

Mr. SCHEUER. It seems to me this is really of paramount importance. It seems to me your success can be measured not by the number of schools you meet in court but by the number of cases that never get to court where through the leadership, the council, the advice and the technical assistance you give to a school district, a school district does want to solve their problem and a way of entering the 20th century not being dragged in by the courts kicking and screaming but entering of their own volition.

Perhaps to me that is a greater test of the effectiveness of your work; and that evidence may provide the greatest and most dramatic proof that you should have additional counseling staff to provide this leadership and the support in your agencies.

Mr. DELLENBACK. I would join my colleague in this study. A good lawyer oftentimes succeeds by keeping his client out of court, not winning the case when he gets there; he may have done a superb job in case after case after case which never appears on the court record.

So that anything which could be done which would not place an additional burden on your staff and tie up your staff, I think, would be helpful to us. Just dragging figures out of the blue and saying this is what we accomplished or this is where we stand, and soon would not be too helpful.

Mr. SCHEUER. Before I joined this great body, I served as housing chairman of the State commission on human rights and had a great deal to do with the drafting of our nondiscrimination legislation and I had a great deal to do with enforcement. I know our real successes were cases nobody ever heard of.

These were cases where we sat down with a local community or a local real estate developer and said look, we have a problem here, how do we solve it the easy way?

It is quite true that the courts are not the most appropriate agencies for solving social problems in a community. We always felt a great feeling of pride when we settled cases quietly in conference rooms without the unnecessary and unpleasant bitterness and frozen positions that are almost inevitable when cases come to the courts.

It hardens positions, people get entrenched; they dig in and minds close and there are possible avenues for narrowing the gap in the traditional process. I can't overemphasize the importance of the record of showing previous success you have had before these letters of refusal to comply come in.

Mr. DELLENBACK. Not only do such statistics demonstrate what your Department is doing but it seems to say something highly relevant about the law itself.

It is talking about the way in which the statutes are working under has accomplished and might not very well have been done at all if the statute had not been passed.

Mr. SCHEUER. It might also give us some very interesting information about local leadership and the local will to improve social situations, not only in cities in the North but in cities in the South. I would like to know about communities that have solved their problems.

Mr. DELLENBACK. May I finish my last point?