

**“Founding Contradictions”:
Reflecting on American Values through *Plyler v. Doe***

In his Financial Times’ essay “American’s History Wars,” historian Simon Schama reflects on America’s national holiday, the 4th of July. Schama writes:

The jarring discrepancy between the “self-evident” truth of human equality asserted in the Declaration of Independence and the brutal reality of America’s founding being built on the backs of the enslaved is not, then some contemporary piety of the “woke.” Since Samuel Johnson acidly inquired “How is it that we hear the loudest yelps of liberty among the drivers of negroes?”, this founding contradiction has never been out of view.¹

This essay investigates how “founding contradictions” persist in our nation’s history, focusing specifically on the Supreme Court case *Plyler v. Doe* viewed within the context of immigration laws, policies, and failed regulation. The rise of undocumented migrants and calls for immigration reform remain at the forefront of heated national debates and political campaigns in the United States, but as Schama writes, “History is in the truth business. And if the truth should be hard to nail down in simplicities, then the least history can do is to disabuse its readers of outright falsehoods.” Truth has been elusive in debates on immigration. Immigration debates in America are often characterized by “simplicities” and “falsehoods,” and when it comes to Mexican immigration, economic arguments are usually front-and-center. In the *Plyler v. Doe* case, the state of Texas took the position that turning undocumented children away from the

¹ Simon Schama, “America’s History Wars,” *Financial Times Weekend* (Life & Arts), July 10, 2021.

schoolhouse door was a mere matter of dollars and cents. Looking deeper, we can see that the *Plyler v. Doe* case reflects a contradiction in our nation's foundational immigration history.

When a country demands labor, what happens to the people and their families who come to work and live? Will these migrant families be sewn into the fabric of American life; does the nation bear a responsibility to them, or will they become a permanent outside caste, wanted only during harvest time? In its 5-4 decision, the Supreme Court determined that undocumented children were entitled to equal protection under the Fourteenth Amendment to the United States Constitution, and therefore had the right to attend school. At the same time, the court stopped short of declaring education to be a constitutional right.

Origins of the Case

As law professor Albert H. Kauffman explains, "The Texas government has long had a fraught relationship with its southern neighbor Mexico. At times, Texans were very active in encouraging migration from Mexico into Texas. At other times, Texans discouraged migration but encouraged the movement of labor from Mexico into the Texas border area for farm, ranching, and construction work."² As a result, undocumented migration continued to flow across the border, and this brought the permanent presence of undocumented migrant laborers

² Albert H. Kauffman, "Latino Education in Texas: A History of Systematic Recycling Discrimination," *St. Mary's Law Journal* 50, no. 3 (June 2019): 861–916. <http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=139359706&site=ehost-live>. Kauffman is a Professor of Law at St. Mary's University School of Law, San Antonio, Texas. He served as an attorney with the Mexican American Legal Defense and Education Fund (MALDEF) from 1974-1977 and 1984-2002.

and their families. The *Plyler v. Doe* case emerged from a rise of anti-immigrant sentiment in Texas during the mid-1970s. Responding to this anti-immigrant sentiment, the Texas legislature passed Education Code 21.031.³ This statute stated that Texas school districts would receive no funding for undocumented students. It also permitted schools to charge undocumented students tuition or to block them from attending. Several border schools chose the second option, refusing to enroll undocumented children. However, other state districts like Tyler School District decided to charge undocumented students tuition of over 1000 dollars, in effect barring these students from attending because their families could not afford to pay. This choice would lead to one lawsuit, many appeals, and a landmark Supreme Court case, *Plyler v. Doe*.⁴

Since the late 19th century, many industries in the Southwest actively recruited Mexican workers to labor in the mines, railroads, and agriculture, including cotton.⁵ Located east of Dallas and 500 miles north of Mexico, Tyler was by no means a border town. However, the economy of Tyler was based on meat-packing, foundries, and forms of agriculture—industries that relied upon a stream of undocumented migrant labor. Therefore, a sizable number of undocumented

³ Michael A. Olivas, *No Undocumented Child Left Behind: Plyler V. Doe and the Education of Undocumented Schoolchildren* (New York: New York University Press, 2012), 9-10; also see, Hiroshi Motomura, *Immigration Outside the Law* (New York, NY: Oxford University Press, 2014), 1-2.

