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Bussing

1. AB 724 creates a statutory mechanism for cooperative efforts between local school districts and the State Department of Education to develop methods to eliminate a school district's racial imbalance problems. Large-scale mandatory busing has occurred only in those areas which have implemented no programs or have no plans. In those districts which have worked with the Department, and which have actively engaged in affirmative planning to solve the problem, the courts have been reluctant to impose their own concepts of an adequate integration program.

2. AB 724 provides flexible guidelines to aid districts to formulate acceptable and workable integration plans based on the needs of individual districts with calm planning and discussion of the fears of concerned parents.

3. Court mandated busing is generally not required when a district is actively pursuing alternatives to eliminate racial imbalance. This measure makes local districts aware of non-busing alternatives such as grade structure reorganization and new school site selection to eliminate racial imbalance.

4. AB 724 guidelines are refined to eliminate the arbitrary "15%" imbalance provision which led to the Gitelson decision in Pasadena. Technically, the State Board's "15%" guideline still exists (though not effective). Passage of 724 will eliminate this - and also provide long-run helpful guidelines for the 1150-plus districts of the State.

5. This measure helps solve the problem of racial imbalance by setting out definite legislative state policy for districts to work towards. School districts are no longer left directionless or defenseless.

AB 724 becomes even more necessary because of the Emergency School Aid and Quality Integration Education Act of 1971 proposed by President Nixon. This measure will provide, when adopted, \$500 million for 1971 and \$1 billion for 1972 to carry out the type of programs set forth in AB 724. Of these amounts, California is expected to receive \$80-\$100 million for 1971-72. This will require planning and also cooperation between local districts and the Department of Education. As proposed by President Nixon, these funds may not be used to carry out mandatory busing programs, but are available for any other programs to eliminate racial segregation. For instance, the Department has developed several good methods of achieving racial and ethnic balance, (attached is a copy of such suggested methods which would be eligible for federal assistance as outlined above,) without the chaos and confusion which has happened. AB 725 provides a vehicle for using this prospective Federal money for the planning purposes of AB 724. Together, AB 724 and AB 725 actively carry out the intent of President Nixon's proposed legislation, and they provide a legal defense against mandatory busing for a district that is pursuing the administrative mechanism provided. Without such mechanism courts will have no alternative but to step in.

SUGGESTED PROGRAMS AND PROJECTS APPROPRIATE FOR
THE USE OF FUNDS PROVIDED IN AB 725

Funds to be administered by the Department of Education and allocated to school districts to implement the intent of AB 724 could be used effectively in two general areas.

A. Planning and Implementing Plans to Correct Racial and Ethnic Imbalance

1. Geographic attendance zones: Zone boundaries can be drawn or redrawn in a manner promoting maximum racial and ethnic balance in each school.
2. School pairing: Where two or more comparable schools are situated within a relatively short distance and are imbalanced with respect to each other, their attendance areas can be merged to form one larger attendance area, and the assignment or grade pattern modified so that each facility is shared by a balanced group of students.
3. Reorganization of grade structure: In some school systems a change in the basic grade organization will eliminate imbalance. For example, a change to a uniform 6-3-3, 6-2-4, 4-4-4, 3-3-3-3 or other grade pattern may maximize balance within an entire district or within each of several complexes or subdistricts. (It also may maximize utilization of space in all facilities.)
4. Central schools: One or more schools may be converted into central facilities for one or more grades, to serve all or part of a school district.
5. School closing and consolidation: Small, inadequate schools, or others in locations that have become impractical to operate and maintain, can be closed and their students reassigned. In some cases alternative use can be made of the facility; in others the building and/or the site can be sold.
6. Establishing schools for special services: In the event one or more schools are closed, or to establish supplementary centers for part-time attendance on an integrated basis, existing or new structures may be designated for educational programs other than regular attendance centers.
7. Education parks and complexes: A park is a very large, consolidated school plant arranged in the manner of a college campus and zoned to serve a number of surrounding neighborhoods or combinations of communities. The plant may be divided into schools or houses serving integrated student bodies on the basis of grade level or other criteria. A complex has the same features but is housed on several sites within a relatively short distance.
8. Controlled open enrollment: Student transfers can be encouraged on a voluntary basis, when the transfer will improve racial or ethnic balance in the sending or receiving school. Provisions for

transportation at no expense to the student make this more feasible for many students.

