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Prop. 21—To Bus Or Not To Bus

Initiative Stirs Sharp Reaction From Two Schools Of Thought On Subject

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EDITOR'S NOTE: This is the sixth in a series of articles examining the major proposals on the Nov. 7 California ballot. You may want to clip and save.

The bright yellow school bus, a friend to millions of school children across the nation for decades, has become the hottest thing on wheels.

Proposition 21, the Wakefield Initiative, will be on the November ballot and is a school desegregation measure designed to repeal and replace the Bagley Bill which is part of the present state law dealing with school desegregation.

Neither the proposed new law nor the present law mention the bussing of school pupils, but bitterly divided proponents and opponents agree that bussing of school pupils is the heart of Proposition 21.

The proposition sets up one new law and knocks down three laws in the California State Education Code and Administrative Code, all dealing with integration in local schools.

The new law says: "No public school student shall, because of his race, creed, or color, be assigned to or be required to attend a particular school."

Cover Sentence

This sentence has been described as everything from the protection of the individual's rights against forced school integration, to a cover for bigots who want to fight all integration.

Among San Diego area attackers and defenders, the main argument is — just how much bussing will be stopped by the initiative.

The target is only the forced bussing, said Assemblyman Floyd Wakefield, R-South Gate, who authored the initiative.

It will kill all bussing, even that requested by parents, say local opponents.

There is no forced bussing in San Diego schools at present.

The unified school district operates a voluntary program under which parents may send their children to a school outside their home area, by bus, if it helps achieve better racial balance in both the school the child is leaving and the one he is going to.

2,100 Involved

About 2,100 students are now involved, according to Daniel Lochtefeld, assistant director of guidance services for the school district.

The program has grown gradually since being introduced in 1966 but the number of new students making application for voluntary transfer has levelled off at 800 to 900 over the past four years, he said.

In a recent 3-0 decision, the local school district board voted to oppose the initiative. There were two abstentions.

One was board president Dr. Gene French, who said that while he generally opposed the concept of forced bussing, he could not support that part of the initiative that might destroy the efforts so far made — through the voluntary bussing program — to improve local school integration.

The fear has been echoed from assemblymen to private citizens, but it is baseless according to Wakefield.

Not Preventive

He said that if a voluntary operation is in effect in any district, or is planned, it can continue. There is nothing in the initiative to prevent such programs, he said.

Assemblyman E. Richard Barnes, R-San Diego, a strong supporter of the initiative, said that if there was anything in the wording that would threaten the voluntary bussing programs, he would not have backed Proposition 21.

Those who suggest such a threat are "reaching for some way to destroy this initiative," said Barnes.

Not so, say local attorneys.

The statement that a student shall not be assigned to a particular school because of race, "would seem to prohibit" the local voluntary program where parents can seek assignment to different schools because of racial imbalance, said schools attorney Thomas A. Shannon.

If the initiative passed, one taxpayer could use this language to challenge the spending of tax money to bus students under a voluntary program, and probably win the case, said George Rubin, a Legal Aid attorney.

Federal Aide

Rubin served with the Department of Health, Education and Welfare as state coordinator for school desegregation in South Carolina and was an HEW education branch chief for civil rights in Washington, D.C., and San Francisco, before coming to San Diego.

He said the initiative can be challenged on constitutional grounds and it conflicts with a U.S. Supreme Court ruling. The court has ruled that to provide equal education is to re-establish a constitutional right and any means, including bussing, can be used to achieve that.

The initiative prevents bussing and therefore conflicts with the court ruling, he said.

Arthur Azevedo, an attorney and legal consultant to Assemblyman William T. Bagley, R-San Rafael, says:

"Any enactment which obstructs a school district from carrying out its duty to eliminate segregation root and branch, or compels that district to resort to less effective or ineffective measures, would be plainly unconstitutional."

Court Ruling

That, Azevedo said, is a direct quotation from a California Supreme Court ruling involving a San Francisco Unified School District case.

Last February state legislative counsel George H. Murphy was asked by Bagley to give an opinion on the then Neighborhood School Initiative, as the Wakefield Initiative was called.

