that as the foremost national anti-busing organization, with an unblemished record of patiently working over long years through our governmental process, we are surely entitled to

George Armstrong,  
 Louisville, Ky.

Noreen Beatty,  
 Pittsburgh, Pa.

Lillian Dennis,  
 Warren, Mich.

Joyce DeHaven,  
 Dallas, Texas

Mary Eisel,  
 Omaha, Nebraska

Mariene Farrell,  
 Nashville, Tenn.

Ruth Glascott,  
 Bayonne, N.J.

Joyce Haws,  
 Cleveland, Ohio

Jim Kelly,  
 Boston, Mass.

William Lynch,  
 Austin, Texas

Jackie LeVine,  
 Los Angeles, Cal.

Libby Ruiz,  
 Tucson, Arizona

Don Schlipp,  
 Eau Claire, Mich.

Dan Seale,  
 Lubbock, Texas

Dan Shapiro,  
 Los Angeles, Cal.

Frank Southworth,  
 Denver, Colorado

Ed Studley,  
 Boston, Mass.

James Venema,  
 New Castle, De.

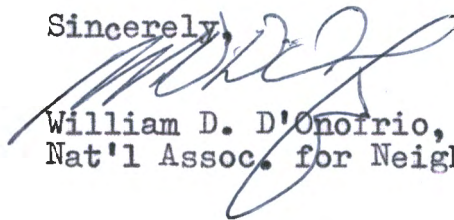
Nancy Yotts,  
 Boston, Mass.



Mr. Morton Blackwell  
August 31, 1981  
Page 2

having the President hear our concerns directly on this crucial domestic issue.

Sincerely,



William D. D'Onofrio, President  
Nat'l Assoc. for Neighborhood Schools, Inc.



NATIONAL ASSOCIATION FOR NEIGHBORHOOD SCHOOLS, INC.

August 25, 1981

Mr. Morton Blackwell  
Special Assistant to the President  
128 Executive Office Building  
Washington DC 20504

OFFICERS & DIRECTORS:

- President: Wm. D. D'Onofrio, Wilmington, De.
- 1st V.P.: Robert DePrez, Louisville, Ky.
- 2nd V.P.: Robert Shanks, Cleveland, Ohio
- Secretary: Kaye C. Cook, Fredericksburg, Va.
- Treasurer: Earl Stauffer, Columbus, Ohio

Dear Mr. Blackwell:

Mr. Gayle Wm. Taylor, president of our St. Charles County, Missouri affiliate, has called me with a report of his telephone conversation with you of this a. m.

As per your conversation with Mr. Taylor, this will both request and agree to a meeting between myself and other NANS leaders and Messrs. Edwin Meese III and James Baker.

As I am "just up the road" in Wilmington, Delaware, the meeting may be at the convenience of the White House people involved as concerns time and date. However, I do plan to be on vacation the week of September 13 and will be unavailable during that period.

I am tentatively scheduled to testify before the Constitution and Civil Rights subcommittee of the House Judiciary Committee on September 23. I would be pleased to have the meeting coordinated with my visit to Washington on that date or even the day before or after. However, I would also be pleased to have the meeting set up for any date prior to September 12.

Our concern, of course, as would be expressed at such a meeting, is the Administration's substantive position on the busing issue. This involves the actions of the Dept. of Justice and the Administration's position on anti-busing congressional initiatives.

Sincerely,

William D. D'Onofrio, President  
Nat'l Assoc. for Neighborhood Schools, Inc.

cc: Mr. Clarence B. Randall, Jr.  
Mr. Gayle Wm. Taylor

- George Armstrong, Louisville, Ky.
- Noreen Beatty, Pittsburgh, Pa.
- Lillian Dannis, Warren, Mich.
- Joyce DeHaven, Dallas, Texas
- Mary Eisel, Omaha, Nebraska
- Mariene Farrell, Nashville, Tenn.
- Ruth Glascott, Bayonne, N.J.
- Joyce Haws, Cleveland, Ohio
- Jim Kelly, Boston, Mass.
- William Lynch, Austin, Texas
- Jackie LeVine, Los Angeles, Cal.
- Libby Ruiz, Tucson, Arizona
- Don Schlipp, Eau Claire, Mich.
- Dan Seale, Lubbock, Texas
- Dan Shapiro, Los Angeles, Cal.
- Frank Southworth, Denver, Colorado
- Ed Studley, Boston, Mass.
- James Venema, New Castle, De.
- Nancy Yotts, Boston, Mass.

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## THE LAST FEW YARDS ARE THE HARDEST

As you will read in this bulletin, we are closer than ever to crossing the pro-busing "goal line" and scoring an end to forced busing. The opposition is digging in for a vicious "goal line stance." Our "ball carriers" (those friends of ours in Congress who are the strongest anti-busers) may be stopped in their tracks because of weak spots in a "front line" composed of the majority votes we need (and should have) among their colleagues. The opposing "team" of pro-busing senators and congressmen, fanatic although outnumbered, is being goaded into further efforts by the shrill screaming of its "fans" in the liberal media and "civil rights" stands. Our "front line" is nervous and intimidated. Meanwhile, what should be a strong section of our own "fan" support - the Reagan Administration - which came to the game vowing to root our team on is not vocal enough and appears intimidated by the other side's "fans." **BUT WE STILL HAVE THE LARGEST ROOTING SECTION** - you and I and all the rest who oppose forced busing. We must root louder and stronger. We must make our voices heard!

### NANS CONTINGENT IN WASHINGTON JUNE 3-4

On the morning of June 3 NANS president Bill D'Onofrio testified before the Constitution Subcommittee of the Senate Judiciary Committee on the negative effects of city-suburbs forced busing in New Castle County, Delaware. Also testifying, at NANS request, was Thomas Curtis, a black educator, lawyer and author. Anti-busing Professor Curtis is on the editorial board of the conservative quarterly, The Lincoln Review, and writes for the conservative American Enterprise Institute. The hearings, chaired by Senator Orrin G. Hatch (R-Utah), were a preliminary to the emergence of anti-busing legislation from the committee.

That afternoon, NANS secretary Kaye C. Cook, board member Jim Venema, NANS St. Louis activists Ora Mae French and Barbara Mueller, Missouri state representative Jean Matthews (who also testified before the subcommittee) and NANS Washington lobbyist Clarence B. Randall Jr. joined D'Onofrio and Curtis as the contingent met with Special Assistant to the President, Morton Blackwell, a movement conservative who serves as a liaison between groups like NANS and President Reagan and his inner circle of advisors. The fruits of this meeting will be further meetings between NANS and key Administration people with the busing issue, coordinated by our lobbyist.

That night D'Onofrio was the guest on a lively hour-long radio talk show hosted by outspoken conservative author and commentator Jeffrey St. John. D'Onofrio and St. John blasted away on the busing issue, especially at teach-

ers who were asked by St. John to call in and defend their union's advocacy of forced busing. St. John exclaimed that the busing discussion "lit up" his program's switchboard. The ground work was also laid for a possible future appearance by Professor Curtis on the program to discuss opposition to busing from a black perspective.

On the morning of June 4 NANS was informed that a group of some 300 Pittsburgh suburbanites, about to come under a federal court's city-suburbs busing order, had traveled to Washington to picket the Department of Justice and meet with Department spokesmen. Cook and D'Onofrio went to mingle among the picketers, introducing them to NANS and our strategy on the issue. The group's leadership, however, remains highly suspicious of an "outside force" such as NANS and unconvinced that they can not stop forced busing "locally" Meanwhile, pro-busing "community leaders" in Pittsburgh have circulated the idea that NANS is affiliated with the Ku Klux Klan.

Early that afternoon, D'Onofrio, Cook, Mueller, French, Curtis and lobbyist Randall met for over an hour with Secretary of Education Terrel Bell in what turned out to be a worthwhile effort. The Secretary insisted that his Department would not be involved in the insidious types of programs coerced by its predecessor Department of Health, Education and Welfare, including forced busing. He asked D'Onofrio to inform him of deviations

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NANS IN WASHINGTON (Cont.)

from the Reagan Administration's announced policies by entrenched bureaucrats within his Department. On the other hand, Bell candidly laid out for us the difficulty the Department of Justice, headed by Attorney General William French Smith, has had harnessing the continued pro-busing zeal of liberals locked into their jobs by the civil service system and the difficulty Bell has had convincing Smith himself to take an absolute anti-busing stance.

NANS closed out its two-day foray as French and Mueller from St. Louis, along with Cook and D'Onofrio, met with "moderate" Missouri U.S. Senator John Danforth, who, before the advent of vigorous NANS activity in the St. Louis area, had a poor anti-busing voting record. However, at this meeting, we obtained a firm commitment from Danforth, albeit a nervous one, to "support any (anti-busing) legislation reported out of the Senate Judiciary Committee." That's the "NANS way."

FROM "UNCONSTITUTIONAL" TO JUST NOT "RIGHT"

In a recent letter to Senate Majority Leader Howard Baker (R-Tenn.) opposing impending anti-busing legislation in the Congress, Herbert Hoffman, director of the American Bar Association's governmental relations office, warned that such legislation would "drastically restrict" the powers of the courts to act in what he called "school desegregation cases."

Said Hoffman, "The issue is whether as a matter of policy and constitutional permissibility, this nation is going to adopt a policy whereby each time a decision of the Supreme Court or lower federal courts offends a majority of both houses of Congress, the jurisdiction of the federal courts to hear that issue will be stripped away." (Emphasis ours)

Well now! Read that one again! Here we have an admission from the prestigious lawyer's association that Congress can set a no-busing policy and not permit forced busing under the Constitution by stripping the federal courts of jurisdiction to order forced busing and to do so by simple majority legislation!

For a long time, those opposed to the idea of Congress using its powers under Article III of the Constitution to stop forced busing by removing federal court jurisdiction to order such "remedies" used as the basis of their arguments the claim that such congressional action would be "unconstitutional."

We in the anti-busing movement knew better. We knew that Congress has the clear power to do just that. We knew that those who said otherwise were either ignorant of the Constitution or out-and-out liars.

Now, with the absolute constitutionality of such congressional power becoming more well known due to increased public debate and citizen action and a series of congressional hearings on the subject, all resulting in an increased awareness, candor and determination by previously hesitant congressmen, the opposition is reduced to whining that such legislation wouldn't be "right."

Lawyers like Mr. Hoffman don't like majority rule. They would rather have lawyers and judges control our government. Hoffman complains of a majority of Congress being "offended" by court busing decisions while ignoring the fact that it is an overwhelming majority of all Americans who are offended by such judicial tyranny and that the Congress is finally beginning to react to pressure under our representative system of government.

In this regard, a nationwide poll conducted earlier this year by Sindlinger & Co. for the Heritage Foundation found that 81.3% of those polled favored "congressional efforts to withdraw federal court jurisdiction over cases involving issues such as busing." Only 14.6% said they opposed those efforts.

REAGAN APPOINTMENTS FAIL TO IMPRESS

The most important moves by President Reagan to date as they affect the issue of forced busing have been his appointments to the key Justice Department posts of Attorney General, Deputy Attorney General, Assistant Attorney General to head the Civil Rights Division, and his nominee to succeed retired Supreme Court Justice Potter Stewart.

In assessing the possible impact of such appointments before their own actions gives a clear picture of their position on the busing issue, one need only pay attention to what the "other side" says or doesn't say as the appointments are made. The silence of the NAACP, the ACLU and other pro-busing crazies has been deafening. The reaction of the liberal media and left-leaning groups and politicians has either been without criticism or of clucking approval.

