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APPENDIX
IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1971
No. 71-1332

SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL.,
Appellants

vs.

DEMETRIO P. RODRIGUEZ, ET AL.,
Appellees

On Appeal from the United States District Court for
the Western District of Texas, San Antonio Division

PROCEEDINGS

* Courtroom Proceedings

- 7-30-68 1) Complaint, filed in duplicate. (Copy and notice to Judge Spears)
- 7-31-68 Summons as to: Edgewood, Harlandale, Northside, Northeast, Alamo Hgts. and So. San Antonio Independent School Districts and Atty. Gen. of Tex., issued, and S. A. Independent School District.
- 8- 2-68 2) Summons (S. A. Ind. School Dist.) returned ex. 8-1-68 by Brooks, Deputy.
- 8- 6-68 3) Summons (Hon. Crawford Martin, Atty. Gen. of Tex.) returned ex. 8-2-68 by Keller, Deputy.
- 8- 8-68 4) Summons (North East Ind. School Dist.) returned ex. 8-6-68 by Brooks, Deputy.
- 8- 8-68 5) Summons (Alamo Hgts. Ind. School Dist.) returned ex. 8-6-68 by Brooks, Deputy.
- 8- 8-68 6) Summons (So. San Antonio Ind. School Dist.) returned ex. 8-6-68 by Brooks, Deputy.
- 8- 8-68 7) Summons (Northside Ind. School Dist.) returned ex. 8-6-68 by Brooks, Deputy.
- 8- 8-68 8) Summons (Harlandale Ind. School Dist.) returned ex. 8-7-68 by Brooks, Deputy.
- 8-12-68 9) Summons (Edgewood Ind. School Dist.) returned ex. 8-8-68 by Madison, Deputy.
- 8-14-68 10) Motion of Defts. to Extend the Time for Filing Answers, filed dup. (Copy to Judge.)
- 8-14-68 11) Order Extending Time for Filing Answers, filed. (Mic. Reel No.) Copy to Judge.
All attys. of record notified of Order.
- 8-15-68 12) Motion of Defts. North East Ind. School Dist., S. A. Ind. School Dist., Harlandale Ind. School District, Northside ISD., Alamo Hgts. ISD., So. S. A. ISD. and Crawford C. Martin, Atty. Gen. for State of Tex. for More Definite Statement, filed in duplicate. (Copy to Judge.)
- 10- 1-68 13) Answer of Deft., S. A. Independent School Dist., filed dup. (Copy to Judge.)
- 10- 1-68 14) Answer of Deft., Harlandale Independent School Dist., filed dup. (Copy to Judge.)
- 10- 1-68 15) Answer of Deft., North East Independent School Dist., filed dup. (Copy to Judge.)
- 10- 1-68 16) Answer of Deft., Crawford C. Martin, Atty. Gen. of Tex., filed dup. (Copy to Judge.)
- 10- 7-68 Notices mailed as to Hearing 11-4-68, 10:00 a.m. on Motion for More Def. Statement
- 10-23-68 17) Answer to Motion for a More Definite Statement, filed dup. (Copy to Judge.)
- 10-28-68 18) Motion to Issue Order to Show Cause, filed dup. (Copy to Judge.)
- 10-29-68 19) Order to Show Cause, filed. (Micro. Reel No.)
Copy to Judge—all attys. mailed certified copies of Order and notified of cancellation of hearing on 11-4-68.
- 11- 1-68 20) Motions of Defts. for a More Definite Statement and for Judgment of Dismissal for Failure to State a Claim Upon which relief may be Granted, filed dup. (Copy to Judge.)
- 11- 1-68 21) Brief in Support of Motion of Deft. Northside Ind. School Dist. for Judgment for Failure to State a Claim upon which relief may be Granted, filed dup. (Copy to Judge.)
- 11- 1-68 22) Answer of Deft. Northside Independent School District, filed dup. (Copy to Judge.)

- 11- 1-68 23) Answer of Deft. Alamo Hgts. Ind. School District, filed dup. (Copy to Judge.)
- 11- 2-68 Notices mailed as to hearing on Motion for More Def. Statement for 11-14-68 at 10:00.
- 11- 5-68 24) Order Vacating Show Cause Order, filed. (Mic. Reel No.) Copy to Judge and to all attys. of record.
- 11- 4-68 25) Reply of Deft. Edgewood Independent School District to Order to Show Cause, filed in dup. (Copy to Judge Spears.)
- 11- 4-68 26) Answer of Deft. Edgewood Ind. School Dist., filed in dup. (Copy to Judge.)
- 11- 4-68 27) Answer of Deft. So. San Antonio Ind. School Dist., filed in dup. (Copy to Judge.)
- 11- 8-68 28) Plaintiffs' Interrogatories to Each Defendant School District, filed dup. (Copy to Judge.)
- 11- 8-68 29) Motion for Extension of Time in Which to Answer Motion of Deft. Northside Ind. School Dist. for Judgment for Failure to State a Claim Upon Which Relief May be Granted, filed in duplicate. (Copy to Judge Spears.)
- 11- 8-68 30) Brief in Support of Motion of Pltffs. for Extension of Time to Answer Motion of Deft. Northside Ind. School Dist. for Judgment, etc., filed dup. (Copy to Judge.)
- 11-12-68 31) Brief in Support of Convening Three Judge Federal Court, filed dup. (Copy to Judge.)
- 11-12-68 32) Answer to Motion for a More Definite Statement, filed in dup. (Copy to Judge.)
- 11-12-68 33) Answer to Motion to Join Parties Under Rule 19, filed in dup. (Copy to Judge.)
- 11-12-68 34) Brief Supporting Answer to Motion for a More Definite Statement, filed dup. (Copy to Judge.)
- 11-13-68 35) Notice to Court of Requirement of a Three Judge Federal Court, filed dup. (Copy to Judge.)
- 11-14-68 36) Motion of Defts. No. East Dist., S. A. Ind. School Dist., Harlandale, Northside, Alamo Hgts., So. S. A. and Crawford Martin, Atty. Gen., for Additional Time to File Objections to and Answers to the Interrogatories filed by Pltffs., filed dup. (Copy to Judge.)

PROCEEDINGS

- 11-14-68 * Hearing on Motion for More Definite Statement—Granted—Atlys. to submit form of Order to Court for consideration.
- 11-20-68 37) Order Establishing Timetable, filed. (Mic. Reel No.) Copy to Judge, all attys.
- 12- 5-68 38) Amended Complaint, filed in duplicate. (Copy to Judge.)
- 12- 4-68 39) Transcript of Motion for More Definite Statement held 11-14-68, filed.
- 12-20-68 40) Amended Answer of Deft. Alamo Hgts. Ind. School Dist., filed dup. (Copy to Judge.)
- 12-23-68 41) Answer of Deft. S. A. Ind. School Dist. to the Amended Complaint, filed dup. (Copy to Judge.)
- 12-23-68 42) Amended Answer of Deft. Northside Ind. School Dist., filed dup. (Copy to Judge.)
- 12-23-68 43) Reply Brief of Deft. Northside Ind. School Dist. to Brief of Complainants in Answer to Motion to Join Indispensable Parties Under Rule 19, filed dup. (Copy to Judge.)
- 12-26-68 44) Amended Answer of Deft. Harlandale Independent School Dist., filed dup. (Copy to Judge.)
- 12-27-68 45) Amended Answer North East Ind. School Dist., filed dup. (Copy to Judge.)

- 12-27-68 46) Amendment to Defts. Motion for a Judgment of Dismissal for Failure to State a Claim Upon which relief may be Granted, filed dup. (Copy to Judge.)
- 12-27-68 47) Supplemental Brief in Support of Defts. Motion to Dismiss for Failure to State a Cause of Action, filed dup. (Copy to Judge Spears.)
- 1-16-69 48) Motion to Amend Amended Complaint, filed in duplicate. (Copy to Judge.)
- 1-16-69 49) Brief in Support of Motion to Amend Amended Complaint, filed dup. (Copy to Judge.)
- 1-17-69 50) Designation Order, filed. (Mic. Reel No. 27) (Designating Judges Spears, Robert and Irving L. Goldberg, Circuit Judge) Copies to all attys. of record mailed.
- 2-10-69 51) Second Amended Complaint, filed. Copies to Judges Goldberg, Spears and Roberts.
- 2-10-69 52) Summons issued for James Barlow.
- 2-12-69 53) Amended Answer of the Defendant. Atty. Gen. of Texas, filed. Copy to Judge.
- 2-14-69 54) Second Amended Answer of Defendant Alamo Heights ISD, filed. Copy to Judges.
- 2-17-69 55) Second Amended Answer of Defendant Harlandale ISD, filed. Copy to Judges.
- 2-17-69 56) Second Amended Answer of Defendant North East ISD, filed. Copy to Judges.
- 2-17-69 57) Memorandum Regarding Order Appointing Three Judge Court, filed. Copy to Judges.
- 2-20-69 58) Second Amended Answer of S.A.I.S.D. to the Second Amended Complaint, filed. Copy to Judge Spears.
- 2-20-69 59) Summons for James Barlow returned ex. 2-18-69 by D/Granados.
- 2-20-69 60) Motion to Drop Party for Misjoinder, filed. Copy to Judges.
- 2-24-69 61) Suggestions of the Parties as to the Procedure to be Followed by Three Judge Court, filed. Copies to Judges.
- 3-10-69 62) Order on Suggestions of the Parties as to Procedure to be followed by the Three-Judge Court, filed. Copy to Judges. (Mic. Reel No. 28)
- 3-17-69 63) Complainants' Brief on Question of Three Judge Court, filed dup. (Copies to Judges.)
- 3-24-69 64) Brief of Deft. Northside Ind. School Dist. Upon Question of Three Judge Court, filed dup. (Copies to 3 Judges.)
- 3-24-69 65) Defts.' Brief on Three Judge Court Issue, filed dup. (Copy to 3 Judges.)
- 5- 9-69 66) Second Supplemental Brief in Support of Defts.' Motion to Dismiss for Failure to State a Cause of Action, filed. (Copies to 3 Judges.)
- 5-12-69 67) Order Setting Hearing, filed. (Mic. Reel No.) Copy to Judges and all attys.
- 5-12-69 68) Order for Case to be Tried by One Judge Instead of Three Judges, filed. (Mic. Reel No.) Copy to Judges and all attys.
- 5-12-69 69) Opinion, filed. (Mic. Reel No.) Copy to Judges and all attys. of record.
- 6-11-69 70) Motion to Allow Filing of Outline of Pltffs.' Position, filed. (Copy to Judges.)

PROCEEDINGS

- 6-13-69 * Hearing on Motion to Dismiss, Motion to Join Parties and Motion to Drop Party Deft.—No decision reached. Case dismissed as to Criminal Dist. Atty. Pltffs. given two weeks to file 3rd Amended Complaint.

- 6-17-69 71) Transcript of Hearing Before 3-Judge Court held 6-13-69, filed.
- 6-27-69 72) Third Amended Complaint, filed. (Copies to 3 Judges.)
- 6-27-69 73) Memorandum Relating to Parties, filed. (Copies to 3 Judges.) Summons as to: Edgar, Judson, Knowlton, Barley, Engelhardt, Schumacher, Klabunde and Simpson, issued.
- 7- 8-69 74) Motion of Defts. for Additional Time to File Amended Answers to and Motions to the Third Amended Complaint filed by Pltffs., filed. (Copies to 3 Judges.)
- 7-11-69 75) Order Extending Time, filed. (Mic. Reel No.) Copy to Judge—all attys. notified.
- 7-15-69 76) Amended Answer of the Deft. Crawford C. Martin to Pltffs.' 3d Amended Complaint, filed. Copies mailed to 3 Judges.
- 7-15-69 77) Motion of Deft. Crawford C. Martin for Judgment Upon Pltffs.' 3d Amended Complaint for Failure to State a Claim upon which relief may be Granted, filed. (Copies to 3 Judges.)
- 7-15-69 Summons with Third Amended Complaint attached to: Rippy, Evans, Haas, Pool, Howell, Hart, Kirkpatrick, Willborn, Harvey, Jack Binion, Guthrie, Bailes, Corley, Mathews, Morgan, Baird, Koch, Greenwood, Gregg, Seley and Weeks, issued.
- 7-17-69 78) Answer of Defts. Jack Judson, Lloyd Knowlton, C. O. Barley, Engelhardt, Schumacher, Klabunde and Simpson to 3d Pty. Complaint, filed. (Copy to Judge.)
- 7-16-69 79) Summons (Jack Judson) returned ex. 7-8-69 by Granados, Deputy.
- 7-16-69 80) Summons (Lloyd Knowlton) returned ex. 7-8-69 by Granados, Deputy.
- 7-16-69 81) Summons (C. O. Barley) returned ex. 7-8-69 by Granados, Deputy.
- 7-16-69 82) Summons (H. W. Engelhardt) returned ex. 7-8-69 by Granados, Deputy.
- 7-16-69 83) Summons (Geo. Schumacher) returned ex. 7-8-69 by Granados, Deputy.
- 7-16-69 84) Summons (Benno Klabunde) returned ex. 7-8-69 by Granados, Deputy.
- 7-16-69 85) Summons (Wayne Simpson) returned ex. 7-8-69 by Granados, Deputy.
- 7-23-69 86) Summons (James E. Weeks) returned ex. 7-18-69 by Black, Deputy.
- 7-23-69 87) Summons (Paul R. Haas) returned ex. 7-17-69 by Schorre, Deputy.
- 7-24-69 88) Summons (Chas. D. Hart) returned ex. 7-17-69 by Beall, Deputy, Bryan, Tex.
- 7-24-69 89) Summons (Porter M. Bailes, Jr.) returned ex. 7-17-69 by Henderson, Deputy, Tyler, Tex.
- 7-24-69 90) Summons (E. R. Gregg, Jr.) returned ex. 7-17-69 by Rutherford, Deputy, Jacksonville, Tex.
- 7-24-69 91) Summons (Vernon Baird) returned ex. 7-18-69 by Vaught, Deputy, Ft. Worth, Tex.
- 7-25-69 92) Summons (Geo. C. Guthrie) returned ex. 7-24-69 by Madison, Deputy.
- 7-25-69 93) Summons (Frank M. Pool) returned ex. 7-22-69 by Black, Deputy, San Angelo.
- 7-30-69 94) Summons (J. W. Edgar) returned ex. 7-28-69 by Keller, Deputy.
- 7-30-69 95) Summons (Ben R. Howell) returned ex. 7-25-69 by Enriquez, Deputy.

- 8- 1-69 96) Summons (Winthrop Seley) returned ex. 7-30-69 by McNamara, Deputy.
- 8- 6-69 97) Answer of Defts. to Pltffs.' Third Amended Complaint, filed. (Copy to Judges—3)
- 8- 6-69 98) Motion of Defts. for Judgment Upon Pltffs.' Third Amended Complaint for Failure to State a Claim Upon Which Relief May Be Granted, filed. (Copy to 3 Judges.)
- 8- 6-69 99) Summons (Paul G. Greenwood) returned ex. 7-23-69 by Jones, Deputy, Harlingen, Tex.
- 8- 6-69 100) Summons (Walter R. Koch) returned ex. 7-29-69 by Keller, Deputy.
- 8- 6-69 101) Summons (Paul Mathews) returned ex. 7-21-69 by Bozz, Deputy, Greenville, Texas.
- 8-22-69 102) Motion of the Northside Independent School District That it be Dismissed from this Cause, filed. (Copy to 3 Judges.)
- 8-22-69 103) Second Amended Answer of Defendant Northside Independent School District, filed. (Copy to 3 Judges.)
- 8-25-69 104) Third Amended Answer of Deft. Harlandale Independent School District, filed. (Copy to 3 Judges.)
- 8-25-69 105) Motion of Deft. S. A. Ind. School Dist. to Dismiss the Third Amended Complaint for Failure to State a Claim upon Which Relief may be Granted, filed. (Copy to 3 Judges.)
- 8-25-69 106) Third Amended Answer of Deft., S. A. Ind. School Dist. to Third Amended Complaint, filed.
- 8-26-69 107) Motion of Harlandale Ind. School Dist. that it be Dismissed from this Cause, filed. (Copy to 3 Judges.)
- 8-26-69 108) Third Amended Answer of Deft. Alamo Hgts. Ind. School Dist., filed. (Copy to 3 Judges.)
- 8-26-69 109) Motion of Deft. Alamo Hts. School Dist. to Dismiss Deft. from Cause for Complainants Failure to State Claim, etc., filed. (Copy to 3 Judges.)
- 8-26-69 110) Third Amended Answer No. Ea. Ind. School Dist., filed. (Copy to 3 Judges.)
- 8-26-69 111) Deft.'s Motion to Dismiss No. Ea. Ind. School District, filed. (Copy to 3 Judges.)
- 9- 4-69 112) Summons (Jack Binion) returned ex. 7-25-69 by Pope, Deputy.
- 9- 4-69 113) Summons (Richard Kirkpatrick) returned ex. 8-4-69 by Becker, Deputy.
- 9- 4-69 114) Summons (James W. Harvey) returned ex. 8-6-69 by Vaught, Deputy.
- 9- 4-69 115) Summons (Edwin L. Rippy, MD.) returned ex. 7-31-69 by Nash, Marshal.
- 9- 4-69 116) Summons (Herbert O. Willborn) returned ex. 8-6-69 by Bevers, Deputy.
- 9- 4-69 117) Summons (Wm. H. Evans) returned ex. 8-4-69 by Davidson, Deputy.
- 9- 4-69 118) Summons (Doyle Corley) returned ex. 8-5-69 by Whitteman, Deputy.
- 9- 4-69 119) Summons (Carl E. Morgan) returned ex. 8-21-69 by Linthicum, Deputy.
- 9- 5-69 120) Order Requiring Briefs and Setting Pretrial Conference, filed. (Copies to Judge and all attorneys of record.)
- 9-11-69 121) Motion for Extension of Time to File Briefs, filed.
- 9-11-69 122) Order Extending Time to File Briefs, filed. (Copies to Judge and all attys.)
- 9-12-69 123) Motion for Extension of Time to File Briefs, filed. (Copy to 3 Judges.) (NoSide Ind.)

