

OBSERVATION POINT

DISSENT

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State Board Should Appeal Bussing Ruling To Higher Court

By Philip H. Power
Publisher

specifically because of the religion, race, color or national origin of citizens.

He claims that students in the Detroit school system are in fact receiving "equal educational opportunity," citing the facts that per pupil spending on Detroit children is 4% over the state average and that the Detroit school system has gone to great lengths to hire black teachers and specialists who understand inner-city children's problems.

O'Neil also argues that Judge Roth's ruling should be appealed quite simply because it represents a massive change in the way local education systems would work, a change too important to be implemented without review by higher courts.

A NUMBER of Michigan Congressmen, while not reacting directly to O'Neil's suggestion, seem to agree with him.

Rep. James G. O'Hara (D-Utica), who represents Warren among other suburbs, said: "Court-ordered student bussing programs go beyond the requirements of the Constitution and are wrong."

Rep. John Dingell (D-Dearborn), whose district borders this area, remarked: "The recent District Court decisions in the Pontiac and Detroit school cases appear to require establishment of a racial quota and to disregard the fact that racial makeup in a given school or school district may result from circumstances other than the requirements of law. I believe that these decisions exceed constitutional requirements."

Other Congressmen, including Rep. Jack McDonald (R-Farmington), believe that Judge Roth's decision goes beyond the Constitution, but they have chosen to push for a Constitutional Amendment prohibiting bussing of school children strictly on racial grounds.

THE REAL point behind O'Neil's proposal is that a ruling as important as Judge Roth's ought to be appealed to the higher courts before specific remedies are proposed and put into effect.

One of the problems with the Pontiac bussing situation, which

was before Roth's decision, was that the school district was ordered to bus before the case was resolved before the Court of Appeals or U.S. Supreme Court. The result was that people in Pontiac lost their faith in the judicial system and many of them were prepared to act illegally in the face of a legal ruling to try to prevent bussing.

It's very important that the public faith in the integrity of our courts be preserved, particularly in a case such as this, and

that's why O'Neil's request makes sense.

The State Board of Education would be well advised if it asked Atty. Gen. Kelley to appeal the ruling to the U.S. Court of Appeals to test exactly what the law requires.

Only in that way can parents be assured that all appropriate legal tests have been made on the bussing issue, and only by such tests can the people be prepared to accept a legal resolution of what is surely the most crucial social issue of our time.

By FRANK J. KELLEY
Mich. Atty. General

The issues raised by the bussing controversy impose tremendous obligations on public officials. Some are playing on the honest fears and lack of understanding of the facts and the law by tens of thousands of parents. This has created a real social crisis in Michigan which, I believe, the facts and prospects do not justify.

As the father of three children, I understand and have sympathy for parents who have honest concerns for the welfare of their children. I hope that these comments will help put this matter in perspective:

- There is no present order for cross-bussing - that is, bussing from one school district to another. The federal court reviewing the matter will not issue any kind of a final order for several months.

- No court in the United States has yet ordered bussing across school district lines. If such an order is entered, it will be for the first time and will undoubtedly be appealed to the United States Supreme Court. This process will delay final implementation for a considerable period of time.

- In the Detroit case, the school districts around the city have not been allowed to participate or to be heard in this case. This jurisdictional question will have to be settled before the case can ultimately be concluded.

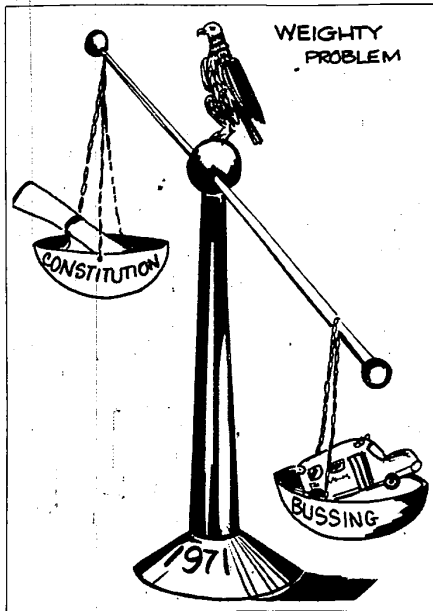
- The attitude in regard to bussing of the United States Supreme Court as it is now constituted is not known. However, legal commentators predict that the court is now and with the forthcoming appointments by the president likely to remain, for better or for worse, "a strict constructionist" court.

- The United States Supreme Court will make the final decision in this matter. Knowledgeable observers doubt that any constitutional amendment will even be considered by Congress until after the United States Supreme Court has acted.

On the basis of all of these factors, especially those relating to the probable final determinations by the U.S. Supreme Court as it is presently or in the immediate future likely to be constituted, I believe it is possible to make this prediction as to the outcome when all proceedings are concluded: There will be no cross-bussing in Michigan.

The basic fact remains, however, that our primary concern is quality education of our children. Certainly men and women of good will can find answers to this problem which are compatible to the needs of our society.

We hope that at least one part of the answer can be found in the suit which Gov. Milliken and I have filed challenging the constitutionality of the present method of financing public schools through the local property tax and the state aid formula. What we are seeking in that suit is that there be substantially equal financial support for every student in this state, no matter where he may reside.



R.T. Thompson writes

Pre-Halloween Pranks Aren't

It's that time of the year again when parents should have the answer to the question "Where are our kids tonight? What are they doing?"

We'll let them in on a secret, well-kept from parents, but well known by residents of the various subdivisions in what we prefer to call Observerland - the seven communities covered by the Observer Newspapers Inc. chain.

