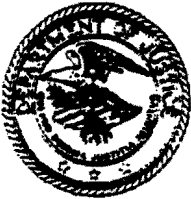


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Department of Justice

PRESS BRIEFING
OF
THE HONORABLE EDWARD H. LEVI
ATTORNEY GENERAL OF THE UNITED STATES

ON
THE SCHOOL DESEGREGATION STANDARDS
AND ASSISTANCE ACT OF 1976

12:00 noon
Thursday, June 24, 1976

Attorney General's Conference Room
U. S. Department of Justice
Washington, D. C.

P R O C E E D I N G S

THE MODERATOR: Mr. Levi will brief on Title I of the bill. And Secretary Matthews is holding a briefing over at HEW at 2:15 this afternoon on Title II.

ATTORNEY GENERAL LEVI: I don't know whether you have copies of the bill -- you do have copies.

I can run through what I regard as the principal points about the bill, and perhaps that would be the most helpful way to begin things.

There has always been an unanswered question, and it may remain still unanswered if this bill is enacted into law, as to whether official acts of segregation by officials which should be taken account of in school cases should only be the acts of those who have jurisdiction over the schools, such as the educational board or some other agency, or whether other official acts, as, for example, with respect to housing, if segregation should be taken into account.

As I say, I think that really has never been decided. If one looks at Section 3 of this bill, in connection with liability, you will find under (b)(1) the following provision: "That no order under Section 5 of this Title shall be based in whole or in part on an act or acts by a local, State or federal agency or officer other than the local or State education agency with jurisdiction over such schools, unless the court further finds, on the basis of evidence other

1 than the effects of such acts alone, that the act or acts were
2 committed for the specific purpose of maintaining, increasing
3 or controlling the degree of concentration by race, color or
4 national origin in the student populations of the schools."

5 So that what we have done is to say that there has
6 to be a finding of specific purpose to have an effect before
7 the operations of these other official agencies can be taken
8 into account under this bill, in this relief, with respect
9 to the schools.

10 But it does not mean that those other illegal acts should not be
11 dealt with. In fact, it would be the opposite; it would mean that those illegal
12 acts of segregation should be taken account of and should be remedied in pro-
13 ceedings which deal with those matters, such as housing and
14 so on.

15 This has more or less been suggested by the Supreme
16 Court itself, when it has said that there is only -- if I can
17 quote correctly -- so much baggage that one can compel the
18 schools to carry in making up for the illegal acts of segre-
19 gation outside the area of the schools themselves.

20 So that what we have done there -- we
21 think is recognition of what the law is, although we have
22 said that we think that if specific purpose can be shown
23 then it can be taken into account.

24 I think the most important provision in the bill is
25 Section 5, which is an attempt to state the theory of relief

in these cases. And I will read from the middle of that, so that perhaps by doing that, it will emphasize the language that we think is most important.

QUESTION: What page is that on?

ATTORNEY GENERAL LEVI: Well, I have a different copy, probably, than you do, and so I'm a little bit -- not only that, but when I say Section 5, I guess yours will say Section 105, probably.

So it's page 10 and it's 105(a).

Reading from the middle of that: "Accordingly, such relief/which is the relief to remedy the effects reasonably attributable to illegal acts of segregation.

"Accordingly, such relief shall be no more extensive than that reasonably necessary to adjust the composition by race, color or national origin of the particular school so affected, or, if that is not feasible, the over-all pattern in the school system so affected substantially to what it would have been in normal course, as determined pursuant to this section, had no such act or acts occurred."

Then, going to (c) under the same section:

"In any hearing conducted pursuant to subsection (b) of this section, the local or State education agency shall have the burden of going forward by the introduction of evidence concerning the degree to which the concentration by race, color or national origin in the student population of

particular schools, or the over-all pattern of student concentration by race, color, or national origin in the school system is reasonably attributable to factors other than the act or acts of unlawful discrimination found pursuant to section"-- I guess it is 103(b) of this Title.

