CHAIRPERSON'S STATEMENT

I AM BENJAMIN H. DAY, CHAIRPERSON OF THE KANSAS ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS. THE COMMISSION IS AN INDEPENDENT, BI-PARTISAN, FACTFINDING AGENCY OF THE FEDERAL GOVERNMENT. IT WAS ESTABLISHED UNDER THE 1957 CIVIL RIGHTS ACT TO INVESTIGATE CIVIL RIGHTS PROBLEMS AND MAKE RECOMMENDATIONS FOR CHANGE. IT HAS APPOINTED 51 ADVISORY COMMITTEES, INCLUDING MINE, TO ASSIST IT IN ITS EFFORTS.

IN A FEW DAYS IT WILL BE THE 25th ANNIVERSARY OF THE U.S. SUPREME COURT'S DECISION IN BROWN V. BOARD OF EDUCATION, IN WHICH THE COURT DECLARED THAT EQUAL EDUCATION WAS A CONSTITUTIONALLY PROTECTED RIGHT. IN BROWN II THE COURT REQUIRED "ALL DELIBERATE SPEED" TO ENSURE EQUAL EDUCATION. IN THE 1971 SWANN CASE, THE COURT DECIDED THAT THE TIME FOR DELIBERATION WHICH HAD CHARACTERIZED THE PRECEDING YEARS, WAS PAST, AND THAT SPEED SHOULD CHARACTERIZE SUBSEQUENT DESEGREGATION.

IT IS MORE THAN 20 YEARS SINCE THE FEDERAL DISTRICT COURT FOR KANSAS ISSUED ITS ORDER FOR IMPLEMENTING A PLAN TO BRING THE TOPEKA SCHOOLS INTO COMPLIANCE WITH THE LAW OF THE LAND. THAT CASE REMAINS "OPEN." TO THIS DAY, THERE IS SERIOUS CONCERN THAT TOPEKA SCHOOLS REMAIN SEGREGATED AND UNEQUAL.

IN JANUARY OF 1974, THE OFFICE FOR CIVIL RIGHTS OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE FOUND UNIFIED SCHOOL DISTRICT 501 (TOPEKA) IN NONCOMPLIANCE WITH TITLE VI OF THE 1964 CIVIL RIGHTS ACT. DUE TO A LEGAL TECHNICALITY HEW/OCR WAS NOT ABLE TO PROCEED AGAINST THE DISTRICT TO SECURE COMPLIANCE. BECAUSE OF THIS TECHNICALITY, FEDERAL JUDGE GEORGE TEMPLAR, BOTH ORALLY AND IN HIS MEMORANDUM OF DECISION AND FINDINGS OF FACT AND CONCLUSIONS OF LAW, URGED HEW THROUGH

THE U.S. DEPARTMENT OF JUSTICE TO PRESENT ANY EVIDENCE IT HAD SO THAT THE COURT COULD CONSIDER WHETHER THE DISTRICT WAS IN COMPLIANCE WITH THE LAW OF THE LAND.

FOLLOWING TWO YEARS OF NEGOTIATIONS, HEW/OCR ACCEPTED THE DISTRICT'S "LONG RANGE FACILITIES PLAN", TOGETHER WITH AN AFFIRMATIVE ACTION PROGRAM AND THE ESTABLISHMENT OF A CITIZENS ADVISORY BODY AS SUBSTANTIAL COMPLIANCE WITH TITLE VI REQUIREMENTS. ON SEPTEMBER 9, 1976, OCR MOVED TO DISMISS ITS TITLE VI ADMINISTRATIVE COMPLAINT BASED ON THIS AGREEMENT. HOWEVER, ON NOVEMBER 17, 1976 THE DIRECTOR OF OCR WROTE THE HEAD OF THE JUSTICE DEPARTMENT'S CIVIL RIGHTS DIVISION URGING THE JUSTICE DEPARTMENT TO COMPLY WITH JUDGE TEMPLAR'S REQUEST FOR DATA BECAUSE THE PLANS DID NOT CONSTITUTE AN ACCEPTABLE REMEDY OF EITHER TITLE VI OR CONSTITUTIONAL VIOLATIONS. TO THIS DAY NO EVIDENCE HAS BEEN SUBMITTED TO THE COURT IN THE STILL OPEN BROWN CASE. THE SCHOOL DISTRICT MAINTAINS THAT IT DOES NOT HAVE A DESEGREGATION PLAN.