Halloween is still almost two weeks away, but already bands of youngsters have been busy upending mail boxes, soaping windows, particularly car windows, and various other things that are popularly known as pranks but actually become vandalism.

MOST HOMEOWNERS accept such things at Halloween and the night before, but they become more than a bit disturbed when gangs of kids race through the streets two and three weeks in advance of Oct. 31.

It may sound strange, but in most instances the gangs pick homes where there are sick and elderly, places where residents are trying to make the best of sad times, for their "pranks." It's soap the windows or the screens, make a lot of noise and then race away into the darkness.

We have yet to find one

youngsters who will stand up and admit he participated in such doings and apologize to the distracted homeowner.

If that's the definition of fun, then we hope the gangs of youthful marauders get a big kick out of seeing elderly folks painstakingly cleaning the soap off car windows while the kids walk by on the way to school.

There's only one way to look at these acts - some fun! And to parents: Is this what your youngsters are doing? Ask them.

WHILE ON THE subject of Halloween, there isn't any better time than right now to issue the usual warnings for safety during "trick-or-treat" nights when the younger children take to the streets.

At the moment, some of the area police departments have urged celebration of Halloween on Saturday night and others have asked parents to take their children around on Sunday night. There isn't any such thing as selecting one night over the other.

Here are some safety tips that have been issued by the area police chiefs who urge parents to follow the suggestions:

Dress in light colored cloth-

ing, and if masks are worn, there should be unrestricted vision.

Youngsters must be told not to run into the streets. Drivers should be alert for the unexpected appearance of a child in the road as they cross from one side of the street to the other.

Goblins will find that most people are tolerant if they are not destructive.

Tim Richard writes

Time For School Boards To Outshine Politicians

One of the problems with school politicians is that they commonly refuse to admit they're politicians, which is maybe why the schools are in bad shape.

Nowhere has the general naivete of school politicians been better displayed than on the bussing issue - that is, the prospect that a federal judge will order Detroit and suburban schools.

The politicians who know they're politicians - namely, the ones holding legislative and municipal offices - are taking the initiative away from the school people, and they may mess up the works.

SOME EXAMPLES:

- The State Board of Education was found by Judge Stephen Roth to have its hand in the segregation pot in Detroit. Has the state board decided yet to appeal the decision? No; only one minority member, James O'Neil (R-Livonia), has suggested an appeal.

- Meanwhile, congressional politicians are shouting for an anti-bussing amendment to the U.S. Constitution - an amendment that I fear is for a transitory purpose and may even fail to do the job.

- South Redford and Redford Union school districts are on the border of Detroit, hence prime candidates for bussing IF it ever comes about.

Have they sought yet to intervene in the Detroit suit? No. And the ball is being stolen from them

by the publicity-hungry Redford Township supervisor, Bill J. Robbins, who has ordered the township to prepare pleadings to intervene. Robbins, himself a lawyer, should know better than to stick the township government's nose into a school case, but he seems to be getting away with it at this writing.

- The Farmington Township Board passed a bombastic anti-bussing resolution. What was so frightening wasn't its support of the activity in Congress, but the level of reasoning.

The Farmington Township clan denounced the Roth decision as "social legislation," which, if you pay any attention to Dixie-rat rhetoric, is the most low-down and ignorant phrase they could apply to the Warren Court's 1954 decision to end segregation. Any good lawyer will tell you that virtually all important legislation is social legislation. It's too bad that a good lawyer on the Farmington Township Board couldn't have prevented such blatant wording from being bulled through.

- All sorts of municipal politicians - even Southfield's figure-head mayor, Norman Feder - are denouncing bussing as frightened voters apply the heat.

SOME OPPONENTS of bussing frankly hate, or are frightened by, Negroes. The majority of opponents, however, view bussing as a costly, inefficient way to achieve equal protection of the laws and an end to segregation. The prevailing

opinion, as summed up by one mother, seems to be:

"I don't care if black kids move out here; I just don't want my kids being hauled miles into Detroit."

The grim irony is that we see a school official, Livonia School District trustee A. Edward Katz, to be specific, advocating the kind of action that the loud-mouthed mayors and supervisors and councilmen should have been taking long ago. Said Katz:

"I feel that any public official who simply states his opposition to bussing without stating his alternatives is a political prostitute. The root causes of the problem lie in social, economic and housing discrimination."

Katz's alternative: "Low and moderate income and subsidized housing... to make this a truly multi-racial, multi-national community."

It's a gutsy but wise thing to say. And it would sound even guttier and wiser if Dr. Katz's school district were taking the lead in challenging the Roth decision in court.

Sense And Nonsense

What's new in encounter groups?

This year the Universalist-Unitarian Church of Farmington is offering three. There are (1) "mixed group, for singles, halves of couples, couples who want

do some exploration as individuals;" (2) a singles group for those divorced, widowed or never married, and (3) "a couples group, for married couples or two persons living in a married relationship."

Editorial & Opinion

OBSERVER NEWSPAPERS, INC.

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The Livonia Observer • The Redford Observer
The Westland Observer • The Garden City Observer
The Plymouth Mail & Observer • The Southfield News & Observer
The Farmington Enterprise & Observer



Published by Observer Newspapers, Inc.
36251 Schoolcraft, Livonia, Mich. 48150

Serving the communities of:
Livonia, Plymouth, Plymouth Township, Canton Township, Farmington
Farmington Township, Redford Township, Garden City, Westland,
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