"If such evidence is introduced, the findings required by subsection (b) of this section shall be based on conclusions and reasonable inferences from all of the evidence before the court, and shall not be based on a presumption drawn from the findings of liability made pursuant to section"-- I guess it is 103(b) of this Title, or otherwise;" that the concentration by race, color, or national origin in the student population of any particular school, or the over-all pattern of concentration in the school system as a whole is the result of acts of unlawful discrimination."

Now, this is the, as I say, I think the most important part of the bill. It contains, I have to say, our reading of the Supreme Court cases. It contains the arguments that the Department would have made if it had decided to file in the Boston case; that is, that we would have made as to the appropriate legal theory to be followed.

Some people, no doubt, will say that the Keyes case suggests that there is a presumption. We do not think that the Keyes case operates so that on a clear decision on the scope of relief, where the procedure is followed as in this case, that

that presumption would override a view of all of the evidence which would be presented to the court, and where, as in this bill, we have put the burden of going forward on the school board.

But, aside from that, the argument, I assume -- I know -- that it will be too difficult to determine what the normal pattern, absent illegal acts and their effects, in the area would have been.

At times, in the discussion of this bill as it was evolving, the point was made that it required a school-by-school analysis. As you can see, it does not. It does, if that is not feasible, require an analysis of what the pattern in the community would have been.

Now, this is a recognition that there are many factors which have nothing to do with acts of segregation, which determine clusters of population, relationships within population in terms of economic status or whatever, in a community.

And so that one would not normally expect a racial balance to be achieved in every school in many communities.

I have to say that to say that is not surprising; the Supreme Court has itself said that frequently.

We are saying that where there have been illegal acts, and this bill is clear on the point, that the illegal acts have to be stopped, and their conse-

quences have to be stopped. We don't think that that triggers the mechanism which says that one goes beyond the consequences to requiring a kind of integration in the schools, which would not normally, absent illegal acts, and with a mixture of populations occurring naturally, we don't think that one has to have a determined racial balance in every school.

Indeed, we think that it's very likely that, for the sake of all of the individuals in our society, that that kind of a requirement may be not helpful.

We know that it's a difficult problem to determine what it otherwise would be, that is, an approximation. We don't think that that's any more difficult than trying to find out what the effects of the illegal acts are, anyway, which is the present requirement, and we think that the school board should have the burden of going forward with the evidence, to show what it thinks would have occurred in normal course.

Of course, the whole bill is an attempt -- and at various places it states this -- to try to move things along so that after the Court has issued its orders, the normal course of events in the society under local control, and with good-faith obedience to the Court, will take over.

If you look at Section 106, that kind of mood is stated: "All orders entered under Section 105 of this Title shall

rely to the greatest extent practicable and consistent with effective relief on the voluntary action of school officials, teachers and students, and the court shall not remove from the local or State education agency its power and responsibilities to control the operations of the school, except to the minimum extent necessary to prevent unlawful discrimination by such agency, or to eliminate the present effects of acts of unlawful discrimination."

I don't suppose anyone would really argue with that. The district judges, about taking over, would say that they certainly agree with this, that the problem has been that there has been so frequently resistance from the school boards, and frequently there has been resistance.

A direction of this bill is to try to set a standard for relief, which we think clarifies, which states the theory which is in the Supreme Court cases, and to do it in a way which can give direction to the district courts and to move along the restoration of these communities, not only to get rid of the illegal effects, but then to have the normal course of events take over, always providing that that doesn't mean a return to illegal acts.

Section 107, which is the section which deals with court-imposed requirements for transportation, is probably the section which will be most talked about, I suppose. I should not read that, however, without noticing the definition

which is given for the transportation of students under (g) in, I guess, Section 102.