⁴In 1977, four undocumented families in Tyler filed the suit in federal court against the Tyler Independent School District in East Texas. The case was appealed in the United States Court of Appeals for the Fifth Circuit. The case eventually was argued in the Supreme Court December 1, 1981 and decided June 15, 1982. Justice Brennan wrote the 5-4 majority opinion, joined by Justice Stevens, Justice Marshall, Justice Blackmun, and Justice Powell. Chief Justice Burger wrote the dissent, joined by Justice Rehnquist, Justice White, and Justice O'Connor. See Kauffman, "Latino Education in Texas: A History of Systematic Recycling Discrimination," 897.

⁵ Matt S. Meier and Feliciano Ribera, *Mexican Americans, American Mexicans: from Conquistadors to Chicanos* Rev. ed. (New York: Hill and Wang, 1993), 110-112.

Mexican migrants lived and worked in Tyler.⁶ Despite the contributions made by these workers, some Tyler Texans grew concerned about the presence of these undocumented immigrants and their impact on local schools. One of these people was Mr. James Plyler, superintendent of the Tyler school district. Although very few students in Tyler lacked documentation (less than one percent), Superintendent Plyler claimed that schools had become a “haven for illegal immigrants.” Plyler also referred to these students as “a burden” on education, claiming migrant children needed extra help in school, and thus took funding away from children who were citizens and lowered the quality of education in the district.⁷ Using this rationale, the Tyler School District chose to enact Education Code 21.031. Tyler’s new policy required families to prove that their children were U.S. citizens. If parents could not produce the correct documentation, they would be forced to pay one thousand dollars a year for each child in school.⁸ Because migrant workers were paid very little, this cost was prohibitive and barred their kids from attending school as much as an outright ban.

With their children denied access to school, undocumented parents Jose and Rosario Robles contacted an outreach worker at their Catholic Church, who wrote a letter to MALDEF, the Mexican American Legal Defense and Educational Fund. Soon afterwards, MALDEF agreed to sue the Tyler district on behalf of the Robles and three other families. In their class action suit, MALDEF claimed that Tyler was discriminating against migrant children, making them pay for

⁶ Jamie Williams, “Children Versus Texas: The Legacy of *Plyler v. Doe*,” (Berkeley Law Educational Law Stories Student Paper, University of California, Berkeley, 2011): 4-8.
https://www.law.berkeley.edu/files/Children_v._Texas_Williams.pdf.

⁷ Alexander Mendoza, “The Building of an East Texas Barrio: A Brief Overview of the Creation of a Mexican American Community in Northeast Tyler.” *East Texas Historical Journal* 47, no. 2, Article 9 (2009): 1.
<https://scholarworks.sfasu.edu/ethj/vol47/iss2/9>.

⁸ Olivas, *No Undocumented Child Left Behind*, 10.

an education that was free to everyone else.⁹ However, the state of Texas argued that teaching migrant students was a financial drain on schools, and that charging them tuition would improve the quality of instruction. Judge William Wayne Justice, who presided over the trial, sided with the children. He ruled that the Texas law violated the Fourteenth Amendment's Equal Protection Clause. However, the Tyler district appealed, and the case eventually made its way to the Supreme Court.¹⁰

Legal Arguments of the Case

When *Plyler v Doe* reached the Supreme Court, it was clear that the case hinged on the Fourteenth Amendment. Both MALDEF and the state of Texas had based parts of their argument on the Equal Protection Clause, which reads as follows: "No State...shall deny to any person within its jurisdiction equal protection of the laws."¹¹ In its class action suit, MALDEF argued that Education Code 21.031 deprived undocumented students of their right to "equal protection." However, the state of Texas argued that undocumented students were not "within its jurisdiction," and thus could not claim the rights in the Equal Protection Clause. Before the *Plyler* case, the U.S. Supreme Court had never reached an agreement on whether Equal Protection applied to undocumented migrants. This was the question at the heart of *Plyler*: What

⁹ Motomura, *Immigration Outside the Law*, 2-3; Williams, "Children Versus Texas: The Legacy of *Plyler v. Doe*," 7.

