

Excerpts From Nixon's Message to Congress Calling

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WASHINGTON, March 17 (UPI)—Following are excerpts from President Nixon's message on busing delivered to Congress today:

The maze of differing and sometimes inconsistent orders by the various lower courts has led to contradiction and uncertainty, and often to vastly unequal treatment among regions, states and local school districts. In the absence of statutory guidelines, many lower court decisions have gone far beyond what most people would consider reasonable, and beyond what the Supreme Court has said is necessary in the requirements they have imposed for the reorganization of school districts and the transportation of school pupils.

All too often, the result has been a classic case of the remedy for one evil creating another evil. In this case, a remedy for the historic evil of racial discrimination has often created a new evil of disrupting communities and imposing hardships on children—both black and white—who are themselves wholly innocent of the wrongs that the plan seeks to set right.

New Orders Would Stop

The 14th Amendment to the Constitution — under which the school desegregation cases have arisen—provides that "the Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

Until now, enforcement has been left largely to the courts which have operated within a limited range of available remedies, and in the limited context of case law rather than of statutory

law. I propose that the Congress now accept the responsibility and use the authority given to it under the 14th Amendment to clear up the confusion which contradictory court orders have created, and to establish reasonable national standards.

The legislation I propose today would accomplish this.

It would put an immediate stop to further new busing orders by the Federal Courts.

It would enlist the wisdom, the resources and the experience of the Congress in the solution of the vexing problems involved in fashioning school desegregation policies that are true to the constitutional requirements and fair to the people and communities concerned.

It would establish uniform national criteria, to ensure that the Federal courts in all sections and all states would have a common set of standards to guide them.

These measures would protect the right of a community to maintain neighborhood schools—while also establishing a shared local and Federal responsibility to raise the level of education in the neediest neighborhoods, with special programs for those disadvantaged children who need special attention.

At the same time, these measures would not roll back the Constitution, or undo the great advances that have been made in ending school segregation, or undermine the continuing drive for equal rights.

There are some people who fear any curbs on busing because they fear that it would break the momentum of the drive for equal rights for blacks and other minorities. Some fear it would go further, and that it would set in

motion a chain of reversals that would undo all the advances so painfully achieved in the past generation.

It is essential that whatever we do to curb busing be done in a way that plainly will not have these other consequences. It is vitally important that the nation's continued commitment to equal rights and equal opportunities be clear and concrete.

An Emotional Undercurrent

On the other hand, it is equally important that we not allow emotionalism to crowd out reason, or get so lost in symbols that words lose their meaning.

One emotional undercurrent that has done much to make this so difficult an issue, is the feeling some people have that to oppose busing is to be anti-black. This is closely related to the arguments often put forward that resistance to any move, no matter what, that may be advanced in the name of desegregation is racist." This is dangerous nonsense.

For most Americans, the school bus used to be a symbol of hope—of better education. In too many communities today, it has become a symbol of helplessness, frustration and outrage—of a wrenching of children away from their families, and from the schools their families may have moved to be near, and sending them arbitrarily to others far distant.

Busing for the purpose of desegregation was begun—mostly on a modest scale—as one of a mix of remedies to meet the requirements laid down by various lower Federal courts for achieving the difficult transition from the old dual school system to a new, unitary system.

But in the past 3 years,

progress toward eliminating the vestiges of the dual system has been phenomenal—and so too has been the shift in public attitudes in areas where dual systems were formerly operated. In state after state and community after community, local civic, business and educational leaders of all races have come forward to help make the transition peacefully and successfully. Few voices are now raised urging a return to the old patterns of enforced segregation.

At the same time, there has been a marked shift in the focus of concerns by blacks and members of other minorities. Minority parents have long had a deep and special concern with improving the quality of their children's education. For a number of years, the principal emphasis of this concern—and of the nation's attention—was on desegregating the schools.

Now that the dismantling of the old dual system has been substantially completed there is once again a far greater balance of emphasis on improving schools, on convenience, on the chance for parental involvement—in short, on the same concerns that motivate white parents—and, in many communities, on securing a greater measure of control over schools that serve primarily minority-group communities.

