

Interrogatory No. 1

The intervening plaintiffs characterized certain schools as "racially identifiable" in response to No. 1(c) to Defendant U.S.D. 501's First Set of Interrogatories and Request for Production of Documents. Those schools are:

Belvoir
Buchanan
Central Park
Highland Park Central
Highland Park North
Lafayette
Grant
Lowman Hill
McKinley
Monroe
Parkdale

Polk
Quinton Heights
Rice
Washington
Boswell Junior High
Crane Junior High
East Topeka Junior High
Eisenhower Junior High
Highland Park Junior High
Highland Park High School

As to each school, do you contend any school is "racially identifiable," in whole or in part, due to the enactment of Section 72-1274 of the Kansas General Statutes of 1949 or any other Kansas state law authorizing maintenance of separate schools on account of race?

ANSWER

If yes, describe specifically, and separately, as to each school the following:

- a. the facts upon which you rely for this claim;
- b. identify the specific source of the facts upon which you rely for this claim;
- c. list and identify the specific documentary evidence and particularly indicate anything which will be used as a trial exhibit with respect to this claim;
- d. give the names, telephone numbers and addresses of all persons expected to be called as witnesses to prove this claim at the trial of this case.

ANSWER:

(a) Yes. K.S. 72-1724 represented part of a history of legalized discrimination in education authorized by the State of Kansas since the time of the adoption of the Fourteenth Amendment. The Kansas Legislature first passed laws which permitted segregation of the races in public schools in 1862

(Compiled Laws, Chap. 46, §§ 18-19). The Kansas Legislature never abolished segregation of the races in education and K.S. 72-1724 permitted cities of the first class to establish and maintain separate grade schools on the basis of race.

In Brown I, K.S. 72-1724 was held unconstitutional. Since 1954, all of the defendants in Brown I, including all past and present Kansas state officials acting in the interest of Kansas public education, have been under an affirmative duty to desegregate the public schools and end the racial discrimination previously allowed by Kansas' constitutional and legislative schemes for governing education, including K.S. 72-1724. There are no indications that Kansas state officials have ever taken affirmative steps to assure that U.S.D. 501 or its predecessors have complied with the order to desegregate.

The present racial identifiability of schools within U.S.D. 501 results from the failure of both local and state officials to comply with the 1955 order to eliminate the by-product of K.S. 72-1724. The Topeka school board united with the State in its defense of the constitutionality of K.S. 72-1724. (Topeka School Board Minutes of December 1, 1952 and November 18, 1953). Because of Brown II, the State officials' supervisory duties over education and their interaction with local school districts also carry an affirmative duty to act in the interest of desegregating the Topeka school system. Any acts of the Topeka School Board which perpetuated or which failed to desegregate "with all deliberate speed" are also a joint act or failure to act by Kansas state officials.

The acts of U.S.D. 501 which have contributed to or perpetuated racial discrimination in the Topeka public school system are not those of an independent and autonomous body. Kansas state officials have supervisory duties requiring surveillance and continuing interaction with local school boards. The State Board of Education, among other things, publishes school laws, rules and regulations (K.S. § 72-120 (1980)); selects subject matters within the field of instruction mandated by the Legislature (K.S. 72-1101 (1980)); applies for and supervises the expenditure of federal funds by local school districts (K.S. §§ 72-126, 72-127, 72-6201, 72-6202) administers and supervises local administration of federal food service programs (K.S. 72-5112 et. seq. (1980)); approves bonds issued by local school boards for school construction and other needs (K.S. 72-6761 (Cum. Supp. 1982)); determines state aid entitlement for local districts (K.S. 72-7043 (Cum. Supp. (1982))); orders and approves the transfer of territory between school districts; (K.S. 72-7108 (1980)); and approves consolidations of school districts (K.S. 72-8703)).

