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**PRESIDENTIAL ORATORY, CRISIS, AND RICHARD M. NIXON'S MANIPULATION OF THE EQUAL EDUCATIONAL OPPORTUNITIES / SCHOOL BUSING EVENTS OF 1970 AND 1972**

**ПРЕЗИДЕНТСКАЯ РИТОРИКА, КРИЗИС, И МАНИПУЛЯЦИИ РИЧАРДА М. НИКСОНА С РАВНЫМИ ОБРАЗОВАТЕЛЬНЫМИ ВОЗМОЖНОСТЯМИ / СОБЫТИЯ, СВЯЗАННЫЕ С ПЕРЕВОЗКАМИ НА ШКОЛЬНЫХ АВТОБУСАХ В 1970-м И 1972 ГОДАХ**

*This paper examines the public oratory, crises and executive manipulation of the desegregation and school busing events that occurred in March 1970 and March 1972 during Richard Nixon's presidency. It argues that the March 1970 event represented a "real" crisis situation and the March 1972 event was merely a "manufactured" one designed for political advancement. This essay illustrates Nixon's attempts to subtly influence the American judicial system in 1970 toward his position against school busing as means of promoting desegregation. Upon failure, Nixon then turned to an overt manipulation of the American legislature's position on school busing in 1972 by creating a presidential crisis situation that he could respond to as a means of enhancing his reelection attempts for a second presidential term. Although Nixon was re-elected and the Supreme Court eventually decided in favor of Nixon's position in February 1974, the president's success was overshadowed by the Watergate scandal that eventually resulted in his resignation six months later.*

*В статье рассматриваются общественные выступления, кризисы и манипуляции исполнительных органов власти с вопросами десегрегации и перевозок на школьных автобусах, которые имели место в марте 1970 года и в марте 1972 года во время президентства Ричарда Никсона. В статье утверждается, что события марта 1970 года представляли собой «настоящую» кризисную ситуацию, а события марта 1972 года были созданы искусственно в политических целях. Данная статья демонстрирует хитроумные попытки Никсона в 1970 году повлиять на американскую систему правосудия в пользу своей позиции против перевозок на школьных автобусах в качестве*

*средства, способствующего десегрегации. Потерпев неудачу, в 1972 году Никсон перешел к открытым манипуляциям с американским законодательством в отношении перевозок на школьных автобусах путем создания кризисной ситуации, которую он мог использовать для усиления своих стремлений к перевыборам на второй президентский срок. Хотя Никсон и был переизбран и Верховный суд в конечном итоге принял решение в пользу Никсона в феврале 1974 года, успех президента был омрачен Уотергейтским скандалом, который привел к его отставке шесть месяцев спустя.*

*Keywords: school busing, desegregation, equal educational opportunities, crisis, oratory, rhetoric, public address, definition, Richard M. Nixon, American presidency.*

*Ключевые слова: перевозка на школьных автобусах, десегрегация, равные образовательные возможности, кризис, ораторское искусство, риторика, обращение к общественности, определение, Ричард М. Никсон, институт президентства США.*

Crises have become standard events that are used as a benchmark to gauge a leader and his leadership capabilities. They are also fruitful areas of study as Presidents often employ intelligent and sometimes crafty strategies and techniques to achieve their desired goals. As such, continual scholarly analysis is warranted.

One such opportunity is the twin Equal Educational Opportunities and School events that occurred in March 1970 and March 1972. Although the study of desegregation and school busing in America has been plentiful, an analysis

utilizing information gleaned from internal Nixon administration documents have been infrequent. This essay begins to remedy that oversight by examining the two events through the lens of presidential crisis rhetoric.

The school busing crisis began much earlier than President Richard M. Nixon's public declaration of a crisis situation in his nationally televised address on March 16, 1972. Desegregation had been a hot off-year election topic in spring 1970 as a result of several court decisions, and the Nixon administration was pursuing several equality initiatives. Two years later, following several significant lower and Supreme Court decisions, busing re-emerged as a contentious 1972 presidential election issue.

The 1972 crisis revolved around two primary concerns: racial equality in American school districts, and government assistance to schools forced to comply with conflicting court decisions. The ensuing combination of legal confusion, legislative introduction of several bills calling for a constitutional amendment, and the president's preferred position of a busing moratorium and improved education appeared to create a crisis situation involving all three governmental branches.

This essay examines the presidential communication and executive manipulation of the Equal Educational Opportunities/School Busing events by Nixon. This essay determines that Nixon's public declaration of an equal educational opportunities and school busing crisis in March 1972 was a "manufactured" one designed to support his reelection attempts, as well as compel Congressional action toward his busing position whereas the "real" equal educational opportunities and school busing crisis occurred two years earlier in March 1970 when the President attempted to sway judicial opinion toward his position.

This essay traces the historical development of the two crisis events of March 1970 and March 1972 as well as explores critical episodes that occurred within the two year span. The essay next examines the two events in terms of "crisis" as defined by political scientist Murray Edelman and explores why the first event constituted the "real" crisis situation and the second a "manufactured" one. The essay concludes by suggesting future research directions.

