

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

NOAH GONZÁLEZ; JESUS)	No. CV 10-623 TUC AWT
GONZÁLEZ, his father and next friend,)	
MANUEL BARCELO; and JULIAN)	JUDGMENT AS TO LIABILITY
BARCELO, his father and next friend,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
)	
DIANE DOUGLAS, Superintendent of)	
Public Instruction, in her Official)	
Capacity, et al.,)	
)	
Defendants.)	

After trial of this cause to the court and pursuant to the Memorandum of Decision, which serves as the court’s Findings of Fact and Conclusions of Law, signed and filed concurrently with this *interim* Judgment,

IT IS ADJUDGED:


1. Defendant DIANE DOUGLAS, in her official capacity as Superintendent of Public Instruction of the State of Arizona, and her predecessors in office (hereinafter the

“Superintendent”), acted contrary to the Constitution of the United States and violated Plaintiff students’ rights under the First and Fourteenth Amendments to the Constitution when the Superintendent found the Tucson Unified School District (“TUSD”) in violation of Arizona Revised Statute § 15-112 and caused the TUSD to shut down the Mexican American Studies (“MAS”) Program by assessing a penalty of 10 percent of TUSD’s state funding if the MAS Program were not eliminated.

2. The State of Arizona acted contrary to the Constitution of the United States in enacting Arizona Revised Statute §§ 15-112 and 15-111. Since neither the Governor, the Legislature, nor the State itself is a party, the court doubts whether there is any defendant against whom this finding can be enforced.

3. This is not a Final Judgment because the court has not yet decided on the appropriate remedy. Thus, costs and attorneys’ fees also have yet to be determined.

DATED: August 22, 2017.



A. Wallace Tashima
United States Circuit Judge
Sitting by Designation