William French Smith, a Reagan associate and wealthy California lawyer, was made Attorney General (head of the Justice Department). To date, Mr. Smith appears to be content with merely continuing the anti-busing rhetoric of the Reagan campaign. The naked truth is that the Department of Justice, now under Reagan as it was under Carter, is still pursuing busing orders. Any change of direction is almost imaginary or merely "promised."

Edward Schmultz, of no known anti-busing conviction, was made Smith's Deputy Attorney General.

Perhaps the key Justice Department post as concerns the anti-busing movement is that of Assistant Attorney General for Civil Rights - head of the Justice Department's Civil Rights Division. This is the post that is really responsible for implementing busing issue policy for the Administration.

Pushed hard for this post was Lino A. Graglia, professor of Constitutional Law at the University of Texas, long-time friend of NANS, impeccably-credentialed, the best bet in the legal community to bring "civil rights" questions back on an even keel, and armed with a strong conviction that the courts have stood the Constitution on its head. Backing Graglia were Senators Strom Thurmond (Chairman of the Senate Judiciary Committee) and John Tower, the conservative think-tank Heritage Founda-

REAGAN APPOINTMENTS (Cont.)

tion, The Conservative Caucus, and other conservative officials and groups.

In a March interview, Smith and Schmultz told Graglia that his writings and position "formed the foundation of the Administration's position" on the busing issue. Then, incredibly, they expressed their concern for Graglia's "credibility with blacks." Schmultz even wanted to know if "there was a liberal (pro-buser) who would endorse Graglia's appointment.

Meanwhile, in the New York Times and on television, black "civil rights" leader David Tatel, a top pro-busing attorney under the Carter Administration, slanderously bellowed "Graglia's anti-busing rhetoric was tantamount to saying you wouldn't want your sister to marry one."

Lacking political courage and pandering to Tatel and his ilk, Smith rejected Graglia and the crucial post went to William Bradford Reynolds, a Washington attorney of no real "civil rights" experience. Reynolds' father, a prominent attorney, and his mother, a duPont, are residents of Greenville, De., a bastion of wealthy moderate-liberal Republicanism and where Reynolds was raised.

The chickens came home to roost early. At his confirmation hearing Reynolds said he was "fully sympathetic" with members of Congress opposed to busing. He then strongly voiced his opposition to legislation that would prohibit the Supreme Court from hearing busing cases. Said Reynolds, "In my personal view, it's a bad idea for Congress to try to do it. I have a lot of trouble when one of the three branches of government begins to cut back, modify the powers of another."

Supreme Court Nomination

With the retirement of moderate Justice Stewart, President Reagan had his first chance to begin restructuring the Supreme Court with appointments of the needed conservative persuasion. To follow through on his own pronouncements, the President would have had to nominate a person several shades to the right of the retiring Stewart. He nominated Sandra Day O'Conner, an Arizona judge.

Among the first to jump on Mrs. O'Conner's bandwagon were some of the most radical (and pro-busing) liberals in Congress, including Senators Ted Kennedy and Alan Cranston, House Speaker Tip O'Neill and Congressman Mo Udall. Kennedy was "heartened" by the nomination. Cranston said that Democrats as a group would endorse the nomination and that "the only opposition will come from Republicans." O'Neill said the nomination "is the best thing he (REagan) has done since he was inaugurated."

Rejoiced Udall, "She's about as moderate a Republican you'll ever find appointed by Reagan. If we're going to have Reagan appointments to the Court, you couldn't do much better." Liberal newspapers are cooing over the nomination, as are the likes of pro-abortion forces, the radical National Organization for Women and the top left-wing political action group, the Americans for Democratic Action, headed by the radical priest Robert

Drinan. Meanwhile, the Pro-Lifers, the anti-ERA forces and the Moral Majority are being blasted for their opposition. The NAACP and the ACLU are ominously silent.

As an Arizona state senator, Mrs. O'Conner is reported to have once voted for a resolution asking Congress to stop busing, a rather weak state legislative initiative. However, she strongly opposed legislation that would have given Arizona parents a say on psychological testing and behavior modification schemes (read mind control) in public schools. Although her stance on abortion is being played down in the media, she sponsored legislation to permit abortions on minor girls without the permission of their parents. And as a person purportedly opposed to judicial intervention in legislative matters, she supported the Equal Rights Amendment, the bottom line of which is to allow the Supreme Court to "interpret" matters pertaining to sex.

With Mrs. O'Conner's record and position on the busing issue rather vague, her "social issues" record as outlined above is not encouraging. You won't find too many officials who are in favor of abortion and ERA and yet strongly opposed to forced busing. By the same token "moderate" Republicans (as Mrs. O'Conner is) who oppose busing strongly enough to do us any good are the exception rather than the rule.

Approval by the Senate of Mrs. O'Conner's nomination is a cinch, and the Supreme Court goes back in session in October. We'll find out soon enough what Reagan did with his first chance at "restructuring" the Supreme Court.

ANTI-BUSING ACTIVITIES IN CONGRESS

If you're confused over what's been going on in the Congress on the busing issue over the past several weeks, we'll try to clear things up.

Earlier this year Senator J. Bennett Johnston (D-La.) introduced his S 528 which we described in an earlier bulletin. The bill, using Congress' powers under Sect. 5 of the 14th Amendment to the Constitution to define remedies courts may use for "violations" of that Amendment, would limit court-ordered busing to five miles or 15 minutes one-way from the school a child would normally attend. It did not touch on the matter of court jurisdiction.

On May 14, "courtesy" hearings were held on S 528 before the Separation of Powers subcommittee (Sen. John East, Chairman) of the Senate Judiciary Committee. At the request of Sen. East and Sen. Orrin Hatch, NANS submitted a critique which stated our non-support of the weak measure. With stronger anti-busing legislation being formulated, the idea was to allow the Johnston bill to "die" in committee.

On June 9 the House, for the fourth year in a row, passed the Collins amendment to the Justice Department Appropriations prohibiting that Department from going to court seeking busing orders. As we've pointed out, this language would not stop private parties or the

(cont. page 4)

ANTI-BUSING ACTIVITY IN CONGRESS (Continued)

NAACP and ACLU from getting courts to order busing. It was this language that Jimmy Carter vetoed last year.

The Collins amendment passed the House by a whopping 265-122 margin even though 29 strong anti-busing congressmen were absent. As further evidence of the way we are picking up steam, 61 of the 75 freshman congressmen voted for the measure and some 30 veteran congressmen with formerly poor anti-busing records voted for it. As one can see, we have the makings of a strong anti-busing House majority when we get around to stronger legislation in that body.

Later in June, the Senate took up the Justice Department Appropriations and Senator Jesse Helms moved to amend that body's version of the bill with language identical to that of Collins. Senator Lowell Weicker, the radical Connecticut Republican, as he tried to do last year, moved to "gut" this Helms amendment by adding an amendment making it void when "violations of the 5th and 14th Amendments to the Constitution" were being pursued. As an indication of our strength in this new Senate, the pro-busing Weicker amendment was crushed, 45-30, despite the absence of up to a dozen pretty fair anti-busers.

Enter Senator Johnston. Miffed that his bill was being held up in committee, he resolved to attach it to the Justice Department measure by adding it as an amendment to the Helms amendment, which now became the "Helms-Johnston Amendment." Despite urging by other anti-busing senators to wait instead for stronger legislation to flow from the Constitution subcommittee (which held extensive hearings on such prospective legislation May 14-June 4), Johnston was adamant. He did dress up his language a bit by adding in Congressional powers under Sect. One of the Constitution's Article III to limit the jurisdiction of lower federal courts and by applying his time and distance allowances to a child's residence instead of a child's "normal" school.

Senator Weicker then began a "mini-filibuster" against the Helms-Johnston amendment up to the Senate recess for the 4th of July holidays.

When the Senate went back in session, Weicker was loaded for anti-busing bear. He and 11 other pro-busers--Republicans: Specter (Pa.), Chafee (R.I.), Mathias (Md.), Percy (Ill.), and Hatfield (Ore.) and Democrats: Moynihan (N.Y.), Mitchell (Maine), Kennedy (Mass.), Bradley (N.J.), Hart (Colo.) and Matsunaga (Hawaii)--had sent "dear Colleague" letters advising the anti-busing forces to expect a whale of a floor fight. A Weicker-led filibuster began in earnest. THEN, joining in pledging their support for the filibuster were still three more pro-busing senators: Cohen (Maine), Cranston (Calif.) and Metzenbaum (Oh)

To stop a filibuster, 60 votes are needed under Senate rules. This is called "invoking cloture." On July 13 the cloture attempt failed, 54-32 - six shy of the required 60. However, at least five of the 14 absent senators are anti-busers. Fifteen of the 32 sena-

tors voting to continue the filibuster were Republicans - from the Party whose 1980 platform proclaimed "there must be no forced busing." Only one of the 32 was a real surprise - alleged conservative Alfonse D'Amato from New York.

Senate majority leader Howard Baker then announced that the anti-busing amendment (which bear in mind, NANS does not support because of its time and distance allowances) would be pulled from the floor to make way for other types of legislation, including the tax-cut bill.

Meanwhile, the Constitution subcommittee of Senator Hatch is still working on the kind of legislation we are looking for, legislation designed to stop all busing for racial balance. Further input from NANS (in addition to our testimony on June 3) was requested and supplied to the subcommittee, and we received help in doing so from anti-busing constitutional law professors Lino A. Graglia and Charles E. Rice. This legislation will either replace the "Johnston amendment" or will reach the floor as a separate piece of legislation. Either way, the filibustering Weicker and his pro-busing cronies will be waiting.

As an example of what we're up against here, consider the statement attributed to Max Friedersdorf, head of the White House congressional lobbying efforts, in the July 13, 1981 Time as concerns the so-called "social issues." (which includes busing): "Those issues are so emotional, are of such deep personal belief, that they are difficult for the White House...to lobby on. It is an area we are wise to stay out of." Liberal Republican senators make up nearly half of the minority of the full Senate who favor busing. We cannot allow our efforts to be stymied by a filibustering minority. You can add Friedersdorf, spouter of liberal euphemisms and buzzwords, to the list of curious appointments by Reagan.

Depressing? Yes, but the question is whether we are going to keep fighting or roll over and play dead! We choose to keep going right at them! **THOSE LAST FEW YARDS ARE ALWAYS THE HARDEST.**

**TO DO:** President Reagan has demonstrated that he can play political hardball with the Congress and whip them into line. Let him know you expect him to do the same thing on the busing issue. His administration said nothing during the Weicker filibuster described above. The GOP cannot allow 15 or more of its senators to continue their pro-busing ways. We should have the votes on the Senate floor to pass the legislation we are looking for. We have come too far to be stymied by a filibuster. YOU ALL KNOW WHAT TO DO! Pressure Reagan. Pressure the Republican National Committee. Pressure your own Senators. If they are pro-busers, expose them. If they are anti-busers, pressure them into dealing strongly with their pro-busing colleagues. Make your views known to Senate Majority Leader Howard Baker. Each person must do these things. Do not put them off. Do not "let Joe do it."

**LATEST NANS AFFILIATE**

Parents for Neighborhood Schools of East Baton Rouge Parish, Louisiana, is the latest NANS affiliate. Stephan Van Osdell heads the new group, composed mainly of suburban parents whose children are about to be subjected to a federal judge's city-suburbs busing order.