¹⁰ Olivas, *No Undocumented Child Left Behind*, 10.

¹¹ U.S. Constitution, amend. 14.

rights does our country extend to those who are undocumented? In order to find the answer, the Supreme Court examined the origins of the Fourteenth Amendment.

The Fourteenth Amendment was passed during the era of Reconstruction. Like the Thirteenth and Fifteenth Amendments, it extended legal protection to those who had once been enslaved, as well as other groups. The court acknowledged this history, and also referenced a legislative debate from 1866. In this debate, the drafters of the Fourteenth Amendment assert that equal protection applies to non-citizens: “Is it not essential to the unity of the Government and the unity of the people that all persons, *whether citizens or strangers*, within this land, shall have equal protection in every State in this Union in the rights of life and liberty and property?”¹² Based on this evidence, the Supreme Court ruled that allowing “a State to employ the phrase ‘within its jurisdiction’ in order to identify subclasses of persons...would undermine the principal purpose [of] the Equal Protection Clause.”¹³ Therefore, the Court upheld MALDEF’s claim and extended Equal Protection to undocumented immigrants. The Court then had to decide if the Texas law was “rational.”

Texas provided several claims for why their law was rational. Its first claim was that the state had limited funding for schools, so charging the undocumented would save more money for citizens. Justice Brennan rejected this argument, stating: “the creation and perpetuation of a subclass of illiterates within our boundaries [will] surely add to the problems and costs of

¹²*Plyler v. Doe*, 457 U.S. 202 at 214 (1982). Library of Congress, <https://www.loc.gov/item/usrep457202/>. For a transcript of edited and narrated arguments in the case, see Peter H. Irons, ed, *May It Please the Court: Courts, Kids, and the Constitution* (New York: New Press, 2000), 125-144.

¹³*Plyler v. Doe*, 457 U.S. 202 at 213 (1982).

unemployment, welfare, and crime.”¹⁴ Although schooling “was not a right” guaranteed by the Constitution, Justice Brennan acknowledged “the importance of education in maintaining our...institutions.”¹⁵ He believed that public schools sustained American culture and forged people into “productive” society members. Therefore, Justice Brennan reasoned that “whatever savings might be achieved by denying these children an education, they are wholly insubstantial in light of the costs involved to these children, the State, and the Nation.”¹⁶

After Justice Brennan struck down its first claim, the state of Texas argued that Education Code 21.031 would discourage the undocumented from moving into America. Justice Brennan found this claim severely lacking in logic. He agreed with a judge from the lower courts that “charging tuition...constitutes a ludicrously ineffectual attempt to stem the tide of illegal immigration.”¹⁷ Mexican workers crossed the border to find better employment, not so their children could go to school. Therefore, Brennan reasoned that the Texas education code had no effect on undocumented immigration; it was simply a needless cruelty that punished innocent children for the actions of their parents.

Overall, Justice Brennan concluded that Texas had no rational basis for keeping the children from school. The Court voted 5-4 in favor of the children, establishing that Equal Protection applies to non-citizens. In their majority ruling, the Court chose to emphasize the importance of education and the failure of states and businesses in stopping illegal migration.

¹⁴*Plyler v. Doe*, 457 U.S. 202 at 230 (1982).

¹⁵*Plyler v. Doe*, 457 U.S. 202 at 221 (1982).

¹⁶*Plyler v. Doe*, 457 U.S. 230 at 230 (1982).

¹⁷*Plyler v. Doe*, 457 U.S. 202 at 203 (1982).