- 9-12-69 124) Motion for Extension of Time to File Brief and Memorandum, filed. (Copy to 3 Judges.)
- 9-15-69 125) Memorandum Brief (Judson, Knowlton, Barley, Englehardt, et al.) filed. (Copy to 3 Judges.)
- 9-17-69 126) Memorandum Brief of Deft. Alamo Hgts. Ind. School Dist. in Reply to Court's Order of September 5, 1969, filed. (Copy to 3 Judges.)
- 9-17-69 127) Argument and Authority in Support of Motion of NoSide Ind. School Dist. that it be Dismissed from This Cause, filed. (Copy to 3 Judges.)
- 9-19-69 128) Memorandum Brief of Defts. Crawford C. Martin, Atty. Gen. of Tex., J. W. Edgar, Comm. of Ed. and the Individual members of St. Bd. of Ed., filed. (Copy to 3 Judges.)
- 9-19-69 129) Response of Deft. Edgewood Ind. School Dist. to Court's Order of 9-5-69, filed.
- 9-19-69 130) Memorandum Brief of Deft. No. East Ind. School Dist. in Reply to Order, filed. (Copy to 3 Judges.)
- 9-19-69 131) Memorandum Brief of Harlandale Ind. School Dist. in Reply to Order, filed. (Copy to 3 Judges.)
- 9-22-69 132) Memorandum Brief of S. A. Ind. School Dist. Pursuant to Order, filed. (Copy to 3 Judges.)
- 9-29-69 133) Memorandum Brief of Pltffs. in Response to Order of Court of Sept. 5, 1969, Requiring Briefs, filed. (Copies to 3 Judges.)
- 10- 2-69 * Hearing on Motion of Independent School Districts to Dismiss, heard and taken under advisement.
- 10- 8-69 134) Transcript of Hearing of Pretrial Conference held 10-2-69, filed.
- 10-15-69 135) Order Overruling Motion to Dismiss and Other Matters, filed. (Copies to 3 Judges and all attys. of record)—FM
- 11-12-69 136) Written Interrogatories, filed. (Copies to 3 Judges.)—fm
- 12-12-69 137) Order Extending Time, filed. (Copies to Judge and all attys. of record.)—fm
- 12-12-69 138) Motion for Extension of Time to File Answers to Pltffs.' Interrogatories, filed.
- 1- 5-70 139) Defts.' Response to Pltffs.' Written Interrogatories, filed. (Exhibits attached)
- 2-25-70 140) Order as to Progress Being made by Committee, filed. (Copies to 3 Judges and all attys. of record.)—fm
- 2-27-70 141) Defendants' Report, filed. (Copy to Judge Spears.)
- 3- 4-70 142) Report to the Court, filed. (Copy to Judge.)
- 8-17-70 143) Defendants' Report, filed. (Copies to Judges Spears, Roberts and Goldberg.)
- 9- 4-70 144) Motion to Extend Time for Discovery and Presentation of Pretrial Order, filed.
- 12- 7-70 145) Order Extending Time, filed. (Copies to 3 Judges and attys. of record.)—fm
- 2- 9-71 146) Order Extending Time for Further Discovery, filed. (Copies to all judges, attys.)
- 2-11-71 147) Motion of Defts., Bexar Cnty. School Trustees, to Dismiss Defts. from this Cause for Complnts.' Failure to State Claim Upon Which Relief May be Granted, filed. (Copy to Judge Spears.)
- 2-25-71 148) Answer to Motion of Bexar County School Trustees to be Dismissed, filed. (Copy to Judges.)
- 2-25-71 149) Brief Supporting Answer to Motion of Bexar Cty. School Trustees, filed. (Copy to Judges.)
- 7- 6-71 150) Written Interrog. to Defts., filed. (Copies to Judges.)
- 7- 9-71 151) Plaintiffs' Answer to Letter of the Court dated July 1, 1971, filed. (Copy to Judges.)

- 8-24-71 152) Defts.' Answers to Pltffs.' Interrog., filed. (Copies to 3 Judges.)
- 9- 1-71 ** Discussion in Court and observation by all parties as to suit filed in Tyler involving Edgewood Ind. School Dist.
- 9- 7-71 153) Motion of NE School District for leave to intervene, filed. (Copy to Judges.)
- 9- 9-71 154) Pltffs.' Answer to motion of NESD to intervene, filed. (Copies to Judges.)
- 9- 9-71 155) Brief in Support of Answer to Motion, filed. (Copy to Judges.)
- 9-15-71 156) Report to the Court, filed. (Copies to Judges.)
- 9-20-71 157) Order Denying Motion to Intervene, Setting PT Conf., filed. (Copies to Judges, all Exhibits in Vault. Also send notices, etc., to Attys. Langley and Dobbins.)
- 9-21-71 Notices mailed as to Pretrial Conf. for Tues., Oct. 5th at 10:00 A.M.
- 9-30-71 158) Motion for Leave to Participate as Amicus Curiae, filed. (Copies to 3 Judges.)
- 10- 1-71 159) Motion for Leave to Participate as Amicus Curiae, filed. (Copy to Judge Spears.)
- 10- 5-71 ** Pre-Trial Conference—Order entered—Motions of NoSide Ind. Sch. Dist. and NoEast Ind. Sch. Dist. for Leave to Participate as Amicus Curiae—Granted. Pltffs.' Exhibits 1 through 18 (i) introduced in evidence. 30 days from this date all discovery to be completed and briefs filed. Defts. given 10 days thereafter for filing of briefs.
- 10- 5-71 160) Pre-Trial Order, filed. (Copies to 3 Judges.)
- 10-13-71 161) Notice of Taking Deposition, filed. (Copy to 3 Judges.)
- 10-13-71 162) Interrog. to be propounded to Berke, filed. (Copies to 3 Judges.)
- 10-15-71 163) Motion to Withdraw as Atty. of Record by Bonham, filed. (Copy to Judge Spears, R & G.)
- 10-18-71 164) Order allowing withdrawal, filed. (Copies to Judges, Attys. Bonham, Langley, Dobbins, Rivera, Gochman, D.A. Butler, Atty. Gen.)
- 10-18-71 165) Motion by Harlandale ISD for Leave to Participate as Amicus Curiae, filed. (Copies to 3 Judges.)
- 10-18-71 166) Order Granting Leave to Participate as Amicus Curiae, filed. (Copies to 3 Judges, all attys. of record.)
- 10-19-71 167) Motion by Alamo Heights ISD for Leave/Amicus Curiae, filed. (Copies to Judges.)
- 10-20-71 168) Order permitting AHISD to participate as Amicus Curiae, filed. (Copies to Judges, all attys.)
- 11- 8-71 169) Plaintiff's Trial Brief, filed. (Copies to 3 Judges.)
- 11-15-71 170) Defts.' Trial Brief, filed (Copies to Judges.)
- 11-15-71 Copies of instruments 161-170 to Dobbins (picked up by his office).
- 11-15-71 Copies of instruments 161-170 (excl. 169) mailed to Langley.
- 11-15-71 Copies of instruments 166-170 to West (picked up by his office).
- 11-15-71 Copies of instruments 168-170 mailed to Locke at request of his office.
- 11-19-71 171) Trial Brief of Amicus Curiae Northside ISD, filed. (Copies to Judges.)
- 11-19-71 172) Amicus Curiae Brief of Northeast ISD, filed. (Copies to 3 Judges.)
- 11-22-71 173) Deposition of Joel Berke. (Answers to Interrog., and appendices A & E), filed. (Copies.)
- 11-22-71 174) Trial Brief of Amicus Curiae Harlandale ISD, filed. (Copies to 3 Judges.)

- 11-30-71 175) Deposition of Feldstone & Webb, filed. (Copies to 3 Judges.)
- 11-30-71 176) Deposition of Cardenas, filed. (Copies to Judges.)
- 12- 1-71 177) Deposition of Leon Graham, filed.
- 12- 1-71 178) Deposition of Dr. John Stockton, filed.
- 12- 1-71 179) Deposition of J. W. Edgar, filed.
- 12- 7-71 180) Deposition of Richard Avena, filed.
- 12- 7-71 181) Deposition of Dr. Morgan, filed.
- 12-10-71 *** HEARING on the Merits, concluded. Case taken under advisement. (3 Judge Court.)
- 12-10-71 182) Written Argument in Lieu of Oral Argument of Northside ISD, filed. (Copies to 3 Judges.)
- 12-23-71 183) Judgment and Opinion, filed. (Copies to Judges, all attys.)
- 12-30-71 184) Defts.' Motion for Clarification of Judgment, filed. (Copies to 3 Judges.)
- 12-30-71 185) Order with Respect to Defts.' Motion for Clarification, filed. (Copies to 3 Judges, all attys. of record.)
- 1- 3-72 186) Amended Order with Respect to Clarification, filed. (Copies to Judges, all attys.)
- 1-11-72 187) Application for Leave to File Amicus Curiae (Deatherage, et al.), filed. (Copies to 3 Judges.)
- 1-11-72 188) Defts.' Brief with Respect to Motion for Clarification, filed. (Copies to 3 Judges.)
- 1-11-72 189) Suggestions of Amicus Curiae Northeast ISD as to Clarification, filed. (Copies to 3 Judges.)
- 1-12-72 190) Adoption of Brief for Clarification of Judgment, filed. (Copies to 3 Judges.)
- 1-12-72 191) Motion of Securities Association for Leave to file a Brief as Amicus Curiae, filed. (Copies to 3 Judges.)
- 1-13-72 192) Brief of Amicus Curiae Northside Independent School Dist., filed. (Copies to 3 Judges.)
- 1-20-72 193) Second Application of Securities Ind. for Leave to file Brief, filed. (Copies to 3 Judges.)
- 1-20-72 194) Motion of North Forest ISD for Leave to file Brief Amicus Curiae, filed. (Copies to 3 Judges.)
- 1-20-72 195) Plntfs.' Response to Defts.' Motion for Clarification, filed. (Copies to 3 Judges.)
- 1-20-72 196) Plntfs.' Brief in Response to Defts.' Motion for Clarification, filed. (Copies to 3 Judges.)
- 1-25-72 197) Defts.' Supplementary Brief with Respect to Defts.' Motion for Clarification of Judgment, filed. (Copies to 3 Judges.)
- 1-26-72 *** Orders granting leave to file Amicus Curiae Briefs attached to motions for same:
Instrument No. 187: Deatherage, Patterson, Morgan, et al.
Instrument No. 191: Securities Industry Association.
Instrument No. 193: Second Application of Securities Industry Association.
Instrument No. 194: North Forest ISD.
- 1-26-72 198) Amicus Curiae Motion of Interested Lawyers (Deatherage, et al.), filed. (Copies to 3 Judges.)
- 1-26-72 199) Brief of Securities Industry Association, filed. (Copies to 3 Judges.)
- 1-26-72 200) Supplemental Brief of Securities Industry Association, filed. (Copies to 3 Judges.)
- 1-26-72 201) Brief of North Forest ISD, filed. (Copies to 3 Judges.)
- 1-26-72 202) Clarification of Original Opinion, filed. (Copies to 3 Judges, all attys of record, and Amicus Curiae attys. Deatherage, Jeffers, Cook w/orders granting leave to file Amicus Curiae Briefs.)

- 1-26-72 203) Clarification of Original Opinion, filed. (Signatures of all 3 Judges.)
2- 7-72 204) Motion of 4 Banks & SIA for permission to Intervene, filed. (Copies to 3 Judges.)
2- 7-72 205) Brief in Support of Motion for Intervention, filed. (Copies to 3 Judges.)
2- 8-72 Copies of 182, 184, 188, 190, 195, 196, 197, 201, 204, 205 mailed to Amicus Curiae Dobbins, Langley, West, Locke.
2- 8-72 206) Acknowledgment of Service and Consent to Action, filed. (Copies to 3 Judges.)
2- 8-72 *** HEARING on Motion of the Proposed Intervenors for permission to Intervene in Cause. Atty. Clifford Youngblood from Houston given permission to present argument for the proposed intervenors, with the stipulation that he apply for admission to practice in this Court. Statements of Counsel made. Motion of proposed intervenors denied. Proposed intervenors requested transcript of hearing be sent to the other two judges (Goldberg & Roberts) for further consideration of the hearing on this cause.
2- 9-72 207) Transcript of Hearing on Motion to Intervene Held 2-8-72, filed.
2-10-72 208) Request for Review of Denial of Motion for Permission to Intervene, filed. (Copies to 3 Judges.)
2-11-72 209) Order Denying Motion for Permission to Intervene, filed. (Copies to 3 Judges, all attys.)
2-17-72 210) Notice of Appeal to the Supreme Court of the U. S., filed. (Copies to all parties.)
2-23-72 211) Order Denying Request for Review, filed. (Copies to all parties.)—fm.
3-13-72 212) Notice of Appeal to Supreme Court by Republic Natl. Bank, et al., filed. (Copies to Judges, Ct. Reporter, Supreme Court, all attys.)
3-13-72 213) Notice of Appeal to 5th Circuit, filed. (Copies to Judges, NO, all attys, Ct. Rptr.)
3-13-72 214) Transcript of Hearing 12-10-71, filed.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

DEMETRIO P. RODRIGUEZ, ET AL.

v.

SAN ANTONIO INDEPENDENT SCHOOL
DISTRICT, ET AL.

(1) Requesting Judge:

Honorable ADRIAN A. SPEARS
Western District of Texas

(2) District Judge:

Honorable JACK ROBERTS
Western District of Texas

(3) Circuit Judge:

Honorable IRVING L. GOLDBERG

(4) Date of Order: Jan. 16, 1969

The Requesting Judge (1) above named to whom an application for relief has been presented in the above cause having notified me that the action is one required by Act of Congress to be heard and determined by a District Court of three Judges, I, John R. Brown, Chief Judge of the Fifth Circuit, hereby designate the Circuit Judge (3) and District Judge (2) named above to serve with the Requesting Judge (1) as members of, and with him to constitute the said Court to hear and determine the action.

This designation and composition of the three-Judge court is not a prejudgment, express or implied, as to whether this is properly a case for a three-Judge rather than a one-Judge court. This is a matter best determined by the three-Judge court as this enables a simul-

taneous appeal to the Court of Appeals and to the Supreme Court without the delay, awkwardness, and administrative insufficiency of a proceeding by way of mandamus from either the Court of Appeals, the Supreme Court, or both, directed against the Chief Judge of the Circuit, the presiding District Judge, or both. The parties will be afforded the opportunity to brief and argue all such questions before the three-Judge panel either preliminarily or on the trial of the merits, or otherwise, as that Court thinks appropriate. See Misc. No. 1071, Jackson v. Choate, 5 Cir., 1968, — F.2d —, S.D.Fla., — F. Supp. —; Smith v. Ladner, S.D. Miss., 1966, 260 F.Supp. 918.

JOHN R. BROWN
Chief Judge, Fifth Circuit

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

CIVIL ACTION NO. 68-175-SA

(Title omitted in printing)

THIRD AMENDED COMPLAINT

Complainants for their claim allege:

1. Complainants' basic claim is that their children have been deprived of equal protection of the laws under the Fourteenth Amendment with regard to public school education. The jurisdiction of this Court is invoked under 28 U.S.C. §1331, this being an action which arises under the Constitution and laws of the United States, viz.: Amendment Fourteen, §1 of said Constitution, wherein the matter in controversy exceeds, exclusive of interest and costs, the sum of \$10,000. The jurisdiction of this Court is further invoked under 28 U.S.C., §1343, this being an action authorized by law to be brought to redress the deprivation under color of statute, regulation, custom, and usage of a state of rights, privileges, and immunities secured by the Constitution of the United States, viz.: Amendment Fourteen, §1 of said Constitution, and §§ 1981, 1983 and 1988 of Title 42, United States Code and the Civil Rights Act of 1964, all of which herein-after more fully appear.

2. Complainants reside within the boundaries of the Edgewood Independent School District, which is situated within the city limits of San Antonio, a municipality located in Bexar County, Texas. Each of the parent Complainants, who are named below, have children Complainants enrolled in the Edgewood Independent School District, as named below, to-wit:

Parent Complainants:	Children Complainants:
Demetrio P. Rodriguez wife, Belen M. Rodriguez	Alexander Rodriguez
Mrs. Alberta Z. Snid, a widow	Jose Snid Catalina Snid Angelina Snid Selina Snid
Joe Hernandez wife, Carmen D. Hernandez	Joe Hernandez, Jr. Yolanda Hernandez Irma Hernandez Richard Hernandez
Martin R. Cantu, Sr.	Linda Cantu Brenda Cantu Blanche Cantu
Reynaldo F. Castano	James Castano Robert Castano Steve Castano,

except that children Complainants, Elva Marie Rodriguez and Alva Jean Rodriguez, children of Complainants Jose Fermin Rodriguez and wife, Ramona Rodriguez, are in a private school because of the condition of the schools in the Edgewood Independent School District as hereinafter alleged.

3. Complainants sue on behalf of themselves and as next friends of their children. In addition, Complainants bring this suit pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of all other school children and parents of school children living in the Edgewood Independent School District who are Americans of Mexican descent and whose numbers make it impracticable to have them joined as Complainants. More than 90% of the children in the Edge-

wood Independent School District are Americans of Mexican descent.

4. Complainants also represent and bring this suit pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of all school children who live in the Edgewood Independent School District and all persons in the Edgewood Independent School District who have school children who are similarly situated and whose numbers make it impracticable to have them joined as Complainants.

5. Complainants also represent and bring this suit pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of all other school children in independent school districts and all other persons in Texas who have school children in independent school districts who are members of minority groups or are poor and have been deprived of the equal protection of the law under the Fourteenth Amendment with regard to public school education because of the low value of the property lying within the independent school districts in which they reside.

6. Complainants, as members of the classes, can and will adequately and fairly represent all of the members of the classes, who are so numerous as to make it impracticable to bring them all before this Court; that the character of the rights to be enforced and protected for the classes are several; and that there are common questions of law and fact affecting the several rights of all of the classes and a common relief is sought.

