

# Oklahoma's assault on public education and immigrant rights

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Oklahoma is moving to deny public education to undocumented children as part of the US ruling class's escalating attack on the working class.

Last month, Oklahoma State Superintendent Ryan Walters wrote to Oklahoma Attorney General Gentner Drummond asking to clarify whether President Trump's executive order banning the use of federal funds to benefit undocumented immigrants, meant that undocumented immigrant children would be prohibited from going to public schools. Walters wrote that "[t]axpayer dollars should be used to support the education of American students, not to subsidize or create a magnet for illegal immigration."

Walters was asking a question he had already answered. He wants the go-ahead from the attorney general to overturn the precedent set down in the 1982 US Supreme Court case *Plyler v. Doe*. That landmark case guaranteed access to and equal protection for undocumented children in public schooling.

The facts of *Plyler* underscore that this is another effort to enshrine xenophobic reaction into law. In 1975, Texas revised its education code to bar local school districts from using state funds to educate children who were not legally admitted into the United States. The state denied such children enrollment in public schools. Texas argued that providing undocumented children a free public education was an incentive to illegal immigration and that spending public funds on undocumented children drained funds from the education of native-born children.

The case made it to the Supreme Court after the district court ruled against Texas. The Supreme Court ruled that because undocumented children are subject to the jurisdiction of the United States, they are afforded 14th Amendment equal protection rights. The Court concluded that by stripping undocumented

children, an overwhelmingly poverty-stricken group, of access to free public education, the state would be condemning them to the status of a permanent underclass.

The Court upheld democratic traditions that were secured through blood and sacrifice in the Civil War that overthrew the slave power and ended slavery. These rights, codified in the post-Civil War 13th, 14th and 15th Amendments, are under attack by the Trump administration. Most pertinent to the *Plyler* ruling and Oklahoma's attempt to overturn it is the 14th Amendment, which enshrined birthright citizenship, due process and equal protection under the law.

In the *Plyler* case, Texas attempted to argue that because undocumented persons are here contrary to the law, they cannot avail themselves of the law's protection. The Supreme Court instead noted that many of Texas's objections had been raised in congressional debate surrounding the post-Civil War amendments and were rejected. "Persons... subject to the jurisdiction" of the United States, the Court ruled, included any person, alien or not, who is present within the United States and subject to its laws—otherwise stated, anyone who is not under a diplomatic mission.

While the Court upheld these democratic traditions, it declined to recognize education as a fundamental right. Nevertheless, public education has deep roots running through the founding of the United States.

Thomas Jefferson, author of the Declaration of Independence, was deeply involved in the creation of public education in the fledgling nation. His vision of education was secular and free from religious indoctrination. After the Civil War, Jefferson's vision evolved into the idea of free public education for all children as a way to promote participation in the newly expanded democracy.

The Oklahoma advisory question is a direct attack on the rights upheld in *Plyler*. It recalls the fight against California Ballot Proposition 187 (Prop 187), which sought to stop the use of state services by any undocumented person. That would have stripped undocumented children of access to free public education by forcing them to pay tuition.

Prop 187 passed by nearly 60 percent under a barrage of racist propaganda. As the dust settled, the federal courts struck it down and a Democratic governor, Gray Davis, was elected who chose to let the case die rather than defend it. This allowed the Democrats to falsely posture as defenders of immigrants.

The defense of public education and the rights of immigrants cannot be left to the feckless Democrats. As the Obama era showed, Democrats, with the complicity of the trade union bureaucracies, have collaborated in the privatization of public education. The only social force capable of defending and expanding these basic social rights is the working class. The organization of independent rank-and-file committees in workplaces, schools and neighborhoods is an urgent and necessary step to wage this most essential struggle.



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