Many of the actions of the Topeka school board which have contributed to or perpetuated racial discrimination fall under the supervisory duties exercised by the Kansas State Board of Education. They include a pattern and practice of opening and closing schools, making boundary changes, annexations and de-annexations, creating optional attendance zones, modifying existing attendance zones, and supporting open enrollment and transfer policies, all of which have perpetuated and/or promoted

racial segregation among students and therefore effectuated a racially segregated school system. The Kansas state officials have allowed the Topeka School Board to design and implement various building and construction plans involving all of the elementary and secondary schools which have included, among other things, permanent and temporary additions to existing facilities, siting and erecting new schools, closing certain schools and reassigning students in a manner which has perpetuated and/or promoted racial segregation. Defendants have allocated funds to support each of the policies and plans described above, as well as to implement policies to maintain separate and unequal schools and facilities, including, among others, segregative faculty assignments and transfer policies, and allocation of unequal physical, curricular and extra-curricular facilities to racially identifiable schools.

(b)(c) See Board Minutes of Topeka, and acts of Defendant as described in Intervening Plaintiffs' Response to U.S.D. 501's First Set of Interrogatories (April 13, 1984).

(d) To date only the individuals listed below have been identified as witnesses who will testify on the facts and the segregative impact of actions taken by the defendants which have contributed to racial segregation in the Topeka schools

Mr. William Lamson
704 Windward Road
Jackson, MS
(601) 982-3849

Dr. Gordon Foster
7751 S.W. 131st Street
Miami, FL 33156
(305) 284-3212

Interrogatory No. 2.

The intervening plaintiffs characterized certain schools as "racially identifiable" in response to No. 2(c) to defendant U.S.D. 501's First Set of Interrogatories and Request for Production. Those schools are:

Avondale West	Quinton Heights
Avondale Southwest	Randolph
Bishop	Rice
Crestview	Sheldon
Central Park	State Street
Gage	Stout
Highland Park South	Sumner
Hudson	Whitson
Lafayette	Capper Junior High
Linn	Eisenhower Junior High
Lundgren	French Junior High
Lyman	Jardine Junior High
McClure	Landon Junior High
McEachron	Roosevelt Junior High
Polk	Topeka West High School
Quincy	

As to each school, do you contend any school is "racially identifiable," in whole or in part, due to the enactment of Section 72-1724 of the Kansas General Statutes of 1949 or any other Kansas state law authorizing maintenance of separate schools on account of race?

ANSWER

If yes, describe specifically, and separately, as to each school the following:

- a. the facts upon which you rely for this claim;
- b. identify the specific source of the facts upon which you rely for this claim;
- c. list and identify the specific documentary evidence and particularly indicate anything which will be used as a trial exhibit with respect to this claim;
- d. give the names, telephone numbers and addresses of all persons expected to be called as witnesses to prove this claim at the trial of this case.

ANSWER:

See the answer to Interrogatory No. 1.

Interrogatory No. 3

Do you allege any policies, practices, procedures, rules or regulations of the Kansas State Board of Education, Kansas State Department of Education or their legal predecessors, has preserved or promoted the alleged racial segregation complained of in this case?

ANSWER

If yes, describe specifically and separately the following:

- a. each of the specific practices, procedures, rules or regulations you claim preserves or promotes the alleged racial segregation;
- b. the facts upon which you rely to claim each practice, procedure, rule or regulation preserves or promotes the alleged racial segregation;
- c. identify the specific source of the facts upon which you rely for this claim;
- d. list and identify the specific documentary evidence and particularly indicate anything which will be used as a trial exhibit with respect to this claim;
- e. give the names, telephone numbers and addresses of all persons expected to be called as witnesses to prove this claim at the trial of this case.

ANSWER:

(a) Yes. See the answer to Interrogatory No. 1. The Kansas State Board of Education has maintained a practice since 1954 of not taking a single affirmative step to accelerate the process of desegregation in Topeka. The Governor of Kansas, the State Board of Education, Department of Education, or the Commissioner of Education, and any other past or present Kansas official empowered to act in the interest of Kansas public education (e.g. Department of Public Instruction and State Superintendent), have maintained a policy of abdication of the responsibility for desegregation in Topeka. No immediate effort was even made to have K.S. 72-1724 repealed by the Legislature.