9. Site selection: When sites are acquired, or when one of several sites is selected for construction, racial and ethnic balance of the attendance area may be given the highest priority in making a choice.
10. Feeder pattern: In selecting the primary or intermediate schools whose graduates will attend a school at the next higher level, racial and ethnic balance of the resulting student body may be given the highest priority.
11. Voluntary exchange of students between districts: Children in white suburbia should also be prepared to live in a world peopled by men and women of different national, racial, religious and economic backgrounds, otherwise they too may be disadvantaged for not living in a more diverse world. Superintendents and boards of education should consider arrangements with urban centers or other districts having large numbers of minority group children for an interchange of pupils so that both groups could benefit.

B. Improving Quality of Integrated Education

Once school districts have succeeded in achieving racial and ethnic balance, their responsibility has not ended. They have the additional duty to lift the level of instructional quality for all students and, further, to develop programs which will bring about better understanding among all groups of children. Such efforts might include:

1. Providing integrated textbooks and other materials;
2. Developing an integrated curriculum;
3. Enriching children's experience through programs in cultural and intellectual integrated activities before and after school;
4. Bringing non-educational professional and highly skilled practitioners of various races to meet and work with students;
5. Integrating the professional staff; and
6. Emphasizing techniques for working with minority group children in preservice and inservice education of teachers.

Many of the above actions, although not all, would entail cost in addition to normal expenditures. Funds provided by AB 725 would assist districts in meeting these additional costs.

Bussing

INTRODUCTION

AB 724 and AB 725

(as signed by Governor Reagan)

The basis of AB 724 and 725 is the irrefutable fact that the U.S. Supreme Court and the California State Supreme Court have imposed a duty upon local school boards to eliminate de jure and de facto segregation. The State Legislature cannot alter what the Supreme Court has ruled to be the law under the equal protection clause of both the U.S. and California Constitutions. However, the Legislature can provide for a mechanism for orderly, long-range planning and implementation, rather than exposing our school districts to precipitous court-mandated busing. AB 724 and 725 do this, as follows:

1. AB 724 creates a statutory mechanism for cooperative efforts between local school districts and the State Department of Education to develop methods to eliminate a school district's racial imbalance problems. Large-scale mandatory busing has occurred only in those areas which have implemented no programs or have no plans. In those districts which have worked with the Department, and which have actively engaged in affirmative planning to solve the problem, the courts have been reluctant to impose their own concepts of an adequate integration program.

2. AB 724 provides flexible guidelines to aid districts to formulate acceptable and workable integration plans based on the needs of individual districts with calm planning and discussion of the fears of concerned parents.

3. Court mandated busing is generally not required when a district is actively pursuing alternatives to eliminate racial imbalance. This measure makes local districts aware of non-busing alternatives such as grade structure reorganization and new school site selection to eliminate racial imbalance.

4. AB 724 guidelines are refined to eliminate the arbitrary "15%" imbalance provision which led to the Gitelson decision in Pasadena. Technically, the State Board's "15%" guideline still exists (though not effective). Passage of 724 will eliminate this - and also provide long-run helpful guidelines for the 1150-plus districts of the State.

5. This measure helps solve the problem of racial balance by setting out definite legislative state policy for districts to work towards. School districts are no longer left directionless or defenseless.

While the local school boards submit their plan to the Department of Education for comment, each local board retains control over the plan they ultimately adopt.