NANS president Bill D'Onofrio spent the weekend of June 26-28 in Baton Rouge meeting with community anti-busing leaders and the area's congressman, W. Hinson Moore, and addressing an anti-busing rally held in front of the State Capitol following an orderly, but spirited, march by 300 parents, children and grandparents.

Welcome aboard, Parents for Neighborhood Schools.

**A CLEAR PERSPECTIVE**

Lino Graglia, at the urging of NANS president Bill D'Onofrio, submitted a letter to the NANS lobbyist regarding his position on the busing issue. In it he made the following observations:

"...Unfortunately, it is not enough that the nominee (for Assistant Attorney General for Civil Rights) be opposed to busing. A large part of the difficulty with this issue is that nearly everyone claims to be opposed to busing in principle or theory and to be seeking "viable alternatives" to busing. This was certainly the stated position of the Carter administration...it would appear that little or nothing has changed. The need is not simply for someone against busing, but for someone who understands the history, rationale and application of the busing requirement in specific detail, someone totally knowledgeable with every development and experienced in responding to every argument and maneuver of proponents of busing. The major proponents of busing have been people...for example, Drew Days...not only highly competent and articulate, but also totally immersed in the subject. Throughout the history of busing, a major disadvantage of school authorities and other busing opponents is that their lawyers and spokesmen have not been comparably knowledgeable and experienced in this incredibly complex and difficult area of constitutional law...they have simply been unable or unwilling to make their best arguments although they have often had both law and fact on their side.

"The sad and almost incredible fact is that the busing requirement has largely been imposed by means of what is little more than a verbal subterfuge, by the assertion--legally and factually mistaken--that existing school racial separation is "segregation" and therefore in violation of Brown and requiring "desegregation," which almost always means busing. An effective opponent of busing must understand and refuse to play this verbal game. For example, it does no good to announce that a city with racially "imbalanced" schools must be "desegregated" and must end "racial isolation" and to propose "innovative plans--which turn out not to be innovative--that will 'work and work now.' 'Work' to do

what, one must ask. To end unconstitutional segregation where there is no such segregation? Simply to compel greater integration when there is, at least in theory, no such constitutional requirement?

"...Busing is in essence an attempt to create racially balanced schools despite the fact that people don't live in racially balanced neighborhoods. This cannot be done without excluding children from their neighborhood schools and transporting them to distant schools on the basis of race. But there is no constitutional or statutory requirement that this be done. An effective opponent of busing must be willing to say that the 'viable alternative' to court-ordered busing is no court-ordered busing, the assignment of children to their neighborhood schools. Racially imbalanced schools will continue to exist, but this, everyone agrees, is not prohibited by the Constitution; and, as Professor Thomas Sowell has said, the ultimate insult to a racial or ethnic minority is to argue that a school predominantly of that minority is therefore inferior."

**THE LOBBYING FUND**

The NANS lobbying fund continues to be supported mainly by a small percentage of NANS affiliates and members. **READERS - DID YOU EVER STOP TO CONSIDER WHAT WOULD HAPPEN IF EACH AND EVERY NANS MEMBER DONATED JUST A COUPLE DOLLARS EACH MONTH? LET'S TRY IT!**

**SAME OLD RHETORIC**

We have senators and congressmen who, even after agreeing that forced busing is impractical and unworkable, etc. will still say in the next breath, "I do not feel it is appropriate to attempt to take away the Court's Constitutional power to order busing where no other practical remedy exists." These senators and congressmen talk about seeking "alternatives."

Their arguments pre-suppose that the Constitution of the United States requires racially balanced schools.

We ask these senators and congressmen how this nation can provide quality education for all children until its government ends the racist practice of determining one's position in society and in school by the color of his skin, a practice which has all but destroyed quality education.

These senators and Congressmen would use racism and discrimination to end racism and discrimination. They would destroy quality education to provide quality education. How insane!

Will we elect them again? We must find the vehicles to adequately inform those who did elect them. The public not involved in forced busing must first be informed as to what exactly "forced busing" is, and second to the position and voting record of these "representatives."

**READERS:** What have you done today? And What will you do tomorrow?

**IMPORTANT NEW BOOK AVAILABLE**

Dr. Ralph S. Scott Jr., a NANS founder and a courageous social scientist who dares to be candid on the negative effects of forced busing on black children, has published an important new work, "Black Achievement and Desegregation: A Research Synthesis" In this latest effort, Dr. Scott examines every major "scientific" study to date on the effects of forced busing on black student achievement.

Using the cutting edges of truth and common sense, Dr. Scott has skillfully examined the efforts of those who, either out of blind advocacy of forced busing or timidity, have either presented distorted and deliberately skewed "findings" or have meekly diminished their findings with weak conclusions out of fear of ostracism by their peers.

Copies of the book are available without charge (Please limit the number you request) from the publisher, American Education Legal Defense Fund, Suite 328, 206 N. Washington St., Alexandria, Va. 22314. Attn. Mrs. Sylvia Crutchfield.

**AVAILABLE BROCHURE EXCELLENT**

An excellent brochure entitled "How Is Judicial Supremacy Affecting You and Your Family" is available from Pro-Family Forum, P.O. Box 14701, Fort Worth, Texas, 76117. The cost is \$9.00 for 100; \$5.00 for 50. There is \$1.00 handling charge on orders of \$5.00 or less and 75¢ for each additional \$5.00 or part thereof. Texas residents add 5% sales tax.

**DISCHARGE PETITIONS - IMPORTANT**

Congressman John Ashbrook has introduced his discharge petition on HR 1180. It is Discharge petition # 4. All readers are asked to follow all usual procedures and efforts on grass roots legislative action. Be sure people are aware that we are now pushing two discharge petitions in the U.S. House of Representatives. Discharge petition #1 on the Mottl amendment (HR 56) and #4 on the Ashbrook bill (HR 1180)

In a person-to-person conversation between President Reagan and Congressman Ron Mottl on April 23, 1981, Reagan promised to support Mottl's proposed amendment.

**MORE GOOD TESTIMONY**

"The most unpopular, least successful, and most harmful national policy since Prohibition" is how David J. Armor, a Rand Corporation researcher and distinguished social scientist, described court-ordered busing of school children as he testified before the Senate Judiciary committee in mid-May.

(St. Louis Globe-Democrat, 5/16-17/81)

**ACTION IN OHIO ON JUDGES**

Readers will remember that the Ohio GOP put together last year a conference on the excessive power of federal judges and extensive discussion took place on moves to stop this power. At that time NANS urged readers to meet with GOP officials in other states urging similar action.

State senator Paul Matia of Ohio has introduced a resolution calling for the Congress

of the U.S. to amend the Constitution to eliminate the virtual lifelong terms of the office of, and deal with the terms of office, qualifications, method of selection and powers and authority of federal, circuit and district court judges.

Matia also proposed a resolution for Ohio to call for a constitutional convention for the limited purpose of passing an amendment to the constitution to abolish forced busing. His bill passed the Ohio Senate by a wide margin and is now in the House.

Ohio state senator Gary Suholdolnik's bill to amend the Ohio constitution making forced busing illegal and forbidding state funds being used for any court ordered busing, also passed the Ohio state senate by an even wider margin and is now in the House.

(What is your state government doing? One state's voice is not enough!)

**CONSTITUTION IS SUPREME**

In a column in the Washington Post (5/3/81) Senator Orrin Hatch reminds that the U.S. Constitution specifically obligates Congress to check the judiciary when it steps beyond Constitutional limits. In the famous ex parte McCordle case concerning a habeas Corpus petition following the Civil War, the Court itself branded the course of conduct it had pursued for nearly a century as "an unconstitutional assumption of power." If the Court, by its own admission, had unconstitutionally assumed authority for almost 100 years, "Congress is justified," says Hatch, "in asking what it might not yet have confessed."

Hatch further reminds that the "Supreme Court once ruled that a black man is not a person (similar to the ruling about unborn children) and could be regarded as property. More recently, the court decided that Japanese Americans could be incarcerated during World War II, simply on the basis of their national origin. "If a future court wanted to return to these precedents," Hatch warns, "we would all be more secure knowing that Congress could halt the legal abrogation of rights."

"The federal judiciary has been courting constitutional disaster by reading its own predilections into the nation's foundational document," says Hatch. "The Supreme Court is the body charged with policing the bounds drawn by the Constitution. When the policeman violates the law, a higher authority must undertake to protect freedoms. The Constitution is that higher authority and has outlined the means to prevent overreaching."

"The Constitution is supreme, not the Court," reminds Hatch.

**LEADING LIBERAL MAGAZINE FEATURES****ANTI-BUSING ESSAY**

The New Republic, a leading liberal magazine of public opinion, included in its Feb. 28 issue a scholarly essay by John H. Bunzel entitled "The Wrong-Way Bus Ride."

Bunzel, former president of San Jose State University in California, now a senior research fellow at the Hoover Institution in

(continued on page 7)

in Stamford, has this to say:

"Although the landmark (Brown) decision upheld the constitutional principle of school desegregation, it did not call for affirmative integration. Nor was it intended to promote a particular level of integration, much less judge-made policies of school assignment." Bunzel points out that this understanding of the Brown decision was reflected in the specific language of the 1964 Civil Rights Act: "Desegregation means the assignment of students to public schools without regard to their race, color, religion or national origin, but desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance."

"It is not necessary to believe that 'the voice of the people is the voice of God' to recognize that in a representative democracy public opinion is and should be an important force in politics and has always been relevant to the purposes of public policy," says Bunzel.

"...busing has become part of a major distortion which has occurred in the liberal tradition of equal opportunity...The court is not empowered to define our legitimate or even obligatory egalitarian goals and the means by which they should be attained."

Quoting Oliver Wendell Holmes Jr., Bunzel reminds, "Legislatures, just as much as the Courts, are the guardians of the liberties and welfare of the people. "Congress," says Bunzel, should confront the critical issue of how equality in the U.S. derives its meaning.."

"Congress," Bunzel says, "could begin reasserting its own powers and responsibilities by modifying the direction the Court has taken"

#### TO DO....TO DO....TO DO....TO DO

In addition to those items already mentioned earlier and which are outlined in the bulletin, each reader is urged to immediately do the following items:

1. Get your state legislature to pass the ALEC (American Legislative Exchange Council) suggested concurrent resolution asking Congress to pass legislation removing federal court jurisdiction to order forced busing. ALEC makes this recommendation in its 1981-82 "The Source book of American State Legislation," of which most state legislatures receive a copy.
2. Get your congressman to sign Discharge Petition # 1 to bring the proposed Mottl amendment to the floor and Discharge Petition #4 to bring the Ashbrook Bill to the floor.
3. Projects to raise money for lobbying effort
4. Your own donations for lobbying effort
5. A NANS membership drive going in your area.
6. Get your state GOP to sponsor a Task Force on the excessive power of federal judges (as was done in Ohio last year)
7. Flood letters to Congressmen, Senators, the President, and state representatives.
8. Keep NANS news releases, letters to the editor, forums etc. flooding into your local media (Don't give up)

(Continued next column)

#### TO DO...TO DO...TO DO (Continued)

9. Set up regular NANS meetings in your area to insure growth of your affiliate
10. Keep your own NANS membership renewed

#### FROM AROUND THE NATION

Baton Rouge, La.: The big news there is the new affiliate, of course (see page 5)

Boston, Mass; NANS director Nancy Yotts gets the prize for getting over fifty former members of NANS to rejoin.