The State officials have never sought to encourage desegregation by, for example, attempting to condition approval of funds for the Topeka School District, accreditation of schools, transfers of territories between school districts, or other procedures incident to annexations or de-annexations on the Board's also complying with the order to desegregate the schools.

(b) The series of acts of the Topeka School Board described in the answer to Interrogatory No. 1(a) have received the tacit approval of the Kansas State Board of Education by its failure to object to or prevent the implementation of decisions having a foreseeable segregative impact.

(c)(d)(e) See the answers in Interrogatory No. 1.

Interrogatory No. 4

Do you allege any act or acts of the Kansas State Board of Education, Kansas State Department of Education or their legal predecessors, has preserved or promoted the alleged racial segregation complained of in this case?

ANSWER

If yes, describe specifically and separately the following:

- a. each of the specific practices, procedures, rules or regulations you claim preserves or promotes the alleged racial segregation;
- b. the facts upon which you rely to claim each practice, procedure, rule or regulation preserves or promotes the alleged racial segregation;
- c. identify the specific source of the facts upon which you rely for this claim;
- d. list and identify the specific documentary evidence and particularly indicate anything which will be used as a trial exhibit with respect to this claim;
- e. give the names, telephone numbers and addresses of all persons expected to be called as witnesses to prove this claim at the trial of this case.

ANSWER:

This Interrogatory seeks the same information sought in Interrogatory No. 3. An act of (acts of) the Kansas State Board of Education which might have preserved or promoted racial segregation is (are) necessarily incident to the authority or habit of acting under policies, practices, rules and regulations to preserve or promote racial segregation.

See the answer to Interrogatory No. 3.

Interrogatory No. 5

State the names and addresses of any witnesses the plaintiffs intend to use to prove their case as alleged against these defendants.

ANSWER:

Many witnesses remain unidentified.

To date only the individuals listed below have been identified as witnesses who will testify on the facts and the segregative impact of actions taken by the defendants which have contributed to racial segregation in the Topeka schools:

Mr. William Lamson
704 Windward Road
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Interrogatory No. 6

If you intend to call as a witness any individual who may have the qualifications to testify as an expert to prove your case as alleged against these defendants, state:

- a. the name and address of each such individual;
- b. the subject matter upon which the expert is expected to testify;
- c. the substance of the facts and opinions to which the expert is expected to testify;
- d. a summary of the grounds for each such opinion;
- e. the field of expertise of the expert;
- f. set forth in detail the qualifications and training of the expert, including professional and practical experience, educational institutions attended, and degrees obtained. As to each item listed in the answer to this interrogatory, set forth the relevant dates and the nature and identity of each institution attended and of each place at which experience or training was received;
- g. set forth the exact title of any and all articles or publications written by the expert relating in any way to his or her field of expertise or the subject matter of his or her anticipated testimony. As to each such article or publication, identify the publisher and set forth the date and location of publication;
- h. set forth a detailed description of any and all oral reports, conclusions, or comments ever prepared by the expert with respect to the subject matter of this litigation.

ANSWER:

(a)(b)(c)(d) To date plaintiffs intend to call as expert witnesses the individuals listed below who will testify on the racially segregative impact of actions taken by U.S.D. 501 and its predecessors or failures to act by U.S.D. 501 and the Kansas state defendants including, among others, the creation of optional attendance zones, boundary changes, annexations and de-annexations, opening and closing of certain schools and support

of open enrollment and transfer policies.

Additional persons who may serve as expert witnesses to testify on policies and practices which perpetuated and/or promoted racial segregation within Unified School District No. 501 remain unidentified but supplemental information will be provided as soon as it is available to plaintiffs:

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(e)(f)(g) Resumes are being provided in a supplemental response to this interrogatory which will detail the field of expertise of each individual, his or her practical and professional experience in the stated field of expertise and, where relevant, titles of articles or publications relating to such field and the subject matter which qualifies the person to serve as an expert witness in this litigation.

