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August 15, 1984

Christopher A. Hansen  
American Civil Liberties Union Foundation  
132 West 43rd Street  
New York, N.Y. 10036

Re: Brown v. Board of Education, et al.  
U.S.D.C. Kansas, No. T-316

Dear Chris:

As previously promised, enclosed please find inserts updating the School District's response to certain subparts of Interrogatory No. 9 of Plaintiff-Intervenors' First Set. I have been in somewhat of a quandry as to how best to supplement this interrogatory since it has been broken up into several sub-categories. We have concluded that providing you with instructions on how to insert the information into the various booklets which have been previously prepared is the best manner by which to accomplish this task.

While I had hoped to be able to provide a verification for each of these documents, due to conflicts in the schedule of my office and that of the personnel involved in preparing this information, the verifications will be sent to you in the near future once they have been executed. In view of Elvia's recent plea for the data, I decided to handle it in this fashion. Rest assured we will provide you with a verification stating that this information, supplementing that originally supplied, is true and correct to the best of the affiant's knowledge and belief.

I also indicated to Elvia I had serious doubts as to our ability to provide the answers to all of the interrogatories contained in Plaintiff-Intervenors' Fourth Set within 30 days of their service; however, to the extent we can do so, we will endeavor to comply. While a number of these interrogatories are directed to clarifying information ascertained in response to the third set of interrogatories or information gained during the recent depositions, there are a considerable number which we believe are venturing into previously unexplored territory. We

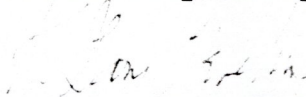


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have not yet determined how we shall respond to those inquiries. When I return to my office next week, I will attempt to address those concerns. I know that our client's ability to provide information would be expedited if it was not necessary to attempt to locate and provide you with information all the way back to 1940. Is information for that entire time period really essential to this case?

I am not trying to tell you how to conduct your discovery, but it seems to me that the issues are expanding rather than narrowing in this discovery process. If you can consider, in any way, limiting the time period within which you seek information, it would be greatly appreciated. I understand the Court has already determined that information dating back to 1940 is discoverable. My question is, even though discoverable, how does it help the parties and the Court to resolve the issue of whether Unified School District No. 501 (or its predecessor) has failed to comply with the mandates of the United States Supreme Court?

Yours very truly,

  
K. Gary Sebelius  
of Eidson, Lewis, Porter & Haynes

KGS:tf  
Enclosures