THE ADVISORY COMMITTEE IS RELEASING TODAY A CASE STUDY DESCRIBING THE PROTRACTED NEGOTIATIONS BETWEEN THE TOPEKA SCHOOL DISTRICT AND HEW REGARDING VOLUNTARY COMPLIANCE, AS WELL AS COMMUNICATIONS BETWEEN HEW AND JUSTICE REGARDING APPROPRIATE ENFORCEMENT ACTION.

THE ADVISORY COMMITTEE IS CONCERNED OVER THE EVENTS SURROUNDING THE SETTLEMENT OF THE JOHNSON V. WHITTIER CASE. IT WAS ALLEGED IN THAT CASE THAT THE SCHOOL DISTRICT DID NOT PROVIDE A QUALITY EDUCATION FOR ITS STUDENTS. THE DISTRICT'S INSURANCE CARRIER DECIDED TO SETTLE THE MATTER RATHER THAN LITIGATE. FEDERAL DISTRICT JUDGE GEORGE TEMPLAR IN DECEMBER 1978, ORDERED THE SETTLEMENT SEALED FROM PUBLIC DISCLOSURE.

AFTER THE SETTLEMENT WAS MADE PUBLIC IN A NEWS ARTICLE, JUDGE TEMPLAR ADMITTED THAT HE APPARENTLY STUBBED HIS TOE IN SEALING THE MATTER. AS REPORTED IN AN APRIL 17, 1979 ARTICLE IN THE TOPEKA STATE JOURNAL JUDGE TEMPLAR FURTHER STATED THAT HE DOUBTED THE MERITS OF THE CASE. SINCE A FULL PRESENTATION OF ALL THE FACTS IN THE CASE WAS NEVER MADE, JUDGE TEMPLAR'S REMARKS WERE GRATUITOUS AND POSSIBLY WITHOUT JUSTIFICATION. HIS POSTURE IN SEALING THE JOHNSON CASE, TOGETHER WITH HIS STATEMENT ON THE MERITS OF THAT CASE HAVE TENDED TO CONFER ON THE JUDGE THE IMAGE OF PROTECTOR OF THE SCHOOL DISTRICT. WE ARE NOT ARGUING THAT THE IMAGE IS DESERVED; WE ARE SAYING THAT THIS PERCEPTION IS CURRENT AMONG SOME SEGMENTS OF THE COMMUNITY. IN LIGHT OF THIS SITUATION WE ASK JUDGE TEMPLAR TO CONSIDER WHETHER REMOVING HIMSELF FROM LITIGATION AFFECTING THE TOPEKA SCHOOL DISTRICT MIGHT BE APPROPRIATE.

BUT THE BURDEN OF ACTION FALLS UPON HEW AND THE JUSTICE DEPARTMENT. WE URGE THEM TO UNDERTAKE AN IMMEDIATE, THOROUGH AND COMPREHENSIVE INVESTIGATIO OF THE EXTENT TO WHICH THE TOPEKA SCHOOLS ARE IN COMPLIANCE WITH THE REQUIREMENTS OF THE CONSTITUTION AS OUTLINED BY THE U.S. SUPREME COURT IN BROWN, SWANN AND KEYES, CULMINATING IF NECESSARY IN RENEWED LITIGATION. BLACK SCHOOL CHILDREN IN TOPEKA HAVE SOUGHT EQUALITY IN EDUCATION FOR A QUARTER CENTURY. THE FEDERAL GOVERNMENT HAS A LONGSTANDING OBLIGATION TO MAKE THAT CONSTITUTIONAL RIGHT A REALITY.

25 Years After Brown: The Status of School Desegregation in Topeka, Kansas

As of September 15, 1978, Topeka public schools had a total enrollment of 17,480 students of whom 77.3 percent are white, 16.4 percent black, 4.6 percent Hispanic, 0.8 percent American Indian, 0.55 percent Asian American and 0.33 percent other minorities.

Topeka Unified School District No. 501 is the successor to the Topeka School District No. 23, a defendant in Brown v. Board of Education (347 US 483). The district court, on remand from the Supreme Court, issued an order on October 28, 1955 (139 F.Supp. 468). While acknowledging that the plan had some elements that it did not fully accept, the court accepted a plan proposed by the district. The court also found that in one school attendance district although "...the district is inhabited entirely by colored students, no violation of any constitutional right results because they are compelled to attend the school in the district in which they live." Though the plan was accepted as a "good faith effort", the court retained final jurisdiction "until such time as the Court feels there has been full compliance with the mandate of the Supreme Court."