That definition, which is not an unusual one, is that transportation of students means "the assignment of students to public schools in such a manner as to require directly or indirectly the transportation of students in order to alter the distribution of students by race, color, or national origin among the schools, but does not include the assignment of any student to the school nearest or next nearest his or her residence, and serving the grade he or she is attending, even if the local or State agency providing the transportation to enable the students to reach that school."

So that when you talk about the effect of the limitation that is imposed on the requirement for court-ordered transportation, you have to take into account that it is not the definition which, to some extent, certainly, makes this less far-reaching.

What this provision says is that in all cases where there is this requirement of transportation, after the order has been given and has been maintained in good faith for three years, the court can add an additional two years. It can continue it without that limitation if it has not been handled in good faith, but can continue it for two years, and after there has in effect been five years of good-faith compliance, that is the end of the requirement for and the

permission for the court to order this transitional remedy, as it is viewed in this bill, except in extraordinary circumstances, resulting from failure or delay of other remedial efforts, or involving unusually severe residual effects of unlawful acts, in which case the court may continue the requirement in effect as a transitional means of last resort to such extent and for such limited periods as the court finds essential to allow other remedies to become effective.

We have tried very hard to balance the point that we think, and we believe the courts think, that this kind of transportation is supposed to be transitional; therefore, it should be limited in time but there may be situations where, for one reason or another, the other measures of relief, even though they have been observed in good faith, have not been able to be effective.

In that case, we think we have a rare case, an extraordinary case, and the court may -- but it is warned that this is transitional, and that the period should be one which is limited -- but it may continue it.

And there is also a provision which makes clear, which I think would have been clear anyway, that if there is a termination of the transportation and the court later finds that the local school agency has failed to comply in good faith with the other court orders with respect to desegregation,

or that other acts of unlawful discrimination have occurred, so that no other remedy then is sufficient, then the court may have to reimpose this required transportation, and it will have to do so then, again in going through the steps originally set forth.

There are two other provisions, or one other provision that I think I should mention. There is a provision which requires the court to notify the Attorney General of any proceeding to which the United States is not a party, in which required transportation may be required, or that it believes it may be necessary. The Attorney General then -- that means, of course, the Department of Justice -- may intervene as a full party or for a limited purpose. The limited purpose includes asking for the appointment of a mediator to assist the court, and the parties in the affected community; and, two, for the formation of a committee of community leaders to develop for the court's consideration in framing under any order a five-year desegregation plan, including such elements as relocation of schools, with specific dates and goals, which would enable required transportation of students to be avoided or minimized during such five-year period, and to be terminated at the end thereof.

I suppose the question might be asked -- I don't know why I shouldn't let you ask it -- if we're so certain that this bill follows the constitutional line, as we see it

in the Supreme Court cases, then why is it necessary to have this legislation introduced which, in part, proceeds under the -- and says it does, although it would be true even though it said it or didn't -- under the authority of Congress to help implement the Fourteenth Amendment and its power to determine the relief given by the lower courts.

I think the answer is that we do think this follows the line that we see in the Supreme Court cases. We do think there are ambiguities in those cases. We think that they have to be clarified, that they will be clarified in due course. Cases of this kind do not so frequently come to the court. They do come to the court usually after a long history and after problems with respect to the relief, and the district court's orders, when the district court has many times had a tough period working out the decree and attempting to get compliance.

We think that it would be helpful if the Congress, if it agrees, would state the kind of theory which we believe, as we say, is in the Supreme Court cases. But the Congress can do it in a more encompassing way, and without waiting for particular cases to come up. And, as I say, they come slowly, and each with a history. And that this will, itself, remove a considerable uncertainty at the district court level as to the direction to be followed, and that our belief is that if this legislation is passed that cases in the Supreme Court

would also clarify the law in the same direction.

So that we think that it's not inconsistent with going -- obviously not inconsistent with being in cases at the appellate level, but that it moves more quickly to shape the direction of what the district courts feel they have to do.

Now that I have raised the questions I thought you might ask, and no doubt answered them unsatisfactorily, I will be glad to answer any questions.

