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Topeka, Kansas, 66612
913/296-2215
MC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

OLIVER BROWN, et al.,	Plaintiffs,)	
)	
and)	
)	
CHARLES and KIMBERLY SMITH,)	
minor children, by their mother and)	Case No.:
next friend, LINDA BROWN SMITH,)	
et al.,	Intervening)	
	Plaintiffs,)	T-316
)	
v.)	
)	
BOARD OF EDUCATION OF TOPEKA,)	
SHAWNEE COUNTY, KANSAS, et al.,	Defendants.)	

FIRST SET OF INTERROGATORIES PROPOUNDED
TO INTERVENING PLAINTIFFS BY DEFENDANT
JOHN CARLIN, GOVERNOR OF THE
STATE OF KANSAS

Pursuant to Rule 33, Federal Rules of Civil Procedure, defendant John Carlin propounds the following interrogatories to be answered, in writing, under oath, within thirty (30) days from the date hereof, by intervening plaintiffs. Said interrogatories should be considered continuing in nature and should be appropriately supplemented pursuant to Rule 26, Federal Rules of Civil Procedure.

INTERROGATORIES

1. State the full name, address, title, age, and relationship to this lawsuit of the person answering these interrogatories on behalf of the intervening plaintiffs.

ANSWER:

2. With respect to your allegation in paragraph 5 of your amended complaint that the State of Kansas has not seen fit to comply with the Court's order to desegregate the schools and establish a unitary and integrated school system, state:

- a. Each and every fact upon which you rely to support your allegation that the State of Kansas has failed to comply with the Court's order in Brown v. Bd. of Education of Topeka;
- b. The description, location, nature, condition, and custody of any documents, reports, memoranda, letters, or other tangible items upon which you rely to support this allegation;
- c. The names, addresses, and present whereabouts of persons upon whom you rely to substantiate the allegation.

ANSWER:

3. With respect to paragraph 12 of your amended complaint that the unconstitutional segregation alleged to be present in Topeka schools today stems from a Kansas statute in effect in 1951 authorizing racial segregation in elementary schools, state:

- a. Each and every fact upon which you rely to support the allegation that the unconstitutional segregation present in Topeka public schools stems from a Kansas statute in effect in 1951 authorizing racial segregation in elementary schools;
- b. The description, location, nature, condition, and custody of any documents, reports, memoranda, letters, and other tangible items upon which you rely to substantiate the allegation;
- c. The names, addresses, and present whereabouts of persons upon whom you rely to substantiate the allegation.

ANSWER:

4. With respect to your allegation in paragraph 13 that the state officials have direct executive and/or administrative responsibility for the school system of the State of Kansas, including Unified School District No. 501 in accordance with the provisions of Article 6, section 2 of the Constitution of Kansas, state:

- a. Each and every fact upon which you rely to support your allegation that the Governor of the State of Kansas, John Carlin, has direct executive and/or administrative responsibility for the school system of Kansas;
- b. The description, location, nature, condition, and custody of any documents, reports, memoranda, letters, or other tangible items upon which you rely to substantiate the allegation that Governor Carlin has direct executive and/or administrative responsibility for the school system of Kansas;
- c. The names, addresses, and present whereabouts of persons upon whom you rely to substantiate the allegation that Governor Carlin has direct executive and/or administrative responsibility for the school system of Kansas.
- d. The relevant provisions of any Kansas laws or statutes you are claiming gives Governor Carlin direct executive and/or administrative responsibility for the school system of Kansas. ✓

ANSWER:

5. List each and every act you are alleging was taken by Governor Carlin with respect to the maintenance, policy, planning, or operations of Unified School District No. 501, and provide a description, location, nature, condition, and custody of any documents, reports, memoranda, letters, or other tangible items upon which you rely to substantiate this allegation.

ANSWER:

6. List any control you are alleging was exercised by Governor John Carlin with respect to the policies or planning of school boundaries, long-range facility plans, facilities, equipment, and instruction, or assignments of teaching personnel in Unified School District No. 501.

ANSWER:

7. Are you claiming Governor John Carlin had any knowledge of any intentional segregative practices on the part of Unified School District No. 501? If your answer to this interrogatory is in the affirmative, state:

- a. All facts upon which you rely to support that Governor John Carlin had any knowledge of any intentional segregative practices on the part of Unified School District No. 501;
- b. The description, location, nature, condition, and custody of any documents, reports, memoranda, letters, or other tangible items upon which you rely to substantiate said allegation;
- c. The names, addresses, and present whereabouts of persons upon which you rely to substantiate said allegation.

