

549 F.2d 733
United States Court of Appeals,
Ninth Circuit.

Nancy Anne SPANGLER, by her father and next
friend, James E. Spangler, Jr., et al.,
Plaintiffs-Appellees,
and
United States of America,
Plaintiff-Intervenor-Appellee,
v.
PASADENA CITY BOARD OF EDUCATION et al.,
Defendants-Appellants.

No. 74-2116.
|
Jan. 24, 1977.

Attorneys and Law Firms

Lee G. Paul (argued), of Paul, Hastings, Janofsky &
Walker, Los Angeles, Cal., for defendants-appellants.

Brian K. Landsberg (argued), Dept. of Justice,
Washington, D. C., Fred OKrand (argued), ACLU
Foundation, Los Angeles, Cal., for plaintiffs-appellees.

Before CHAMBERS, ELY and WALLACE, Circuit
Judges.

Opinion

The court concludes that all determinations as to
modifications required under Pasadena City Board of
Education v. Spangler, 427 U.S. 424, 96 S.Ct. 2697, 49
L.Ed.2d 599 (1976) of the district court's decrees of 1970
and 1974, should initially be made by the district court. In
doing so, it will conclude that some superseding judgment
or decree is needed to be entered and to be preceded by
current findings of fact.

It seems clear that a bald unqualified order that there shall
never be any "majority of any minority" in any Pasadena
attendance zone cannot stand.

The resolution of such questions as are mentioned in Part
III of the majority opinion by the Supreme Court will
necessarily depend on the existing record as it will be
supplemented by a subsequent hearing or hearings.

Further than as above indicated, we do not go.

All Citations

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ORDER ON REMAND
