

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 301

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

No. 822 854  
FOR AND ON BEHALF OF THEMSELVES  
AND ALL SIMILARLY SITUATED PUPILS  
ATTENDING SCHOOLS WITHIN THE LOS  
ANGELES SCHOOL DISTRICT,

Counsel for  
Plaintiff  
Counsel for  
Defendant

Petitioners,

STATISTICAL  
CODE  
CLERKS USE  
ONLY

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~~MAXIMUM CAPACITY~~

BOARD OF EDUCATION OF THE CITY OF  
LOS ANGELES,

Respondent.

MINUTE ORDER OF COURT'S INTENDED FINDINGS OF  
FACT, CONCLUSIONS OF LAW, JUDGMENT, AND FOR  
PEREMPTORY WRIT OF MANDATE

This cause came on duly and regularly for trial (prior hearings having been had on December 14, 1967 and April 29, August 9, 13 and 15, and October 11, 1968) in this Department 19, Alfred Gitelson, Judge presiding without a jury, trial by jury having been duly and regularly waived, on October 28, 1968, and was heard on said day and on the 29, 30, 31 days of October, November 1, 4, 6, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27 and 29, of 1968, and February 3, 4, 5, 6, 19, and March 4, 5, 6, 7, 10, 11, 12, 13, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, and April 1, 2, 3, 4, 7, 8, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, and May 1 and 2, and June 9, of 1969.

Petitioners [Petrns. or Students] appeared by Bayard F. Berman, Sol Rosenthal, Michael Bergman, A. L. Wirin, Fred Okrand, Thomas G. Neusom, Samuel C. Sheats, Herbert A. Bernhard, Lawrence Sperber, and Edward Medvene, by Bayard F. Berman, and during a portion of the time Sol Rosenthal, Michael Bergman and Loren Miller, Jr., their Counsel. (Messrs. William Pintala and Peter Smoot on "PETITIONERS' POST-TRIAL MEMORANDUM ON THE EVIDENCE". The Court is indebted to them therefor.)

Respondent [Board] appeared by Dr. Robert E. Kelley, Assistant Superintendent of Education, Dr. Robert Purdy,

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19, 305

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk

Reporter

(Parties and counsel checked if present)

3

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

Associate Superintendent of Education, Sam Hammerman, Assistant Superintendent of Education, and by John D. Maharg, County Counsel, Clarence H. Langstaff, Assistant County Counsel, Raymond W. Schneider, Deputy County Counsel, Alfred C. De Flon, Deputy County Counsel, Ronald J. Apperson, Deputy County Counsel, Jerry F. Halverson, Legal Advisor to Board, by Jerry Halverson, Clarence H. Langstaff and Raymond W. Schneider, on or about December 29, 1968, and thereafter Alfred Charles De Flon took his place, its Counsel.

This cause was tried and heard upon:

(1) The "SECOND AMENDED AND SUPPLEMENTAL PETITION FOR WRIT OF MANDATE" [Pet.] (filed July 6, 1966) [the original "COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTION" was filed August 1, 1963]. On July 19, 1966 the parties executed and filed their "STIPULATION \* \* \* FOR WAIVER OF OBJECTION TO CONSIDERATION OF FACTS OCCURRING SUBSEQUENT TO FILING OF COMPLAINT". Thereby they did, among other things, stipulate:

"(4) The parties hereto shall not file or make any motion herein or take any other steps intended or resulting in precluding any party from introducing in evidence or in precluding the court from considering as material and relevant, evidence pertaining to events occurring subsequent to the date upon which the first complaint was filed herein merely because said events occurred subsequent to the date which the first complaint was filed herein. The rights of petitioners, if any, and the duties of respondent, if any, shall be determined as of the time of trial."

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

306

Date: 2/11/70

Hon. ALFRED GITTELSON

Judge  
Deputy Sheriff

Deputy Clerk

Reporter

(Parties and counsel checked if present)

No. 822854  
MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Respondent.

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NATURE OF PROCEEDINGS:

On July 23, 1968, it was ordered: That though by the Stipulation (filed June 6, 1968) a dismissal without prejudice had been filed and entered as to the original Petitioner, Mary Ellen Crawford (first named), that because from the date of the filing of the Complaint (August 1, 1963) the action had been designated thereby and all filings made thereunder, the caption of the cause should retain for identification purposes only as the first named Petitioner the name Mary Ellen Crawford;

(2) "AMENDMENT TO PETITIONER'S SECOND AMENDED AND SUPPLEMENTAL PETITION FOR WRIT OF MANDATE" (filed June 11, 1969) [Amm. Pet.] [The Petition and Amendment thereto are hereafter collectively designated as Pet. unless otherwise expressly stated.]

It was stipulated by Petitioners and ordered (June 9, 1969), that all of the allegations of the Amm. Pet. should be by Board deemed denied, both generally and specifically, and all affirmative defenses existing under law deemed pleaded thereto;

(3) "ANSWER OF DEFENDANT TO SECOND AMENDED PETITION FOR WRIT OF MANDATE" (filed October 14, 1966) [Ans.]. (The "SIXTH FURTHER AND SEPARATE DEFENSE" (page 5 of Ans.) was by the Court on August 9, 1968 overruled;

(4) "REPLY TO RESPONDENT'S ANSWER TO SECOND AMENDED PETITION FOR WRIT OF MANDATE" (filed July 23, 1968) [Rep.];

(5) It was ordered: (a) That the rights, duties, and obligations of the parties shall be those existing at the time of trial and therefore no Supplemental Petitions or Answers

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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Deputy Clerk

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(Parties and counsel checked if present)

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No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

vs.

Counsel for  
DefendantBOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.STATISTICAL  
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## NATURE OF PROCEEDINGS:

need be filed; and (b) (12/14/67) That the period of time commencing on or about the first day of May, 1963 (Report of the Ad Hoc Committee on Equal Educational Opportunities made to Los Angeles City Board of Education (Court's Exh. 5A)) and thereafter shall be the period of time to be first tried and heard as to the issues involved; that no evidence prior to said date need be or should be offered by either party, and that in the event either party shall desire to do so, such party shall make a motion for leave to so do; and it would then be ruled upon by the Court.

Evidence oral and documentary was received. Argument was heard throughout the trial. Points and Authorities were filed prior to and at the close of evidence. [Though invited by the Court to so do, Respondent did not file, though Petitioners did file, a Memorandum on the Evidence. The Court regrets that Respondents did not do so. It would have possibly made the Court's burden less onerous.] The Court considered all of the foregoing.

The Cause was submitted to the Court for its decision. The Court being advised in the premises now makes and files this its Minute Order of its Intended Findings of Fact, Conclusions of Law, Judgment and Peremptory Writ of Mandate.

FINDINGS OF FACT

I. The following allegations of the Pet. were admitted by the Ans. and therefore accepted by the Court as true:

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Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
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Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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No. 822 854  
[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem], et al., Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY OF  
LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

I.1 "Respondent Board of Education of the City of Los Angeles (hereafter referred to as "Respondent") is a governing agency administering the public schools within the district."  
(Par. 5 of Pet., admitted by Par. III of Ans.)

II. The following facts were either stipulated to or admitted or conceded, and therefore accepted by the Court as true:

II.1 "1. Petitioner Dolly Ruth Miles was a fourteen year old Negro child attending Markham Junior High School within the Los Angeles City School District.

"2. Petitioner Verde Darnell Miles was an eleven year old Negro child attending Ritter Elementary School within the Los Angeles City School District.

"3. Petitioner Maryann Miles was a seven year old Negro child attending public school within the Los Angeles City School District.

"4. Petitioner David Rodriguez was a six year old child of Mexican descent attending public school within the Los Angeles City School District.

"5. Petitioner Patricia Ann Sanchez was a ten year old child of Mexican descent attending Soto Street Elementary School within the Los Angeles City School District.

"6. Petitioner Raymon Jose Sanchez was a twelve year old child of Mexican descent who was enrolled in, and who subsequently attended, Hollenbeck Junior High School within the Los Angeles City School District.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
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Deputy Clerk  
Reporter

(Parties and counsel checked if present)

7

No. 822 854  
[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem] et al., Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY OF  
LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

"7. Petitioner Raoul Joaquin Sanchez was a twelve year old child of Mexican descent who was enrolled in, and who subsequently attended, Hollenbeck Junior High School within the Los Angeles City School District.

"8. Petitioner Karen Patricia Lynn Wheeler was a five year old Negro child who was enrolled in, and who subsequently attended, public school within the Los Angeles City School District.

"9. Petitioner Loretta May was a fourteen year old Negro child attending Markham Junior High School within the Los Angeles City School District.

"10. Petitioner Lenard May was a twelve year old Negro child attending Markham Junior High School within the Los Angeles City School District.

"11. Petitioner Autumn Renee Wright was a five year old Negro child who was enrolled in, and who subsequently attended, Trinity Street Elementary School within the Los Angeles City School District.

"12. Petitioner Alfred Graylin Wright was an eight year old Negro Child attending Mar Vista Elementary School within the Los Angeles City School District.

"IT IS FURTHER STIPULATED AND AGREED that:

"13. Annie Mary Miles, the guardian ad litem of petitioners Dolly Ruth Miles, Verde Darnell Miles and Maryann Miles is a Negro lady.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT.

310

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

No. 822 854  
[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.

Counsel for  
Plaintiff

Counsel for  
Defendant

BOARD OF EDUCATION OF THE CITY OF  
LOS ANGELES,  
Respondent.

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NATURE OF PROCEEDINGS:

"14. Celia Rodriquez, the guardian ad litem of petitioner David Rodriquez, is a lady of Mexican descent.

"15. Josefa Sanchez, the guardian ad litem of petitioners Patricia Ann Sanchez, Raymon Jose Sanchez and Raoul Joaquin Sanchez, is a lady of Mexican Descent.

"16. Kaye Wheeler, the guardian ad litem of petitioner Karen Patrician Lynn Wheeler, is a Negro lady.

"17. Lucille May, the guardian ad litem of petitioners Loretta May and Lenard May, is a Negro lady.

"18. Margaret Wright, the guardian ad litem of petitioners Autumn Renee Wright and Alfred Graylin Wright, is a Negro lady." ("STIPULATION" dated Jan. 26, 1970, Court's Exh. 79 for identification.)

II.2 "Respondent does not generally provide transportation for open school permits." (Ans. to Interrogatory [Interr.] No. 7, (Pat's 31A.) [Hereinafter: Petitioner's Exhibits will be designated "P." followed by its number; Respondent's Exhibits will be designated "R." followed by its designation; Points and Authorities filed will be designated, as to Petitioner, "P. PT.A." followed by the date of filing, and as to Respondents, "R. PT.A." followed by date of filing.]

II.3 "Permit policies of the Defendant (see Exh. 3C) do not provide free transportation or its equivalent to any pupil who was granted a permit to transfer pursuant to said policy." (Ans. to "REQUEST FOR ADMISSION NO. 12", (P. 31A, p. 14.))

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 311

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy SheriffDeputy Clerk  
Reporter  
(Parties and counsel checked if present)

No. 822 854

[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,Counsel for  
PlaintiffCounsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY OF  
LOS ANGELES,

Respondent.

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## NATURE OF PROCEEDINGS:

II.4 "Exhibit [P.] 19A shows the date of original construction of each school listed in Exhibit A [of the Pet.].

It also shows the year the original school was replaced."

(Ans. to Interr. No. 19, (P. 31A, p. 166.))

II.5 "With respect to each of the schools listed in Exhibit A [of Pet.], the total amount expended each year on capital improvements to said school, commencing with school year 1962-63, is indicated in Exhibit [P.] 21A." (Ans. to Interr. No. 21, (P. 31A, p. 166.))

II.6 "With respect to each of the schools listed in Exhibit B [of the Pet.], the total amount expended each year on capital improvements to said school, commencing with school year 1962-63, is indicated in Exhibit [P.] 21A." (Ans. to Interr. No. 22, (P. 31A, p. 166.))

II.7 "That the subject matter of this action is a matter of interest to Negro pupils and pupils of Mexican descent attending the schools listed in Exhibit A hereto." (Request for Admission No. 248 (P. 31, p. 114) admitted by Res. Ans., (P. 31B, p. 379.))

II.8 "Defendant maintains no records of racial or ethnic breakdown of student body population prior to November, 1966. \* \* \* The following factors were not studied or considered because they would involve a change in existing policies of the Board of Education:

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, Judge  
, Deputy Sheriff, Deputy Clerk  
, Reporter

(Parties and counsel checked if present)

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No. 822 854

[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.

Counsel for  
PlaintiffCounsel for  
Defendant

BOARD OF EDUCATION OF THE CITY OF  
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## NATURE OF PROCEEDINGS:

"(1) The effect of possible pairings or other combinations of schools with revised grade patterns;

"(11) The effect of other approaches to improving the ethnic balance in the relevant areas and the District as a whole."

(Part of Ans to Interr. No. 151, (P. 31B, pp. 303,304.))

II.9 "Defendant admits that the number of Negro and Mexican-American pupils attending school in the District is too large to permit all such pupils to be parties to this action."

(Portion of Ans., Interr. No. 245 (P. 31B, p. 379.))

II.10 "That all of the demands, plans, or requests specifically set forth in paragraph 16 of the Petition were made upon respondent." (Ans. to Request for Admission No. 279, (P. 31, p. 118; 31B, p. 391.))

II.11 That partial integration of the District would not be effective; and, "that the only way to have effective integration is at least district wide." That partial integration or attempted partial integration of the District, "for example, around the periphery of the ghetto, would not be an efficacious means of integrating these areas."

(Stip., March 27, 1969; Transcript, Vol. 42, pp. 7751-7754, 7774, line 6 to line 14, p. 7775.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

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Date: 2/11/70

Hon. ALFRED GITELSON

, Judge  
, Deputy Sheriff

Deputy Clerk

Reporter

(Parties and counsel checked if present)

11

No. 822 854

[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,

Counsel for  
PlaintiffCounsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY OF  
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## NATURE OF PROCEEDINGS:

III. The following facts have been heretofore judicially found and adjudged as existing, and the following principles and holdings of law adjudicated. The Court and the parties hereto are bound thereby. (Cal. Const., Art. I, Sec. 3; Auto Equity Sales, Inc. v. Superior Court (1962), 57 Cal. 2d 450.). Board as the agent and instrumentality of the State of California [State]. (Cooper v. Aaron, 358 U.S. 1, 16; 78 Supreme Court 1401, 1408; 3 L. ed. 2d 5, 16 (9/29/58)), is collaterally estopped from disputing the facts found and is bound by the law adjudicated thereby. (Art. I, Sec. 3, Cal. Const.):

(1) (Brown v. Board of Education of Topeka

[Brown I] (May 17, 1954); 347 U.S. 483, 74 Supreme Court 686, 98 L. ed. 873) "Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 311

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy SheriffDeputy Clerk  
Reporter

(Parties and counsel checked if present)

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No. 822 854

(MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,

Counsel for  
Plaintiff

vs.

Counsel for  
Defendant

BOARD OF EDUCATION OF THE CITY OF  
LOS ANGELES,

Respondent.

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## NATURE OF PROCEEDINGS:

"Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does."

"In Sweatt v. Painter (US) supra, in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this Court granted relief in large part on 'those qualities which are incapable of objective measurement but which make for greatness in a law school.' In McLaurin v. Oklahoma State Regents, 339 US 637, 94 L. ed. 1149, 70 S. Ct. 851, supra, the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations. '\* \* \* his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession.' Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs:

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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DEPT. 19.

315

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Hon. ALFRED GITELSON

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Reporter

(Parties and counsel checked if present)

13.

No. 822 854  
[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY OF  
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Respondent.

Counsel for  
PlaintiffCounsel for  
DefendantSTATISTICAL  
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## NATURE OF PROCEEDINGS:

The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system.

"Whatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson, this finding is amply supported by modern authority. \* \* \*

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment." (98 L. ed. pp. 830, 881.)

(11) (J.R. Jackson, Jr., et al. v. Pasadena City School District, et al. [Jackson] (6/27/63); 59 Cal. 2d 876, 880-881.)

"The segregation of school children into separate schools because of their race, even though the physical facilities and the methods and quality of instruction in the several schools may be equal, deprives the children of the minority group of equal opportunities of education and denies them equal protection and due process of the law. (Citations.) In view of the importance of education to society and

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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13.

No. 822 854  
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Counsel for  
PlaintiffCounsel for  
Defendant

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DEPT.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

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Hon. ALFRED GITELSON

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(Parties and counsel checked if present)

14

No. 822 854

[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,

Counsel for  
Plaintiff

vs.

