

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

February 21, 1970

*File*

TO: Staff Secretary

*(The President's File)*

FROM: Bryce Harlow

On February 19 at 11:15 a.m., the President met with Senator Russell and the Vice President, in the President's Oval Office in the West Wing.

Senator Russell had requested the conference in order to transmit to the President the views of four southern Governors in respect to the problems of school desegregation. The Senator said that the Governors had demanded that all of the southern Senators join them on a march on the President in order to have a confrontation over this issue -- but Russell, he said, talked them out of this and, therefore, was selected to bring their collective views in person to the President.

The Senator said that he knew of only one thing the President could do constructively about this matter -- have an intensive examination of the HEW people working in this field, because many of them are going around stirring up trouble. He said one Negro employee of HEW, by way of example, had been moving around the South trying to incite Negro groups to file suits. The Senator said that all activities of this kind should be stopped and leave the matter to the courts.

The President mentioned the departure of Mr. Panetta from HEW and told the Senator in confidence that the request for Panetta's departure had come from the Oval Office. He said that Panetta had become convinced that it was the mission of HEW to be aggressive in this field which is why he was out of step with the President's position. The President said he was trying to get Bill Casey of the Leonard Hall law firm to take Panetta's place, with the title of Assistant Secretary of HEW. He said that Casey is a tax lawyer whose approach would be to do what is legally required, but not to be evangelic in this field.

There was some discussion of the Orlando, Florida case in which the Fifth Circuit approved de facto segregation.

The President said that the Stennis amendment appeared to him to be largely philosophical and would not have too much practical effect. He expressed grave concern over its becoming the

responsibility of any President to break up de facto segregation throughout the United States. He said, "Why shouldn't the law be that any student can go to any school he wants?"

There was extensive discussion on the various difficulties in this area and of the landmark Supreme Court decisions relative to this. The President expressed great vexation with allowing students to get away with demonstrations against school principals and faculties, and he said we must "quit making heroes out of these violent people." The conversation turned to the Chicago Seven case. Senator Russell said that the defendants are people who are against the existing order but have no idea what is needed to repair it -- and all such people are anarchists." The President mentioned that he is ordering the Subversive Activities Control Board to conduct an investigation into how these professional rioters are being funded. The Vice President commented on the group of Americans moving back and forth to Cuba -- the so-called cane cutters -- and the President directed that the activities of these people also be investigated by the SACB. (I have transmitted this information to Bud Krogh.)

The President and Vice President then discussed the Vice President's committee set up to consider the problems of school desegregation. The President said that its function was to work with the local elite -- the State and community leaders throughout the South -- in order to help them implement the law in the states and school districts in a way that would be least disruptive of the overriding goal of quality education. The Vice President said the committee is also to construe the law and to ameliorate the concerns of the individual school districts and perhaps help with obvious educational deficiencies. He said that his committee might also be able to help mold public opinion in a way that would encourage the courts to be more responsive to public sentiment.

The President stressed, "We must try to keep the courts from handing down unenforceable decisions," and he said the time may come when he may have to "take on the Supreme Court."

Senator Russell said that the people of Georgia are "worked up" over this problem, more than they have been in respect to anything else the Senator had seen throughout his public service. He said that the rural counties have moved very well in desegregation, but that the problem has now become exclusive as it has moved into the cities. The Vice President said that we could have "massive rioting" if de facto segregation should be attacked all across the country by the courts. The President pointed to the fact that there are already "many schools in which full-time policemen are stationed in the halls and classrooms." When the Vice President then spoke of violence in the integrated schools,

the President asked him what specifically can be done about it. The response was that as the Negroes' economic situation improves, they can move to the suburbs and integrate into the society, and in this way automatically and soundly desegregate the school systems.

The President directed the Vice President to have his committee "talk now and then" with Senator Russell, assuring the Senator "there is no politics in this." The Vice President promised to do so.

The meeting closed at 12:00 p.m.