QUESTION: Mr. Levi, do I interpret Section 101(b) to say that this law would not apply to cases such as Wilmington, where relief has been awarded but not yet put into effect?

ATTORNEY GENERAL LEVI: No. It would not have the effect that you suggest in the Wilmington case, because no relief has been awarded. Of course, I don't know when this bill is going to be enacted. But assuming the bill is going to be enacted within a reasonable period of time, I would have to say that the -- no relief has been awarded in the Wilmington case.

QUESTION: Mr. Levi, how does it affect communities that are already under court order to consider these plans now,

just in general?

ATTORNEY GENERAL LEVI: Well, it says it shall not govern proceedings seeking a reduction of such relief awarded prior to the date of its enactment, except for proceedings brought under Section 107. And 107 is that dealing with transportation. So that the time runs from the effective date of the Act, I believe.

QUESTION: And that's five years?

ATTORNEY GENERAL LEVI: Well, it would be three years, then two years if the court finds it necessary.

QUESTION: Mr. Levi, could you clarify that? In the Boston school case, for instance, if this legislation passes, it's another five years before the orders are decided?

ATTORNEY GENERAL LEVI: Well, I can get into trouble as to what matters of relief have been finally settled in the Boston case. So I don't really want to -- and I assume there could be an argument about that, and I don't want to get into that.

QUESTION: Well, in any case now that's been decided?

ATTORNEY GENERAL LEVI: But I would say that -- and I assume this is true there, but I just am trying to be careful -- that where a case has been, where the relief has been finally determined and put into effect, so far as the

transportation part of this is concerned, one would have the three years and the two years. Of course, it's always open for a party to ask a court to modify a decree, and this would not prevent that.

QUESTION: But the clock would still be running until --

ATTORNEY GENERAL LEVI: But the clock which this requires wouldn't stop running --

QUESTION: Wouldn't start running.

ATTORNEY GENERAL LEVI: -- wouldn't start running until the effective date of this Act, for them. But they could go in earlier if they wished to.

QUESTION: But the case could come up for automatic review, as it were, in three or four years?

ATTORNEY GENERAL LEVI: Yes. Yes.

QUESTION: Mr. Attorney General, there --

QUESTION: Just like in the Charlotte-Mecklenburg case which was decided in 1971.

ATTORNEY GENERAL LEVI: That's right, they would still under this, but that doesn't mean they couldn't come in earlier if they wanted to.

QUESTION: Well, it would have very little effect on this --

ATTORNEY GENERAL LEVI: It would have less effect on many of those cases. Unless the teachings of the

bill are catching, so that when they go in earlier they say, Well, this bill may not be applied, but it obviously states the theory that Congress believes is the constitutional theory, and makes the argument based on that.

QUESTION: Mr. Levi, that theory, of course, has not been finally ruled upon by the Supreme Court.

ATTORNEY GENERAL LEVI: Oh, we understand that. We're not trying to write a Supreme Court opinion. What we have done is to look at the cases and to say this is consistent with them.

I have no doubt that other people will say that it isn't, and we recognize that by saying that there are -- we know there are ambiguities in these cases. That's almost inevitable in cases of that kind.

QUESTION: So it is possible that this theory, this bill could be eventually ruled unconstitutional?

ATTORNEY GENERAL LEVI: I think it highly unlikely. I really think it highly unlikely, because the bill is so moderate in its tone and so careful, I think, in the way it proceeds, and so, as it has been said to me, so constitutionally responsible that I do not believe that it would be held unconstitutional.

That argument may be made about it.

But I would not, myself, put much weight on it.

I think if you want to make an argument in that direction,

the argument would be somewhat different. And if you want me to make that, I would be glad to make it for you, but I --

QUESTION: Go right ahead.

ATTORNEY GENERAL LEVI: Well, I think the argument will be that the bill is so very reasonable

and takes into account so many factors that maybe it won't make much difference.