(h) To the extent this interrogatory seeks details on oral comments or conclusions given by expert witnesses, an objection is made on grounds that the final question is burdensome and not an appropriate subject of discovery. If the question seeks discovery of written expert reports, no such reports exist to date but they will be made available to defendants when plaintiffs receive it (subject to defendants similarly agreeing to supply experts reports.)

Interrogatory No. 7

Do you claim the Kansas State Board of Education, Kansas State Department of Education, Kansas Commissioner of Education or their legal predecessors rejected any plan or proposal (formal or informal) which you believe would have had an integrative effect on the operation and maintenance of the Topeka School District or USD 501 at any time beginning with the 1950-51 school year to the present? If so, please state:

- a. identify and describe each such plan or proposal, indicating by whom it was submitted and the date of its submission to the Board, Department or Commissioner;
- b. the specific facts upon which you rely for your claim that the adoption of such plan or proposal would have had an integrative effect on the maintenance and operation of the Board, Department of Commissioner;
- c. identify the specific source of the information upon which you rely for this claim;
- d. list and identify the documentary evidence and particularly indicate anything that would be used as a trial exhibit which will prove that such plan or proposal would have had an integrative effect;
- e. give the names, telephone numbers and addresses of all persons expected to be called as witnesses to establish these facts at the trial of this case.

ANSWER:

Yes. In light of the connection between acts of the Topeka School Board and the Kansas State Board of Education by virtue of the equal duty imposed on these defendants in Brown I and II, the constitutional and statutory scheme creating a supervisory role of the State over the actions of local school boards, and the absence of affirmative steps by State officials to assure the implementation of an effective desegregation plan, acts of the Topeka School Board in rejecting plans or proposals having a potential for integration are attributed as non-compliance at the State level.

Both formal and informal desegregation plans having the

potential for an integrative effect on the Topeka Unified School District have been rejected by the Topeka School Board. To date plaintiffs know of:

(1) a proposal made by the NAACP on December 21, 1955 to the School Board to make integration of the teaching faculty part of the Topeka Four-Step Plan for Desegregation proposed in 1954, which proposal was rejected; and

(2) a desegregation plan designed by staff of the Topeka Unified School District in or about 1974 which the staff believed would have an integrative effect and which was also rejected. ("Tentative Plan for a More Perfect Unitary School System For Topeka Unified School District No. 501 For Implementation at the Beginning of the 1974-1975 School Year.")

(3) Long-range facilities Plans "N" and "X", designed by the staff of the Topeka Unified School District and proposed to the School Board on January 4, 1984, about which public hearings were held, and which Plans were rescinded by the Topeka School Board on April 18, 1984.

(c) Defendants can refer to U.S.D. 501's responses to plaintiffs' interrogatories or to Minutes of the Topeka School Board as sources of information (including but not limited to September 3, 1953; January 20, 1954; February 7, 1955, February 23, 1955, December 21, 1955), or more specifically to:

Answers, documents and attachments or documents referred to in the answers to Interrogatory Nos. 19, 23 and 24 of Plaintiffs' First Set of Interrogatories to Defendant Unified School District No. 501 and Supplemental Response of Unified School District No.

501 Updating its Answer to Plaintiff-Intervenors' Interrogatory Nos. 7, 8, 19 and 20 of the First set.

See also Dr. Owen M. Henson's deposition of June 7, 1984 and the Deposition of Gerald R. Miller of June 8, 1984.

(d) Documents which will be used as trial exhibits remain unidentified.

(e) To date witnesses who will attest to these facts remain unidentified.

Interrogatory No. 8

Do you allege any of these defendants intentionally caused the alleged segregation within USD 501:

ANSWER

If yes, describe specifically the following:

- a. the facts upon which you rely for this claim;
- b. identify the specific source of the facts upon which you rely for this claim;
- c. list and identify the specific documentary evidence and particularly indicate anything which will be used as a trial exhibit with respect to this claim;
- d. give the names, telephone numbers and addresses of all persons expected to be called as witnesses to prove this claim at the trial of this case.