7. Defendants:

(a) Complainants sue the State Board of Education and Porter M. Bailes, Jr., M.D., Vernon Baird, Jack Binion, Doyle Corley, William H. Evans, Paul

G. Greenwood, E. R. Gregg, Jr., George C. Guthrie, Paul R. Haas, Charles D. Hart, James W. Harvey, Ben R. Howell, Richard Kirkpatrick, Walter R. Koch, Paul Mathews, Carl E. Morgan, Frank M. Pool, Edwin L. Rippy, M.D., Winthrop Seley, James E. Weeks, and Herbert O. Willborn in their capacity as members of the State Board of Education. The State Board of Education, under Article 2654-3, reviews, evaluates, adopts and promotes plans to meet the educational needs of the public schools within the State of Texas. Under Article 2665, the State Board of Education is in charge of allocation of certain school funds of the State. Under Article 2675b-5, the State Board of Education has the duty to consider the needs of the public schools of the State of Texas and prepare and present a report to the Governor to be transmitted to the legislature upon convening. It is further the duty of the State Board of Education, under said Article, to make statistical studies of education in the State of Texas. Under Article 2922-16, it is the duty of the State Board of Education to estimate the total cost of the Minimum Foundation School Program and to approve assessments for the Minimum Foundation School Program.

(b) Complainants sue J. W. Edgar, individually, and in his capacity as Commissioner of Education. The Commissioner of Education is the executive officer of the State Board of Education. He is responsible, under Article 2654-5, for promoting efficiency and improvement in the public school system of the State. Under Article 2656, he administers the school laws of the State and under Article 2657, he advises school officers. Under Article 2658, he notes the educational progress taking place in the public school system and under Article 2663, he is in charge of distribution of school funds from the State. He is also the executive

officer in charge of administering, subject to the approval of the State Board of Education, the Minimum Foundation Program under Article 2922-16 and 2922-20.

(c) Complainants sue Crawford Martin, the Attorney General of the State of Texas. In his capacity as Attorney General, he has sought to uphold and enforce the laws of the State of Texas, including Title 49 of Vernon's Annotated Civil Statutes of Texas and Article 2806 thereof, and Article 7, §3 of the Constitution of the State of Texas. The Attorney General derives his authority to be chief law enforcement officer of the State and represent the interests of the State in civil litigation by virtue of Article 4, §22 of the Texas Constitution and the common law. Under Article 4399, he is responsible for giving advisory opinions to the Commissioner of Education with regard to laws relating to education and under Article 2670, he is responsible for approving all school bonds in the State.

(d) Complainants sue the Bexar County School Trustees, to-wit: Jack Judson, Lloyd Knowlton, C. O. Barley, H. W. Engelhardt, George Schumacher, Benno Kalbunde and Wayne Simpson. Under Article 2676, these Trustees are the general managers of the public schools of the county. In Bexar County, the authority of the School Trustees is limited since all the schools in the county are in independent school districts. If the Court orders, as alternatively prayed, that a school district or school districts be abolished, it would be incumbent upon the County School Trustees, under Article 2922a, to set the boundary lines of any new school districts that might result.

(e) The Defendant school districts are: San Antonio Independent School District, Edgewood Inde-

pendent School District, Harlandale Independent School District, Northside Independent School District, Northeast Independent School District, Alamo Heights Independent School District and South San Antonio Independent School District.

Each lies wholly or partly within the City of San Antonio and geographically are situated in one continual and contiguous urban complex that comprises the City of San Antonio and its environs (cities having contiguous boundaries with the City of San Antonio). This urban complex is in Bexar County, Texas. Neither cities or counties geographically determine Defendant school district boundaries; no natural geographic reasons exist for their present boundaries; costs do not vary substantially within the area described.

Each of the other Defendant school districts collects and spends substantially more money per student for their education than the Edgewood Independent School District. Therefore, such other Defendant school districts are able to provide a substantially higher quality of education for their students than is Edgewood.

Although the duty to provide education pursuant to the Texas Constitution is a non-delegable function of the State, these school districts are joined as Defendants in their capacity as quasi-municipal corporations set up by the State for the convenience of the State in maintaining public schools. These school districts could be directly affected by the outcome of this case. Complainants pray, as alternative relief, that these school districts be abolished and that the County Board of School Trustees prepare school district boundary lines that will provide the minorities and the poor with approximately equal funds per student in relation to other students.

Said Defendant school districts are sued also under Rule 23 of the Federal Rules of Civil Procedure as representatives of two classes, to-wit: the Independent School Districts of Bexar County, since the members of the classes are so numerous that the joinder of all members is impracticable, and the State of Texas. There are questions of law and fact common to the classes. The defenses of the representative parties are typical of the defenses of the classes and the representative parties will fairly and adequately protect the interests of the classes. Adjudications with respect to the individual members of the classes would, as a practical matter, be dispositive of the interest of the other members not parties to the adjudication and the questions of law and fact common to the members of the class predominate over any question affecting only individual members. A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

8. It is incumbent upon the State to provide funds to support the Texas free public school system. State funds supporting the Texas free school system (the State financing system) come primarily from two sources.

(a) *Taxes Assessed by School Districts:* The State has delegated, in pursuance of Article 7, §3, the power of each school district to levy and collect ad valorem property taxes for maintenance and operation of their respective school systems. Under Article 7, §3, the State requires that each school district, including Defendant districts, without exception, retain in each district all the taxes collected by such district.

(b) *Minimum Foundation School Funds:* The second basic source of revenue from the State in support

of the public free school system is derived from the Minimum Foundation School Program (Articles 2922-11 to 2922-24). The Foundation funds are distributed by the State Commissioner of Education, subject to the approval of the State Board of Education, to the various school districts in the State.

The value of property in the Edgewood District is substantially less per student than in the other Defendant districts and insufficient to bear the burden of equalizing the Edgewood District to the other Defendant districts. Because of the present school financing system of the State, this vast difference in value of property within the districts results in the inequality of funds available for education in the Edgewood District. The low property values and low family incomes preclude the Edgewood District from collecting funds through taxation of property within the district equal per student to the other school districts.

For comparison, the property valuation in the Edgewood District is approximately \$2,210 per pupil, while the property valuation in the Northeast Independent School district is approximately \$12,090 per pupil. The average family income in the Edgewood District is approximately \$3,300, while the average family income in the Northeast Independent School District is between \$8,000 and \$10,000.

As a result, on information and belief, Edgewood Independent School District spends approximately \$290 for the education of each of its students; San Antonio Independent School District spends approximately \$385; Northeast Independent School District spends approximately \$475; Alamo Heights Independent School District spends approximately \$485; Harlandale Independent School District spends approxi-

mately \$384; South San Antonio Independent School District spends approximately \$370; and Northside Independent School District spends approximately \$384. There is no justification for such disparities in terms of educational needs or educational costs.

The sums above include Federal funding in which Edgewood receives more per student than the other Defendant school districts. Thus, the disparities in funds derived from the financing scheme provided under the laws of the State of Texas is greater than shown in the above figures.

9. As a result, the children in the Edgewood District are provided a substantially inferior education compared to the children in other Defendant school districts because, with greater income per student as described aforesaid, other Defendant school districts are able to hire better qualified teachers, more and better counselors, provide better building facilities, scientific equipment, libraries, equipment and supplies, and maintain a broader and better curriculum. The state deprives Complainants of an adequate education and equal opportunity with regard to education.

10. Each district levies and collects taxes on property within its district. The money collected by a district must be used solely within the district in which it is collected under the requirements of Article 7, §3 of the Texas Constitution. Provision is made for consolidation of independent school districts under Article 2806, Vernon's Annotated Civil Statutes of Texas. Such consolidation requires an election in which a majority of those voting in all school districts involved must vote for consolidation in order to effectuate consolidation. Under Article 2742f, upon election, school boundaries of an independent district can also be

changed. Under Article 2922a, if Edgewood District were abolished by election or changed to a different classification of school district, the County Board of School Trustees could annex it to another district. There are the methods under which the boundaries of the Edgewood District could be changed and its per student property values increased. No administrative procedure exists for Complainants to equalize the system. The Complainants have no remedy or right of redress except through court action.

11. Complainants do not allege that a school district system of administering public school education is unconstitutional. Complainants further do not allege that a variance in expenditures would be unconstitutional where the students receiving greater sums of money have educational needs that require greater sums of money. Complainants do allege that in the present case the educational needs of the children in the Defendant school districts, other than Edgewood Independent School District, are not greater and neither require nor justify greater sums of money than the educational needs of the children of the Edgewood School District.

12. The State financing system denies Complainant children and other children within the Edgewood District educational opportunities and resources substantially equal to those enjoyed by children attending other Defendant school districts. It fails to meet minimum requirements of the Fourteenth Amendment of the United States Constitution and Article 1, Sec. 3, of the Texas Constitution in the following respects:

(a) It makes the quality of education received by Complainants and their class a function of the wealth of their parents and neighbors as measured by the tax

rate and property values of the school district in which they reside.

(b) It provides students living in Defendant school districts other than Edgewood School District with material advantages over Complainants and their class in selecting and pursuing their educational goals.

(c) It provides Complainant children and their class, who are of substantially equal age, aptitude, motivation, and ability, with substantially inferior educational resources than children in the Defendant school districts other than Edgewood School District.

(d) It produces and perpetuates the marked difference in the quality of educational services, equipment and other facilities of schools in the school district wherein Complainant children reside and the schools of the Defendant districts.

(e) The use of the "school district" as a unit for the varying allocations of educational funds has no reasonable relation to the Texas constitutional purpose of providing for general diffusion of knowledge by an efficient system of free public schools and/or is not necessary to promote a compelling State interest.

(f) The part of the State financing system which requires Defendant school districts to retain and expend, with their respective boundaries, all of the school taxes collected for the educational purposes of each district bears no reasonable relation to any educational objective.

13. The Complainants are all of Mexican-American descent. The students of the Edgewood District are practically all Americans of Mexican descent. The percentage of Mexican-Americans in the Edgewood School District is higher than in the other Defendant school

districts. As the percentage of Mexican-Americans decrease in a district, the amount spent per student for education increases. In other words, the lower the percentage of Mexican-Americans in a Defendant school district, the higher are the expenditures per student.

There has been a pattern of discrimination against Mexican-Americans in the Southwestern United States (those states having a common border with Mexico, including the State of Texas. Such discrimination has resulted in a generally poorer education, more substandard housing, more limited job opportunities, smaller incomes and more deprivation of civil and political rights for Mexican-Americans than for other white Americans in Texas. Edgewood School District has a very high concentration of Mexican-Americans. Its residents have, on information and belief, lower incomes, more substandard housing, poorer education, and more limited job opportunities than do residents of the Defendant school districts, other than Edgewood School District. The State financing system results in further discrimination and the laws providing for such a scheme are therefore unconstitutional. The discrimination is willful.

14. The people in the Edgewood District have a lower per capita income, a lower mean income, and a lower family income than the people in the other Defendant school districts.

15. The operation of Article 7, Sec. 3 of the Texas Constitution and Title 49 of Vernon's Annotated Civil Statutes of Texas, insofar as it is applicable to Complainants, and the State financing system therein prescribed have deprived Complainants of the equal protection provided for in the Fourteenth Amendment and the equality guaranteed Complainants by Article

1, §3 of the Texas Constitution in that racial discrimination and segregation have resulted from such operation and limits Complainants and their class to more limited job opportunities, lower incomes, and substandard housing in the future.

16. Complainants also claim that the State, in providing for education, must make available and create a system of equal opportunity of education for all its citizens. The duty to provide such an education is a State obligation and school districts are merely subdivisions of the state government organized for convenience in exercising the government function of establishing and maintaining public free schools for the benefit of the people. That the State financing system of numerous independent school districts in the same geographic metropolitan area, providing for separate and independent taxing units, taxing rate, and resulting tax income, allows for the conditions that exist in this case in which there are vast differences in educational facilities and money spent for each student's education. That the system of independent school districts, each taxing separately in different amounts for itself, created through the statutes designated herein, deprives Complainants of equal educational opportunity in violation of Amendment Fourteen of the United States Constitution.

17. An actual controversy has arisen relating to the rights and duties of the parties in that Complainants contend that they have been denied the equal protection of the laws of the United States, and that Article 7, §3 of the Texas Constitution and such other statutes in Title 49 of Vernon's Annotated Civil Statutes of Texas, as conflict with Complainants' constitutional rights, are invalid and unconstitutional. That the Complainants have no other means of remedying the situation

besides resort to this Court because of the State taxing system and the inability of the Complainants to administratively follow a procedure that will provide them relief. That under the Texas laws, Complainants cannot effectuate an equal distribution of the districts since such consolidation as is allowed requires action by the districts themselves and actions by a majority vote in such districts. On the other hand, Defendants contend that Complainants have not been denied equal protection and that Article 7, §3, of the Texas Constitution and Title 49 of Vernon's Annotated Civil Statutes of Texas are valid and constitutional.

18. The injury to Complainant children and to the members of their class as a result of the method of the State financing system is irreparable and the Complainants and the members of their class will continue to be irreparably injured unless the relief requested by this Complaint is promptly granted.

WHEREFORE, Complainants respectfully pray:

A. That the Court declare the respective rights and duties of the Complainants and Defendants and enter judgment declaring:

(1) the Complainants have been denied equal protection of the laws of the United States and Texas by the aforesaid State financing system, and

(2) the State financing system is void and without force or effect as repugnant to the equal protection clause of the Fourteenth Amendment to the Constitution of the United States and repugnant to Article 1, §3 of the Constitution of the State of Texas, and/or that it is unenforceable insofar as it interferes with providing a system of equal educational opportunity;

B. That Article 7, §3 of the Texas Constitution, Article 2806 of Vernon's Annotated Civil Statutes of

Texas, and the sections of Title 49 of Vernon's Annotated Civil Statutes of Texas relating to the financing of education, including the Minimum Foundation School Program (Articles 2922-11 to 2922-21) being repugnant to the Constitution of the United States, the Defendants and each of them be preliminarily and permanently restrained and enjoined from giving any force and effect to said Article 7, §3 of the Texas Constitution, Article 2806 of Vernon's Annotated Civil Statutes of Texas, and sections of Title 49 of Vernon's Annotated Civil Statutes of Texas relating to the financing of education, including the Minimum Foundation School Program Act (Articles 2922-11 to 2922-21), and that Defendants, the Commissioner of Education and the members of the State Board of Education, and each of them, be ordered to reallocate the funds available for financial support of the school system, including without limitation, funds derived from taxation of real property by school districts, and to otherwise restructure the financial system in such a manner as not to violate the equal protection provisions of both the United States and Texas Constitutions;

C. That the Court retain jurisdiction in this action, affording Defendants and the legislature of the State of Texas a reasonable time in which to take all steps reasonably feasible to make the school system comply with the applicable law, and without limiting the generality of the foregoing, to re-allocate the school funds and to otherwise restructure the taxing and financing system so as to provide substantially equal public school educational opportunities for the Edgewood Independent School District with those children in the other Defendant school districts and/or for all children of the State of Texas as required by the equal protection clause of the Fourteenth Amendment to the United

States Constitution and Article 1, §3 of the Constitution of the State of Texas, and should the Defendants and the legislature fail to so reapportion school funds within such reasonable time that this Court enter its order regulating the collection of property taxes for school purposes and apportion school funds in satisfaction of the obligations undertaken by the State of Texas in Article 7 of the Texas Constitution and in conformance with the requirements of the equal protection clause of the Fourteenth Amendment of the Constitution of the United States;

D. Alternatively, Complainants pray that the Court order that Defendant school districts in Bexar County be abolished and the County School Trustees convene to establish the new boundary lines for a school district or districts, and that the Court order that the lines be drawn so that the property values in each of the resulting school districts be approximately equal with regard to value of taxable property per school child ; and

E. That Complainants be granted such other and further relief as may be proper.

Respectfully submitted,

ARTHUR GOCHMAN
802 Frost Bank Building
San Antonio, Texas 78205

Attorney for Complainants

(Certificate of Service Omitted in Printing)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION
CIVIL ACTION NO. 68-175-SA
(Title Omitted in Printing)

**AMENDED ANSWER OF THE DEFENDANT,
CRAWFORD C. MARTIN, ATTORNEY GENERAL
OF TEXAS, TO PLAINTIFF'S THIRD AMENDED
COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Crawford C. Martin, Attorney General of the State of Texas, one of the Defendants in the above entitled and numbered cause and, in accordance with the order of this Court, files this, his amended answer to Plaintiffs' Third Amended Complaint, and would respectfully show unto the Court as follows:

I.

The Third Amended Complaint of Plaintiffs fails to state a claim against Defendant upon which relief can be granted.

II.

A. Defendant denies the allegations contained in Paragraphs 1, 12, 15, 16, 17 and 18 of Plaintiffs' Third Amended Complaint.

B. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 2, 3, 4, 5, 6, 7(d), 11 and 14 of Plaintiffs' Third Amended Complaint.

C. Defendant admits the allegations contained in Paragraph 7(a), 7(b), 7(c) and 8(a) of Plaintiffs' Third Amended Complaint.

D. Defendant admits the allegations contained in the first paragraph of Paragraph 7(e) of Plaintiffs' Third Amended Complaint; Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second and third paragraphs of Paragraph 7(e) of Plaintiffs' Third Amended Complaint; Defendant denies the remaining allegations contained in Paragraph 7(e) of Plaintiffs' Third Amended Complaint.

E. Defendant admits the allegations contained in Paragraph 8 of Plaintiffs' Third Amended Complaint that: "State funds supporting the Texas free school system (the State financing system) come primarily from two sources," but denies the remaining portion of Paragraph 8 of Plaintiffs' Third Amended Complaint.

F. Defendant admits the allegations contained in the first paragraph of Paragraph 8(b) of Plaintiffs' Third Amended Complaint, but the Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 8(b) of Plaintiffs' Third Amended Complaint.

G. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of Plaintiff's Third Amended Complaint, save and except the last sentence thereof, wherein it is alleged that: "the State deprives Complainants of an adequate education and equal opportunity with regard to education," which such allegation the Defendant denies.

H. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first paragraph of Paragraph 13

of Plaintiffs' Third Amended Complaint, but the Defendant denies the allegations contained in the second paragraph of Paragraph 13 of Plaintiffs' Third Amended Complaint.

I. Defendant admits the allegations contained in all but the last three sentences of Paragraph 10 of Plaintiffs' Third Amended Complaint; as to the allegation that: "these are the methods under which the boundaries of Edgewood District could be changed and its per student property values increased," Defendant is without knowledge or information sufficient to form a belief as to the truth of such allegation; the Defendant denies the allegations contained in the last two sentences of Paragraph 10 of Plaintiffs' Third Amended Complaint.

