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OF COUNSEL:
O. B. EIDSON

February 28, 1986

Chris Hansen
National Staff Counsel
American Civil Liberties Union
132 West 43rd Street
New York, NY 10036

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

Dear Chris:

As I indicated during our recent status conference with the Court on February 21, 1986, we are prepared to identify the expert witnesses we intend to call at trial and the subject matter or areas of their anticipated testimony. Like plaintiffs, we anticipate utilizing the testimony of five experts.

As you know, Harrison Hickman of Hickman-Maslin Research, Inc., Washington, D.C., has been retained to testify concerning the methodology used and conclusions contained in the survey conducted by Central Surveys, Inc.

Dr. John Poggio of the University of Kansas, Lawrence, Kansas, has been retained to testify regarding student achievement and, in particular, achievement of students in U.S.D. No. 501.

In addition to Dr. Poggio, we have retained Dr. Herbert J. Walberg of the University of Illinois at Chicago, who will testify regarding the history of desegregation research, factors or elements which make a difference in student learning, the existence of these factors in U.S.D. No. 501, and the achievement of students in the School District.

Dr. William A.V. Clark of U.C.L.A. in Los Angeles, California, will testify regarding his demographic analysis of school attendance areas. We also anticipate that he will testify regarding perception surveys involving racial attitudes, in particular the study conducted by Central Surveys, Inc.

Finally, Dr. David Armor of National Policy Analysts, Inc. of Tarzana, California, will testify regarding changes in

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desegregation levels of the U.S.D. No. 501 attendance area, the effects of the School District's optional transfer zones, and the effects of the School District's open enrollment policy.

I have requested a current resume or vita from each of the experts. I hope to be able to provide you with copies next week.

On a slightly different note, still we have not received a copy of Dr. Crain's Hartford study which was requested quite some time ago. As you know, until we have an opportunity to review Dr. Crain's study, we do not believe we can proceed with his deposition. In addition, I note in reviewing the correspondence file, that at the time you advised us that Dr. Braddock would be testifying (Crain's predecessor), you indicated that Braddock would be relying on two articles which you enclosed, authorities cited in those articles, and the Central Surveys' study as well as statistical information concerning Topeka's school composition. Since your letter dated February 25, 1985, advised us that the same testimony which Braddock was to present will now be presented by Dr. Crain, I assumed that he would be relying upon the same documents and information. Because my assumption may not be correct, please advise me which articles or studies Dr. Crain will rely upon for his testimony and whether he also will be relying upon the Central Surveys' study and the statistical information concerning Topeka's school composition. To the extent that Dr. Crain will be relying upon studies or articles other than the two which were forwarded previously, please provide us with copies at your earliest convenience. While we are most interested in the Hartford study, we might as well get copies of all studies on which Dr. Crain will be relying for his testimony.

Finally, while you indicated to the Court during the status conference held on February 21 that the reason for your unwillingness to disclose the names of fact witnesses and to identify the subject matter of their testimony was to use that fact as a "club" to obtain more information from the defendants, that suggestion was never expressed to me by you at any previous time. You have suggested that these witnesses will provide approximately five to ten percent of plaintiffs' case. Since we do not know what these witnesses will testify to, certainly we have no way of knowing which fact witnesses we might utilize for the purpose of disputing their statements, if such dispute exists. It is entirely possible that depositions of such witnesses would be a time-consuming task. I again request that the identity of these witnesses and the area of their testimony, as well as specific supplementation of the School District's interrogatories seeking such information be accomplished in the near future. We anticipate providing you with a letter next week identifying the other ways in which we believe the plaintiffs' responses to date have been either inadequate or need to be supplemented.

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I look forward to hearing from you in the near future.

Yours very truly,



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

KGS:tf

cc: Rich Jones
Dan Biles
Carl Gallagher