The dissent agreed that the Texas law was bad public policy, but claimed that Congress, not the Court, should intervene on matters related to immigration.¹⁸

Founding Contradictions

In terms of immigration and educational law, some legal scholars argue that the *Plyler v. Doe* case did not have much of an impact because of its narrow scope—it does not pertain to college students for example, only those without documentation in grades K-12.¹⁹ However, the significance of *Plyler* should not be underestimated. Because of the Court’s ruling, many children went on to receive an education and become U.S. citizens.²⁰ *Plyler* is also unique because it pertained to a group that is often forgotten: undocumented families already in the U.S., those that Justice Brennan referred to as a “shadow population.”²¹ What rights do these people and their children deserve? How do U.S. employers have responsibility for their presence here? These are questions that shaped the majority opinion in *Plyler v. Doe*, and while the outcome of the case was incredibly important, the arguments presented to decide the case are even *more*

¹⁸*Plyler v. Doe*, 457 U.S. at 247 (1982) (Burger dissenting). For newspaper and magazine responses immediately after the *Plyler v. Doe* Supreme Court decision see: “Teaching Alien Children is a Duty,” *New York Times*, editorial, June 16, 1982; “Aliens in School,” *Time*, June 28, 1982; “School Is In for Illegal Aliens,” *Newsweek*, June 28, 1982, 47; “The Children of Illegal Aliens,” *America*, June 26, 1983, 2. For journal articles see, Elizabeth Hull, “Undocumented Alien Children and Free Public Education: An Analysis of *Plyler v. Doe*,” *University of Pittsburgh Law Review* 44 (Winter 1983): 409; “Children in the Labyrinth: The Complexities of *Plyler v. Doe*,” *University of Pittsburgh Law Review* 44 (Winter 1983): 279; “Equal Protection, Education, and the Undocumented Child,” *Houston Law Review* 20 (May 1983): 899; “More Substantive Equal Protection: A Note on *Plyler v. Doe*,” *Supreme Court Review* (1982): 167.

¹⁹Motomura, *Immigration Outside the Law*, 17.

²⁰Jill L. Lepore. “Back to the Blackboard,” *New Yorker* 94, no. 27 (September 10, 2018): 9. <http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=131506022&site=ehost-live>.

²¹*Plyler v. Doe*, 457 U.S. 202 at 218 (1982).

important because they reveal truths about our country, and the contradictions that fester at the very heart of America's undocumented immigrant experience.

One contradiction raised in *Plyler* relates to education. In the majority ruling, Justice Brennan affirmed that access to education is *not* guaranteed by the Constitution, but he also proclaimed education as one of our founding principles.²² Justice Brennan cited *Meyer v. Nebraska*, asserting that “The American people [regard] education as [a matter of great] importance.”²³ This has always been true. As historian David McCullough notes, America's founding fathers were great supporters of college and public education.²⁴ For example, President John Adams emphasized a government's responsibility to support education in his draft of the Constitution of Massachusetts: “It shall be the *duty* of legislatures and magistrates in all future periods of this commonwealth to cherish the interests of literature and the sciences, and all seminaries of them.” Adams also wrote that the diffusion of “wisdom and knowledge” was essential to “[preserving] rights and liberties” within the United States.²⁵ In other words, those without an education would lack not only power, but also a sense of the founding ideals that held the country together.²⁶ This same logic was echoed by Justice Brennan in *Plyler v. Doe* when he stressed that “education [maintains] the fabric of our society.”²⁷ Like John Adams, Justice Brennan viewed education as a core American value. Thus, blocking undocumented children

²² *Plyler v. Doe*, 457 U.S. 202 at 221 (1982).

²³ *Plyler v. Doe*, 457 U.S. 202 at 221 (1982).

²⁴ David McCullough, “The Course of Human Events” (Jefferson Lecture National Endowment for the Humanities, 2003). <https://www.neh.gov/about/awards/jefferson-lecture/david-mccullough-biography>; also see, David G. McCullough, *John Adams* (New York: Simon & Schuster, 2001), 221-224.