WHEREFORE, Defendant, Crawford C. Martin, Attorney General of Texas, prays that a judgment be entered in his favor, that the relief prayed for by Plaintiffs be denied, and for its cost, and for such other and further relief which this Court may deem proper.

CRAWFORD C. MARTIN
Attorney General of Texas

PAT BAILEY
Assistant Attorney General
Capitol Station
Austin, Texas 78711

Attorneys for Defendant,
CRAWFORD C. MARTIN,
Attorney General of Texas

(Certificate of Service Omitted in Printing)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION
CIVIL ACTION NO. 68-175-SA

(Title Omitted in Printing)

ANSWER OF THE DEFENDANTS, STATE
BOARD OF EDUCATION, PORTER M. BAILES,
JR., M.D., VERNON BAIRD, JACK BINION,
DOYLE CORLEY, WILLIAM H. EVANS, PAUL G.
GREENWOOD, E. R. GREGG, JR., GEORGE C.
GUTHRIE, PAUL R. HAAS, CHARLES D. HART,
JAMES W. HARVEY, BEN R. HOWELL, RICHARD
KIRKPATRICK, WALTER R. KOCH, PAUL
MATHEWS, CARL E. MORGAN, FRANK M. POOL,
EDWIN L. RIPPY, M.D., WINTHROP SELEY,
JAMES E. WEEKS, HERBERT O. WILLBORN,
MEMBERS OF THE STATE BOARD OF EDUCA-
TION, AND J. W. EDGAR, COMMISSIONER OF
EDUCATION, TO PLAINTIFFS' THIRD
AMENDED COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW State Board of Education, Porter M. Bailes, Jr., M.D., Vernon Baird, Jack Binion, Doyle Corley, William H. Evans, Paul G. Greenwood, E. R. Gregg, Jr., George C. Guthrie, Paul R. Haas, Charles D. Hart, James W. Harvey, Ben R. Howell, Richard Kirkpatrick, Walter R. Koch, Paul Mathews, Carl E. Morgan, Frank M. Pool, Edwin L. Rippy, M.D., Winthrop Seley, James E. Weeks, Herbert O. Willborn, Members of the State Board of Education, and J. W. Edgar, Commissioner of Education, Defendants in the above entitled and numbered cause and file this, their answer to Plaintiffs' Third Amended Complaint, and would respectfully show unto the Court as follows:

I.

The Third Amended Complaint of Plaintiffs fails to state a claim against Defendants upon which relief can be granted.

II.

A. Defendants deny the allegations contained in Paragraphs 1, 12, 15, 16, 17 and 18 of Plaintiffs' Third Amended Complaint.

B. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 2, 3, 4, 5, 6, 7(d), 11 and 14 of Plaintiffs' Third Amended Complaint.

C. Defendants admit the allegations contained in Paragraphs 7(a), 7(b), 7(c) and 8(c) of Plaintiffs' Third Amended Complaint.

D. Defendants admit the allegations contained in the first paragraph of Paragraph 7(e) of Plaintiffs' Third Amended Complaint; Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the second and third paragraphs of Paragraph 7(e) of Plaintiffs' third Amended Complaint; Defendants deny the remaining allegations contained in Paragraph 7(e) of Plaintiffs' Third Amended Complaint.

E. Defendants admit the allegations contained in Paragraph 8 of Plaintiffs' Third Amended Complaint that: "State funds supporting the Texas free school system (the State financing system) come primarily from two sources," but deny the remaining portion of Paragraph 8 of Plaintiffs' Third Amended Complaint.

F. Defendants admit the allegations contained in the first paragraph of Paragraph 8(b) of Plaintiffs'

Third Amended Complaint, but the Defendants are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 8(b) of Plaintiffs' Third Amended Complaint.

G. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of Plaintiffs' Third Amended Complaint, save and except the last sentence thereof, wherein it is alleged that: "the State deprives Complainants of an adequate education and equal opportunity with regard to education," which such allegation the Defendants deny.

H. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in the first paragraph of Paragraph 13 of Plaintiffs' Third Amended Complaint, but the Defendants deny the allegations contained in the second paragraph of Paragraph 13 of Plaintiffs' Third Amended Complaint.

I. Defendants admit the allegations contained in all but the last three sentences of Paragraph 10 of Plaintiffs' Third Amended Complaint; as to the allegation that: "these are the methods under which the boundaries of Edgewood District could be changed and its per student property values increase," Defendants are without knowledge or information sufficient to form a belief as to the truth of such allegation; the Defendants deny the allegations contained in the last two sentences of Paragraph 10 of Plaintiffs' Third Amended Complaint.

WHEREFORE, Defendants pray that a judgment be entered in their favor, that the relief prayed for by

Plaintiffs be denied, and for their costs, and for such other and further relief which this Court may deem proper.

CRAWFORD C. MARTIN
Attorney General of Texas

PAT BAILEY
Assistant Attorney General

Capitol Station
Austin, Texas 78711

Attorneys for Defendants

(Certificate of Service Omitted in Printing)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION
CIVIL ACTION NO. 68-175-SA

(Title Omitted in Printing)

**MOTION OF DEFENDANTS, STATE BOARD OF
EDUCATION, PORTER M. BAILES, JR., M.D.,
VERNON BAIRD, JACK BINION, DOYLE
CORLEY, WILLIAM H. EVANS, PAUL G.
GREENWOOD, E. R. GREGG, JR., GEORGE C.
GUTHRIE, PAUL R. HAAS, CHARLES D. HART,
JAMES W. HARVEY, BEN R. HOWELL,
RICHARD KIRKPATRICK, WALTER R. KOCH,
PAUL MATHEWS, CARL E. MORGAN, FRANK
M. POOL, EDWIN L. RIPPY, M.D., WINTHROP
SELEY, JAMES E. WEEKS, HERBERT O.
WILLBORN, MEMBERS OF THE STATE
BOARD OF EDUCATION, AND J. W. EDGAR,
COMMISSIONER OF EDUCATION, FOR JUDG-
MENT UPON PLAINTIFFS' THIRD AMENDED
COMPLAINT FOR FAILURE TO STATE A
CLAIM UPON WHICH RELIEF MAY BE
GRANTED**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW State Board of Education, Porter M. Bailes, Jr., M.D., Vernon Baird, Jack Binion, Doyle Corley, William H. Evans, Paul G. Greenwood, E. R. Gregg, Jr., George C. Guthrie, Paul R. Haas, Charles D. Hart, James W. Harvey, Ben R. Howell, Richard Kirkpatrick, Walter R. Koch, Paul Mathews, Carl E. Morgan, Frank M. Pool, Edwin L. Rippy, M.D., Winthrop Seley, James E. Weeks, Herbert O. Willborn, Members of the State Board of Education, and J. W. Edgar, Commissioner of Education, Defendants in the

above entitled and numbered cause, and would show to the Court that the Complainant herein fails to state a claim upon which relief can be granted for the following reasons:

1. That Plaintiffs have failed to allege a cause of action arising under the Constitution or laws of the United States.
2. That Plaintiffs do not allege that either Article VII, Section 3, of the Texas Constitution or Article 2806 of the Revised Civil Statutes, or the Minimum Foundation School Program (Arts. 2922-11 to 2922-24), were enacted for the purpose of denying to any person the equal protection of the laws or to abridge the privileges or immunities of any citizen or to deprive any person of life, liberty or property without due process of law.
3. That Article VII, Section 3, of the said Constitution shows on its face that it was enacted to provide for a public free school system for *all* of the children of the State. Said constitutional provision provides for State funds for the maintenance of all schools within the State for a period of not less than six months each year and for free text books to all students and, in addition thereto, grants the power to all school districts to levy additional taxes for the further maintenance of the public free schools and for the erection and maintenance of buildings in such districts.
4. That no violation of Amendment XIV of the Constitution of the United States results from the fact that the State of Texas is divided into numerous common and independent school districts, each of which varies from the other in the amount of total funds available for school buildings and the further maintenance of the schools within its limits by virtue of the

respective will or ability of their respective inhabitants to vote higher school taxes and correspondingly higher encumbrances on their properties than inhabitants of another district or other districts.

5. That no violation of the Constitution of the United States results from the fact, if true, that each of the Defendant school districts collects and spends substantially more per student for the education of the children residing therein than does Edgewood Independent School District.

6. That no violation of the Constitution of the United States results from the fact, if true, that each of the Defendant school districts is able to provide a substantially higher quality of education for its students than Edgewood Independent School District.

7. That it is nowhere alleged that the independent school district system of Texas was created for the purpose of discriminating against Mexican Americans because of their race.

8. That the Constitution of the United States does not require that all states must spend substantially equal sums for the education of the children of their respective citizens, nor does it require that each city in each state spend substantially the same amount for the education of the children of its citizens, nor that each school district in each state spend substantially the same amount of money for the education of the children of the inhabitants thereof.

9. That inequality of wealth has always existed between the citizens in various states, regions, communities, and areas within communities, and has always resulted in the fact that in some areas it has been feasible to levy and collect higher taxes than in others for all purposes, including education.

10. That the Fourteenth Amendment of the Constitution does not require that the money collected from ad valorem tax levies on real and personal property of one school district be expended in part for the education of children living in another school district which, for some reason or other, failed to levy or collect taxes equal to those collected by the other district.

11. That it is not alleged in Plaintiffs' petition that an effort has been made to levy and collect taxes within Edgewood Independent School District equal to the effort made by the Defendant school districts.

12. Plaintiffs' Third Amended Complaint constitutes nothing more than an effort on Plaintiffs part to make the naked allegations that their rights have been violated under the Fourteenth Amendment to the Constitution of the United States and the Civil Rights Act of 1964, suffice for factual allegations to support Plaintiffs' vague and general allegations. Such action on the part of the Plaintiffs leaves the Defendants and this Court in the position of having to speculate as to how or in what manner the Plaintiffs' rights under the Fourteenth Amendment to the Constitution of the United States and the Civil Rights Act of 1964 have been violated.

WHEREFORE, PREMISES CONSIDERED, these Defendants pray that judgment be entered herein that Plaintiffs take nothing herein against these Defendants.

CRAWFORD C. MARTIN
Attorney General of Texas
PAT BAILEY
Assistant Attorney General
Capitol Station
Austin, Texas 78711
Attorneys for Defendants

(Certificate of Service Omitted in Printing)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION
CIVIL ACTION NO. 68-175-SA
DEMETRIO P. RODRIGUEZ, ET AL

v.

SAN ANTONIO INDEPENDENT SCHOOL
DISTRICT, ET AL

ORDER

The Court having held a pretrial conference in this cause on October 2, 1969, it is ORDERED as follows:

- (1) This cause is now one properly to be heard by a three-judge court.
- (2) The motion to dismiss this cause is overruled.
- (3) The motions to dismiss filed by Alamo Heights Independent School District, Harlandale Independent School District, North East Independent School District, Northside Independent School District, San Antonio Independent School District and South San Antonio Independent School District, are hereby granted, provided, however, in the event the plaintiffs at some subsequent time pursue the alternative relief requested in paragraph D of the prayer of their third amended complaint, said school districts, and each of them, upon proper application, will be allowed to intervene in this lawsuit.
- (4) Discovery shall be completed by the plaintiffs within six (6) months from this date, and by the defendants within six (6) months thereafter.
- (5) A conference of attorneys shall be held on or before thirty (30) days after the completion of all discovery, and counsel shall submit their proposed agreed pretrial order within thirty (30)

days following their conference. The proposed order shall supply information required by Local Court Rule 26, and the pretrial order checklist (Form PT-1), which will be furnished by the Clerk upon request.

(6) In the event counsel are unable to agree on a form of proposed agreed pretrial order, then counsel for each side are directed to submit their version of an appropriate pretrial order within ten (10) days after the expiration of the time set in paragraph (5) hereof; such version shall cover, in addition to the matters contemplated in paragraph (5) of this order, the following:

(a) A list of other facts or exhibits which it is felt opposing counsel should stipulate to, but which he refuses to do. *Local Rule 26 (k)*.

(b) Any stipulations, rules, witness lists requirements with respect to trial briefs, or other appropriate matters which counsel feels should be included therein. *Local Rule 26 (m)*.

(7) The Court will set a date with notice to counsel of a pretrial conference for the purpose of entering a pretrial order to govern the trial of the case. In this connection, the attorneys who will try this case will familiarize themselves with pretrial rules and come to the conference with full authority to accomplish the purpose of Rule 16 by simplifying the issues, expediting the trial, and saving expenses. See Rule 16, FRCP; 3 Moore's Federal Practice, paragraphs 16.01 to 16.21; 1A Barron & Holtzoff Federal Practice and Procedure, Sections 471-473; 23 Federal Rules Decisions, pp. 129-138; 28 Federal Rules Decisions, pp. 37, et sec.

(8) This Court is aware of the fact that the Legislature of Texas on its own initiative has authorized the appointment of a Committee to study the public school system of Texas and to recommend "a specific formula or formulae to establish a fair and equitable basis for the division of the financial

responsibility between the State and the various local school districts of Texas", but this Court is of the opinion that sufficient time has not elapsed to allow the Committee to "explore all facets and all possibilities in relation to this problem area", and make an adequate report upon which the Legislature can enact appropriate legislation. It is felt, however, that the Committee should conduct its study and make its report in ample time for the Legislature to take such action as it might deem appropriate, not later than the adjournment of the 62nd Legislature, which will convene in January of 1971. Accordingly, even though the discovery and pretrial aspects of this case will continue pursuant to the terms of this order, the setting of a trial on the merits will be held in abeyance pending further developments, and in this connection counsel for defendants are directed to keep the Court and opposing counsel advised at least once in each ninety (90) day period following the date of this order, concerning the progress being made by the Committee and the Legislature with respect to this matter.

(9) The Clerk will furnish a copy of this order to counsel of record by certified mail.

Dated the 15th day of October, 1969.

(Signature)
ADRIAN A. SPEARS,
United States District Judge,
acting for and on behalf of all
three judges designated to hear
and determine this cause, with
full authority from each such
judge to so act.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION
CIVIL ACTION NO. 68-175-SA
DEMETRIO P. RODRIGUEZ, ET AL

vs.

SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL

PRE-TRIAL ORDER

On the 5th day of October, 1971, Arthur Gochman appeared as counsel for Plaintiffs, Pat Bailey and Raul Rivera appeared as counsel for Defendants.

1. The following jurisdictional questions were raised and disposed of as hereinafter indicated: None.
2. The following disposition was made of pending motions or other similar matters preliminary to trial: All motions have been disposed of.
3. In general, the Plaintiffs claim that their children have been deprived of equal protection of the laws under the Fourteenth Amendment with regard to public school education as a result of the State public school financing system. Plaintiffs allege that the State financing system makes education expenditures a function of the wealth of each district thereby denying Plaintiffs, and the classes they represent, educational opportunities and resources enjoyed by children attending school in other school districts.

4. In general, the Defendants claim:
 - (a) That the Plaintiffs have failed to state a claim against Defendants upon which relief can be granted.
 - (b) That the Fourteenth Amendment of the United States Constitution does not require that public school

expenditures by the State of Texas be made only on the basis of pupils' educational needs.

(c) Lack of judicially manageable standards makes this case nonjusticiable.

(d) The statutes of Texas enacted pursuant to its Constitution provide for a foundation school program which guarantees to all scholastics in the State of Texas a minimum amount of funds sufficient to afford a reasonable education.

(e) The Fourteenth Amendment of the United States Constitution permits the creation of political subdivisions with different powers, rights, functions and duties and does not require one political subdivision to assume the debts and obligations of another or to expend its funds for the benefit of another.

(f) The amount of funds expended by a school district per student does not necessarily determine the quality of the education which the student of the school district will receive. That circumstances and conditions other than the amount of funds expended per scholastic are involved in determining whether or not the education provided the scholastic is of a greater or lower quality than that received by a scholastic in another school district.

(g) That the conditions which the Plaintiffs allege exist in the Edgewood Independent School District are not as a result of constitutional or statutory provisions of the State of Texas, but are as a result of actions by the district itself.

(h) The Fourteenth Amendment of the United States Constitution does not require equal allocation or expenditure of its funds by the states.

(i) The Plaintiffs are seeking to have this Court substitute its discretion for that of the Legislature of

the State of Texas as to the type of financing program for public schools in Texas and this involves a political rather than a judicial decision.

5. Facts and issues not in genuine dispute are attached hereto.

6. The contested issues of fact are: Facts are generally not in dispute. There are, however, some opinions and conclusions that are in dispute.

7. The contested issues of law are:

(a) Plaintiffs and Defendants claim the contested issues of law are:

Whether or not under the facts in this case the Defendants have deprived Plaintiffs and the classes they represent of equal protection of the laws under the Fourteenth Amendment of the Constitution of the United States.

(b) The Defendants additionally claim the following contested issues of law:

[1] That the Plaintiffs have failed to state a claim against Defendants upon which relief can be granted.

[2] The Fourteenth Amendment of the United States Constitution does not require that public school expenditures by the State of Texas be made only on the basis of pupils' educational needs.

[3] Lack of judicially manageable standards makes this case nonjusticiable.

[4] The statutes of Texas enacted pursuant to its Constitution provide for a foundation school program which guarantees to all scholastics in the State of Texas a minimum amount of funds sufficient to afford a reasonable education.

[5] The Fourteenth Amendment of the United States Constitution permits the creation of political

subdivisions with different powers, rights, functions and duties and does not require one political subdivision to assume the debts and obligations of another or to expend its funds for the benefit of another.

[6] The Fourteenth Amendment of the United States Constitution does not require equal allocation or expenditure of its funds by the states.

[7] The Plaintiffs are seeking to have this Court substitute its discretion for that of the Legislature of the State of Texas as to the type of financing program for public schools in Texas and this involves a political rather than a judicial decision.

(c) Plaintiffs contend that Defendants alleged contested issues numbered 1, 2, 3, and 7 were decided by the Court in its Order of October 15, 1969, and are, therefore, no longer contested issues in this cause, and Defendants alleged issues numbered 4, 5, and 6 are arguments rather than legal issues.

