

Attorney thinks court will rule against busing

By KATHY MORAN
 REDFORD—Although other issues have temporarily overshadowed that of busing, apprehension is starting to build as the U.S. Supreme Court nears its monumental decision.

The court is expected to rule on busing after the school year ends in June and at least one person from Redford Township is confident of the court's decision.

P. Carl Schluter, a young attorney, believes the high court will overturn Federal Judge Stephen Roth's decision and thus prevent busing of school children across school boundaries. He wrote a paper criticizing the Roth decision on both legal and political grounds while still a student at the University of Michigan Law School and believes his arguments apply as much now as ever.

Schluter, who opened a practice on Five Mile a year ago, says the court will split 5-4 or 6-3 in reversing Roth and considers Justices Byron White and Potter Stewart as the "swing votes."

The justices who will weigh the court against busing are Chief Justice Warren Burger and Justices William Rehnquist, Harry Blackman and Lewis F. Powell while liberal Justices William O. Douglas, William Brennan and Thurgood Marshall will vote against the majority and thus support busing, Schluter predicts.

"I've predicted from the beginning that the busing order won't go into effect," Schluter said. "I'm convinced the Supreme Court will reverse the Roth decision completely."

Although Schluter doesn't know what reasoning the high court will use in making the reversal, he said that Roth can be overturned on legal grounds.

Roth's decision is based on a 1954 Supreme Court decision. It was in that case the court determined that an education where the races are separated is "inherently unequal."

Every ruling since 1954, including Roth's, has followed this "separate is inherently unequal" doctrine, he says.

"It has been my contention for many years that the 1954 opinion was incorrect," Schluter said. "It would seem to indicate that when the races are segregated, they receive an inherently inferior education."

"I tend to agree with the Coleman report which states that the two critical factors in a child's education are the aspirations of the other students in the classroom and the family background."

The Coleman report, he explained, was written by James Coleman of John Hopkins University in 1967 and was published in the Harvard Educational Review in 1968.

"If a student is sitting in a classroom where the other children are aspiring to be doctors or lawyers, he tends to aspire for the same things," Schluter continued. "On the other hand, if a child is in a classroom where children aspire to do other



WILLIAM R. DAY has been named manager of the Westland branch of Bank of the Commonwealth at Ford and Newburg roads. Day, who earned a BS degree in business administration, joined the bank in 1964 as a teller trainee. He is a member of the Redford Lions Club and has served as a director of the club for three years.

things, the peer group pressure is great to do those things."

"The Coleman report would suggest that merely integration of the races by itself counts for very little," he said.

"If one accepts the Coleman report, it appears that critical factors in education are other than race integration."

Since the Roth decision was based on the premise that racial separation causes inferior education, Schluter says it is based on a false premise and can be overturned on that basis. When Roth based his decision on racial factors, he had to draw suburban school districts in on the solution because Detroit's population is predominantly black and is expected to become increasingly black.

If the decision had been based on economic factors, the solution might have been possible within the Detroit school district by busing students from the growing middle class areas to lower class areas, he theorized.

"I feel you can honestly oppose busing on legal grounds," Schluter said. "I believe the 1954 opinion was incorrect and therefore it makes the Roth opinion incorrect."

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by Robert H. Bergstrom, CPCU

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