Counsel for  
Defendant

BOARD OF EDUCATION OF THE CITY OF  
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## NATURE OF PROCEEDINGS:

to the individual child, the opportunity to receive the schooling furnished by the state must be made available to all on an equal basis. Because of intangible considerations relating to the ability to learn and exchange views with other students, segregated professional schools have been held not to provide equal educational opportunities, and such considerations apply with added force to children in grade and high schools. The separation of children from others of similar age and qualifications solely because of race may produce a feeling of inferiority which can never be removed and which has a tendency to retard their motivation to learn and their mental development. (Citations.) \* \* \* Improper discrimination may exist notwithstanding attendance by some white children at a predominantly Negro school or attendance by some Negro children at a predominantly white school. \* \* \* A racial imbalance may be created or intensified in a particular school not only by requiring Negroes to attend it but also by providing different schools for white students who, because of proximity or convenience, would be required to attend it if boundaries were fixed on a non-racial basis. \* \* \* even in the absence of gerrymandering or other affirmative discriminatory conduct by a school board, a student under some circumstances would be entitled to relief where, by reason of residential segregation, substantial racial imbalance exists in his school. So long as large numbers of Negroes live in segregated areas, school authorities will be confronted with difficult problems in providing Negro children with the kind of education they are entitled to have. Residential

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Hon. ALFRED GITELSON

Judge  
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Deputy Clerk  
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(Parties and counsel checked if present)

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No. 822 854  
(MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY OF  
LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff.

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

segregation is in itself an evil which tends to frustrate the youth in the area and to cause anti-social attitudes and behavior. When such segregation exists it is not enough for a school board to refrain from affirmative discriminatory conduct. The harmful influence on the children will be reflected and intensified in the classroom if school attendance is determined on a geographic basis without corrective measures. The right to an equal opportunity for education and the harmful consequence of segregation require that school boards take steps, insofar as reasonably feasible, to alleviate racial imbalance in schools regardless of its cause."

(111) (U.S. of America, et al. v. Jefferson County Board of Education, et al. (3/29/67); 38 Fed. 2d 835; Cert. denied Oct. 9, 1967; 88 Supreme Court 72, 77.) "If Negroes are ever to enter the main stream of American life as school children, they must have equal opportunities with white children." (p. 389.)

IV. The Court additionally finds true:

(Though the Court has found that the facts of harm to minority students by segregated education and the principles of law applicable thereto have been judicially and finally found and adjudged, (III), it is nevertheless bound to make Findings on the evidence received.

Respondent contending that its segregated schools were de facto and fortuitous, asserted that none of the facts found and adjudication thereof in the decisions cited in III hereof were applicable to Board or its schools, insisted upon,

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Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

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NATURE OF PROCEEDINGS:

and the Court granted to them, the right to introduce evidence thereon and in addition in support of their contentions, persisted in to this date, "It is Respondent's view that the federal constitution requires racial mixing in the schools if, and only if, the racial separation of students in schools is of a de jure nature, or if, and only if, in the case of de facto segregation, the academic achievement of the minorities in the school will be raised by racially mixing students and the achievement of the 'majority' will not be substantially reduced by such racial mixing." (R. PT. A., 10/14/69, line 27, p. 2, to l. 1, p. 3.) "In the view of the board of education it should provide to all students a minimum educational offering in such amount and quality that the average achievement of the racially higher achieving group will not substantially decline. In addition the school district should provide to racial minorities, to the extent that it has the financial wherewithal, educational offerings in addition to the basic minimum offering to attempt to close the gap between the average achievement of white students and that of the racial minorities." (R. PT. A., 8/22/69, p. 14.)

Petitioners, though of course agreeing with the Findings and adjudications set forth in the foregoing III, insisted that they had the right, and the Court granted to them the right, in light of Respondent's contentions, to introduce evidence assertedly impelling the same Findings of Fact and the same Conclusions of Law as in said decisions found and adjudicated. Therefore, the following Findings of Fact and Conclusions of Law are based on the evidence introduced and received.

IV.1 Throughout the following Findings of Fact and

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No. 822 854

[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,Counsel for  
Plaintiff

vs.

Counsel for  
DefendantBOARD OF EDUCATION OF THE CITY OF  
LOS ANGELES,

Respondent.

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## NATURE OF PROCEEDINGS:

## Conclusions of Law:

(1) The word "segregated" as it refers to schools and the phrase "segregated school" without further description thereof, such as de jure or de facto or white, denote a school or schools in which the students are minorities (Negro, Mexican-American and Orientals) and comprise all or substantially all or substantially in excess of 50% of the student body of such school or schools; and

(11) The phrase "racial imbalance" denotes a school or schools whose students do not approximately or substantially conform to the approximate racial composition of Board's district; and

(111) The phrase "segregated white" or "white segregated" or "white" denotes a school or schools whose students are all, or substantially all, or substantially in excess of 50%, white; and

(iv) (The citations of authority are not nor intended to be exhaustive, but merely illustrative. Reference to Exhibits or portions of the Transcript are not intended to nor are they inclusive of all of the Exhibits or of all portions of the Transcript applicable to the particular Finding or Conclusion for which they are cited. They are merely illustrative;) and

(v) Board being an agency and instrumentality of the State of California [State], the word "State" or "State action" or "State involvement" refers to action or omission by Board. State is not directly a party hereto; and

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Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

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(vi) The word "Minority" designates and includes students of Negro or Mexican-American or Oriental ancestry; and

(vii) The word "Board" as used refers to and designates the Board of Education of the City of Los Angeles as an entity, and therefore includes and also refers to the Executive Staff and the Members of Board [Members]. (The Members of Board are part-time employees. Their task is monumental, including ultimate responsibility for: approximately 775,000 students attending grades K-12; 434 elementary schools, 73 junior high schools; and 54 senior high schools; an area of approximately 711 square miles; receipts and expenditure per school year of approximately \$730,000,000; and approximately 48,000 employees. They must, administratively, necessarily rely entirely upon their Executive Staff, the Superintendent of Education, Assistant Superintendents, Associate Superintendents and the Assistants to each thereof (the Executive Staff is large). (R. Exh. 372 372A, 372B, 372G). Members do not have a "Watchdog" or "Efficiency Expert" or "Expeditor" or "Executive Officer" or "Economist" or "Business Administrator" accountable only and directly to them. Members can adopt what resolutions they may be advised, generally proposed by the Executive Staff [Staff], but are essentially entirely dependent upon Staff for the fulfillment thereof, and by reason of the alleged expertise involved generally accept Staff's reasons, excuses and rationalizations for the nonfulfillment thereof. The Findings hereinafter of acts, omissions

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Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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No. 822 854

[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.

Counsel for  
Plaintiff

Counsel for  
Defendant

BOARD OF EDUCATION OF THE CITY  
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Respondent.

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NATURE OF PROCEEDINGS:

and bad faith on the part of Board in its failure and omission to integrate its schools are not intended to nor are they Findings of personal bad faith or personal acts or omissions on the part of the Members of Board, but rather of the operations of the Department which may or may not have been known to the Members.)

IV.2 That Petitioners and all of class on whose behalf the Petition was filed and proceedings had are citizens of State, free from any disability, qualified to and attending and entitled, by law, to equal educational opportunities in the public schools of Board, free from discrimination, directly or indirectly, by Board.

IV. That prior to 1966, Board did not officially assemble nor collect ethnic data of its schools. It only commenced to do so when required by State in 1966.

IV.3 In 1966, of a total of 441 Elementary Schools:

(1) 165 were minority segregated. Thereof:

52 were Mexican-American segregated; 74 were Negro segregated; 1 Oriental segregated; 17 Mexican-American and Negro segregated; 3 were Negro and Oriental segregated; 6 Mexican-American and Oriental segregated; 4 Mexican-American, Negro and Oriental segregated.

(11) 191 were white segregated schools; and

(111) 85 were in various stages of racial imbalance but not segregated.

IV.5 As of 1968: the racial imbalance in the Elementary Schools increased; segregated schools became larger in number

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Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

No. 822 854  
[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

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of minority students; enrollment of white students generally increased in the white schools and generally decreased in the minority segregated schools.

IV.6 Six new elementary schools were opened between 1966 and 1968: three were white; two were Negro; and nil Negro and Oriental.

IV.7 In 1966, of a total of 73 Junior High Schools: 24 were white; 9 Negro; 1 Negro and Mexican-American; 2 Negro and Oriental; 5 Mexican-American; 1 Mexican-American and Negro; 31 racially imbalanced.

IV.8 Between 1966 and 1968, two new Junior High Schools were opened. Both thereof were white (Laurence - 1512 white, 64 minorities; Bethune - 1585 white, 44 minorities).

IV.9 In 1956, of 56 Senior High Schools, 16 were white; 8 were Negro; 4 were Mexican-American; 8 were Mexican-American and Negro; 3 were Negro, Mexican-American and Oriental; 15 were in various stages of racial imbalance.

IV.10 Three Senior High Schools were opened in 1967. They were Negro and Mexican segregated (Locke - 1821 Negro, 3 white, 19 Mexican-American and 2 Oriental. Riis - 307 Negro, 1 "other nonwhite". Ross - 47 Negro, 8 white, 20 Mexican-American.

IV.11 One Senior High School was opened in 1968: Crenshaw, with 2321 Negroes, 98 Orientals, 41 Mexican-Americans and 35 white.

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Deputy Clerk  
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(Parties and counsel checked if present)

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No. 822 854

(MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.

Counsel for  
Plaintiff

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

IV.12 The schools which were segregated, minority and white, in 1966, and have and will remain segregated, caused to and will continue to be caused to so remain by Board, by its mandating neighborhood school system, including site selection mandating school attendance areas and boundaries of such schools, transportation policies, and restrictive, impracticable and non-effective, for integration transfer policies.

None of the schools opened subsequent to 1966 were designed to, in location or school attendance boundaries, effectuate desegregation or integration in education.

IV.13 In our present society the opportunity for an equal education, as a minimum equal to that afforded the socio-economic advantaged, in our public schools is indispensable to a meaningful life; to the preservation of our democracy, our form of government and society. Its deprivation from any segment of our people is a denial of their rights as a human being, the inalienable rights of life, liberty, and pursuit of happiness as citizens of our State and Country. "Education is a basic right because it is indispensable to the development of human beings." (Robert M. Hutchins, The Center Magazine, Nov., 1969, p. 90.) Education is the developing and training of the mental, physical, moral, cultural, philosophical and sociological powers and capabilities of the human being. "A general diffusion of knowledge and intelligence being essential to the preservation

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Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

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NATURE OF PROCEEDINGS:

of the rights and liabilities of the people \* \* \*." (Cal. Const., Art. IX, Sec. 1.) There is an inalienable right on the part of every child in our State to an education. Therefore, in partial fulfillment thereof, and of the duties thereby imposed on State and Board, attendance in school is compulsory. (Edu. Code, Ch. 6, div. 9, pt. 2.)

The right existing, a duty is imposed upon Board to provide such education within its district. That duty to provide education, the right of all students thereto, includes the right to and the duty of Board to provide to all of its students an equal educational opportunity, being concomitant with equal protection of the law, due process of law. Separate, with allegedly separate but equal facilities, is not equal education. Therefore the duty on the part of Board to provide integrated education so that all of its students -- white, Negro, Mexican-American, Oriental -- receive together the same equal educational opportunities. The duty of Board is affirmative, not negative. (Art. I, Secs. 1, 2, 3; Art. IX, Secs. 1, 5; Cal. Const. "Bill of Rights", 5th and 14th Amm., U.S. Const.) "The education of the children of the State is an obligation which the State took over by the adoption of the Constitution." (Piper v. Big Pine School District, 193 Cal. 664, 668-669 (1924).)

IV.14 Board is an agency, an instrumentality of the State for the local operations of the State School System and

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(Parties and counsel checked if present)

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No. 822 854  
[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

for the observance and performance of the constitutional duties and obligations of State. (Hall v. City of Taft, 47 Cal. 2d 177, 181-182 (1956).) " \* \* the state, because it had undertaken through school districts to provide educational facilities to the youth of the state, was required to do so in a manner which avoided segregation and unreasonable racial imbalance in its schools." (Mulkey v. Reitman, 64 Cal. 2d 529, 537 (5/66).)

State and therefore Board may not therefore use its funds to create or maintain or perpetuate segregated education. (Art. IX, Sec. 5, Cal. Const.; Edu. Code 5001 et seq., 8001 et seq.; Kennedy v. Miller, 97 Cal. 429, 434 (1893).)

IV.15 Negro and Mexican children suffer serious harm when their education takes place in public schools which are racially segregated, whatever the source of such segregation may be. Negro and Mexican children who attend predominantly Negro or Mexican schools do not achieve as well as other children -- Negro, Mexican and White in integrated schools. Their aspirations become more restricted than those of other children. They do not have as much confidence that they can influence their own futures. When they become adults they are less likely to participate in the mainstream of American society, and more likely to fear, dislike and avoid white Americans. It "affects their hearts and minds in ways unlikely ever to be undone." It applies equally to segregation not compelled by law (allegedly de facto) as when compelled by

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Deputy Sheriff

Deputy Clerk  
Reporter

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No. 822 854

[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.

Counsel for  
Plaintiff

Counsel for  
Defendant

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Respondent.

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NATURE OF PROCEEDINGS:

law (allegedly de jure). The harm results not alone from the deprivation of equal educational opportunity, but additionally in the attitudes which such segregation generates and the effect of those attitudes upon motivation to learn and achieve. Negro and Mexican children are caused to believe that their schools are stigmatized and regarded as inferior by the community as a whole. Their belief is shared by their parents and by their teachers. Their belief is founded in fact. (Racial Isolation in Public Schools, p. 193, P. 436.)

Education is one of the most important functions of State and local governments. That finding was and is the basis for the conclusion and the imperative of Art. IX, Sec. 1, Cal. Const. (1849). Therefore the mandate, "The Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement." Compulsory school attendance laws (Edu. Code. Sec. 12101, et seq., ch. 6, pt. 2, div. 9) and the great expenditures for education (Board for its District alone within our State, approximately \$730,000,000 per fiscal year) demonstrate the importance of education to our democratic society.

Equal educational opportunity is the foundation of the right to be a human being, of good citizenship, the wakening of the child to and motivation for cultural values to help him adjust normally to his environment, to prepare him for later training, the ability to support himself and his subsequent

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No. 822 854

[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,

Counsel for  
Plaintiff

vs.

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Defendant

BOARD OF EDUCATION OF THE CITY OF  
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NATURE OF PROCEEDINGS:

family, to enjoy his life, his liberty and to pursue happiness. It is doubtful, though there may be some exceptions, that any child may reasonably be expected to succeed in life if he is denied the opportunity of an equal education. This does not mean that any gifted child or any child having a greater capability to learn may or shall be deprived of his or her opportunity of learning more. It does mean that every child shall have the equal opportunity to learn to the best of his or her ability. That opportunity must be made available to all on equal terms. (Brown I. Jackson.) "In a society such as ours, it is not enough that the 3R's are being taught properly for there are other vital considerations. The children must learn to respect and live with one another in multi-racial and multi-cultural communities and the earlier they do so the better. It is during their formative school years that firm foundations may be laid for good citizenship and broad participation in the mainstream of affairs. Recognizing this, leading educators stress the democratic and educational advantages of heterogeneous student populations and point to the disadvantages of homogeneous student populations, particularly when they are composed of a racial minority whose separation generates feelings of inferiority." (Booker v. Board of Education, 45 N.J. 161, 212 Atl. 2d 1, 11 ALR 3d 754, 763 (1965); Hobson v. Hansen, 269 Fed. Supp. 504, 506; Ev. Code Sec. 452 (a), (b), (h).)

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by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

IV.16 Segregation of children in public schools deprives the children of the minority group of equal educational opportunities and this irrespective of whether the segregation be described or classified as de facto or de jure.

This Court finds as a fact from the evidence introduced in this cause that, "If Negroes [and Mexicans] are ever to enter the mainstream of American life as school children, they must have equal educational opportunity with white children." (U.S. v. Jefferson County Board of Education, 380 F. 2d 385, 389 (U.S. 5th Circuit, 3/29/67) Cert. denied, 88 S. Ct. 72, 77, 10/19/67.) Integrated education affords better educational opportunities to both minority and majority students. (Trans., pp. 8635, 8636, 8051, 8053.)

IV.17 Minority students in minority segregated schools do not receive equal educational opportunity measured either by educational inputs or outputs. There are significant disadvantages. Board knew or had reasonable grounds to know thereof. (R. 32D, P. 43-C-1, 36, 31B, 34B, 43A, 53; Trans., pp. 1405-08, 1409-16, 2676, 3022, 7805 to 7927.)

Minority segregated schools do tend to result in low aspirations, low achievement, lower educational competition and attitudes, to institute disbelief in ability to learn and a lack of qualifications.

The segregated schools, plant, teachers, physical facilities are in fact of less quality.

