

of the circuit on the same case, because it was in the circuit on a number of occasions—even got to the Supreme Court of the United States.

And the concern that I had about his decision in the *Pasadena School Board* case turned on his overruling, or disregarding, the findings of fact of the district court, and I had read him one finding in the memorandum opinion of the court, and I would like you to comment about that.

And it is this: The trial judge said, "A majority of the defendants have acted with unyielding zeal and overt antipathy to the desegregated concept of the Pasadena plan. Promising return to neighborhood schools with the recognition that it cannot be accomplished without resegregation of Pasadena schools is bad faith, not only to the principles of constitutional duty, but also to their own constituency."

And knowing the *Pasadena* case as you do, and knowing Judge Kennedy as you do, and being the lawyer that you are, in terms of fact finding, and the district judge, and the appellate scope of review, I'd be interested in your observations on this issue

Mr. COLLEY. I think that decision, overruling the findings of the trial judge, was an incorrect decision. I think that the decision did not show sufficient sensitivity to the real problems, and I think what really happened there, the court just was tired of that *Pasadena* case, because it had been in the courts so long.

And all of the pupils who were there when the case was filed had long since graduated, and they simply felt it was time to turn it back over to the school board.

But since the school board had not carried out the mandate, and since the problem still existed, the district court should have kept jurisdiction and they should have compelled compliance.

Senator SPECTER. Well, I appreciate that answer. That kind of direct disagreement, I think, underscores your credibility generally, and I appreciate your comment.

Thank you very much.

The CHAIRMAN. The Senator from Alabama.

Senator HEFLIN. Mr. Colley, I think the members of this panel ought to know that since you went to Yale to law school, where did you go to undergraduate school?

Mr. COLLEY. Well, I stated in the beginning, I went to Tuskegee on a 5-year work plan because I didn't have any money to go there in 4 years, so I worked my way through.

I made up for it when I went to Yale, because I graduated in 2 years instead of 3, because I was so smart. It took 5 years because I was so poor, and I made it up later on in 2 years because I was so smart.

Senator HELFIN. Well, we are delighted to see this group here, and the hour is getting late, but we appreciate your testimony of each and every one of you.

Senator METZENBAUM. Mr. Chairman?

The CHAIRMAN. Right. The Senator from Ohio.

Senator METZENBAUM. Mr. Chairman, my inquiry concerning this group was not—

The CHAIRMAN. Which group are you referring to, Senator?