

TX AG Ken Paxton: *PLYLER v. DOE*, 457 U.S. 202 Must be Overturned



By: Devvy

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Texas is spending BILLIONS of our tax dollars every year on illegal aliens attending OUR public schools. The hell with strengthening OUR grid infrastructure, state roads, highways and bridges. Illegal aliens screaming and yelling at their rallies they have the right steal the fruits of our labor to pay their way from K-12, state colleges and universities.

I'm sending another letter to Paxton: *Plyer v. Doe* needs to be overturned. Texas was sued by illegal aliens so they were plaintiffs in that case. If Texas said no more illegals in our schools, it would trigger lawsuits by the America hating pro-illegals co-enablers. Or, perhaps Paxton would have a better plan. I'm not a lawyer, don't have any legal training but Paxton is and he's very smart.

[*PLYLER v. DOE*, 457 U.S. 202 \(1982\), United States Supreme Court](#), (1982), No. 80-1538

Argued: December 01, 1981 – Decided: June 15, 1982

“A Texas statute which withholds from local school districts any state funds for the education of children who were not “legally admitted” into the United States, and which authorizes local school districts to deny enrollment to such children, violates the Equal Protection Clause of the

Fourteenth Amendment. Pp. 210-230.”

Ah, the Fourteenth Amendment, again.

The court goes on to say that illegal alien students didn't have any control over their parents smuggling them into this country, so they are “entitled” to special consideration under the 14th Amendment. What rot. In 1982, 4 justices on that court were appointed by Nixon, one by Eisenhower, one by LBJ, one by JFK and two by Reagan.

Picking up again: “d) Texas’ statutory classification cannot be sustained as furthering its interest in the “preservation of the state’s limited resources for the education of its lawful residents.” While the State might have an interest in mitigating potentially harsh economic effects from an influx of illegal immigrants, the Texas statute does not offer an effective method of dealing with the problem.

“Even assuming that the net impact of illegal aliens on the economy is negative, charging tuition to undocumented children constitutes an ineffectual attempt to stem the tide of illegal immigration, at least when compared with the alternative of prohibiting employment of illegal aliens. Nor is there any merit to the suggestion that undocumented children are appropriately singled out for exclusion because of the special burdens they impose on the State’s ability to provide high-quality public education.

“The record does not show that exclusion of undocumented children is likely to improve the overall quality of education in the State. Neither is there any merit to the claim 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 State’s boundaries and to put their education to productive social or political use within the State. Pp. 227-230.”

Excuse me, but what part of ILLEGAL didn't you justices

understand? "...put their education to productive social or political use within the State." **Illegal means you are to be deported regardless of age or how long you've been here.** You weren't invited to enter the U.S. Educate them so they can steal jobs from Americans causing financial hardship for the people of Texas. "Productive social or political use" whatever that is. It's a violation of our immigration laws to employ illegal aliens.

"While the State might have an interest in mitigating potentially harsh economic effects from an influx of illegal immigrants, the Texas statute does not offer an effective method of dealing with the problem." Over \$4 BILLION of our tax dollars here in Texas is spent every year on illegal aliens in OUR schools. But, it's okay to screw us in favor of illegals.

As for dealing with the problem, that is supposed to be handled by the feds: **deport them, not reward them.** And, ship out the so-called asylum seekers back to Mexico to remain there until a court date. **They're gaming the system. We don't know who these people really are; a huge number are fighting age fit males.** Think acts of terrorism on soft targets or even another 9/11 in a different form.

Anyone who enters this country without going through the proper channels is here illegally. **They are not "persons" invited into the U.S.**

Once again, let's look at the Fourteenth Amendment.

Amendment XIV, Section 1.

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are **citizens** of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any **person** of life, liberty, or

property, without due process of law; nor deny to any **person within its jurisdiction** the equal protection of the laws.”

[Constitutional amendment guarantees nationality to descendants of Mexicans born abroad](#), July 15, 2021 – “In this way, Article 30 of the Mexican Constitution in its Section A, fraction II, establishes that **“Mexicans by birth (...) are those who are born abroad, from Mexican parents, of a Mexican mother or father”**. Since illegal Mexicans are Mexican citizens, their allegiance and jurisdiction are to Mexico, not any state of the Union where they illegally “reside”.

Nearly 7 MILLION illegal aliens have already crossed the border since illegitimate president Biden was unlawfully sworn into office. Thousands have crossed over from Venezuela with 500,000 more who want to come to suck off your paycheck. Rotten America hater, DHS Sec. Mayorkas has given “protected status” to Venezuelans. What the hell for? **The GOP U.S. House hasn’t impeached him because most of them are cowards.** Quaking in their boots over what the prostitute media might unleash with their propaganda.