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Hon. ALFRED GITELSON

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(Parties and counsel checked if present)

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY  
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Segregated education tends to induce and create both on the part of the minorities and majority racial intolerance, misunderstanding, suspicion and fears. "Integration of education tears down the misunderstanding and fears that are based on ignorance of what the other person is really like." (R. 32J, 140-141.) The opportunity thereby to learn that all persons are human beings, to alleviate the fears, ignorance, prejudices and bias otherwise existing, the teaching thereof and the opportunity to learn thereof is as much a part of the educational opportunity of the majority as of the minority. Only thus can the democratic ideals of equality, worth, freedom and dignity of every person be taught or experienced. (P. 15, R. 32J, Trans. pp. 8634-8665, 12055-12069.) It results in schools of predominantly low socio-economic status. It adds a stigma both to the minority pupil and the minority segregated school he is compelled to attend. The stigma is inimical to achievement and tends to erode further educational aspirations of the segregated minority.

Segregated education results in the assignment of grades within the segregated school unrelated to real performance. It causes and results in higher dropout rates of minority students. (P. 47, 31B (McCone Commission Report, pp. 55, 56).)

IV.18 There can be no equality of education "input" without integrated education. } Only thereby will all students receive the same basic "inputs", to-wit, plant, books, teachers, curriculum and facilities so that each shall receive his just

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(Parties and counsel checked if present)

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Ad Litem) et al., Petitioners,  
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Counsel for  
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share. That is the equality of education, the equality of  
"inputs" and the opportunity of general educational "output".  
The latter is substantially affected by the former.

Though it is true that generally educational "output"  
is personal to each student dependent upon many factors as human  
beings, and the law does not and could not legislate equal ability  
to achieve, Board may not justify its lack of equal opportunity  
in "input" by the alleged superiority of "outputs" of the white  
students.

Board postulates that having a group, white, whose  
"output" makes a better showing for Board and its educational  
system that it therefore should concentrate thereon and only  
from any excess funds attempt to achieve through integrated education  
the same "outputs" by the minority. That may be Board's educational  
concept, but it is not the constitutional concept for equal  
opportunity to learn, to be able to achieve, the right not to  
be discriminated against, the right initially to be fed equal  
"inputs" at the source of the stream of man's humanity.

IV.19 Board has, since at least May of 1963, by and through  
its actual affirmative policies, customs, usages and practices,  
doings and omissions, segregated, <sup>fact</sup> ~~de facto~~, its students, in that  
it has knowingly, among other things:

(1) Adopted and slavishly practiced and adhered to  
its policy of selecting and purchasing sites and building

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT.

19331

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter  
(Parties and counsel checked if present)

29

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,  
Respondent.

STATISTICAL  
CODE  
CLERKS USE  
ONLY

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NATURE OF PROCEEDINGS:

neighborhood schools without regard to integration. It did so within racially imbalanced, segregated and ghetto areas; knowing and intending that the students of the area were required to attend thereat; the establishing of mandatory attendance areas and boundaries around said neighborhood schools perpetuated and created segregated schools; and (ii) Set its school attendance areas and boundaries without regard to creating racially balanced integrated schools. The attendance boundaries were knowingly set, knowing, or having reasonable cause to know, that the school affected thereby would either become or be perpetuated as a minority segregated school or a white segregated school or a racially imbalanced school. Board knew that its rights and powers to establish school attendance areas was and is subject to constitutional guarantee of equal protection and due process. (Jackson, supra, p. 879); and (iii) Never adopted or instructed or directed its staff, including the department establishing the school attendance boundaries, of any definition of educational integration or desegregation or racial balance or racial imbalance. (Court's 5-D-3); and (iv) Board did not establish any Feeder School Policies so as to create integration or desegregation or racial balance. It knew, or in the exercise of reasonable care should

DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 333

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

30

No. 822 854  
[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

STATISTICAL  
CODE  
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NATURE OF PROCEEDINGS:

have known, that the policies established by it perpetuated or created racial imbalance and segregation; and (v) Established transportation policies for its students which in fact perpetuated and created segregation. Students living within 2-1/2 miles of a neighborhood school were not provided with transportation. Board knew that many if not all of socio-economic disadvantaged students could not afford private transportation to schools outside of the area of nontransportation, and therefore that its transportation policy would cause all, if not substantially all, thereof to attend the segregated neighborhood school; and (vi) Consistently taken the legal position that it would only expend sums to create racial balance (though it had not officially defined what constituted racial balance) and would only affirmatively attempt to create, other than by token effort for public relations purposes, integration from surplus funds, surplus to all of its programs which it deemed necessary for the accomplishment of educational "output", which surplus funds it defines as that given to it by outside grants, either Federal or State; and (vii) Constantly taken the position, without first having made any true, in-depth study of the cost thereof, that the cost of providing integrated education would wrongfully require it to be compelled to divert such large financial or other resources from academic programs that the academic achievement of the pupils will literally suffer a significant decline. (Court's 5-D-3 (3/3/69)); and (viii) Contends, asserts, and acts thereunder, that separate but allegedly

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

31

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.

Counsel for  
Plaintiff

Petitioners,

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

STATISTICAL  
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CLERKS USE  
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NATURE OF PROCEEDINGS:

equal schools are equal educational opportunity; and that, unless and until it is compelled by the Court to do otherwise, that is what it will continue to provide to its students. The Court finds that throughout the period of time involved Board's separate but allegedly equal schools were not equal in fact, either as to plant or facilities or teachers or curriculum, and that Board has not made available to all its students equal educational opportunity. Board still asserts and contends, educationally and legally, that integrated schools are not reasonably necessary to equal educational opportunity; and that there is no legal mandate, constitutional, Federal and/or State, or Statute of State, imposing any duty upon it to desegregate its segregated schools or to remedy racial imbalance in its schools or to integrate its schools, and that it will not so do unless and until it, in its absolute, arbitrary and uncontrolled discretion, believes it to be "feasible" to integrate its schools (R.P.T. A., 10/14/69, pp. 2, 3, 14, 16, 24, 25; R. PT. A., 5/1/69, pp. 4, 5); and (ix) Has expended the stupendous amount of taxes received by it in maintaining, protecting, or creating its segregated and racially imbalanced schools; and (x) Deliberately chose to assign and compel students to attend schools on the basis of geographic criteria when it knew that, having knowledge of the residential patterns, the assignments would perpetuate or create racial imbalances and segregation.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

32

No. 822 854  
[MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY OF  
LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

STATISTICAL  
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NATURE OF PROCEEDINGS:

Board had, and knew that it had, the power and had the duty specially imposed by law, though denied by it, to adopt school assignment policies that incorporated other than geographical criteria, policies that would rectify the existing racial imbalances, that would create or tend to create racial balance and integration. It had the power and duty to select school sites for that aim, purpose and end. It had the power and duty, though it denied that duty, to re-adjust attendance zones and areas and to select school sites to meet and overcome the effect of population movement. It knew, or should have reasonably known, of the population movements within its district. Board did not execute those or any of those powers or perform those or any of those duties specially imposed by law.

("When a thing continually occurs /  
Not on that account find it natural."  
(Brecht))

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 335

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

33

No. 822 854  
(MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,

Counsel for  
Plaintiff

Counsel for  
Defendant

vs.  
BOARD OF EDUCATION OF THE CITY OF  
LOS ANGELES,  
Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

IV.20 Board asserts as its obligation and duty:

"The respondent board of education is concerned primarily with school effects-- with students' achievement. It views school inputs not as ends in themselves, but only as factors which affect students' achievement. For purposes of illustration, suppose it to be true that there exist in a school district one group of schools whose student bodies are composed predominantly of white students and another group of schools whose student bodies are predominantly Negro (or other minority) students. Suppose also that the average achievement of white pupils is substantially greater than that of Negro students. Using achievement as the criterion of equal educational opportunity, it is obvious that Negro students do not have equal educational opportunity because they are not achieving as well on the average as white students. What are the school district's obligations under such state of facts? As viewed by the respondent board its obligation is to raise the average achievement of the Negro students as close as it possibly can within the limits of its available resources to that of the white students. Again, viewing equal educational opportunity in a substantive sense -- in terms of educational results -- the board should allocate its resources to student education in such manner as to minimize the disparities between the average achievements of Negro and white students. On the other hand respondent board does not believe it to be its obligation to effect equality of educational achievement by so withdrawing academic offerings from white students that the average academic achievement of white students diminishes to the level of achievement of the Negro students. To use a ~~rather~~ <sup>rather</sup>

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

336

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

34

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

VS.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

extreme example for illustrative purposes, the respondent board would not consider it proper to reduce the basic high school offering to a three-period day, and then use the monies thus saved for compensatory education of Negro students.

"In the view of the board of education it should provide to all students a minimum educational offering in such amount and quality that the average achievement of the racially higher achieving group will not substantially decline. In addition the school district should provide to racial minorities, to the extent that it has the financial wherewithal, educational offerings in addition to the basic minimum offering to attempt to close the gap between the average achievement of white students and that of the racial minorities." (R. PT. A. 8/22/69, l. 11, p. 13 to l. 16, p. 14.)

No credible evidence was introduced by Board, and the Court finds not true, that the educational abilities of the Negroes and Mexicans are inherently or genetically inferior to the whites. Board's said position is based upon an erroneous assumption, to-wit, that the educational opportunities made available by it in the minority segregated schools is in fact equal to that offered in the white school.

It is true that the minority children have not been taught as efficiently and effectively, with emphasis, compassion and understanding at their schools as the white school. "American education is most undemocratic when it accepts ideas of inferiority." (Dr. Kenneth B. Clark, Editor, Psychologist, President of Metropolitan Applied Research Center, N.Y.,

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

337

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

35

No. 822 854  
(MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

STATISTICAL  
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CLERK'S USE  
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NATURE OF PROCEEDINGS:

Nov. Bulletin of the Council for Basic Education.) (Though it was not received into evidence, Dr. Clark's standing and expertise is such that his opinions are entitled to consideration. The Court therefore quotes the following portion thereof: "I do not know of a single situation in which minority group children have been taught efficiently, effectively and with compassion and understanding and skill, in which their performance has not been at or close to the norm of the performance of other children equally well taught. \* \* \* I think that the people who propose special education, special this, special that, for minority group children are violating the law of parsimony. When equal conditions have been established and it is found that the children do not respond, then and only then are we justified in looking for special methods, special techniques. \* \* \* If children are taught well, they don't need it [compensatory education]. Every compensatory education program that I know of is merely a program in which these children are being taught. The critical variable is that children who previously have not been well taught are now, under the guise of some special program, being taught well \* \* \* ."

("Arthur Jensen by his claim that the reason for the failures of compensatory education can be found in the lower I.Q.'s of minority group children \* \* \* hasn't been attacked enough. It is an insidious article; that is, it is an insidious approach. Scientifically, it is preposterous. Dr. Jensen doesn't know what he is talking about when he talks about genes, about genetic determination. The whole area of genetics is so

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

338

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

No. 822 854  
(MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY OF  
LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

STATISTICAL  
CODE  
CLERKS USE  
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NATURE OF PROCEEDINGS:

complex, so unexamined. In this complicated and mysterious area of biology, geneticists are only beginning to understand the relationship between gene patterns and physical characteristics. They are a long way from understanding the relationship between genetic determiners and psychological characteristics. I don't think Dr. Jensen is a racist, he's just naive. Apparently, he has never understood the work of Franz Boas or Otto Klineberg and the cultural anthropologists, who, as early as the 1930's, were presenting evidence to show that the significant variable in understanding differences among human beings was not, as far as we know, inherent biological determinants, but the complexity of social and environmental forces that interact with whatever biological potential exists in particular individuals." (Wall Street Journal, Dec. 26, 1969.))

Board has not in good faith created, studied, analyzed, tested and understood the effects upon education of integrated schools or racially balanced schools which have been operated for a school [K. to 12] generation or other substantial period of time. Its alleged conclusions are based solely on tests in its low socio-economic segregated schools, schools in which the educational opportunity was not equal to the educational opportunities of the white segregated school.

IV.2E No credible evidence was introduced by Board proving, and the Court finds not true, that the offering and extending of equal educational opportunity to all by integrated schools would reduce either the educational "inputs" or "outputs" or motivation or achievement of the white students or that it

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 309

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk

Reporter

(Parties and counsel checked if present)

37

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

STATISTICAL  
CODE  
CLERKS USE  
ONLY

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NATURE OF PROCEEDINGS:

would require Board to withhold from them any academic offerings.

The right, inherent, to an education, equal educational opportunity by and through equal integrated schools so that the opportunity to learn received by one is received by all, cannot be denied or abridged upon the fears or assumptions or grounds, if it existed: that whites are superior in learning ability and therefore have rights to a white segregated or superior or better education than minorities; or that the whites will be held back or deprived of educational opportunities; or that the average academic achievement of white students [will] diminishes to the level of achievement of the Negro students by integrated education. (R.P.T.A., 8/22/69, p. 13.) Citizenship, its rights and duties, knows no color. Schools, equal educational opportunity, should know no color between its students. There is no right to, the duty specially imposed by law upon Board prohibits, minimization of cost of education of the minorities, whether socio-economically disadvantaged or not, so as to enable the alleged "racially higher achieving group" to achieve higher grades, receive better, higher-quality education, greater achievements, and be prepared for a better life than the minorities, and at their expense. Only when all, equally, have been provided with equal educational opportunity and, the minorities requiring it, created by the heretofore segregated education, have received educational offerings in addition to the minimal offers to attempt to close the gaps between the average achievement of the white student and that of the racial minorities, will Board have performed its duty imposed by law.

DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 340

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

38

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL  
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CLERKS USE  
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NATURE OF PROCEEDINGS:

Board's policy and action thereunder to perpetuate in favor of the white students the disparity which it has found to exist and which it has caused to exist or continue to exist by segregated schools is educational discrimination. It is a denial of equal protection of the laws, of due process of law, of the inalienable and constitutional rights, the right to be a human being.

Board having only provided to " \* \* \* all students a minimum educational offering in such amount and quality that the average achievement of the racially higher achieving group will not substantially decline" was and constituted state action of discrimination against the minorities in favor of the whites to perpetuate the disparity existing and caused to exist by Board through segregated education.

IV.22 Additionally to the constitutionally imposed prohibitions and duties, similar duties and prohibitions, the duty to integrate, prohibition against segregation in education, are imposed upon Board by our State Statutes.

After the commencement of this action, State Board adopted its Rules 2010 and 2011. (Rules 2010 of St. Board of Education; Court's 10A, 10B (filed 2/21/69, effective 3/21/69.)) Though adopted subsequent to the commencement of this action, in fact during the trial hereof, Petitioners' rights and Board's duties are to be determined, adjudged, as of the date of trial and Judgment herein. The Rules have the force and effect of statutes. (Viner v. Civil Service Comm. (1943), 59 Cal. App. 2d 458, 465; Bruce v. Civil Service Board (1935), 6 Cal. App. 2d 633, 637; Duke Molner, etc. Liquor Co. v. Martin (May, 1960), 180 Cal. App. 2d 873, 884.

DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 311

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

39

No. 822 854  
(MARY ELLEN CRAWFORD, a Minor,  
by ELLEN CRAWFORD, her Guardian  
Ad Litem) et al., Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY OF  
LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

STATISTICAL  
CODE  
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NATURE OF PROCEEDINGS:

IV.23 Board also "is of the opinion that prejudice, bias and misunderstanding in society may tend to be reduced through closer contact of individuals of different races and cultures." (R. PT. A., 10/11/68, p. 2, 11.16 to 18.)

IV.24 Even if the doctrines and contentions of Board were legally valid and based on true principles of education, they are inapplicable. The segregated schools of Board are not equal in plant, or facilities or teachers, or curriculum with the white segregated schools.

IV.25 There is in fact no differences in terms of education, equal educational opportunity and educational discrimination, between de jure and de facto schools. The harm, the denial of equal educational opportunity, is the same. (Trans. pp. 1886, 1887, 2727, 2977-78, 3047-49, 3467.)

(Respondent attempts to differentiate Brown I and its progeny and Jackson and its progeny upon the ground, primarily, that each related to de jure segregated schools as distinguished from de facto segregated schools, contending that all of its schools, if any segregation or racial imbalance exists therein, which it does not admit, are de facto and not de jure. The findings of fact of each thereof as to the educational detriments of segregation were not related to or predicated upon de jure or de facto segregation, but segregation itself.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

342

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

40

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

"School segregation is 'inherently unequal' by any name and wherever located," found as a fact in U.S. v. Jefferson County, supra, (p. 389). It is true that the Court therein did "leave the problems of de facto segregation in a unitary system to solution in appropriate cases by appropriate Courts." "This Court did not 'excuse' neighborhood schools in the North and West which have de facto segregation. No case involving that sort of school system was before the Court." Having found and held that:

"School desegregation cases involve more than a dispute between certain Negro children and certain schools. If Negroes are ever to enter the mainstream of American life, as school children they must have equal educational opportunities with white children."

its references to de facto segregation were restricted to the question of legal "solutions". This Court agrees:

"The Negro children in Cleveland, Chicago, Los Angeles, Boston, New York, or any other area of the nation which the opinion classifies under de facto segregation, would receive little comfort from the assertion that the racial make-up of their school system does not violate their constitutional rights because they were born into a de facto society, while the exact same

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk

Reporter

(Parties and counsel checked if present)

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Respondent.