ST. LOUIS: Since mid-September 1980, (and not counting May, June, or July) the St. Louis area has supplied the following to NANS: Memberships, \$6,995.00; Lobbying Fund \$4,309.50. Total \$11,304.50. All this in just eight months! And since May when these figures were available, they have continued to grow by leaps and bounds.

Dallas, Texas: The Dallas school board has proposed a plan to U.S. District Judge Taylor which would end forced busing of some 14,000 pupils, reopening neighborhood schools in all geographical areas of the city. The NAACP, of course, is fighting for more busing instead of less busing.

What is exciting and encouraging, however, is that leaders representing many of the most distinguished black organizations in the city are among those going to court in support of the school board. These black leaders formally coalesced as the Black Coalition to Maximize Education (BCME), and much of the school board plan is based on their recommendations. Among groups comprising BCME are the Dallas Black Chamber of Commerce, the Dallas branch of the National Urban League, the Dallas section of the National Council of Negro Women, the Dallas Black Business and Professional Women, the Ministerial Alliance, the Committee of One Hundred (black corporate and government officials), the Dallas Black Parents and Citizens and several other black community organizations.

Dallas school board President Kathlyn Gilliam, a one-time supporter of court-ordered busing, testified recently that busing has been a negative experience for the Dallas black community which no longer believes it is an effective desegregation tool.

Mrs. Gilliam said the controversy surrounding busing has shifted attention away from what should be the most important objective of schools, equal education for all children. "A bus won't teach you one thing," she said. "Black parents want to end busing of their children and reopen neighborhood schools."

Mrs. Gilliam once worked for Dallas Legal Services which filed the current desegregation lawsuit in October 1970.

Benton Harbor, Mich: The school districts of Benton Harbor (majority black), Coloma and Eau Claire have been ordered by a federal court to adopt a "voluntary" plan. "Voluntary" teacher reassignments, enticed by \$1,000 bonuses are ordered until a 10% quota

(cont. page 8)

**AROUND NATION (Cont.)**

of black teachers in the majority white districts is reached. The court-appointed "desegregation" expert said there will be "no room" for teachers "not committed to making the plan work." "Racially biased material" is to be eliminated from all teaching materials, methods and textbooks. Black pupils will be allowed to transfer to majority white schools and white students to majority black schools. The "voluntary" plan will not be considered to have worked unless each school in Benton Harbor winds up within 10% of the black-white ratio for the entire district. The "voluntary" plan also closes some peripheral schools, bringing about the involuntary transfer of children attending them.

Cleveland, Ohio: The NAACP is seeking contempt of Court charges against the Ohio Department of Education for "undermining" the court busing order by helping two Cleveland private schools, formed as an answer to the busing order, with state accreditation and financial aid. However, the state had revoked the charter of one of the schools when it was purchased by an anti-buser, who is suing education officials for harrassing as truant children attending the private school.

The Cleveland Magazine, which has ignored the existence of our NANS affiliate there, editorialized that "There is no school board (in Cleveland) in the traditional sense and that the real school board is Federal Judge Battisti. Blasting the push by Cleveland newspapers for a new school board, the magazine compared such a push to the baseball Cleveland Indians attempting to solve their losing ways by getting a new batboy "because this school board is, after all, nothing more than a batboy for...Battisti." The magazine advised the newspapers instead to cover "the disintegration, the decay and the backroom pilfering of the schools by greedy carpetbaggers..."

Another Cleveland school board member was appointed by a judge (to replace a member who recently died). The new board member has pledged to support desegregation.

**NATIONAL ASSOCIATION FOR  
NEIGHBORHOOD SCHOOLS, INC.**

COMMUNICATIONS OFFICE  
3905 MURIEL AVENUE  
CLEVELAND, OHIO 44109

Columbus, Ohio: A report from Columbus Public Schools to District Judge Duncan reveals that from October 1979 to October 1980 a total of 8,963 students transferred out of Columbus Public Schools and enrolled in other school districts. (Since 1972-1973 over 65,000 pupils have withdrawn and entered other school districts.) The percentage of students scoring at or below grade level in citywide testing programs in reading vocabulary increased 55% from 1978 to 1980. In reading comprehension, there was a 60.5% increase in those scoring below grade level in the sixth grade, 78.2% more in the 7th grade and 70.5% more in grade 8 who scored below grade level.

The Columbus Foundation has created "A Center for Public Education" an advisory committee formed to address problems ranging from financing public schools to implementing "desegregation plans in Cleveland and Columbus." Most of the individuals on this committee are known pro-busers. (Think of all the donations made to this foundation by people unaware)

Federal judge Battisti has asked the state school board to draw up guidelines for private schools in Ohio by mid-August. The plans are to include their guidelines for reducing racial isolation in private schools (for purposes of future granting of accreditation and aid)

Lubbock, Texas: The Federal Judge has ruled that more busing is necessary, including a junior high for the first time.

Nashville, Tenn: Unable to maintain the "proper racial balance" after 8 years of forced busing, the Nashville Board of Education went back to court in 1978. The Court has now approved a plan to close 9 elementary schools and create 29 neighborhood schools in grades K-4; middle schools for grades 5-8 and closing two high schools with their students assigned elsewhere. The plan includes a county-wide magnet high.

New Castle County, De: Here where busing "works" Federal "judge" Schwartz lambasted school officials for lack of public confidence and warned they would be left with only children whose parents could not afford to remove them. In truth school officials have fallen all over themselves to please Schwartz.

**BULK RATE  
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Cleveland, Ohio  
Permit 1830**



STOP FORCED-BUSING

Mr. Morton Blackwell  
August 19, 1981

List of Addressees For Copies

✓ Mrs. Elizabeth Dole  
Office of Public Liason  
Washington, DC 20000

Mr. William French Smith  
Attorney General  
Washington, DC 20000

Mr. Terrell Bell  
Secretary of Education  
Washington, DC 20000

Mr. Christopher S. Bond, Governor  
State of Missouri  
Jefferson City, MO 65101

Mr. John Ashcroft  
Attorney General  
State of Missouri  
Jefferson City, MO 65101

*This letter -  
please have  
make reply to  
EHO also.*

*Reply for MB's signature.  
Mentor EHO.*

*put with other  
letters from  
this group*





# NANS of EASTERN MISSOURI

AFFILIATE OF

**NATIONAL ASSOCIATION FOR NEIGHBORHOOD SCHOOLS, INC.**

August 19, 1981

**ACCA**  
P.O. Box 4341  
St. Louis, MO 63123

**ANSJC**  
P.O. Box 444  
Arnold, MO 63010

**NO-BUS**  
P.O. Box 1123  
Florissant, MO 63031

**SCANS**  
P.O. Box 10753  
St. Louis, MO 63129

**STCCANS**  
P.O. Box 1265  
St. Charles, MO 63301

**WCANS**  
P.O. Box 814  
Manchester, MO 63011

Mr. Morton Blackwell  
Office of Public Liason  
Room 191, Old Executive Office Bldg.  
White House  
Washington, D.C. 20500

Mr. Blackwell:

This letter confirms and follows my long distance telephone conversation with Kathy Christianson yesterday. We of N.A.N.S. are very upset by the way in which the Justice Department is being allowed to interfere in the St. Louis area Forced Busing situation. We are led to conclude one of two things:

1. the President is ineffective in controlling his people

or

2. he is not interested in Stopping Forced Busing.

Attached or copies of two recent news articles appearing in St. Louis papers. On August 14th we read that President Reagan is personally interested in our case. But, on August 18th it was reported that "The Reagan administration... urged the U.S. Supreme Court not to hear an appeal of court-ordered desegregation of St. Louis schools.

Note that it was William Bradford Reynolds, of the Justice Department, who made that statement, but it was the Reagan administration that is credited with the action. When the cat is away (in California) the mice (in Washington) will play.

We implore you to convey to the president our fears that he and the Republican Party are not interested in keeping their family oriented promises that demand support for neighborhood schools.

The president may say he's going to do something.

I'm from Missouri!

Sincerely,

*Gayle Wm. Taylor*  
Chairman, Pro Temp

cc: see attachment

# Reagan Closely Watching St. Louis School Case

by William Frelvogel

Post-Dispatch Washington Bureau

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WASHINGTON — President Ronald Reagan has taken a personal interest in the St. Louis public schools desegregation case, presidential counselor Edwin Meese III says.

Meese and Missouri Gov. Christopher S. Bond also disclosed in interviews Thursday with the Post-Dispatch that they had talked about the case in several recent conversations. In fact, Bond said, he reminded Meese in a meeting Thursday in Kansas City about the state's strong opposition to forced school busing.

On Thursday, Meese said he had talked to Reagan about the St. Louis case, and the president had expressed a personal interest.

But Meese did not give any details of what steps Reagan had ordered or recommended.

Meanwhile, Missouri Attorney General John D. Ashcroft slipped unannounced into Washington on Thursday to urge top U.S. Justice Department officials to support part or all of the state's appeal of the St. Louis desegregation ruling to the Supreme Court.

The Justice Department has until Monday to respond to the state's appeal

of the federal court order requiring desegregation of the St. Louis schools.

The Post-Dispatch reported two weeks ago that the department was considering support of part of the state's appeal to the Supreme Court.

Specifically, the department may recommend that the Supreme Court consider whether the state should be forced, as ordered by the U.S. District Court in St. Louis, to pay half the cost of the desegregation effort, department sources said.

Until now, the department has consistently argued that the state is liable to pay for part of the desegregation plan now in effect in St. Louis. Consideration of a shift in

position is partly a result of Ashcroft lobbying of Justice Department officials, the sources said.

Ashcroft's meeting Thursday with William Bradford Reynolds, the head of the department's Civil Rights Division, was aimed at encouraging the department to support part of the state's appeal, sources said.

Ashcroft himself evaded comment on the meeting. Justice Department sources said he had hoped the meeting could be held secretly. The department confirmed that the meeting had been held only after a reporter already had learned details of it.

Justice Department spokesman  
See SCHOOLS, Page 7

## ■ FROM PAGE ONE

V. Wilson Jr. confirmed that Ashcroft had talked to Reynolds about the response the department might make to the state appeal.

One possibility raised was for the department to make no response at all, Wilson said. That would mean the government was taking no position on the state's appeal.

Wilson said no decisions were made at the meeting. Another Justice Department source said it was still possible that the department would continue to adhere to its past position and flatly oppose the state's position.

Thursday's session was the second meeting that Ashcroft is known to have had with top Justice Department officials about the St. Louis desegregation case. In late May, Meese arranged for Ashcroft to meet with U.S. Attorney General William French Smith.

Meese arranged the meeting after Bond had protested to him about the Justice Department's handling of the case.

At the time of the May meeting between the attorneys general, Meese

and Bond disclosed that they had talked on the telephone and in person about the St. Louis case.

Bond said Thursday that the conversations have continued. He said he talked with Meese in June as well.

Bond brought up the matter in several discussions with Meese over the last three months, sources said. In addition, there have been contacts with other White House officials, the sources said.

Meese said that the review of the St. Louis case being conducted by the Justice Department was a comprehensive one.

Ashcroft, Bond and Reagan are all Republicans. Former Justice Department officials who handled the St. Louis case, like Temple University professor Robert Reinstein, have criticized the Reagan administration for allegedly permitting politics to enter into Justice Department decision-making.