AB 724 becomes even more necessary because of the Emergency School Aid and Quality Integration Education Act of 1971 proposed by President Nixon. This measure will provide, when adopted, \$500 million for 1971 and \$1 billion for 1972 to carry out the type of programs set forth in AB 724. Of these amounts, California is expected to receive \$80-\$100 million for 1972-72. This will require planning and also cooperation between local districts and the Department of Education. As proposed by President Nixon, these funds may not be used to carry out mandatory busing programs, but are available for any other programs to eliminate racial segregation.

AB 725 provides a vehicle for using this prospective Federal money for the planning purposes of AB 724.

Together, AB 724 and AB 725 actively carry out the intent of President Nixon's proposed legislation, and they provide a legal defense against mandatory busing for a district that is pursuing the administrative mechanism provided. Without such mechanism courts will have no alternative but to step in.

FROM THE OFFICE OF:
ASSEMBLYMAN WILLIAM T. BAGLEY
STATE CAPITOL, ROOM 2188
SACRAMENTO, CALIFORNIA 95814

FOR IMMEDIATE RELEASE

DECEMBER 18, 1971

(916)445-8492

"Governor Reagan has signed Assembly Bill 724 (Bagley), the integration guidelines bill," William T. Bagley (R - San Rafael) announced.

"This bill provides the mechanism for long range planning for school boards to meet the goal of an equal and integrated education. At the same time, it will provide a defense against precipitous court-ordered busing. As long as school districts are following the guidelines and planning new school sites, pairing of schools, district boundary changes and the like, courts will not step in," Bagley said.

"This is really a landmark law in a very volatile field. I thank and compliment the Governor for signing it."

The Governor also signed Assembly Bill 725 (Bagley) which would allot two million dollars of forthcoming federal funds (President Nixon's Emergency Education Act) to assist school districts in the future planning required by Assembly Bill 724.

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FROM THE OFFICE OF:
ASSEMBLYMAN WILLIAM T. BAGLEY
Room 2188, State Capitol
Sacramento, California
(916) 445-8492

FOR IMMEDIATE RELEASE

Wednesday, March 3, 1971

Assemblyman William T. Bagley (R-San Rafael) today introduced two measures to provide legislative and financial support for the integration guidelines presently in effect in California public schools.

"One measure will declare the legislative intent to achieve racial integration and provide for cooperation between the Department of Education and local school districts to that end.

"The second proposal would appropriate \$2 million to offset the costs incurred by local school districts in developing plans for school integration. There are many methods of achieving racial and ethnic balance, but each procedure will inevitably cost money which would otherwise have to be diverted from other programs. This appropriation will supply the incentive for school districts which may be hesitant to divert funds from educational programs for the purpose of achieving racial and ethnic balance.

"For the nearly 1200 school districts in the State, race relations and integration guidelines have thus far been entirely dependent on court decisions; these measures will not only serve as guidelines for school districts, but also put the Legislature on record as supporting that policy.

"If we who proclaim the sanctity of our Constitutional guarantees know what we mean and mean what we say, then we

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in our public schools.

"I would emphasize most strongly that this approach does not involve so called 'forced bussing'. No one proposes mass cross-town bussing of children. What is proposed is uniform guidelines to our districts so that they can plan their district boundaries, their new schools and their attendance areas to avoid major bussing controversies. The whole question of 'forced bussing' is a political bug-a-boo that can be avoided by a rational approach. That is what I propose."

#####

AMENDED IN SENATE AUGUST 3, 1971

AMENDED IN ASSEMBLY APRIL 2, 1971

CALIFORNIA LEGISLATURE—1971 REGULAR SESSION

ASSEMBLY BILL

No. 724

Introduced by Assemblyman Bagley

March 3, 1971

REFERRED TO COMMITTEE ON EDUCATION

An act to add Sections 5002 and 5003 to the Education Code, relating to pupil enrollment.

LEGISLATIVE COUNSEL'S DIGEST

AB 724, as amended, Bagley (Ed.). Pupil enrollment.