STATISTICAL  
CODE  
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NATURE OF PROCEEDINGS:

racial make-up of the school system in the 17 Southern and border states violates the constitutional rights of their counterparts, or even their blood brothers, because they were born into a de jure society. All children everywhere in the nation are protected by the Constitution, and treatment which violates their constitutional rights in one area of the country, also violates such constitutional rights in another area. The details of the remedy to be applied, however, may vary with local conditions. Basically, all of them must be given the same constitutional protection. Due process and equal protection will not tolerate a lower standard, and surely not a double standard. The problem is a national one." (Dissenting opinions, Gewin and Griffin B. Bell (Circuit Judges), U.S. v. Jefferson, 380 Fed. Rep. 2d 397-398.)

IV.26 From an educational standpoint, to achieve greater understanding, reductions of prejudice, minimization of racial conflicts, a better and greater educational opportunity, it is sounder to integrate minority and majority children when they enter kindergarten or elementary school and give them an integrated education experience all the way through public schools rather than keeping minority children and majority children in segregated schools until they reach junior high or senior high school. Board knew thereof. (P. 43-C, p. 204; Trans.pp. 8170-77.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 341

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE

CITY OF LOS ANGELES,

Respondent.

STATISTICAL  
CODE  
CLERKS USE  
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NATURE OF PROCEEDINGS:

IV.27 Board's alleged open enrollment policies

(Second and Further Separate Affirmative Defense, par. I of Ans.) was not and is not a policy of integration or desegregation or of corrections of racial imbalance. It was and is not even a technique for the achievement of any thereof.

It was and is not mandatory. Integration, the creation of racial balance, the elimination of racial imbalance, must be mandated.

It was and is not a "right" of transfer, but only a "privilege" of transfer on the basis of "first come, first served." It was not equal.

A plan and its methods, means, mechanics and techniques of integration, of desegregation, of remedying racial imbalances and creating racial balance must be designed to and work and achieve its objectives. It did not. (Court's Exh. 5A, pp. 14-18; R. 14A, Trans. pp. 1764-71.)

No provision was or is made for the transportation of students from the "sending school" to the "receiving school". Board knew that the socio-economic disadvantaged could not avail itself of any alleged privilege to transfer without transportation being made available to them by Board. The effect of the alleged policy was to permit white students attending racially imbalanced schools to transfer to white schools. (Trans. pp. 1965-67, 7364-65, 4827-4828, 4831-4843, 5414-15, 5442-5461, 6046-48.)

DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 3:15

Date: 2/11/70

Hon. ALFRED GITELSON

Judge

Deputy Sheriff

Deputy Clerk

Reporter

(Parties and counsel checked if present)

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No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

IV.28 Board, in its failure and omission since Brown I (1954), Brown II (1955), Jackson (1963) and the adoption by State Board of its original Regulation 2010 (October 23, 1962), to thereafter with all due and deliberate speed, in good faith, give to all students, white, Negro, Mexican, Oriental, equal educational opportunity in integrated schools so that every student of the District would be given substantially the same educational factors, both tangible and intangible, as every other student of the District and so that there be only schools, not white or Negro or Mexican or Oriental, has been guilty of bad faith, the failure to exercise the highest of good faith, the good faith that a trustee, and Board is a trustee (Pass School, et al. v. Hollywood, et al., 156 Cal. 416, 420 (1909)), owes to its beneficiary.

IV.29 Board had and has a duty, in all matters relating to the education of its students, to act in the highest of good faith. (CC §2228.) A knowing, deliberate omission or refusal to perform a duty specially imposed by law by reason of the relationship existing, without just cause or excuse, and thereby denying to the beneficiaries that which is justly owing, is bad faith.

Fifteen and a half years have elapsed since Brown I. Approximately seven years have elapsed since the original adoption by State Board of Rule 2010. More than six years have elapsed since Jackson. Six years and seven

AG:EL

DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 3:16

Date: 2/11/70 Hon. ALFRED GITELSON, Judge, Deputy Clerk  
44 Deputy Sheriff, Reporter  
(Parties and counsel checked if present)

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff

Petitioners, Counsel for Defendant

vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL  
CODE  
CLERKS USE  
ONLY

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NATURE OF PROCEEDINGS:

months have elapsed since the filing of this proceeding. Though "[t]he Board of Education reaffirmed its responsibility to provide equal educational opportunity to children of all races, religions and cultures on June 7th, 1962, when it adopted the motion establishing the Ad Hoc Committee. The Board felt and feels that it has followed a policy directed toward the goal of equality in that the pupil-teacher ratio, basic curriculum, books per student, and transportation rules are equally applied throughout the District. It is conceded, however, that this formula falls far short of providing true equality for thousands of children who enter our schools from educationally and economically disadvantaged environments. They are in no way able to compete equally with children living under more favorable circumstances." (Court's Exh. 5-A "PREFACE", p. 1), and thereafter the Ad Hoc Committee recommended to Board (May 20, 1963):

"The Committee recommends that the Board of Education adopt the following statement of policy:

"The Board of Education believes that equality of opportunity in the total community for all ethnic groups is a desirable goal for our society. Therefore, the Board establishes a formal policy of providing equal educational opportunity for all pupils regardless of racial or socio-economic background, recognizing that equal opportunity is best achieved in schools which provide pupils an opportunity for interaction

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DEPT.



SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT.

19

3:17

Date: 2/11/70 Hon. ALFRED GITELSON Judge  
45 Deputy Sheriff

Deputy Clerk  
Reporter  
(Parties and counsel checked if present)

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Plaintiff

Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,  
Counsel for Defendant

Respondent.

STATISTICAL  
CODE  
CLERKS USE  
ONLY

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NATURE OF PROCEEDINGS:

with persons of differing cultures and ethnic  
backgrounds.

"In furtherance of this policy the Board  
recognizes an obligation to act positively within the  
framework of its educational responsibilities, at all  
levels and in all areas of the school system,

"a. By encouraging actions and programs  
designed to maintain in the Los Angeles City Schools  
a position of leadership in the avoidance of segrega-  
tion or discrimination in such matters as school  
boundaries; student discipline; educational and  
vocational counseling; teacher placement, transfer,  
and promotion; and any other matter affecting equal  
educational opportunity,

"b. By insuring that all such policies are  
continuously and clearly communicated to all school  
personnel and to the public." (Court's Exh. 5-A,  
pp. 2-3), it was not until approximately four years later  
(December 21, 1967) that Board purportedly adopted the Ad  
Hoc Committee's Recommendation (Court's Exh. 5-C, pp. 1-4),  
resolving, among other things, that "Further, in order to  
clarify its position, that the Los Angeles Board of Education  
accepts Directive No. 1 of the 1963 Ad Hoc Report as policy.  
In addition, the Board of Education sets as its goal an  
integrated system at all levels and divisions and instructs  
the staff to develop every feasible technique and program to

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 348

Date: 2/11/70 Hon. ALFRED GITELSON, Judge, Deputy Clerk  
46, Deputy Sheriff, Reporter  
(Parties and counsel checked if present)

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff

Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES, Counsel for Defendant  
Respondent.

STATISTICAL  
CODE  
CLERKS USE  
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NATURE OF PROCEEDINGS:

accomplish this goal." Board did not take and has not taken any meaningful steps nor adopted any meaningful means or methods or mechanics or techniques therefor, nor even to this date adopted definitions of "integration" or "desegregation" or "racial balance" or "racial imbalance".

On February 13, 1969, State Board adopted its Amended Rules, Secs. 2010 and 2011 (Title 5, Calif. Admin. Code), to become effective March 1969. On March 3, 1969, Board adopted its Superintendent's recommendations and interpretation of said Rules, to wit:

" \* \* \* The Superintendent therefore construes Sec. 2010 to mean that each school board shall seriously and earnestly engage in an 'effort to prevent and eliminate racial and ethnic imbalance' where feasible, and that prevention and elimination of such imbalance shall be one of the principal or primary goals of the district. The State Board did not say that the prevention and elimination of racial and ethnic imbalance shall be the first, and if necessary, the exclusive priority of each school district. [Double underlining, ours.]

\* \* \*

"Inference may be made from Sec. 2011(a)(1) that the State Board regards a school to be in ideal or perfect racial and ethnic balance where the respective proportions of ethnic and racial groups

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 349

Date: 2/11/70 Hon. ALFRED GITELSON, Judge, Deputy Clerk  
47, Deputy Sheriff, Reporter  
(Parties and counsel checked if present)

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff

Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES, Counsel for Defendant

Respondent.

STATISTICAL CODE CLERKS USE ONLY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

NATURE OF PROCEEDINGS:

in each grade of the school are precisely the same proportions that such racial and ethnic groups represent in the total school district pupil population. Sec. 2011(a), subsections 1 to 4, seem to require each district continually to strive, insofar a [sic.] seems feasible, to achieve this ideal racial and ethnic balance. However, the Superintendent does not construe Sec. 2011(a) to require a school district to neglect its academic program in seeking to achieve such concept of ideal racial and ethnic balances,

\* \* \*

" \* \* \* The Superintendent further construes Secs. 2010 and 2011 to require the School District to racially and ethnically balance school populations, and ideally, grade populations within schools, where feasible. The extent to which the achievement of ethnic and racial balance is feasible is a decision legally committed to the Board of Education. The Board is to make its decision by weighing the feasibility factors specified in Sec. 2011(c), including the items set forth in subsections 1-4, in the manner there stated.

\* \* \*

"In summary, the Superintendent interprets these Rules to mean that the Board of Education is not required by Secs. 2010 and 2011 (as amended) to

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DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

350

Date: 2/11/70 Hon ALFRED GITELSON, Judge

Deputy Clerk

Deputy Sheriff

Reporter

(Parties and counsel checked if present)

48

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff

Petitioners, Counsel for Defendant

vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

allocate its financial and other resources to the  
achievement of racial and ethnic balance if student  
academic achievement would likely suffer any signifi-  
cant decline because of any required reduction in the  
academic programs. \* \* \* (Underlining, ours.)  
(Court's Exh. 5-D-3.)

Notwithstanding said Resolution, Board did not  
then undertake or make the study, and has not formulated any  
plans, "for the relief and amelioration of racial and ethnic  
imbalance existing within some of the schools of the District".  
Approximately one year has elapsed from the adoption of said  
Resolution.

The Court hereafter concludes that the duty imposed  
upon Board, constitutionally and under 2010 and 2011, to  
desegregate and integrate its schools, district-wide, is  
absolute, not merely to "seriously and earnestly engage in  
an 'effort to prevent and eliminate racial and ethnic imbalance'  
where feasible" in the opinion of Board or only "seem[s] to  
require each district continually to strive, insofar a [sic.]  
seems feasible" to Board "to achieve this ideal racial and  
ethnic balance".

Board had and has no right to condition, a condition  
precedent, its duty to the time when, in its opinion, integra-  
tion would be "feasible", that is, when and only when it may  
feel that it has "excess" funds, excess to its segregated  
education, and when it, in its absolute, arbitrary and

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DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 351

Date: 2/11/70 Hon. ALFRED GITELSON, Judge, Deputy Clerk  
49 Deputy Sheriff, Reporter  
(Parties and counsel checked if present)

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff

Petitioners, Counsel for Defendant

vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL CODE CLERKS USE ONLY	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

NATURE OF PROCEEDINGS:

uncontrolled discretion, may determine and resolve that "the academic achievement of the 'minorities' in the schools will be raised by racially mixing students and the achievement of the 'majority' will not be substantially reduced by such racial mixing." (R. Pt. A., 10-14-69, pp. 2-3); because, it asserts, "its obligation is to raise the average achievement of the Negro students as close as it possibly can within the limits of its available resources to that of the white students. \* \* \* [to] allocate its resources to student education in such manner as to minimize the disparities between the average achievements of Negro and white students. \* \* \* [and not] to effect equality of educational achievement by so withdrawing academic offerings from white students that the average academic achievement of white students diminishes to the level of achievement of the Negro students \* \* \* [and, therefore,] it should provide to all students a minimum educational offering in such amount and quality that the average achievement of the racially higher achieving group will not substantially decline \* \* \* [and thereafter] should provide to racial minorities, to the extent that it has the financial wherewithal, educational offerings in addition to the basic minimum offering to attempt to close the gap between the average achievement of white students and that of the racial minorities." (R. Pt. A., 8-22-69, pp. 13-14.)

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DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 353

Date:

2/11/70

Hon.

ALFRED GITELSON

Judge

Deputy Sheriff

Deputy Clerk

Reporter

(Parties and counsel checked if present)

50

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.

Counsel for  
Plaintiff

Petitioners,

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

Board is still committed to its policy, contrary to the duty specially imposed by law: that separate but equal is equal; and that no duty exists on its part to affirmatively seek, cause and create integration; and that neither constitutionally (U. S. and State) or statutorily (Reg., State Board, 2010), do minority students have any right to education by and through racially integrated schools. (R. 32B, R. 32D, R. Pt. A., 8-22-69, pp. 6, 14, 23; R. 373-2; Trans., pp. 12082-83.)

After the adoption by Board of its Resolution (Court's 5-C), hereinbefore set forth, the Court prepared its "COURT'S UNDERSTANDING OF REPRESENTATIONS OF COUNSEL FOR RESPONDENT OF RESPONDENT'S INTENTION AND MEANING OF COURT'S EXHIBIT 5-C" (November 29, 1968). The Court thereby stated its understanding thereof as:

"(1) That the Board 'recognizing that equal opportunity is best achieved in schools which provide pupils an opportunity for interaction with persons of different cultures and ethnic backgrounds' 'establishes a formal policy of providing equal educational opportunity for all pupils regardless of racial or socio-economic background' by and through 'an integrated system at all levels and divisions.'

"(2) Therefore, the Board: 'recognizes an obligation to act positively within the framework of its educational responsibilities, at all levels and

DEPT.

AG:EL

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT.

19 35

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

51

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,  
Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

in all areas of the school system; adopts Directive  
1 of the ad hoc Committee Report of 1963'; and  
'instructs the staff to develop every 'feasible  
technique and program to accomplish this goal' of  
an 'integrated system at all levels and divisions.'

The Court requested confirmation thereof by Board.  
Board did not make any reply thereto until May 1, 1969.  
("RESPONDENT'S POSITION RE EQUAL EDUCATIONAL OPPORTUNITY AND  
DESEGREGATION".) It did not directly or unequivocally agree  
with the aforesaid construction of its said Resolution  
(allegedly "Directive 1"). It purported not to have an under-  
standing of the phrase "equal educational opportunity". It  
conceived "of at least three different sets of conditions  
constituting school district activities that may be indicated  
by that phrase". Included therewith was: "(1) One such set  
might be that every pupil of the district is presented with  
precisely the same educational factors, both tangible and  
intangible, as every other pupil of the district \* \* \*"; and,  
as to that, Board was of the position "that there would be  
little point in seeking 'equal educational opportunity'  
according to the first set of conditions postulated". There  
is incorporated herein, hereat, verbatim, the said statement  
of the Board's position.

Board, notwithstanding its said Resolutions,  
Motions and Directives, is still committed to the policies  
that, unless and until it is "clearly demonstrated that

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*Gr.*

DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19351

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

52

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

integration has a substantial effect on student achievement in a positive sense", and when and only when it [in its arbitrary and uncontrolled judgment] so decides, would it "put our money into integration". (Trans. pp. 11106-07, 11412-13.)

That, by reason of all of the facts herein found, true and not true, Board, in its denial to Petitioners and the class in whose behalf the Petition was filed of equal educational opportunities by integrated education, has been and is guilty of bad faith.

IV.30 Board will not, unless ordered so to do and supervised therein, within any reasonable period of time, formulate and adopt a Master Plan, including methods, manners, means, mechanics and techniques for the consummation thereof, for the integration of its schools.

IV.31 Board's unwillingness and refusal to racially integrate its schools, unless compelled to do so, is in part based on fears and genetic assumptions--Fears: that the costs of integration, which costs it does not know, will financially compel a reduction in the educational inputs and therefore outputs of the majority; that integration will reduce the motivation and therefore the achievement of the majority and reduce the learning capability average of the majority to the assumed lesser-learning capabilities of the minority.

AG:EL

DEPT.



SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

355

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter  
(Parties and counsel checked if present)

53

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL  
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1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

NATURE OF PROCEEDINGS:

Board has not made any comprehensive, in-depth, good-faith study of the costs or effects of integrated education. Its data is from segregated minority, disadvantaged, low socio-economic schools with its high-advantaged, high socio-economic, white, segregated schools. Board did not introduce any credible evidence to support its fears and assumptions. The Court finds them not founded in fact and not true.

IV.32 Board may not, cannot, constitutionally, federal and state, justify segregated education, a denial of equal educational opportunity, upon the basis of maintaining a status quo or other desire to create or achieve an alleged superior educational race or majority. It was and is the very purpose of the constitutional requirement of equal educational opportunity not only to allow but to require the rendering of the same equal educational inputs to all students so as to assure to all equal rights to be a human being and better qualified to understand and be a part of society and the country.