Robert Goodrich of the Post-Dispatch staff contributed information for this story.

# U.S. Opposes State Integration Appeal

By CHARLES E. BURGESS  
and ARTHUR J. THOMASON  
Globe-Democrat Staff Writers

The Reagan administration, rejecting pleas from Missouri officials, urged the U.S. Supreme Court not to hear an appeal of court-ordered desegregation of St. Louis schools.

"St. Louis' schools were segregated pursuant to Missouri law," the Justice Department said in a brief filed with the court Monday and reported by the Associated Press.

"The state has been ordered to assist in remedying that constitutional violation," the brief said. "The decisions (of the lower courts) were squarely governed by decisions of this (U.S. Supreme) court. Accordingly, the petition should be denied."

Meanwhile, St. Louis school board attorneys argued in their brief Monday that a decision by the U.S. Supreme Court to review the desegregation plan "might seriously disrupt the educational program of the city schools."

**THE BOARD URGED** the Supreme

*Meanwhile, St. Louis school board tells judge there is no reason to delay moving toward a mandatory desegregation plan.*

Court to reject challenges by Missouri Attorney General John D. Ashcroft to financing and interdistrict planning requirements in the plan.

Granting the request for a hearing "would simply resurrect and exacerbate all the doubts and concerns that the community long since put behind it in uniting to make the court-ordered plan work for the city's schoolchildren," the school board's brief said.

Lower court rulings that the state must pay half the costs of the desegregation plan and take a role in interdistrict planning were proper because the state was found to be a "primary constitutional violator" in the case, the brief said.

**ASHCROFT TALKED** with Justice Department officials last week in an effort to persuade them to change their position on the case. His efforts apparently failed.

Under lower court rulings, the state has been ordered to pay half the costs of the busing plan for St. Louis schools, a levy which amounted to \$11 million during the 1980-81 school year.

Ashcroft, in his meeting with Assistant U.S. Attorney General William Bradford Reynolds of the Justice Department's civil rights division, had asked specifically that the administration review the question of the state's obligation to help pay for the desegregation plan.

The administration's decision is

"gratifying ... and comforting," said Paul B. Rava, an attorney with the city school board. "The cloud is gone over the outcome because their decision is influential. ... The decision fortifies our position."

**BUT HE ADDED**, "It's never final until the court decides."

Speaking to the Justice Department's statement that decisions of the lower courts "were squarely governed" by decisions of the Supreme Court, Larry R. Marshall, state assistant attorney general, said, "We don't believe they were 'squarely governed' — they exceeded their grounds."

Ashcroft was unavailable for comment but Marshall said the Reagan administration's action "is no great surprise. They have been an adversary to the state from the beginning — they have consistently opposed our position."

**THE SUPREME COURT** is to decide during its autumn term, which begins

Continued on Page 11A

# U.S. opposes state desegregation appeal

Continued from Page 1A

in October, whether to hear the appeal in the St. Louis case.

Meanwhile, in St. Louis Monday, school board attorneys told a federal judge that the response by suburban school districts to a voluntary interdistrict desegregation proposal has been so unenthusiastic that there is no reason to delay moving toward a mandatory plan.

Rava acknowledged that the board's move is an attempt to interest more districts in participating.

Participation by only four of 39 school districts in three suburban counties "cannot serve as a basis for staying the proposed interdistrict litigation," board attorneys urged U.S. District Judge William L. Hungate.

**THE ATTORNEYS** argued that Hungate, who had proposed the voluntary plan, should:

- Refuse any "blanket" delay on litigation, even for districts that have agreed conditionally to cooperate in the voluntary plan. A limited stay could be allowed for a year for some participating districts, the attorneys said.

- Order the state to pay transportation costs and supplementary state aid, according to the voluntary plan's formula, for all suburban students who individually are seeking to enter the St. Louis system or other districts where their race is a minority.

- Permit the school board and

National Association for the Advancement of Colored People to file claims, pending since January, under which districts in St. Louis, St. Charles and Jefferson counties would become formal defendants in the case.

The chief condition set by districts tentatively agreeing to participate in the plan was that they be protected from litigation over mandatory interdistrict busing. The districts are Clayton, Kirkwood, Ritenour and University City.

**"THE COURT PLAN** would have to include a stay of litigation in some form or the districts I represent would not be interested," said attorney Bertram W. Tremayne Jr., who represents the Kirkwood and University City districts.

"We can have a voluntary plan or we can litigate. We can't do both at the same time," said John Gianoulakis, the Ritenour district's attorney.

The board suggests the state pay all costs for voluntarily transferring students even if other portions of the plan are shelved.

Under the plan's formula, the state also would pay half of normal state aid to the home district of each transfer student. The receiving district would get \$1,250 for each non-resident student it accepts, plus half the difference between \$1,250 and the actual average cost of educating a student.

**"IT IS TYPICAL** of the St. Louis board's attempts to get money," Marshall said. "Now that they don't

really have any participating districts, they want the state to expend money anyway."

Of 5,903 applicants for St. Louis magnet schools this fall, about 300 are suburban students. Their home districts include 24 that have turned down the voluntary plan and the four tentative participants.

Hungate's plan had specified that "fiscal incentives" would go only to districts that agreed to participate but the board proposes making them available to non-participating districts.

The NAACP late Monday filed arguments supporting those of the city school board. Those elements of the voluntary plan concerning opening new city magnet schools, the fiscal incentives and the transportation costs should "be permitted to go forward," it said.

**BECAUSE OF THE** disappointing reaction to the voluntary plan, no stay on mandatory litigation steps should be granted, it added.

In a separate filing, the St. Louis board asked authorization to change attendance areas to reassign 100 freshmen to Vashon High, relieving probable overcrowding at Northwest High.

Also sought, at elementary level, was permission to reassign 26 Cook Branch School students to Hamilton Branch 2, and 40 Cook Branch students to Hempstead, also because of potential overcrowding.

*Security  
files*

THE WHITE HOUSE  
WASHINGTON

September 23, 1981

TO: Red

FROM: Morton


Please forward this to Fred Fielding  
and Herb Ellingwood.

Thank you.

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

September 23, 1981

TO: Fred Fielding  
FROM: Morton Blackwell   
VIA: Elizabeth H. Dole  
RE: Busing

The National Association for Neighborhood Schools and other activists in the highly organized anti-busing community have asked repeatedly for an Administration briefing on our policy regarding school busing.

I understand that you and Ed Harper are working on a policy statement for the Administration regarding policy on anti-busing legislation. That statement will be a good basis for our discussions with the anti-busing leaders. The NANS group has asked for a meeting with Mr. Meese, and we will schedule a meeting for them, if not with Mr. Meese then with others.

There is, of course, another major aspect of this issue, namely the Justice Department position relating to busing. Justice has a mixed record on this subject but appears to have shifted its views recently. I believe that a briefing paper prepared by the Justice Department on this subject would be highly useful in our relationship with this important group. This is an issue on which public opinion is overwhelmingly on one side. Since it appears that we are adopting policies much more to the liking of these people, this appears to be an excellent time to expand communications with the anti-busing groups.

Would you please request the appropriate people in the Justice Department to prepare a position paper for use in our discussions with these organizations? The paper could either be a memorandum for use only by Administration briefers or it could be a document suitable for dissemination. Either way, we need some guidance from the Justice Department for our discussions with these grass-roots activists.

cc. Herb Ellingwood



U.S. Department of Justice

Civil Rights Division

*Busing*

Office of the Assistant Attorney General

Washington, D.C. 20530

September 24, 1981

Mr. Morton Blackwell  
Special Assistant to the  
President  
The White House  
Washington, D.C. 20500

Dear Mr. Blackwell:

I understand that you have requested a brief statement of current Department of Justice policy in school cases.

Our policy in the educational area is representative of civil rights policy generally. This Department is committed to the vigorous and forceful enforcement of the laws in all civil rights areas, including school desegregation. At the same time, we do not intend to continue some of the practices of prior administrations in the remedial phase of litigation. The government's proper role as an advocate of civil rights enforcement is not to insist upon overbroad class remedies aimed at trying to restructure social patterns rather than remedy specific violations. We should seek through the courts measured relief that is tailored to redress the actual violation and any injury actually suffered by identifiable victims of past discrimination on the basis of race, color, sex or national origin. To this end, we will, in school cases as in all other cases handled by this Division, refrain from seeking race-conscious or sex-conscious remedies solely for the purpose of achieving a particular racial balance in the classroom.

Reference to Attorney General William French Smith's address before the American Law Institute in May of this year is an appropriate starting point in explaining our current civil rights policy. He there stated that:

It is basic to the very idea of America  
that discrimination on the basis of race

must be eliminated and the effects of prior discrimination must be effectively remedied. In both respects, the history of government action has been less than satisfactory.

For most of our life as a Nation, government has differentiated between individuals on the basis of race. First, to further segregation. Later, to remedy segregation and its effects. In both instances, discrimination by government on the basis of race has divided our people and retarded the development of a just society. The ideals of America require that, one day, all government action must be color-blind. When that day comes, the injuries to individuals would be redressed by government on the basis of the actual deprivations suffered by the affected individuals. Ultimately, in a just society, government must not require either racial balance or racial separation -- and government must not guarantee any individual a result based upon his or her race.

Consistent with this overarching philosophy, the Department will, on a finding by a court of de jure segregation of the public schools, insist upon a desegregation remedy that includes the following three components: (i) removal of all state-enforced barriers to open access to public schools, (ii) insurance that all children are provided equal opportunities to obtain a quality education regardless of race, and (iii) any appropriate individual relief.

Mandatory transportation of students is not a remedy that the Department of Justice believes has addressed the above needs in a meaningful way in past years. The Attorney General commented on this in his May speech as follows:

The results of studies aimed at determining the benefits of busing to educational achievement are at best mixed. Some studies have found negative effects on achievement. Other studies indicate that busing does not have positive effects on achievement and that other considerations are more likely to produce significant positive influences.



In addition, in many communities where courts have implemented busing plans, resegregation has occurred. In some instances upwardly mobile whites and blacks have merely chosen to leave the urban environment. In other instances, a concern for the quality of the schools their children attend has caused parents to move beyond the reach of busing orders. Other parents have chosen to enroll their children in private schools that they consider better able to provide a quality education. The desertion of our cities' school systems has sometimes eliminated any chance of achieving racial balance even if intra-city busing were ordered.

All of these considerations point to the need for more innovative and practical approaches to achieve equal education opportunity. Mandatory busing is not an effective educational remedy, and in many cases it has also proven counter-productive.

The Department is currently working on the development of such new approaches. No single factor provides the answer; nor does there seem to be a particular combination of factors that offers the perfect formula for all cases. But some elements of a desegregation plan that seem to hold out promise for success include: voluntary student transfer programs; magnet schools; enhanced curriculum requirements; faculty incentives; school closings where there is excess capacity and new construction in an overcrowded school system; some adjustments to district lines; and alteration of existing feeder patterns.

The watchword in selecting any or all of the above components -- or indeed resorting to others that may be suggested -- is equal educational opportunity. We want to be certain, whatever the ultimate racial composition in the classroom, that all students attending public schools, regardless of race, color or ethnic background, will have the opportunity to receive a comparable quality education. We are more concerned, quite simply, with student education than we are with student relocation. Using the best educational minds available, our school desegregation plans will be drawn to reflect that concern.

