February 25, 1970

TO: MR. HARLOW

FROM: LAMAR ALEXANDER

The President wants you to write Governor Reagan a letter subtly disabusing him of the notion that the Los Angeles school situation is a federal rather than state responsibility. Haldeman's attached memo explains.

But Krogh's memo explains why it is a state responsibility.

Attached is Reagan's statement on the Los Angeles case sent over by Snofziger.

Finally, I have attached a draft letter. I used every way I could think of to make the point that state action is what is at issue.

LA:nb

Log P 294

(Draft of Harlow letter to Reagan -- by Alexander)

Dear Governor:

Following President Nixon's recent (February 19) telephone conversation with you, he asked that I look into the ruling of the Los Angeles Superior Court which would require compulsory bussing of school children throughout the Los Angeles City School system.

The President shares your deep concern about what effect this ruling, if upheld by higher state courts, will have upon the neighborhood school system in Los Angeles. He has said many times that he is totally opposed to using federal funds to pay for compulsory bussing to achieve racial balance in public schools; he believes, as you do, that the money used to buy and operate buses could be better spent to improve the quality of education in the schools.

From what I am able to find out, the best immediate hope for easing this difficult situation would be reversal or modification of the Superior Court order by higher state courts. Although I know enough not to try to predict what a court might do, it seems that chances of modification of the lower court ruling might be improved if the California State Board of Education were to rescind its rule requiring all school districts in the state to have an approximate racial balance in their schools. I refer to the rule that designates a school "racially imbalanced" if the minority group children in the school are in percentage more than 15 per cent greater than the ratio of that minority race

to the general population within the school district. The Superior Court Judge relied upon the State Board rule for requiring racial balance in the order he issued. Of course, even if the Board rule were reversed, the judge's finding of discrimination could still stand since it was based upon the Federal Constitution's 14th amendment. But a higher state court should be influenced if the state itself reverses or modified its own rule requiring racial balance in obvious response to a lower state court decision based in part on the rule.

With cordial regard,

Sincerely,

BNH