IV.33 Board knew, actually and constructively (Westminster School District of Orange County v. Mendoza (April 14, 1947, corrected August 1, 1947), 161 F. 2d 774, 776-79, 780-81), that no Statutes of State or Rules or Regulations of State Board provided for or allowed segregated schools or required or allowed such adherence to neighborhood schools which would create or maintain or perpetuate segregated schools.

DEPT.

AG:EL-----

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT.

19

356

Date: 2/11/70 Hon. ALFRED GITELSON, Judge  
Deputy Sheriff

Deputy Clerk  
Reporter  
(Parties and counsel checked if present)

54

No. 822 854

MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff

Petitioners,

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for Defendant

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

Board has and does maintain, perpetuate and create segregated schools and a segregated school system by slavish adherence to its neighborhood school policy and foundless hopes of voluntary integration. (Court's Exh. 5-A; Trans. pp. 1798, 2707-08, 3808-39, 1387-91, 1969-74.)

IV.34 Board made no racial summary of its schools until the year 1966, when directed to do so by State Board. (Trans., p. 11816.) Prior thereto, it collected such data only by general geographic automobile survey. Board knew or should have known that it could not comply with its constitutional duties without such data. Board had been requested, commencing with on or about 1962 to collect and collate such data. (Trans. pp. 11818-22.) Board knew or should have known, upon the original adoption (1962) by State Board of its Rule 2010, that it could not comply therewith without the collection and collation of such data.

IV.35 The new school sites selected by Board after 1963 were not selected to achieve integration in its schools. Board has not done so to this date. It has not, to this date, promulgated any definitions thereof nor instructions to its staff as to the selection of sites therefor. (Trans. pp. 3939, 4162-68, 4267-87, 11709-10.) Therefore, Board's staff were unable to and did not select sites to achieve integration. Eighteen school sites were acquired and schools built and completed between May, 1963, and January, 1968. (R. 148A, 36A.) Prior to the acquiring of the sites

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AG:EL

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19357

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

55

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL  
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CLERKS USE  
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NATURE OF PROCEEDINGS:

and the building of the schools, no consideration was given to alternate sites which would have had substantial effect upon racial balance. (R. 148B; Trans. pp. 3902-08, 4212, 4475.) The staff of Board, by reason of the failure and omission on the part of Board to define "integration", "segregation", "desegregation", "racial balance", "racial imbalance", and to instruct its site selection staff thereof, caused its staff to assume that racial balance was improved if only one white student was added to an otherwise segregated school. (Trans. pp. 4271-87.) No instructions were given to staff to consider, in changing attendance areas and boundaries, pairing of schools or consolidation of attendance areas and boundaries, or otherwise, to facilitate or create integration. (Trans. pp. 6092-96, 11708-10.) Board and its staff, in selecting, approving and resolving upon the creation or changing of attendance districts and boundaries, did not have any written data before it in approximately seventy-five percent of the sites selected prior to 1966 (Trans. pp. 4392-94), and, even in the remaining percentage thereof, did not have sufficient information upon which a decision for racial integration of its schools could be predicated.

IV.36 Board has, to the present time, knowingly and intentionally, omitted, failed and refused to define and instruct its staff as to what it intended by "integration" or "racial balance" or "racial imbalance" or "equal educational opportunity". (Trans. pp. 4161-63, 7936-41, 8192-93, 9055-58,

DEPT.

AG:EL

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 358

Date: 2/11/70

Hon ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

56

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL  
CODE  
CLERKS USE  
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NATURE OF PROCEEDINGS:

11708-10, 12066-68.) It was not until on or about August 2, 1966, that Board talked about an experimental approach to integration in education (R. 32B), as distinguished from a or any comprehensive plans for mandatory integration.

IV.37 Board has since 1963 collected and spent billions in taxes, without calculably, affirmatively, actively and effectively seeking or attempting to achieve or achieving racial integration in any substantial part of its schools. The sums have, in effect, been expended to maintain and to perpetuate the segregation existing in its schools, without any progress for integration. Board rationalized its failure and omission so to do by asserting as hereinbefore found. Board's Directives, sounding as if it were in fact seeking and ordering integration, were solely for public relations, to attempt to keep the minorities pacified. (Court's Exh. 57; Trans. pp. 7984-94, 7996-98, 8032-44, 8047-50; R. 373-3B, P.35, p.5; R. 373-2, p. 2.) Board has not, since May, 1963, put into motion or maintained any effective integration program. (Trans. pp. 7893-7924.)

IV.38 State Board's Rules 2010 and 2011 (Court's Exhs. 10-A, 10-B) are based on the recognition of the facts: That segregation or racial imbalance, however caused, is one of the fundamental factors contributing to the educational deprivation of disadvantaged children from minority ethnic groups. (Trans. pp. 9879, 9986.) That compensatory education programs are no substitute for integrated education. (Trans. p. 9982.)

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AG:EL -----

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 359

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter  
(Parties and counsel checked if present)

57

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Respondent.

STATISTICAL  
CODE  
CLERKS USE  
ONLY

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NATURE OF PROCEEDINGS:

IV.39 The allegations of Paragraphs 1; 2; 3; 4;  
6; 7; 8; 9; 10; 11; 12; Lines 14-18, p. 5, of Pet., of 13;  
15; 16; 17; 18 and 19 of Pet.

IV.40 The allegations of Paragraph 20 of Pet.  
(added by Amm. to Pet., Par. 1 thereof, filed June 11, 1969).

IV.41 That to and only to the extent funds are  
granted to Board by the Federal Government or the State of  
California, but not otherwise, Board has established and is  
operating compensatory educational programs for "its educa-  
tionally or culturally deprived students, most of whom are  
from a racial minority group". (Lines 13-14, p. 2, of Ans.)

IV.42 That compensatory educational programs are  
methods of substantial cost attempting to alleviate educational  
and cultural deficits sustained principally and substantially  
by the Negro and Mexican-American minority groups, "deprived  
students", students in segregated and racially imbalanced  
schools, by reason of the failure and omission by Board to,  
in the past, give to them equal educational opportunity by  
and through integrated schools.

IV.43 That Board has "historically \* \* \* selected  
its school sites and has built its school plants as close as  
financially possible to the center of the area in which the  
pupils live" (Lines 30-32, p. 2, of Ans.), neighborhood schools,  
without reference to integration and without regard to the  
effect of segregated education. That said school sites were  
selected and said school plants constructed and thereafter

DEPT.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT.

19

360

Date:

2/11/70

Hon.

ALFRED GITELSON

Judge

Deputy Sheriff

Deputy Clerk

Reporter

(Parties and counsel checked if present)

58

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

maintained within known segregated areas or areas which Board knew or should have known in the exercise of reasonable care and skill would be within a reasonable period of time a segregated area. That the attendance area zones had been and are selected without regard to the integration of Board's schools. "[A]ttendance area zones surrounding such school plants are based upon capacity of the school, safety and hazard factors, distance to be traveled between home and school, natural, geographic or other physical barriers" (Lines 9-12, p. 3, of Ans.), without regard to integration or the educational effects thereof, segregation or the educational effects thereof, or the rights of equal educational opportunity. The sites were selected, the schools were built, though Board knew or should have known, in advance, that their student body would be all or substantially all minority.

IV.44 The instituting of this Petition for Writ of Mandamus in behalf of all of the students of Board similarly situated, the prosecution of this action, an involved and difficult one, requiring capable, experienced and diligent Counsel, was necessary, made necessary by Board, to compel it to perform the duties specially imposed upon it by law, to wit, to give to all of the students attending its schools, irrespective of race, color or creed, economic or social circumstances, equal protection of the laws, due process of law, equal educational opportunity, by rearranging, re-establishing, reconstructing, regrouping and otherwise as may

DEPT.

AGT-17

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19361

Date: 2/11/70 Hon. ALFRED GITELSON, Judge, Deputy Clerk  
59, Deputy Sheriff, Reporter  
(Parties and counsel checked if present)

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff

Petitioners, Counsel for Defendant

vs.  
BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Respondent.

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NATURE OF PROCEEDINGS:

be reasonably necessary therefor, its schools, so as to  
constitute racially unitary schools, not white, not black,  
not Mexican, not Oriental, but just schools.

Petitioners are but nominal petitioners in behalf  
of all students of Board. Petitioners could not, cannot, and  
should not be expected to, from their own resources, finance  
this proceeding. The research of the facts and law, the  
assembling of evidence (see for example P. 31), the preparation  
of briefs (see for example the Memorandum On the Evidence,  
10-29-69), the selecting, interviewing and procuring of Experts  
to testify (for example: Dr. John Caughey; Dr. David K. Cohen;  
Dr. C. Wayne Gordon; Dr. Neil V. Sullivan; Dr. Dan W. Dodson),  
the taking of depositions (for example: Dr. Jack Crowther,  
Board's Supt. of Education; Arthur F. Gardner; Dr. Hugh C.  
Willett; Dr. Ralph Richardson; Mrs. Georgiana Hardy, Members  
of Board; Jewell Chambers, Member of Board) required the  
devoting of tremendous amounts of time of Counsel, aside from  
the trial. The trial, for Counsel, was practically a twelve-  
to eighteen-hour day.

To undertake to pay the reasonable value thereof  
would require and is only within the financial ability of the  
rich. The Petitioners are not of that class.

It was therefore necessary for Petitioners to  
procure Counsel philosophically in accord, economically able  
to take the risk of, imbued with the same convictions, and  
therefore willing to devote the time, to make the time available,

AG:EL -----

DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

367

Date: 2/11/70 Hon. ALFRED GITELSON, Judge, Deputy Clerk  
61, Deputy Sheriff, Reporter  
(Parties and counsel checked if present)

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff

Petitioners, Counsel for Defendant

vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

All of our people, whites, Orientals, Negroes and Mexican-Americans, will benefit by integrated living and experience in integrated schools, learning that race, color, creed, economic and social circumstances or station in life do not make anyone more or less than a human being. Integrated education will tend to teach all of the students to lose their fears of different races, their prejudice, their bias, their bigotry, to seek and do Justice, to walk humbly with their fellow beings, to love mercy, to temper righteousness with mercy, and to allow to every person their right to worship as they will. The parents, in participating in integrated educational processes, will also so learn. Board will learn of the benefit to all of its students by and from integrated education and will, hopefully, lose its assumptions of inferiority of one race when compared with another.

The right of Counsel to reasonable compensation should not be restricted or inhibited by a doctrine which limits the compensation of services of Counsel to causes which provide monetary recovery. The protection and preservation of the inalienable constitutional rights of any class of citizens, the enforcement of duties of government, imposed upon it by law, to its citizens, is at least as valuable, if not more so, than the recovery by litigation of money. Rights, particularly the inalienable constitutional rights, are a species of property. In a country of laws, the reaffirming, enforcement and preserving thereof, including the most sacred

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 363

Date: 2/11/70 Hon. ALFRED GITELSON, Judge, Deputy Clerk  
Deputy Sheriff, Reporter  
(Parties and counsel checked if present)

60

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

STATISTICAL  
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NATURE OF PROCEEDINGS:

and to undertake an unpopular cause, unpopular with the majority, for the protection of the rights of minorities, socio-economically disadvantaged, and therefore willing to undertake and to perform the substantial services required and involved upon, as to their compensation, a contingency, that is, if successful, for such sum, if any, as the Court might allow.

This is an equitable proceeding, having for its objective the compelling of Board to perform the duties specially imposed upon it by law. Without the undertaking of this cause by Counsel, without the allowing by the Court of reasonable compensation thereto, Petitioners and all others of the class for whose benefit the proceeding was filed would be at the mercy of Board.

It is necessary in our system of government that the governed be allowed to seek out, find and have represent them capable, experienced Counsel, willing to be a "watchdog" of the government as to the rights of the governed, always having in mind that where discretion is reposed, there lie the seeds of tyranny.

This proceeding is in behalf of and for the benefit and to protect the rights of not only the minority but the majority--though it is reasonable to assume that the majority will vehemently deny that fact. This type of proceeding is necessary to avoid, among other things, the possibility of any apartheid doctrine or policy in our country.

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DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 361

Date: 2/11/70 Hon. ALFRED GITELSON, Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

and invaluable of the rights, the right to life, liberty and the pursuit of happiness, to be a human being, for every person to receive the same equal protection of our laws, is one of the highest callings of Counsel; and when done in behalf of those otherwise unable to do so, the disadvantaged, Justice requires, demands, that they receive reasonable compensation therefor.

To the extent that there is recovered through this action by a large proportion of the students of Board (the minorities (1968) comprising approximately 349-thousand out of a total of approximately 775-thousand students of Board) substantial benefits, by causing Board to perform the duties specially imposed upon it by law, it raises the standard of the fiduciary relationship of Board to all of its students and so serves important considerations of public policy.

If the Court does not have, is denied, the power, the right, to allow reasonable compensation for the services of Counsel in causes like this and particularly when they skillfully, efficiently and effectively re-establish the rights of the class in whose behalf the action is brought, the bringing of such actions would be discouraged instead of, as it should be, encouraged.

Board had at its command in its defense practically unlimited resources. It appropriated a substantial sum to fight this cause. (Trans. p. 6908, Line 11, to Line 6, p.

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DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 1965

Date: 2/11/70

Hon. ALFRED GITELSON, Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

63

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL  
CODE  
CLERKS USE  
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NATURE OF PROCEEDINGS:

6909; 6470, Line 21, to Line 11, p. 6472.) It had at its command County Counsel, able and experienced lawyers, and in addition capable, experienced private Counsel. (The Court commends all Counsel for a job well done.) Additionally, it used and made available to its Counsel the abilities, education and skill of its staff, among the very persons enjoined by law to render and perform the duties imposed by law sought to be enforced by Petitioners. It had daily transcript.

Board, as a Trustee, could have, and in the highest ideals of a trustee with the complete impartiality owed to all of its beneficiaries, should have, filed its own action or cross-complaint for declaratory relief to have the Court adjudicate its rights, duties and obligations to and among all of its students, assuming an impartial position, introduced all of the evidence available to it, and being willing, even desirous, of performing the duties imposed by law, asked the Court for a declaration thereof. Instead, it defended against the Petition, denied duties sought to be re-adjudicated, and caused to be performed. Its defense was strenuous, capable and hard.

Board would not have performed the duties specially imposed upon it by law to grant to all of its students integrated, equal, educational opportunity but for this proceeding. To this very day, Board denies any such duties.

It is therefore reasonable, just, within the concepts of equity, the administration and preservation of

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AG:EL

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 366

Date: 2/11/70 Hon. ALFRED GITELSON, Judge  
Deputy Sheriff

Deputy Clerk  
Reporter  
(Parties and counsel checked if present)

64

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff

Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES, Counsel for Defendant

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

Justice, and required by the conscience of the Court, that Counsel be allowed reasonable compensation to be paid by Board, and through it the peoples for whose benefit the proceeding was brought and prosecuted.

It is reasonably to be anticipated that Board will take an appeal from the Judgment herein. It is to be hoped that present Counsel for Petitioners will continue to represent them upon the appeal. Counsel shall be entitled to reasonable compensation therefor. It is, therefore, proper that the Court retain jurisdiction to, in the event of and upon entry of the final Judgment herein, allow to Counsel such additional compensation as may be just and reasonable under all of the circumstances for their services on such appeal. (Knoff v. City and County of San Francisco, 1 Cal. App. 3rd 184, 203-204 (October 27, 1969); Bell v. School Board, 321 F. 2d 494 (4th Circuit, 1963); Rolfe v. County Board, 282 F. Supp. 192 (E.D. Tenn. 1966) affirmed 391 F. 2d 77 (6th Circuit, 1965); Hill v. Franklin County Board of Education, 390 F. 2d 583 (6th Circuit, 1968).)

IV.45 The reasonable value of the services of Counsel for Petitioners, for the instituting and prosecuting of this proceeding to the date hereof and hereafter the preparation of the formal Findings of Fact, Conclusions of Law, Judgment and Peremptory Writ of Mandamus, the settlement thereof, and the reasonably certain to be made Motion for New Trial by Board, is the sum of \$65,000.00, plus Petitioners' and Counsels' costs and disbursements herein.

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AG:EL -----

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 367

Date: 2/11/70 Hon. ALFRED GITELSON, Judge, Deputy Clerk  
65, Deputy Sheriff, Reporter  
(Parties and counsel checked if present)

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff

Petitioners, Counsel for Defendant

VS.  
BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

IV.46 The Court retains jurisdiction to allow to Counsel for Petitioners reasonable compensation for their services on appeal and such other additional services which may be reasonably required to be rendered in any subsequent proceedings in this cause.

(There have been and are a number of persons of counsel for Petitioners. They shall agree, in writing, among themselves as to the participation of each in the fee allowed and hereafter, if any, allowed. In the event they are unable so to do, the Court retains jurisdiction to allocate the fees among them, based upon the contribution of each to the total of the services rendered. This cause was assigned to this Judge for all purposes. It is, therefore, to be anticipated that he will preside upon all subsequent proceedings herein.)