Adds Sec. 5002, 5003, Ed.C.

Declares policy of Legislature that persons or agencies responsible for establishment of school attendance centers or assignment of pupils shall ~~exert all effort to~~ prevent and eliminate racial and ethnic imbalance in pupil enrollment. Requires that prevention and elimination of such imbalance be given high priority in all decisions relating to school sites, school attendance areas, and school attendance practices.

Requires consideration of specified factors in carrying out such policy.

Requires school district governing boards to submit statistics periodically to Department of Education regarding racial and ethnic makeup of school population in each school.

Provides that racial or ethnic imbalance is indicated in school if percentage of pupils of one or more racial or ethnic groups differs significantly from districtwide percentage. Requires districts to study and consider plans for alternative pupil distributions upon a finding by Department of Education that percentage so differs and authorizes district to consider specified factors among feasibility factors.

Requires districts to analyze total educational impact of alternate plans on pupils of district and submit reports of study and alternative plans, with schedules for implementation, to Department of Education for its acceptance or rejection. Requires department to determine adequacy of alternative district plans and implementation schedules and to report its findings to State Board of Education.

Requires submission of summary report of findings of the department to the Legislature annually.

Requires State Board of Education to adopt rules and regulations to carry out intent of act.

Vote—Majority; Appropriation—No; Fiscal Committee—Yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5002 is added to the Education Code,
2 to read:

3 5002. It is the declared policy of the Legislature that per-
4 sons or agencies responsible for the establishment of school
5 attendance centers or the assignment of pupils thereto shall
6 ~~exert all effort to~~ prevent and eliminate racial and ethnic im-
7 balance in pupil enrollment. The prevention and elimination
8 of such imbalance shall be given high priority in all decisions
9 relating to school sites, school attendance areas, and school
10 attendance practices.

11 SEC. 2. Section 5003 is added to the Education Code, to
12 read:

13 5003. (a) In carrying out the policy of Section 5002, con-
14 sideration shall be given to the following factors:

15 (1) A comparison of the numbers and percentages of pupils
16 of each racial and ethnic group in the district with their num-
17 bers and percentages in each school and each grade.

18 (2) A comparison of the numbers and percentages of pupils
19 of each racial and ethnic group in certain schools with those
20 in other schools in adjacent areas of the district.

21 (3) Trends and rates of population change among racial
22 and ethnic groups within the total district, in each school, and
23 in each grade.

24 (4) The effects on the racial and ethnic composition of each
25 school and each grade of alternate plans for selecting or en-
26 larging school sites, or for establishing or altering school at-
27 tendance areas and school attendance practices.

28 (b) The governing board of each school district shall peri-
29 odically, at such time and in such form as the Department of
30 Education shall prescribe, submit statistics sufficient to enable
31 a determination to be made of the numbers and percentages of
32 the various racial and ethnic groups in every public school
33 under the jurisdiction of each such governing board.

34 (c) For purposes of Section 5002 and this section, a racial
35 or ethnic imbalance is indicated in a school if the percentage
36 of pupils of one or more racial or ethnic groups differs sig-
37 nificantly from the districtwide percentage.

38 (d) A district shall study and consider plans which would
39 result in alternative pupil distributions which would remedy
40 such an imbalance upon a finding by the Department of Educa-
41 tion that the percentage of pupils of one or more racial or
42 ethnic groups in a school differs significantly from the district-
43 wide percentage. A district undertaking such a study may
44 consider among feasibility factors the following:

45 (1) Traditional factors used in site selection, boundary de-
46 termination, and school organization by grade level.

1 (2) The factors mentioned in subdivision (a) of this sec-
2 tion.

3 (3) The high priority established in Section 5002.

4 (4) The effect of such alternative plans on the educational
5 programs in that district.

