JONATHAN BARKAT

By David S. Ettinger

The Quest to DESEGREGATE Los Angeles Schools

The *Crawford* desegregation lawsuit launched a long and contentious battle with an amazing series of legal twists and turns

When the Los Angeles County Bar Association was founded in 1878, segregated schools were mandatory in California. Statutory law at the time required schools to be "open for the admission of all white children" and stated that "[t]he education of children of African descent, and Indian children, shall be provided for in separate schools."[1]

Four years earlier, the California Supreme Court had found the law constitutionally unobjectionable. Mary Frances Ward, an 11-year-old African American, filed suit after being barred from her local San Francisco grammar school because of her race. The school principal "politely, but firmly" refused to admit her, her mother reported.[2] She lost. The supreme court concluded in *Ward* v. *Flood* that the legislature could require segregation: "[I]n the circumstances that the races are separated in the public schools, there is certainly to be found no violation of the constitutional rights of the one race more than of the other, and we see none of either, for each, though separated from the other, is to be educated upon equal terms with that other, and both at the common public expense."[3]

David S. Ettinger is a partner in the civil appellate law firm of Horvitz & Levy. As an intern at the ACLU during law school, he worked briefly as a legal researcher on Crawford *v.* Board of Education of the City of Los Angeles.

Conrad on *Crawford*

The *Crawford* case was one of the most contentious lawsuits in Los Angeles County history. It was also one of the most publicized, frequently serving as a subject for *Los Angeles Times* political cartoonist Paul Conrad. Here are two of his cartoons. One cartoon (*top*), which appeared on September 12, 1978, reflects on the frenzied pace of the litigation less than two weeks before school was to start under the first mandatory busing plan. In just eight days, the California Court of Appeal stayed the plan, the California Supreme Court vacated the stay, and two U.S. Supreme Court justices rejected separate requests to reinstate the stay. The other cartoon (*bottom*) appeared on March 19, 1981, after the state supreme court, which had repeatedly reversed court of appeal decisions that blocked the mandatory desegregation orders made by Los Angeles Superior Court Judges Alfred Gitelson and Paul Egly, let stand without a hearing a court of appeal decision that effectively ended the case.—**D.S.E.**

Fifty years later, in 1924, the supreme court still had no problem with segregated schools. In *Piper* v. *Big Pine School District*, the court reviewed a statute that in the same sentence gave school districts the authority both to "exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases" and also to "establish separate schools for Indian children and for children of Chinese, Japanese or Mongolian parentage."[4] If separate schools existed for those children, the statute further provided, the children "must not be admitted into any other school."[5] Ruling in the case of 15-year-old Alice Piper, a Native American student, the court said that "it is not in violation of the organic law of the state or nation…to require Indian children or others in whom racial differences exist to attend separate schools, provided such schools are equal in every substantial respect with those furnished for children of the white race."[6]

By 1963, much had changed. The U.S. Supreme Court had by then held that separate schools were inherently unequal and therefore violated the constitutional rights of minority children.[7] And that year the California Supreme Court, in *Jackson* v. *Pasadena City School District*, not only retreated from its prior validation of segregation but also stated that school boards had the affirmative constitutional obligation to end segregation.[8]

Despite the dramatic change in the law, however, segregation in Los Angeles schools was firmly entrenched. The California Supreme Court, citing a federal government study, would later note that "the Los Angeles school district was among the most segregated in the entire country."[9]

In August 1963, less than six weeks after the *Jackson* opinion, a group of minority students represented by the American Civil Liberties Union filed a class action lawsuit against the Los Angeles City Board of Education in Los Angeles County Superior Court to desegregate two high schools. Although the two schools were less than two miles apart, one had an almost entirely African American student population and the other was almost entirely white.

The lawsuit—*Crawford* v. *Board of Education of the City of Los Angeles*[10]—was later expanded to include the entire district. By its end two decades later, the case would become one of the longest, highest profile, and most emotional lawsuits in Los Angeles County history. It would repeatedly occupy the attention of the superior court, the California Court of Appeal, and both the California and U.S. Supreme Courts, sometimes hitting all four judicial levels within a matter of days.