IV.47 The Court may not be, as Board asserts, qualified as an educator; nor should it, generally, interfere in the educational processes adopted by Board and taught to its students.

However, the adjudicating of constitutional and statutory rights and the enforcement thereof is within its jurisdiction, its powers, its duty and its honor.

IV.48 Board will only meaningfully adopt, in good faith, integrated education, a wholly unitary system of schools, as its aim, purpose and goal, with all due diligence and speed; will only evolve and adopt a Master Plan of and for integration, together with the manner, means, mechanics

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 371

Date: 2/11/70 Hon. ALFRED GITELSON, Judge, Deputy Clerk  
66, Deputy Sheriff, Reporter  
(Parties and counsel checked if present)

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff

Petitioners,

Counsel for Defendant

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

and techniques for the carrying out thereof, a plan, method, means, mechanics and techniques which will effectuate integration in Board's schools within a reasonable period of time, when commanded by this Court to do so.

IV.49 To attempt to assure the doing thereof in good faith and with all due diligence and speed; having in mind the long period of time already elapsed, during which Board has knowingly, deliberately failed and omitted to perform the duties specially imposed upon it by law; that, upon completion and adoption by Board of said Master Plan and of the methods, means, mechanics and techniques for the consummation thereof, it will be required to submit all thereof to this Court for its approval as conforming to law and the Peremptory Writ of Mandamus to be issued; to avoid the four to five years of hearings that have occurred in other cases (U.S. v. Montgomery Board of Education, 23 L. Ed. 2d 263, 272 (1969 )); to avoid a repetition of the six years and nine months that have elapsed since the filing of the Complaint herein (August 1, 1963); Expert evidence (Evidence Code §720) will be required by the Court to assist it in assuring the performance by Board of its said duties, and to assist the Court upon the review of any such Master Plan and the manner, means, methods, mechanics and techniques for the fulfillment thereof. Therefore, the Court's Expert shall be required to audit the proceedings of Board and to be of such assistance to it as may be within his power to assist Board in conforming

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DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 368

Date: 2/11/70 Hon. ALFRED GITELSON Judge Deputy Clerk  
Deputy Sheriff Reporter  
(Parties and counsel checked if present)

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al. Counsel for Plaintiff

Petitioners,  
vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES, Counsel for Defendant

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

to the Judgment and Writ of the Court and the duties imposed by law. "We were not content, however, to leave this task in the unsupervised hands of local school authorities, trained as most would be under the old laws and practices, with loyalties to the system of separate white and Negro schools." [U.S. v. Montgomery County Board of Education, 23 L. Ed. 2d 263, 268; Green v. County School Board, 391 U.S. 430, 439, 88 S. Ct. 1689, 20 L. Ed. 2d 716, 724 (1968): "There is no universal answer to complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance. It is incumbent upon the school board to establish that its proposed plan promises meaningful and immediate progress toward disestablishing state-imposed segregation. It is incumbent upon the district court to weigh that claim in light of the facts at hand and in light of any alternatives which may be shown as feasible and more promising in their effectiveness. Where the court finds the board to be acting in good faith and the proposed plan to have real prospects for dismantling the state-imposed dual system 'at the earliest practicable date,' then the plan may be said to provide effective relief. Of course, where other, more promising courses of action are open to the board that may indicate a lack of good faith; and at least it places a heavy burden upon the board to explain its preference for an apparently less effective method.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 369

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter  
(Parties and counsel checked if present)

68

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

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NATURE OF PROCEEDINGS:

Moreover, whatever plan is adopted will require evaluation in practice, and the court should retain jurisdiction until it is clear that state-imposed segregation has been completely removed."

It is just, proper and provided by statute (Ev. C. §731) that the reasonable compensation of said Court's Experts, as may be allowed by the Court, shall be paid by Board.

The Court, therefore, retains jurisdiction to, upon motion of either of the parties or upon the Court's own motion, appoint such Expert or Experts and to allow reasonable compensation for his or their said services. (The provisions of Chapter 3, Article 1, Article 2, §§720-733, of the Evidence Code shall be applicable thereto.)

V. The Court finds not true:

V.1 That "Respondent is as committed as Petitioners appear to be to the integration of the schools." (R. Pt. A., 10-11-68, p. 1, Lines 23-24; R. 373-3; Trans., pp. 8075-80.)

V.2 That "Respondent has made and will continue to make every feasible effort" or has been and is seeking or will seek every or any feasible means toward or to effect the integration of the schools or school systems. (R. Pt. A., 10-11-68, p. 2, Lines 1-2.)

The Court finds that Respondent will only do so when commanded by the Court.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19370

Date: 2/11/70 Hon. ALFRED GITELSON Judge  
Deputy Sheriff

Deputy Clerk  
Reporter  
(Parties and counsel checked if present)

69

No. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff

Petitioners, Counsel for Defendant

vs.  
BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

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NATURE OF PROCEEDINGS:

V.3 That "[c]ommencing with the large immigration of students of minority group derivation in the Los Angeles Metropolitan area, Respondent's basic policy has been, when confronted with two or more educationally sound courses of action, to select that course of action which is most likely to lead to school integration." (R. Pt. A., 10-11-68, Lines 8-12, p. 2.)

V.4 Respondent's view, the Court also holding it as contrary to law:

" \* \* \* that the federal constitution requires racial mixing in the schools if, and only if, the racial separation of students in the schools is of a de jure nature, or if, and only if, in the case of de facto segregation, the academic achievement of the 'minorities' in the schools will be raised by racially mixing students and the achievement of the 'majority' will not be substantially reduced by such racial mixing." (R. Pt. A., 10-14-69, p. 2, Line 27, to p. 3, Line 1.)

That, under the duties specially imposed upon it by law, Respondent is only obligated to "provide to all students a minimum educational offering in such amount and quality that the average achievement of the racially higher achieving group will not substantially decline. In addition the school district should provide to racial minorities, to the extent that it has the financial wherewithal, educational

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

372

Date: 2/11/70

Hon. ALFRED GITELSON, Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

70

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

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NATURE OF PROCEEDINGS:

offerings in addition to the basic minimum offering to attempt to close the gap between the average achievement of white students and that of the racial minorities." (R. Pt. A., 8-22-69, p. 14, Lines 9-16.);

That it has any right, a choice, to create or maintain or perpetuate substantial allegedly de facto segregation because, in its alleged opinion, "a higher level of student achievement" will result than under integrated education. (R. Pt. A., 8-22-69, p. 24, Line 30, to Line 5, p. 25.)

The Court does find true that it [Board] has and will continue to so do until commanded otherwise by the Court.

V.5 That, no credible evidence having been introduced by Board so proving, the integration of Board's schools will significantly or substantially reduce the funds available for the education of its pupils.

V.6 That Board has not had available to it "any hard data indicating that classroom education as it is commonly understood will be enhanced through integration." (R. Pt. A., 10-11-68, p. 2, Lines 13-15.)

V.7 That racial imbalance and segregation existent in Board's schools since 1963 and thereafter is fortuitous. That the segregation in Respondent's schools is de facto and not de jure.

V.8 That, no credible evidence having been introduced by Board so proving, the educational ability or educational

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

370

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

71

No. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

Counsel for  
Defendant

vs.

BOARD OF EDUCATION OF THE CITY  
OF LOS ANGELES,

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

output of white students will be adversely affected by integrated education, either under the Rules of State Board (2010, 2011) or under the finding that integrated education requires not less than ten percent nor more than forty-nine percent of minorities, the residue being white, or by racially balanced schools, that is, wherein the percentage of minorities and whites in each school approximates the racial composition in Board's entire district. (Trans. pp. 967-69, 659-81, 1399, 2686-88, 3535, 3623; P. 43-C; National Conference, U. S. Commission on Civil Rights, pp. 280-84; Cohen, School Desegregation and White Achievement.)

V.9 That Board has not racially balanced all of its schools during the past years because it lacked or lacks funds to do so. That it could not have done so without sacrificing the academic achievement of the white or any of the students of Board.

V.10 That, no credible evidence having been introduced by Board so proving, integration would require massive expenditure of funds or that the costs thereof can only be created by substantial reductions in the educational processes.

The Court does find true: That when and only when Board evolves and adopts a Master Plan of integration, together with the manner, means, methods, mechanics and techniques therefor, and, as a part thereof, makes a thorough, unprejudiced study of the costs thereof, that is, the costs

AG:EL

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

374

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

72

NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

of the manner, means, methods, mechanics and techniques of putting said Master Plan into effect, will it know with reasonable probability the costs thereof. Upon the trial, Board conceded that it did not claim impossibility of, or financial frustration preventing it from, if it was compelled by law to do so, integrating its schools. (Trans. p. 11092, Line 13, to Line 2, p. 11093.) That R. 379 is not credible proof either of the needs for or the costs of transportation. It is merely an exercise in mathematics. It is not predicated upon any, nor is it a, thorough study or plan, even though not a Master Plan, of integration. It was founded upon assumptions not justified by any of the studies of or for integration. It was caused to be prepared by Board during the trial of this cause as "an estimate" (R. Pt. A., 10-14-69, p. 14, Line 26) of the largest possible amount of possible costs of transportation to support its contentions (R. Pt. A., 5-1-69, p. 7) "that the expenditure of such sums upon certain specific current school programs would have greater beneficial effects upon achievement than expending the same sum for purposes of racial mixing." (R. Pt. A., 10-14-69, p. 14, Line 31, to Line 2, p. 15.)

V.11 The affirmative allegations of Paragraph IV of Board's Ans., excepting only that the Court does find true that, to and only to the extent that Board receives grants, federal and state, for mandated programs, does it establish and operate compensatory educational programs "for its

AG:EL

DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

375

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

73

NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

educationally or culturally deprived students, most of whom  
are from a racial minority group."

V.12 The affirmative allegations of Paragraph V  
of Board's Ans., excepting only the Court finds true "that  
historically it [Board] has selected its school sites and has  
built its school plants as close as financially possible to  
the center of the area in which the pupils live", even though  
thereby it created or maintained and perpetuated segregated  
schools; and "that the attendance area zones surrounding such  
school plants are based upon capacity of the school, safety  
and hazard factors, distance to be traveled between home and  
school, natural, geographic or other physical barriers",  
without regard to integration and without regard to the affect  
upon equal educational opportunity of the students thereof by  
virtue of said schools being, or to become within a relatively  
short period of time, segregated schools.

V.13 The affirmative allegations of Paragraph VI  
of Board's Ans., excepting only that Board has had and does  
have policies of "issuing permits to pupils authorizing them  
to attend schools other than the school serving the area of  
their residence whenever there is unused capacity in such  
other schools"; but said policies do not provide transporta-  
tion for disadvantaged children, did not educate the parents  
of minority students of the existence and benefits to be  
derived therefrom, were on a first-come, first-issued basis,  
and the alleged unused capacity was minimal, so that, in

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

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effect, said policies inured only to the benefit of the white students seeking to transfer to get out of a segregated or racially-imbalanced school into a white school.

V.14 The affirmative allegations of Paragraph VII of Board's Ans. Board introduced no credible evidence thereof. Board will not know whether the facts alleged by it therein are true unless and until it evolves and adopts a Master Plan of integration, together with the methods, means, mechanics and techniques thereof.

V.15 The affirmative allegations of Paragraph VIII of Board's Ans.

The Court does find true: that the Bill of Rights, 5th and 14th Amendments of the Constitution of the United States, Article I, Section 11, Article IX, Section 1, of the California Constitution, and Rules 2010 and 2011 of the State Board require Board to grant to all of its pupils equal educational opportunity; that such equal educational opportunity can only exist in integrated schools; that to perform the said duty specially imposed upon it by law Board has the power to, and must, compel students to attend certain schools, to be designated by it, because of his race or color and to deny to students the right to attend a school selected by him or his parents solely because of his race or color. (United States v. Jefferson County, supra, p. 390,) Board stands in loco parentis to its pupils and is mandated by law to render to them said equal educational opportunities. Duties compelled by law confer

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Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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NO. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,  
vs.  
BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

all powers reasonably necessary for the performance thereof.  
A pupil has no right to select and determine the particular public school which he shall attend. That, since and only since 1966 when Board was mandated by State Board so to do, it has made a compilation of ethnic compositions of its schools. That its schools are approximately 561 in number (kindergarten, elementary, junior high, senior high), Board no longer having jurisdiction over junior colleges. That the area served by Board is approximately 711 square miles with a total student body of approximately 775,000.

V.16 The allegations of Paragraph IX of Board's Ans., excepting only that the Court does find true that Board has established a few insignificant pilot school programs, alleged integration, but did not make any in-depth analysis thereof so as to be enabled to determine the effect thereof. They were not, in fact, programs of or studies of integration, in that Board had never formulated or adopted any definition thereof.

VI. The Court makes no finding upon:

VI.1 The allegations, Line 22, p. 5, to Line 4, p. 6, of Petition. The Court hereinafter adjudging Board's duties specially imposed by law and ordering the issuance of a Peremptory Writ of Mandate directed to Board, ordering it to, in good faith and with all reasonable and due diligence, evolve and adopt a Master Plan, together with methods, means, manner, mechanics and techniques for the carrying out thereof,

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Judge  
Deputy Sheriff

Deputy Clerk  
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(Parties and counsel checked if present)

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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

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NATURE OF PROCEEDINGS:

having for its objective and purpose the integration of all of its schools, and thereupon to present it to the Court for its approval as fulfilling said Writ and the duties imposed upon it by law, the Court should not and does not, in advance, make any findings thereon, excepting only that said Master Plan shall be applicable to the entire of Board's District. Board is and should be allowed, in good faith, to evolve, evaluate and thereupon adopt the best and most expeditious Master Plan and the modes, means, manners, steps, mechanics and techniques for the integration of its District, which will work, and will have the burden, upon the return thereof to and hearings by the Court, to show that said Master Plan will work and will achieve such integration.

VII. In the event that any of the following Conclusions of Law are claimed or held to be Findings of Fact, they are by reference incorporated herein, hereat, verbatim.

As Conclusions of Law from the foregoing Findings of Fact

CONCLUSIONS OF LAW

I. In the event that any of the foregoing Findings of Fact are claimed or held to be Conclusions of Law, they are by reference incorporated herein, hereat, verbatim.

II. That Petitioners and the class in whose behalf this proceeding was instituted and prosecuted did not and do not have any plain or speedy or adequate remedy at law. Their only remedy is this proceeding for Writ of Mandate to compel performance of a duty specially imposed by law.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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Judge  
Deputy Sheriff

Deputy Clerk  
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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

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NATURE OF PROCEEDINGS:

III. The right to equal educational opportunity is an inalienable right, within the Bill of Rights, the 5th and 14th Amendments of the United States Constitution, and Article I, Sections 1, 3 and 13, and Article IX of the California Constitution, and State Board's Regulation 2010. The right of all students, K through 12 being involved herein, to attend school and to receive the opportunity to acquire an equal education, equal to the educational opportunity offered to all other students, irrespective of race, color, creed, economic or social circumstances, is a fundamental right, a legal right, a species of property, equal to, if not greater than, other tangible property rights, it being the right to be a human being, and requires that he receive said opportunity in integrated schools.

IV. Though, in its narrowest construction, the 14th Amendment to the Constitution of the United States is a limitation on, a prohibition of, State, and through it Board, action, it at the same time imposes a duty on the part of State and Board, as State's agency and instrumentality, that when any action is undertaken thereby it must conform to, effectuate and confer equal protection of the laws, due process of law, equal educational opportunity. Its actions need not be the sole cause of the denial thereof, to constitute a breach of its duties. Its duties specially imposed by said laws, and the prohibition thereof, are breached when discrimination "results" at least in part from its action which is

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Hon. ALFRED GITELSON

Judge

Deputy Sheriff

Deputy Clerk

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(Parties and counsel checked if present)

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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

sufficiently, to some significant extent, involved. (Mulkey v. Reitman (May, 1966), 64 Cal. 2d 529, 535-36.)