### **The 1970 Equal Educational Opportunities and School Busing Event**

The early 1970 political, social, and economic climate surrounding civil rights, desegregation, busing, and Nixon's broader "equality for all" vision, culminated in a situation that prompted executive attention and response. As Nixon's Chief of Staff H. R. Haldeman noted in his February 4, 1970 diary entry,

The school desegregation issue was becoming more important as enforcement strategies and tactics were debated between the White House, [Department of] Justice, and HEW [Department of Health, Education and Welfare]. P's [The President's] very strong view was that the major impediment to successful desegregation was the liberal establishment's determination to interpret the law as requiring total integration rather than desegregation. He felt that pushing too hard and too fast would just continue to lead to more and more worse confrontations, whereas a policy of moderation and steady progress would bring far greater and earlier success.<sup>1</sup>

The administration monitored and internally discussed the "school problem," considering different executive branch re-

sponses that included a presidential statement "directly taking on the courts for ruining the school system in their zeal for full integration."<sup>2</sup> As the courts continued issuing their rulings in February and early March, Nixon decided that his administration needed to address the issue publicly. In this situation most American presidents would have delivered a nationally televised address. The president opted for a different approach for he thought the topics were too complex for oratory. His response took a written form.

On March 24, Nixon issued a seventeen page desegregation white paper that was designed to interpret some "grey areas" left unresolved by various Supreme Court decisions, and to assist with school district busing compliance issues. By assessing the current state of desegregation in America's elementary and secondary public schools, he addressed several important issues that served as the foundation for his spring 1972 crisis speech. The white paper also launched the executive branch's attempt to influence the judicial branch's view on desegregation and school busing so as to align it with the President's perspective.

The white paper identified five purposes: (1) to reaffirm Nixon's belief in the original 1954 *Brown v Board of Education of Topeka* Supreme Court decision; (2) to trace America's desegregation lineage in the sixteen years post-*Brown*; (3) to clarify the court's and administration's respective positions as well as offer legal interpretations; (4) to identify desegregation problems and suggest possible solutions; and (5) to situation desegregation within the larger context of "America's historic commitment to the achievement of a free and open society."<sup>3</sup>

In the paper's first section, Nixon confirmed his long-standing belief that the United States Supreme Court ruled correctly in its historic 1954 decision declaring that "deliberate segregation of students by race in the public schools was unconstitutional." The president claimed that this decision resulted in two fundamental truths: "that separation by law establishes schools that are inherently unequal, and that a promise of equality before the law cannot be squared with use of the law to establish two classes of people, one black and one white."

By reviewing post-*Brown* court decisions and President Lyndon B. Johnson's 1964 Civil Rights Act, Nixon traced the evolution of educational equality to 1970. He argued that this evolution resulted in several unresolved legal and legislative "trouble spots" that did not appear to be resolvable in a timely manner, including (1) geographic legal interpretations generated by conflicting northern and southern court decisions; (2) geographically segregated housing patterns that could influence desegregation attempts; (3) local school board compliance with the Supreme Court's desegregation "with all deliberate speed" mandate; (4) variant desegregation interpretations ("integration" or "racially balanced schools"); and (5) school busing as a viable desegregation solution.

Nixon claimed that as more and more schools faced compliance, conflicting geographic court rulings resulted in uneven compliance and spawned additional problems. "White flight," or white pupil abandonment of public schools for private schools, was one, for it complicated school districts' law compliance as well as created additional fiscal, racial tension, and racial equality problems. Other issues concerned parental and

<sup>2</sup> Haldeman The Haldeman Diaries. P. 127.

<sup>3</sup> *Brown et. al. v Board of Education of Topeka et. al.*, 347 U.S. 483 (1964); Richard Nixon, "Statement About Desegregation of Elementary and Secondary Schools", Public Papers of the Presidents: Richard Nixon, 1970 (Washington DC: US Government Printing Office, 1971). P. 304-305.

<sup>1</sup> Haldeman H. R. The Haldeman Diaries. New York: G.P. Putnam's Sons, 1994. P. 126.

student educational rights, and balancing education and desegregation issues. The problems, the president insisted, were primarily illuminated in rural areas, suburbs, and “central cities”.

Nixon determined two fundamental issues needed to be addressed: improving equal educational opportunities and achieving equality for all American citizens. He argued that erratic legal compliance affecting education raised “legitimate [parental] fears” about their children and related educational issues. It also resulted in additional financial burdens that forced school districts to shift monies away from education to busing.

The president also suggested that schools were being microcosmically manipulated to advance social transformations that should occur at a larger, societal level. He asserted that civil rights advancements concerned adult Americans, and not at the level of children and in education. In addition, he argued that the inferiority of black schools prompted the white parents’ fears of substantially lower financial support for quality education, larger racial patterns that cyclically blocked blacks from quality of life advancement, and other, larger problems that prevented black families from focusing on their children’s educational achievements.

Nixon stated that school busing was one means of achieving educational equality, but argued that other, superior “innovative approaches” would serve the nation better. He also suggested it was more fiscally sound to devote monies toward educational improvement than racial equality solutions. He declared that the nation should uphold the current laws, but with as little intrusion as possible on a school district’s educational goals. This theme of minimal intrusion guided his perspective for the remainder of his presidency.