Although filed in 1963, the *Crawford* case did not go to trial until 1968. The plaintiffs spent the intervening years in a fruitless effort to persuade the school board to begin desegregating the district.[11] Active litigation then replaced negotiation.

JUDGE GITELSON'S ORDER

Judge Alfred Gitelson presided over what would turn out to be only the first phase of the case. Appointed to the superior court in 1957 by Governor Goodwin Knight, his former law partner, Judge Gitelson took evidence in a proceeding that lasted 65 court days over a 7-month period.[12] Among other things, the court heard testimony from sociologists and educators and considered evidence of low test scores by minority students. The school board created a controversy during the trial by saying it was "agnostic" about whether African American students' mental abilities were inferior to those of Caucasian students but adding that it would be "unrealistic" to expect the board to attain equality in achievement if the races were different in their capabilities.[13]

Judge Gitelson ruled for the plaintiffs. Finding that Los Angeles schools were severely segregated and getting worse, he ordered the school board to adopt a plan to desegregate its schools. The order was not well received. President Richard Nixon called it "probably the most extreme judicial decree so far" and Governor Ronald Reagan said the order was "utterly ridiculous" and one that "goes beyond sound reasoning and common sense."[14] It also cost Judge Gitelson his job.

The timing of the order could not have been worse for Judge Gitelson personally. He was in the last year of his judicial term, and his work on the case earned him an election challenge. Labeled the "busing judge" by his opponents, Judge Gitelson was turned out of office by the voters. In what was not to be the last emotionally charged statement regarding the case, he blamed his loss on "enough people who are truly racists."[15]

Judge Gitelson's order had no immediate impact. The school board appealed the order, which stayed its enforcement. And the stay was a long one. The court of appeal did not issue its opinion until 1975, nearly five years after Judge Gitelson issued his order.

Some speculated that the appeal of Judge Gitelson's order took such an unusually long time because the court of appeal was waiting for a definitive ruling from the U.S. Supreme Court. When Judge Gitelson made his order in 1970, it was unclear what a school board's duties were to desegregate a "northern" district—meaning one, unlike the southern school districts that had dominated the High Court's jurisprudence, in which segregation was not directly traceable to state-mandated separate schools. The unanswered question was whether a board was constitutionally obligated to desegregate when racial imbalance in the schools was attributable to "neutral," or de facto, reasons such as segregated residential patterns.

While the *Crawford* appeal was pending, the U.S. Supreme Court made clear that, at least for purposes of the U.S. Constitution, a court could order a school board to remedy only de jure segregation—that is, segregation effected by state action. If the state had not caused the segregation, it did not have to fix it.[16] Further, the Supreme Court defined "de jure" narrowly. Not just any causative link between state action and segregation would establish a constitutional violation. Rather, plaintiffs had to prove that the motive behind the state action—whether by a state legislature or a school board—was to maintain separate schools. "We emphasize," the Court said, "that the differentiating factor between *de jure* segregation and so-called *de facto* segregation…is *purpose* or *intent* to segregate."[17]

A number of years before the U.S. Supreme Court made proof of intentional segregation the touchstone, the California Supreme Court in the *Jackson* case had stated a much broader, more plaintiff-friendly rule. Contrary to what its federal counterpart would rule later, the *Jackson* court held that "it is *not* enough for a school board to refrain from affirmative discriminatory conduct." Instead a school board had to "take steps, insofar as reasonably feasible, to alleviate racial imbalance in schools *regardless of its cause*."[18]

In reviewing Judge Gitelson's order, the court of appeal treated *Jackson* as obsolete case law and followed the lead of the more recent U.S. Supreme Court opinions. The court of appeal also creatively interpreted the trial court's findings to ensure that they would not support the order under federal standards.

