

Ford: Busing Move Up to Levi

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President Ford said yesterday that Attorney General Edward H. Levi would "make the decision" on whether to ask the Supreme Court to determine how much busing should be required to desegregate Boston's schools.

Levi and other key Justice Department officials met earlier with Sen. Edward W. Brooke (R-Mass.), who urged them to stay out of the Boston case lest they encourage

more anti-busing violence in that racially troubled city.

Mr. Ford's comment, in response to questions from reporters in the White House Rose Garden, seemed designed to defuse suggestions that he wanted to exploit the busing issue in the GOP primaries. Mr. Ford said he had done everything possible to keep busing from "emotional involvement in primary elections."

Pressure from pro-busing and anti-busing groups has been escalating in the wake of reports that the Justice

Department had tentatively decided to file a friend-of-the-court brief asking for Supreme Court review of the extensive Boston busing order by U.S. District Court Judge W. Arthur Garrity Jr.

Those reports have touched off widespread concern and controversy, raising hopes of Boston busing foes and stirring anger and anguish among civil rights leaders who oppose any effort to undercut past Supreme Court rulings.

See **BUSING, A5, Col. 1**

BUSING, From A1

President Ruth C. Clusen of the League of Women Voters, Chairman Arthur S. Flemming of the U.S. Civil Rights Commission, President David Hyatt of the National Conference of Christians and Jews, and some 500 community leaders attending a national desegregation conference here all issued statements yesterday opposing such a move.

Mr. Ford told reporters, "It is contemplated that sometime this week the Attorney General will come in and see me and tell me what his decision is. But he will make the decision."

Reports circulated earlier

in the day that Mr. Ford had indicated he might want a voice himself in whatever decision was reached on whether to intervene in the appeal of Judge Garrity's order.

White House press secretary Ron Nessen had quoted the President as telling Levi, "If after you've concluded your consideration of whether Boston is the proper case to raise the busing issue with the courts... you want to tell me your conclusion, I'd be happy to see you."

The President's comment later appeared to scotch speculation that what he told Levi meant he wanted

to have the final say on the Boston decision.

At the Justice Department, spokesman Robert J. Havel added: "I don't think there's any question at all" that it would be Levi's decision.

Brooke told reporters after his 90-minute meeting with Levi that he was "concerned about violence in my city." If the Justice Department lined up on the side of the anti-busing forces, he said, "It might give heart and encouragement to those who have been guilty of violence in Boston."

The senator also told department officials that Garrity's order, in effect this

school year, was clearly in line with existing legal principles given the findings of widespread discrimination in Boston schools. He added that there would be busing in the city anyway, even if Garrity's order were modified.

Brooke said afterward he had been "assured by the Attorney General that the decision has not been made" on whether to enter the Boston appeal case. He added, "I am not encouraged, nor am I discouraged."

The Justice Department earlier this year had weighed—but then rejected—the possibility of inviting the Supreme Court to reconsider its past busing rulings

when the justices reviewed a Pasadena, Calif., desegregation order.

Nessen disclosed Tuesday that Mr. Ford had told Levi last November to look for a way to ask the high court to "reexamine busing" as a school desegregation remedy. Nessen said that directive was behind the department's current study of the Boston case.