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BKL:mlh  
DJ 144-100-2-1  
#1-087-2

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Preparation for Oral Argument,  
Lee v. Macon County Board of Education

Oral argument is scheduled for February 3, 1967. The work to be done by then includes the gathering of accurate desegregation statistics, completion of summaries of testimony, the gathering of further facts, further legal research, the formulation of an enforcement program, and an outline of an argument.

A. Desegregation Statistics

Our brief presents, in Table I, 1966-67 student desegregation statistics with the caveat that they are incomplete and may be in error. We tell the Court we will attempt to obtain accurate statistics for all systems in the State. Mary Lee Campbell is at present checking all possible sources in our files and HEW's files for additional statistics. When she finishes, we will have to obtain the remaining statistics from the local school systems, either through an FBI investigation or through a phone survey.

B. Completion of Summaries of Testimony

All summaries have been done except for the first day's testimony. Walt Gorman will complete those summaries by tomorrow.

C. Gathering of Further Facts

I would imagine the oral argument will be almost entirely addressed to the question of what relief is appropriate. The other parties and the court can be expected to raise questions about our proposed decree;

cc: Records  
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we must be prepared to answer them. We may also be able to help the Court by having the answers to questions about the relief proposed by the other parties. Since we haven't yet received briefs from the other parties, we can't now anticipate what those questions might be. We can anticipate some of the factual questions that might arise regarding our proposed decree:

How much will it cost?

How can it be financed?

What volume of school systems, schools, and students is involved in each aspect of the decree?

What are the facts as to particular school systems . . . how do we justify relief, e.g., with respect to Mountain Brook?

To answer these questions we should conduct the following records analysis and field interviews.

1. Records analysis

a. School Construction and Consolidation  
See John Hedland's memorandum.

b. Teachers  
From the Institute Records, we should count the number of provisional certificates granted in a year, by race. Walt Gorman will supervise this.

c. Transportation  
We should see whether it can be demonstrated that the elimination of duplicate bus routes will save money for the local school systems. Walt Gorman will do this.

d. Equalization  
We should compute the cost of equalization and show what local, state and federal funds are available to achieve equalization.

We should be able to show that bringing local systems into compliance will free substantial federal funds that can be used for equalization.

We should ascertain the number of applications for Negro vocational and exceptional child units and the number of units that are available. Walt Gorman will do this.

e. Desegregation Plans for Local Systems  
We should be prepared to tell the Court the facts as to each of the systems listed in Part IV of our proposed decree. We should prepare a summary of the facts relating to segregation and disparity in each system, showing:

1. Statistics
2. HEW history
3. Testimony
4. Survey recommendations.

Marie Loper is working on this and will furnish a model summary by Wednesday or Thursday.

## 2. Field Interviews

We might consider showing the proposed decree to school administrators in HEW and in Alabama to find out what problems or strengths they see in it. We could also interview them about the problems that we anticipate will be raised at the oral argument. No one is presently assigned to this job. ] ?

## D. Further Legal Research

The defendants' briefs will probably require the filing of a reply brief. In addition, the following areas of legal research occur to me:

1. The effect of the change in administration which takes place on January 16. We may need to move to add the new Governor and Superintendent as parties.
2. The propriety of relief respecting trade schools and junior colleges.
3. An annotation of our proposed decree showing supporting federal and state authorities for each item of relief. ]

This work has not yet been assigned.

E. Enforcement Program <

The Court will probably want to know how it can expect our proposed decree to be enforced. We should try to be in a position to tell the Court:

1. What the state superintendent can do to enforce the decree.
2. What we think we should do to enforce it.

F. Outline of Argument

You, Mr. Fiss and I should start on an outline of argument by around January 20.