8. The exhibits on the attached list were marked and received in evidence.

9. This it not a jury case.

10. Pleadings are in final form.

11. The following additional matters, to aid in the disposition of the action were determined: None.

12. The probable length of trial of this case is one day.

13. The proposed findings of fact and conclusions of law of each party are attached hereto.

14. A list of the names of all witnesses is attached hereto.

15. All discovery in this case has been completed, except that additional discovery shall be allowed for a period of 30 days.

16. Attorneys' conferences, as required by Order Preliminary to Pre-Trial Conference, have been held, the last being on Sept. 30, 1971.

17. Each party has advised the other with respect to all deposition questions and answers to be offered in evidence and objections thereto have been furnished and are ready for presentation to the Court at the Pre-Trial Conference.

18. Memorandum briefs have been furnished to the Court and opposing counsel with respect to all unusual questions of law. After evidence is submitted the parties desire to update briefs. Plaintiffs' brief must be filed in thirty (30) days, and defendants' another ten days thereafter.

19. A list of questions each party desires the Court to ask prospective jurors on voir dire examination is attached hereto: Not applicable.

20. The parties hereto are (are not) willing to enter into an agreement with reference to the disqualification of jurors: Not applicable.

21. Counsel for all parties have familiarized themselves with respect to the Local Court Rules, particularly Rules 4, 14, 26 and 28.

22. Counsel participating in the Pre-Trial procedures have full authority to accomplish the purpose of Rule 16, Federal Rules of Civil Procedure, and Local Rule 26, by simplifying the issues, expediting the trial and saving expenses.

23. Non-resident counsel have designated a resident attorney as required by Local Rule 4: Not applicable.

24. All parties are ready for pre-trial and trial.

25. The possibility of a compromise settlement has been fully discussed and explored.

26. The case was ordered set down on the non-jury calendar for a later time, after additional discovery and briefing are completed. Counsel will be notified.

No definite setting was made, but it is estimated that it will be reached for trial about -----.

Dated this 5th day of October, 1971, at San Antonio, Texas.

(Signature)
ADRIAN A. SPEARS
United States District Judge

APPROVED:

(Signature)
ARTHUR GOCHMAN
Counsel for Plaintiffs

(Signature)
PAT BAILEY
Counsel for Defendants

(Signature)
RAUL RIVERA
Counsel for Defendants

PLAINTIFFS' EXHIBITS

1. Amount raised per student—State funds
2. Amount raised per student—Local taxes
3. Percentages of Anglo-American, Mexican-American and Negro students in school districts named in suit
4. Value of property per student
5. Tax effort
6. Incomes in named districts
7. Values of property per pupil, expenditures per pupil, statewide sampling

8. Tables attached to Testimony of Joel S. Berke, I thru XI.
9. Graphs attached to Testimony of Joel S. Berke, I thru V
10. Expenditures per pupil in relation to Mexican-American enrollment

In addition, Plaintiffs submit to the Court portions of the Governor's Report and data, reports of the United States Commission on Civil Rights, and Texas Education Agency statistics, all of which Plaintiffs submit as information of which the Court may take judicial notice.

LIST OF WITNESSES

Plaintiffs

Dr. Jose Cardenas—effect of lack of funds

Dr. Don Webb—economic disparities between districts

Dr. Charles Feldstone—validating income statistics

Dr. Daniel C. Morgan, Jr.—the state school financing system

Dr. Joel S. Berke—study of Policy Institute of the Syracuse University Research Corporation on Public School Financing in Texas and results of that study

Richard Avena or Joe Bernal—history of discrimination of Mexican-Americans in the Southwest

Interrogatories of Defendants—all of Set 1, Set 2, Nos. I, II, III, IV, XV and XVI (The statistics submitted relate only to the districts named in the suit. The Court may take Judicial notice of statistics relating to other districts.)

Defendants

J. W. Edgar—functions of Commissioner of Education
and state system

Leon R. Graham—operation of state financing system

**FACTS AND ISSUES NOT IN GENUINE
DISPUTE**

1. Complainants reside within the boundaries of the Edgewood Independent School District, which is situated within the city limits of San Antonio, a municipality located in Bexar County, Texas. Each of the parent Complainants, who are named below, have children Complainants enrolled in the Edgewood Independent School District,

<i>Parent Complainants</i>	<i>Children Complainants</i>
Demetrio P. Rodriguez wife, Helen M. Rodriguez	Alexander Rodriguez
Mrs. Alberta Z. Snid a widow	Jose Snid Catalina Snid Angelina Snid Selina Snid
Joe Hernandez wife, Carmen D. Hernandez	Joe Hernandez, Jr. Yolanda Hernandez Irma Hernandez Richard Hernandez
Martin R. Cantu, Sr.	Linda Cantu Brenda Cantu Blanche Cantu
Reynaldo F. Castano	James Castano Robert Castano Steve Castano

2. Complainants are all of Mexican-American descent.

3. Complainants sue on behalf of themselves and as next friends of their children.

Skip to 6.

6. Complainants sue the State Board of Education and Porter M. Bailes, Jr., MD., Vernon Baird, Jack Binion, Doyle Corley, William H. Evans, Paul G. Greenwood, E. R. Gregg, Jr., George C. Guthrie, Paul R. Haas, Charles D. Hart, James W. Harvey, Ben R. Howell, Richard Kirkpatrick, Walter R. Koch, Paul Mathews, Carl E. Morgan, Frank M. Pool, Edwin L. Rippy, M.D., Winthrop Selye, James E. Weeks, and Herbert O. Willborn in their capacity as members of the State Board of Education. The State Board of Education under Article 2654-3, reviews, evaluates, adopts and promotes plans to meet the educational needs of the public schools within the State of Texas. Under Article 2665, the State Board of Education is in charge of allocation of certain school funds of the State. Under Article 2675b-5, the State Board of Education has the duty to consider the needs of the public schools of the State of Texas and prepare and present a report to the Governor to be transmitted to the legislature upon convening. It is further the duty of the State Board of Education, under said Article, to make statistical studies of education in the State of Texas. Under Article 2922-16, it is the duty of the State Board of Education to estimate the total cost of the Minimum Foundation School Program and to approve assessments for the Minimum Foundation School Program.

7. Complainants sue J. W. Edgar, individually, and in the capacity as Commissioner of Education. The Commissioner of Education is the executive officer of the State Board of Education. He is responsible, under Article 2654-5, for promoting efficiency and improvement in the public school system of the State. Under Article 2656, he administers the school laws of the State and under Article 2657, he advises school officers.

Under Article 2658, he notes the educational progress taking place in the public school system and under Article 2663, he is in charge of distribution of school funds from the State. He is also the executive officer in charge of administering, subject to the approval of the State Board of Education, the Minimum Foundation Program under Articles 2922-16 and 2922-20.

8. Complainants sue Crawford Martin, Attorney General of the State of Texas. In his capacity as Attorney General, he has sought to uphold and enforce the laws of the State of Texas, including Title 49 of Vernon's Annotated Civil Statutes of Texas and Article 2806 thereof, and Article 7, §3 of the Constitution of the State of Texas. The Attorney General derives his authority to be chief law enforcement officer of the State and represents the interests of the State in civil litigation by virtue of Article 4, §22 of the Texas Constitution and the common law. Under Article 4399, he is responsible for giving advisory opinions to the Commissioner of Education with regard to laws relating to education and under Article 2670, he is responsible for approving all school bonds in the State.

9. Complainants sue the Bexar County School Trustees, to-wit: Jack Judson, Lloyd Knowlton, C. W. Barley, H. W. Engelhardt, George Schumacher, Benno Kalbunde and Wayne Simpson. Under Article 2676, these Trustees are the general managers of the public schools of the county. In Bexar County, the authority of the School Trustees is limited since all the schools in the county are in independent school districts. If the Court orders, as alternatively prayed, that a school district or school districts be abolished, it would be incumbent upon the County School Trustees, under Article 2922a, to set the boundary lines of any new school districts that might result.

10. San Antonio Independent School District, Edgewood Independent School District, Harlandale Independent School District, Northside Independent School District, Northeast Independent School District, Alamo Heights Independent School District and South San Antonio Independent School District lie wholly or partly within the City of San Antonio and geographically are situated in one continual and contiguous urban complex that comprises the city of San Antonio and its environs (i.e., cities having contiguous boundaries with the city of San Antonio).
11. This urban complex is in Bexar County, Texas.
12. Neither cities or counties geographically determine these defendant school district boundaries.
13. Costs of goods and services do not vary substantially within the area described.
14. Each of the independent school districts named in the Third Amended Complaint, except Edgewood, hereinafter referred to as "named districts", collects and spends more money per student for their education than the Edgewood Independent School District.
15. The duty to provide education pursuant to the Texas Constitution is a function of the state.
16. The independent school districts are political subdivisions set up by the State for the convenience of the State in maintaining public schools.
17. Under the Texas Constitution it is the duty of the State of Texas to provide funds to support the Texas free public school system, within the limits of the Texas Constitution and Texas Statutes.
18. State funds supporting the Texas free school system (the State financing system) come primarily from two sources: ad valorem property taxes assessed

by school districts, Minimum Foundation Funds and the Available School Fund.

19. The State has delegated the power to each independent school district to levy and collect ad valorem property taxes for maintenance and operation of their respective school systems, within Statutory or Constitutional limits.

20. Each independent school district levies and collects taxes on property within its district. The money collected by such districts must be used solely within the district in which it is collected under the requirements of Article 7, §3 of the Texas Constitution.

21. The other basic sources of revenue from the State in support of the public free school system are derived from the Minimum Foundation School Program and the Available School Fund.

22. The Foundation funds are distributed by the State Commissioner of Education, subject to the approval of the State Board of Education, to the various school districts in the State per Statutory provisions and formula.

23. The value of property in the Edgewood District subject to school ad valorem taxes (local district tax base) is less per student than in the named districts.

24. The educational needs of the children in the named districts are no greater than the educational needs of the children in the Edgewood district.

25. Educational costs in the named districts are no greater than the educational costs in the Edgewood district.

26. Each district levies and collects taxes on property within the district.

27. There are three statutory methods under which the boundaries of the Edgewood Independent School District could be changed and its per student property values possibly increased. They are:

(a) Under Article 2806, a majority of those voting in each independent school district may consolidate two independent school districts.

(b) Under Article 2742, upon election, a portion of one district may be detached and added to another district.

(c) Under Article 2922a, if Edgewood District was abolished by election or changed to a different classification of school district, the County Board of School Trustees could annex it to another district.

28. A school district system of administering public school education is constitutional.

29. Claimants are all of Mexican-American descent.

30. More than 95% of students in the Edgewood district are Americans of Mexican descent.

31. The percentage of Mexican-Americans in the Edgewood district is higher than the percentage of Mexican-Americans in the named districts.

32. The 62nd Texas Legislature took no action with respect to the division of financial responsibility between the State and the various school districts of Texas. The 62nd Texas Legislature passed no laws relevant to this case.

33. The public schools in Texas are financed from three basic sources—state funds, local district funds derived from ad valorem taxes on real and personal property and federal funds.

34. Approximately ten percent (10%) of the over-

all expenditures in the public schools in Texas come from federal sources.

35. Federal funds received by the public schools of the State of Texas are not distributed solely on a per capita basis.

36. The public schools of Texas received slightly over \$290,000,000 during the last year from the state available school funds.

37. The Available School Fund is dispersed to the school districts of the State of Texas on a per capita basis which is based on the average daily attendance within the district for the prior school year, but this allotment is subtracted out of the allotment coming from the Minimum Foundation Program.

38. The Constitution of the State of Texas requires that the Available School Fund be dispersed on a per capita basis.

39. The Minimum Foundation Funds received by the school districts in the State of Texas come from general revenue funds of the State of Texas.

40. The total estimated cost of the Minimum Foundation Program in Texas during the school year 1970-1971 was \$1,095,202,000 of which the State of Texas, out of state funds, allocated or contributed the amount of \$906,741,000.

41. The State of Texas out of state funds pays approximately eighty percent (80%) of the costs of the Minimum Foundation Program and the public school districts of the State of Texas pay the remaining twenty percent (20%) of the costs of the operation of the Minimum Foundation Program.

42. The local fund assignment is the amount of money that each school district in Texas is expected to

contribute to the cost of the Minimum Foundation Program in that district.

43. The local fund assignment for all of the school districts in Texas for the school year 1970-1971 amounted to \$188,000,000.

44. For the school year 1970-1971 a school district's local fund assignment constituted what a particular school district's share of the \$188,000,000 constituted.

45. Some of the school districts in Texas raise more money than is necessary to fulfill their local fund assignment.

46. The purpose of the economic index of the Minimum Foundation Program is an attempt to measure the tax paying ability of one county of the state as compared with the remaining counties in the state.

47. The economic index of the Minimum Foundation Program also attempts to measure the tax paying ability of one school district within a county as compared with the remaining school districts in the county.

48. The Minimum Foundation Program has been in existence since 1949.

PLAINTIFFS' PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Findings of Fact

Complainants reside within the boundaries of the Edgewood Independent School District, which is situated within the city limits of San Antonio, a municipality located in Bexar County, Texas. Each of the parent Complainants, who are named below, have children Complainants enrolled in the Edgewood Independent School District,

<i>Parent Complainants</i>	<i>Children Complainants</i>
Demetrio P. Rodriguez wife, Helen M. Rodriguez	Alexander Rodriguez
Mrs. Alberta Z. Snid a widow	Jose Snid Catalina Snid Angelina Snid Selina Snid
Joe Hernandez wife, Carmen D. Hernandez	Joe Hernandez, Jr. Yolanda Hernandez Irma Hernandez Richard Hernandez
Martin R. Cantu, Sr.	Linda Cantu Brenda Cantu Blanche Cantu
Reynaldo F. Castano	James Castano Robert Castano Steve Castano

2. Complainants are all of Mexican-American descent.
3. Complainants sue on behalf of themselves and as next friends of their children.
4. Complainants properly represent the class of all other school children and parents of school children living in the Edgewood Independent School District who are American of Mexican descent.
5. Complainants properly represent the class of all school children who live in the Edgewood Independent School District and all persons in the Edgewood Independent School District.
6. Complainants properly represent the class of all other school children in independent school districts, and all other persons in Texas who have school children in independent school districts who are members of minority groups or are poor.

7. Complainants sue the State Board of Education and Porter M. Bailes, Jr., M.D., Vernon Baird, Jack Binion, Doyle Corley, William H. Evans, Paul G. Greenwood, E. R. Gregg, Jr., George C. Guthrie, Paul R. Haas, Charles D. Hart, James W. Harvey, Ben R. Howell, Richard Kirkpatrick, Walter R. Koch, Paul Mathews, Carl E. Morgan, Frank M. Pool, Edwin L. Rippy, M.D., Winthrop Selye, James E. Weeks, and Herbert O. Willborn in their capacity as members of the State Board of Education. The State Board of Education, under Article 2654-3, reviews, evaluates, adopts and promotes plans to meet the educational needs of the public schools within the State of Texas. Under Article 2665, the State Board of Education is in charge of allocation of certain school funds of the State. Under Article 2675b-5, the State Board of Education has the duty to consider the needs of the public schools of the State of Texas and prepare and present a report to the Governor to be transmitted to the legislature upon convening. It is further the duty of the State Board of Education, under said Article, to make statistical studies of education in the State of Texas. Under Article 2922-16, it is the duty of the State Board of Education to estimate the total cost of the Minimum Foundation School Program and to approve assessments for the Minimum Foundation School Program.

8. Complainants sue J. W. Edgar, individually, and in the capacity as Commissioner of Education. The Commissioner of Education is the executive officer of the State Board of Education. He is responsible, under Article 2654-5, for promoting efficiency and improvement in the public school system of the State. Under Article 2656, he administers the school laws of the State and under Article 2657, he advises school officers. Under Article 2658, he notes the educational progress taking place in the public school system and under

Article 2663, he is in charge of distribution of school funds from the State. He is also the executive officer in charge of administering, subject to the approval of the State Board of Education, the Minimum Foundation Program under Article 2922-16 and 2922-20.

9. Complainants sue Crawford Martin, the Attorney General of the State of Texas. In his capacity as Attorney General, he has sought to uphold and enforce the laws of the State of Texas, including Title 49 of Vernon's Annotated Civil Statutes of Texas and Article 2806 thereof, and Article 7, §3 of the Constitution of the State of Texas. The Attorney General derives his authority to be chief law enforcement officer of the State and represents the interests of the State in civil litigation by virtue of Article 4, §22 of the Texas Constitution and the common law. Under Article 4399, he is responsible for giving advisory opinions to the Commissioner of Education with regard to laws relating to education and under Article 2670, he is responsible for approving all school bonds in the State.

10. Complainants sue the Bexar County School Trustees, to-wit: Jack Judson, Lloyd Knowlton, C. W. Barley, H. W. Engelhardt, George Schumacher, Benno Kalbunde and Wayne Simpson. Under Article 2676, these Trustees are the general managers of the public schools of the county. In Bexar County, the authority of the School Trustees is limited since all the schools in the county are in independent school districts. If the Court orders, as alternatively prayed, that a school district or school districts be abolished, it would be incumbent upon the County School Trustees, under Article 2922a, to set the boundary lines of any new school districts that might result.

11. San Antonio Independent School District, Edgewood Independent School District, Harlandale

Independent School District, Northside Independent School District, Northeast Independent School District, Alamo Heights Independent School District and South San Antonio Independent School District lie wholly or partly within the City of San Antonio and geographically are situated in one continual, and contiguous urban complex that comprises the city of San Antonio and its environs (i.e. cities having contiguous boundaries with the city of San Antonio).

12. The named districts have 93% of the public school students in Bexar County and are all located in a single metropolitan area.

13. This urban complex is in Bexar County, Texas.

14. Neither cities nor counties geographically determine these defendant school district boundaries.

15. No natural geographic reasons exist for their present boundaries.

16. Cost of goods and services do not vary substantially within a single metropolitan area, i.e., the urban complex described above.

17. Each of the independent school districts named in the Third Amended Complaint, except Edgewood, hereinafter referred to as "named districts", collects and spends substantially more money per student for their education than the Edgewood Independent School District.

18. Consequently, the named districts are able to provide a higher quality of education for their students than is Edgewood.

19. The duty to provide education pursuant to the Texas Constitution is a non-delegable function of the state.

20. The independent school districts are political subdivisions set up by the State for the convenience of the State in maintaining public schools.