Board action, State action, was and is significantly involved in the discriminations existent within its segregated schools and segregated education so as to fall within the prohibitions of the 5th and 14th Amendments because:

(1) " \* \* \* it had undertaken through school districts to provide educational facilities to the youth of the state, [and] was required to do so in a manner which avoided segregation and unreasonable racial imbalance in its schools" (Mulkey v. Reitman, supra, p. 537);

(ii) it lent its power and authority and finances and processes to create, maintain and perpetuate segregated schools and segregated education, and its action "discourages integration or instigates or encourages segregation" (Mulkey v. Reitman, supra, p. 540), even though that goal was not within Board's purposes. (Mulkey v. Reitman, supra, 537, " \* \* \* it is established that even where the state can be charged with only encouraging discriminatory conduct, the color of state action nevertheless attaches." (p. 540.) " \* \* \* state authorization to discriminate was no less state action than state imposed discrimination." (pp. 540-41.) "It is thus apparent that, while state action may take many forms, the test is not the novelty of the form but rather the ultimate result which is achieved through the aid of state processes. And if discrimination is thus accomplished, the

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

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NATURE OF PROCEEDINGS:

nature of proscribed state action must not be limited by the ingenuity of those who would seek to conceal it by subtleties and claims of neutrality." (p. 542).) (Bell v. Maryland, 378 U.S. 226, 84 S. Ct. 1814, 12 L.Ed.2d 822, Opinion by Mr. Justice Goldberg, p. 833-36 (June 22, 1964):

"The Declaration of Independence states the American creed: 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.' This ideal was not fully achieved with the adoption of our Constitution because of the hard and tragic reality of Negro slavery. The Constitution of the new Nation, while heralding liberty, in effect declared all men to be free and equal--except black men who were to be neither free nor equal. This inconsistency reflected a fundamental departure from the American creed, a departure which it took a tragic civil war to set right. With the adoption, however, of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution, freedom and equality were guaranteed expressly to all regardless 'of race, color, or previous condition of servitude.' United States v. Reese, 92 US 214, 218, 23 L ed 563, 564.

"In light of this American commitment to equality and the history of that commitment, these Amendments

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

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NATURE OF PROCEEDINGS:

must be read not as 'legislative codes which are subject to continuous revision with the changing course of events, but as the revelation of the great purposes which were intended to be achieved by the Constitution as a continuing instrument of government.' United States v. Classic, 313 US 299, 316, 85 L ed 1368, 1378, 61 S Ct 1031. The cases following the 1896 decision in Plessy v Ferguson, 163 US 537, 41 L ed 256, 16 S Ct 1138, too often tended to negate this great purpose. In 1954 in Brown v Board of Education, 347 US 483, 98 L ed 873, 74 S Ct 686, 38 ALR2d 1180, this Court unanimously concluded that the Fourteenth Amendment commands equality and that racial segregation by law is inequality. Since Brown the Court has consistently applied this constitutional standard to give real meaning to the Equal Protection Clause 'as the revelation' of an enduring constitutional purpose. [p. 833.]

"The dissent argues that the Constitution permits American citizens to be denied access to places of public accommodation solely because of their race or color. Such a view does not do justice to a constitution which is color blind and to the Court's decision in Brown v Board of Education, which affirmed the right of all Americans to public equality.

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Hon. ALFRED GITELSON

Judge

Deputy Clerk

Deputy Sheriff

Reporter

(Parties and counsel checked if present)

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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

\* \* \*

"The Thirteenth, Fourteenth and Fifteenth Amendments do not permit Negroes to be considered as second-class citizens in any aspect of our public life. Under our Constitution distinctions sanctified by law between citizens because of race, ancestry, color or religion 'are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.' *Hirabayashi v United States*, 320 US 81, 100, 87 L ed 1774, 1786, 63 S Ct 1375. We make no racial distinctions between citizens in exacting from them the discharge of public responsibilities: The heaviest duties of citizenship--military service, taxation, obedience to laws--are imposed evenhandedly upon black and white. States may and do impose the burdens of state citizenship upon Negroes and the States in many ways benefit from the equal imposition of the duties of federal citizenship. Our fundamental law which insures such an equality of public burdens, in my view, similarly insures an equality of public benefits. This Court has repeatedly recognized and applied this fundamental principle to many aspects of community life.

\* \* \*

[p. 834.]

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

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NATURE OF PROCEEDINGS:

"A few years later, in 1880, the Court had occasion to observe that these Amendments were written and adopted 'to raise the colored race from that condition of inferiority and servitude in which most of them had previously stood, into perfect equality of civil rights with all other persons within the jurisdiction of the States.' Ex parte Virginia, 100 US 339, 344-345, 25 L ed 676, 679. In that same Term, the Court in Strauder v West Virginia, 100 US 303, 307, 25 L ed 664, 665, stated that the recently adopted Fourteenth Amendment must 'be construed liberally, to carry out the purposes of its framers.' Such opinions immediately following the adoption of the Amendments clearly reflect the contemporary understanding that they were 'to secure to the colored race, thereby invested with the rights, privileges, and responsibilities of citizenship, the enjoyment of all the civil rights that, under the law, are enjoyed by white persons . . . .' Neal v Delaware, 103 US 370, 386, 26 L ed 567, 570.

\* \* \*

[p. 835.]

"In Strauder v West Virginia, supra, this Court had occasion to consider the concept of civil rights embodied in the Fourteenth Amendment:

"What is this but declaring that the law in the States shall be the same for the black as for

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Date: 2/11/70 Hon. ALFRED GITELSON Judge Deputy Clerk  
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NO. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff  
Petitioners,  
vs.  
BOARD OF EDUCATION OF THE Counsel for Defendant  
CITY OF LOS ANGELES,  
Respondent.

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NATURE OF PROCEEDINGS:

the white; that all persons, whether colored or white, shall stand equal before the laws of the States, and, in regard to the colored race, for whose protection the amendment was primarily designed, that no discrimination shall be made against them by law because of their color? The words of the amendment, it is true, are prohibitory, but they contain a necessary implication of a positive immunity, or right, most valuable to the colored race,--the right to exemption from unfriendly legislation against them distinctively as colored,--exemption from legal discriminations, implying inferiority in civil society, lessening the security of their enjoyment of the rights which others enjoy, and discriminations which are steps towards reducing them to the condition of a subject race.' Id., 100 US at 307-308, 25 L ed at 665.

.....

"The Fourteenth Amendment makes no attempt to enumerate the rights it designed to protect. It speaks in general terms, and those are as comprehensive as possible. Its language is prohibitory; but every prohibition implies the existence of rights and immunities, prominent among which is an immunity from inequality of legal protection, either for life, liberty, or property." Id., at 310, 25 L ed at 666. (Emphasis added.)" (p. 836.));

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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Hon ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

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NATURE OF PROCEEDINGS:

(iii) Board has expended millions of tax funds for the protection, maintenance and perpetuating of its segregated schools, selecting and purchasing sites and building of schools in segregated neighborhoods, knowing that said schools would be upon opening segregated or racially imbalanced; and

(iv) it set attendance boundaries and mandated the school attendance at minority segregated schools of minorities, preventing or prohibiting or impeding them from attending white or substantially all-white schools. (Ambler Avenue Elementary School, P. 33, p. 1, 2155; Hyde Park Elementary (Trans. pp. 4707 to 4718), P. 48, B. 4, P. 48, D. 4; Bethune Junior High School (Trans. pp. 4744-58), P. 48, E. 1, P. 48, E. 2; El Camino Real High School, P. 48, F. 1, F. 2, F. 3 (Trans. pp. 4858-60); Washington High School, P. 34, B, pp. 61, 63, 64; Lawrence Junior High School, P. 48, I. 1; Van Gogh Elementary School (Trans. pp. 4905-57); Filmore; Vaughn; Pacoima; Haddon (Trans. pp. 5100-5101); Burnside Avenue Elementary School, P. 4801 (Trans., p. 5150); Harding Street Elementary School, R. 148B., pp. 3 and 4; Muir Junior High School; O'Shea Junior High School; Carver Junior High School (Trans., pp. 5428-30); Crenshaw High School (Trans. pp. 5485-86, 5497-98, 5492-93); Frost Junior High School (Trans., pp. 5662-65); Wilson Senior High School (Trans., pp. 5728-32).)

The segregation, both white and minority, in Board's Schools was not, is not, de facto. It is de jure.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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Date: 2/11/70 Hon. ALFRED GITELSON Judge Deputy Clerk  
85 Deputy Sheriff Reporter  
(Parties and counsel checked if present)

NO. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff  
Petitioners,  
vs.  
BOARD OF EDUCATION OF THE Counsel for Defendant  
CITY OF LOS ANGELES,  
Respondent.

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NATURE OF PROCEEDINGS:

V. The labeling of segregation as de jure or de facto does not change the fact of segregation. Each is merely a legal designation, a legal handle in the formulation of duties. The duty to grant and give to all students, including the minority students, equal educational opportunity, is affirmative, the counterpart of depriving by prohibiting.

The Fifth and Fourteenth Amendments prohibited the denial of the rights thereof and imposed a duty on Board, at the very least, not to do anything to perpetuate the withholding of the rights, a duty not to do anything which in fact educationally discriminated against the right, a duty to in no manner or by any means aid in the deprivation of the right.

Therefore, was Board prohibited: from selecting sites and erecting and maintaining schools which perpetuated, if not created, segregation; from creating segregation by selecting sites and building schools, knowing that they upon opening thereof would be all or substantially all white or all or substantially all minority; from establishing mandatory attendance boundary areas which prevented or impeded the attendance of minority students at white schools; from denying transportation to socio-economically disadvantaged minority students to enable them to attend a school out of their segregated neighborhood.

The doing thereof by Board was factually, practically, a prohibition, a prevention, of the rights of its students and was de jure segregated education. (Shelley v. Kraemer,

334 U.S. 1, 68 S. Ct. 836, 92 L. Ed. 1161 (1948).)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk

Reporter

(Parties and counsel checked if present)

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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

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NATURE OF PROCEEDINGS:

It is practically impossible, in the creation and maintenance of neighborhood schools, and the mandating of attendance thereat, which are in fact segregated, said schools being created and maintained by tax money, to have only de facto segregation.

"Segregation in public education is not reasonably related to any proper governmental objective and thus it imposes on Negro children [all minorities] a burden that constitutes an arbitrary deprivation of their liberty in violation of the Due Process Clause and the Equal Protection of the Law Clause (5th and 14th Amendments of the United States Constitution)." (Bolling v. Sharpe (May 17, 1957), 347 U.S. 497, 501, 74 S. Ct. 693, 98 L. Ed. 884, 887.)

VI. The issue herein is not a social issue (R. Pt. A., 10-14-69, pp. 16, 18), but one of constitutional rights, whether separate but allegedly equal is equal. Board has great discretionary powers in determining the curriculum, the mode and manner of teaching, establishing and maintaining the public schools and the educational processes; and the Court will not impose its judgments thereon. But Board is a Trustee, a fiduciary, to all of its students, and owes to each of them a duty, in the highest of good faith, not to discriminate but rather to give and make available to all equal educational opportunity, not to give to one that which it denies or withholds from another, but equally, without favoritism, without preconceived assumptions of superior or

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 389

Date: 2/11/70 Hon. ALFRED GITELSON, Judge, Deputy Clerk  
87, Deputy Sheriff, Reporter  
(Parties and counsel checked if present)

NO. 822 854  
MARY ELLEN CRAWFORD, etc., et al., Counsel for Plaintiff  
Petitioners,  
vs.  
BOARD OF EDUCATION OF THE, Counsel for Defendant  
CITY OF LOS ANGELES,  
Respondent.

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NATURE OF PROCEEDINGS:

inferior educational capabilities, without segregation, whether  
by reason of race, color, creed, economic or social circumstances.

The position of the Board that "the school district  
should compare the educational effects of a given number of  
dollars spent on one input with the educational effects of  
the same number of dollars spent upon another school input"  
(R. Pt. A., 10-14-69, p. 9, Lines 19-22), in deciding whether  
it will integrate education, overlooks its duty to all of its  
said students. The duty cannot be performed by favoring one  
race over another because of Board's belief, assumed, that  
minorities inherently are less educable. There can only be  
a true comparison of effect of expenditure of a given number  
of dollars spent on one input with educational effects of the  
same number of dollars spent on another input when all of the  
students have first had, and for a reasonable period of time  
sufficient to overcome the detrimental effects of the discrim-  
ination heretofore, equal educational opportunity, so that  
when dollars are spent on one input they will have been spent  
on all of the students having had the benefits of the same  
equal educational opportunity. (Only then, when all be  
treated equally, will we be enabled to disavow the cynicism  
and sophistry, "The law, in its magnificent equality, forbids  
both the rich and the poor from sleeping under bridges,  
begging in the streets and stealing bread." (Anatole France).)

VII. Nothing herein is intended to, nor shall it,  
prevent Board from expending any surplus funds, surplus after

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Date: 2/11/70

Hon ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter  
(Parties and counsel checked if present)

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NO. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,  
vs.  
BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

STATISTICAL  
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NATURE OF PROCEEDINGS.

having first created equal educational opportunity, for special programs for all gifted children and other forms of higher educational processes.

VIII. Board, as an agency and instrumentality of State Board, is bound by and must comply with State's determinations and definitions of integrated education and its regulations thereon, they complying with the students' constitutional rights. (Pass School District, et al., v. Hollywood City School District (1909), 156 Cal. 416-18; California Administrative Code, Title 5, Rules 2010, 2011 (Court's Exhs. 10-A, 10-B); Edu. Code §152; Art. IX, Calif. Const.; Gov't. Code §§11501 et seq., 11440 et seq.)

State Board, during the course of the trial, adopted, pursuant to the power vested in it (Edu. Code §152), its amended Rules 2010 and 2011. Neither the Fifth nor Fourteenth Amendments to or the Bill of Rights of the U. S. Constitution, nor Article I, Section 11, nor Article IX, Sections 1 or 5, of the California Constitution, nor any of the Sections or Divisions (Divisions 6 or 7 or 9) of the Education Code, nor Brown I or II, nor Green, nor Jackson, nor United States v. Montgomery County Board of Education, 23 L. Ed. 2d 263 (June 2, 1969), define "integration" or "racial balance" or "racial imbalance". It was left for the states to do so. Therefore, Board adopted said Rules to effectuate integration. They are binding on Board. Board must comply therewith.

Rules 2010 and 2011 being in fulfillment of State's duties, the Court must, if reasonably able to do so, construe them so as to be constitutional.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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Date: 2/11/70

Hon ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk

Reporter

(Parties and counsel checked if present)

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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

IX. Rules 2010 and 2011 should, therefore, be construed  
to provide and require:

2010. " \* \* \* [T]hat [all] persons or agencies  
[County organizations (Division 3, Education Code ),  
local educational agencies (Division 4, Education Code),  
etc.] responsible [under the Education Code] for the  
establishment of school attendance centers or the  
assignment of pupils thereto shall [mandatory] exert  
[put in vigorous action, do] all [every] effort  
[strength, force, power] to prevent and eliminate  
racial and ethnic imbalance [however caused or from  
whatsoever resulting] in pupil enrollment. The preven-  
tion and elimination of such imbalance shall [mandatory]  
be given high priority [a governing factor, control]  
in all decisions relating to school sites, school  
attendance areas and school attendance practices."

2011. "SCHOOL DISTRICT AND STATE RESPONSIBILITIES  
IN PREVENTING AND ELIMINATING RACIAL AND ETHNIC  
IMBALANCE.

"(a) SCHOOL SITES, ATTENDANCE AREAS AND  
ATTENDANCE PRACTICES. In carrying [to carry] out  
[fulfilling] the policy of Section 2010, consideration  
[give effect to] shall [mandatory] be given to factors  
such as the following:

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

Date: 2/11/70 Hon. ALFRED GITELSON Judge Deputy Clerk  
Deputy Sheriff Reporter  
(Parties and counsel checked if present)

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NO. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,  
vs.  
BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

"(1) A comparison of the numbers and percentages of pupils of each racial and ethnic group in the district with their numbers and percentages in each school and each grade. [of the district]

"(2) A comparison of the numbers and percentages of pupils of each racial and ethnic group in certain schools with those in other schools in adjacent areas of the district.

"(3) Trends and rates of population change among racial and ethnic groups within the total district, in each school, and in each grade.

"(4) The effects on the racial and ethnic composition of each school [in the district] and each grade of alternate plans for selecting or enlarging school sites, or for establishing or altering school attendance areas and school attendance practices.

"(b) RACIAL AND ETHNIC SURVEY. The governing board of each school district shall [mandatory] periodically, at such time and in such form as the Department of Education [State] shall prescribe, submit statistics sufficient to enable a determination to be made of the numbers and percentages of the various racial and ethnic groups in every public school under the jurisdiction of each such governing board.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

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Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter  
(Parties and counsel checked if present)

91

NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

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NATURE OF PROCEEDINGS:

"(c) DETERMINATION OF RACIAL AND ETHNIC IMBALANCES AND CORRECTIVE PLANS. For purposes of these regulations a racial or ethnic imbalance is indicated [exists, shown, denoted, pointed out, known, signified, evidenced] in a school if the percentage of pupils of one or more racial or ethnic groups differs significantly [significant extent] from that in all the schools of the district. Insofar as reasonably feasible [capable of being done] in the development of corrective plans, the district should consider [conclude] that imbalance is indicated [exists, shown, denoted, pointed out, known, signified, evidenced] when the percentage of pupils of one or more racial or ethnic groups in a school differs by more than 15 percentage points from the district-wide percentage."

"Shall", wherever used, is mandatory. (Edu. Code §36.)

(The definitions and synonyms inserted by the Court within the foregoing are from Webster's New International Dictionary, Second Edition.)

