

OMF:daw

June 14, 1967

DJ 169-74-4

#42-201-1

Mr. Morton L. Susman  
United States Attorney  
12000 U. S. Courthouse  
Houston, Texas 77061

Dear Mr. Susman:

Enclosed is the original and eight copies of a Rule 34 motion in Rosa v. Echols, Civil Action No. 19444, presently before Judge Connally.

I am sending this motion to you so that it will be on hand in Houston to be filed and served at my direction when and if Judge Connally grants our motion to intervene. In addition to Mr. Weldon Berry for the plaintiffs, and Mr. Joe Reynolds for the defendants, I would like a copy served on James M. Nabritt, 10 Columbus Circle, New York, New York, 10019, co-counsel for the plaintiffs.

I will contact you and advise you when the enclosed motion is to be filed. Thank you very much for your cooperation and assistance.

Sincerely,

OWEN M. FISS  
Attorney  
Department of Justice

cc: Records

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Western Section Files

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DELORES ROSS, a minor by	)	
her next Friend, Mary Alice	)	
Benjamin, et al.,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION
UNITED STATES OF AMERICA,	)	NO. 10444
by RAMSEY CLARK, Attorney General	)	
of the United States,	)	
	)	<u>NOTICE OF MOTION</u>
Plaintiff-Intervenor,	)	<u>AND MOTION FOR</u>
	)	<u>PRODUCTION OF DOCU-</u>
v.	)	<u>MENTS PURSUANT TO</u>
	)	<u>RULE 34 OF THE</u>
ROBERT ECKELS, as President of	)	<u>FEDERAL RULES OF</u>
the Board of Trustees of the	)	<u>CIVIL PROCEDURE</u>
Houston Independent School	)	
District, et al.,	)	
	)	
Defendants.	)	
	)	
	)	

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TO: Each Party and the Attorney of Record  
for Each Party:

PLEASE TAKE NOTICE that on \_\_\_\_\_,  
1967, at \_\_\_\_\_, or as soon thereafter as counsel may  
be heard, in the courtroom of the United States District  
Court for the Southern District of Texas, Federal Court-  
house, Houston, Texas, the United States will move this  
Court, pursuant to Rule 34 of the Federal Rules of  
Civil Procedure, for an order requiring the defendants,  
their officers, agents, servants, employees, and



attorneys to produce and permit the United States, its attorneys and agents, promptly following the entry of this order, to inspect, copy and photograph, at their present locations, or at any other place or places convenient to the defendants, the following records, documents, papers, books, accounts and objects which are within the possession, custody or control of the defendants or their agents:

1. For the period of January 1, 1963 to the present, all Secretary Reports, all Superintendent's Agenda and all minutes and documents in the nature of records of meetings of the Board of Trustees of the Houston Independent School District.

2. All Superintendent Bulletins since January 1, 1963; and all other directives, statements of policies, and regulations pertaining to the establishment of school attendance zones, the assignment or transfer of students, the hiring, assignment or transfers of faculty, and the operation of the school bus transportation system that were issued by the Board of Trustees and the Administration of the Houston Independent School District from January 1, 1963, to the present.

3. Samples of all the memoranda, notices and forms sent or distributed by the school district administration to parents and students regarding the assignment of students to schools for both the 1966-67 and 1967-68 school years, and all forms returned by parents



or students and all other correspondence sent by parents or students to the school district administration pertaining to the assignment of students to schools for the 1967-68 school year.

4. All records, reports and compilations pertaining to student attendance that would indicate the number of students in each grade in each school for the 1966-67 school year.

5. All faculty and staff hiring and assignment records, reports and compilations, indicating:

(a) the number of faculty and staff in each school for the 1966-67 school year, and their grade or subject assignment,

(b) the new teachers hired from January 1, 1963, to the present, the college or teacher school they graduated from, their initial assignment by school and their present assignment,

(c) the faculty vacancies and new positions to be filled at the commencement of the 1967-68 school year.

6. All personnel records for each person employed as a faculty or staff member by the Houston Independent School District during the 1966-67 school year.

7. All documents and records pertaining to requests for transfers by students and teachers and the disposition of those requests for the 1966-67 school year.



8. All documents, records and reports pertaining to tests administered since January 1, 1963 to determine the level of achievement and ability of students attending schools in the Houston Independent School District.

9. All documents, records, reports, compilations, and inventories pertaining to curriculum, special services and supplies at each school of the Houston Independent School District for the 1966-67 school year that would indicate:

(a) the number of books in each library in each school,

(b) the courses offered in each school and for each elective course at a secondary school, the number of students that could be accommodated for the 1966-67 school year,

(c) the equipment in laboratories and shops in each school,

(d) the special teaching equipment available in each school including motion picture equipment, television and audio-visual aid equipment,

(e) the special services available in each school including guidance counseling, nursing and reading programs.



10. All documents, records and reports pertaining to adult education programs that indicate the methods and procedures for students enrollment, the courses taught, the schools at which the courses are taught, the number and race of the students in each course, and the race of the teacher for each course for the 1966-67 school year.

11. All documents, records, or reports pertaining to school buildings in operation during the 1966-67 school year of the Houston Independent School District in operation for the 1966-67 school year indicating:

(a) the insured valuation of each school building,

(b) the cost and date of construction of each school building,

(c) the number of classrooms for 1966-67 school year in each school building, indicating whether the facilities are permanent or portable,

(d) the special student facilities available at each school, such as gymnasium, cafeteria, auditorium, and shops,

(e) the acreage of each school site, indicating the size of the outdoor recreational area available at each school.



12. All financial statements or reports and all budgetary proposals from January 1, 1963 to date and all other similar documents, records or reports from January 1, 1963, to date, pertaining to:

(a) the expenditure per pupil for each school,

(b) the expenditure for school transportation, including expenditure for equipment on each bus route and indicating the number of students carried on each bus route and the number of students carried on each bus route who qualify the Houston Independent school district to receive financial assistance from the State for school transportation under the regulations of the Texas Education Agency,

(c) the expenditures for each school for textbooks, library materials, equipment in shops and laboratories, and special services such as guidance counseling, nursing and reading programs.

13. All documents, records and maps pertaining to the school bus transportation system operated by the defendants each school year from January 1, 1960 to present indicating the routes of the school bus, criteria for determining those routes and the basis for determining which students are entitled to transportation.



14. All documents, records, and reports pertaining to the construction of new school facilities that have not been in operation during the 1966-67 school year, and all documents, records and reports pertaining to plans for the expansion and improvement of existing school facilities.

*Owen M. Fiss*

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OWEN M. FISS

Attorney, Department of Justice