Within the white paper the President established several administrative principles and policies to be followed by government officials, including minimal law compliance without a busing mandate and encouraging school districts to continue educational innovation. In addition, the president declared his administration would assess different school district policies to determine their continuance or cessation.

The president also stated that he would ask Congress to divert \$500 million dollars from other domestic programs for educational assistance to racially-impacted geographic areas and support for school districts faced with law compliance. Nixon also referenced a \$1 billion dollar request in his fiscal 1972 government budget for the same purposes. Funding allocations would target four critical areas: (1) manpower training; (2) areas affected by *de facto* segregation; (3) school districts that were the “farthest” from legal compliance; and (4) innovative educational techniques.

Overall, Nixon’s white paper situated the immediate desegregation issue within the larger administrative vision of a free and open society. He asserted that “freedom has two essential elements: the *right* to choose, and the *ability* to choose,” and an “open” society should reflect open choices.” He claimed that, “I am confident that we can preserve and improve our schools, carry out the mandate of the Constitution, and be true to our national conscience”<sup>4</sup>.

#### **The Desegregation and School Busing Debate: March 1970 to March 1972**

Despite his best efforts, Nixon’s white paper did little to sway court opinions. As the various courts continued to uphold busing as a legal means of eliminating desegregation, the president turned to alternative legal activities to cajole the judicial

system toward his position. For example, he instructed Attorney General John Mitchell to continually file additional court cases until one finally reversed the legal trend against Nixon’s preferred position. In addition, he utilized the Internal Revenue Service to investigate the tax status of private schools practicing discrimination in a second, independent attempt to sway judicial decisions<sup>5</sup>. These approaches failed as well.

As the fall 1970 school year commenced, compliance issues arose nationwide. *U.S. News and World Report* noted that “mass confusion about busing is building up trouble for the start of a new school year in the South.” Yet other national magazines reported no problems. The Supreme Court had agreed to hear a busing case from the Charlotte, North Carolina school system, but was on recess until October. Lacking clarification, schools nationwide began the school year amidst chaos. While most started peacefully, others witnessed boycotts, protests, and violence throughout the entire school year<sup>6</sup>.

In April 1971, the Supreme Court ruled in their landmark *Swann v Charlotte-Mecklenburg Board of Education* decision that busing could be used if necessary to “achieve ‘effective’ desegregation.” *U.S. News and World Report* claimed that decision reaction was mixed, and the majority followed predictable lines. As the 1971–1972 academic year came into view, new court cases and ensuing problems continued to sprout. Nixon embarked on a new round of executive actions that sparked a new debate. He had Mitchell appeal an Austin, Texas federal court desegregation decision, and also asked for an appropriations amendment to prevent federal dollars from being spent on busing. As the new academic year started, desegregation battles spread to the northern and western parts of the nation, and more violence ensued<sup>7</sup>.

In October, the Supreme Court refused to hear two lower court cases. Anti-busing leaders from twenty-two states went to Washington DC to express support for a new solution to the problem: a constitutional busing amendment. Congress began taking action by moving previously “tied-down” bills through various committees. After a marathon fourteen-hour desegregation debate, they also agreed with Nixon that federal funds could not be used to underwrite busing, and passed his \$1.5 billion dollar federal aid emergency package for school districts engaging in law compliance<sup>8</sup>. As Congress became involved

<sup>5</sup> Haldeman, *The Haldeman Diaries*. P. 126; Richard Nixon, “White House Statement About the Internal Revenue Service Decision Concerning Tax Status of Discriminatory Private Schools”, *Public Papers of the Presidents: Richard Nixon, 1970* (Washington DC: US Government Printing Office, 1971). P. 588–589.

<sup>6</sup> “When Schools Reopen – Tangle Over Busing Expected”, *U.S. News and World Report*, August 24, 1970. P. 11–12; “School Desegregation: The Final Breakthrough?” *U.S. News and World Report*, September 14, 1970. P. 15; “Peaceful and Orderly”, *Newsweek*, September 14, 1970. P. 121; “Desegregation: The South’s Tense Truce”, *Time*, September 14, 1970. P. 39; “Race and the Schools”, *Newsweek*, October 19, 1970. P. 80; “Desegregation: How Much Further?” *Time*, October 26, 1970. P. 55; “As Violence Spreads in High Schools...” *U.S. News and World Report*, November 30, 1970. P. 18–20; “All Desegregation Orders Obeyed – Then, School Chaos in Greenville, S.C.”, *U.S. News and World Report*, December 7, 1970. P. 26; “Storm Warnings”, *Newsweek*, April 12, 1971. P. 68.

<sup>7</sup> “Now Supreme Court Sets Rules for Busing Students”, *U.S. News and World Report*, May 3, 1971. P. 12; “Busing: The Court Rules”, *Newsweek*, May 2, 1971. P. 26; “Raging Again: Battle Over School Busing”, *U.S. News and World Report*, August 16, 1971. P. 38; “School-Busing Battle Spreads to North and West”, *U.S. News and World Report*, September 13, 1971. P. 22; “The Buses Are Running”, *Time*, September 13, 1971. P. 42; “Dixie Take the Bus”, *Newsweek*, September 13, 1971. P. 14; “Desegregation: Trouble in Pontiac”, *Newsweek*, September 20, 1971. P. 33.

