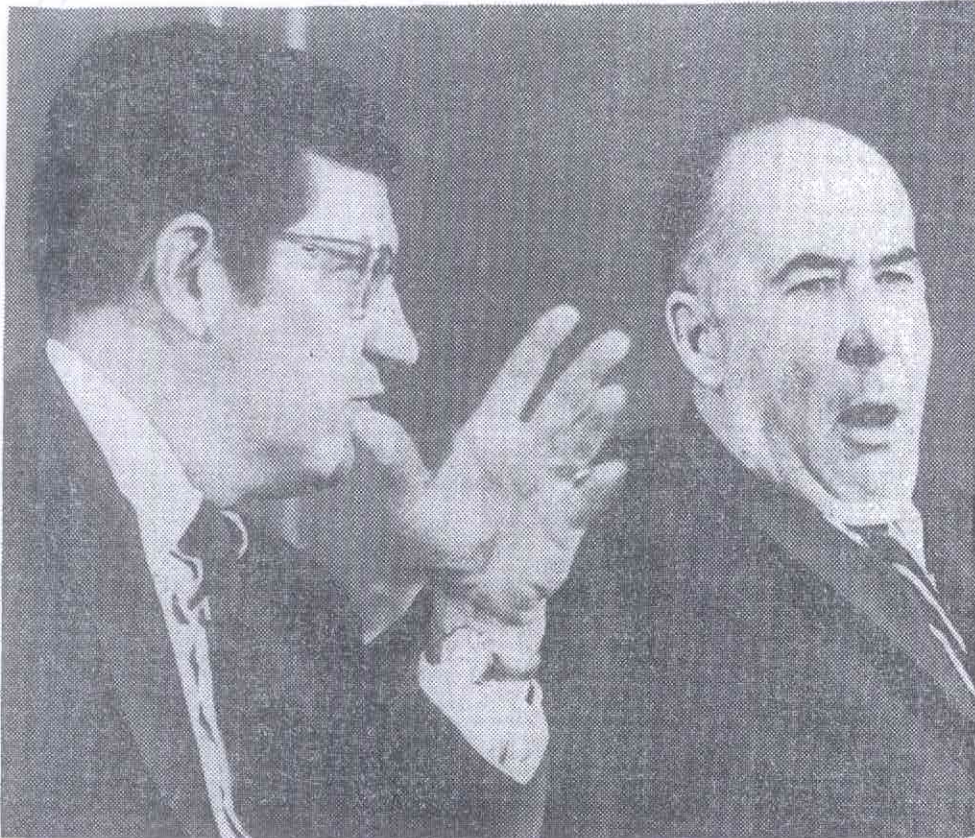


Mitchell to Bolster Staff for School Rights Suits



The New York Times (by Mike Lieri)

Attorney General John N. Mitchell, at right, with Jerris Leonard, his civil rights chief

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By PAUL DELANEY
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WASHINGTON, Aug. 13—The Justice Department plans to augment its civil rights staff with 50 more lawyers, if necessary, to handle Southern desegregation cases in the fall, Attorney General John N. Mitchell said today.

The number was half the total that was mentioned last month by Assistant Attorney General Jerris Leonard but denied by the Administration. Mr. Mitchell repeated the denial today. However, in answering questions by Senator Birch Bayh, Democrat of Indiana, at a hearing by the

Senate Select Committee on Equal Educational Opportunity, the Attorney General said that the regular staff of 28 lawyers in the division specializing in desegregation cases would be joined by 50 attorneys from other divi-

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sions within the department. Mr. Mitchell stressed that the Administration would not send a force of lawyers or marshals, as attributed to Mr. Leonard, to the South to monitor desegregation.

In addition, the Attorney General said he would not set up special offices where citizens could file noncompliance complaints.

"The 50 lawyers will be from other divisions in the Department of Justice, if they are required," the Attorney General commented. "We don't feel there's going to be any great noncompliance, and there will be no need to go to court."

He said that at this time there was no indication whether the additional attorneys would be needed, or what school districts might not comply in order to determine where additional staff members would be needed.

Regarding compliance and in answer to a question posed by Senator Jacob K. Javits, Republican of New York, Mr. Mitchell said that no citizens, black or white, should fear retaliation if they filed complaints.

"If there is any thought of retaliation, we will take the swiftest and most dramatic action available," the Attorney General replied.

Mr. Mitchell defended the Administration's desegregation policies against a barrage of criticism from Senators on both ends of the political spectrum, from Senators Bayh and Walter F. Mondale, Democrat of Minnesota and committee chairman, to Senators John L. McClellan, Democrat of Arkansas, and William B. Spong Jr., Democrat of Virginia.

The Senators repeated the charge, which appears to be one of the themes of the series of hearings on the problems of integration, that the Administration fosters confusion with its policies.

Role of Justice Agency

The Attorney General depicted for them a Justice Department limited to acting as lawyer for the Department of Health, Education and Welfare in school desegregation issues, but only if a case is clearly the result of de jure (by law) rather than de facto (by neighborhood makeup) segregation.

He told the committee he did not believe that the 14th Amendment, which guarantees equality under the law required racial balance to achieve integration.

He testified further that he saw no legal way to counter renewed segregation. Mr. Mitchell was asked by Senator Mondale about the legal recourse of poor parents in the District of Columbia whose children attend schools that are years behind the country in reading and mathematics, and getting worse.

Mr. Mitchell replied that he saw none, except more funds, the ballot box and new educational initiatives. His answer drew a laugh from the packed hearing room since the district's government is appointed by the President with Congressional consent and Congress has ultimate authority in the school system's budget, although the school board is elected.

The Attorney General said he felt the recent action of the Michigan Legislature in approving a freedom-of-choice plan for Detroit, overturning a desegregation plan by that city's school board, appeared to be constitutional.

This position contradicted H.E.W. Secretary Elliot L. Richardson, who told the same panel last week that the action of the Michigan Legislature looked unconstitutional.

Mr. Mitchell said he believed that the new state councils appointed by President Nixon would answer some of the problems raised by the committee.

However, Senator Mondale questioned why the councils did not have any students on them and whether the blacks named were truly representative of their communities.

Mr. Mitchell assured the Senator that the Negroes were representative, but said students were not needed because educators on the councils would present students' views.