

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

March 5, 1970

FOR THE STAFF SECRETARY

I am asked to comment on Mr. Buchanan's article of January 30 and an enclosed article from the National Observer treating with three subjects. 1. Resegregation. 2. The Coleman Report. 3. Alexander Bickel's new book The Supreme Court and the Idea of Progress.

(1) Resegregation. The data strike me as about right. There is a "tipping point" in schools as there is neighborhoods. After the proportion of Negroes in a school or community, or housing project, passes the 30 percent to 40 percent zone (or something like that -- the data are scarce) there is a precipitous white withdrawal.

The reasons for this are complex. Partly racial fear and dislike. But also, perhaps in larger part, the fact that so many blacks are lower class in income, education, and life style. Working class and middle class persons seek to avoid lower class groups whatever their color.

Moral. No integration plan will succeed if schools are allowed to pass this tipping point. That is to say, where it cannot be prevented, do not expect integration. Where it can be prevented, do so.

(2) The Coleman Report. This is the report on Equality of Educational Opportunity commissioned by the Civil Rights Act of 1964 and published in 1966. It is one of the fundamental research foundations of the President's Message to Congress on Elementary and Secondary Education. The findings of the Report are about as follows. Minority groups (save Orientals) do very much worse than whites in school, and blacks do worst of all. The gap between

minorities and whites is as great in the first grade as in the twelfth. Facilities for minority schools are not substantially different from those attended by the majority. In any event facilities seem to have little effect on school achievement. The most important "predictor" of educational achievement is the social class of the child's family. After that it is the social class of his school mates. Children from lower class families who go to middle class schools, in general, raise their level of achievement, without depressing that of their school mates. This is true both for blacks and whites, with a somewhat stronger effect among blacks. (About one-sixth of the gap between white and black educational achievement is eliminated by integration of this kind.)

It is also true that middle class children are harmed by attending schools in which there are a majority of lower class children.

Moral. Negro children, especially those who are academically gifted, should be enabled to attend majority white schools wherever possible. These are the children who most often come forward for voluntary bussing, and they are most often welcomed by the schools that receive them. The intolerable tragedy of housing segregation is that the bright Negro child (born at random, like most bright children) and the middle class Negro child are forced to attend schools which for the most part have a majority of lower class, low achieving students. If this was forced on white middle class parents, they would raise such unshirted hell the country would be paralyzed by the problem.

(3) Bickel. His new book is important: the first liberal revisionist view of the Warren Court. Bickel's basic point is that the nation is opting for a different future than the Warren Court envisaged. It saw an increasingly homogeneous society, and "implied that the public schools are charged with an equalizing, socializing, nationalizing -- assimilationist and secular -- mission, which dictates integration." There is an old saw about practicing capitalism for the poor and socialism for the rich. Bickel suggests the court set up a somewhat similar situation. The poor -- and working class -- would have no choice but send their children to integrated, standardized public schools where they would learn no religion, etc., while the rich could send theirs to private schools where they could indulge nameless snobberies and pray to untold dieties. Again, etc. He goes on to suggest that increasingly Americans have opted for a different future: one of diversity, ethnic awareness, and even a

measure of racial separatism. (Among many blacks as well as whites.) All this has made the Courts' decrees increasingly irrelevant to what Americans actually want. He adds, however, that the courts have not necessarily noted this. "All too many federal judges have been induced to view themselves as holding roving commissions as problem-solvers, and as charged with a duty to act when majoritarian institutions do not."

Moral. The United States is the only democracy in the world where courts deal with critical issues of public policy -- in Aaron Wildavsky's words, "sending down general pronouncements from on high and then leaving it to other men to pick up the pieces." Clearly the issue of school integration has got to be dealt with by the people actually involved. A Constitutional ban against enforced de jure segregation is clear and is not to be questioned. But beyond that, the process of allocating children to available schools has got to be a political, community process. We can help if we make our good faith clear. The problem is that there are people in the administration who clearly are not of good faith on the fundamental issue of racial equality. They are tampering with the integrity of the Presidency.

Daniel P. Moynihan