

ground that the plan must, but failed, to include a provision for the employment and assignment of staff on a nonracial basis. *Wright v. County Board of Greenville County, Virginia*, 252 F. Supp. 378 (E.D. Va. 1966). In holding that a faculty desegregation provision approved by the Commissioner of Education was not sufficient, the court stated (at 384):

"The primary responsibility for the selection of means to achieve employment and assignment of staff on a nonracial basis rests with the school board. . . . Several principles must be observed by the board. Token assignments will not suffice. The elimination of a racial basis for the employment and assignment of staff must be achieved at the earliest practicable date. The plan must contain well defined procedures which will be put into effect on definite dates. The board will be allowed ninety days to submit amendments to its plan dealing with staff employment and assignment practices."

The United States District Court for the Western District of Virginia, in providing for similar relief in the case of *Brown v. County School Board of Frederick County*, 245 F. Supp. 549, 560 (1965), said:

"[T]he presence of all Negro teachers in a school attended solely by Negro pupils in the past denotes that school a 'colored school' just as certainly as if the words were printed across its entrance in six-inch letters."

See also *Kier v. County School Board of Augusta County*, 249 F. Supp. 239, 247 (W.D. Va. 1966).

The cases which I have reviewed establish, in my judgment, the constitutional duty of school authorities to disestablish imposed racial segregation of facilities and recognized that this obligation emanates from the principles enunciated in the *Brown* decision.

Sincerely,

RAMSEY CLARK,
Deputy Attorney General.

Chairman PERKINS. In connection with the preparation of your guidelines have you gone on the advice of the Attorney General and discussed the guidelines with the Attorney General as required by section 6 of the Civil Rights Act and the interpretation of that act?

Have you followed the advice of the Attorney General?

Mr. LIBASSI. Yes, Mr. Chairman. The Attorney General's Office was very deeply involved in the drafting and preparation and discussions connected with the development of the school guidelines.

I might also add that every enforcement procedure must be checked with the Department of Justice before it is initiated. We do not move to terminate Federal funds unless the Department of Justice concurs.

Chairman PERKINS. I see.

You have never moved to terminate Federal funds on any enforcement proceeding before you have checked it out with the Attorney General?

Mr. LIBASSI. That is right, and in every case where we have recommended it he has concurred in our recommendation.

Chairman PERKINS. I thank you very much for a good statement.

Mr. Scheuer.

Mr. SCHEUER. I have no questions.

Chairman PERKINS. Mr. Steiger.

Mr. STEIGER. I wish it had been possible to know that you were going to appear this morning. I think that many more members of the committee might have been interested in hearing your testimony had it been announced. I would appreciate, to be very honest with you, Mr. Chairman, and I am sorry I did not hear the full testimony although I have gone back and read it since you got here, but I wonder if it would be possible to have another appearance so more members would have a chance to listen to this problem?