Malverne Plan

Major Test Of School Integration

New York Times News Service

WASHINGTON — The Supreme Court Monday left standing a reorganization of the elementary schools in Malverne, N.Y., that was aimed at reducing racial imbalance in the schools.

The suit was a major test of the constitutionality of the efforts of local officials to combat de facto school segregation.

In denying the appeal of three white parents in a brief, unsigned order, the court upheld a New York Court of Appeals ruling that the commissioner of education has virtually unlimited discretion in dealing with school desegregation.

The case was the first to come before the Supreme Court the constitutionality of the so-called "Princeton plan" system of pairing predominantly white and Negro schools to achieve a better racial balance in each.

Not Involved

The busing of students was not involved, leaving open the issue of the constitutionality of transporting white and Negro children over long distances to promote desegregation.

Although the court's denial of review was not a decision on the merits, the decision was considered a strong indication that the federal courts would not disturb pairing plans.

The Malverne appeal was considered particularly significant because the racial imbalance was a classic case of de facto segregation —segregation caused by neighborhood racial patterns and not by discriminatory acts by local officials.

Of the three elementary schools in the Nassau County Community, one had a 75 per cent Negro enrollmen and the others were 14 per cent Negro.

No Gerrymands

A fact-finding committee appointed by Education Commissioner James E. Allen Jr. found there had been no gerrymandering of the district, no overcrowding and no disparity in the quality of facilities or instruction.

But it found that racial imbalance alone created "social, psychological and educational problems" that local school officials must correct.

Allen ordered the school board to reorganize the school districts so that all children from kindergarten through the 3rd grade would attend one school and all 4th and 5th graders would attend the other two.

Other pupils would attend the junior and senior high schools.

In Effect

The New York Court of Appeals said it could not review the commissioner's reasons for ordering the pairing, as long as he did not act arbitrarily. It left the order in effect.

In asking the Supreme Court to review the decision, the white parents said it deprived them of their constitutional rights because their children were being excluded from their neighborhood schools solely because of their race.

Monday's decision is the fourth time the Supreme Court has dealt with the de facto segregation issue without ruling on the merits.

Taken together, the decisions indicate a present interpretation of the constitution that does not require states to remedy de facto segregation, but does not prohibit reasonable efforts by local officials to remedy it.



TAP Wirephoto

Bible Saves His Life

Pfc. William D. Parker of Garland, N. C., serving in Viet Nam is probably alive today because of a copy of the New Testament given him by his mother. A sniper's bullet hit Parker's helmet, went through the tiny Bible, deflecting it so that Parker escaped with only a slight scalp wound. The incident occurred during a Viet Cong ambush in the "Iron Triangle" sector of South Viet Nam.

No 'Guns or Butter' Choice for the U.S.

By JACK RAYMOND
New York Times News Service

WASHINGTON — Secretary of Defense Robert S. McNamara has concluded that despite the pressure of substantial military spending increases, the United States is not faced with a "guns or butter" choice.

The defense secretary and his aides believe that the buildup for war in Viet Nam and other new expenses for general reinforcement of the military establishment should not precipitate exceptional economic controls.

They belittle suggestions for nationwide "belt tightening," wage and price controls or cutbacks in President Johnson's "Great Society" domestic program in order to support *the war in Viet Nam.*

"The nation can afford its foreseeable military expenses without such controls," *McNamara has told* recent visitors to his office at the Pentagon.

Budget Studies

His opinion apparently is based upon his studies of the initial military requirements submitted in preparation for the budget that is to be presented to Congress in January.

While rejecting the need for special economic controls because of the military buildup, McNamara has let it be known that more military bases are slated to be closed.

The pending orders for base closings will be part of a renewed cost-efficiency drive, officials indicated.

"And one of the reasons the defense secretary stands in so well with the President," an official noted, "is that he takes these economy appeals to heart and does something about them."

In the military budget for fiscal year 1965, for example, the original spending forecast was $51.2 billion. The defense secretary's economies resulted *in actual spending of $47.2* billion.

Spending Higher

Last January the military spending budget for the current fiscal year which began July 1 was set at $48.8 billion, the rate of spending now, as a result of war needs in Viet Nam, is believed to be higher than anticipated.

