

They thought they were minimal, and they doubted that they would ever be too high. The Court of Appeals for the Eighth Circuit which in terms of school desegregation involves Arkansas has made similar statements in the last two or three times in which it has ruled in school desegregation cases, again indicating in modeling its decree or determining the type of decree the district court should formulate it should give great weight to the Office of Education guidelines.

Most recently the Court of Appeals for the Fourth Circuit, although talking most specifically about the hospital guidelines has also indicated its approval of the kinds of standards for desegregation that the Department of Health, Education, and Welfare has promulgated.

Mr. SCHEUER. I take it that the Federal courts have ruled on the applicability of the Supreme Court decision in some so-called problem States in the South like Louisiana, Georgia, South Carolina, Mississippi. How would you compare the severity or the stringency of the Federal court's interpretation of the Supreme Court in the pattern of compliance that they have established with the severity or stringency of the guidelines?

Mr. BELL. It is a hard question.

Mr. SCHEUER. Are the guidelines, in effect, more severe and more stringent and rigid than the circuit court—the Supreme Court interpretation and decision? Are they in fact more strict?

Mr. BELL. The guidelines and the earlier ones were based in the main on a summary of all of the court decisions so from that standpoint I would say they were no more strict.

What happened of course—

Mr. SCHEUER. In other words they have not gone beyond?

Mr. BELL. I think they have not gone beyond, but in looking at our charts revealing all of the school districts listed down and we will have a column with all of the court order districts and we will find in many of the Deep South States there is more progress being made in the districts desegregating under HEW guidelines than those operating under court order.

Mr. SCHEUER. How do you explain that?

Mr. BELL. We have been able to give a closer supervision of the standards under the guidelines than have courts been generally willing or able to provide in a judicial sense.

Judge Wisdom has said in his opinions and Judge Tuttle has said on the bench and in his opinions and in speeches that the courts are pretty poor places in which to administer a school system and they would like to get out from under it and that they just can't handle all of the kinds of problems that come up.

They may issue a specific order, they have to issue a specific order, and the school board attorneys sit down and say, "Well they said this but they left the door open, ha, ha, ha," and they go on their way while they try the same thing with the HEW guidelines someone else sends in a complaint or we can much more easily or readily say, "No that avenue is not open either."

So you do tend to have more progress in a closer administration of the progress than is possible under the court orders.

Mr. LIBASSIE. I might add to that that the earlier court decisions required far less than the HEW guidelines.