



# Triumphs and Challenges on the 30th Anniversary of *Plyler v. Doe*

A Landmark Supreme Court Case on Providing Education to Immigrant Children Under Threat

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# Introduction and summary

Thirty years ago the Supreme Court ruled on a profound question in American life: whether states could bar undocumented children from receiving public education. On June 15, 1982, in the case of *Plyler v. Doe*, the Court struck down a Texas statute that permitted local school districts to charge tuition to undocumented students. In doing so, it guaranteed that all children in the United States would receive a basic education.<sup>1</sup>

That seminal ruling extended the 14th Amendment's guarantee of equal protection to undocumented immigrants, and it prevented a generation of immigrant children from being pushed to the margins of society. It effectively blocked states from relegating these kids to the lowest socioeconomic rung merely because of their immigration status, and it ensured that a generation of children would grow up as Americans, not as castoffs. Finally, it protected the nation's own economic and social self-interest by ensuring that all children have the ability to become educated, well integrated, and economically productive.

This week is *Plyler's* 30th anniversary and there is much to praise about the opinion. In particular, we celebrate the decision's affirmation that the constitutional values of fair and equal treatment supersede a state's desire to marginalize undocumented immigrants. We celebrate its moral contribution to our national identity by elevating the humanity of these young people over their immigration status. And we celebrate its positive social impact in helping integrate these immigrant children and their families into our schools and communities.

## *Plyler v. Doe* at a glance

- Decided 30 years ago on June 15, 1982.
- Struck down a Texas law authorizing school districts to charge tuition to undocumented immigrants. Justice William J. Brennan wrote the 5-4 majority opinion.
- Held for the first time that undocumented immigrants may benefit from the equal protection clause of the 14th Amendment.
- Concluded that undocumented children residing in the United States cannot be denied K-12 education on the basis of their immigration status.
- Challenged by states' recent efforts to pursue legislation designed to discourage undocumented immigrants' public school attendance. The *Plyler* decision has been under attack since it was passed.

Unfortunately, despite the Court's ruling and the concrete moral foundation on which it rests, *Plyler* has been and remains under attack by immigration restrictionists. After three decades in which the courts have rightfully overturned any attack on undocumented children's education, today well-funded anti-immigration groups have hatched a plan to encourage the Supreme Court to revisit and overturn both the *Plyler* ruling and other well-settled legal questions about the limits of a state's power in the immigration realm.

At any other time attacking *Plyler* would be a futile exercise because, under a hallowed judicial doctrine of precedence known as *stare decisis*, a Supreme Court ruling binds future rulings in all but the most extraordinary cases. Later this month the Court will announce its decision on the constitutionality of Arizona's anti-immigrant law, S.B. 1070, and we will get our first insight into how today's conservative Court will approach state involvement in the immigration arena.<sup>2</sup> But the conservative justices on today's Supreme Court already appear relatively unconstrained by precedent and more than willing to revisit firmly established cases—the *Citizens United* case overturning restrictions on political money from businesses and corporations is but one example—leaving the fate of *Plyler* up in the air.<sup>3</sup>

Against this urgent backdrop, we first briefly revisit the landmark *Plyler* ruling and its analytical underpinnings. We then review the major challenges leveled against it and the fresh ones on the horizon. Lastly, we consider what life would be like without *Plyler*—including the devastating effect on our children and on our nation as a whole—to underscore the importance of the current debate.

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