ANSWER:

Yes. (a) In Brown I the United States Supreme Court held that the segregation of the races permitted by K.S. 72-1724 was a form of intentional racial discrimination against Black children prohibited by the 14th Amendment to the United States Constitution. In light of this ruling, the Kansas State officials empowered then and now to act in the interest of Kansas public education have been on notice that acts of the Topeka School Board which perpetuate racial segregation must be discouraged.

Compliance with this duty to eradicate racial discrimination in the public schools imposes on the state officials an obligation to encourage desegregation, assist in the implementation of desegregation plans, and discourage through the exercise of available supervisory powers under Kansas educational law, the implementation of practices and policies contributing to

or perpetuating patterns of racial segregation of children in the public schools.

Since 1954, the Topeka School Board has engaged in various practices and policies which have contributed to and perpetuated racial segregation, many of which acts fall under the supervisory powers and duties of past and present Kansas state officials. Any failure to act in the interest of desegregating the schools within U.S.D. 501, any passive acknowledgement of, and/or tacit or express approval of acts of the Topeka School Board which have perpetuated racial segregation within U.S.D. 501 are no more than an attempt to persist in separating the races in public education as was previously authorized under Kansas state law by K.S. 72-1724 and therefore amount to intentional causation of racial segregation within U.S.D. 501.

(b) For a further description of the acts or failures to act which have resulted in intentional causation of racial segregation see subpart (a) to the answers to Interrogatory No. 1 and references cited therein.

(c) Trial exhibits remain unidentified.

(d) To date only the individuals listed below have been identified as witnesses who will testify on the facts and the segregative impact of actions taken by the defendants which have contributed to racial segregation within U.S.D. 501:

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Interrogatory No. 9

Do you allege any of these defendants had any knowledge of the alleged segregation practices of USD 501 and/or the alleged segregative impact of those practices on the school district?

ANSWER

If yes, describe specifically as to any such practice alleged to have a segregative impact:

- a. the facts upon which you rely for this claim;
- b. identify the specific source of the facts upon which you rely for this claim;
- c. list and identify the specific documentary evidence and particularly indicate anything which will be used as a trial exhibit with respect to this claim;
- d. give the names, telephone numbers and addresses of all persons expected to be called as witnesses to prove this claim at the trial of this case.

ANSWER:

Yes.

(a) Defendants knew of the existence and consequences of K.S. 72-1724. See Brown I and Brown II. In addition, plaintiffs expect to develop facts, as yet undeveloped, to show that defendants had actual knowledge of the practices referred to in answering Question 1 supra. Further, knowledge of the State defendants is implied from the duty to act in the interest of desegregating the schools within U.S.D. 501 and from their tacit approval of acts of the Topeka School Board which have perpetuated racial segregation, as well as specific approval of certain transactions, among others, such as transfers of territory between school districts which have had a racially segregative impact.

(b) See the Topeka School Board Minutes, and answers of

Defendants U.S.D. 501 to Intervening Plaintiffs' First Set of Interrogatories.

(c) Trial exhibits remain unidentified.

(d) To date only the individuals listed below have been identified as witnesses who will testify on the facts supporting this answer:

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Interrogatory No. 10

Describe separately, specifically and completely any and all constitutional violations you allege against these defendants to support your demand for prospective injunctive relief against them.

ANSWER:

In Brown I the United States Supreme Court held that segregation of children in public schools solely on the basis of race deprives children of the minority group of equal educational opportunities in violation of the Fourteenth Amendment to the United States Constitution. In light of this ruling, the joint acts and failures to act by the local and state defendants in this action which have resulted in racial segregation of children within U.S.D. 501 constitute violations of the Fourteenth Amendment.

Any act or acts of the local and state defendants which have been taken in defiance of the Supreme Court's order to end racial patterns of segregation within the Topeka School System as was permitted by K.S. 72-1724, and any failure to promote the implementation of an effective desegregation plan within U.S.D. 501 is a perpetuation of racial segregation and constitute violations of the Fourteenth Amendment.