Pursuant to the Department's civil rights policies, we are overseeing the development of a school plan in Chicago that will enhance educational opportunities for all students; have participated in a satisfactory resolution of the Marshall, Texas, school case; and are working in a cooperative effort with several other districts on curing violations without unnecessarily disrupting the neighborhood school system. This change of position from prior administrations is reflected perhaps most pointedly in our recent memorandum filed with the Supreme Court in Seattle v. Washington, No. 81-9 (September 10, 1981). The Department there has argued that a state-wide initiative favoring neighborhood schools over mandatory student transportation should be upheld as constitutional (contrary to the Department's position in the lower courts arguing against the constitutionality of the initiative).

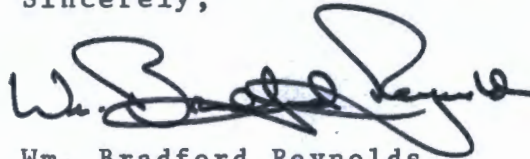
One final element of the Department's school policy deserves attention before closing. A number of school systems are now under court order to cure constitutional violations, and many of these orders require mandatory assignment of students to distant schools. In the absence of legislation, we would not anticipate routinely joining in requests to have such busing orders set aside. They may reflect unwise policy, but they are not per se unlawful. The Department will thus continue to insist that each objecting school district demonstrate it is legally entitled to the relief it seeks.

In general, there are two ways for a school system operating under a court-approved desegregation plan to obtain release from or modification of such plan. First, it may move the court which retains jurisdiction over the remedial decree to declare the school system unitary on a showing that the vestiges of the past unlawful practices have been removed. See, e.g., United States v. State of Texas (San Felipe-Del Rio Consolidated, I.S.D.), 509 F.2d 192 (5th Cir. 1975); Youngblood v. Board of Public Instruction, 448 F.2d 767 (8th Cir. 1971). Second, such a school system may move the court to modify the present plan by showing that changed circumstances justify the substitution of a plan preferred by the school system. It must be demonstrated, however, that the remedial goals of the original court decree can be served in an equally effective manner by the plan now proposed to be implemented. Cf. Ross v. Eckels, 434 F.2d 1140, 1148 (5th Cir. 1970) (Houston I.S.D.).

Under either standard, before endorsing release from an outstanding desegregation order, the Department, consistent with its general policy objectives in this area, will insist that the school system seeking relief is taking all steps necessary to insure that students in all public schools are receiving a comparable quality education, regardless of race, color or ethnic origin.

I trust that the foregoing discussion provides the information you were seeking. If I can be of further assistance to you in the articulation of the Department of Justice's civil rights policy, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. Bradford Reynolds". The signature is stylized and somewhat cursive.

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

cc: Fred F. Fielding  
Counsel to the President

Edward C. Schmults  
Deputy Attorney General



NATIONAL ASSOCIATION FOR NEIGHBORHOOD SCHOOLS, INC.

October 26, 1981

Mr. Gregory J. Newell  
Special Assistant  
The White House  
Washington, D.C.

Dear Mr. Newell:

Your letter of October 21 is quite confusing to me.

It is addressed to me as if I had written in behalf of a Cleveland-only organization. The NANS Communications office is located in Cleveland. Our request, and that of Congresswoman Oakar, was in behalf of NANS members and affiliates from all over the nation.

I have believed, and still would like to believe, that President Reagan is aware and appreciates the seriousness of the take-over of our schools. I have believed, and still would like to believe, that President Reagan is serious in his indication that he believes this bankrupt policy should be ended. The very strong plank in the Republican Party platform indicates an understanding of the issue and the need to end this policy.

Although I would consider it an honor indeed to meet with Mr. Reagan personally, my request was not for a personal meeting; and "my associates" of whom you spoke in the letter would be the national President of NANS and whatever officers he and Mr. Reagan would choose to be present at such a meeting.

Assuming again that Mr. Reagan does appreciate the seriousness of this issue and is sincere in his desire to bring an end to this policy which endangers the future of public education and indeed the future of this nation, I would think that Mr. Reagan would want to meet with NANS officers at the earliest possible moment to discuss how we can help, to discuss what he considers most important, legislation and/or a constitutional amendment, and to coordinate efforts for what is felt to be the best approach.

I find it difficult to believe that Mr. Reagan would not want to meet with officers of an organization with a national network, a national political action committee, local political action committees, a Washington lobbyist, and strong connections with many other conservative organizations throughout the nation - all working for the same goal.

It simply makes no sense that he would not make time for a meeting of this importance. Indeed I would think it would be top priority.

Sincerely,

Mrs. Joyce Haws  
NANS Communications office

OFFICERS & DIRECTORS:

- President: Wm. D. D'Onofrio, Wilmington, De.
- 1st V.P.: Robert DePrez, Louisville, Ky.
- 2nd V.P.: Robert Shanks, Cleveland, Ohio
- Secretary: Kaye C. Cook, Fredericksburg, Va.
- Treasurer: Earl Stauffer, Columbus, Ohio

George Armstrong, Louisville, Ky.

Noreen Beatty, Pittsburgh, Pa.

Lillian Dannis, Warren, Mich.

Mary Eiseel, Omaha, Nebraska

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Ruth Glascott, Bayonne, N.J.

Sharon Goodburn, Columbus, Ohio

Joyce Haws, Cleveland, Ohio

Jim Kelly, Boston, Mass.

William Lynch, Austin, Texas

Jackie LeVine, Los Angeles, Cal.

Barbara Mueller, St. Louis, Mo.

Libby Ruiz, Tucson, Arizona

Jane Scott, Charlotte, N.C.

Dan Seale, Lubbock, Texas

Dan Shapiro, Los Angeles, Cal.

Frank Southworth, Denver, Colorado

Ed Studley, Boston, Mass.

James Venema, New Castle, DE.

Nancy Yotts, Boston, Mass.



October 21, 1981

*copy*

Dear Mrs. Haws:

Thank you for your August 26 letter to the President, forwarded to the White House by Congresswoman Oakar, and also your September 7 letter discussing your work with the National Association of Neighborhood Schools.

The President is very concerned about the issues you have discussed regarding forced busing. Regrettably, because of the heavy demands on his schedule, it is not possible for him to meet personally with you and your associates. However, he is appreciative of your efforts.

Best wishes.

Sincerely,

Gregory J. Newell  
Special Assistant  
to the President

Mrs. Joyce Haws  
The National Association  
for Neighborhood Schools, Inc.  
of Greater Cleveland  
Post Office Box 09132  
Cleveland, OH 44109

cc w/cy of inc: Red Cavaney/FYI  
cc: M. Friedersdorf ✓  
GJN:cv:emb-14b

9

September 16, 1981

Dear Ms. Oakar:

This is to thank you for your letter of September 8 on behalf of Mrs. Joyce Haws and the National Association for Neighborhood Schools, which has requested a meeting with the President.

Please be assured that your correspondence has been directed to the prompt attention of the President's Scheduling Office, where I am sure it will receive every consideration.

With cordial regard, I am

Sincerely,

Max L. Friedersdorf  
Assistant to the President

The Honorable Mary Rose Oakar  
House of Representatives  
Washington, D.C. 20515

MLF:CMF:MDB

cc: w/copy of incoming to Greg Newell - for further action

WH RECORDS MANAGEMENT HAS RETAINED ORIGINAL INCOMING

MARY ROSE OAKAR  
20TH DISTRICT, OHIO

DISTRICT OFFICE:  
523 FEDERAL COURT BUILDING  
215 SUPERIOR AVENUE  
CLEVELAND, OHIO 44114  
(216) 522-4927

WASHINGTON OFFICE:  
107 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-5871

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

COMMITTEES:  
BANKING, FINANCE  
AND URBAN AFFAIRS  
POST OFFICE AND CIVIL SERVICE  
SELECT COMMITTEE ON AGING

*Chair, Task Force on Social  
Security and Women*

September 8, 1981

President Ronald Reagan  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

039045

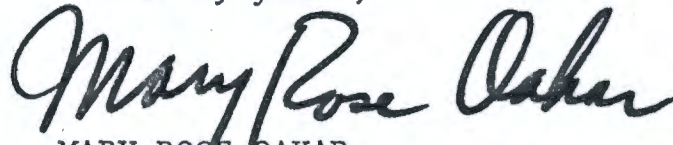
Dear President Reagan:

The National Association for Neighborhood Schools (NANS) and Mrs. Joyce Haws have asked for a meeting with you.

Mr. President, we know of your courageous views on the issue of Court-ordered busing. I urge you to meet with the members of this credible Institution.

Enclosed please find a copy of the letter which Mrs. Haws has written to you.

Sincerely yours,

  
MARY ROSE OAKAR  
Member of Congress

MRO: re  
Encl.

# NANS of Greater Cleveland

affiliated with The National Association for Neighborhood Schools, Inc.

P. O. Box 09132, Cleveland, Ohio 44109

Answering Service: 216/749-6811

Recorded Bulletin: 216/749-0389

Phone (216) 398-4667

*mn  
for we discuss?  
TR 9/14*

*including*

**REC'D**  
DATE 9/15  
with TR  
info copy to  
Red Cooney

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President Ronald Reagan  
The White House  
Washington, D.C.

Dear President Reagan:

This letter stating our concerns is to my President. Copies are being mailed to the Justice Department and other officials. This copy is for the President.

In two days we begin another school year of chaos. The news media blames the chaos on dual administration and recommends appointment of one administrator over everything. That appointment, of course, would be made by the federal judge; and we would then be under TOTAL dictatorship with no one to even appeal for our rights. And the news media will not let us be heard. When they interview parents and students, they are hand-picked and coached. I have been a victim of this "coaching." They question you and question you until you are talking about something far different from what you intended. And then a totally twisted, unrecognizable version comes out in print or on TV or radio.

You promised, Mr. Reagan. The Republican Party platform promises. We elected you and other Republicans with great hopes.

Yet your Justice Department's opinion is that Senator Helms' anti-busing amendment was unconstitutional. Your Max Friedersdorf was quoted as saying you would not lobby Congress in favor of anti-busing legislation. Edwin Meese III stated that your administration is not looking favorable at attempts to strip the courts of the authority to order busing. And William Reynolds stated that he opposed stripping the courts of jurisdiction to order busing. Your Department of Justice prepared a memorandum opposing legislation aimed at stripping the courts of jurisdiction to order busing, and they issued a position paper opposing congressional efforts to prevent the department from using its appropriation to advocate and pursue busing orders in court. Robert McConneall, your Justice Department's chief lobbyist, reportedly had to be restrained from lobbying the Congress in favor of racial balance busing.

Why have you met with proponents of forced busing, such as the NAACP, The Urban League etc. as well as with radicals from "Gay Rights" and militant feminist movements and yet still have not met with NANS?

Mr. President, we are so tired of this chaos, this dictatorship, this waste, this cruelty to parents and children. MR. REAGAN, YOU SAID YOU WERE AGAINST FORCED BUSING. WHAT WILL YOU DO ABOUT IT?

cc: Edwin Meese III, James Baker, Lynn Nofziger, Morton Blackwell, William French Smith, Edward Schmults, William Bradford Reynolds, Robert D'Agostino Esq., Terrel Bell, Mary Rose Oakar, Ron Mottl, Howard Baker, Robert Michel, Paul Lexalt, and other interested parties

Very truly yours,

*Joyce Haws*

Mrs. Joyce Haws

for the officers and members of the Cleveland area NANS affiliate

Our goals: To peacefully & legally stop both 'forced busing' and federal intervention in schools. We are a non-profit, Ohio corporation, chartered in 1976 as: "Citizens for Neighborhood Schools, Inc."