6 In considering such alternative plans the district shall ana-
7 lyze the total educational impact of such plans on the pupils
8 of the district. Reports of such a district study and resulting
9 plans of action, with schedules for implementation, shall be sub-
10 mitted to the Department of Education, for its acceptance or
11 rejection, at such time and in such form as the department
12 shall prescribe. The department shall determine the adequacy
13 of alternative district plans and implementation schedules and
14 shall report its findings as to the adequacy of alternative dis-
15 trict plans and implementation schedules to the State Board of
16 Education. A summary report of the findings of the depart-
17 ment pursuant to this section shall be submitted to the Legisla-
18 ture each year.

19 *(e) The State Board of Education shall adopt rules and*
20 *regulations to carry out the intent of Section 5002 and this*
21 *section.*

Chicago Tribune

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N (Saturday, March 18, 1972) a jll

THE NEWSPAPER is an institution developed by modern civilization to present the news of the day, to foster commerce and industry, to inform and lead public opinion, and to furnish that check upon government which no constitution has ever been able to provide.

—THE TRIBUNE CREDO

Call for a Curb on Busing

President Nixon yesterday followed up Thursday night's speech by calling on Congress to impose a curb on federal court orders to bus children from neighborhood schools to achieve a racial mix. The moratorium would be effective until July 1, 1973, during which period Congress and the Supreme Court would presumably have an opportunity to determine when busing is permissible and when it is not.

The President coupled his request with an appeal for \$2.5 billion for improvement of the quality of education in deprived schools which cannot now offer a decent education.

While the proposed court curb was immediately attacked by Roy Wilkins, executive director of the National Association for the Advancement of Colored People, and by Clarence Mitchell, its chief Washington spokesman, as unconstitutional, there would appear to be a constitutional warrant for it. Article III, section 2, implies that Congress can limit the appellate jurisdiction by "exceptions" and "regulations."

During the existence of the restriction, the President said, the Justice Department would be instructed to intervene in selected cases where the lower federal courts have gone beyond the Supreme Court's requirements in ordering busing. These cases would presumably give the Supreme Court a chance to clarify its position.

Mr. Nixon's recommendations are substantially in accord with anti-busing provisions adopted by the Senate. These are milder than the stiff bill which has passed the House and which imposes a moratorium on the courts of indefinite duration. The President did not rule

out an eventual constitutional amendment to prohibit court-ordered busing, but he said that process would take too long and meanwhile there would be hundreds of thousands of children ordered by the courts to be bused away from their neighborhood schools.

"The great majority of Americans, black and white, feel strongly that the busing of schoolchildren away from their own neighborhoods for the purpose of achieving racial balance is wrong," Mr. Nixon said. "To conclude that 'anti-busing' is simply a code name for prejudice is a vicious libel on millions of concerned parents."

There is little doubt that the President is supported by majority sentiment. The recent Florida referendum, where opposition to busing was reflected in a 3 to 1 vote, is one indication. Gov. George Wallace, who took the strongest stand of any candidate against busing, was a runaway winner in the state's Democratic Presidential primary.

Even more striking was the action of the National Black Convention in Gary last Sunday in adopting a resolution apposing busing as a means to achieve racial integration. "Busing is obsolete and dangerous to black people," Roy Innis, national director of the Congress on Racial Equality, told the gathering.

Recent court orders, particularly one in Richmond where a federal District judge ordered busing across school district lines, have hardened opposition. Nevertheless, Mr. Nixon's plan would not roll back busing orders already on the books, nor would it prevent communities from voluntarily adopting busing.

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THE PRESIDENT ON BUSING

President Richard M. Nixon went on television Thursday night and into an 8,000-word message to Congress yesterday on the subject of forced school busing for integration's sake.



President Nixon after his Thursday night TV address to the nation.

In general, the President is against it, as a big majority of Americans of all colors seem to be.

Especially does he disapprove of extreme bus-damn-you-bus rulings by some lower federal courts. He doesn't ask Congress to nullify these decisions or try to, but he does want a congressional moratorium on more of the same.

