[MS-0087.007.008.014]

PROP. 21

Continued from First Page

volved a school district's plan.

San Bernardino Unified School District had proposed a voluntary plan to implement desegregation but it was challenged by the National Assn. for the Advancement of Colored People.

The NAACP claimed the district's proposal did not desegregate a single school and called on the court to direct officials to balance racial enrollment in one junior high school and six elementary schools, all predominantly black.

Egly indicated Monday he will direct the district to go ahead with a plan to desegregate its schools completely by the 1974-75 school year.

The jurist scheduled a hearing July 10 to hear arguments for or against his intended ruling.

The sponsor or Proposition 21, Assemblyman Flyod Wakefield (R-South Gate), said in Sacramento Tuesday that he is confident the question of constitutionality will finally be decided by the U.S. Supreme Court.

Segregated Schools

"I have contended all along and I have said over and over again that it's unconstitutional, illegal and immoral to deliberately set up segregated schools," Wakefield said.

"I think it's equally unconstitutional, immoral and illegal to deliberately set up desegregated schools."

The attorney representing the NAACP in the San Bernardino case, Nathaniel Colley of Sacramento, said in a telephone interview that he thinks Egly is "absolutely correct" in ruling Proposition 21 unconstitutional.

Colley said similar laws in Alabama and North Carolina have been declared unconstitutional.

SAN DIEGO CLIPPING SERVICE 233-0484

LOS ANGELES TIMES

MAY 23 1973

New Ruling Offered on Proposition 21

Controversial School Law Called Unconstitutional

BY JOHN KENDALL
Times Staff Writer

Another superior court ruling has been offered on the constitutionality of Proposition 21, the controversial school measure overwhelmingly approved by California voters last November.

Superior Judge Paul Egly, a Los Angeles County jurist appointed to sit on a school case in San Bernardino, offered the opinion Monday that Proposition 21 is unconstitutional.

The law provides that no public school student shall be required to attend a particular school because of race, creed or color.

Superior Judge Joseph G. Babich ruled in Sacramento last February that Proposition 21 is constitutional. That case was appealed and is now before the 3rd District Court of Appeal.

Final Decision

However, neither the findings of Egly nor Babich may be the instrument for a final decision on the constitutionality of the school measure.

A Santa Barbara case involving the new law has been appealed to the state Supreme Court, which may act on the question within the next two or three months.

When Santa Barbara County Judge John T. Rickard announced last August that he intended to rule the city's school integration plan invalid, the school district counsel won a writ of prohibition against the decision.

Then, after Proposition 21 was approved, the county counsel filed another brief, challenging the constitutionality of the new law.

The San Bernardino case also in-

Please Turn to Page 5, Col. 1