<sup>8</sup> “Latest in the Furor Over School Busing”, *U.S. News and World Report*, November 8, 1971. P. 72; “The Agony of Busing Moves North”,

<sup>4</sup> Nixon, “Statement About Desegregation of Elementary and Secondary Schools”, P. 318–320.



with the desegregation and school busing issues, the executive branch began paying closer attention to the legislative branch.

### The 1972 Equal Educational Opportunities and School Busing Event

The spring 1972 crisis commenced a year earlier with the landmark April 1971 *Swann* Supreme Court decision. When the decision was announced on April 20, Haldeman noted that Nixon was very concerned about the unanimous ruling and how the executive branch would respond. After consulting with his press secretary Ron Ziegler as well as Mitchell, Nixon decided that their position would be to do absolutely nothing beyond what was required by law. He iterated this position in a news conference nine days later claiming that “nobody, including the President of the United States, is above the law as it is finally determined by the Supreme Court of the United States.”<sup>9</sup> The president continued addressing his larger “equality for all position” during late spring and summer of 1971 as the various American courts continued debating desegregation. He also continued his efforts to change prevailing judicial decisions.

On August 3, Nixon issued another school busing statement that addressed an Appeals Court decision to hear *United States v. Austin Independent School District* as it had generated inconsistencies with other recent Supreme Court decisions. The president reiterated his stand for minimal busing in favor of financing improved education, and instructed the Department of Health, Education, and Welfare to design new legislation prohibiting the diversion of funds from the proposed Emergency School Assistance Act for transportation.<sup>10</sup> His effort proved fruitless.

The fall of 1971 and spring of 1972 witnessed several additional conflicting multi-court cases on busing and other related racial issues. The Supreme Court had already ruled on several cases post-*Swann* and was hearing additional ones. Of crucial importance was the early January 1972 ordering by U. S. District Judge Robert Merhige of southern Virginia officials to merge the predominantly black Richmond school system with two surrounding predominantly white suburban school districts. His decision had an immediate, controversial impact. *Time* of January 24 reported, “It was the first time a Federal court had brushed aside metropolitan boundary lines to bring about racial integration, and it sent an unofficial precedent for the merging of other largely black cities with white suburbs.” *Time* also noted that several additional cities were awaiting final rulings that would force additional mergers, including Wilmington, Delaware, Grand Rapids, Michigan, and Indianapolis, Indiana. Additional articles addressing various desegregation and educational issues were spawned national magazines throughout spring 1972. Their coverage would partially contribute to the second Equal Educational Opportunities and School Busing event that would emerge in mid-March.<sup>11</sup>

*Time*, November 15, 1971. P. 57; “Pyrrhic Victory?” *Newsweek*, November 15, 1971. P. 83.

<sup>9</sup> Herbert S. Parmet, *Richard Nixon and His America* (Boston: Little, Brown and Company, 1990). P. 596; *Swann v. Charlotte-Mecklenburg Board of Education* (402 U.S. 10); Haldeman, *The Haldeman Diaries*. P. 275–276; Richard Nixon, “The President’s News Conference of April 29, 1971”, *Public Papers of the Presidents: Richard Nixon, 1971* (Washington DC: US Government Printing Office, 1972). P. 597.

<sup>10</sup> *United States of America, Plaintiff-Appellant, v. Texas Education Agency et. al. (Austin Independent School District), Defendant-Appellees*. P. 467 F.2d 848 (1972); Richard Nixon, “Statement About the Busing of Schoolchildren”, *Public Papers of the Presidents: Richard Nixon, 1971* (Washington DC: US Government Printing Office, 1972). P. 848–849.

<sup>11</sup> See “The Taxing Question,” *Newsweek*, January 21, 1972. P. 48; “Who Pays the Bill?” *Time*, February 5, 1972. P. 52–53; “Cam-

Occurring concurrently was the 1972 presidential primary election season. Nixon, running for reelection, was the obvious Republican candidate, and eleven Democrats fought amongst themselves for their party’s nomination. The spring primary season witnessed the Democratic candidates using busing as a campaign issue. In addition, the February 28 *Newsweek* reported that there were at least 30 school busing bills floating around Congress, including several introduced by Democratic presidential hopefuls.

The president seized the opportunity to promote his position once again. His administration met with several anti-busing senators. *Newsweek* claimed that the president hoped to address busing upon his return from his upcoming historic visit to China, but growing Congressional pressure was “forcing him to confront the issue lest others seize the initiative”. Nixon stated that he would have aides examine busing during his absence,<sup>12</sup> but he found himself addressing it during his trip. His remarks were not included in his public papers, but the February 20 *New York Times* reported that the president was leaning toward a constitutional amendment as a “live option” resulting “in his search for some way to slow the courts, protect his own political flanks, and defuse what he feels is a dangerous and divisive public issue”<sup>13</sup>. In effect, the president was changing his executive attention from the judicial branch to the legislative and used the idea of a constitutional amendment as a threat to quell rising Congressional involvement.

