

PLYLER v. DOE (1982)

DISCRIMINATION AGAINST IMMIGRANTS

As we learned in the *Brown* and *Bakke* cases, schools may not exclude students solely because of their race. In the 1980's, however, another issue dealing with discrimination was brought to the attention of our courts when public schools in Texas decided that they would deny an education to children whose parents had immigrated illegally to the United States from Mexico. (These people are sometimes called “illegal aliens” or “undocumented workers.”)

For many years, people had immigrated legally from Mexico and had settled in Texas and other southwestern areas of the U.S. In the 1970's, the number of Mexican immigrants increased dramatically, especially those who came here illegally. They came because economic conditions in Mexico were so poor. Many farmers were unable to grow enough food to feed their families, and in the cities, often one out of every four people could not find work. In the U.S., they could find jobs, even though the jobs usually paid poorly and required difficult physical labor and long hours.

Like other immigrant groups, the Mexican immigrants faced discrimination in employment and other areas of public life. In 1975, Texas legislators were concerned about the cost of educating the increasing number of immigrant children. In response they passed a law allowing public school districts to deny an education to children whose parents had not been legally admitted to the United States and provided that no funds be used for educating them.

Some of the Mexican-American families affected by the Texas law brought a lawsuit challenging this law. They knew, however, that the Constitution provides no right to an education. Nevertheless, they argued that to deny public education to one group amounted to a denial of the equal protection treatment of the laws. It, therefore, violated the Fourteenth Amendment.

The Texas school district argued that the equal protection clause does not apply to these immigrants because they are living in the United States illegally. They also argued that even if equal protection does apply, they were justified in denying the children an education in order to conserve financial resources.

THE SUPREME COURT DECIDES

In 1982, the case came before the Supreme Court, and, in a split decision, five justices wrote for the majority. The Court stated:

We rejected the claim that “illegal aliens” are a “suspect class.” Undocumented status is not irrelevant to any proper legislative goal. Nor is it an absolutely immutable characteristic since it is the product of conscious, indeed unlawful, action. But this legislation imposes its discriminatory burden on the basis of a legal characteristic over which children can have little control. It is thus difficult to conceive of a rational justification for penalizing these children for their presence within the United States.....

Public education is not a “right” granted to individuals by the Constitution. But neither is it merely some governmental benefit indistinguishable from other forms of social welfare legislation. Both the importance of education in maintaining our basic institutions, and the lasting impact of its deprivation on the life of a child, mark the distinction. We cannot ignore the significant social costs borne by our Nation when select groups are denied the means to absorb the values and skills upon which our social order rests. Thus, the discrimination contained in [this legislation] can hardly be considered rational unless it furthers some substantial goal for the State.

...[A]ppellants appear to suggest that the State may seek to protect the State from an influx of illegal immigrants. While a State might have an interest in mitigating the potentially harsh economic effects of sudden shifts in population, there is no evidence on the record suggesting that illegal entrants impose any significant burden on the State’s economy. To the contrary, the available evidence suggests that illegal aliens underutilize public services, while contributing their labor to the local economy and tax money to the State. The dominant incentive for illegal entry into Texas is the availability of employment; few if any illegal immigrants come to this country to avail themselves of a free education...

Finally, appellants suggest that undocumented children are appropriately singled out because their unlawful presence within the United States renders them less likely than other children to remain within the boundaries of the States, and to put their education to productive social or political use within the State. ...The State has no assurance that any child, citizen or not, will employ the education provided by the State within the confines of the State’s orders. ... It is difficult to understand precisely what the State hopes to achieve by promoting the creation and perpetration of a subclass of illiterates within our boundaries, surely adding to the problems and costs of unemployment, welfare, and crime. It is thus clear that whatever savings might be achieved are wholly insubstantial in light of the costs involved to these children, the State, and the Nation.

Four Justices dissented. They stated:

The central question in these cases...is whether there is some legitimate basis for a legislative distinction between different classes of persons....

Once it is conceded-as the Court does-that illegal aliens are not a suspect class, and that education is not a fundamental right, our inquiry should focus on and be limited to whether the legislative classification at issue bears a rational relationship to a legitimate purpose....

Denying a free education to illegal alien children is not a choice I would make were I a legislator. Apart from compassionate considerations, the long-range costs of excluding any children from public schools may well outweigh the costs of educating them. But the fact that there are sound policy arguments against the Texas legislature’s choice does not render the choice an unconstitutional one. While the specter of a permanent caste of illegal Mexican residents of the United States is indeed a disturbing one, it is but one segment of a larger problem, which is for the political branches to solve.

WHAT HAPPENED IN THIS CASE?

1. Who were the parties in this case?
2. What circumstances and events led to this case?
3. What was the legal question decided in this case?
4. What arguments were presented on each side?
5. What conclusion did the Supreme Court reach and what were its reasons? How did the Court answer the arguments of the losing side?
6. Do you agree with the decision of the Court? Why or why not?

QUESTIONS

1. What did Texas hope to gain by denying public education to the children of illegal immigrants?
2. Do you think the Court's decision would have been the same if Texas were denying some governmental benefit to illegal immigrant adults?
3. Why does the Court decide to treat discrimination based on immigration status differently than discrimination based on race?
4. What was the opinion of the dissenting Justices?
5. The dissenting Justices appear to believe that the Texas law was a very bad idea. Why do they uphold the law anyway? What is the difference in how the Justices in the Majority and the Dissenting Justices view their role?
6. The Majority and Minority Justices agree that education is not a constitutional right. Do you think that public education should be a constitutional right?