the ones in last year's guidelines. To become meaningful, they must be enforced in many hundreds of school districts, for the benefit of over three million Negro children attending school in the 11 Southern states. The trouble is still that the mails and the telephone and a small staff in Washington are insufficient instruments for monitoring and enforcing compliance. And there is no evidence that a more significant effort, engaging greater resources, is in prospect. For some years now, markedly since 1962, the trend has been toward more and more compliance with the rule of *Brown* vs *Board of Education*. General conditions favor this trend, and the new guidelines are likely to accelerate it. We have gone in a year from something like 60,000 Negro children in school with whites to something like 180,000. We may by next year have gone up by another 100 or 200 or 300,000. But that will still leave 2.5 million Negro children in the South attending the same old Negro schools. Any spectacular leap forward would require the presence in the field of a substantial number of federal professionals, working out of regional offices, helping, inducing, cajoling.

One additional objection that has been taken – most recently by Jack Greenberg, head of the NAACP's Legal Defense Fund – to the new guidelines, as well as to the old, is that they do not apply in districts which are subject to a court order. This is to say that where there has been litigation, the decree issued by the federal judge, and such modifications as he may from time to time add to it, will govern the timing and nature of desegregation, and not the guidelines of the Commissioner of Education. As far as those guidelines are concerned, all a district against which a judicial order is outstanding need do is submit a copy of that order, and say that it is in compliance with it. The objection is that judicial orders have sometimes been more lenient than the HEW guidelines. But it is open to the parties in a school desegregation suit to go back to court and ask that the outstanding decree be modified. Actually, school litigation has always been virtually continuous. Moreover, it is unlikely under any circumstances that recourse to the federal judge who has issued a decree can be avoided. If the district were required to accept the guidelines where they differ from a decree, it would presumably have to go back to the district judge for permission, and he would have to agree to modify his decree. Nothing the Office of Education might say would necessarily force him to do so. On the other hand, adjudicated cases indicate – even if not uniformly – that in reviewing their decrees or issuing new ones, the courts are inclined to follow the guidelines of the Office of Education. In the Fifth Circuit Court of Appeals, which covers the Deep South, this is pretty much, though not rigidly, the rule.

In any event, there is little the Commissioner of Education himself can do about it. His hands are tied by the Presidential regulation issued in December, 1964, which says quite explicitly that outstanding court orders are to govern. And there is some evidence in the congressional debates on Title VI of the Civil Rights Act of 1964 – although nothing necessarily in the language of the Title – indicating that Congress may not have wished to supersede the courts.

Alexander M. Bickel

Keeping an Eye on Tourists

Frances Knight, who may have coined the phrase "Communism, corruption and conspiracy" (in a speech she wrote for the Republican campaign in 1952), has now come up with something called "Schwartzism." The term is roughly synonymous with any criticism of Frances Knight in her capacity as head of the Passport Office at the Department of State. It refers to her former superior Abba Schwartz, who resigned last month as administrator of the Bureau of Security and Consular Affairs after he had learned that his job would be eliminated by a planned reorganization (*NR*, March 19). But according to Miss Knight it is equally applicable to her new superior, Philip Heymann.

On March 8, an airgram was sent in Miss Knight's name to US embassies in Paris and Moscow concerning Henry Stuart Hughes, a Harvard history professor and 1962 candidate for the US Senate from Massachusetts. Hughes planned to be in Europe next fall and the Federal Bureau of Investigation was interested in any information that the State Department might develop on him while he was out of the country. According to the FBI and Miss Knight's cable, Mr. Hughes reportedly "has had strong convictions toward Communism."

It was only on March 14 that Mr. Heymann saw a copy of the cable. He immediately called Miss Knight into his office. She told him about the FBI's written request, but for some reason she was unable to produce it. Heymann instructed her to refrain in the future from sending such cables, with or without FBI requests, before consulting him; he notified the embassies to ignore her cable.

