

U.S. Vows Suits in South For Fall Pupil Integration

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Jerris Leonard

AUGUSTA, Ga., June 26—The Nixon Administration will begin filing desegregation suits against recalcitrant Southern school districts next week unless local and state officials can work out acceptable plans to end discrimination in the public schools next fall, a top Justice Department official said today.

Jerris Leonard, director of the Civil Rights Division of the Justice Department, said that no further delay would be tolerated in about 50 school districts that have avoided court scrutiny while maintaining token integration under freedom-of-choice plans. Many of the districts lie in the Black Belt of the Deep South where Negroes are in the majority.

Mr. Leonard said that a single suit against the State of Mississippi would be filed if the 27 districts in the state that are not in compliance with the law failed to act before Tuesday.

Moreover, suits against two dozen individual districts in 10 other Southern states will be entered by the Government during the first two weeks of July if the districts fail to yield voluntarily.

"Time has run out," Mr. Leonard said from his Washington office in a telephone interview. "We've gone to great lengths to bring about voluntary compliance, but the end is finally here. We are going to be disinterested in discussing it after next week."

His disclosures were in res-

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ponse to growing criticism directed at the Administration's apparent reluctance thus far to send its lawyers into the courts to force compliance in the South. Civil rights advocates have contended that foot-dragging by the Justice Department will result in a logjam in the courts when school reopens in September, creating disruptions in education throughout the school year.

There are presently 426 districts in 15 states under court order to desegregate fully this fall. In addition, 209 other districts have submitted desegregation plans that have been approved by the Department of Health, Education and Welfare.

Mr. Leonard said he was confident that the number of districts that might renege on avowed plans to desegregate in September would be low. He said he expected complete compliance throughout most of the region.

H.E.W. Estimate Higher

In addition to the 50 districts involved in the warning, Mr. Leonard said there were 50 other districts without an acceptable desegregation plan that would remain unaffected for the present time. This, he said, was because no one in the district had formally filed a complaint that it was operating in violation of the law, the technicality that is required before the Government can intervene.

An H.E.W. official said that 183 school districts—not the total of 100 estimated by Mr. Leonard—actually fit into the "limbo" category, districts that have failed to produce acceptable desegregation plans but are not yet under the jurisdiction of the court. He attributed the conflict in numbers to a different "set of books" kept by the two agencies.

The Justice Department has indicated in the past that it would file statewide desegregation suits only when there were 15 or more districts without acceptable plans within a state. Such suits are an effective tool in abolishing dual school systems but a political embarrassment to an Administration that has tried hard to win friends in the South.

According to Justice Department estimates, the 15 or more rule would affect only Mississippi, Mr. Leonard said. But a spokesman for the Health Education and Welfare Department contended there were at least five other states that fell into this category. He said they were Arkansas, 17 districts with no plans; Florida, 16 districts; North Carolina, 18 districts; South Carolina, 19 districts, and Texas 50 districts.

Mr. Leonard said he would be in Mississippi on Monday to open a special Federal grand

jury inquiry into the shooting deaths of Negroes last month on the campus at Jackson State College. While there he plans to meet with Mississippi officials on the desegregation issue, along with Stanley Pottinger, head of H.E.W.'s Civil Rights Office.

"This is our final session with Mississippi," the Assistant Attorney General asserted. "A determination will be made on Tuesday whether a state suit will be filed or not."

The decision to establish clearly the Administration's resolve on desegregation comes at a crucial time. A tough rhetoric has flowed from Washington in recent months, but there has been a paucity of exacting deadlines and demands placed on Southern school boards.

The Nixon Administration last year curtailed the use of an effective weapon against noncomplying school districts, the cutoff of H.E.W. funds, on the basis that the practice ultimately hurt the children it purported to help.

In the absence of direct and firm action, it was believed that the Administration's credibility on the integration issue in the South was being forfeited and with it the resolve of those districts that had previously adopted voluntary plans.

Other related factors, particularly the victory of George C. Wallace in the Alabama primary race for Governor, and the departure of Robert H. Finch as Secretary of Health, Education and Welfare had served to hearten segregationists, who are constantly on the alert for signals from Washington that point to a weakening of policy on the schools.

"Many of the tougher school districts are hanging loose wait-

ing to renege if the opportunity comes along," said Paul Rilling, former director of civil rights and H.E.W.'s Atlanta office who resigned after his superior in Washington, Leon E. Panetta, was forced out of office last winter.

Big Logjam Feared

Mr. Rilling contended that one-third of the school districts that had been scheduled to desegregate last autumn renege at the last moment when the Justice Department attempted to seek delays of court-ordered integration in Mississippi.

"If the Justice Department files immediately against the recalcitrant districts it will firm up the determination of those districts that are supposed to follow through with plans," he said. "But if the Administration doesn't file these suits by the beginning of July, there just isn't going to be any chance that it will be effective by the beginning of school."

"The longer the Administration waits—and perhaps it's already too late—the greater the chance for a massive logjam in the courts and disruption in the classrooms."

The man temporarily serving as Mr. Rilling's successor, Horace Bohanan, said that only strong, convincing pressure by the Justice Department would keep prospects for an orderly desegregation in September from unraveling.

"The real test will come when school opens and some of these districts try to get away," Mr. Bohanan observed. "The Administration is morally bound to take these guys into court. Everyone is going to be looking over his shoulder to make sure the other guy is desegregating, too, and if he isn't, what the Federal Government is doing about it."

Once the changes have been introduced in districts where integration has never risen above the token stage new problems are expected to arise. H.E.W. staff workers will be responsible for the supervision of these districts to insure that the plans made on paper this spring will not be subverted in application next autumn. Monitoring the districts may eventually become a bigger problem than getting Southern school administrators and parents to agree to desegregate in the first place.

The failure of any governmental agency to audit the court-ordered plan put officially into effect last year contributed to a great many abuses by white racists. The potential for chicanery is so great that some civil rights workers express concern that it may eventually contribute to a violent black reaction.

"I think there are going to be a great number of frustrated people in both races for a long time and it will be hard to decide which race is more resentful," said Mr. Bohanan, a Negro.