in property taxes without first affording local officials "the opportunity to devise their own solutions." [1651]

Efforts to Curb Busing and Other Desegregation Remedies.— Especially during the 1970s, courts and Congress grappled with the appropriateness of various remedies for *de jure* racial separation in public schools in both the North and South. Busing of schoolchildren created the greatest amount of controversy. *Swann*, of course, sanctioned an order requiring fairly extensive busing (as did the more recent *Dayton* and *Columbus* cases), but the Court cautioned that courts must observe limits occasioned by the nature of the educational process and the well-being of children.[1652] Subsequent cases declared the principle that the remedy must be no more extensive than the violation found.[1653] Congress enacted several provisions of law, either permanent statutes or annual appropriations limits, that purported to restrict the power of federal courts and administrative agencies to order or to require busing, but these, either because of drafting infelicities or because of modifications required to obtain passage, have been largely ineffectual.[1654] Stronger proposals, for statutes or for constitutional amendments, were introduced in Congress, but none passed both houses.[1655]

Of considerable importance to the validity of such restrictions on remedies for *de jure* segregation violations is what has been char-

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[1651] 495 U.S. at 52. Similarly, the Court held in Spallone v. United States, 493 U.S. 265 (1990), that a district court had abused its discretion in imposing contempt sanctions directly on members of a city council for refusing to vote to implement a consent decree designed to remedy housing discrimination. Instead, the court should have proceeded first against the city alone, and should have proceeded against individual council members only if the sanctions against the city failed to produce compliance.

[1652] Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1, 30–31 (1971).

[1653] Milliken v. Bradley, 418 U.S. 717, 744 (1974).

[1654] *E.g.*, § 407(a) of the Civil Rights Act of 1964, 78 Stat. 248, 42 U.S.C. § 2000c–6, construed to cover only *de facto* segregation in Swann v. Charlotte-Mecklenburg Bd. of Educ., 402 U.S. 1, 17–18 (1971); § 803 of the Education Amendments of 1972, 86 Stat. 372, 20 U.S.C. § 1653 (expired), interpreted in Drummond v. Acree, 409 U.S. 1228 (1972) (Justice Powell in Chambers), and the Equal Educational Opportunities and Transportation of Students Act of 1974, 88 Stat. 514 (1974), 20 U.S.C. §§ 1701–1757, *see especially* § 1714, interpreted in Morgan v. Kerrigan, 530 F.2d 401, 411–15 (1st Cir.), *cert. denied*, 426 U.S. 995 (1976), and United States v. Texas Education Agency, 532 F.2d 380, 394 n.18 (5th Cir.), *vacated on other grounds sub nom.* Austin Indep. School Dist. v. United States, 429 U.S. 990 (1976); and a series of annual appropriations riders, first passed as riders to the 1976 and 1977 Labor-HEW bills, § 108, 90 Stat. 1434 (1976), and § 101, 91 Stat. 1460, 42 U.S.C. § 2000d, upheld against facial attack in Brown v. Califano, 627 F.2d 1221 (D.C. Cir. 1980).

[1655] *See, e.g.*, *The 14th Amendment and School Busing: Hearings Before the Senate Judiciary Subcommittee on the Constitution*, 97th Congress, 1st Sess. (1981); and *School Desegregation: Hearings Before the House Judiciary Subcommittee on Civil and Constitutional Rights*, 97th Congress, 1st Sess. (1981).