Judge Gitelson had found that the Los Angeles school board had "knowingly, affirmatively and in bad faith…segregated, *de jure*, its students" and had drawn school boundaries "so as to create or perpetuate segregated schools."[19] The court of appeal nonetheless concluded that the findings "disclose[d] [that] segregation was ignored rather than intentionally fostered."[20] In its zeal to find no trace of intentional segregation, the court also overlooked that the California Legislature had at one time required segregated schools, stating that the school district had "never been operated under a constitutional or statutory provision that mandated or permitted racial segregation in public education."[21] With no finding of an intent to segregate by the board, the court reversed Judge Gitelson's order as inconsistent with U.S. Supreme Court precedent.[22]

Nine months after the reversal of the order for which he had sacrificed his judicial career, Judge Gitelson died.[23] His vindication came posthumously.

In 1976, the California Supreme Court unanimously affirmed Judge Gitelson's order, holding that it was "completely justified."[24] Unlike the court of appeal, the supreme court believed that Judge Gitelson's findings "adequately support the trial court's conclusion that the segregation in the defendant school district is de jure in nature."[25] That was not the basis for the supreme court's holding, however.

As if to atone for its separate-but-equal opinions in *Ward* and *Piper*, the court took a big step beyond U.S. Supreme Court case law and made it much easier for a plaintiff to establish a right to court-ordered desegregation. Relying on the California Constitution, the court reaffirmed its holding in *Jackson* that it did not matter what had caused school segregation: If it existed, a school board had the responsibility to remedy it.[26] The court quoted approvingly from a study by the United States Commission on Civil Rights: "Negro children suffer serious harm when their education takes place in public schools which are racially segregated, whatever the source of such segregation may be." The court itself similarly concluded that "in California in the 1970's the de facto-de jure distinction retains little, if any, significance for the children whose constitutional rights are at issue here."[27] Thus, it was sufficient to uphold the order requiring the board to prepare and implement a desegregation plan because the trial court had found substantially segregated schools and a failure by the board to act to alleviate the segregation.[28]

ENTER JUDGE EGLY

The saying, "the devil is in the details," could easily have been coined for the remedy phase of the *Crawford* trial court proceedings after remand from the California Supreme Court. Finding a constitutional violation was one thing, but, as the supreme court only too accurately observed, "[A] trial court's task in supervising the preparation and implementation of a school desegregation plan is an exceedingly difficult, sensitive and taxing one."[29]

The first task was to find a new judge. In early 1977, after reportedly going through a list of more than 100 different judges, the parties and the supervising judge selected Paul Egly. Appointed to the municipal court by Governor Pat Brown in 1963 and elevated to the superior court by Governor Ronald Reagan in 1968—a "token Democrat" appoint-

ment, some said—Judge Egly already had experience handling a school desegregation case. Since 1972, he had been sitting by assignment in San Bernardino overseeing the litigation concerning that city's schools. In fact, on the same day the supreme court issued its opinion in *Crawford*, it also affirmed for the most part Judge Egly's order finding segregation in the San Bernardino schools that the school district had the constitutional obligation to alleviate.[30] In a recent interview, Judge Egly recalled, "I thought sooner or later they'd probably come to me [with the *Crawford* case] because I was the only one who had any experience with [desegregation cases]."[31]

Given the history of Judge Gitelson's election loss, most judges did not exactly view *Crawford* as a choice judicial assignment. "I knew what the problem was," Judge Egly says now. But with five years still left in his term, "I figured I was safe." He says, "I thought I'd have a couple of years to recover." That turned out to be an erroneous calculation.

School board members made an incorrect assessment of their own. They interpreted the supreme court's opinion as making it unlikely that mandatory busing of students would be required. In its discussion in *Crawford* of how to remedy segregation, the supreme court offered few specifics and much ambiguity, perhaps a result of a need to include in the unanimous opinion language that would satisfy all seven members of a philosophically diverse court.