That initiative included a statement that "no public school student shall, because of his race, creed or color, be assigned to or be required to attend a particular school."

"It is our opinion that the provisions . . . as proposed in the Neighborhood School Initiative, are unconstitutional," Murphy said in a letter to Bagley dated Feb. 23.

Murphy cited both state and U.S. Supreme Court cases in support of his opinion.

Called 'Smokescreen'

"All this is a smokescreen of legal interpretations which opponents are putting out to woo people away from the initiative," said Lou Conde, president of Taxpayers Concerned and a strong supporter of the initiative.

Surveys have shown that the majority of minority people do not want to have their children bussed all over town, and it is certainly against the wishes of 80 per cent of the rest of the people's wishes, he said.

This was echoed by Mrs. C. Stewart Ritchie, a current member of the board of trustees of the California State Universities and former member of the State Board of Education.

"When I joined the state board, I took a personal survey of a lot of schools and found many minority people were not interested in being moved around from school to school to achieve integration.

"I began to wonder just who it was who was demanding it," she said.

True Feelings

It is important that the initiative is on the ballot because this will show the true feelings of people, Mrs. Ritchie said.

"Black leaders have said that to pass this initiative would be to legitamize bigotry and discrimination. People are not willing to stand up and be counted as bigots," said Mrs. Melba Margolis, an opponent of the initiative who said it appears difficult to find many people who will publicly debate in favor of the initiative.

Mrs. Margolis is the local head of CAUSE (Californians Against Unequal Schools and Education), a statewide organization fighting the initiative.

"We oppose Proposition 21 because it is not the anti-bussing or neighborhood school initiative its proponents claim it to be, but instead is purely and simply a regressive segregationist tool," leaders of the local chapter said at a recent meeting.

Wakefield denies this, saying that present laws are forcing people into integration whether they want it or not.

"Forced integration is as bad as forced segregation," he said.

Individual Choice

The initiative was designed to leave people free to make their own decision, he said.

This is not his first attempt at antibussing legislation.

In 1970 the Wakefield Statute passed the Legislature banning bussing and was challenged in the courts.

Last winter the state Supreme Court ruled that bussing could not be forced, but the school districts could assign students to schools to achieve racial balance. However, if the parent opposed bussing, they must still get their children to the assigned school by whatever other means they wanted.

"The Supreme Court slipped off the point of the spear, to say the least, in that decision," said Shannon in explaining the court action. "The court emasculated that statute and now Wakefield is back with the next logical step — the initiative."

One thing is clear — if the initiative passes, it will go to court.

Court Tests

"This initiative will pass 3-1 and then every left-wing organization in the country will take it to the state and supreme courts. I don't think they will get anywhere," Wakefield said.

The only part that may face constitutional problems is the first section preventing bussing, and that can be separated from the remainder of the initiative by Section 5 of the initiative, he said.

That section states that the other four sections must be challenged individually, and if the court overturns one section, the others still stand until challenged and defeated.

Those other sections repeal the Bagley bill provisions under which school districts are now required to report their plans for school integration and when they will be implemented. They also keep a head count of the ethnic distribution of students throughout the district and report this to the state Board of Education.

The bill also requires the state board to draw up guidelines for the full implementation of these rules, but the board has not done this yet.

Wakefield's initiative seeks to repeal these rules.

Present Policy

It also seeks to eliminate present state policy statements saying that districts will seek to eliminate imbalance in school enrollments, and that the elimination of such imbalance will be given high priority in selecting school sites and attendance areas.

"How can you bring about integration if you are not allowed to keep records of where the racial imbalance is in the community," asked Mrs. Margolis.

For Assemblyman Peter Chacun, D-San Diego, when the state Legislature passed the Bagley bill, it was the expression of the majority opinion and he still supports that.

"This is a last-gasp effort by Mr. Wakefield to revive his 1970 bill. Unfortunately, it is appealing to the emotions of people who think that their children may be forced to go to rough schools.

Attracting Teachers

"They are being led to believe that bussing is the only way to achieve equal education and I don't believe it. They should improve the local schools and maybe provide such things as large educational parks as an alternative," Chacon said.

Opponents and proponents agree that bussing might be a big emotional red herring.