During 1973 the Kansas City (Region VII) regional office of U.S. Department of Health, Education and Welfare, Office for Civil Rights (OCR), conducted a review of the Topeka schools. The review began because in a civil action, Johnson v. Whittier et. al, it had been alleged that HEW had never conducted a Title VI review of Topeka.

On January 11, 1974, the regional office for HEW's Office for Civil Rights issued a letter of noncompliance under Title VI of the Civil Rights Act of 1964 (42 USC 2000d et. seq.). In that letter OCR indicated that several aspects of the district's practices and facilities violated the provisions of Title VI, in that:

1. A substantial number of your schools continue to operate with student racial composition not consonant with a unitary plan of student assignment capable of fully desegregating your district.

2. Inter-attendance zone transfers have served to impede or retard the extent of desegregation otherwise possible in your district.

3. In the area of junior high school facilities: a) Most minority junior high school students in Topeka attend schools which are generally inferior in facilities to the junior high schools most white students attend ... b) Most minority students attend junior high schools that are significantly older, smaller in general classroom size, smaller in area of school site acreage, smaller in size of special facilities... and have significantly fewer auxiliary spaces...than the junior high schools most white students attend.

4. In the area of elementary school facilities: a) A significantly larger percentage of minority students as compared to white students attend elementary schools that have inadequate kindergarten rooms. b) A significantly larger percentage of minority students as compared to white students attend elementary schools that have relatively smaller library media centers.

On June 10, 1974, OCR sent a notice of deferral of Federal funds to the Topeka board and initiated administrative enforcement proceedings against the district.

On August 7, 1974, the district filed a lawsuit for declaratory judgment and a motion for a preliminary injunction against HEW, contending that HEW had no jurisdiction to initiate administrative pro-

ceedings against Topeka because the district was in compliance with a Court order. Judge George Templar of the Federal District Court in Kansas held a hearing on August 15, 1974. During that hearing he indicated to the U.S. Justice Department attorney who represented HEW that the appropriate remedy for any deficiencies found by HEW was a motion to the court in the still open Brown v. Board of Education. This point was reiterated in Judge Templar's Memorandum of Decision and Findings of Fact and Conclusions of Law on August 23, 1974, restraining any administrative law proceeding by HEW because the district was under Court order. The memorandum also stated that:

> This Court is now ready and available to hear any evidence and/or complaint which may properly be considered in determining whether plaintiff is in full compliance with the mandate of the Supreme Court which jurisdiction it reserved in its judgment of October 28, 1955. The Court requests defendants to come forward with any evidence it has from which this Court may determine whether there has been full compliance. The Court will modify the order contained in its judgment as may be necessary to fully comply with the law. (No. 74-160-C5, District Court, Kansas, August 23, 1974)

HEW told Commission staff that the Court instructed both parties to negotiate the noncompliance issues. The parties met several times. Judge Templar in a letter to a colleague on November 14, 1975 indicated he expected soon to hear arguments on the status of Topeka's desegregation.

On November 10, 1975, Mark Nusbaum, a staff writer for the Topeka Daily Capital wrote that HEW's approach to the Topeka case apparently would be affected by a general policy change that would accept segregated schools if students had to be bused "too far" to desegregate. OCR refused comment at that time.

The school district announced a "long range facilities plan" on March 17, 1976. It has been implemented, with modifications anticipating

action through 1981/82. The District asserted that the plan was and is not for desegregation, but merely outlines district strategy for the elimination of schools with too few students, upgrading of facilities and the realignment of attendance boundaries to maintain neighborhood schools. This plan, together with an affirmative action program and establishment of a citizens advisory body were accepted by OCR as constituting substantial compliance with Title VI, according to district officials.

On September 9, 1976 HEW filed a motion for dismissal of the administrative law proceedings. On October 18, 1976 Administrative Law Judge Benson C. Tomlinson stated in his order, based on HEW's motion, that "It appearing to the undersigned that the Respondent School District adopted a plan to remedy the violations of Title VI...alleged.../in HEW's Notice of Opportunity for Hearing the/ matter /shall/ be dismissed without prejudice." On October 20, 1976 the District and HEW filed with the Federal Court a stipulation of dismissal of the School district's lawsuit based on OCR's dismissal of the administrative proceedings.

However, on November 17, 1976 the director of OCR (Martin H. Cerry) sent a letter to the assistant attorney general in charge of the Civil Rights Division of the U.S. Department of Justice (J. Stanley Pottinger) outlining the facts of the case and the evidence against Topeka.

