

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

TYLER DIVISION

DEC 12 1977

MURRAY L. HARRIS, CLERK

By *Jayce Almon*
Deputy

DOE, et al

vs.

CA TY 77 261 CA

PLYER, et al

SUPPLIMENT TO PRETRIAL ORDER

STATE OF TEXAS

CONTESTED ISSUES OF FACT:

1. Whether Plaintiffs as a class pay taxes.
2. Whether Plaintiffs as a class and the illegal aliens which come to Texas come for the purposes of education.
3. Whether Texas Education Code 21.031 discourages entry into this country.
4. Whether Texas Education Code 21.031 has but an incidental impact on immigration. (illegal immigration.)
5. Whether allowing illegal alien children tuition-free schooling would have a detrimental impact on Texas school children who are citizens and legally admitted.
6. Whether the impact of illegal alien children if allowed tuition free schooling would lower the overall educational standards of the State.
7. Whether the education of citizen or legally admitted children would suffer.
8. Whether the impact of illegal alien children if allowed tuition free education would cause added educational problems and financial burdens on Texas schools.

CONTESTED ISSUES OF LAW:

1. Whether equal protection applies to the illegal alien.
2. Whether the illegal alien is entitled to all the benefits of the due process clause.
3. Whether an individual may bring a cause of action under 42 USC 2000d.
4. Whether education is a fundamental right.
5. Whether a classification based upon whether an alien is legally or

illegally in the State is a suspect classification.

6. Whether the rational basis or compelling state interest test applies in judging 21.031.

7. Whether the harm caused by adding the illegal alien to Texas schools forms a rational basis or compelling state interest for 21.031.

8. Whether 21.031 is preempted by Federal law or treaty.

WITNESSES OF THE STATE OF TEXAS:

Rolland Heston

John Eaton

Don Killough

Jim Hensley

Shane Davies

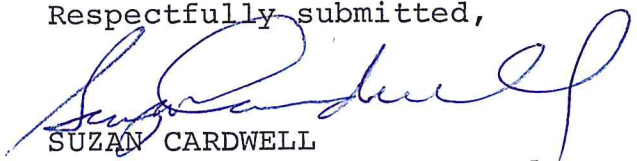
Raul Bastiero

Alfredo Gomez

EXHIBITS:

1. Mexican/Immigrant/Alien Students in Border Districts
2. Research Study by Jim Hensley
3. T.E.A. Survey, 1977
4. T.E.A. Survey, 1976
5. Case Study of Impact, Don Killough
6. Immigration Alien Student Study
7. Immigrant=alien study, 75-76, Hensley

Respectfully submitted,


SUZAN CARDWELL
Assistant Attorney General
Box 12564
Austin, Texas

I Suzan Cardwell certify that a true and correct copy of the above was hand delivered to counsel of record for Plaintiffs, Larry Daves and Peter Roos and to counsel for Tyler I.S.D., John Hardey on this the 12 day of December, 1977.


SUZAN CARDWELL