3905 Muriel Avenue  
Cleveland, Ohio 44109  
August 26, 1981

Dear President Reagan:

I am just starting a fifth year in which I am paying nearly \$1,000 to keep our child in private school rather than endanger her life on a wild ride on a school bus on Cleveland freeways to a school miles away where she can no longer get an education because our schools have been destroyed. The teachers cannot, dare not, discipline, and our money for books, equipment and personnel has been thrown away on the whims of dictators - a school in which she would not be safe because of the lack of discipline.

I just read where a federal judge in St. Louis ordered 18 county school districts to be involved in St. Louis busing by naming them defendants, without ever a day in court. The same thing happened several years ago in Wilmington, Delaware. I just read that the court-appointed desegregation dictator in Cleveland ordered pay raises for his people and that the school treasurer and school board members have been summoned to court for possible contempt-of-court charges for rebelling against our tax money being spent this way without school board authorization. (He hired these people without school-board authorization too, and the federal judge here ruled he had the authority to hire without board approval.)

It goes on and on and on. For all these years I have been unable to buy the necessary things for our household...because I have spent the extra money on tuition and helping to support the National Association for Neighborhood Schools (NANS) - trying to stop dictatorship - trying to get those we elect to do their jobs.

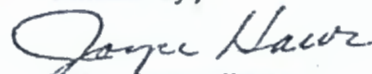
The news media refuses to admit we exist. We have to spend money to be our own news media with flyers, a recorded phone message, etc. We have to spend our days and nights passing out flyers and working on fund raisers to support what we do.

People have told me they will not write to their senators and congressmen because they are afraid of the government. Teachers sneak us a dollar or two and tell us they are afraid to even write a check to us for fear of their jobs. We sold candy to raise money, and people were afraid to fill out an order for the candy. A local grocery chain offers "benefit days" to organizations and gives 5% of one's grocery order to that organization. The customer presents an authorization slip which he must sign. A teacher told me yesterday she couldn't do it because she had to sign this slip - and whispered to me, "I work for the school board." Priests and pastors say to us, "We agree with you, but we can't say anything, you know." We hear, "I wish I could help, but I am afraid of my job." We hear, "It won't do any good. Politicians do what they want." We try to get people to register to vote. Many refuse because they are afraid. That is true, Mr. Reagan.

Why won't you meet with NANS officers and help us plan how we can end this disaster immediate You have met with our enemy. Why worry about the economy and the federal budget if we allow our nation to fall to dictatorship and our schools, containing the future of this nation, to be taken over and used for purposes that are un-American. Why worry about protecting our shores with military might and allow us to fall within. How can you allow a situation in which Americans are afraid to even work for what should be their rights?

Please give this issue priority attention. Please meet with NANS officials. This is a personal letter, but I am enclosing a sheet of our letterhead.

Sincerely,

  
Mrs. Joyce Haws  
(216) 398-4667

April 3, 1981

*com*

Dear Senator Metzenbaum:

On behalf of the President I would like to thank you for your March 23 letter on behalf of Mrs. Joyce Haws of the National Association for Neighborhood Schools.

The President appreciates your interest in his meeting with the members of NANS, but regrettably, due to heavy demands of his schedule, he will not be able to comply with that request at this time.

In the meantime, Secretary Bell is seeing this group on the President's behalf.

With cordial regard, I am

Sincerely,

Max L. Friedersdorf  
Assistant to the President

The Honorable Howard M. Metzenbaum  
United States Senate  
Washington, D.C. 20510

MLF:CMF:KIR:kir

cc: Greg Newell - FYI ✓

↩

PETE V. DOMENICI, N. MEX., CHAIRMAN

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RUDY BOSCHWITZ, MINN.  
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J. JAMES EXON, NEBR.

# United States Senate

COMMITTEE ON THE BUDGET  
WASHINGTON, D.C. 20510

STEPHEN BELL, STAFF DIRECTOR  
LIZABETH TANKERSLEY, MINORITY STAFF DIRECTOR

March 23, 1981

016156

The President  
The White House  
Washington, D.C.

Dear Mr. President:

I have received a request from the Ohio office of the National Association for Neighborhood Schools. My constituents have asked me to convey to you their desire to have you meet with top officials of NANS to discuss the busing issue. This is a dedicated group of concerned citizens and I would recommend your meeting with them.

Mrs. Joyce Haws of the NANS Communication Office, 3905 Muriel Avenue, Cleveland, Ohio, would be happy to provide any additional information you deem necessary.

I appreciate your consideration of this request.

Very sincerely yours,



Howard M. Metzenbaum  
United States Senator

HMM:sc



THE SECRETARY  
WASHINGTON, D.C. 20202

006700

1230

PR007

MAR 13 1981

*COOK*

x  
Ms. Kaye C. Cook  
x Secretary  
National Association for  
Neighborhood Schools, Inc.  
1879 Cedar Willow Drive  
Columbus, Ohio 43229

Dear Ms. Cook:

The White House has referred to me a copy of your January 27 letter to President Reagan.

I regret that the President's schedule is such that he is unable to meet with the National Association for Neighborhood Schools, Inc. at this time; but, as you can imagine, the demands on his time are enormous.

Within the Department of Education I am finding much of my own time consumed with budget matters, Congressional hearings, organizational structure and the day-to-day management of the Department. However, if you and the other members of your Association feel that a meeting with me would be helpful, I would be pleased to spend some time with you. The best way to arrange such a meeting would be for you either to write or telephone my Scheduling Director, Ms. Sue DeLaney. She can be reached by telephone at 202/472-5640, or by letter at Room 4181, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Thank you for taking time to write to President Reagan requesting the meeting and letting him know of your support. I look forward to meeting with representatives of your organization if you decide that would be helpful.

Sincerely,

T.H. Bell



*T.C.*

THE SECRETARY  
WASHINGTON, D.C. 20202

*Greg*  
*FYT*

March 10, 1981

MEMORANDUM FOR GREGORY J. NEWELL

SUBJECT: Scheduling Request

Attached is a copy of my letter to Ms. Kaye Cook, Secretary of the National Association for Neighborhood Schools, Inc., who had written to the President requesting an appointment for representatives of her group. I will let you know if we do indeed meet.

*T.H. Bell*

T.H. Bell

attachment

cc: Craig Fuller

March 3, 1981

Dear Ron:

This will acknowledge receipt of your February 20 letter requesting a meeting with the President on behalf of the National Association for Neighborhood Schools.

In your letter you mentioned the valiant effort of Mrs. Joyce Haws to see that children are allowed to attend their neighborhood school. Mrs. Haws' interest in discussing the matter of busing with the President has been noted, and I have forwarded your correspondence to the President's Scheduling Office so that it can be given careful consideration.

With cordial regard, I am

Sincerely,

Max L. Friedersdorf  
Assistant to the President

The Honorable Ronald M. Mottl  
House of Representatives  
Washington, D.C. 20515

MLF:CMF:KIR:kir

cc: w/inc to Greg Newell - for further handling

cc: w/copy of inc to Nancy Kennedy - FYI

THE WHITE HOUSE  
WASHINGTON

Feb. 6, 1981

MEMORANDUM

TO: TERRELL H. BELL  
FROM: GREGORY J. NEWELL  
VIA: CRAIG FULLER  
SUBJ: SCHEDULING REQUEST

THE ATTACHED REQUEST FOR A MEETING WITH THE PRESIDENT AND THE PRESIDENT OF THE NATIONAL ASSOCIATION OF NEIGHBORHOOD SCHOOLS, HAS BEEN REGRETTEED, AND IS FORWARDED TO YOU FOR WHATEVER DISPOSITION YOU MAY DEEM APPROPRIATE.

PLEASE ADVISE THIS OFFICE OF ANY ACTION YOU TAKE ON THIS REQUEST.

RONALD M. MOTT  
23RD DISTRICT, OHIO

COMMITTEES:  
VETERANS' AFFAIRS

SUBCOMMITTEES:  
SPECIAL INVESTIGATIONS (CHAIRMAN)  
MEDICAL FACILITIES AND BENEFITS

INTERSTATE AND FOREIGN  
COMMERCE

SUBCOMMITTEES:  
OVERSIGHT AND INVESTIGATIONS  
COMMUNICATIONS

SUBURBAN CAUCUS  
FOUNDER AND CO-CHAIRMAN

Congress of the United States  
House of Representatives  
Washington, D.C. 20515  
February 20, 1981

WASHINGTON OFFICE:  
1232 LONGWORTH HOUSE OFFICE BUILDING  
TELEPHONE: (202) 223-5731

DISTRICT OFFICES:  
2951 FEDERAL OFFICE BUILDING  
CLEVELAND, OHIO 44199  
TELEPHONE: (216) 522-4382

14812 DETROIT AVENUE, #207  
LAKEWOOD, OHIO 44107  
TELEPHONE: (216) 522-7152

5393 PEARL ROAD  
PARMA, OHIO 44129  
TELEPHONE: (216) 888-3638

006700

Honorable Max L. Friedersdorf  
Assistant to the President for  
Congressional Liaison  
The White House  
Washington, D.C.

Dear Max:

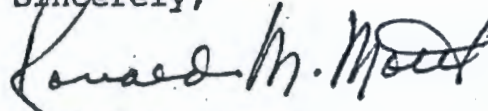
The National Association for Neighborhood Schools has been extremely helpful in my effort to amend the U.S. Constitution to allow every child the right to attend his neighborhood school.

One of the driving forces behind this national group is Mrs. Joyce Haws of Cleveland, Ohio.

She has asked me to attempt to set up a meeting between President Reagan and top officers of The National Association for Neighborhood Schools to discuss busing.

Anything you can do in behalf of this group will be greatly appreciated by me.

Sincerely,



RONALD M. MOTT  
Member of Congress

RMM/km



STOP FORCED BUSING



NATIONAL ASSOCIATION FOR NEIGHBORHOOD SCHOOLS, INC.

1879 Cedar Willow Dr.  
Columbus, Ohio 43229  
January 27, 1981

*regret  
pass info to  
Education*

OFFICERS & DIRECTORS:

- President: Wm. D. D'Onofrio, Wilmington, De.
- V.P.: Robert DePrez, Louisville, Ky.
- V.P.: Robert Shanks, Cleveland, Ohio
- Secretary: Kaye C. Cook, Columbus, Ohio
- Treasurer: Earl Stauffer, Columbus, Ohio
- George Armstrong, Louisville, Ky.
- Green Beatty, Pittsburgh, Pa.
- John Dannis, Warren, Mich.
- Royce DeHaven, Dallas, Texas
- Roy Eisel, Omaha, Nebraska
- Glenn Farrell, Nashville, Tenn.
- John Glascott, Paterson, N.J.
- Royce Haws, Cleveland, Ohio
- John Kelly, Boston, Mass.
- William Lynch, Austin, Texas
- Jackie LeVine, Los Angeles, Cal.
- Robby Ruiz, Tucson, Arizona
- John Schlipp, Mount Pleasant, Mich.
- John Seale, Houston, Texas
- John Shapiro, Los Angeles, Cal.
- Frank Southworth, Denver, Colorado
- John Studley, Boston, Mass.
- James Vanama, New Castle, De.
- Janey Yotts, Boston, Mass.