OCR stated that it did not accept the "long range facilities plan" as sufficient remedy for the alleged Title VI violations, because:

> "...The length of time provided for full implementation of the desegregation plan /sic/ renders it, in our view, both constitutionally unacceptable and unacceptable under the substantive requirements of Title VI of the Civil Rights Act of 1964...

The director of OCR asserted that "Despite a number of steps which have been or will be taken by the school district, the Department is still presently unable to determine that the district is in compliance with Title VI." He cited violations of constitutional requirements outlined by the U.S. Supreme Court in Alexander v. Holmes (396 US 19) and Swann v. Charlotte-Mecklenburg Board of Education (402 US 1). But he stated that HEW was restrained from requiring an adequate plan by Sec. 215 of the "Equal Education Opportunities Act of 1974" (20 USC 1713-1714) and Sec. 208 of the "Departments of Labor and Health, Education and Welfare Appropriation Act," (P.S. 94-439(Sept. 30, 1976)), which placed constraints on HEW's ability to order transportation of students for desegregation. HEW did not mention that it had agreed a month earlier to a stipulation of dismissal in Unified School District 501 v. Mathews (74-160-C5) that forbade Title VI administrative action, nor that it had moved for dismissal of the administrative law hearings based on substantial compliance. Mr. Gerry went on to state: "I believe that you will want to review the facts with a view toward taking appropriate steps to resolve this matter in the Federal courts, utilizing the general civil rights jurisdiction over educational activities available to you.... I would also strongly urge that, pursuant to his request, the Judge be advised by our counsel in this matter of the Department's conclusion that the school district has failed to comply with the substantive requirements of Title VI and the Fourteenth Amendment." The district has commented in its May 2, 1979 letter to Commission staff:

> The communication from OCR to the Department of Justice in November, 1976, quoted in this report, that the Department is unable to determine that the district

> is in compliance with Title VI seems inconsistent with HEW's stated position in September 1976, that the board's plan would remedy the violations of Title VI alleged by HEW. (District letter, May 2, 1979)

In the files of OCR's regional office is a copy of an undated and unsigned letter from the director of OCR to Judge Templar outlining OCR's view of the alleged violations of the law and constitution. It was never received by the court. The court received no information from either Department of Justice or OCR for entry into the record of Brown v. Board of Education. Judge Templar told Commission staff on May 10, 1978 that the fact that he indicated in his Memorandum of Decision...that the district was entitled to a preliminary injunction should not have led HEW or Justice to conclude he would hear unfavorably motions they might make in Brown. But some OCR officials did perceive the judge as protective of the schools.

According to Craig Crenshaw, Department of Justice attorney who represented HEW in the matter, the Civil Rights Division took no action on OCR's recommendation. Crenshaw said that the Division reviewed the files and facts of the Topeka case and decided that pursuit of a remedy under Brown would not be the best use of the Division's limited resources.

OCR regional office personnel stated in 1978 that they had no authority to revive litigation in Topeka. The regional office of OCR had not reviewed Topeka since it recommended Title VI administrative action in 1974. The district asserts that it was sending information to OCR (Kansas City) constantly and was under the impression that it was under review until 1976.

Parallel to HEW's activity was private litigation, Johnson v. Whittier, et al. (No. T-5430) filed in 1973 in which a black child

claimed that she had received an inferior education because of her race. Although the district court denied class status in 1975, the individual plaintiff was allowed to proceed. The Supreme Court refused to review the decision on class action. (Cert. denied October 4, 1976 U.S. Supreme Court 75-1759)

In an order filed Dec. 15, 1978, the plaintiff received $19,500 which was paid by the district's insurance company, of which $7,046.08 was placed in trust for the plaintiff. The rest went for legal fees and expenses incurred by attorney Fred W. Phelps. The order was sealed by the judge until a copyrighted article in the Kansas City Star on April 15, 1979 revealed all the details. The records were unsealed on April 17. In settling the case, the Topeka superintendent of schools stated that:

> Settlement of the case was not an admission by the district of any wrongdoing on its part, or that Evelyn Johnson had been offered less than a quality education. Through the time the case was pending and at the time the case was settled, the district denied the validity of Evelyn Johnson's claim and the district does so today.
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> The board believes the insurance company's decision to settle and end this litigation was made on an economic dollars and cents basis--the company weighed the amount it would take to settle the case against the probable cost of additional years of litigation and chose to end the case. (Topeka State Journal, April 17, 1979)

The superintendent went on to assert that, as the Topeka State Journal reports," ...the dismissal of a lawsuit by the Department of Health, Education and Welfare shows the actions and decisions of the board have been successful." (April 17, 1979) In fact, the case was dismissed by stipulation of both parties.

