

IN AND FOR THE COUNTY OF MARICOPA

1 ROBERT B. PHILLIPS, JR., by his
2 father and next of friend,
3 Robert S. Phillips, et al.,

No. 72909 ✓

4 Plaintiffs

JUDGEMENT AND ORDER
BY *W. S. Mahoney*

5 vs.
6 PHOENIX UNION HIGH SCHOOLS AND
7 JUNIOR COLLEGE DISTRICT, et al

500

8 Defendants.

9 This cause having regularly come on to be heard before
10 this Court, upon a motion for summary judgment being made by the
11 plaintiffs and by the defendants herein, this Court finds that
12 that portion of Chapter 138 of the 1952 Session Laws, Arizona,
13 amending Section 54-416, Arizona Code Annotated, 1939, and that
14 portion of Section 54-430, Arizona Code Annotated 1939, providing
15 that Boards of Trustees "may segregate groups of pupils", are un-
16 constitutional, and that the action of the Phoenix Union High
17 Schools and Junior College District in segregating members of the
18 African race from those of the Caucasian race is unlawful in that
19 it is a denial of the equal protection of law, and an unconstitu-
20 tional delegation of power to an administrative board.

21 IT IS, THEREFORE, ORDERED, that a permanent injunction
22 issue herein restraining and enjoining defendants, and each of
23 them, from making any distinction based upon race or color in the
24 admission of plaintiffs to the high schools of Phoenix, Maricopa
25 County, Arizona, unless an appeal is herefrom taken in the manner
26 and within the time prescribed by law.

27 Dated this 17th day of February, 1953.

W. S. Mahoney
Judge of the Superior Court

28 Approved as to form by

29 *W. S. Mahoney*
30 Attorney for defendants
31 February 17th, 1953.