The opinion stated that courts should defer to school boards, which would "have the initial and primary responsibility" for choosing among desegregation methods.[32] Further, the supreme court offered assurance that it was "by no means oblivious to the grave practical difficulties that [alleviating segregation] posed for school boards," stressing that *Jackson* had required only that school boards take "'*reasonably feasible*'" steps, and emphasizing that "'busing' is not a constitutional end in itself but is simply one potential tool."[33] This language led one board member to pronounce himself "greatly relieved…because it makes it unlikely that we'll have any drastic action regarding integration."[34]

The *Crawford* court noted, however, that if a school board does not implement a plan to provide desegregated education, "the court is left with no alternative but to intervene" and that such intervention could include the "exercise [of] broad equitable powers in formulating and supervising a plan."[35] The *Crawford* case would soon head down this alternative path.

The school board submitted to the superior court a mostly voluntary desegregation plan. In July 1977, after a three-month trial

Albany

Austin

Brussels

Chicago

Dallas

Denver

Houston

London

Los Angeles

Moscow

New York

Northern Virginia

Philadelphia

San Antonio

Washington, D.C.

310.229.1000
www.akingump.com

Akin Gump Strauss Hauer & Feld LLP

congratulates the

Los Angeles County Bar Association

on its

125th Anniversary

and its continued commitment

to the legal community

AKIN GUMP
STRAUSS HAUER & FELD LLP
Attorneys at Law

about the plan, Judge Egly rejected it as "wholly ineffective" and gave the board 90 days to submit a new plan that would "realistically commence the desegregation of this district."[36] Judge Egly remembers that he "didn't want to cause a revolution in the city," but that he just "couldn't accept that plan."

The supreme court might have considered mandatory busing to be "simply one potential tool" for desegregation, but, in a district as geographically expansive as Los Angeles, Judge Egly considered it essential. "I don't know how else you're going to do it," he says now.

The board thus returned to court with what the court of appeal years later would describe as "one of if not the most drastic plan of mandatory student reassignment in the nation."[37] Judge Egly ordered the plan implemented in the fall of 1978 as an "initial first step."

The *Crawford* litigation involved constant clashes between the plaintiffs, the school board, and numerous interveners. In addition to those conflicts, however, an intense and long-running antagonism developed between the superior court and Division Two of the Second District Court of Appeal.[38] Division Two never saw a Judge Egly order it liked. "We wrote to each other," Judge Egly says with a wry laugh, but then turns serious and remembers, even after more than two decades, that "you could feel that there was an animosity" from the court of appeal.

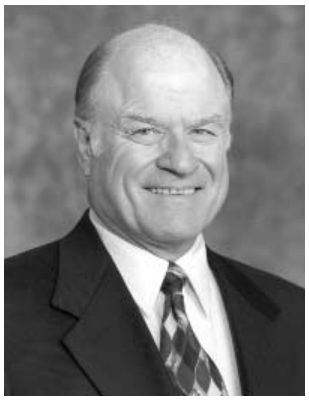
Less than two months after being named to the case, and before he rejected the board's voluntary desegregation plan, Judge Egly had one of his orders reversed by the court of appeal. The court held he was wrong to deny Bustop—a group of "predominantly white" parents who opposed mandatory busing—the right to intervene in the action.[39]

In reversing, the court of appeal also took the opportunity to issue a warning. Noting a history by courts around the country of "overinvolvement" in school operations, Division Two wrote, "We have no way of predicting what turn the present litigation may take and while the trial court's order is a model of judicial restraint, it suggests the possibility that down stream the picture may change."[40] A year downstream, after Judge Egly had ordered implementation of a mandatory busing plan, Division Two was no longer impressed with the trial court's restraint.

As the day neared for the buses to roll, there was an extraordinary flurry of legal activity. In early August 1978, Judge Egly had rebuffed Bustop's attempts to prevent the mandatory busing plan from taking effect. Three weeks later, Bustop went to the court of appeal for relief. On September 1, 11 days before the start of school, Division Two gave

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

ATTORNEYS AT LAW



Patrick Kelly
LACBA President
1990-1991

Roland Coleman
LACBA President
2001-2002

Wilson, Elser, Moskowitz, Edelman & Dicker,

Patrick M. Kelly and Roland Coleman

send best wishes to the

Los Angeles County Bar Association,

on its 125th anniversary.