The school busing issue morphed into a crisis during the Florida primary. Angered by busing, state constituents incorporated a mandatory school busing referendum into their primary. On March 14, the *New York Times* reported Florida voters voted 3-1 against mandatory school busing. Democratic candidate and Alabama Governor George Wallace scored an easy Florida primary victory over fellow contender and Main Senator Edmund Muskie. Aiding Wallace’s Florida successful win was his vow to halt school busing<sup>14</sup>.

With busing appearing to emerge as a critical situation, Nixon decided he needed to address it in a nationally televised address. He delivered his Equal Educational Opportunities and School Busing speech two days after the Florida primary. He announced his intentions to introduce two new legislative bills. The first would place a moratorium on future busing, and the second would ensure equal educational opportunities for all

campaign ‘72: The Busing Issue,” *Newsweek*, February 7, 1972. P. 24; “A Modest Proposal”, *Newsweek*, February 21, 1972. P. 80; “An Uneasy Truce in Troubled Schools”, *U.S. News and World Report*, February 21, 1972. P. 48–50; “Nixon Spurs A new Drive Against Busing”, *Newsweek*, March 6, 1972, 30. P. 33-35; “Busing: An American Dilemma,” *Newsweek*, March 13, 1972, 20-24; “Running With the Busing Issue: Will the President’s New Program Provoke a Constitutional Crisis?” *Newsweek*, March 27, 1972. P. 19–22; “What Nixon’s Plan on Busing Means”, *U.S. News and World Report*, March 27, 1972. P. 73; “Seeing Your Enemy”, *Time*, April 3, 1972. P. 46-47; “Pro and Con on Busing: Interviews on Both Sides,” *U.S. News and World Report*, April 3, 1972, 19-23; “Alternative Schools: Melting Pot to Mosaic”, *Time*, April 10, 1972. P. 85–86; “In the North Now: An Order to Mix City, Suburban Schools”, *U.S. News and World Report*, April 10, 1972. P. 58; “Integration’s Bible”, *Newsweek*, April 24, 1972, 7. P. 81–82; “Turnabout in Mississippi”, *Newsweek*, May 9, 1972. P. 75–76.

<sup>12</sup> Richard Reeves, “Eleven Alligators in Florida’s Political Swamp”, *New York Times*, March 12, 1972; “Nixon Spurs A New Drive Against Busing”, 15.

<sup>13</sup> Robert B. Semple, Jr., “President Leans To An Amendment on Pupil Busing,” *New York Times*, February 21, 1972.

<sup>14</sup> Douglas Robinson, “Busing Ban Wins By Large Margin”. *New York Times*, March 15, 1972; B. Drummond Ayres, Jr., “Agnew Censures Muskie’s Attacks”, *New York Times*, March 16, 1972; Parmet. P. 596.

American citizens. The following day, Nixon issued a special Congressional message proposing the bills. Elimination of future busing transformed into “The Student Transportation Moratorium Act of 1972”, and the equal educational opportunities legislation was labeled “The Equal Educational Opportunities Act of 1972”<sup>15</sup>.

Post-crisis speech, Nixon continued addressing the larger issues of civil rights and “equality for all” through the remainder of his presidency, but his focus on the specific issues of desegregation and busing began to wane. On June 23, Nixon fired a warning shot toward Congress as they attempted to resolve the school busing issue themselves through their own legislation. He claimed that if the legislative branch refused to act on his proposals, he would follow through with his constitutional amendment threat.<sup>16</sup>

Nixon’s *Public Papers* notes that his comments were filmed at the White House for later broadcast on radio and television and were not delivered live unlike his March 16 crisis address. He again reiterated his threat in an October 5 news conference and speculated that a new Congress might act quicker in passing legislation than the current one, suggesting that Congressional figures who desired to keep their job should act prior to their own elections in November.<sup>17</sup>

The remainder of Nixon’s presidency witnessed no new programs, initiatives, or additional education reform bills although he did ask Congress to pass several previously proposed bills and continued funding for his youth summer employment program. While Nixon did propose additional civil rights legislation during the nineteen months in office, his lack of additional, substantive educational initiatives was noticeably lacking.<sup>18</sup>

<sup>15</sup> Richard Nixon, “Address to the Nation on Equal Educational Opportunities and School Busing”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 425-429; Richard Nixon, “Special Message to the Congress on Equal Educational Opportunities and School Busing”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 430-431.

<sup>16</sup> Richard Nixon, “Remarks on School Busing in Connection with the Education Amendments of 1972,” *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 703.

<sup>17</sup> Richard Nixon, “The President’s News Conference of October 5, 1972,” *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 961-962.

<sup>18</sup> See Richard Nixon, “The President’s News Conference of March 24, 1972”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 492-493, 494-495; Richard Nixon, “Remarks at the Annual Convention of the National Catholic Education Association in Philadelphia, Pennsylvania”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 516-523; Richard Nixon, “Statement About the Status of Women Within the Administration”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 556-557; Richard Nixon, “The President’s News Conference of June 22, 1972”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 696-698, 699-700; Richard Nixon, “Labor Day Message”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 849-853; Richard Nixon, “Remarks to the Student Body of Rio Grande High School, Rio Grande Texas”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 888-893; Richard Nixon, “Statement About Veteran Benefits Legislation”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 1025-1026; Richard Nixon, “Radio Address: ‘The Birthright of an American Child,’” *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 1134-1138; Richard Nixon, “Remarks on Plans for the Second Term”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 1147-1152;

Which Equal Educational Opportunities/School Busing Event was the “Real” Crisis?