Commenting on the Johnson settlement, Judge George Templar stated: "I realized at the time the matter came on for settlement that the defendants felt that it was cheaper to settle it than to try it, but the case had doubtful merit. And I certainly would have been willing to try it. But it's certainly the policy of the court to encourage settlement." (Topeka State Journal, April 17, 1979)

In the aftermath of the furor over the secret settlement, HEW announced that it would send an investigation team to determine whether the Topeka system is in compliance with Brown v. Board of Education. The investigation was prompted in part by a complaint filed by Dr. Richard Gellar, a white parent. Although the complaint was filed in 1978, HEW stated that:

> At that time it was our understanding we did not have jurisdiction. Our practice has been that when there is a case pending before the Federal Court we do not investigate.
>
> What we got is a statement by the Justice Department that there was no restriction on the Office for Civil Rights for investigative purposes in Topeka. (Kansas City Star, April 19, 1979)

A representative of the regional office of HEW/OCR stated that the review would include "the policies and practices of the district, present and past, and whether they are causing resegregation in the district." (Ibid.) Subsequently, OCR modified its position. It indicated, in its letter to the district of April 25, 1979, that the investigation would be limited. OCR officials told Commission staff that the investigation would be limited to the allegations made by Dr. Gellar and would include only a review of the present impact of

the long range facilities and open enrollment plans, and the impact on Central Park School. (Lois Carter, telephone interview, May 2, 1979) The district has commented in its May 2, 1979 letter to Commission staff:

> HEW's announcement in 1979 that it will investigate the Topeka schools is difficult to understand in view of the fact that the district has proceeded to carry out its plans submitted to HEW in 1976. (District letter, May 2, 1979)

On October 19, 1978, Louis Nunez, staff director of the U.S. Commission on Civil Rights, wrote to Drew S. Days, III, Assistant Attorney General in charge of the civil rights division of the U.S. Department of Justice. After summarizing the narrative reported here, Mr. Nunez asked what action the department had taken or intended to take with regard to Topeka. Despite repeated phone calls to its Civil Rights Division, Justice Department did not reply until March 1, 1979.

In its letter Justice said that:

> HEW was sufficiently satisfied with the district's 'facilities' plan to dismiss the administrative proceedings, whereupon the district dismissed its lawsuit against HEW. (Justice letter, Mar. 1, 1979)

HEW did accept the "Long Range Facilities Plan" in a motion for dismissal of the administrative law proceedings on September 9, 1976. Indeed, HEW reportedly told the district that implementation of the "facilities plan", an affirmative action program and establishment of a citizens advisory committee would bring the district into substantial compliance with Title VI. However, on November 17, 1976, HEW wrote to Justice that the "Long Range Facilities Plan" was not acceptable under

Brown, subsequent court decisions, or Title VI regulations. HEW stated that unresolved issues remained which could be dealt with only by Justice Department action, and that the Topeka schools remained in noncompliance with the law.

Under the 1977-78 revision of the facilities plan and based on 1978-79 data provided by the school district, of 10 elementary schools affected by school closures, only two would be brought within 50 percent of the district elementary school average. Of six middle schools in the district, only three will be brought within 50 percent of the district average. Although this plan is not a school desegregation plan, as such, the district states that reduction of racial isolation is intentionally promoted where feasible.

In the 1978-79 school year 20 of 29 elementary schools, 6 of 9 junior high schools and 1 of 3 senior high schools had minority enrollments which varied from the district average by more than 50 percent (excluding special programs). (Nine of 26 elementary schools and half of the new middle schools (3 of 6) in the 1980-81 school year are projected by the district to be within range. The high school pattern will remain unchanged.) Of the five elementary schools named by OCR in January 1974 as having disproportionate minority student compositions "clearly the result of a former dual pattern of operation," the current plan (1977-78) would close two and, decrease minority enrollment in three in the 1981-82 school year (although not below 50 percent above the district average). (At Lowman Hill school minority enrollment would drop from 42.2 percent in 1977-78 to 39.3 percent in 1981-82; at Belvoir

it would drop from 80.9 percent to 60.3 percent; at Lafayette it would drop from 67.6 percent to 59.7 percent.)