No discretion or right is vested in Board by 2010 to decide whether, in its opinion, integrated education will or will not affect the educational achievement of its students or Whether or not, in Board's opinion, it is or is not "feasible" for board to comply therewith. Board is under a duty to comply therewith.

AM:EL

DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 391

Date: 2/11/70 Hon. ALFRED GITELSON Judge Deputy Clerk  
Deputy Sheriff Reporter  
(Parties and counsel checked if present)

NO. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,  
vs.  
BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

STATISTICAL  
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NATURE OF PROCEEDINGS:

State Board does and must have the power to promulgate said Rules, for otherwise there could possibly be as many definitions and rules of integrated education, racial balance and imbalance as there are Districts within the State. The rules and definitions of integration, segregation, racial balance and imbalance must be uniform throughout the State for it is State action. Only if State Board should fail to define and provide for integrated education throughout the State, or if its definitions and rules were contrary to the constitutional rights of the students throughout the entire State, they being the students of State Board, may the Courts become involved, and then only upon a direct review thereof as provided by Gov't. Code §11440. (CCP §1094.5.)

X. The Court does not have jurisdiction, in this proceeding, to review Rules 2010 and 2011, or promulgate a new or different definition of integration. Administrative remedy having been provided (Gov't. Code §11440), the parties must first exhaust this. It is a prerequisite, a condition precedent, to jurisdiction of the Court to review. (Abelleira v. District Court of Appeal, 17 Cal. 2d 280, 292 (1941); Clark v. State Personnel Board, 61 Cal. App. 2d 800, 802 (1943); Allen C. Woodward, III, et al., v. Broadway Federal, et al., 111 Cal. App. 2d 218, 220-(1952).)

Therefore, the Court may not herein determine whether: the "15 Percentage Points" is "Wholly Unsuitable To Conditions In The Los Angeles City School District" (P. Pt. A., 3-3-69,

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 395

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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NO. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,  
vs.  
BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

p. 13); or that " it would produce more problems than it would solve. It would impose intolerable administrative and logistical burdens" (P. Pt. A., 3-3-69, p. 14, Lines 22-24); or that "the state yardstick is not grounded in the findings of the social scientists". (p. 14, Lines 27-28.)

Additionally, State not being a party hereto, any declaration or finding thereon or attempted adjudication thereof by this Court would inequitably affect or possibly jeopardize State's interests or rights, and the Court has no jurisdiction to do so. (CCP §389.)

Board also contending that said Rules are either wholly unsuited to the conditions existing in its District, unusable, would produce more problems than they would solve, would impose intolerable administrative or logistical burdens, has the right to, and, if they will prevent it from formulating a practical, workable Master Plan of integration, the duty to, petition State Board for a reconsideration of its said Rules. Petitioners have the same rights.

Petitioners' proposed yardstick, that is, "less than 50% but not less than 10% minority enrollment", is the finding of the federal studies of integration, and, if the Court were to find thereon, it would so find; but State Board has the first jurisdiction and right to consider the questions involved, including any claims, if any, of invalidity of its Rules 2010 and 2011. (U. S. v. Superior Court, 19 Cal. 2d 189, 194-95

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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NO. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,  
vs.  
BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

(1941).) This Court's jurisdiction and power is solely under Gov't. Code §11440 and CCP §1040.5. (Contractors' State License Board v. Superior Court, 187 Cal. App. 2d 557, 560-62 (1960); Caminetti v. Imperial Etc. Life Ins. Co., 54 Cal. App. 2d 514, 518 (1942).)

This Court is well aware of the horrendous period of time consumed in litigation such as this (August 1, 1963, to date), that a full generation, K-12, has elapsed since Brown I, and that minority students in Board's segregated schools have suffered not only a deprivation of their constitutional rights but as well in having received inferior educational opportunities; but, as we are a country of laws, the parties must comply therewith. Without law, there are no rights or liberties or a democracy.

XI. The fact that Rules 2010 and 2011 "have made little progress towards desegregation of" Board's schools (P. Pt. A., 3-3-69, p. 17) is not solely the fault of Board. It is the combination of the omission of State Board to enforce them and the refusal by Board to abide by and put them into operation until judicially forced to do so.

Therefore, "whatever plan is adopted [by Board] will require evaluation in practice, and the court should retain jurisdiction until it is clear that state-imposed segregation has been completely removed." (Green v. County School Board (May 27, 1968), 20 L. Ed. 2d 716, 724, 88 S. Ct. 1694, 1696.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

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Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter  
(Parties and counsel checked if present)

95

NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

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NATURE OF PROCEEDINGS:

XII. Board has urged that, if integrated education be imposed within its entire District, whites will flee therefrom. Whether or not that be true, when integration be imposed upon the entire District, the Court makes no Finding thereon at this time; but the "fleeing of the whites", if it should occur, cannot and does not justify segregated education. Whites are not to be induced to, or caused to, remain within Board's District by depriving the minority of their constitutional, inalienable rights.

(Cooper v. Aaron, 3 L. Ed. 2d 5, 15-18, 78 S. Ct. 1401, 358 U.S. 1 (1958):

"The constitutional rights of respondents are not to be sacrificed or yielded to the violence and disorder which have followed upon the actions of the Governor and Legislature. As this Court said some 41 years ago in a unanimous opinion in a case involving another aspect of racial segregation: 'It is urged that this proposed segregation will promote the public peace by preventing race conflicts. [p. 15.] Desirable as this is, and important as is the preservation of the public peace, this aim cannot be accomplished by laws or ordinances which deny rights created or protected by the Federal Constitution.' Buchanan v. Warley, 245 US 60, 81, 62 L ed 149, 163, 38 S Ct 16, LRA 1918C 210, Ann Cas 1918A 1201. Thus law and order are not here to be preserved by

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 398

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

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NATURE OF PROCEEDINGS:

depriving the Negro children of their constitutional  
rights.

\* \* \*

" \* \* \* Thus the prohibitions of the Fourteenth  
Amendment extend to all action of the State denying  
equal protection of the laws; whatever the agency of  
the State taking the action, see Virginia v Rives,  
100 US 313, 25 L ed 667; Pennsylvania v Board of  
Directors of City Trusts of Phila. 353 US 230, 1 L  
ed 2d 792, 77 S Ct 806; Shelley v Kraemer, 334 US 1,  
92 L ed 1161, 68 S Ct 836, 3 ALR2d 441, or whatever  
the guise in which it is taken, see Derrington v  
Plummer (CA5 Tex) 240 F2d 922; Department of Conser-  
vation & Development v Tate (CA4Va) 231 F2d 615.

In short, the constitutional rights of children not  
to be discriminated against in school admission on  
grounds of race or color declared by this Court in  
the Brown case can neither be nullified openly and  
directly by state legislators or state executive  
or judicial officers, nor nullified indirectly by  
them through evasive schemes for segregation  
whether attempted 'ingeniously or ingenuously.'  
Smith v Texas, 311 US 128, 132, 85 L ed 84, 87,  
61 S Ct 164. [p. 16.]

\* \* \*

" \* \* \* that the federal judiciary is supreme  
in the exposition of the law of the Constitution,

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19 399

Date: 2/11/70 Hon. ALFRED GITELSON Judge  
Deputy Sheriff  
Deputy Clerk  
Reporter  
(Parties and counsel checked if present)

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NO. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,  
vs.  
BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

and that principle has ever since been respected by  
this Court and the Country as a permanent and  
indispensable feature of our constitutional system.  
It follows that the interpretation of the Fourteenth  
Amendment enunciated by this Court in the Brown Case  
is the supreme law of the land, and Art 6 of the  
Constitution makes it of binding effect on the  
States 'any Thing in the Constitution or Laws of  
any State to the Contrary notwithstanding.' Every  
state legislator and executive and judicial officer  
is solemnly committed by oath taken pursuant to  
Art 6, cl 3, 'to support this Constitution.'

\* \* \*

"It is, of course, quite true that the responsi-  
bility for public education is primarily the concern  
of the States, but it is equally true that such  
responsibilities, like all other state activity,  
must be exercised consistently with federal consti-  
tutional requirements as they apply to state action.  
The Constitution created a government dedicated to  
equal justice under law. The Fourteenth Amendment  
embodied and emphasized that ideal. State support  
of segregated schools through any arrangement,  
management, funds, or property cannot be squared  
with the Amendment's command that no State shall  
deny to any person within its jurisdiction the

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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Date: 2/11/70

Hon. ALFRED GITELSON

Judge

Deputy Clerk

Deputy Sheriff

Reporter

(Parties and counsel checked if present)

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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

equal protection of the laws. The right of a student not to be segregated on racial grounds in schools so maintained is indeed so fundamental and pervasive that it is embraced in the concept of due process of law. *Bolling v Sharpe*, 347 US 497, 98 L ed 884, 74 S Ct 693. The basic decision in *Brown* was unanimously reached by this Court only after the case had been briefed and twice argued and the issues had [p. 17] been given the most serious consideration. Since the first *Brown* opinion three new Justices have come to the Court. They are at one with the Justices still on the Court who participated in that basic decision as to its correctness, and that decision is now unanimously reaffirmed. The principles announced in that decision and the obedience of the States to them, according to the command of the Constitution, are indispensable for the protection of the freedoms guaranteed by our fundamental charter for all of us. Our constitutional ideal of equal justice under law is thus made a living truth." (p. 18).)

Nor does white and Negro racism excuse Board's non-compliance. (Trans. pp. 7794-7801.)

XIII. Board's alleged open-transfer policies not having been designed to meet realistically desegregation, not being a plan of desegregation or integration, and segregation being

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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Date: 2/11/70 Hon. ALFRED GITELSON Judge  
Deputy Sheriff

Deputy Clerk  
Reporter  
(Parties and counsel checked if present)

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NO. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,  
vs.  
BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

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NATURE OF PROCEEDINGS:

the inevitable consequence thereof, is invalid. Open transfer plans must be reasonably designed to and must meet realistically the problems of desegregation.

XIV. Board is under a duty specially imposed by law to, in the highest of good faith: (i) with all due diligence and speed, evolve and adopt a meaningful Master Plan of integration, a plan that will realistically work within a reasonable period of time, having for its aim, purpose and object a racially non-discriminatory unitary school system within all of its schools as a whole and not merely for one or a group of schools, leaving others segregated; and (ii) as a part of said Master Plan, to evolve and adopt the methods, means, mechanics and techniques to make it work, and which shall work; and (iii) the Master Plan shall be made legally effective within and upon the entire of Board's District at one time, though the consummation thereof may require, and if it does State may do so, in steps, over a reasonable period of time; and (iv) the integration shall be in accordance with Rules 2010 and 2011 of State Board as now and hereafter existing. If Board cannot comply therewith within its District, pending the hearings on Board's petitions for the amendment or modification thereof so as to be practical and workable, Board's Master Plan of integration shall provide for and Board shall effectuate integration consisting of not less than approximately ten percent of minorities and not to exceed fifty percent of minorities in each of its schools. "The transition to a unitary, non-racial system of public education was and is the ultimate

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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102

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk

Reporter

(Parties and counsel checked if present)

100

NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant

Respondent.

STATISTICAL  
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NATURE OF PROCEEDINGS:

end to be brought about" (Green v. County School Board, et al., supra, 722); and (v) therefore, the Master Plan shall, among other things, by its terms: provide for and the manner and means of its periodic public review, with reasonable notice to parents of children involved so that its schools shall at all times be integrated; and (vi) the Master Plan shall provide for, and the methods, means, manner, mechanics and techniques shall effect, the selection of new school sites and construction of schools for and they shall eliminate segregation and create integration.

XV. Therefore, Board shall, and a Writ of Mandate shall be issued herein commanding it to, on or before the 1st day of June, 1970, present to this Court, for its approval, in compliance with the Judgment of this Court and said Writ, upon notice to Petitioners and, as shall be prescribed by the Court, notice to the parents of Board's pupils of the hearing thereon, said Master Plan together with the method, means, manner, mechanics and techniques thereof. Said Master Plan shall be designed for and be placed into operation prior to the school year commencing on or about September, 1970, so that in and during said school year and not to exceed under any circumstances the school year commencing September, 1971, it be made effective as to all of the schools of Board.

Only a prompt start, diligently, in good faith, pursued, to eliminate racial segregation from Board's schools, can constitute good-faith compliance. Board is duty bound, and

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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Date: 2/11/70

Hon.

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

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NO. 822 854  
MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,  
vs.  
BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,  
Respondent.

Counsel for  
Plaintiff

Counsel for  
Defendant

STATISTICAL  
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NATURE OF PROCEEDINGS:

the Peremptory Writ shall command it, to devote every effort toward initiating the desegregation of, bringing about the elimination of racial discrimination in, its public school system, at and within the times aforesaid.

The Court retains jurisdiction to hear, approve or disapprove said Master Plan and its methods, means, manner, mechanics and techniques for the carrying out thereof.

XVI. Board shall not, and the Peremptory Writ shall command it not to, pending the adoption and approval of said Master Plan of integration, do anything, including, by way of specification and not by way of limitation, selection of sites, construction of new schools, construction of additions to existing schools, adoption or modification of transfer policies or transportation policies, adoption, changes or modification of school attendance boundaries, which will continue or preserve or tend to preserve the segregation presently existing in its schools. Board shall, during said period of time, only select sites, build schools, build additions to its existing schools, adopt or modify transfer policies, adopt or modify transportation policies and all other things for the purpose of integrating its schools and to desegregate those now segregated.

XVII That Petitioners, through and for its Counsel and to be paid directly thereto, shall have and recover of and from Board, as the reasonable value of their services herein, the sum of \$65,000.00, together with their costs and disbursements herein.

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AD:EL -----

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk

Reporter

(Parties and counsel checked if present)

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NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,  
Petitioners,

Counsel for  
Plaintiff

vs.

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Counsel for  
Defendant.

Respondent.

STATISTICAL  
CODE  
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NATURE OF PROCEEDINGS:

XVIII. The Court retains jurisdiction to, upon entry of final Judgment herein, allow to Petitioners for their said Counsel, and to be paid to them, the reasonable value of the services which may be performed by them from and after the entry of the Order on Motion for New Trial anticipated to be made by Board and until the Judgment shall become final.

XIX. Let a Peremptory Writ of Mandate issue, commanding Board as hereinbefore adjudged and commanding it to appear before this Court as aforesaid upon notice as aforesaid, on or before the 1st day of June, 1970, at the hour of 9:00 a.m., then and there to show cause what it has done to comply with said Writ.

XX. Judgment shall be entered accordingly.

(Counsel for Petitioners shall prepare the proposed formal Findings of Fact, Conclusions of Law, Judgment and Peremptory Writ of Mandate, substantially in accordance with the foregoing; shall serve them upon Counsel for Respondent, and thereupon lodge them with the Court. The preparation thereof shall not constitute an agreement therewith or acquiescence therein or waiver of any rights.

(The Court invites the attention of all Counsel to CCP §634 and suggests their compliance therewith. Upon the close of the evidence, in lieu of oral argument, the Court invited and provided for the filing by all Counsel of Points and Authorities, including a review or Memorandum on the Evidence. Petitioners did so. Respondent filed Points and

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DEPT.

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPT. 19

204

Date: 2/11/70

Hon. ALFRED GITELSON

Judge  
Deputy Sheriff

Deputy Clerk  
Reporter

(Parties and counsel checked if present)

103

NO. 822 854

MARY ELLEN CRAWFORD, etc., et al.,

Counsel for  
Plaintiff

Petitioners,

vs.

Counsel for  
Defendant

BOARD OF EDUCATION OF THE  
CITY OF LOS ANGELES,

Respondent.

STATISTICAL  
CODE  
CLERKS USE  
ONLY

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

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NATURE OF PROCEEDINGS:

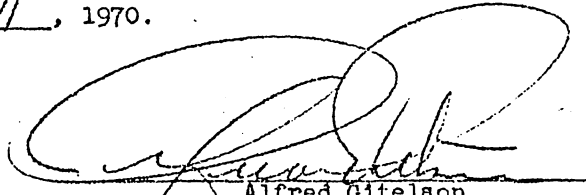
Authorities but no Review of or Memorandum on the Evidence.

The Court assumes that Counsel for Board will avail themselves of the rights under CCP §634, and requests that, with its objections to and requests for additional findings, it serve and file a Memorandum on the Evidence, which should include all evidence bearing upon the objections and requests.

(When, as and if the Judgment be entered, and the Peremptory Writ issue, unless Board shall procure a stay thereof, upon motion by the party or upon Court's own motion, a hearing shall be had as to the appointment by the Court of the Court's Expert or Experts, as hereinbefore found.)

(The Clerk shall send a copy hereof to each of the parties, to Petitioners by Bayard F. Berman, Michael Bergman and Sol Rosenthal; to Board by County Counsel, attention of Alfred Charles DeFlon, and to Jerry S. Halverson, Legal Advisor to the Board.)

DATED: February 11, 1970.

  
Alfred Gitelson  
JUDGE OF THE SUPERIOR COURT

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