Mrs. Ritchie urged improving the neighborhood schools by making them more attractive to good teachers, even if it meant paying them more to go there.

Conde said studies had repeatedly shown that bussing was a waste of time and achieved neither racial equality nor academic parity, despite the spending of millions of dollars.

In Agreement

He said that many of the bussing supporters were "hypocrites who talk about bussing but are not bussing their children into Logan Heights.

"They are quite happy to have the Logan Heights kids bussed all over town, but talk about bussing their kids and it is a different matter. They say bus, bus, bus — but not my little darlings," Conde said.

Though he strongly opposes the initiative, school board member the Rev. George W. Smith agrees with this issue.

Of the initiative, Smith said, "It is utterly ridiculous," and earlier described it as a " . . . major step backwards in education.

"But I will not stand still for this one-way bussing . . . where only the minority children are bussed," he said.

In the formal arguments presented in favor of the itiative, the supporters said that the Student School Assignment Initiative, as it is formally known, "seeks to avoid mandatory bussing for the sole purpose of achieving forced integration.

"A policy based on this objective destroys the neighborhood school concept and wastes tax dollars which are needed to build better schools.

"We believe that all parents are entitled to freedom of choice in choosing the school environment for their most precious possessions, their children," the argument concludes.

It was signed by Wakefield, Ken Brown, president of the Solano County Board of Education, and Dr. Robert Peterson, superintendent for the Orange County district.

Orders Predicted

Opponents say that to repeal the present laws will result in the courts ordering bussing, as has already happened in some districts.

They say it is better to retain the "flexible" present laws than have to submit to "sporadic and sometimes precipitous court action."

Proponents are accused of using "scare words . . . such as forced integration, forced bussing, destruction of the public schools and costly legislation" to influence the public.

The opposing argument is signed by John Cimolino, president of the California School Boards Association, Mrs. Erna Schulling, president of the League of Women Voters and Bagley.

If the initiative passes, it will go into effect as soon as Secretary of State Edmund G. Brown Jr. authenticates the election in about mid-November, said Shannon.

"But for me, the most profound impact of this initiative passing would be that it would scare the Legislature off for years before it would again consider a similar pupil integration law as that under the Bagley bill," Shannon said.

Democrats Urged To Support Nixon

HOUSTON (AP) — Gov. Reagan, campaigning here yesterday, called on dissident Democrats to support President Nixon in the coming election.

"Any Democrat today really need have no feeling of guilt in leaving his party because you don't have a candidate this year," Reagan said at an airport news conference, later at a closed meeting of supporters and then finally to cheering pearances.

The closest was at the closed meeting which Texas Republican officials said was filled with top Texas Democrats and Republicans supporting the Nixon campaign.

At his airport news conference, Reagan said, "The Democratic party does not have a candidate in this election. The party was hijacked in Miami by the McGovern forces."

Asked during the news con-

Corruption Statement Disavowed

SACRAMENTO (AP) — Congressman Jerome Waldie said yesterday he disapproved of Sen. George McGovern's comments on "the corruption of the Nixon era," saying they lower the level of the campaign.

"I find no comfort in a presidential campaign descending to that level," said Waldie, a Democrat from Antioch.

Nixon Trade Policy Called Hanoi Help

RALEIGH, N.C. (UPI) — American party presidential nominee John G. Schmitz yesterday said the Nixon administration is providing the "sinews of war" to North Vietnam through trade with Communist nations.

Schmitz also criticized the Nixon administration on the bussing issue, saying the ad-

news conference here, then flew out by private plane for stops later in the day in Asheville and Greensboro.

Schmitz said there have been reports that the three American POWs released by North Vietnam "gave more than their name, rank and serial number" while in captivity. He said one prisoner of war was said to have taped propaganda films for the North Vietnamese.

Jail Guards Ask Probe Of Brown

SACRAMENTO (UPI) — A prison guards organization, chief proponent of a ballot measure to restore the death penalty, yesterday asked for an attorney general's investigation into "improper use" of office by Secretary of State Edmund G. Brown Jr.

In a letter to Atty. Gen. Evelle Younger, the California

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