²⁵ David G. McCullough, *John Adams*, 223.

²⁶ David McCullough, “The Course of Human Events.”

²⁷ *Plyler v. Doe*, 457 U.S. 202 at 221 (1982).

from school would not just burden *them* with the shackle of illiteracy, it would weaken the whole nation by subverting one of the nation's founding principles.²⁸

Another contradiction emphasized by *Plyler v. Doe* related to the causes of illegal immigration. Texas, like most border states, tended to place most of the blame on its undocumented migrant workers. Its use of the slur “*mojado*,” or “wetback,” portrayed Mexican workers as people who flaunted the law, swimming the Rio Grande to enter the U.S.²⁹ However, Justice Brennan countered this view. He claimed that illegal migration patterns were mainly caused by “lax enforcement of the laws barring entry to this country, coupled with the [employment] of undocumented aliens.” In other words, our “shadow population” could not exist without poor border control and employers’ constant desire for “a source of cheap labor.”³⁰

By making this argument, Justice Brennan shed light on a founding and enduring hypocrisy: America sees itself as a nation of striving immigrants, yet often condemns new immigrants seeking this very dream. Furthermore, there is a reluctance to acknowledge the role that government—at the federal, state, and local level—and employers have played and continue to play in illegal immigration. In fact, the use of the undocumented as “a source of cheap labor”³¹ can be traced back to the early 20th century. A founding contradiction of the American Southwest is that it was conquered territory that was industrialized by American capital relying on a

²⁸ *Plyler v. Doe*, 457 U.S. 202 at 221 (1982).

²⁹ Matt S. Meier and Feliciano Ribera, *Mexican Americans, American Mexicans: from Conquistadors to Chicanos* Rev. ed. (New York: Hill and Wang, 1993), 180. Also see, Ramanujan Nadadur, “Illegal Immigration: A Positive Economic Contribution to the United States,” *Journal of Ethnic & Migration Studies* 35, no. 6 (July 2009): 1037-52. doi:10.1080/13691830902957775.

³⁰ *Plyler v. Doe*, 457 U.S. 202 at 218 (1982).

³¹ *Plyler v. Doe*, 457 U.S. 202 at 218 (1982).

“shadow” class of inexpensive undocumented labor from Mexico. World War I coincided with rapid industrialization in the Southwest as irrigation projects brought new lands under cultivation and railroads and mining were booming. During this time, Mexican labor was actively recruited by employers in the Southwest.³² When Congress passed restrictive immigration legislation in the 1920s, economic interests in the Southwest lobbied successfully to exclude Mexicans from the new quota system to ensure continued access to cheap labor.³³ Then, during the Great Depression, many Mexicans were deported in response to a labor surplus.³⁴ A huge change came during World War II with the bracero program as labor was again in short supply. The bracero program was an agreement between the U.S. and Mexico to recruit Mexican workers to come to the United States on fixed-term contracts. American agriculture benefitted so much that they lobbied for the continuation of the program after World War II. Indeed, braceros continued to come to the U.S. until the early 1960s when the program was finally cancelled.³⁵

Even during the bracero program, some U.S. employers opposed negotiated wage rates, or outright disregarded them, and circumvented labor agreements in their demand for cheap labor. In the fall of 1948, for example, Texas cotton growers refused to pay the braceros “the going rate” of \$3.00 per hundred pounds picked, wanting instead to pay \$2.50. In response, the Mexican government barred its workers from crossing into Texas. Cotton growers then informed the INS that “the cotton would rot in the fields without braceros to pick it.” As historians Matt S. Meier and Feliciano Ribera explain, “the Texas border at El Paso was opened

³² Meier and Ribera, *Mexican Americans, American Mexicans*, 110-114.

³³ Meier and Ribera, *Mexican Americans, American Mexicans*, 125-127.

³⁴ Meier and Ribera, *Mexican Americans, American Mexicans*, 152-153.