Now, I don't believe that. I think it will make a considerable difference, but I can see someone making that argument.

QUESTION: Have any of the civil rights people you talked to given you an indication that they are going to test it out?

ATTORNEY GENERAL LEVI: I have no knowledge of that at all. The --

QUESTION: You don't expect this thing will go through unchallenged, do you? Even if it is passed into law, you expect someone to test it, don't you?

ATTORNEY GENERAL LEVI: Well, I -- I don't know whether their litigation strategy would then be to test it -- if by that you mean to say that it is unconstitutional. They might -- for all I know, they might decide they liked it.

QUESTION: Assuming they did, --

ATTORNEY GENERAL LEVI: In the first place, there are quite a few things they might very well like in it, so I don't

-- I can't speak for them. They have sometimes spoken for me, but I don't think that's good.

QUESTION: Have they told you so far that they like it?

ATTORNEY GENERAL LEVI: Well, I don't think they have really seen it, they have heard discussions about it, and I think that they would prefer no legislation, many of them, but I don't know that -- I don't know that anybody can speak for all civil rights people; but I wouldn't think that I could, although I think I can speak for some of them.

QUESTION: Would you -- (inaudible) through Congress?

ATTORNEY GENERAL LEVI: I can't -- I do not know the answer to that.

QUESTION: Mr. Levi, in advance of the recent wiretap legislation you sent to the Hill, you did a great deal of work preparing the grounds for this school question. Have you done anything like that with this bill so you have any assurance of how you are going to be treated on this bill?

ATTORNEY GENERAL LEVI: Well, the Department of Justice itself has not done that kind of work with the Hill on this bill, but I'm not sure that I can speak for other branches of the government.

QUESTION: Mr. Levi, in view of the background of this legislation, in view of the fact that busing is a central

issue in the campaign, is there any reason why this cannot be partially viewed as simply a politically motivating maneuver ordered by the White House?

ATTORNEY GENERAL LEVI: Well, it's a strange question, because it almost reads like some of the provisions of the bill that might be criticized.

I don't know whether there's any reason why anything can't be viewed as political during a political year; and

I suppose that anything to which that question is asked, you'd have to say, the very fact that the question is asked means that some people regard it as political.

I don't regard this as political.

That's not how it arose. The Department began working on legislation around -- sometime after November, and we always had in mind the question of how one could best advance the Department's position, which is stated here, whether it was to be at the Supreme Court level or in legislation.

I don't personally -- if that's what you are asking me -- I profess to be, and have been described as, amateurish in these matters. So I don't profess to be competent in political matters. I wouldn't think this was -- I don't see myself, the political gain from this legislation.

But I'm not the one to make that kind of a determination.

I think our attitude here, so far as I know -- and I must say I've had very close association with him -- as far

as I know, the President's attitude has been that this has been an area where responsible governance has been required, and that the very fact that during so long a period and during, say, this last year, the Department has had to work so hard, and I hope effectively, to hold down violence in particular places with its Community Relations Service, to try to help with the communities and so on.

It means that this is an area where one should endeavor to try to bring some clarification and some stability. Assuming, as we do, that -- and as the President is very clear on -- that this is not going to be going backwards in terms of prohibiting the illegal acts and their effects.

So you -- and I say in that connection you have to look at the other part of the bill which Secretary Matthews is going to talk about, because I think the two are very closely related, and there was a joint operation between the two Departments.

In fact, I told him this morning, that's why I was sort of amazed at Mr. Havel's introduction of me, that I would discuss his part of the bill and he should discuss mine.

QUESTION: Mr. Levi, I think you are a little uncomfortable that the President is now out on the campaign trail stubbing his toe and saying that he is the first one to introduce effective legislation against busing.

ATTORNEY GENERAL LEVI: Well, I don't know. If he is

the first one to introduce effective legislation -- I like these key words, you know -- why, I hope he can take credit for it. But I'm not going to be -- you know, I know that we are living in a democratic society.

