

Texas must teach illegal aliens

United Press International
NEW ORLEANS — The 5th U.S. Circuit Court of Appeals has affirmed a lower court's injunction against the Tyler Independent School District and says the state of Texas cannot deny public education to illegal aliens.

The federal appeals court said Monday it had found that a section of the Texas Education Code and a tuition policy adopted by the Tyler School District denied aliens equal protection under the law.

Despite the economic and social

problems caused by their residence in the United States, the 5th Circuit Court ruled aliens were protected by the Constitution.

"This court is acutely aware that Texas is suffering from the local effects of a national problem," wrote Judge Frank M. Johnson. "When national immigration laws are not or cannot be enforced, it is the states, most particularly the border states, that bear the heaviest burden."

"However, this court cannot suspend the operation of the Constitu-

tion to aid a state to solve its political and social problems."

Texas tried to limit public education to children who were within its borders legally, and the Tyler School District took the plan a step further by charging \$1,000 annual tuition for each undocumented child.

A district court held that Section 21.031 of the Education Code and the Tyler system's policy violated the equal protection clause of the 14th Amendment.

The 5th Circuit Court upheld that

decision and rejected several arguments from attorneys for the state.

Attorneys contended educating illegal aliens would deprive U.S. citizens of their rights to education, damage the state economically, spread disease and encourage others to sneak into this country.

The court said its responsibility was limited to interpreting the Constitution and seeing its benefits were distributed for the greatest good, and did not include dealing with fund distribution, educational policy or public health.

Waitress saves clerk in fire

United Press International
LUBBOCK — A waitress pulled an unconscious night clerk from the blazing lobby of a motel which sustained an estimated \$100,000 damage in what an investigator says was arson.

Denise Arnold, 23, was working in a restaurant next door to the motel Monday when she saw smoke and pulled Edwin Brian Hoople of Lubbock to safety, authorities said.

Hoople, 34, was the only person injured in the early morning explosion and fire that gutted the motel lobby. He was listed in fair condition

at Lubbock General Hospital with burns on his head and the upper part of his shoulders.

Officials reported a strong gasoline-like odor coming from an office adjacent to the lobby. A 5-gallon gasoline container was found inside the small room where heavy damage was evident. The container and liquid found in it were taken to the Department of Public Safety for testing.

Before that, however, fire investigator Jim Vaughn said flatly: "It was a set fire."

Authorities said a phone call to a direct line to the motel rang at restaurant about 2:20 a.m. A waitress answered, but there was no response so she hung up.

It rang again and Arnold answered. Again, there was no response, so she tried calling the motel, but could not get an answer.

Arnold then peered through a window toward the motel and the smoke, police said. She ran to the lobby where she found the unconscious desk clerk.

Pay raise given state employees

United Press International
AUSTIN — A legislative recommendation to raise state employees' salaries by 24.3 percent during the next two years, while less than had been asked for, is still a good step forward, says the director of the Texas Public Employees Association.

"That should help employees who serve the state to catch up some in their losing race with the inflation rate," says TPEA director Gary Hughes.

Texas will benefit too, of course, if its workers are properly and competitively compensated.

The Legislative Budget Board, at its meeting Saturday, approved a budget draft that includes a 14.31 percent pay raise for fiscal 1982 and an additional 8.73 percent in fiscal 1983, for a total 24.3 percent increase over current salaries.

In addition, the budget board approved proposals to increase the state's contribution to employee insurance programs.

Total cost of the proposed increases, which at this point are only recommendations to the Legislature, would be \$964 million for the next two budget years.

TPEA has requested an emergency pay increase as soon as the Legislature convenes in January and Hughes said any emergency raise granted probably would be deducted from the 14.31 percent proposed by the LBB for fiscal 1982.

Gov. Bill Clements has said he will support an emergency pay raise of 3.4 percent when the Legislature convenes but has declined to say how large a total pay increase he will back.

Texas teachers also are seeking substantial pay increases during the next legislative session.

The TPEA, which has 33,000 members, had requested pay raises totaling 28.9 percent during the next two years as the major part of its legislative program for the 1981 session.

The LBB recommendation is the starting point for House and Senate budget writers, and the governor will present separate budget recommendations to the Legislature within a few weeks of the opening of the session.

INS sued in asylum of boy, 13

United Press International
CHICAGO — The parents of a Soviet boy who ran away from home and received political asylum rather than return to the Ukraine with his family, are suing the Immigration and Naturalization Service for \$200,000.

Michael and Anna Polovchak filed suit in federal court seeking a court order revoking the political asylum granted to their son, Walter, 13, last summer because, they said, it violated the parents' right to due process.

The boy, then 12, ran away from home and filed an application for asylum July 17, about seven months after he emigrated from the Soviet Ukraine with his family. The youngsters said he did not want to return to the Soviet Union with his parents, who had decided to go back.

The INS granted him political asylum, and Cook County Juvenile Court Judge Joseph C. Mooney placed Walter with foster parents pending final disposition of his case. The judge will decide Nov. 5 who will take custody of the teenager, who visits his parents weekly.

An older sister, Natalie, 17, also is seeking asylum, but her parents have said she is old enough to make her own decision.

The suit said the immigration service granted asylum without notifying Walter's parents that he was seeking it, even though the family's departure from Chicago was not imminent.

Because of his age and emotional and intellectual development, Walter was incapable of understanding the issues raised by his request for asylum, said the suit, which was filed by the American Civil Liberties Union.

The parents said Director Michael Landon of the INS violated the family's privacy and due process of law by granting asylum.

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