The Nixon presidency witnessed two significant equal educational opportunities/school busing events that occurred two years apart (March 1970 and March 1972). While the president and his Democratic presidential opponents claimed the event in March 1972 constituted a “real” crisis, a historical review of the events prompts analysis.

In his book *Constructing the Political Spectacle*, political scientist Murray Edelman differentiated between *problem* and *crisis*:

The terms “problem” and “crisis” are inducements to acquiesce in deprivations.

For most people they awaken expectations that others will tolerate deprivations. [underline in original] Problem connotes a condition that is resistant to facile solution because it stems from entrenched institutional features or entrenched institutional flaws. Those who are untouched by it, those who benefit from it, and those who suffer from it all learn that it is likely to continue. A “crisis,” by contrast, heralds instability; it usually means that people must endure new forms of

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Richard Nixon, “Letter to the Chairman of the Advisory Commission on Intergovernmental Relations About a School Finance Study”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 75-75; Richard Nixon, “Special Message to the Congress on Health Care”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 384-396; Richard Nixon, “Statement About Proposed Expansion of School Nutrition Programs for Needy Children”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 578-579; Richard Nixon, “Special Message to the Congress Proposing the Allied Services Act of 1972”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 599-601; Richard Nixon, “Statement About Summer Job and Recreation Programs for Youth”, *Public Papers of the Presidents: Richard Nixon, 1972* (Washington DC: US Government Printing Office, 1974). P. 216-217; Richard Nixon, “Special Message to the Congress on Education Priorities”, *Public Papers of the Presidents: Richard Nixon, 1974* (Washington DC: US Government Printing Office, 1975), 33-40; Richard Nixon, “Memorandum About the Federal Summer Employment Program for Youth”, *Public Papers of the Presidents: Richard Nixon, 1974* (Washington DC: US Government Printing Office, 1975). P. 357; Richard Nixon, “Statement About Signing an Appropriations Bill Including Funds for Summer Jobs Programs for Youth”, *Public Papers of the Presidents: Richard Nixon, 1974* (Washington DC: US Government Printing Office, 1975). P. 484-485; Richard Nixon, “Special Message to the Congress Proposing Pension Reform Legislation”, *Public Papers of the Presidents: Richard Nixon, 1973* (Washington DC: US Government Printing Office, 1975). P. 273-279; Richard Nixon, “Special Message to the Congress Proposing Job Security Assistance Legislation”, *Public Papers of the Presidents: Richard Nixon, 1973* (Washington DC: US Government Printing Office, 1975). P. 281-285; Richard Nixon, “Statement About Proposed Legislation to Establish a Legal Services Corporation”, *Public Papers of the Presidents: Richard Nixon, 1973* (Washington DC: US Government Printing Office, 1975). P. 526-528; Richard Nixon, “Special Message to Congress Proposing Legislation and Outlining Administration Actions to Deal With Federal Housing Policy”, *Public Papers of the Presidents: Richard Nixon, 1973* (Washington DC: US Government Printing Office, 1975). P. 800-813; Richard Nixon, “Special Message to the Congress Proposing a Comprehensive Health Insurance Plan”, *Public Papers of the Presidents: Richard Nixon, 1974* (Washington DC: US Government Printing Office, 1975). P. 132-140; Richard Nixon, “Special Message to the Congress on Health Programs”, *Public Papers of the Presidents: Richard Nixon, 1974* (Washington DC: US Government Printing Office, 1975). P. 183-191; Richard Nixon, “Statement About Plans and Pending Legislation to Revitalize the Housing Market”, *Public Papers of the Presidents: Richard Nixon, 1974* (Washington DC: US Government Printing Office, 1975). P. 422-425; Richard Nixon, “Radio Address About a Proposed Comprehensive Health Insurance Plan”, *Public Papers of the Presidents: Richard Nixon, 1974* (Washington DC: US Government Printing Office, 1975). P. 442-446.

deprivation for a time. In the conventional view, then, problems are chronic (though curable in principle) and crises are acute; but the distinction turns out to be arbitrary when the analysts of crises are examined.<sup>19</sup>

Applying Edelman's *problem* versus *crisis* classifications suggests that the twin issues of equal educational opportunities and school busing were ongoing *problems* that occurred between March 1970 and March 1972. School busing was clearly the larger, more controversial of the two issues although both were intertwined with the larger racial and "equality for all" positions from Nixon's broader vision. Utilizing internal administrative documents from the Nixon administration, this paper argues that the events leading up to the March 1970 Nixon white paper represented the "real" presidential crisis whereas the events leading up to the March 1972 crisis and his subsequent address represented a "manufactured" and "promoted" situation designed to enhance political advancement.