21. Under the Texas Constitution it is the duty of the State of Texas to provide funds to support the Texas free public school system, within the limits of the Texas Constitution and Texas statutes.

22. State funds supporting the Texas free school system (the State financing system) come primarily from two sources: ad valorem property taxes assessed by school districts, Minimum Foundation Funds and the Available School Fund.

23. The State has delegated the power to each independent school district to levy and collect ad valorem property taxes for maintenance and operation of their respective school systems within statutory or Constitutional limits.

24. Each independent school district levies and collects taxes on property within its district. The money collected by such districts must be used solely within the district in which it is collected under the requirements of Article 7, Sec. 3 of the Texas Constitution.

25. The other basic source of revenue from the State in support of the public free school system is derived from the Minimum Foundation School Program and the Available School Fund.

26. The Foundation funds are distributed by the State Commissioner of Education, subject to the approval of the State Board of Education, to the various school districts in the State per statutory provisions and formula.

27. Each district levies and collects taxes on property within the district.

28. The state system of financing public schools does not assure a minimum level of education for all children.

29. The Minimum Foundation Program does not equalize the capacity of school districts to support education.

30. The value of property in the Edgewood District subject to school ad valorem taxes (local district tax base) is substantially less per student than in the named districts.

31. Such tax base is insufficient to bear the burden of equalizing the Edgewood district to the named districts.

32. The vast differences in the tax bases between districts result in substantially less funds available for education in Edgewood and other poor districts.

33. Edgewood and other poor districts tax themselves at higher equalized tax rates yet realize far lower tax revenues than is true in the richer districts.

34. Edgewood and other poor districts make a greater tax effort than do districts with greater tax bases.

35. The only available means Edgewood has to raise its income and expenditures to the other districts is to increase its local ad valorem taxes to raise funds per student comparable to those raised by the other districts, and its tax base is insufficient to bear this burden.

36. The low property values and low family incomes preclude the Edgewood District and other poor districts from collecting funds thru taxation of property within the district equal per student to the other districts.

37. The average incomes and ability to pay taxes of the residents in the Edgewood District are substantially less than the average incomes and ability to pay taxes of the residents in the named districts.

38. The educational needs of the children in the named districts are no greater than the educational needs of the children in the Edgewood district.

39. Educational costs in the named districts are no greater than the educational costs in the Edgewood district.

40. As a result of the amounts expended, the children in the Edgewood District are provided an inadequate and substantially inferior education compared to the children in the named districts.

41. With greater income per student, the named districts are able to hire better qualified teachers, more and better counselors, provide better building facilities, scientific equipment, libraries, equipments and supplies, and maintain a broader and better curriculum than Edgewood.

42. The State does not provide equal educational opportunity to every school child in an independent school district in the State of Texas.

43. The State does not provide an adequate education to every school child in an independent school district in the State of Texas.

44. There are three statutory methods under which the boundaries of the Edgewood Independent School District could be changed and its per student property values possibly increased. They are:

(a) Under Article 2806, a majority of those voting in each independent school district may consolidate two independent school districts.

(b) Under Article 2742, upon election, a portion of one district may be detached and added to another district.

(c) Under Article 2922a, if Edgewood District was abolished by election or changed to a different classification of school district, the County Board of School Trustees could annex it to another district.

45. No administrative procedure exists for Complainants to equalize the system.

46. The Complainants have no remedy or right of redress except thru court action.

47. A school district system of administering public school education is constitutional.

48. The state financing system denies complainants children and other children within the Edgewood district educational opportunities and resources substantially equal to those enjoyed by children attending other named school districts in that the state financing system invidiously discriminates against complainants and other poor because it makes the quality of a child's education a function of the value of property within a district and of the wealth of his parents and neighbors.

49. The students in the Edgewood district are of substantially equal age, aptitude, motivation and ability to the students in the named districts.

50. There is a marked difference in the quality of educational services, equipment and other facilities between Edgewood and the named districts.

51. The use of a "school district" as a unit for the varying allocations of educational funds has no reasonable relation to the Texas Constitutional purpose of providing for general diffusion of knowledge by an efficient system of free public schools.

52. The present financing of such school districts promotes no compelling state interest.

53. The part of the state financing system which requires independent school districts to retain and expend, within their respective boundaries, all of the school taxes collected for the educational purposes of such respective district accomplishes no educational objective.

54. Claimants are all of Mexican-American descent.

55. More than 95% of students in the Edgewood district are Americans of Mexican descent.

56. The percentage of Mexican-Americans in the Edgewood district is higher than the percentage of Mexican-Americans in the named districts.

57. The more Negroes and Mexican-Americans in the school population of a school district in Texas, the lower its revenues for education.

58. There has been a pattern of discrimination against Mexican-Americans in the Southwestern United States (those states having a common border with Mexico, including the State of Texas).

59. Such discrimination has resulted in a generally poorer education, more substandard housing, more limited job opportunities, smaller incomes and more deprivation of civil and political rights for Mexican-Americans than for other white Americans in Texas.

60. Mexican-American residents in the Edgewood district have lower incomes, more substandard housing, poorer education and more limited job opportunities than do residents of the named districts.

61. Because of the state financing system, the operation of Article 7, Sec. 3 of the Texas Constitution and Title 49 of V.A.T.S., further racial discrimination against Mexican-Americans has resulted, thereby lim-

iting complainants and their class to fewer job opportunities, lower incomes, and substandard housing in the future.

62. The State of Texas, in providing a public school system of its citizens, must make available and create a system of equal opportunity of education for all its citizens.

63. The duty to provide such an education is a State obligation and school districts are merely subdivisions of the state government organized for convenience in exercising the governmental function of establishing and maintaining public free schools for the benefits of the people.

64. The state financing system of numerous independent school districts in the same geographic metropolitan area, providing for separate and independent taxing units, taxing rates, and resultant tax income, allows for the condition that exists in which there are vast differences in educational facilities and money spent for each student's education.

65. Such differences deprive Complainants of equal educational opportunity in violation of Amendment Fourteen of the United States Constitution.

66. The injury to Complainant children and to the members of their class as a result of the method of the state financing system is irreparable, and the Complainants and the members of their class will continue to be irreparably injured unless the relief requested by the Complaint is promptly granted.

67. The 62nd Texas Legislature took no action with respect to the division of financial responsibility between the State and the various school districts of Texas. The 62nd Texas Legislature passed no laws relevant to this case.

Conclusions of Law

The Texas public school financing system denies Plaintiffs and the classes they represent equal protection of the law in violation of the Fourteenth Amendment of the Constitution of the United States.

IN THE
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION
CIVIL ACTION NO. 68-175-SA
DEMETRIO P. RODRIGUEZ, ET AL.

v.

SAN ANTONIO INDEPENDENT
SCHOOL DISTRICT, ET AL.

**PROPOSED FINDINGS OF FACT
AND CONCLUSIONS OF LAW**

TO THE HONORABLE JUDGES OF SAID
COURT:

Come Now the Defendants in the above styled and numbered cause and in connection with the Pre-Trial Order submit this their Proposed Finding of Fact and Conclusions of Law,

FINDING OF FACT

1. The public schools in Texas are financed from three basic sources—state funds, local district funds derived from ad valorem taxes on real and personal property, and federal funds.

2. Approximately ten percent (10%) of the overall expenditures in the public schools in Texas come from federal sources.

3. Federal funds received by the public schools of the State of Texas are not distributed on a per capita basis, but are allocated primarily to help low-income and disadvantaged children.

4. The 1970 census figures will likely result in the Edgewood Independent School District receiving a

greater portion of the federal funds available to public schools.

5. The public schools of Texas receive slightly over \$290,000,000 during the last year from the available school funds.

6. The available school fund is dispersed to the school districts of the State of Texas on a per capita basis which is based on the average daily attendance within the district for the prior school year.

7. The Constitution of the State of Texas requires that the available school fund be dispersed on a per capita basis.

8. The Minimum Foundation Funds received by the school districts in the State of Texas come from general revenue funds of the State of Texas.

9. The total estimated cost of the Minimum Foundation Program in Texas during the school year 1970-1971 was \$1,095,202,000 of which the State of Texas, out of state funds, allocated or contributed the amount of \$906,741,000.

10. The State of Texas out of state funds pays approximately eighty percent (80%) of the costs of the Minimum Foundation Program and the public school districts of the State of Texas pay the remaining twenty percent (20%) of the costs of the operation of the Minimum Foundation Program.

11. The State of Texas, through state funds, pays a larger percentage of the cost of operating the public school system than most states.

12. One of the purposes of the Minimum Foundation Program in Texas was an attempt to furnish a procedure whereby the poorer school districts did not have to pay as large a portion of the cost of operating

the Minimum Foundation Program as the richer school districts.

13. Less affluent school districts do not have to pay as much of the twenty percent (20%) required to be raised on the local level as do more affluent school districts.

14. The local fund assignment is the amount of money that each school district in Texas is expected to contribute to the cost of the Minimum Foundation Program in that district.

15. The local school district is not required to raise its portion of the local fund assignment, and will receive Minimum Foundation Program funds regardless of whether the local fund assignment is raised by the school district.

16. The local fund assignment for all of the school districts in Texas for the school year 1970-1971 amounted to \$188,000,000.

17. For the school year 1970-1971 a school districts local fund assignment constituted what a particular school districts share of the \$188,000,000 constituted.

18. There is no school district in Texas which has not been able to raise its local fund assignment.

19. Most of the school districts in Texas raise a great deal more money from tax purposes than is necessary to fulfill their local fund assignment.

20. The voters within a school district make the ultimate decision as to whether a school district will raise money in excess of that necessary to operate a Minimum Foundation Program subject to the maximum tax rates permitted by law.

21. The purpose of the economic index of the Minimum Foundation Program is an attempt to measure

the tax paying ability of one county of the state as compared with the remaining counties in the state.

22. The economic index of the Minimum Foundation Program also attempts to measure the tax paying ability of one school district within a county as compared with the remaining school districts in the county.

23. The use of the economic index of the Minimum Foundation Program to determine the tax paying ability of each county and then the breaking down of the county by the use of assessed valuations within the various school districts is an attempt to try to balance out the difference between the wealth of the districts and their abilities to support the public school program.

24. The Minimum Foundation Program has been in existence since 1949.

25. The financing of the public school system and the operation of the Minimum Foundation Program is a very complex undertaking and many problems are presented.

26. Some school districts are able to get more for their educational dollar than can other school districts.

27. The capabilities of a school districts board of trustees and school administrators, as well as the priorities of the particular school district, play a part in determining whether a particular school district gets more for their educational dollar than another school district.

28. There is no effort by the Minimum Foundation Program to discriminate against Mexican-Americans.

29. There are several programs managed by the Texas Education Agency which are directed primarily at assisting the Mexican-American school child.

30. The quality of education that a school child receives while attending a particular school district cannot be determined solely on the amount of money spent per student.

31. The people and voters in some school districts are willing to put more money into education than the people and voters in other school districts and do so by supporting increases in tax rates and the passage of bond issues.

32. Until recently the Edgewood Independent School District maintained very poor financial records and were not on a par with most of the other school districts in Baylor County, Texas.

33. A school district cannot manage its money wisely when it does not know how much money it owes and how much money it has obligated.

34. The Minimum Foundation Program was not designed to insure that each child in every school district had the same amount of money spent upon his education. The Minimum Foundation Program was merely an effort or attempt to equalize the amount of state funds paid to local school districts in relation to their ability to support a public school program.

35. Some of the poor school districts in this state receive almost one hundred percent (100%) of the cost of its foundation school program from state money, whereas some of the richer school districts pay an excess of the twenty percent (20%) state average for operating their Minimum Foundation Program and therefore receive less than eighty percent (80%) of the cost of their program.

36. The only restriction upon the amount of money a local school district raises for education is the limit placed upon the tax rate which can be levied against

real and personal property within the boundaries of the school district.

37. Any transfer of local school funds between school districts raises large problems in connection with the effect this will have upon the bonded indebtedness of the school district.

CONCLUSIONS OF LAW

1. The present Texas scheme for financing public education reflects a rational policy consistent with the mandate of the Texas Constitution. *McInnis v. Shapiro*, 293 F.Supp. 327 (1969) aff'd Sub Nom *McInnis v. Ogilvie*, 394 U.S. 322, 89 S.Ct. 1197, 22 L.Ed.2d 308 (1969).

2. Unequal educational expenditures per student, based upon the variable property values and tax rates of local school districts, do not amount to an invidious discrimination. *McInnis v. Shapiro*, supra.; and *McInnis v. Ogilvie*, supra.

3. The statutes and constitutional provisions of the State of Texas which permit these unequal expenditures on a district to district basis are neither arbitrary nor unreasonable. *McInnis v. Shapiro*, supra.; *McInnis v. Ogilvie*, supra.

4. There is no constitutional requirement that public school expenditures be made only on the basis of pupil's educational needs without regard to the financial strength of local school districts, nor does the Constitution establish the rigid guideline of equal dollar expenditures for each student. *McInnis v. Shapiro*, supra.; *McInnis v. Ogilvie*, supra.

5. The lack of judicially manageable standards make this controversy non-justiciable. *McInnis v. Shapiro*, supra.; *McInnis v. Ogilvie*, supra.

6. The Equal Protection Clause of the Fourteenth Amendment of the United States Constitution does not limit the powers of the State in allocating and distributing State funds. *Carmichael v. Southern Coal and Coke Co.*, 301 U.S. 495, 57 S.Ct. 688, 81 L.Ed. 1245 (1936); *Hess v. Mullaney*, 213 F.2d 655 (9th Cir. 1954) cert. den. 348 U.S. 836 (1954); *McInnis v. Shapiro*, supra.

7. The dominant purpose of the Minimum Foundation Program was to guarantee to each child of school age of Texas the availability of a Minimum Foundation School Program for nine full months of school, and to establish eligibility requirements applicable to Texas public school districts in connection therewith, and the legislature decided upon a basis of an economic index based on certain factors reflecting economic activity, rather than on a single basis of assessed valuation for determining the tax paying ability of a school district. *McKinney v. Blankenship*, 282 S.W.2d 691, 154 Tex. 132 (1955).

8. The Minimum Foundation Program is not a tax statute, but is a program for allocating and distributing state school funds. *Alton Independent School District v. Central Education Agency*, 259 S.W.2d 737 (Tex.Civ.App. 1953).

9. The issue of the proper allocation and disbursement of state school funds is a political question and not a judicial question because there are no judicially manageable standards to determine which form of school financing by the State would be most equitable. *Baker v. Carr*, 369 U.S. 186, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962); *Powell v. McCormick*, 395 U.S. 486, 89 S.Ct. (1944), 23 L.Ed.2d 491 (1969); *McInnis v. Shapiro*, supra.; *LeBeauf v. State Board of Education*, 244 F. Sup. 256 (1965).

10. The compelling interests test pursuant to the Fourteenth Amendment to the Constitution of the United States is not applicable in the instant case, and the classifications existing in the Texas public school financing program rest upon grounds reasonably related and relevant to achieving the objectives of the State in the financing and support of a public school program. *McInnis v. Shapiro*, supra.

11. Educational expenses are not the exclusive yardstick of a child's educational needs. *McInnis v. Shapiro*, supra.

**PLAINTIFFS' EXHIBITS III, VII, X, XI, AND
XII INTRODUCED INTO EVIDENCE AT
PRETRIAL HEARING OCTOBER 5, 1971.**

PLAINTIFFS' EXHIBIT III

Percent of Anglo-American, Mexican-American, and Negro Students in Each District (1968-1969) named in suit.

Source. Answer to Interrogatory V (d), (e), (f)
Set 1

<i>School District</i>	% Anglo-American	% Mexican-American	% Negro
Edgewood	3.88	89.66	6.30
North East	91.99	7.38	.10
Alamo Heights	85.15	14.15	.42
San Antonio	26.71	58.52	14.48
Independent School District			
Harlandale	38.50	61.36	.10
Northside	82.07	15.79	1.71
So. San Antonio	41.21	56.90	1.37

**REAL ESTATE MARKET VALUES AND
EDUCATION EXPENDITURES (PER PUPIL)
IN TEXAS SCHOOL DISTRICTS 1967-1968**

PLAINTIFFS' EXHIBIT VII

Sources

1. Data from Report of the Governor's Committee on Public School Education, December 1968. The first 117 counties in alphabetical order were chosen, representing approximately 50% of the school districts in Texas.
2. Obtained by dividing Total Market Value by Average Daily Attendance.
3. Data furnished by Texas Education Agency for 1967-68 in response to plaintiffs' interrogatories Set 1, I (k).