President Ronald Reagan  
The White House  
Washington, D. C.

Dear Mr. President:

It is ironic that with Iran's attempt to humiliate President Carter and the American people by not releasing the prisoners until you had taken office, they achieved something totally opposite to their intent - - the American people are more united than ever. Americans are feeling a renewed, and much needed, sense of patriotism and it does, indeed, seem like "a new beginning."

In keeping with this "new beginning", it would now be beneficial to turn our efforts towards freeing the nation's school children - our future leaders - from the most destructive social policy ever; forced busing to achieve a racial balance.

We, as leaders of the nation's foremost anti-busing group, would like to meet with you to discuss this most serious and multi-faceted problem. We realize your schedule is tight but we sincerely feel that you can and should take the time to meet with us, as you have met with pro-busers. Also, Mr. President, NANS leaders strongly supported you and many of us worked hard for your election in our various local areas.

Our prayers are with you and we sincerely believe that, under your leadership, Americans can trust in a new beginning. We look forward to a favorable response from you soon.

Sincerely,  
NANS, INC.  
*Kaye C Cook*  
Kaye C. Cook  
Secretary

cc: William D. D'Onofrio

president's office  
1800 W. 8th St.  
Wilmington, DE 19305

communications office  
3905 Muriel Ave.  
Cleveland, OH 44109

membership office  
4431 Okell Rd.  
Columbus, OH 43224

STOP FORCED BUSING



## CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES

WASHINGTON, D.C. 20515

125 CHENOWETH LANE  
ST. MATTHEWS, KENTUCKY 40207  
502-893-6939COMMITTEES:  
PUBLIC WORKS AND  
TRANSPORTATION  
MERCHANT MARINE AND  
FISHERIES

January 21, 1981

CONGRESSIONAL  
LIAISON

JAN 26 1981

The President  
The White House  
Washington, D.C. 20500

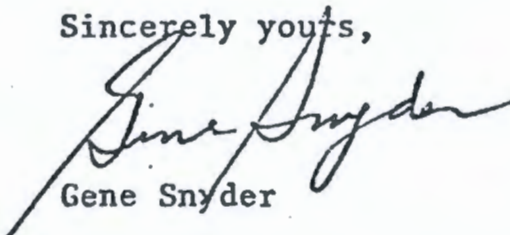
Dear Mr. President:

I am writing on behalf of the National Association of Neighborhood Schools. Although I have not had much involvement with the national organization itself, I have worked closely with members of the local chapter and can vouch for their interest in the public school system, for their motivation, and for their sensible approach to the highly volatile issues in public education today.

I do think it would be beneficial, if you could arrange to meet with the President of the National Association of Neighborhood Schools, Mr. William D'Onofrio, at your earliest convenience. Anything that could be done to work such a meeting into your schedule would be most appreciated.

With best wishes, I am

Sincerely yours,



Gene Snyder

GS:scy

THE WHITE HOUSE  
WASHINGTON

November 17, 1981

EHD	<i>[Handwritten initials]</i>
RC	<i>[Handwritten initials]</i>
JB	<i>[Handwritten initials]</i>
DL	<i>[Handwritten initials]</i>

MORTON

Copies to  
- Morton  
- Davis  
- The Hon  
- HZ

MEMORANDUM FOR RED CAVANEY

FROM: RICHARD A. HAUSER *[Handwritten initials]*

SUBJECT: Letter dated September 24, 1981 from  
Bradford Reynolds to Morton Blackwell

The above-referenced letter sets forth the Administration's position on the subject of busing. I would not disseminate the letter; however, it would not be inappropriate for you to adopt the substance of the letter for wider distribution bearing in mind the constraints of the anti-lobbying laws. Because Brad Reynold's words were carefully chosen and in many instances constitute words of art, you should be careful not to deviate from the policy statements as set forth in the letter.

I have requested the Department of Justice to forward Brad's testimony before the Subcommittee on Separation of Powers, Committee on the Judiciary, United States Senate on October 16, 1981 concerning desegregation of public schools and the use of forced busing. I will provide you with copies of that testimony upon its arrival.

NOV 17 1981

THE WHITE HOUSE

WASHINGTON

November 14, 1981

MEMORANDUM FOR RICHARD HAUSER

FROM: RED CAVANEY 

SUBJECT: Attached Draft

Attached is an earlier statement provided to Morton Blackwell, of our office, by Brad Reynolds at Justice. We are under a great deal of pressure to put forth more on the subject of busing than we have in the past.

Brad has suggested the attached. I would appreciate your review of this and advice as to when and in what form we might use the attached.

Thank you.

*Copy of  
Reynolds Testimony  
on Busing*

Attachment



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

September 24, 1981

Mr. Morton Blackwell  
Special Assistant to the  
President  
The White House  
Washington, D.C. 20500

Dear Mr. Blackwell:

I understand that you have requested a brief statement of current Department of Justice policy in school cases.

Our policy in the educational area is representative of civil rights policy generally. This Department is committed to the vigorous and forceful enforcement of the laws in all civil rights areas, including school desegregation. At the same time, we do not intend to continue some of the practices of prior administrations in the remedial phase of litigation. The government's proper role as an advocate of civil rights enforcement is not to insist upon overbroad class remedies aimed at trying to restructure social patterns rather than remedy specific violations. We should seek through the courts measured relief that is tailored to redress the actual violation and any injury actually suffered by identifiable victims of past discrimination on the basis of race, color, sex or national origin. To this end, we will, in school cases as in all other cases handled by this Division, refrain from seeking race-conscious or sex-conscious remedies solely for the purpose of achieving a particular racial balance in the classroom.

Reference to Attorney General William French Smith's address before the American Law Institute in May of this year is an appropriate starting point in explaining our current civil rights policy. He there stated that:

It is basic to the very idea of America  
that discrimination on the basis of race

must be eliminated and the effects of prior discrimination must be effectively remedied. In both respects, the history of government action has been less than satisfactory.

For most of our life as a Nation, government has differentiated between individuals on the basis of race. First, to further segregation. Later, to remedy segregation and its effects. In both instances, discrimination by government on the basis of race has divided our people and retarded the development of a just society. The ideals of America require that, one day, all government action must be color-blind. When that day comes, the injuries to individuals would be redressed by government on the basis of the actual deprivations suffered by the affected individuals. Ultimately, in a just society, government must not require either racial balance or racial separation -- and government must not guarantee any individual a result based upon his or her race.

Consistent with this overarching philosophy, the Department will, on a finding by a court of de jure segregation of the public schools, insist upon a desegregation remedy that includes the following three components: (i) removal of all state-enforced barriers to open access to public schools, (ii) insurance that all children are provided equal opportunities to obtain a quality education regardless of race, and (iii) any appropriate individual relief.

Mandatory transportation of students is not a remedy that the Department of Justice believes has addressed the above needs in a meaningful way in past years. The Attorney General commented on this in his May speech as follows:

The results of studies aimed at determining the benefits of busing to educational achievement are at best mixed. Some studies have found negative effects on achievement. Other studies indicate that busing does not have positive effects on achievement and that other considerations are more likely to produce significant positive influences.

In addition, in many communities where courts have implemented busing plans, resegregation has occurred. In some instances upwardly mobile whites and blacks have merely chosen to leave the urban environment. In other instances, a concern for the quality of the schools their children attend has caused parents to move beyond the reach of busing orders. Other parents have chosen to enroll their children in private schools that they consider better able to provide a quality education. The desertion of our cities' school systems has sometimes eliminated any chance of achieving racial balance even if intra-city busing were ordered.

All of these considerations point to the need for more innovative and practical approaches to achieve equal education opportunity. Mandatory busing is not an effective educational remedy, and in many cases it has also proven counter-productive.

The Department is currently working on the development of such new approaches. No single factor provides the answer; nor does there seem to be a particular combination of factors that offers the perfect formula for all cases. But some elements of a desegregation plan that seem to hold out promise for success include: voluntary student transfer programs; magnet schools; enhanced curriculum requirements; faculty incentives; school closings where there is excess capacity and new construction in an overcrowded school system; some adjustments to district lines; and alteration of existing feeder patterns.

The watchword in selecting any or all of the above components -- or indeed resorting to others that may be suggested -- is equal educational opportunity. We want to be certain, whatever the ultimate racial composition in the classroom, that all students attending public schools, regardless of race, color or ethnic background, will have the opportunity to receive a comparable quality education. We are more concerned, quite simply, with student education than we are with student relocation. Using the best educational minds available, our school desegregation plans will be drawn to reflect that concern.

Pursuant to the Department's civil rights policies, we are overseeing the development of a school plan in Chicago that will enhance educational opportunities for all students; have participated in a satisfactory resolution of the Marshall, Texas, school case; and are working in a cooperative effort with several other districts on curing violations without unnecessarily disrupting the neighborhood school system. This change of position from prior administrations is reflected perhaps most pointedly in our recent memorandum filed with the Supreme Court in Seattle v. Washington, No. 81-9 (September 10, 1981). The Department there has argued that a state-wide initiative favoring neighborhood schools over mandatory student transportation should be upheld as constitutional (contrary to the Department's position in the lower courts arguing against the constitutionality of the initiative).

One final element of the Department's school policy deserves attention before closing. A number of school systems are now under court order to cure constitutional violations, and many of these orders require mandatory assignment of students to distant schools. In the absence of legislation, we would not anticipate routinely joining in requests to have such busing orders set aside. They may reflect unwise policy, but they are not per se unlawful. The Department will thus continue to insist that each objecting school district demonstrate it is legally entitled to the relief it seeks.

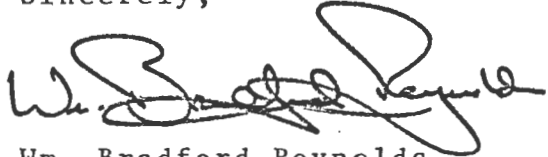
In general, there are two ways for a school system operating under a court-approved desegregation plan to obtain release from or modification of such plan. First, it may move the court which retains jurisdiction over the remedial decree to declare the school system unitary on a showing that the vestiges of the past unlawful practices have been removed. See, e.g., United States v. State of Texas (San Felipe-Del Rio Consolidated, I.S.D.), 509 F.2d 192 (5th Cir. 1975); Youngblood v. Board of Public Instruction, 448 F.2d 767 (8th Cir. 1971). Second, such a school system may move the court to modify the present plan by showing that changed circumstances justify the substitution of a plan preferred by the school system. It must be demonstrated, however, that the remedial goals of the original court decree can be served in an equally effective manner by the plan now proposed to be implemented. Cf. Ross v. Eckels, 434 F.2d 1140, 1148 (5th Cir. 1970) (Houston I.S.D.).



Under either standard, before endorsing release from an outstanding desegregation order, the Department, consistent with its general policy objectives in this area, will insist that the school system seeking relief is taking all steps necessary to insure that students in all public schools are receiving a comparable quality education, regardless of race, color or ethnic origin.

I trust that the foregoing discussion provides the information you were seeking. If I can be of further assistance to you in the articulation of the Department of Justice's civil rights policy, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. Bradford Reynolds". The signature is fluid and cursive, with a large, prominent initial "W".

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

cc: Fred F. Fielding  
Counsel to the President

Edward C. Schmults  
Deputy Attorney General