The act or acts of rejecting plans or proposals having a potential integrative effect within U.S.D. 501 have perpetuated racial segregation and constitute violations of the Fourteenth Amendment.

The knowledge of and failure to discourage acts taken by the local defendants which have perpetuated racial segregation constitute violations of the Fourteenth Amendment.

The dilatoriness of the Kansas state officials in seeking repeal of K.S. 72-1724 after the Brown II ruling coupled with the failure to seek implementation of any act, law, constitutional amendment, executive order, ruling, or regulation which would encourage desegregation of the public schools and encourage compliance with the order to dismantle a dual system of education within U.S.D. 501 constitute violations of the Fourteenth Amendment.

For a further description of these acts see the answer to subpart (a) to Interrogatory No. 1 and references cited therein.

Interrogatory No. 11

As to any acts of these defendants which you claim supports any of the alleged constitutional violations described above in Interrogatory No. 10, state the following the:

- a. date of each act;
- b. nature of the act;
- c. actor or actors;
- d. all information known to you about each act.

ANSWER:

(a)(b)(c)(d) To the extent plaintiffs can identify any specific act at this time, it is fully described in Plaintiffs' Response to Defendant Unified School District No. 501's First Set of Interrogatories and Request for Production of Documents, Nos. 1-10, 13-21, and other answers herein. Further information will be supplied as possible.

Interrogatory No. 12

In support of your claim for prospective injunctive relief against these defendants, do you allege any of these defendants (individually or collectively) failed to take any action required of them?

ANSWER

If yes, state specifically the following:

- a. each instance in which you allege action should have been taken;
- b. the specific action you believe should have been taken, including the method or procedure for implementing this action;
- c. all the specific constitutional or specific statutory authority of these defendants to take this action.

ANSWER:

Yes. (a)(b) Every act of the Topeka School Board which has contributed to or perpetuated patterns of racial segregation impliedly required an effort by the Kansas state officials to prevent their implementation or to deter their segregative impact.

More specifically, the Kansas state officials might have affirmatively taken steps to condition approval of funds, transfers of territory or accreditation of schools on the Board's willingness to implement effective desegregation plan. The Kansas state officials might have sought the authority to so act by seeking proposals, enactments, issuance and/or ratification of acts, laws, executive orders, constitutional amendments, rules or regulations which would negate the prior effect of K.S. 72-1724 and prohibit any form of racial discrimination, segregation of students and faculty or inequality of facilities solely on the basis of race within the public school system.

In light of the change in the Kansas educational system from one of local control to one of great state control in policy, structure and operation, efforts might have been made by all of those involved in the educational system (Governor, State Board of Education, Department of Education, Commissioner of Education) to assure that the Topeka School Board not engage in practices that constituted unconstitutional acts of racial discrimination in public education.

(c) See the answer to Interrogatory No. 1 supra and No. 13 infra.

Interrogatory No. 13

Do you claim that at any time since 1954 these defendants (individually or collectively) had authority to withhold monetary funding of any kind to a school district suspected of, or found to be, segregating its schools on account of race?

ANSWER

If yes, state the statutory or other legal authority, rule or regulation (state or federal) upon which you base your answer.

ANSWER:

Yes. Brown I and Brown II imposed on the local and state defendants the duty to eradicate any vestiges of the illegal segregation in the public schools previously allowed by Kansas state and constitution. The Kansas State Board of Education must "administer the laws" concerning the requisites of public education (e.g., issuance of guidelines, rules and regulations, courses, textbooks, accreditation of schools) consonant with other applicable statutory authority. (K.S. 72-7513) The Kansas State Board of Education exercises various supervisory functions involving application for and distribution of monetary funding (e.g., K.S. 72-5112 et. seq.; 72-6761; 72-7043). The Kansas State Board of Education must also administer the laws concerning all other matters relating to the general supervision of the public schools. (K.S. 72-7513). It is inconsistent with the duty to administer the laws to exercise general supervisory duties over public education, without concern for all matters relating to public education, including the duty imposed on the local and state defendants by Brown not to engage in illegal racial segregation in public education.