PLAINTIFFS' EXHIBIT VII

County Name District Name	Average Daily At- tendance ¹ 1967-68	Total Market Value (Mill. of \$) ¹ 1967-68	Market Value Per Student ² (1967-68)	Expenditures Per Student ³ (1967-68)
Anderson—				
Cayuga ISD	350	40.693	116,266	595.28
Elkhart ISD	597	29.440	49,313	494.04
Frankston ISD	383	48.447	126,493	563.57
Neches ISD	207	32.005	154,614	768.13
Palestine ISD	3,744	85.997	22,969	438.00
Tucker ISD	772	37.436	48,492	512.57
Slocum ISD	163	19.551	119,945	814.51
Andrews—				
Andrews ISD	2,871	1133.338	394,754	848.16
Angelina—				
Hudson ISD	781	13.925	17,830	401.32
Lufkin ISD	6,165	253.683	41,149	402.50
Huntington ISD	681	24.186	35,515	445.43
Dibol ISD	1,048	65.028	62,050	420.32

Zavalla ISD	291	15.413	52,966	529.26
Central ISD	691	22.489	32,546	413.25
Redland ISD	315	10.437	33,133	346.54
Aransas—				
Aransas ISD	1,762	193.725	109,946	545.00
Archer—				
Archer City ISD	550	68.568	124,669	567.43
Holliday ISD	400	76.589	191,473	711.10
Megargel ISD	135	21.554	159,659	758.96
Windthorst ISD	324	11.272	34,790	440.01
Armstrong—				
Claude ISD	404	61.573	152,408	608.97
Atascosa—				
Charlotte ISD	554	66.824	120,621	597.55
Jourdanton ISD	683	37.714	55,218	489.16
Lytle ISD	513	9.190	17,914	456.24
Pleasanton ISD	1,847	85.563	46,325	494.15
Poteet ISD	1,145	23.651	20,656	443.01
Austin—				
Bellville ISD	1,289	130.874	101,531	511.02
Sealy ISD	901	89.350	99,168	497.33
Wallis ISD	270	25.054	92,793	690.01
Bailey—				
Muleshoe ISD	1,825	125.422	68,724	513.07
Bula ISD	117	10.265	87,735	914.25
Three Way ISD	212	42.733	201,571	719.66
Bandera—				
Medina RHSD	224	29.000	129,464	586.38
Bandera ISD	543	53.614	98,737	492.49
Bastrop—				
Jeddo CSD	21	2.521	120,048	324.57
McDade CSD	77	9.272	120,416	327.10
Bastrop ISD	1,366	58.027	42,480	500.49
Elgin ISD	1,301	38.855	29,865	440.84
Paige ISD	33	7.010	212,424	484.30
Smithville ISD	854	54.896	64,281	614.93

Baylor—					
	Seymour RHSD	1,079	132.757	123,037	500.75
Bee—					
	Beeville ISD	3,998	128.739	32,201	500.04
	Pawnee ISD	250	36.209	144,836	720.23
	Pettus ISD	627	89.654	142,989	625.43
	Skidmore				
	Tynan ISD	447	70.458	157,624	
Bell—					
	Moffat CSD	44	4.145	94,205	380.20
	Nolanville CSD	103	4.773	46,340	423.99
	Belton ISD	2,658	65.183	24,523	441.75
	Salado ISD	216	16.671	77,181	604.60
	Temple ISD	7,014	193.515	27,590	435.59
	Troy ISD	399	20.050	50,251	515.49
	Seaton CSD	28	8.800	314,286	452.21
	Rogers ISD	510	20.205	39,618	537.24
	Academy ISD	379	15.623	41,222	436.36
	Bartlett ISD	460	22.442	48,787	497.78
	Holland ISD	260	15.653	60,204	557.04
	Killeen ISD	10,280	138.514	13,474	428.22
Bexar—					
	East Central ISD	2,461	78.221	31,784	399.63
	Judson ISD	1,637	64.428	39,357	397.58
	Southwest ISD	2,248	50.160	22,313	386.26
	Somerset ISD	662	17.320	26,163	376.12
	Southside ISD	1,794	29.985	16,714	406.78
	Alamo Hts. ISD	4,846	244.960	50,549	576.62
	Harlandale ISD	15,052	176.199	11,706	378.50
	Edgewood ISD	19,895	124.127	6,239	334.05
	San Antonio ISD	70,162	1575.014	22,448	428.88
So. San					
	Antonio ISD	6,575	76.088	11,572	403.49
	North East ISD	22,988	714.915	31,099	439.83
	Northside ISD	14,104	320.552	22,728	409.75

Blanco—					
Johnson City ISD	377	65.807	174,554	512.28	
Blanco ISD	400	62.744	156,860	527.77	
Borden—					
Borden ISD	215	126.312	587,498	1186.85	
Bosque—					
Mosheim CSD	17	3.393	199,588	992.12	
Iredell RHSD	92	9.368	101,826	851.75	
Kopperl RHSD	121	13.597	112,372	721.91	
Clifton ISD	682	39.040	57,243	426.72	
Meridian ISD	291	17.396	59,780	442.98	
Morgan ISD	97	6.368	65,649	651.52	
Valley Mills ISD	362	17.159	47,401	466.00	
Walnut Springs ISD	98	9.712	99,102	842.43	
Cranfills Gap ISD	114	15.610	136,930	749.68	
Bowie—					
Spring Hill CSD	126	6.509	51,659	423.04	
Hubbard CSD	83	2.187	26,349	398.34	
Dekalb ISD	1,252	24.843	19,843	531.27	
Maud ISD	442	5.290	11,968	426.23	
New Boston ISD	1,342	27.449	20,454	438.64	
Simms CSD	399	12.174	30,511	456.27	
Malta CSD	74	2.143	28,959	494.26	
Hooks ISD	1,180	13.833	11,723	444.60	
Leary CSD	129	2.647	20,519	392.82	
Liberty-					
Eylau RHSD	2,395	42.314	17,668	364.96	
Redwater ISD	355	8.507	23,963	382.04	
Texarkana ISD	6,573	183.457	27,911	446.95	
Red Lick CSD	95	2.848	29,979	440.14	
Pleasant Gr. CSD	420	16.096	38,324	317.82	
Brazoria—					
Pearland ISD	2,403	92.005	38,288	475.72	
Manvel ISD	321	83.658	260,617	504.75	
Angleton ISD	3,750	271.665	72,444	468.11	

Danbury ISD	381	47,744	125,312	516.98
Damon ISD	125	31,821	254,568	577.04
Sweeny ISD	1,729	378,260	218,774	692.84
Columbia-Brazoria	2,531	233,802	92,375	526.55
Alvin ISD	4,180	569,567	136,260	518.50
Brazosport ISD	9,621	793,387	82,464	597.11
Brazos—				
A & M Cons. ISD	2,143	51,485	24,025	548.15
Bryan ISD	7,985	231,409	28,980	453.53
Brewster—				
San Vicente CSD	21	5,234	249,238	806.67
Terlingua CSD	10	2,806	280,600	742.70
Alpine ISD	1,228	58,464	47,609	482.03
Marathon ISD	237	46,943	198,072	771.28
Briscoe—				
San Jacinto CSD	10	8,455	845,500	1076.00
Quitaque ISD	203	13,411	66,064	658.42
Silverton ISD	530	38,902	73,400	517.25
Brooks—				
Brooks ISD	2,243	312,390	139,273	594.69
Brown—				
Early CSD	495	12,979	26,220	392.34
Blanket RHSD	170	7,790	45,824	519.36
May RHSD	154	19,010	123,442	654.96
Zephyr CSD	84	4,977	59,250	864.48
Bangs ISD	408	22,287	54,625	457.69
Brownwood ISD	3,285	104,558	31,829	483.36
Brookesmith ISD	79	11,556	146,278	
Burleson—				
Deanville CSD	92	7,895	85,815	432.89
Cooks Pt. CSD	83	7,671	92,422	483.60
Caldwell ISD	1,072	52,425	48,904	453.60
Somerville ISD	442	28,507	64,495	517.40
Snook ISD	469	37,808	80,614	640.16
Friendship ISD	61	3,668	60,131	882.07

Burnet—					
Bertram ISD	268	18.632	69,522	541.34	
Briggs ISD	30	12.419	413,967	1009.20	
Burnet ISD	973	65.227	67,037	512.88	
Marble Falls ISD	765	64.704	84,580	523.78	
Caldwell—					
Lockhart ISD	2,230	58.980	26,448	440.87	
Luling ISD	1,286	59.588	46,336	451.80	
Prairie Lea ISD	179	14.448	80,715	535.84	
Calhoun—					
Calhoun ISD	5,195	558.780	107,561	551.53	
Callahan—					
Putnam RHSD	65	7.596	116,862	900.06	
Eula RHSD	212	11.751	55,429	510.33	
Cross Plains ISD	480	29.286	61,013	486.70	
Clyde ISD	788	31.480	39,949	401.49	
Baird ISD	375	35.125	93,667	522.84	
Cameron—					
Harlingen ISD	9,543	196.368	20,577	451.12	
La Feria ISD	1,468	18.195	12,394	458.43	
Santa Rosa ISD	726	13.491	18,583	526.27	
Rio Hondo ISD	1,144	29.812	26,059	467.52	
Hardin Ranch CSD	24	2.708	112,833	710.46	
Riverside ISD	606	11.923	19,675	477.69	
Los Fresnos ISD	1,233	28.985	23,508	534.94	
Las Yescas CSD	147	9.449	64,279	287.67	
San Benito ISD	5,060	51.093	10,097	414.79	
Santa Maria ISD	232	7.162	30,871	256.09	
Cameron Co.					
Cons. CSD	51	2.136	41,882	496.65	
Brownsville ISD	15,213	184.050	12,098	390.55	
Olmito ISD	221	9.948	45,014	265.61	
Pt. Isabel ISD	1,263	59.652	47,230	471.47	
Camp—					
Pittsburg ISD	1,937	93.007	48,016	435.58	

Carson—				
Groom ISD	267	40,494	151,663	720.98
Panhandle ISD	860	133,125	154,797	699.42
White Deer ISD	576	124,628	216,368	901.68
Cass—				
Marietta CSD	112	3,885	34,688	482.25
Bloomburg RHSD	150	5,772	38,480	616.22
Atlanta ISD	2,002	113,863	56,875	454.89
Avinger ISD	225	7,837	34,831	546.38
Hughes Sprgs. ISD	905	35,158	38,849	472.25
Linden—				
Kildare ISD	1,130	34,177	30,245	478.61
McLeod ISD	114	5,553	48,711	787.43
Queen City ISD	661	16,960	25,658	431.49
Castro—				
Dimmitt ISD	1,689	159,251	94,287	670.64
Hart ISD	639	58,476	91,512	536.29
Nazareth ISD	342	24,034	70,275	520.89
Chambers—				
Anahuac ISD	1,085	328,344	302,621	870.91
Barbers Hill ISD	549	126,373	230,188	809.08
E. Chambers ISD	1,069	93,720	87,671	600.91
Cherokee—				
Shady Grove CSD	39	1,298	33,282	369.36
New Hope CSD	90	7,331	81,456	522.21
Mt. Haven CSD	42	.683	16,262	350.69
Churchill CSD	41	1,112	27,122	367.59
Alto ISD	587	20,995	35,767	546.27
Jacksonville ISD	3,046	121,314	39,827	500.85
Maydelle ISD	118	8,902	75,441	832.92
Rusk ISD	1,289	85,517	66,344	467.29
New Summerfield ISD	218	6,657	30,537	565.36
Wells ISD	332	15,750	47,440	521.81
Childress—				
Childress ISD	1,320	82,950	62,841	454.81

Clay—				
Byers ISD	186	8.662	46,570	524.08
Henrietta ISD	775	50.348	64,965	519.82
Petrolia ISD	450	20.453	45,451	409.86
Bellevue ISD	124	18.019	145,315	732.91
Midway ISD	157	42.993	273,841	792.41
Cochran—				
Morton ISD	987	78.796	79,834	575.34
Whiteface ISD	356	100.463	282,199	989.77
Bledsoe ISD	124	36.503	294,379	1051.94
Coke—				
Bronte ISD	317	54.021	170,413	634.74
Robert Lee ISD	469	93.858	200,124	584.96
Coleman—				
Mozelle RHSD	121	22.206	183,521	650.01
Talpa-				
Centennial CSD	127	28.784	226,646	739.94
Novice CSD	92	19.273	209,489	928.08
Coleman ISD	1,210	48.648	40,205	541.45
Santa Anna ISD	316	46.835	148,212	609.56
Collin—				
Celina ISD	373	25.239	67,665	545.20
Lovejoy CSD	69	3.617	52,420	435.77
Weston CSD	21	2.696	128,381	439.57
Melissa RHSD	137	8.445	61,642	373.78
Anna ISD	243	11.173	45,979	451.91
McKinney ISD	3,439	94.960	27,613	464.15
Prosper ISD	251	31.202	124,311	487.50
Westminster ISD	102	2.382	23,353	687.98
Wylie ISD	841	21.626	25,715	432.68
Blue Ridge RHSD	193	12.226	63,347	535.47
Community RHSD	399	15.430	38,672	394.82
Farmersville ISD	597	17.148	28,724	445.32
Princeton ISD	610	18.551	30,411	447.17
Plano ISD	3,415	191.657	56,122	458.90
Frisco ISD	661	36.113	54,634	463.38

Allen ISD	458	14,850	32,424	414.77
Collingsworth—				
Quail RHSD	101	26,007	257,495	1094.57
Samnorwood				
RHSD	168	41,312	245,905	831.15
Dodson ISD	89	6,897	77,494	766.33
Wellington ISD	735	46,748	63,603	515.59
Colorado—				
Bernardo ISD	59	18,315	310,424	436.39
Columbus ISD	1,386	132,711	95,751	434.54
Rice Cons. ISD	1,739	273,128	157,060	
Weimar ISD	768	53,293	69,392	472.19
Comal—				
New				
Braunfels ISD	3,549	86,390	24,342	474.43
Comal ISD	1,536	94,044	61,227	
Comanche—				
Comanche ISD	1,049	54,079	51,553	416.34
De Leon ISD	597	44,945	75,285	464.93
Gustine ISD	184	14,360	78,043	562.16
Sidney ISD	144	10,075	69,965	575.29
Concho—				
Eola RHSD	131	12,993	99,183	597.32
Paint Rock RHSD	125	27,514	220,112	892.83
Eden ISD	296	33,817	114,247	557.57
Cooke—				
Walnut Bend CSD	28	17,244	615,857	995.14
Rad Ware CSD	83	12,202	147,012	526.48
Sivells Bend CSD	27	12,203	451,963	753.07
Gainesville ISD	2,932	105,320	35,921	408.33
Muenster ISD	412	42,734	103,723	467.71
Valley View ISD	249	16,015	64,317	469.20
Callisburg ISD	263	37,473	142,483	556.52
Era ISD	221	20,572	93,086	468.81
Lindsay ISD	311	114,064	366,765	350.04

Coryell—					
Mound CSD	36	4.190	116,389	571.06	
Turnersville					
RHSD	39	8.994	230,615	859.62	
Jonesboro RHSD	160	14.367	89,794	534.14	
Evant ISD	219	23.917	109,210	590.62	
Gatesville ISD	1,695	58.734	34,651	444.54	
Oglesby ISD	143	9.906	69,273	598.46	
Copperas					
Cove ISD	2,527	39.085	15,467	405.84	
Cottle—					
Paducah ISD	682	82.607	121,125	494.71	
Crane—					
Crane ISD	1,076	555.416	516,186	866.32	
Crockett—					
Crockett CSD	947	248.568	262,479	680.87	
Crosby—					
Crosbyton ISD	839	63.211	75,341	582.28	
Lorenzo ISD	701	77.052	109,917	629.18	
Ralls ISD	972	72.548	74,638	516.37	
Culberson—					
Culberson RHSD	832	62.517	75,141	521.44	
Dallam—					
Dalhart ISD	1,446	82.494	57,050	471.62	
Texline ISD	233	49.133	210,871	771.92	
Dallas—					
Coppell ISD	438	77.448	176,822	656.24	
Carrollton-					
F'mers Br. ISD	7,677	256.198	33,372	409.09	
Sunnyvale ISD	149	17.851	119,805	487.81	
Mesquite ISD	14,367	243.216	16,929	364.47	
Wilmer-					
Hutchins ISD	3,951	73.625	18,635	384.74	
Lancaster ISD	2,417	64.978	26,884	388.16	
De Soto ISD	1,515	40.911	27,004	394.13	
Duncanville ISD	3,569	117.495	32,921	364.61	

Cedar Hill ISD	602	38.149	63,370	499.58
Dallas ISD	139,504	7620.411	54,625	481.08
Richardson ISD	22,789	696.252	30,552	396.24
Garland ISD	16,739	415.588	24,828	366.35
Grand Pr. ISD	8,955	302.617	33,793	409.86
Highland Pk. ISD	5,024	514.467	102,402	603.61
Irving ISD	20,036	537.136	26,809	413.33
Dawson—				
Dawson ISD	257	53.507	208,198	719.87
Klondike ISD	230	44.879	195,126	666.76
Lamesa ISD	3,142	145.655	46,357	490.23
Union ISD	103	28.330	275,049	814.50
Sands ISD	344	37.188	108,105	609.74
Deaf Smith—				
Walcott CSD	86	45.964	534,465	831.27
Hereford ISD	4,253	302.086	71,029	522.03
Delta—				
Cooper ISD	701	36.345	51,847	561.24
Fannindel ISD	368	10.640	28,913	669.03
Denton—				
Pilot Point ISD	456	39.527	86,682	509.67
Krum ISD	189	28.851	152,651	583.89
Ponder ISD	111	15.502	139,658	645.88
Aubrey ISD	292	19.906	68,171	416.23
Sanger ISD	467	39.849	85,330	464.87
Northwest ISD	816	78.197	95,830	471.31
Argyle RHSD	172	28.210	164,012	425.45
Denton ISD	6,101	221.280	36,269	470.86
Little Elm CSD	107	14.513	135,636	488.44
Lake Dallas ISD	464	18.091	38,989	524.14
Lewisville ISD	2,622	134.912	51,454	445.65
De Witt—				
Meyersville CSD	92	38.162	414,804	588.32
Westhoff RHSD	107	16.528	154,467	351.87
Cuero ISD	1,970	105.783	53,697	529.68
Nordheim ISD	214	31.255	146,051	798.89

Yoakum ISD	1,451	72.138	49,716	546.14
Yorktown ISD	738	60.452	81,913	666.24
Dickens—				
Girard ISD	75	47.405	632,067	1710.24
McAdoo ISD	129	19.199	148,829	743.06
Spur ISD	568	27.552	48,507	608.99
Patton Sprgs. ISD	153	23.956	156,575	830.46
Dimmit—				
Asherton ISD	292	14.673	50,250	471.89
Carrizo Sprgs. ISD	1,824	66.186	36,286	459.51
Donley—				
Clarendon ISD	622	73.292	117,833	606.51
Hedley ISD	139	10.422	74,978	731.65
Duval—				
Ramirez CSD	90	26.558	295,089	1300.11
Realitos CSD	90	6.072	67,467	677.96
Benavides ISD	1,687	160.887	95,369	828.96
San Diego ISD	1,479	53.635	36,264	643.26
Eastland—				
Carbon ISD	142	13.302	93,676	676.23
Ciseo ISD	830	38.593	46,498	442.98
Eastland ISD	703	27.051	38,479	439.67
Gorman ISD	285	19.439	68,207	495.28
Olden ISD	146	10.183	69,747	582.69
Ranger ISD	610	28.864	47,318	423.07
Rising Star ISD	260	20.736	79,754	546.74
Desdemona ISD	98	5.647	57,622	800.27
Ector—				
Ector ISD	23,180	1547.218	66,748	539.10
Edwards—				
Carta Valley CSD	3	17.424	5808000	3043.67
Rocksprings ISD	440	63.341	143,957	508.30
Nueces Cyn. ISD	309	60.424	195,547	704.87
Ellis—				
Midlothian ISD	780	66.285	84,981	470.94
Milford ISD	176	22.089	125,506	761.01