The district's report on the effects of the "Open enrollment" policy, introduced in the 1978-79 school year has not been analyzed by Commission staff.

The Coordinating Committee of the Black Community (CCBC) and the Topeka branch of the NAACP stated in April 1978 that: "Desegregation is continuing at a snail's crawl in one direction and at a rabbit's pace in the other. By 1981 busing of students to a so-called "interschool" will be commonplace. For the most part it will be "one way busing." The district denies this is true.

These two community groups stated that there was considerable white flight. The school district disagreed. While the proportion of minority students in the district has risen from 16.79 in 1968 to 22.18 in 1978, it is not clear whether this is due to flight or demographic changes.

The CCBC and the NAACP asserted in 1978 that "desegregation is bogged down in 'paper compliance'; stifled in the courts and resisted in the hearts and minds of the powers to be."

The Kansas City Times reported in 1979 that black leaders believe that:

> ...the new 'open enrollment' policy perpetuates the very thing that Brown sought to erase--racism. School district officials deny it.
>
> Inherently, black leaders contend, the 'open enrollment' plan discriminates against poor blacks who cannot get a ride to school. Nor does the plan accurately gauge whether white children are fleeing schools with high black enrollments. Parents don't have to say why they want their child transferred, a weakness acknowledged by school officials. (Kansas City Times, April 21, 1979)

Charles Scott, one of the attorney's in the original Brown v. Board of Education, said:

> If significant progress had been made since Brown v. Topeka ...the aunt of Evelyn Rene Johnson would not have filed a suit in 1973 claiming she was receiving an inferior education. (Ibid.)

Twenty-five years after the Supreme Court's historic ruling, the Federal District Court had yet to state that Topeka is in full compliance with the law and the Constitution.

Sources relied on for this survey include: Brown v. Board of Education, et.al., Opinion and Order (Civil Action T-316, Oct. 28, 1955); Transcrip of hearing held Aug. 15, 1974 in Unified School District No. 501 v. Weinberger; Memorandum of Decision and Findings of Fact and Conclusions of Law in Unified School District No. 501 v. Weinberger (Aug. 23, 1974); Stipulation of Dismissal Unified School District No. 501 v. Mathews (Oct. 20, 1976); Taylor August, Regional Director, OCR, letter to Merle Bolton, Superintendent of Unified School District 501, June 10, 1974; Martin Gerry, Director of OCR, letter to J. Stanley Pottinger, Asst. Attorney General in charge of the Civil Rights Division, U.S. Department of Justice, Nov. 17, 1976; undated letter Martin Gerry to Judge George Templar; Drew Days III, Assistant Attorney General, letter to Louis Nunez, Staff Director, U.S. Commission on Civil Rights, Mar. 1, 1979; Taylor August, letter to James M. Gray, Apr. 25, 1979; Order of Dismissal by Administrative Law Judge Benson C. Tomlinson in Unified School District 501 v. State Department of Education (Oct. 20, 1976); James M. Gray, Superintendent of Unified School District 501, letter to Thomas L. Neumann, Regional Director, U.S. Commission on Civil Rights, Apr. 5, 1978 and letter to Melvin L. Jenkins, Esq., May 2, 1979; NAACP, Topeka Branch and Coordinating Committee of the Black Community, letter to Thomas L. Neumann, Apr. 6, 1978. Interviews with Taylor August, OCR; Craig Crenshaw, Department of Justice attorney; Judge George Templar, District Court for Kansas; James M. Gray and members of his staff. Telephone interview with Lois Carter, May 2, 1979. The following articles from the Topeka Daily Capital were reviewed: "School Suit to Challenge HEW Action," Aug. 7, 1974; "Thanks to School Board," Jan. 6, 1975; "School Advisory Leader Feels Authority Slighted," Jan. 6, 1974;

"Improvements Planned at Three Junior Highs," Mar. 5, 1975; "Topeka Busing Under Scrutiny," Nov. 10, 1975. The following articles from the Topeka State Journal were reviewed: "Johnson Discrimination Files Open," Apr. 17, 1979; "Topeka Schools Pay Bias Claim," Apr. 15, 1979. The following articles from the Kansas City Star were reviewed: "Topeka Judge Hushed Civil Rights Settlement," Apr. 15, 1979; "Lawsuit Triggers Criticism," Apr. 16, 1979; "HEW to Probe Topeka School Racial Policies," Apr. 19, 1979; and Kansas City Times, "In Topeka, Question Is Still Equality," Apr. 21, 1979.