A Condition is Rejected

Moving forward on desegregation is still important—but the principal concern is with preserving the principle, and with ensuring that the great gains made since Brown, and particularly in recent years, are not rolled back in a reaction against excessive busing. Many black

for Moratorium and Permanent Restraints on Busing

leaders now express private concern, moreover, that a reckless extension of busing requirements could bring about precisely the results they fear most: A reaction that would undo those gains, and that would begin the unraveling of advances in other areas that also are based on newly expanded interpretations of basic constitutional rights.

Also, it has not escaped their notice that those who insist on system-wide racial balance insist on a condition in which, in most communities, every school would be run by whites and dominated by whites, with blacks in a permanent minority — and without escape from that minority status. The result would be to deny blacks the right to have schools in which they are the majority.

As we cut through the clouds of emotionalism that surround the busing question, we can begin to identify the legitimate issues.

Concern for the quality of education a child gets is legitimate.

Concern that there be no retreat from the principle of ending racial discrimination is legitimate.

Concern for the distance a child has to travel to get to school is legitimate.

Concern over requiring that a child attend a more distant school when one is available near his home is legitimate.

Concern for the obligation of Government to assure, as nearly as possible, that all the children of a given district have equal educational opportunity is legitimate.

Concern for the way educational resources are allocated among the schools of

a district is legitimate.

Concern for the degree of control parents and local school boards should have over their schools is legitimate.

Against this background, the objectives of the reforms I propose are:

¶To give practical meaning to the concept of equal educational opportunity.

¶To apply the experience gained in the process of desegregation, and also in efforts to give special help to the educationally disadvantaged.

¶To ensure the continuing vitality of the principles laid down in Brown versus Board of Education.

¶To downgrade busing as a tool for achieving equal educational opportunity.

¶To sustain the rights and responsibilities vested by the states in local school boards.

In times of rapid and even headlong change, there occasionally is an urgent need for reflection and reassessment. This is especially true when powerful, historic forces are moving the nation toward a conflict of fundamental principles — a conflict that can be avoided if each of us does his share, and if all branches of government will join in helping to redefine the questions before us.

The Congress has both the constitutional authority and a special capability to debate and define new methods for implementing constitutional principles. And the education, financial and social complexities of this issue are not, and are not properly, susceptible of solution by individual courts alone or even by the Supreme Court alone.

I propose, therefore, that

the Congress act to impose a temporary freeze on new busing orders by the Federal courts to establish a waiting period while the Congress considers alternative means of enforcing 14th Amendment rights. I propose that this freeze be effective immediately on enactment, and that it remain in effect until July 1, 1973, or until passage of the appropriate legislation, whichever is sooner.

This freeze would not put a stop to desegregation cases; it would only bar new orders during its effective period, to the extent that they ordered new busing.

This, I recognize, is an unusual procedure. But I am persuaded that the Congress has the constitutional power to enact such a stay, and I believe the unusual nature of the conflicts and pressures that confront both the courts and the country at this particular time requires it.

It has become abundantly clear, from the debates in the Congress and from the upwelling of sentiment throughout the country, that some action will be taken to limit the scope of busing orders. It is in the interest of everyone — black and white, children and parents, school administrators and local officials, the courts, the Congress and the executive branch, that while this matter is being considered by the Congress we not speed further along a course that is likely to be changed.

The legislation I have proposed would provide the courts with a new set of standards and criteria that would enable them to enforce the basic constitutional guarantees in different ways.

A stay would relieve the pressure on the Congress to act on the long-range legislation without relief from a course that increasing millions of Americans are finding intolerable, it would allow the debate on permanent solutions to proceed with less emotion and more reason.

A Number of Proposals

There are now a number of proposals before the Congress, with strong support, to amend the Constitution in ways designed to abolish busing or to bar the courts from ordering it.

These proposals should continue to receive the particularly thoughtful and careful consideration by the Congress that any proposal to amend the constitution merits.

It is important to recognize, however, that a constitutional amendment—even if it could secure the necessary two-thirds support in both houses of the Congress—has a serious flaw: it would have no impact this year; it would not come into effect until after the long process of ratification by three-fourths of the state legislatures. What is needed is action now; a constitutional amendment fails to meet this immediate need.

Legislation meets the problem now. Therefore, I recommend that as its first priority the Congress go forward immediately on the legislative route. Legislation can also treat the question with far greater precision and detail than could the necessarily generalized language of a constitutional amendment, while making possible a balanced comprehensive approach to equal educational opportunity.