1055 W. Seventh Street, Suite 2700, Los Angeles CA 90012
Tel: 213/624-3044 Fax: 213/624-8060
Visit our website at http://www.wemed.com

Bustop a dramatic reprieve, staying implementation of the mandatory parts of the plan. But five days after that, in equally dramatic fashion, the California Supreme Court vacated the stay order. Bustop rushed to the U.S. Supreme Court, but first Justice Rehnquist and then Justice Powell turned down its request for a stay.[41] Only eight days elapsed between Division Two's stay order and Justice Powell's denial of Bustop's request to halt the California Supreme Court's vacation of the stay.

The California Supreme Court's abrupt nullification of Bustop's court of appeal victory prompted reactions that were fierce and raw. Gloating over the sudden reversal of fortune, an attorney who was a proponent of the desegregation plan said that "the racists on the school board are drowning in their own champagne."[42] On the other side, a school board member, who would later parlay her antibusing stand into a seat in Congress, ominously warned that the supreme court was "politically motivated and will pay," a not-so-subtle reference to the fact that three of the justices who voted to vacate the stay would be on the ballot two months later in a retention election.[43] A Los Angeles County prosecutor, who was a vocal opponent of mandatory busing, said that "the people have been swindled to a fare-thee-well" and urged opponents of the desegregation plan to implement a freeway slowdown to interfere with the buses.[44]

When Justice Rehnquist denied Bustop's last-ditch stay request, he noted the difference between what the California and U.S. Constitutions demanded school boards to do. He said that state courts "are free to interpret [state constitutions] to impose more stringent restrictions on the operation of a local school board" than would be mandated by the federal Constitution and concluded, "While I have the gravest doubts that the Supreme Court of California was *required* by the United States Constitution to take the action it has taken in this case, I have very little doubt that it was *permitted* by that Constitution to take such action."[45]

PROPOSITION 1

The difference was not lost on the opponents of mandatory busing. If students were being bused because the California Supreme Court was interpreting the state constitution more liberally than the federal Constitution, the remedy was to overrule the supreme court by changing the state constitution. Thus, while proceedings continued in the superior court to assess the desegregation plan then in effect and to consider alternatives, the legislature placed on the November 1979 ballot a constitutional amendment—Proposition 1—designed to end mandatory busing. It passed

Call in the EXPERTS.

Bringing quality experts into the 21st Century.

ExpertInfo.com

Technical & Medical Experts

4,000 DISTINGUISHED EXPERTS IN MULTIPLE DISCIPLINES.

"Pro/Consul's ability to locate appropriate expert witnesses is unsurpassed."

1-(800) 392-1119

- Rigorous standards
- Tailored service
- Prompt turnaround
- Free initial consultations
- Free resume book
- Reasonable rates

LOCAL OFFICE

Pro/Consul Inc.
1945 Palo Verde Avenue, Suite 200
Long Beach, CA 90815-3443
(562) 799-0116 • Fax (562) 799-8821
eexperts@msn.com • ExpertInfo.com

A.D.R. Division
1-877-ARBITER
Retired Judges • Attorneys
Medical Doctors • Technical Experts

with nearly 70 percent of the vote.[46]

Proposition 1 expressly tethered the California Constitution to the federal Constitution regarding mandatory busing. Under the amendment, school boards have no "obligations or responsibilities which exceed those imposed by the Equal Protection Clause of the 14th Amendment to the United States Constitution with respect to the use of pupil school assignment or pupil transportation."[47]

The school board wasted no time invoking Proposition 1, asking the superior court to end all mandatory student reassignment and busing. The court rejected the request, however. Relying on Judge Gitelson's finding 10 years earlier of de jure segregation by the school board, Judge Egly found a federal constitutional violation that justified continuing jurisdiction and, in July 1980, he ordered a new desegregation plan that included substantial mandatory busing.[48]

