



AMERICAN CIVIL LIBERTIES UNION

National Headquarters  
132 West 43 Street  
New York, NY 10036  
(212) 944-9800

Norman Dorsen  
PRESIDENT

Ira Glasser  
EXECUTIVE DIRECTOR

Eleanor Holmes Norton  
CHAIR  
NATIONAL ADVISORY COUNCIL

May 21, 1985

Gary K. Sebelius  
Eidson, Lewis, Porter & Haynes  
1300 Merchants National Bank Bldg.  
Topeka, Kansas 66612

Dan Biles  
Gates and Clyde  
Chartered Corporate Woods  
Building 27, Suite 120  
10975 Grandview  
Overland Parks, Kansas 66210

Karen Nichols  
Kansas Judicial Center  
Second Floor  
Topeka, Kansas 66612

Dear Gary, Dan, and Karen:

It seems to me that it would be to everyone's benefit if we could conduct the trial in this case in a way that would minimize factual disputes and instead focus on conclusions to be drawn from the facts. We have all acknowledged that at some point we'll have to sit down and work on stipulations of fact. In the same vein, I wonder whether you would be willing to identify any errors of fact you find in our expert reports. If you could do so, and do so before the expert depositions, we could avoid considerable wrangling over simple factual errors.

In making this suggestion, I'm not proposing that you necessarily disclose the disagreements I'm sure you'll have with conclusions in the reports -- only facts. Why argue about the year in which a school was opened or closed, for example, when that ought to be easily ascertainable.

Let me know what you think.

Sincerely,

Chris Hansen

CH:ln

cc: Richard Jones  
Charles Scott, Sr./Jr.  
Joseph Johnson