### March 1970 – The "Real" Crisis Event

Several avenues of thought suggest the events leading up to Nixon's March 24, 1970 white paper represents a "real" crisis occurring over equal educational opportunities, school busing, and desegregation. The first avenue arises from the internal writings of Nixon's aides and administrative staff. In a January 9, 1970 memo to Haldeman staff aide Kenneth B. Cole, Jr., Nixon speechwriter Leonard Garment noted that it was the judicial, and not the legislative, government branch that was "on the cutting edge of the desegregation moves."<sup>20</sup> In addition, in an undated Nixon speechwriter Ray Price memo to Garment (circa. February 1970), Price argued that it was the application and enforcement of the 1954 Brown v Board of Education decision that had created "an educational and social crisis" as well as a threatened constitutional crisis. He claimed that it was the "profound obligation" of all three government branches to work towards solutions that would avoid such a crisis from occurring.<sup>21</sup>

In addition, Haldeman's diary described a "real crisis" situation emerging and referenced school busing as a crisis several times. He quoted Nixon telling his speechwriters that school desegregation was a "very historic" crisis, and often referenced desegregation and busing in multiple February and March 1970 diary entries. In contrast, his March 1972 diary entries were significantly anorexic and spoke little of the busing situation.<sup>22</sup>

Second, an internal White House memo suggests that the executive branch was working behind the scenes to address legal issues that went beyond desegregation and school busing. In a February 18, 1970 memo to the President, Garment stated,

1. I am in complete agreement that it is essential to re-establish a sensible framework for the school desegregation process; and that this may eventually mean facing down the courts.

2. In the short run, however, I think it would be a mistake to throw down the gauntlet to the courts; we would be practically

<sup>19</sup> Murray Edelman, *Constructing the Political Spectacle* (Chicago: University of Chicago Press, 1988). P. 31.

<sup>20</sup> Leonard Garment to Kenneth B Cole, Jr., January 9, 1970, Leonard Garment Papers, White House Central Files, Box 2, RMNPP.

<sup>21</sup> Ray Price to Leonard Garment, no date, Leonard Garment Papers, White House Central Files, Box 2, February 1970, RMNPP.

<sup>22</sup> Haldeman, *The Haldeman Diaries*. P. 126–130, 133, 138, 139–142; Price. P. 203–204; Haldeman, *The Haldeman Diaries*, [CD-ROM], March 14–17, 1972.

forcing them to pick it up, and by inviting them to unite on an issue (separation of powers) which would then be framed in distorted terms and unfavorably to us.

3. Our strategy should be to put forward a carefully-crafted and reasonable statement of the problem, of the human dilemmas created by judicial abstractions, of the need for new approaches in formulating plans based on the lessons of 16 years of trial and error experience, etc.

Garment concluded his memo by stating that it was of great importance to prevent any premature dichotomies between them and the judiciary: "I am convinced the courts will give unless backed up against the wall. The consequences then become murky"<sup>23</sup>.

If Nixon could not sway the courts toward his preferred position on desegregation and school busing, an alternative approach to achieving his goal would be a subtle altering of the balance of power between the executive, judicial, and legislative branches. Prior to his political career, Nixon was a lawyer. Employing those skills, the President was gracefully suggesting executive action to fill the "grey areas" that had resulted from judicial inaction. This action would alter existing separation of powers. For example, Nixon's February 16, 1970 statement about school district assistance with law compliance in lieu of the latest rounds of court decisions, and his reference to his administration "stepping in" to resolve the grey areas, could be seen as subtle hints of an expansion of executive branch powers. This position is further supported by a comment Nixon made in a March 21 news conference suggesting that the Supreme Court was not fulfilling its judicial responsibilities: "It was time to have a comprehensive study and discussion of all of the relevant legal decisions in this field ...." declared the president, suggesting that if the Courts would refuse to act, he and the executive branch would<sup>24</sup>.

In other words, Nixon was advancing two different approaches to achieve his position on desegregation and school busing as a means of resolving the crisis. If the courts were swayed, Nixon achieved his goal. If they were not, he could attempt to achieve the goal through executive means. The strategy ultimately was flawed though as it failed to take into account his inability to resolve the issue within his government branch. He needed the support of at least one other branch. When the desegregation and school busing issues arose again during the spring 1972 election season, Nixon found himself with another opportunity to achieve his preferred position.

### March 1972 – The "Manufactured" and "Promoted" Pseudo-Crisis

Although Nixon, Congress, and the media all proclaimed the latest school busing developments creating a nationwide crisis in March 1972, analysis suggests that the president took advantage of the situation to aid his presidential re-election attempts.

When the issues arose again in spring 1972, the President was focused on countering an attack regarding illicit campaign practices, known as the International Telephone and Telegraph (ITT) controversy. A March 14, 1972 *Haldeman Diary* entry stated that Nixon and his close aides decided to give a "crisis" speech two days later to deflect attention away from ITT, to

<sup>23</sup> Leonard Garment to the President, February 19, 1970, Leonard Garment Papers, White House Central Files, Box 2, RMNPP.

<sup>24</sup> Nixon, "The President's News Conference of March 21, 1970," 290.



give the president “media exposure,” and set up his election opponents for political failure<sup>25</sup>. Haldeman’s comments suggest that the latest busing situation was not marked with a new sense of “deprivation” that Edelman suggested as a defining characteristic of a “crisis.” In an earlier March 3, 1972 Garment memo to Assistant to the President for Domestic Affairs John Ehrlichman, Garment stated that any Nixon action at this time should be balanced so as not to intensify “the sense of crisis” and create a “substantially worsened political situation.”<sup>26</sup> In other words, the March 1972 event seemed to be “manufactured.”