³⁵ Meier and Ribera, *Mexican Americans, American Mexicans*, 172-184.

to Mexican nationals from October 13 to 18.”³⁶ Desperate for any work to support their families, undocumented Mexican laborers crossed the border to work in the cotton fields, despite the Mexican government’s prohibition. The INS then arrested these undocumented laborers, immediately “paroled” them and handed them over to local United States Employment Service centers, which then transferred them to “growers’ agents” so they could be trucked to the fields to work. Clearly in violation of its bracero agreement with the Mexican government, the United States made no move to stop the growers’ actions, vacillated, and eventually “expressed regret for this El Paso incident, but only after the cotton crop had been picked.”³⁷

After the cancellation of the bracero program, American agriculture interests relied more on unauthorized immigrants who were easier to exploit than braceros. The larger point is that as historians Matt S. Meier and Feliciano Ribera point out, “For all practical purposes the United States and Mexico had become linked in a single labor market since World War II.”³⁸ Immigration policy is typically viewed as a failure, but UCLA Law Professor Hiroshi Motomura argues that the system actually does what it is designed to do: “The hallmark of US policy towards unauthorized migration from Mexico became discretion that fluctuated from acquiescence to raids, arrests, and other visible and harsh enforcement.”³⁹ In other words, when American agriculture and industry want cheap labor, they find a way to get it, and when the economic or political factors change, the labor tap can be turned down through selective

³⁶ Meier and Ribera, *Mexican Americans, American Mexicans*, 180.

³⁷ Meier and Ribera, *Mexican Americans, American Mexicans*, 180-181.

³⁸ Meier and Ribera, *Mexican Americans, American Mexicans*, 187.

³⁹ Motomura, *Immigration Outside the Law*, 41.

application of the law, and this is “by design” as Motomura argues. It is this contradiction and hypocrisy that Justice Brennan recognized in *Plyler v. Doe*.

Justice Brennan acknowledged that many in the United States encouraged the undocumented to work in the country, but “denied them the benefits...available to citizens.” In doing so, the U.S. created an “underclass” of “resident aliens” numbering in the millions.⁴⁰ And, as Justice Brennan wrote, “the existence of such an underclass presents most difficult problems for a Nation that prides itself on [equality] under the law.”⁴¹ Here, Justice Brennan shows that it would be deeply wrong for the United States to stop undocumented children from receiving an education. To do so would be to ignore the complex history of illegal immigration—a history too often ignored. By making this argument, Justice Brennan recognized a contradiction in American life and a founding contradiction of the American Southwest. Throughout American history, moving toward a more perfect union has always required addressing founding contradictions. The first step is to acknowledge them.

Conclusion

The Supreme Court case of *Plyler v. Doe* was important because it extended the Fourteenth Amendment right of equal protection to undocumented students. However, the case also revealed founding contradictions in the history of immigration laws, policy, and regulation in the United States. Texas sought to block undocumented migrant children from attending school, but through his majority ruling, Justice Brennan reminded us that education is the

⁴⁰ *Plyler v. Doe*, 457 U.S. 202 at 219 (1982).

⁴¹ *Plyler v. Doe*, 457 U.S. 202 at 219 (1982).

foundation of our nation. We have always valued education for the life chances it offers to those in the “pursuit of happiness.” Justice Brennan also laid bare the complex history of illegal immigration, and the role of the U.S. government and employers in exploiting undocumented migrant workers. By owning up to this history, Justice Brennan exposed the contrast between American values and actual American policy, between what our people believe and what our government does. This is the struggle that has always defined the United States of America, and this is also the struggle that runs through *Plyler v. Doe*. When the Texas legislature attempted to deny public education to undocumented children, they showed who we have been and who we are: a nation of contradictions.⁴² But Justice Brennan’s ruling asks a different question: *Who do we want to be?*

⁴² Motomura, *Immigration Outside the Law*, 18. Motomura writes, “Much of American history has reflected the efforts of excluded immigrant groups to secure their place in this country, including the acquisition of US citizenship itself. With our best national future at stake, the subtleties of immigration outside the law demand conscientious thought—and courageous decisions—to answer this most essential of questions: Who are *we*?” The closing question I present here is an extension of Motomura’s question in this passage.