QUESTION: Mr. Attorney General, the President used the words "domestic tranquility" in his message.

ATTORNEY GENERAL LEVI: Yes. I haven't -- by the way, I haven't read the message, so --.

QUESTION: Well, that's familiar language. He cited that, and yet the bill itself seems to affect a very narrow set of circumstances, as, in effect, the warning to all school boards not engaged in illegal acts. And in the great majority of cases for busing that's going on now, they won't be affected by this bill.

ATTORNEY GENERAL LEVI: Well, but I think that -- it is true that we are not going to try to relive the history of the last twenty-some years, but there are an enormous number of school districts -- and the estimate that we have and that others have is about 600 of them -- which can be candidates at the present moment for what you refer to as busing.

And I don't know how to refer to it, because all the words seem to get -- have special connotation.

So it's not a problem that is behind us, it's -- for those communities, it's very much before them.

QUESTION: Do you think there might be false hopes raised in Boston and places like that, that there would be --

ATTORNEY GENERAL LEVI: Well, I shouldn't think so. I do think that the bill might be some incentive for good-faith compliance. Because they never get to the end of the five-year period until there has been good-faith compliance. And I hope that there will be some incentive at being inventive and going ahead with other remedies, so that the kind of perpetual transportation is not required.

QUESTION: Mr. Levi, do you mean to say that these 600 school districts are likely to have unlawful acts that have been made by the school boards; is that what you're saying?

ATTORNEY GENERAL LEVI: Well, that they have had them, and that there are illegal effects, and that they could be candidates for this kind of --

QUESTION: Could you discuss white flight, which --

ATTORNEY GENERAL LEVI: Discuss white flight?

QUESTION: Yes. By definition, it is the result of the school boards frequently a selfish result of the legal restraint of acts. Would your bill provide for a court remedy to the effect of white flight under any circumstances?

ATTORNEY GENERAL LEVI: I don't -- I take it that the suggestion is that the -- that, is there something in this bill which is contrary to the Milliken case, so that a court

finding that there is white flight can retaliate by covering the suburbs.

The answer is no.

QUESTION: Well, Mr. Levi, are most of these 600 communities in the north? That you mentioned --

ATTORNEY GENERAL LEVI: Well, I haven't -- I think they are all over, but I -- but certainly probably more of them are in the north, but I think they are all over.

QUESTION: And another question, sir: The President said in his speech that some judges in the lower federal courts have gone too far by extending busing too broadly or resorting too quickly to busing as a remedy. Which federal courts have done that?

ATTORNEY GENERAL LEVI: Yes, well, I am not going to answer that question. I think it is -- and you will have to bear with me on that -- I think it is inappropriate for an Attorney General to -- from the Department of Justice and not in the court -- to go around labeling particular districts and courts as having gone too far or not far enough.

And I have avoided doing that. I have avoided doing it for two reasons: One, because I have some feeling of propriety about my doing that, whereas, it seems to me, if the court -- if the Department is going to wish to take those positions, it could well take those positions before the court.

But, secondly, I don't want to be responsible for stirring up particular communities, especially where, in order to make a considered judgment of that kind, really you shouldn't just be looking at the opinion of the court or the relief that it gave, but you should know a great deal about the record in the case.

So I prefer not to do that. If the assumption is that one cannot point to -- that in the absence of my giving that answer, one cannot point to such federal court decisions, then my response is, really, that I don't think that anyone who has read them would really take that position.

But I don't -- I really feel inhibited about that.

QUESTION: How do you feel about the President?

ATTORNEY GENERAL LEVI: Well, the President is the President.

QUESTION: Mr. Levi, are you particularly happy with the timing of the adoption of this legislation?

ATTORNEY GENERAL LEVI: Well, I think if that's a restatement of the political point, I am not -- I find that this is an area which in some ways doesn't make me happy at all, except that we are trying to do our duty, so to speak, in the sense that I think that it's a responsibility that the Department has to try to clarify this area.