Some observers are forecasting that actual spending for the fiscal year will exceed $50 billion, but there is still plenty of time for the defense secretary to cut back spending — if possible — during the remainder of the fiscal year which will not end until June 30, 1965.

The pressures for increasing spending are becoming greater, however, officials concede.

Some observers are forecasting a military spending total of more than $52 billion, perhaps even more than $53 billion, in the budget for fiscal year 1967 which the President will present to Congress next January.

Personnel Costs

Increased spending for military personnel was built in to the Pentagon's fiscal plans by the billion dollar military pay increase voted by Congress over administration protests.

In addition, the armed forces are adding 340,000 to the 2.7 million men in uniform. At least 36,000 civilians and "probably more" are being added to the 1,176,000 now employed by the Defense Department.

Substantial new "hardware" expenses are forecast, especially for helicopters that have done so well in Viet Nam and ships.

The Army is expected to be authorized considerable equipment, not only in support of its forces in Viet Nam but to cope with *shortages elsewhere in the* Army.

Congo Rebel Cleanup

LEOPOLDVILLE, the Congo (AP) — Government forces have started clearing an estimated 2,000 rebels from the mountains overlooking the northwest shores of Lake Tanganyika, authoritative sources report.

Coed Plunges Down Cliff Face

SOUTH DEERFIELD, Mass. (AP)—"I couldn't hold her," the stunned Smith College freshman sobbed. "I tried, but I couldn't hold her."

Ginny Scheer of Oklahoma City tugged at the grasping hand of her college friend, Karol Rae Hoopmon, the former Miss Alaska, who had climbed over the edge of Mt. Sugarloaf.

Ginny's efforts were in vain, however, and *Karol plunged 200 feet.*

Rescuers climbed a steep wooded slope to bring her down, administered artificial respiration to keep her alive, but she died at nearby Farren Memorial Hospital.

Carmel Aid Call

The Red Cross ambulance operated by the Carmel Volunteer Fire Department was called to the Sands Motel, San Carlos street and 5th avenue, at 5:58 p.m. yesterday and transported Mrs. Rose Allin of West Hollywood to the Community Hospital as a *medical emergency.*

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Field Trials For Gun Dogs This Weekend

The Central California Brittany Club, Inc., will hold its annual fall field trials Saturday and Sunday at the Fort Ord trial grounds.

Amateur gun dog stakes are open to all pointing breeds. All other stakes are open to Brittany Spaniels only, according to H. B. Ewer, field trial secretary, who will accept entries until 8 p.m. Wednesday at 2853 Ransford Ave., Pacific Grove, phone 375-1751.

Open puppy and open all-age classes will begin at 7 a.m. Saturday, with amateur gun dog following the open puppy. Open derby and open gun dog start at 7 a.m. Sunday.

Judges are Frank Morrow of Mendota, Lewis Shultz of Gilroy, Leo Moglich of Walnut Creek and Doug Bradburn of Carmel Valley.

The Fort Ord field trial *grounds are accessible* from Black road, and from the Reservation-East Garrison road.

The Club has scheduled a dinner at the Frontier Town Inn, Salinas, Saturday at 6 p.m., preceded by cocktails at 7:30.

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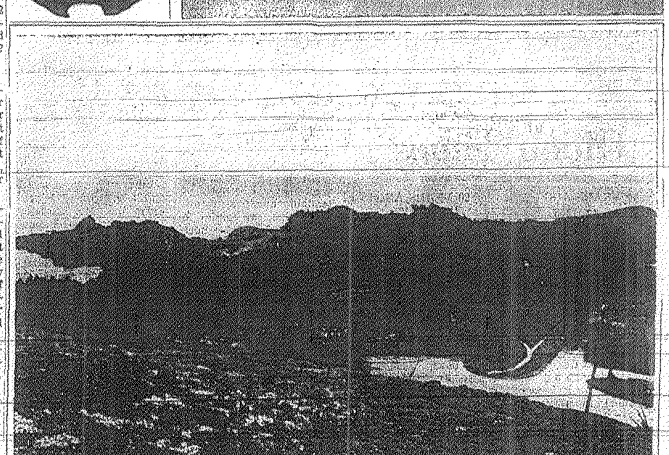

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