As the time approached for implementation of the new plan, another round of frantic court-hopping began, but this time with an unexpected twist. Things started out in conformity with the familiar pattern: The court of appeal found error in a superior court ruling, this time concluding that Judge Egly's order had been too broad and that the school board, not the superior court, should decide which schools to include in the desegregation plan. However, when the plaintiffs then hurried to the California Supreme Court for relief, Judge Egly took the unorthodox step of writing his own letter to the court.

Characterizing his correspondence as a "petition for instructions," Judge Egly said that the court of appeal's rulings were "inconsistent" with the supreme court's opinion in the case and that he was thus "[f]aced with conflicting instructions from two courts of higher jurisdiction."[49] Judge Egly says now he believed the court of appeal justices "were adversarial to the supreme court and they would do everything in their power, as they had done before, to keep the supreme court from acting in favor of the [plaintiffs]."

Once again the supreme court acted quickly to reverse the court of appeal. Although not mentioning Judge Egly's letter, the supreme court stated that his order was "a valid exercise of the court's broad equitable discretion" and that, contrary to what the court of appeal had ruled, it was the superior court and not the school board that had the initial responsibility for supervising the desegregation plan.[50] The supreme court's ruling settled matters legally, at least for the time being, but the last-minute back-and-forth decisions from the courts caused much confusion—so much so that, according to the *Los Angeles Times*, on the first day of school in 1980, "[t]housands of students woke

up not knowing where they would go to school."[51]

Although siding with Judge Egly, the supreme court also told the court of appeal to expedite the school board's appeal from his ruling that Los Angeles schools were segregated de jure and that the courts thus could continue to order mandatory busing as a desegregation tool, despite the changes in the state constitution made by Proposition 1.[52] The appellate court did reach a decision quickly, in December 1980, and, not surprisingly, once more reversed the superior court.

Just as Division Three had done in 1975, Division Two rejected Judge Gitelson's 1970 finding of de jure segregation upon which Judge Egly was relying. Although the California Supreme Court had said in dicta that Judge Gitelson's findings "adequately support the trial court's conclusion that the segregation in the defendant school district is de jure in nature,"[53] the court of appeal concluded that the labeling of the segregation in the school district as de jure "was true only in a Pickwickian sense, and was not true at all in the sense of federal law."[54] Also, Judge Gitelson had specifically found that the school board had established "mandatory attendance areas and boundaries around its neighborhood schools so as to create or perpetuate segregated schools."[55] But the court of appeal denied that there was any "finding that the Board ever gerrymandered attendance zones to create or preserve segregated schools."[56]

Without a finding of de jure segregation, the plaintiffs had to convince the court of appeal that Proposition 1 was unconstitutional. That was a tough sell. Proposition 1 certainly did not contravene the California Constitution—it was part of that constitution. And it was counterintuitive to argue that a provision that limited plaintiffs' rights to what was afforded by the Fourteenth Amendment was itself a violation of the Fourteenth Amendment. The court of appeal held that Proposition 1 was valid, concluding that "we do not believe a state constitutional amendment can be said to violate the Fourteenth Amendment by specifically embracing it."[57]

DEATH BLOW

It was generally assumed that the court of appeal's decision would be short-lived because the California Supreme Court would step in as it had done repeatedly to reinstate a superior court desegregation order. This time, however, the supreme court refused to intervene, declining to even hear the case.

The hostility toward the California Supreme Court from the pro-busing side was as strong as it had been just a few years earlier from busing opponents. One community

leader said that the supreme court had "succumbed to the ugly conservative mood that's sweeping our state and this country and as a result has made a political decision that's a tragedy because it reaffirms separate and historically unequal education for students of different racial backgrounds."[58] Another commented that "[t]he aspirations of minority people are apparently not important to the court" and that the courts "have now apparently been swayed by the perception of popular opinion."[59]

The supreme court's March 1981 denial of the petition for a hearing was the death blow for the *Crawford* case. Although the U.S. Supreme Court later agreed to hear the case, by the time it issued its opinion in June 1982—predictably finding Proposition 1 to be constitutional[60]—the litigation had ended.

