

1966); "We don't know what they (Office of Education) will accept" (*Columbia State*, June 28, 1966); "Before we do anything we want to know on what grounds they (Office of Education) are deferring our payment" (*Columbia State*, September 5, 1966).

The Office of Education also did not make it clear to school superintendents, school boards, and the general public that the intent of Title VI and the guidelines was to abolish the dual school system. School officials felt that they were required only to achieve a kind of progressive tokenism. They did not realize that if freedom of choice did not adequately move the school system toward the abolition of the dual school system, the school district would have to adopt another plan or risk losing its federal funds. Most school districts, however, were aware that the termination of funds for a district is an absolute last resort for the Office of Education and that prior to that step every device is utilized in an effort to get the district to comply with the guidelines. Many districts were willing to gamble that the Office of Education was bluffing, that it would back down, or that it could just be worn down. Some districts, of course, decided that they would rather do without federal funds.

THE POSITION OF THE "ESTABLISHMENT"

South Carolina school officials were reluctant to follow the literal requirements of the guidelines because they knew that state officials were working actively to get the Office of Education to back down on its commitment to the guidelines. One official high in the Office of Education has said, "In many ways we consider South Carolina more of a closed society than Mississippi." He went on to explain that at least in Mississippi and other states the Office of Education had received some cooperation from the officials in the State Department of Education and in the executive branch of the state government.

The Governor

Governor Robert McNair played a strong role in supporting local school officials in their fight against the guidelines. Running for election for his first full term as governor this year, and facing opposition from Republican nominee Joseph Rogers, Governor McNair undoubtedly realized that he would have to take the lead in fighting the guidelines or otherwise risk being attacked by Rogers as a governor who would not stand up to the federal government. The Republican Party of South Carolina had called for a court test of the guidelines at the state GOP convention in March. Rogers was formerly a state representative from Clarendon County and had served as a loyal member of the South Carolina General Assembly's special committee to advise the state on legal methods of circumventing school desegregation. It was certain that Rogers would hit hard on the issues of federal involvement in local school affairs and the guidelines. Governor McNair, either because of conviction or because of political necessity, decided to become a leader in the fight against the guidelines.

At the National Governors' Conference in July, Governor McNair set up and presided over a meeting between Secretary John Gardner of HEW and the Southern governors. The meeting was for the purpose of seeking "clarification of the guidelines." It was also an opportunity for the Southern governors to express their feelings about the guidelines (*Columbia State*, July 7, 1966). On July 19, Governor McNair met with Assistant Commissioner of Education, David S. Seeley, and HEW Special Assistant for Civil Rights, Peter Libassi, to discuss "school desegregation compliance problems in South Carolina" (*Columbia State*, July 29, 1966). In late July, Governor McNair revealed that the state was giving some consideration to a court test of the guidelines and that state Attorney General Daniel R. McLeod was prepared to give legal assistance to any school district that wanted to take the guidelines issue to court (*Charleston News & Courier*, July 30, 1966). In August, Gov. McNair sent the state Attorney General to Washington to meet with officials in the U.S. Office of Education. According to press reports, the purpose of the meeting was to get "clarification as to how they (Office of Education) justify the requirements of the guidelines issued for school desegregation." (*Columbia State*, August 5, 1966).

It was later reported that Gov. McNair was going over the head of U.S. Commissioner of Education, Harold Howe II, and was dealing directly with staff members of Secretary Gardner's office (*Charleston News & Courier*, August 7, 1966). Shortly thereafter Gov. McNair announced that South Carolina would challenge the guidelines in court. The Governor took the opportunity to also