At first the only question of propriety hinged on whether the action had been initiated independently by Miss Knight, who has no authority to conduct investigations, or whether it had been inspired by the FBI. (The only thing that seemed to bother Miss Knight was

that the story had been leaked to the newspapers. "Some creeps are out to get me," she explained.) But by the time the FBI letter finally turned up on March 22, other questions were being raised. How long had State been keeping tourists under surveillance? What was the basis for allegations against Hughes?

It turns out that the FBI often requests "pertinent information" about American tourists. It has printed a form letter for this purpose. The letter has space at the top for the name of the suspect and space below for a summary of the FBI's dossier on him. "The information furnished herewith," it begins, "concerns _____, who (is) (are) believed to be traveling abroad or planning to travel abroad. This Bureau would appreciate any pertinent information the Department of State or the CIA may receive regarding subject while abroad. . . . Reports concerning _____ have previously been furnished to the Department of State and the CIA." The letter is signed J. Edgar Hoover.

When the FBI has information it considers of interest to another government agency the Bureau makes it available as a courtesy, and it expects the same courtesy in return. Such interagency cooperation is useful to the FBI, since its own investigative activities are limited by law to the United States. By Mr. Hoover's account, the FBI does, however, have agents assigned to embassies in 11 countries. Their function is limited to liaison with local law enforcement agencies. Thus, the FBI's man in Paris could not legally be assigned to the Hughes case. Instead the Bureau had to ask the State Department, via Miss Knight's office, to do its work for it. The State Department had no opportunity to evaluate charges itemized in the FBI letter; neither apparently did the FBI. A Bureau official told me that "there have been allegations made, but we've never investigated this man. He's not a member of the Communist Party. I don't even think he's a left-winger."

Through its dissemination of derogatory, hearsay information to other agencies which are neither equipped nor disposed to evaluate the allegations, the FBI makes potentially damaging information available to many hundreds of people. The airgram sent in Miss Knight's name to Paris and Moscow was for "limited official use," and copies of such cables normally go to about 10 persons at State. But practically anyone in the Department is free to look at them.

The State Department admits that the practice of relaying such messages from the FBI and other agencies with interests abroad has been standard practice for 30 years. Secretary Rusk contends that only eight or 10 messages such as the one involving Hughes go out each month, but he is alarmed nevertheless that unevaluated information is sent abroad by officials with no authority to do so. He plans to review policy with the Attorney General. In the meantime FBI requests, which increase during the peak tourist season, must be okayed at the Bureau level. Knighthood is no longer in flower.

DAVID SANFORD

DE GAULLE'S MOVES AGAINST NATO HAVE A LONG HISTORY

Ami, Go Home

Paris

There may be a mystical streak in Charles de Gaulle, but there is little mystery in his policy. Ever since returning to power eight years ago, he has been trying to drive the same point home to Washington. France must share in the big decisions. First, he proposed to President Eisenhower the establishment of a triumvirate – the US, Britain and France – which would more or less run the affairs of the Western world and manage the Cold War. That proposal was met initially with contemptuous silence; then, somewhat later, with a flat "No." The theme was repeated when John Kennedy came to the White House, and for a brief time it looked as if the young and energetic President, receptive to new ideas, might meet the General halfway. But Mr. Kennedy's advisers decided that, after all, France was a "negligible quantity," that it was sheer arrogance for de Gaulle to demand equal status with the all-powerful US. The project for a multilateral force, conceived in the Kennedy era, was considered by Paris as having only one object: the isolation of France in Western Europe and the strengthening of US hegemony. From the French point of view, Kennedy's triumphal visit to Germany was made chiefly to offset the impression of de Gaulle's visit some nine months earlier.

When Lyndon Johnson assumed the Presidency, de Gaulle bided his time, for a bit. When hints began arriving from Paris that the General was impatient to begin discussions about the future, there was no response, and soon thereafter de Gaulle shifted his tactics. He would act so that Washington could not ignore