In addition, the amount of time spent developing Nixon’s March 16 crisis address was too lengthy to suggest this event was a “real” crisis. In times of crisis, presidents typically do not have much time to compose a crisis speech. Yet work on Nixon’s “crisis” speech commenced on March 4, nearly two weeks prior to its delivery. The 12 day span suggests that the president and his aides took their time creating and revising their message, a luxury a crisis event does not afford since most crisis speeches are written and delivered within a few days of an actual crisis event.<sup>27</sup>

Nixon also benefited by the timing of the second event. Occurring during the presidential primary season and having two years of experience attempting to achieve his preferred position by unsuccessfully attempting to sway judicial opinion, Nixon seized the opportunity to appear presidential and attempt to resolve the “crisis” through his crisis address.

Most compelling are Nixon’s March 16, 1972 handwritten notes about this second event. It illustrates a strategy that was designed promote himself as a presidential candidate while undermining his opposition. Nixon noted that the Courts, he, as President, and a constitutional amendment could not stop school busing; only Congress could. He asserted that it was time for Congress to “fill the vacuum in [a] 2 phase program[;] It is best solution I know [sic] – 1. Remove it from politics and campaign”<sup>28</sup>. By proposing his two bills, the President once again shifted the balance of power from the legislative branch to the executive. It also eliminated any proposed actions by his presidential opponents by doing employing his power as President while his opposition could only propose what they would do if elected President. His threat of a constitutional amendment to compel Congress to vote in favor a busing moratorium further suggests that the President was attempting to manipulate the third governmental branch. In sum, the 1972 Equal Educational Opportunities/School Busing event was a “manufactured” crisis designed to enhance his attempts to win a second term as President.

<sup>25</sup> Haldeman, The Haldeman Diaries, CD-ROM.

<sup>26</sup> Leonard Garment to John Ehrlichman, March 3, 1972, Leonard Garment Papers, White House Central Files, Box 5, RMNPP; Leonard Garment to the President, March 3, 1972, President’s Handwriting March 1972, White House Special Files, Staff Members and Office Files, Box 16, RMNPP.

<sup>27</sup> Busing Message to the Congress of the United States [Price, Fourth Draft, March 15, 1972], President’s Personal File, White House Special Files, Box 73, Thursday, March 16, 1972 1 of 2, RMNPP; 3rd Draft: Busing Speech [WLS 3/15/72], President’s Personal File, White House Special Files, Box 73 Thursday, March 16, 1972 1 of 2, RMNPP; 3/16/72 – Draft # 6, President’s Personal File, White House Special Files, Box 73, Thursday, March 16, 1972 2 of 2, RMNPP; Busing Message [Price, 1st Draft, March 4, 1972], President’s Personal File, White House Special Files, Box 73, Thursday, March 16, 1972 2 of 2, RMNPP.

<sup>28</sup> 3-16-C.O., March 16, 1972, President’s Personal File, White House Special Files, Box 73, Thursday, March 16, 1972 1 of 2, RMNPP.

### Conclusion and Areas of Future Research

In February 1974, the court heard *Milliken v Bradley* and later ruled in July that school busing was not a legally acceptable way to desegregate public schools.<sup>29</sup> The court had finally affirmed the position Nixon had been arguing since early 1970. While it was a victory for Nixon, its importance had waned as it was replaced by a greater presidential crisis that eventually removed Nixon as President: Watergate.

This essay analyzed two events concerning the Equal Educational Opportunities and School Busing that arose out of the Richard M. Nixon presidency. Focusing on two presidential communication forms, a written white paper released on March 24, 1970 and a public crisis address delivered by Nixon on March 16, 1972, this essay determined that Nixon’s labeling of the March 1972 event as a “crisis” was a manufactured one designed to enhance his reelection attempts and that the “real” crisis involving desegregation, busing, and civil rights occurred two years earlier in March 1970.

To validate and expand the observations and conclusions drawn in this essay, future areas of research could include additional Nixon domestic and foreign presidential crises, including the Postal Strike of March 1970, the Wage and Price Control crisis of August 1971, the Energy Crisis of 1973–1974, the Southeast Asian (Vietnam) conflict, and Watergate. In addition, Nixon’s various legal maneuverings, particularly with his efforts to expand the executive branch’s power should include Watergate as current research suggests Nixon utilized his them in Watergate crisis and contributed to the development of his position on *executive privilege*.

Other American presidents worthy of similar scholarly attention include both Bushes and Clinton, in addition to the well-scrutinized presidencies of Kennedy, Johnson, and Reagan. Clinton is an apt candidate as his presidency, like Nixon, was marked by numerous crises, including Whitewater, Travelgate, Monica Lewinsky, and China, among others. Those crises, like Nixon’s, witnessed both presidents engaging in legal argumentation and maneuvering that captured national media and public attention.

<sup>29</sup> *Milliken v Bradley*, 418 U.S. 717 (1974).