ANSWER:

8. Are you claiming Governor John Carlin intentionally supported any intentional segregative practices by Unified School District No. 501? If your answer to this interrogatory is in the affirmative, state:

- a. All facts upon which you rely to support that Governor John Carlin intentionally supported intentional segregative practices on the part of Unified School District No. 501;
- b. The description, location, nature, condition, and custody of any documents, reports, memoranda, letters, or other tangible items upon which you rely to substantiate the allegation that Governor John Carlin intentionally supported intentional segregative practices on the part of Unified School District No. 501;
- c. The names, addresses; and present whereabouts of persons upon which you rely to support the allegation that Governor John Carlin intentionally supported intentional segregative practices on the part of Unified School District No. 501.

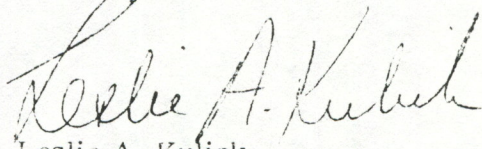
ANSWER:

9. List all provisions of any law or statute of the State of Kansas you claim imposes any responsibility or affirmative duty upon Governor John Carlin to control the policies, facilities, equipment, curriculum and instruction, or personnel assignments of Unified School District No. 501.

ANSWER:

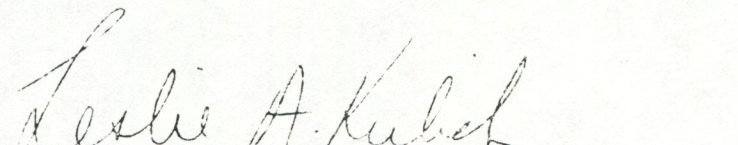
DATED the 6th day of July, 1982.

ROBERT T. STEPHAN
Attorney General


Leslie A. Kulick
Assistant Attorney General

CERTIFICATE OF SERVICE

This is to certify that the original and two copies of the foregoing first set of interrogatories to intervening plaintiffs was served by depositing same in the United States Mail, first class postage prepaid, the 6th day of July, 1982, to: RICHARD E. JONES, 605 S.E. Quincy, Topeka, Kansas, 66603, JOSEPH D. JOHNSON, 820 Quincy, Topeka, Kansas, 66612, Attorneys for Intervening Plaintiffs; a copy to CHARLES SCOTT, SR., and CHARLES SCOTT, JR., 724 1/2 Kansas Avenue, Topeka, Kansas, 66603, Attorneys for Plaintiffs, and a copy to K. GARY SEBELIUS, 1300 Merchants National Bank Building, Topeka, Kansas, 66612, Attorney for Unified School District No. 501.


Leslie A. Kulick

VERIFICATION

STATE OF KANSAS, SHAWNEE COUNTY, SS:

_____, of lawful age, being first duly sworn according to law, deposes and states:

He/She is one of the intervening plaintiffs herein; that he/she has read the foregoing interrogatories propounded to the intervening plaintiffs by defendant Carlin with answers thereto; that said answers are true and correct.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this _____ day of _____, 1982.

Notary Public

My appointment expires:

CERTIFICATE OF SERVICE

This is to certify that the original and one copy of the foregoing interrogatories, together with answers thereto, were served by depositing same in the United States Mail, first class postage prepaid, the _____ day of _____, 1982, to: LESLIE A. KULICK, Assistant Attorney General, Kansas Judicial Center, 2d Floor, Topeka, Kansas, 66612, Counsel for Defendant John Carlin.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

OLIVER BROWN, et al.,

Plaintiffs,

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CHARLES and KIMBERLY SMITH,
minor children, by their mother
and next friend, LINDA BROWN
SMITH, et al.,

Intervening Plaintiffs,

v.

BOARD OF EDUCATION OF TOPEKA,
SHAWNEE COUNTY, KANSAS, et al.,

Defendants.

Case No:

T-316

SUPPLEMENTAL ANSWER TO
JOHN C. CARLIN'S FIRST SET OF INTERROGATORIES

The plaintiffs at this time and in the absence of having received any answers to their interrogatories directed to the state officials, are not relying on any facts or authority other than that listed in their answer to the Governor's interrogatory number two, to establish the Governor's liability.