

Hold

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Second Assistant

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BKL:vtt

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Southeastern Section

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Work Program,
Lee v. Macon County Board of Education

Now that we have finished inspecting State Department of Education records and have almost finished taking depositions of local school superintendents, we need to put these materials to work for us. The work we will need to do in order to get the maximum benefit from the records and depositions is:

- A. Assemble records.
- B. Statistical analysis.
- C. Program analysis.
- D. School system analysis.
- E. Chronology of interference facts.
- F. Decide on what, if any, further discovery need be done.

I will try to summarise our needs as to each of the above categories.

A. Assemble records

The FBI photographed about 28 microfilm reels of records last week. Our Xerox prints should start becoming available to us Monday afternoon, November 14, 1966. Cutting, binding, tabbing, and labelling the prints will require at least two research analysts and 4 clerk-typists. It should be completed by the week-end.

cc: Records
Doar
Norman
Dunbaugh
✓ Fiss
Landsberg
Trial File

We will have to set up an order of priorities showing which records to bind first.

We will also have to divide up some of the records according to subject-matter. For example, all correspondence has been photographed together.

B. Statistical analysis

Sandy Ross is working with Jack Coleman to establish an IBM program to give us desegregation, disparity, and financial statistics.

C. Program analysis

I recommend that several attorneys be assigned to analyze the programs described below. The analyses would consist of the following:

1. Construct how each program works. Show the degree of state department of education discretion as to:
 - a. adoption of general rules; and
 - b. application of rules to individual systems.
2. Explain all forms used.
3. Ascertain relevance of each program to this case. Has the program been used on a racial basis? Has it been run so as to promote segregation? How can it be run so as to promote desegregation? Does it provide us with good precedent for a detailed reporting provision?
4. What is the federal involvement in the program?

The analyses would be based on the laws of Alabama and of the United States, the rules and regulations respecting the program, the documents photographed under our Rule 34 order, the testimony in depositions of local school superintendents, and from interviews of HEW and Alabama school people. The work might be divided as follows:

1. Building construction:

- a) Procedure under each method of financing (local, minimum program, warrants, bond issues, federal programs.
- b) Standards.
- c) As related to school surveys.

2. Teachers:

- a) Teacher units under minimum program, including units for exceptional children.
- b) Payment of salaries for vocational education and guidance counseling.
- c) Teacher certification.
- d) Teacher institutes.

3. Finances:

- a) Warrant operations.
- b) Budgets and financial statements.
- c) Accounting procedures.
- d) Financing teachers, transportation, text-books and building construction (this may be covered by the work on these programs, however).

4. Transportation:

- a) Payments under minimum program.
- b) State purchasing pool.
- c) We have very little information on transportation. Further interviews may be necessary.

5. Accreditation.

6. Text-books:

- a) Free text-book program.
- b) Approval of text-books.

7. Trade schools and junior colleges . . . perhaps we should not expend any further effort on these insofar as this case is concerned.

The records relating to Building Construction are voluminous. It would take two attorneys or one attorney and an experienced research analyst to analyze them. I think that teachers, finances, and transportation would each require one attorney. One attorney could handle accreditation and text-books together.

D. School system analysis

This includes completing the depositions and summarizing them, analyzing individual school systems for segregation and state control, and working up good case histories on individual school systems. I think the four deposition teams should continue on this aspect of the case. It overlaps with the program analysis, the statistics, and the chronology of interference. The deposition teams should feed information to the persons working on those aspects of the case. Perhaps some members of the deposition teams could work on both the program and school system analyses.

With respect to individual school systems we need to further develop . . . perhaps through more depositions in addition to our records analysis . . . disparity and very low performance in a few systems. We have tentatively chosen Sumter County, Marengo County, Thomasville City, and Wilcox County as examples. As to Wilcox County, we need to figure out how to get the evidence in the Wilcox County case before this court without in effect retrying that case. (The same problem exists as to the other court-order systems.) We also need to develop fully the facts relating to Bibb County and Tarrant City . . . the two systems whose HEW funds have been completely cut off.

E. Chronology of Interference Facts

Mary Lee Campbell is continuing to work on this.

F. Further Discovery

I think we will want to take depositions of officials in the state department of education in charge of each program.