I don't -- I know this is going to be an extremely controversial measure, probably, because it's so reasonable.

And, therefore, it's going to irritate people on both sides.

I have no doubt about that. And it's not the -- it is certainly not my recipe for how to win friends, or something of that sort.

I think it's responsible action. I think it's -- I think that it's part of the duties of the job.

QUESTION: As to the time involved, would you rather have waited a little bit longer?

ATTORNEY GENERAL LEVI: No, I don't think it -- I might have wished that we had had legislation somewhat earlier. And of course my fondest wish is that the legislation had been prepared and enacted before I came down here as Attorney General.

QUESTION: Mr. Levi, one of the key provisions of this is a requirement in the local situation of trying to determine what is caused by illegal discrimination and what is not. What kind of ground rules are going to be set? Do they have to go back to the first slave -- or

ATTORNEY GENERAL LEVI: Oh, no. Come on, now.

QUESTION: No, I'm not -- I'm serious.

ATTORNEY GENERAL LEVI: The answer is: No, they don't have to go back to the first slave. And it isn't that, it's looking at a community and seeing what it includes, what kinds of groups it includes, what kind of, as I said before, economic status there is, what mobility there is in

the community. I assure you that just as educators and sociologists have been able to say something about the illegal effects, there won't be any difficulty in getting them to say what they think would be a normal pattern to be expected, absent those illegal effects.

And that would mean that, taking into account changes in our society, the kind of upward mobility that occurs, the kind of movement of populations that you could expect, the location of communities, the location of schools which would normally have drawn from different groups and didn't. So that you would be able to, I think, to come up with a rational kind of picture.

Which has some real virtue to it, because if you were going to take the other -- if you don't have that kind of picture in mind, then it seems to me it's very hard to know what the illegal effects in fact are. It's very hard to know what to say about the racial balance that ought to be achieved in particular schools.

Just let me say on this, as a former educator, and therefore one who can throw the bunk around, that I think this is an area of substantial ignorance on the -- and I am not now talking about what the sociological studies would show about the conditions, but I think as to what is good schooling, and what kind of relationships and arrangements make for better schooling, particularly for students who may

have been disadvantaged and who, under proper conditions, can catch up, which is the important thing to keep thinking about.

I think these are areas where there is still considerable mystery, and that being the case it's not good for a court to mandate requirements which go beyond the illegal effects, and make determinations about what the compositions of particular schools have to be, which may turn out to be not only beyond the illegal effects, but not desirable, at least in some people's view, from an educational point of view.

I don't think the -- I have read various studies of how students do under different arrangements. One always has problems as to the tests and the ways that one judges it. My own judgment on it is that those studies, not any of them are definitive. And it's a very difficult thing to find out about. In fact, it's so difficult that some people now are writing articles on why it's so difficult.

QUESTION: Mr. Levi, do I understand the language in this section on page 11 -- that it extends to -- (inaudible) letting the municipal jurisdiction off the hook here by saying, Well, look, it was nothing the school board did -- the school board saying it's nothing we did that caused any desegregation in the schools, when, in truth, in fact there has been a hazard and a change in -- [inaudible] --

So go after the hazard.

ATTORNEY GENERAL LEVI: Well, my answer is that --

QUESTION: You mean it lets them off the hook?

ATTORNEY GENERAL LEVI: Well, I don't think it gets them off the hook, it depends on what you think the present law is. I suppose some people who might say that we put them on the hook by putting in specific purposes we have. That's a question of how you read the cases.

We have dealt with that situation, but not in such a way as to, I don't think, to dramatically change the present law.

It may be a spur to -- if one is needed, it may be a spur to effective relief, more effective relief, dealing with those officials, those official agencies that have caused the segregation.

Now, of course, one can make the argument that everything is interrelated, but the Supreme Court itself has been very careful about that.

QUESTION: Thank you, Mr. Attorney General.

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