Interrogatory No. 14

Do you claim any action by these defendants (individually or collectively) did in fact cause or maintain the alleged racially-imbalanced schools in Topeka which are the subject of this lawsuit?

ANSWER

If yes, state the following:

- a. a description of each such act, including the date and actor(s);
- b. the facts upon which you rely to claim each act in fact caused or maintained the alleged racial imbalance;
- c. identify the specific source of the facts upon which you rely for this claim;
- d. list and identify the specific documentary evidence and particularly indicate anything which will be used as a trial exhibit with respect to this claim;
- e. give the names, telephone numbers and addresses of all persons expected to be called as witnesses to prove this claim at the trial of this case.

ANSWER:

The information sought in this interrogatory has been sought in Interrogatory Nos. 1, 2, 3, 4, 7, and 8 and reference should be made to the answers provided above.

Interrogatory No. 15

Describe all communications, if any, between intervening plaintiffs, members of the plaintiff class, their parents or their attorneys and these defendants (of which you are aware) complaining about or alleging a perpetuation of segregation in the Topeka school system.

ANSWER:

The constitutionality of K.S. 72-1724 was challenged by members of the plaintiff class in Brown I. The State Attorney General represented the State of Kansas in the action to defend this case before the United States Supreme Court. The motion for an Order Commanding Compliance with the Supreme Court Mandate to Desegregate the Schools in the Case of Brown v. Board of Education of Topeka, 349 U.S. 294 (1955) alleged a continuation of the segregation which had been brought to the attention of these defendants in Brown I and Brown II.

In the decision to reopen this case (84 F.R.D. 383, 392-393 (1979)), Judge Rogers specifically recognized that intervening plaintiffs had an interest in determining the compliance of these defendants with the rulings of Brown I and Brown II. By virtue of the facts and circumstances of Brown I, a challenge to the constitutionality of an official legislative act permitting racial segregation in public education in the State of Kansas, state officials, particularly this defendant, were put on notice that illegal segregation existed in Topeka and that illegal segregation could no longer be allowed to exist subsequent to the Court's ruling.

This complaint alleges that these defendants have been on notice that post-Brown actions of the Topeka School Board must

not perpetuate the segregation previously allowed by K.S. 72-1724 and that they have failed to investigate or otherwise assure that an effective desegregation plan is implemented.

Dated this 15th day of August, 1984.

E. Richard Larson

CHRISTOPHER A. HANSEN
E. RICHARD LARSON
American Civil Liberties Union
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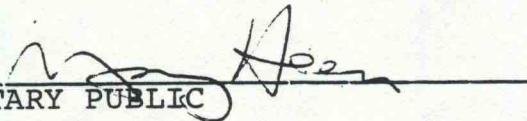
VERIFICATION

STATE OF NEW YORK)
) ss:
 COUNTY OF NEW YORK)

E. Richard Gerson, of lawful age, being first
 duly sworn, deposes and says he is the duly authorized repre-
 sentative of the intervening plaintiffs above named, that he
 has given answers to defendants' interrogatories and that
 the answers above given are true and correct.

E. Richard Gerson

Subscribed and sworn to
 before me this 17th day of
 August, 1984


 NOTARY PUBLIC

MARY HEEN
 Notary Public, State of New York
 No. 31 6720300
 Qualified in the County of Westchester
 Commission Expires March, 30 1986

CERTIFICATE OF SERVICE

This is to certify that the original and two copies of the foregoing Answers to First Set of Interrogatories of Defendant Kansas State Board of Education were served by depositing same in the U.S. Mail this 17th day of August, 1984, to

Dan Biles
Assistant Attorney General
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Topeka, Kansas 66612

Gary K. Sebelius
Edison, Lewis, Port & Haynes
1300 Merchants National
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E. Richard Larson
CHRISTOPHER A. HANSEN