Under the Nixon-proposed legislation, all school districts would be required to provide equal educational opportunities for all children. Nor would matters halt there:

This Administration means what it says about dismantling racial barriers, about opening up jobs and housing and schools and opportunity to all Americans.

The President wants to shift \$2.5 billion in existing federal funds to inner-city or "ghetto" (much-abused word) schools for their improvement. That sum wouldn't go far, but it would be a start.

So it now is up to Congress, as we see the matter, to meet this White House challenge and legislate on busing and related items in ways that will suit most Americans.

If Congress can think up better legislation than the president has outlined, fine, and let's have it. The main thing, we feel, is to get some broad-visioned statute(s) in hope of a fair, just and fast solution of this complex problem.

Sen. George McGovern (D-S.D.) made haste to screech a denunciation of the Nixon proposals as an abandonment of the "moral and political leadership" of the nation. Mr. Justice Roger Mudd, better known as a CBS-TV newscaster, held the Nixon plans unconstitutional, if we heard him aright as we think we did, a couple of minutes after the President wound up his Thursday night speech.

With dissenters like these, isn't it fair to assume that the Nixon proposals on busing and related matters must have considerable merit?

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Sunday, March 19 1972

Page 4-H

Mr. Nixon Points the Way Out of Busing Confusion

The question on school busing that must be answered sooner or later, we said in a recent editorial, is this: "Is it the national policy to eliminate compulsory segregation so that every pupil may be assigned to a school without regard to his race? Or is it national policy to go beyond that and set out . . . to make every classroom of every school an accurate cross section of the makeup of the total population?"

President Nixon's answer, as he told the country Thursday evening, is that "every state or locality must grant equal educational opportunity to every person regardless of race, color or national origin." And by equal he means not only that school doors must be open to all but that the quality of education offered inside those doors must be as good in one school as in any other.

As for going beyond that to what we called the compulsory mixing pot, Mr. Nixon has again stated that he is "opposed to busing for the purpose of achieving racial balance in our schools."

With this expression of his own views and the proposals he sent to Congress Friday, the President has sharpened the question and moved the nation closer to the time when it will be answered.

While proposing a temporary moratorium on all court-ordered busing, Mr. Nixon's proposed legislation for the long range would authorize limited busing if all other steps to break down deliberate segregation were unavailing.

His major thrust, however, is on bringing better education to the children where they are, not taking the children to where the better education is. "We all know," he says, "that within the central cities of our nation there are schools so inferior that it is hypocrisy even to suggest that the poor children who go there are getting a decent education, let alone an education comparable to that of children who go to school in the suburbs."

True. And we all also know that as a

result of housing patterns even comparable education is still going to be education in which some schools are largely white and others are largely black.

Do we, then, at that point say that there can be no real equality of education unless we bus students out of their own normal school districts to achieve an arbitrary racial mixture? Or that such busing is desirable as a tool to promote more integration in American society?

That, it should be understood, is the issue.

★ ★ ★

We have already seen one major busing decision — in Charlotte, N. C. — in which a federal judge held that "efforts should be made to reach a 71-29 ratio in the various schools so that there will be no basis for contending that one school is racially different from another." And there are prominent political figures who take the position New York Mayor John Lindsay stated during the Florida primary: "I'm for busing because it can bring black and white kids to school together, even though their parents still live apart."

It does not follow, however, that only racists disagree with this balance-by-busing concept. On the contrary, we believe that President Nixon correctly read the temper of the country when he said he believes that "the majority of Americans of all races want more busing stopped and better education started."

Neither does it follow, as Sen. George McGovern so quickly charged, that Mr. Nixon "has asked Congress to set aside the 14th Amendment to the Constitution." On the contrary, his proposals reflect the doctrine enunciated by the first Justice John Marshall in his celebrated dissent in the Plessy case: "Our Constitution is color blind."

The details of his proposals need to be carefully studied, of course. But in their broad outline, we believe, they can help end the confusion which has made busing such an unnecessarily divisive issue.