[MS-0097.007.008.008]

NAACP Files Suit To Void Prop. 21

SACRAMENTO (AP) — The NAACP filed suit yesterday against Proposition 21—the antibusing measure approved by California voters Nov. 7 — on the grounds it violates the U.S. Constitution.

The suit filed by the National Association for the Advancement of Colored People (NAACP) says Prop. 21 violates constitutional guarantees of equal protection under the law.

Nathaniel S. Colley, NAACP western regional counsel, filed the suit in Sacramento County Superior Court. A hearing was set for Dec. 14.

63% APPROVAL

Proposition 21, which outlaws bussing as a means of achieving racial balance in California's public schools, received 63 per cent voter approval.

But Colley said at a news conference that "just because the majority approved it doesn't mean it is constitutional. Majority rule has limitations — constitutional limitations," he said.

"Enough people might vote to put me back in slavery," said Colley, who is a Negro. But that would be illegal because of the 13th Amendment to the U.S. Constitution banning slavery, he said at a news conference.

2 OTHER CASES

The constitutionality of Proposition 21 also is being tested in two other cases in the state, although neither began as direct challenge. One was filed in San Bernardino Superior Court by the NAACP, and the other was taken to the California Supreme Court by the American Civil Liberties Union.

State school officials say that of California's 4.5 million children, nearly one million ride buses, but only 50,000 solely for integration purposes.

The new NAACP petition names as respondents the Sacramento City Unified School District and Sacramento County Board of Education. The petitioners are, in addition to the NAACP, two pupils of Camelia Elementary School in Sacramento and their father.

90 PER CENT NEGRO

Camelia school is 90 per cent Negro, compared to a Negro enrollment of only 37 per cent in the entire district, Colley said.

The suit contends that "the primary purpose" of Proposition 21 "was to perpetuate racial imbalance, isolation and segregation" which he said "will be perpetuated unless it is invalidated."

The action also requests that an injunction prevent the district and board from continuing to receive federal funds "while they discriminate against petitioners as alleged."