Primary Documents

McCullough, David. "The Course of Human Events." Jefferson Lecture National Endowment for the Humanities, 2003. <https://www.neh.gov/about/awards/jefferson-lecture/david-mccullough-biography>.

Plyler v. Doe, 457 U.S. 202 (1982). Library of Congress, <https://www.loc.gov/item/usrep457202/>.

U.S. Constitution, amend. 14.

Bibliography

Adams, Angela, and Kerry S. Boyne. "Access to Higher Education for Undocumented and 'Dacamented' Students: The Current State of Affairs." *Indiana International & Comparative Law Review* 25, no. 1 (January 2015): 47–62. doi:10.18060/7909.0004.

Calabresi, Steven G., and Lena M. Barsky. "An Originalist Defense of *Plyler v. Doe*." *Brigham Young University Law Review* 2017, no. 2 (July 2017): 225–329.
<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=124188655&site=ehost-live>.

Campbell, Kristina M. "Dreamers Deferred: The Broken Promise of Immigration Reform in the Obama Years." *Texas Hispanic Journal of Law & Policy* 25, no. 1 (Fall 2018): 1–31.
<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=136472513&site=ehost-live>.

Coll, Steve. "Nation of Immigrants." *New Yorker* 88, no. 19 (July 2, 2012): 21–22.

<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=77633009&site=ehost-live>.

Conchas, Gilberto Q. *Cracks in the Schoolyard: Confronting Latino Educational Inequality*.

With Briana M. Hinga, and foreword by Amanda Datnow. New York, NY: Teachers College Press, 2016.

Davidson, Theresa, and Karlye Burson. "Keep Those Kids Out: Nativism and Attitudes Toward Access to Public Education for the Children of Undocumented Immigrants." *Journal of Latinos & Education* 16, no. 1 (January 2017): 41–50.

doi:10.1080/15348431.2016.1179189.

Davis, Martha F. "Immigration Enforcement and Children's Human Right to Education." *Family Court Review* 56, no. 2 (April 2018): 344–45. doi:10.1111/fcre.12343.

Delfino, Rebecca A. "The Equal Protection Doctrine in the Age of Trump: The Example of Undocumented Immigrant Children." *Brooklyn Law Review* 84, no. 1 (Fall 2018): 73–113.

<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=134477347&site=ehost-live>.

Denniston, Lyle. "From Plyler v. Doe to Trayvon Martin: Toward Closing the Open Society." *Washington & Lee Law Review* 69, no. 4 (Fall 2012): 1799–1818.

<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=84915409&site=ehost-live>.

Imoukhuede, Areta A. "The Fifth Freedom: The Constitutional Duty to Provide Public Education." *University of Florida Journal of Law & Public Policy* 22, no. 1 (April 2011):

45–90.

<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=69735796&site=ehost-live>.

Irons, Peter H., ed. *May It Please the Court: Courts, Kids, and the Constitution*. New York: New Press, 2000.

Karlin, Sarah. “The Invisible Class.” *American School Board Journal* 194, no. 11 (November 2007): 24–27.

<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=26963205&site=ehost-live>.

Kauffman, Albert H. “Latino Education in Texas: A History of Systematic Recycling Discrimination.” *St. Mary’s Law Journal* 50, no. 3 (June 2019): 861–916.

<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=139359706&site=ehost-live>.

Lee, Colin. “Detained from Education: How Undocumented Children Have Been Left behind in a Post-Plyler.” *Virginia Journal of Social Policy & the Law* 27, no. 2 (April 2020): 107–34.

<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=146488254&site=ehost-live>.

Lepore, Jill L. “Back to the Blackboard.” *New Yorker* 94, no. 27 (September 10, 2018): 86–93.

<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=131506022&site=ehost-live>.

