Texas governor announces intent to bar undocumented immigrant children from attending public schools

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Republican Texas Governor Greg Abbott declared May 4 that he would challenge a 1982 Supreme Court ruling that prohibits states from discriminating against public school students on the basis of immigration status.

Abbott made the remark within days of the leak of a Supreme Court draft opinion overturning the landmark 1973 *Roe v. Wade* decision, which recognized abortion as a constitutional right. The draft Supreme Court decision, authored by Samuel Alito, is an open invitation for right-wing extremists and Christian fundamentalist groups to bring challenges to a century of legal reforms, which the far-right majority on the Supreme Court is poised to strike down.

As a guest on the Joe Pags Show, Abbott took aim at the Supreme Court's1982 *Plyler v. Doe* decision, which requires states to permit children of undocumented immigrants to attend public schools on the same basis as the children of citizens.

Abbott bemoaned the "burden" of "education obligations, as well as other obligations, that are simply unsustainable and unaffordable." He told conservative host Joe Pagliarulo, "I think we will resurrect that case and challenge this issue again, because the expenses are extraordinary, and the times are different than when *Plyler v. Doe* was issued many decades ago."

The *Plyler* ruling resulted from a challenge to a 1975 Texas law that blocked education funds for children who had not been "legally admitted" to the United States. It also allowed public school districts to refuse admission to those children.

When the Tyler Independent School District in Smith County began charging tuition for students who could not provide proof that they were legally in the country, a lawsuit was filed that worked its way up to the Supreme Court. In 1982, the law was struck down in a 5-4 decision.

Justice William Brennan wrote for the majority, "Education has a fundamental role in maintaining the fabric of our society. 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."

The dissenting opinion, written by Justice Warren Burger, did not disagree with that assertion. The minority objected that the legislative branch, not the courts, should decide on the issue, while conceding that "it would be folly—and wrong—to tolerate creation of a segment of society made up of illiterate persons, many having a limited or no command of our language."

Abbott, the current governor of America's second most populous state and a right-wing extremist provocateur, has no such misgivings.

A May 4 report in the *Austin American-Statesman* mentioned two possible legal avenues for a challenge. "One option would be for the Legislature to pass a bill similar to the statute that was overturned in 1982. Civil rights groups would likely respond with legal challenges that could return the issue to the Supreme Court." Or Abbott could direct Texas Attorney General Ken Paxton to file a lawsuit "arguing that the federal requirement to fund the public education of all children is unconstitutional."

Abbott's anti-*Plyler* scheme would amount to restoring segregation in Texas, with discrimination by skin color replaced with discrimination by immigration status.

The attack on *Plyler* is the latest escalation of a long

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string of provocations, demonization, and scapegoating of immigrant workers and their families, seeking to misdirect the blame for the results of chronic underfunding of education and for the international refugee crisis onto the victims.

Abbott was and remains one of former president Donald Trump's chief attack dogs—supporting his fascistic agenda before, during, and after the violent January 6, 2021 coup attempt. After Trump's effort to overturn the election failed, Abbott signed into law a series of sweeping restrictions on voting rights.

Abbott was a vocal advocate for Trump's racist and anti-immigrant measures at the border, including the infamous border wall, as well as efforts to undermine due process for people facing deportations. Like Trump, his speeches characterize immigrants as drug dealers, gang members and criminals.

The governor has deployed thousands of Texas National Guard troops and Department of Public Safety troopers to the border as part of "Operation Lone Star," recently ordered state troopers to stop and inspect commercial trucks at border crossings—causing hours of delivery delays of produce—and engaged in vicious stunts like loading undocumented workers on buses to Washington D.C.

Abbott and his supporters have not only denounced public education for immigrant children, but for all working class children. They regularly denounce what Abbott's counterpart, Arizona Governor Doug Ducey, refers to as "government schools" for providing sex education to children, which the Republican Party is currently campaigning to outlaw under the label "grooming."

Associating "critical race theory" with "the left" and public education, Abbott and company sing the glories of profit-making private schools.

Predictably, the Democratic Party and organizations in its orbit issued tepid disavowals of Abbott's remarks. White House Press Secretary Jen Psaki stated, "Denying public education to kids, including immigrants to this country—I mean, that is not a mainstream point of view."

The Democrats have no business posturing as friends of immigrants, with Democratic President Barack Obama having presided over a staggering 5.3 million deportations during his two terms in office, averaging more deportations per year than Trump.

Under both Democratic and Republican administrations, the infamous Immigration and Customs Enforcement agency (ICE), America's Gestapo, has presided over a reign of terror on working class neighborhoods, abducting people without warning in militarized raids on homes, schools, and workplaces.

As the Republican Party transforms itself into an ever more openly fascistic operation, the Democrats have played a key role in legitimizing it, with Biden himself advocating for a "strong Republican Party" and referring constantly to his "Republican colleagues."

Both the Democratic and Republican parties have likewise presided over the destruction of public education, starving the system of funds, scapegoating and harassing teachers with standardized tests, and right-wing "reform" programs like Bush's "No Child Left Behind" and Obama's "Race To The Top."

The Democrats' feigned concern for immigrant children does not extend to the migrant and refugee children held in privately contracted detention camps, where they are subjected to harsh regimentation, violence and sexual assaults.

Abbott's proposal to introduce open discrimination into the school system underscores the reactionary character of the draft Supreme Court decision scuttling abortion rights, which is the starting gun for far-reaching attacks on the rights of the working class across the board.

The working class must respond to these attacks with a complete rejection of both bourgeois parties, uniting native-born and immigrant workers for a global fight to defend their rights and advance their common interests.

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