Within days after the California Supreme Court denied a hearing, Judge Egly removed himself from the case, with a parting shot at the school board for "short-chang[ing]" minority children and for not even "meet[ing] the [separate but equal] standard of *Plessy* v. *Ferguson*."[61] The school board soon after submitted an all-voluntary desegregation plan to the superior court, which approved the plan and, in late 1981, ended its jurisdiction over the case.[62]

In 1976, the California Supreme Court had instructed trial courts to "take into account the long-range effects" of desegregation plans so that they could reject plans that were "likely to result in a 'one race' or 'all minority' school district," although it also cautioned that "the threat of 'white flight'" could not "be used as a smokescreen to avoid the constitutional obligations of a school district."[63] It is debatable to what extent the mandatory desegregation plans were the cause but, over the course of the *Crawford* litigation, the school district's demographics changed substantially. Between 1968—when the case first went to trial—and 1980, while the African American student population remained fairly constant at 22 or 23 percent, the white student population in the district dropped from over 53 percent to under 24 percent and Hispanic students went from 20 percent of the district to over 45 percent.[64]

When Judge Egly left the case, he told an audience, "The answers to these problems are not in the courts. I used to think they were but I don't anymore."[65] He regrets having said that. "The court is the place of last resort" for remedying segregation, he now believes, but, he adds, "It represents the failure of our society when you have to go to court" for the solution. ■

[1] 1870 Cal. Stat. ch. 556, §§53, 56, at 838-39.
[2] Ward v. Flood, 48 Cal. 36, 43 (1874).