Red Oak ISD	350	20.550	58,714	475.49
Waxahachie ISD	3,135	104.973	33,484	384.05
Maypearl ISD	178	27.919	156,848	697.20
Forreston ISD	150	21.912	146,080	613.50
Italy ISD	389	36.270	93,239	508.26
Ferris ISD	1,007	28.890	28,689	400.55
Palmer ISD	224	15.553	69,433	639.13
Avalon ISD	176	14.843	84,335	700.13
Ennis ISD	2,820	117.341	41,610	452.08
El Paso—				
Tornillo ISD	231	30.073	130,186	524.18
Socorro ISD	1,019	55.536	54,500	430.55
Fabens ISD	1,404	30.658	21,836	449.73
San Elizario ISD	238	8.248	34,655	397.90
Clint ISD	504	30.737	60,986	700.79
Anthony ISD	367	5.551	15,125	504.10
Canutillo ISD	1,033	27.441	26,564	395.37
El Paso ISD	55,296	1204.955	21,791	500.34
Ysleta ISD	27,085	375.786	13,874	393.02
Erath—				
Three Way CSD	26	3.983	153,192	622.23
Huckabay RHSD	129	13.436	104,155	556.50
Lingleville RHSD	99	8.125	82,071	748.48
Bluff Dale CSD	20	3.728	186,400	562.05
Morgan Mill CSD	49	4.128	84,245	456.45
Dublin ISD	566	28.497	50,348	517.00
Stephenville ISD	1,654	56.076	33,903	469.94
Falls—				
Westphalia CSD	92	3.360	36,522	492.34
Chilton ISD	347	13.639	39,305	525.28
Lott ISD	316	17.215	54,478	605.39
Marlin ISD	2,452	52.363	21,355	485.63
Rosebud ISD	682	29.703	43,553	525.50
Fannin—				
Lannius CSD	15	1.654	110,267	566.13
Dodd City RHSD	121	3.975	32,851	637.47

Ector RHSD	112	4.101	36,616	719.22
Gober RHSD	89	5.189	58,303	830.67
Windom RHSD	92	3.832	41,652	739.00
Bonham ISD	1,840	50.439	27,413	455.48
Honey Grove ISD	590	17.498	29,658	495.16
Leonard ISD	368	10.036	27,272	462.58
Savoy ISD	188	32.751	174,207	573.20
Trenton ISD	171	5.740	33,567	592.12
Sam Rayburn ISD	208	10.880	52,308	706.28
Fayette—				
Praha CSD	35	2.029	57,971	418.37
Fayetteville RHSD	260	22.025	84,712	552.20
Cistern RHSD	35	14.841	424,029	503.54
Flatonia ISD	454	32.626	71,863	551.98
La Grange ISD	1,307	92.308	70,626	525.81
Schulenburg ISD	534	45.042	84,348	545.83
Round Top ISD	204	35.181	172,456	696.96
Fisher—				
Hobbs ISD	137	47.926	349,825	1029.80
McCauley ISD	113	18.631	164,876	976.30
Roby ISD	326	29.093	89,242	664.13
Rotan ISD	806	60.853	75,500	432.40
Floyd—				
South Plains CSD	96	14.937	155,594	360.21
Dougherty CSD	53	13.999	264,132	466.58
Providence CSD	61	6.440	105,574	331.36
Floydada ISD	1,639	93.131	56,822	574.71
Lockney ISD	998	62.727	62,853	510.97
Foard—				
Crowell ISD	474	70.656	149,063	555.05
Fort Bend—				
Lamar ISD	6,217	475.504	76,484	496.55
Orchard ISD	282	44.871	159,117	766.93
Needville ISD	1,167	102.638	87,950	495.11
Kendleton ISD	260	16.215	62,365	566.21
Fort Bend ISD	3,799	264.255	69,559	598.44

Franklin—					
Mt. Vernon ISD	734	129.847	176,903	644.25	
Freestone—					
Dew CSD	60	7.796	129,933	375.72	
Trahan CSD	22	1.844	83,818	346.36	
Donie ISD	30	4.996	166,533	581.53	
Fairfield ISD	879	70.707	80,440	545.92	
Teague ISD	850	41.523	48,851	536.14	
Wortham ISD	291	21.667	74,457	645.14	
Butler ISD	264	7.126	26,992	676.29	
Frio—					
Dilley ISD	827	88.400	106,892	445.01	
Pearsall ISD	1,953	92.016	47,115	464.55	
Gaines—					
Seminole CSD	1,918	663.626	345,999	680.45	
Seagraves ISD	817	62.021	75,913	644.06	
Loop ISD	206	53.139	257,956	898.73	
Galveston—					
Clear Creek ISD	7,229	708.288	97,979	557.77	
Friendswood ISD	1,165	51.831	44,490	515.00	
Galveston ISD	11,526	544.563	47,246	510.58	
High Island ISD	231	67.726	293,186	940.52	
Hitchcock, ISD	1,683	58.062	34,499	450.57	
Santa Fe ISD	1,655	83.883	50,685	471.89	
Dickinson ISD	3,393	190.046	56,011	545.80	
La Marque ISD	6,420	369.587	57,568	551.76	
Texas City ISD	6,775	432.471	63,833	566.43	
Garza—					
Justiceburg CSD	17	15.818	930,471	1073.94	
Post ISD	1,146	94.857	82,772	544.67	
Southland ISD	162	19.405	119,784	601.43	
Gillespie—					
Rocky Hill CSD	43	5.871	136,535	306.44	
Stonewall CSD	102	13.848	135,765	495.03	
Doss CSD	32	13.778	430,563	522.09	

Fredericksburg—					
ISD	1,494	139.164	93,149	443.41	
Harper ISD	173	48.023	277,590	694.03	
Glasscock—					
Glasscock ISD	311	65.113	209,367	599.54	
Goliad—					
Goliad ISD	1,060	252.857	238,544	654.30	
Gonzales—					
Gonzales ISD	2,276	107.464	47,216	501.13	
Nixon ISD	751	27.700	36,884	470.32	
Smiley ISD	289	22.088	76,429	514.76	
Waelder ISD	387	20.048	51,804	708.63	
Gray—					
Grandview CSD	17	20.725	1219118	1556.24	
Alanreed ISD	21	17.796	847,429	1800.76	
Lefors ISD	236	54.739	231,945	1076.82	
McLean ISD	358	29.617	82,729	624.99	
Pampa ISD	5,512	297.711	54,011	520.18	
Hopkins ISD	13	23.636	1818154	3706.77	
Grayson—					
Pottsboro CSD	599	39.970	66,728	416.43	
Bells ISD	333	12.974	38,961	448.00	
Denison ISD	5,711	158.126	27,688	442.16	
Collinsville ISD	216	9.915	45,903	479.03	
Howe ISD	434	22.155	51,048	438.62	
Sherman ISD	6,341	206.642	32,588	470.55	
Van Alstyne ISD	446	18.965	42,522	407.67	
Whitesboro ISD	680	64.617	95,025	524.09	
Whitewright ISD	469	16.265	34,680	452.36	
White Rock CSD	41	.335	8,171	493.56	
S and S Cons.					
RHSD	210	67.494	321,400	848.57	
Gunter RHSD	170	12.800	75,294	500.54	
Tom Bean RHSD	259	9.610	37,104	454.64	
Tioga CSD	76	6.273	82,539	374.16	

Gregg—					
Sabine ISD	522	101.264	193,992	855.41	
Spring Hill ISD	370	88.179	238,322	790.65	
White Oak ISD	628	250.897	399,518	809.94	
Gladewater ISD	1,730	198.444	114,708	799.69	
Kilgore ISD	3,218	177.514	55,163	565.64	
Longview ISD	9,085	280.626	30,889	479.40	
Pinetree ISD	2,693	131.358	48,778	470.63	
Grimes—					
Anderson ISD	280	19.420	69,357	590.07	
Iola ISD	186	24.363	130,984	556.84	
Navasota ISD	2,246	106.980	47,631	464.78	
Richards ISD	217	20.043	92,364	670.92	
Shiro ISD	49	21.642	441,673	660.65	
Guadalupe—					
Schert-Cibolo ISD	2,840	49.013	17,258	389.03	
Marion ISD	455	8.766	19,266	507.64	
Navarro ISD	331	12.237	36,970	515.11	
Seguin ISD	4,370	155.050	35,481	461.36	
Hale—					
Abernathy ISD	1,040	113.384	109,023	577.33	
Cotton Center ISD	306	40.213	131,415	579.31	
Hale Center ISD	849	65.322	76,940	558.33	
Petersburg ISD	764	65.574	85,830	574.02	
Plainview ISD	6,265	355.508	56,745	482.93	
Hall—					
Estelline ISD	166	20.135	121,295	820.98	
Memphis ISD	795	40.903	51,450	524.88	
Turkey ISD	221	21.739	98,367	630.78	
Lakeview ISD	132	17.273	130,856	1037.11	
Hamilton—					
Carlton ISD	68	7.884	115,941	1129.47	
Hamilton ISD	737	42.249	57,326	449.03	
Hico ISD	285	18.631	65,372	450.11	
Pottsville ISD	105	11.584	110,324	784.82	

Hansford—					
Gruver ISD	617	159.710	258,849	748.81	
Morse ISD	92	29.809	324,011	1386.55	
Spearman ISD	1,080	223.416	206,867	725.83	
Hardeman—					
Chillicothe ISD	428	50.469	117,918	570.68	
Quanah ISD	1,098	102.870	93,689	497.84	
Hardin—					
Votaw CSD	29	4.640	160,000	511.07	
Kountze ISD	1,061	67.988	64,079	552.25	
West Hardin ISD	468	39.198	83,756	633.52	
Hardin-					
Jefferson ISD	1,692	102.305	60,464	576.38	
Lumberton ISD	1,010	28.603	28,320	530.63	
Silsbee ISD	3,439	103.517	30,101	433.20	
Harris—					
Alief ISD	831	97.983	117,910	609.94	
Spring Br. ISD	29,291	832.841	28,433	457.68	
Katy ISD	1,184	301.773	254,876	705.30	
Tomball ISD	1,178	118.275	100,403	580.73	
Klein ISD	1,575	112.746	71,585	574.99	
Spring ISD	1,004	82.402	82,074	546.57	
Sheldon ISD	2,077	118.321	56,967	522.38	
Huffman ISD	365	31.995	87,658	534.47	
Humble ISD	1,913	130.499	68,217	470.34	
Crosby ISD	1,981	65.360	32,993	412.14	
Aldine ISD	16,506	307.295	18,617	401.35	
Channelview ISD	2,899	64.284	22,175	414.70	
Cypress-					
Fairbanks ISD	4,821	306.792	63,637	599.10	
Deer Park ISD	5,259	760.900	144,685	769.83	
Northeast					
Houston ISD	12,510	177.807	14,213	403.79	
Galena Park ISD	10,699	457.905	42,799	538.00	
Goose Creek ISD	11,694	870.665	74,454	591.00	
Houston ISD	203,264	8668.480	42,646	498.53	

La Porte ISD	3,399	205.154	60,357	644.21
Pasadena ISD	30,364	907.471	29,886	464.63
Harrison—				
Karnack ISD	658	31.840	48,389	462.81
Marshall ISD	6,677	174.412	26,121	431.87
Waskom ISD	696	28.667	41,188	454.37
Hallsville ISD	1,384	162.942	117,733	481.10
Harleton ISD	422	13.499	31,988	410.53
Elysian Fields ISD	608	35.070	57,681	596.50
Hartley—				
Hartley RHSD	169	30.557	180,811	779.49
Channing ISD	171	80.146	486,690	953.01
Haskell—				
Paint Creek CSD	116	31.563	272,095	969.69
Carney RHSD	147	18.311	124,565	889.70
Weinert RHSD	104	12.149	116,817	991.17
Haskell ISD	852	36.398	42,721	481.04
Rochester ISD	229	26.623	116,258	653.95
Rule ISD	350	20.458	58,451	561.71
Hays—				
San Marcos ISD	4,019	98.128	24,416	478.08
Dripping Springs ISD	457	59.443	130,072	437.15
Hemphill—				
Glazier CSD	6	4.205	700,833	1438.50
Patton CSD	3	10.245	3415000	4142.00
Blue Ridge CSD	11	7.384	671,273	1175.36
Canadian ISD	652	44.014	67,506	539.55
Henderson—				
St. Paul CSD	169	4.213	24,929	440.09
Bethel CSD	70	6.804	97,200	393.33
La Poynor CSD	329	105.005	319,164	534.85
Murchison CSD	73	5.578	76,411	462.77
Athens ISD	2,532	89.772	35,455	453.87
Brownsboro ISD	842	51.751	61,462	505.05
Cross Roads ISD	186	25.716	138,258	431.81

Eustace ISD	189	12,829	67,878	597.80
Malakoff ISD	691	34,419	49,810	468.73
Trinidad ISD	188	29,603	157,463	821.09
Hidalgo—				
La Villa ISD	393	11,257	28,644	615.55
Monte Alto ISD	302	18,018	59,662	365.10
Edcouch Elsa ISD	2,466	21,821	8,849	433.18
Mercedes ISD	3,257	31,264	9,599	475.31
Relampago CSD	82	2,172	26,488	452.34
Weslaco ISD	5,095	57,102	11,207	440.45
Palm Gard. CSD	143	5,399	37,755	211.45
Progresso ISD	259	11,724	45,266	363.69
Donna ISD	3,186	34,471	10,820	441.29
Runn CSD	131	5,696	43,481	330.30
McAllen ISD	10,218	177,968	17,417	494.47
Valley View CSD	129	6,207	48,116	246.40
Hidalgo ISD	549	25,894	47,166	453.48
Sharyland ISD	946	14,727	15,568	424.07
La Joya ISD	1,519	54,804	36,079	596.23
Alton ISD	358	5,855	16,355	422.32
Mission ISD	3,960	38,341	9,682	437.30
Edinburg ISD	6,854	215,517	31,444	528.95
Pharr—San Juan—				
Alamo ISD	7,611	111,255	14,618	491.38
Hill—				
Penelope RHSD	145	7,330	50,552	628.98
Abbott ISD	288	12,986	45,090	475.53
Bynum ISD	200	14,509	72,545	658.78
Covington ISD	133	4,719	35,481	510.44
Hillsboro ISD	1,552	54,133	34,880	474.05
Hubbard ISD	368	13,414	36,451	520.44
Itasca ISD	610	28,124	46,105	537.31
Malone ISD	88	10,167	115,534	483.65
Mount Calm ISD	74	10,501	141,905	558.23
Whitney ISD	408	18,182	44,564	500.20
Aquilla ISD	147	11,251	76,537	417.10

Blum ISO	166	17,583	105,922	595.66
Hockley—				
Pep CSD	93	10,511	113,022	871.96
Anton ISD	431	37,387	86,745	627.43
Levelland ISD	3,085	243,064	78,789	575.32
Ropes ISD	463	65,129	140,667	620.35
Smyer ISD	270	49,106	181,874	680.19
Sundown ISD	361	217,766	603,230	951.09
Whitharral ISD	233	36,050	154,721	793.35
Hood—				
Granbury ISD	855	33,039	38,642	451.84
Lipan ISD	153	18,750	122,549	729.27
Tolar ISD	150	12,490	83,267	620.93
Hopkins—				
Cumby RHSD	185	5,721	30,924	518.65
N. Hopkins RHSD	164	7,356	44,854	657.16
Miller Gr. RHSD	139	4,117	29,619	543.35
Saltillo RHSD	146	5,236	35,863	568.82
Sulphur				
Springs ISD	2,797	84,764	30,305	432.16
Como-Pickton ISD	323	30,724	95,121	597.33
Sulphur Bluff ISD	146	12,630	86,507	620.42
Houston—				
Austonio CSD	92	14,180	154,130	496.04
Kennard CSD	362	28,279	78,119	496.77
Crockett ISD	2,053	42,100	20,507	490.25
Grapeland ISD	631	41,827	66,287	563.96
Lovelady ISD	434	45,244	104,249	649.88
Latexo ISD	107	9,905	92,570	936.01
Howard—				
Big Spring ISD	7,052	232,977	33,037	554.16
Coahoma ISD	942	76,528	81,240	524.69
Forsan ISD	388	69,841	180,003	773.21
Hudspeth—				
Allamoore CSD	7	12,032	171,8857	773.43
Ft. Hancock ISD	249	21,894	87,928	794.65

Sierra Blanca ISD	160	17,052	106,575	748.04
Dell City ISD	337	24,395	72,389	546.55
Hunt—				
Boles Home CSD	196	1,185	6,046	607.93
Caddo Mills ISD	344	12,204	35,477	461.67
Celeste ISD	269	9,091	33,796	526.82
Commerce ISD	1,241	36,293	29,245	486.47
Greenville ISD	5,156	150,830	29,253	420.44
Lone Oak ISD	301	15,602	51,834	477.80
Quinlan ISD	458	37,290	81,419	450.22
Wolfe City ISD	435	18,758	43,122	486.36
Campbell ISD	164	23,626	144,061	493.70
Bland ISD	180	8,133	45,183	632.76
Hutchinson—				
Plemons CSD	57	31,837	558,544	1612.65
Borger ISD	4,044	182,657	45,167	547.11
Phillips ISD	738	99,582	134,935	881.98
Sanford ISD	657	46,825	71,271	629.63
Stinnett ISD	708	45,753	64,623	613.06
Spring Creek ISD	51	38,800	760,784	1810.29
Pringle ISD	44	43,760	994,545	2055.20

EXPENDITURES PER PUPIL IN ADA IN TEXAS

Districts 10 percent or more Mexican American
with total enrollment 300 pupils or more*
(Expenditures are from State and local revenue only)

Percent Mexican American of District Enrollment	Districts in Sample		Estimates for All Districts	
	Number of Districts	Per Pupil Expenditures	Number of Districts	Per Pupil Expenditures
10-19.9	55	\$457	85	\$444
20-29.9	38	484	59	477
30-49.9	32	444	49	444
50-79.9	39	377	60	382
80-100	23	292	30	297

*Source: U. S. Commission on Civil Rights study encompassing a random sample of districts in Texas.

PLAINTIFFS' EXHIBIT X