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March 17, 1983

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60 East 86th Street  
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Re: Brown III

Dear Ken:

I apologize for not getting this letter to you the first thing this week as I had promised. I was in Atlanta last Friday, and then in Washington for several days early this week. So, I'm tardy. But that probably doesn't matter.

In this letter, I'll briefly summarize several of the basic points we discussed at lunch last week, and also set forth a very tentative outline of the expert testimony we're considering for this case.

First, here's my summary of several of the basic points we discussed last week about Brown III. (1) We'd like you to give testimony as an expert witness on the liability case, testimony that also will have an indirect impact upon remedy. Your expert testimony would pertain to the psychological/sociological effects of racial isolation upon black children and on white children. The wrinkle in this case is that in Topeka there no longer are any all-black schools or even any all-white schools. Instead, the "black" schools are only predominantly black, while the "white" schools have a miniscule number and percentage of black students. As an aside, there also are a number of relatively racially balanced, desegregated schools. (2) Preparation for this testimony ultimately will involve a review or update of the literature, and familiarity with the Topeka school system. Neither of these tasks, however, need be undertaken now, or even in the next several months. Initially, I simply want to bring ourselves into a position which will allow us to try to negotiate a consent remedy. Your help on this other matter of course would be appreciated. (3) All I need from you right now is a copy of your resume or vita. Strange as this request may seem, I need it for the simple reason that the defendant Topeka school system long ago asked us in interrogatories for the names and resumes of all of our expert witnesses.



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Second, although we haven't yet put all the facts together, I do have a tentative outline of our proposed proof and proposed expert testimony on the liability case. The liability case will focus basically on proving two points: first, based on "northern" school segregation proof and on expert testimony, we will show that the secondary schools were segregated at the time of Brown I; second, based on remedial proof, we will show that Brown II affirmative disestablishment and desegregation were never put into effect in the elementary schools or in the secondary schools. Expert testimony will illuminate this proof and add to it probably through four types of expert testimony. (1) Experts would walk the court through the pre-Brown I and post-Brown II segregative actions of the Topeka school system. I hope that Gordon Foster will work with us on this; Bill Lamson is already involved -- as I needed some early graphics and map -- and will work with us. (2) Experts would explain historical acts of segregation in the schools and elsewhere in Topeka. We have a reference on this to a Kansas historian whom I haven't yet contacted. If he's unwilling or unprepared, I'll find another historian. Richard Kluger may also be willing to work with us as an expert. (3) An expert would describe the psychological/sociological effects of racial isolation. For this testimony we've contacted Kenneth Clark. Thank you. (4) An expert, after a study of the Topeka school system, would explain the actual physical disparities between predominantly black schools and predominantly white schools with regard to educational facilities/curricula/teaching/ etc. There are several potential candidates for this role, none of whom I've yet contacted.

What I haven't yet provided you is a written narrative describing, inter alia, the salient characteristics and statistics of the Topeka school system in 1979 (when this case was reopened as Brown III) and for the several decades prior thereto. Such a document will be prepared in the near future, and forwarded to you immediately thereafter.

In the meantime, I thank you sincerely for your willingness to revisit the Brown cases and to become involved in Topeka. And, although I remain duly apologetic, please do send me your resume or vita.

I look forward to talking with you soon.

Sincerely,

E. Richard Larson

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