[3] *Id.* at 52.
[4] 1921 Cal. Stat. ch. 685, §1, at 1161. The statute was not repealed until 1947. 1947 Cal. Stat. ch. 737, §1, at 1792.
[5] 1921 Cal. Stat. ch. 685, §1, at 1161.
[6] Piper v. Big Pine Sch. Dist., 193 Cal. 664, 671 (1924). Despite its constitutional holding, the court did order Alice Piper admitted to school, because there was no separate school in the district for her. *Id.* at 674.
[7] Brown v. Board of Educ. of Topeka, Kan., 347 U.S. 483 (1954).
[8] Jackson v. Pasadena City Sch. Dist., 59 Cal. 2d 876, 881 (1963).
[9] Crawford v. Board of Educ. of the City of Los Angeles, 17 Cal. 3d 280, 287 n.2 (1976).
[10] Crawford v. Board of Educ. of the City of Los Angeles, L.A. Sup. Court No. 822854 (1963).
[11] *See* Crawford, 17 Cal. 3d at 287.
[12] *Id.*
[13] LOS ANGELES TIMES, June 29, 1976, at 3.
[14] LOS ANGELES TIMES, Dec. 30, 1975, at 1.
[15] *Id.*
[16] Swann v. Charlotte-Mecklenburg Bd. of Educ., 402 U.S. 1, 15 (1971) ("The objective today remains to eliminate from the public schools all vestiges of *state-imposed* segregation." (emphasis added)).
[17] Keyes v. School Dist. No. 1, Denver, Colo., 413 U.S. 189, 208 (1973) (emphasis in original) (footnote omitted).
[18] Jackson v. Pasadena City Sch. Dist., 59 Cal. 2d 876, 881 (1963) (emphasis added).
[19] Crawford v. Board of Educ. of the City of Los Angeles, 120 Cal. Rptr. 334, 338 (Ct. App. 1975).
[20] *Id.* at 337.
[21] *Id.* at 335.
[22] *Id.* at 342.
[23] LOS ANGELES TIMES, Dec. 30, 1975, at 1.
[24] Crawford v. Board of Educ. of the City of Los Angeles, 17 Cal. 3d 280, 310 (1976).
[25] *Id.* at 285.
[26] *Id.* ("[W]e continue to adhere to our conclusion in *Jackson* that school boards in California bear a constitutional obligation to take reasonably feasible steps to alleviate school segregation 'regardless of its cause.'").
[27] *Id.* at 295, 301.
[28] *Id.* at 302.
[29] *Id.* at 310.
[30] National Ass'n. for the Advancement of Colored People v. San Bernardino City Unified Sch. Dist., 17 Cal. 3d 311 (1976).
[31] Interview with Paul Egly, retired Los Angeles Superior Court judge (Oct. 21, 2002).
[32] Crawford, 17 Cal. 3d at 305.
[33] *Id.* at 304, 305, 309 (emphasis in original).
[34] LOS ANGELES TIMES, June 29, 1976, at 1.
[35] Crawford, 17 Cal. 3d at 307.
[36] Crawford v. Board of Educ. of the City of Los Angeles, 200 Cal. App. 3d 1397, 1402 (1988).
[37] *Id.* at 1403.
[38] Judge Gitelson's order was reversed by Division Three of the Second District. All appellate proceedings in the case after that, however, were assigned to Division Two.
[39] Bustop v. Superior Court, 69 Cal. App. 3d 66, 69 (1977).
[40] *Id.* at 73.
[41] Bustop, Inc. v. Board of Educ. of Los Angeles, 439 U.S. 1382, 1384 (1978) (Rehnquist, Circuit J., and Powell, Circuit J.).
[42] LOS ANGELES TIMES, Sept. 7, 1978, at 1.
[43] *Id.*
[44] *Id.*; LOS ANGELES TIMES, Sept. 12, 1978, at 1.
[45] Bustop, Inc. v. Board of Educ. of Los Angeles, 439 U.S. 1382, 1383 (1978) (Rehnquist, Circuit J.) (emphasis in original).
[46] *See* Crawford v. Board of Educ. of the City of Los Angeles, 458 U.S. 527, 532 n.5 (1982).
[47] CAL. CONST. art. I, §7(a).
[48] Crawford, 458 U.S. at 533.
[49] *Text of Egly's Letter*, LOS ANGELES TIMES, Sept. 16, 1980, at 16.
[50] LOS ANGELES TIMES, Sept. 17, 1980, at 1.
[51] *Id.*
[52] Crawford v. Board of Educ. of the City of Los Angeles, 113 Cal. App. 3d 633, 637 (1980).
[53] Crawford v. Board of Educ. of the City of Los Angeles, 17 Cal. 3d 280, 285 (1976).
[54] Crawford, 113 Cal. App. 3d at 646.
[55] Crawford v. Board of Educ. of the City of Los Angeles, 120 Cal. Rptr. 334, 338 (Ct. App. 1975).
[56] Crawford, 113 Cal. App. 3d at 644.
[57] *Id.* at 654.
[58] LOS ANGELES TIMES, Mar. 13, 1981, at 1.
[59] *Id.*
[60] Crawford v. Board of Educ. of the City of Los Angeles, 458 U.S. 527 (1982).
[61] LOS ANGELES TIMES, Mar. 15, 1981, at 1.
[62] *See* Crawford v. Board of Educ. of the City of Los Angeles, 200 Cal. App. 3d 1397, 1404 (1988); Los Angeles Branch NAACP v. Los Angeles Unified Sch. Dist., 750 F. 2d 731, 736 (9th Cir. 1984). The *Crawford* plaintiffs appealed the superior court's order accepting the voluntary plan but abandoned that appeal in May 1983.
[63] Crawford v. Board of Educ. of the City of Los Angeles, 17 Cal. 3d 280, 309 (1976).
[64] Crawford v. Board of Educ. of the City of Los Angeles, 113 Cal. App. 3d 633, 642 & n.2 (1980).
[65] LOS ANGELES TIMES, Mar. 15, 1981, at 1.