

Lawyers Accuse Justice Department Of Breaking Faith With Constitution

By Daniel Rapoport
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A study by a lawyers' group says the Justice Department has "broken faith" with the Constitution and the American people by failing to enforce school desegregation laws.

The lawyers, in a report released yesterday, directed their charge at Justice Department performance under former Attorney General John N. Mitchell, who left office this year to help in President Nixon's re-election campaign.

The report contends Mitchell had established a pattern in which the department was still "attempting to repeal . . . a central portion of our constitutional heritage—the promise of equal protection by the law."

Rep. Abner Mikva, (D-Ill.) chairman of the Lawyers' Review Committee to Study the Department of Justice, said the current conflict over busing and integration repre-

sented the "bitter fruits" of the department's failure to make clear that the law and court decisions required compliance.

The committee said most, though not all, of its 11 members are Democrats and most had worked in the federal government. The lawyers said they began monitoring the activities of the department in 1970 out of concern over the course it was following, and denied having any political ax to grind.

Attorney General Richard G. Kleindienst branded the report a "political" attack largely compiled by former Democratic officials. He said the department was "proud" of its record under the Nixon administration.

"It should be noted, for instance, that the dual school systems in the South have now been eliminated," he said, adding that in every other area of civil rights enforcement "the department has filed more

suits and engaged in more litigation in the past three years than in the comparable period from 1966 to 1968."

The lawyers' report accused the department of:

- Undermining the 1964 Civil Rights Act's requirement that federal funds be cut off

to communities not desegregating their schools.

- Asking the Supreme Court to delay school desegregation in Mississippi, a request the court denies.

- Unsuccessfully seeking to reverse a federal court decision requiring the use of busing to integrate schools in Charlotte, N.C.

- Permitting some school districts to practice segregation within a school even though the school was ostensibly desegregated.

- Standing by while black educators were fired or demoted as dual school systems were abolished.