McCarthy, Martha M. “Is There a Federal Right to a Minimum Education?” *Brigham Young University Education & Law Journal* 2020, no. 2 (Fall 2020): 2–27.

<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=150137595&site=ehost-live>.

McCullough, David G. *John Adams* New York: Simon & Schuster, 2001.

Meier, Matt S. and Feliciano Ribera. *Mexican Americans, American Mexicans: from Conquistadors to Chicanos* Rev. ed. New York: Hill and Wang, 1993.

Mendoza, Alexander. "The Building of an East Texas Barrio: A Brief Overview of the Creation of a Mexican American Community in Northeast Tyler." *East Texas Historical Journal* 47, no. 2, Article 9 (2009): 26-37. <https://scholarworks.sfasu.edu/ethj/vol47/iss2/9>.

Motomura, Hiroshi. *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States* Oxford: Oxford University Press, 2006.

Motomura, Hiroshi. *Immigration Outside the Law*. New York, NY: Oxford University Press, 2014.

Nadadur, Ramanujan. "Illegal Immigration: A Positive Economic Contribution to the United States." *Journal of Ethnic & Migration Studies* 35, no. 6 (July 2009): 1037–52. doi:10.1080/13691830902957775.

Nguyen, David H. K., and ZelidehR. Martinez Hoy. "'Jim Crowing' *Plyler V. Doe*: The Resegregation of Undocumented Students in American Higher Education through Discriminatory State Tuition and Fee Legislation." *Cleveland State Law Review* 63, no. 2 (May 2015): 355–71.

<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=102134816&site=ehost-live>.

- Ochoa, Paulo Edmundo. "Education without Documentation: As Plyler Students Reach New Heights, Will Their Status Make Them Morally Unfit to Practice Law?" *Thomas Jefferson Law Review* 34, no. 2 (Spring 2012): 411–43.
<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=78021843&site=ehost-live>.
- Olivas, Michael A. *No Undocumented Child Left Behind: Plyler V. Doe and the Education of Undocumented Schoolchildren* New York: New York University Press, 2012.
- Ortiz, Paul. *An African American and Latinx History of the United States*. Boston, Massachusetts: Beacon Press, 2018.
- Radoff, Sara. "Crossing the Borders of *Plyler v. Doe*: Students without Documentation and Their Right to Rights." *Educational Studies* 47, no. 5 (September 2011): 436–50.
doi:10.1080/00131946.2011.602149.
- Schama, Simon. "America's History Wars." *Financial Times Weekend* (Life & Arts), July 10, 2021.
- Shah, Malhar. "The Fundamental Right to Literacy: Relitigating the Fundamental Right to Education After Rodriguez and Plyler." *National Lawyers Guild Review* 73, no. 3 (Fall 2016): 129–75.
<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=121047782&site=ehost-live>.
- Shavers, Anna Williams. "Using International Human Rights Law in School Finance Litigation to Establish Education as a Fundamental Right." *Kansas Journal of Law & Public Policy* 27, no. 3 (Summer 2018): 457–99.

<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=132575914&site=ehost-live>.

Umfress, Moriah D. "Daca and Agriculture: Why Deferred Action for Childhood Arrivals Should Not Be Allowed to End." *Drake Journal of Agricultural Law* 23, no. 3 (Fall 2018): 549–67.

<http://search.ebscohost.com.swcproxy.swccd.edu:2048/login.aspx?direct=true&db=a9h&AN=138245177&site=ehost-live>.

Vargas, Zaragosa. *Crucible of Struggle: a History of Mexican Americans from Colonial Times to the Present Era*. Second edition. New York: Oxford University Press, 2017.

Williams, Jamie. "Children Versus Texas: The Legacy of *Plyler v. Doe*." Berkeley Law Educational Law Stories Student Paper, University of California, Berkeley, 2011.

https://www.law.berkeley.edu/files/Children_v._Texas_Williams.pdf.

Appendix: Main Primary Source

Supreme Court Case *Plyler v. Doe* from the Library of Congress:

<https://www.loc.gov/item/usrep457202/>