Citizen as pertains to these united States of America: [See Cornell Law for definition](#).

Person: [See Cornell Law for definition](#).

[Original intent of the 14th Amendment](#) (Important to read it in full):

“Post-Civil War reforms focused on injustices to African Americans. The 14th Amendment was ratified in 1868 to protect the rights of native-born Black Americans, whose rights were being denied as recently-freed slaves. It was written in a manner so as to prevent state governments from ever denying citizenship to blacks born in the United States. But in 1868, the United States had no formal immigration policy, and the authors therefore saw no need to address immigration

explicitly in the amendment.

“Senator Jacob Howard worked closely with Abraham Lincoln in drafting and passing the Thirteenth Amendment to the United States Constitution, which abolished slavery. He also served on the Senate Joint Committee on Reconstruction, which drafted the Fourteenth Amendment to the United States Constitution. In 1866, Senator Jacob Howard clearly spelled out the intent of the 14th Amendment by stating:

“Every person born within the limits of the United States, and subject to their jurisdiction, is by virtue of natural law and national law a citizen of the United States. This will not, of course, include persons born in the United States who are foreigners, aliens, who belong to the families of ambassadors or foreign ministers accredited to the Government of the United States, but will include every other class of persons. It settles the great question of citizenship and removes all doubt as to what persons are or are not citizens of the United States. This has long been a great desideratum in the jurisprudence and legislation of this country.”

“This understanding was reaffirmed by Senator Edward Cowan, who stated:

“[A foreigner in the United States] has a right to the protection of the laws; but he is not a citizen in the ordinary acceptance of the word...”

“The phrase “*subject to the jurisdiction thereof*” was intended to exclude American-born persons from automatic citizenship whose allegiance to the United States was not complete. With illegal aliens who are unlawfully in the United States, their native country has a claim of allegiance on the child. Thus, the completeness of their allegiance to the United States is impaired, which therefore precludes automatic citizenship.”

Constitutional attorney Leo Donofrio had this posted this on

his old web site during the war regarding the ineligibility of Hussein Obama to run for president. I sure wish Leo hadn't taken down his site. This goes to the heart of that outrageous Supreme decision in *Plyler v Doe*:

"Dr. John Fonte, Senior Fellow of The Hudson Institute had this to say about the issue at a Congressional hearing on dual citizenship from September 29, 2005:

"The authors in the legislative history, the authors of that language, Senator Lyman Trumbull said, "When we talk about 'subject to the jurisdiction of the United States,' it means complete jurisdiction, not owing allegiance to anybody else." Senator Jacob Howard said that it's "a full and complete jurisdiction."

"This illustrates that Congress recently discussed the issue, and they can't claim they were unaware. But we don't have to take Dr. Fonte's word for it. The following discussion by the various 14th Amendment Framers took place on the Senate floor. I took it from P.A. Madison's research at <http://www.14thamendment.us> (use his link for footnotes):

"It is clear the framers of the Fourteenth Amendment had no intention of freely giving away American citizenship to just anyone simply because they may have been born on American soil. Again, we are fortunate enough to have on the record the highest authority tells us, Sen. Lyman Trumbull, Chairman of the Judiciary Committee... and the one who inserted the phrase: "[T]he provision is, that 'all persons born in the United States, and subject to the jurisdiction thereof, are citizens.' That means 'subject to the complete jurisdiction thereof.' What do we mean by 'complete jurisdiction thereof?' Not owing allegiance to anybody else. That is what it means.

"Then Madison quotes Sen. Howard, another Framer, concurring with Trumbull. Sen. Howard concurs with Trumbull's construction:

"Mr. HOWARD: I concur entirely with the honorable Senator from Illinois [Trumbull], in holding that the word "jurisdiction," as here employed, ought to be construed so as to imply a full and complete jurisdiction on the part of the United States, whether exercised by Congress, by the executive, or by the judicial department; that is to say, the same jurisdiction in extent and quality as applies to every citizen of the United States now.

"Mr. Madison continues with even more proof of what the 14th Amendment Framers meant: "Sen. Johnson, speaking on the Senate floor, offers his comments and understanding of the proposed new amendment to the constitution:

"[Now], all this amendment [citizenship clause] provides is, **that all persons born in the United States and not subject to some foreign Power**—for that, no doubt, is the meaning of the committee who have brought the matter before us—shall be considered as citizens of the United States. That would seem to be not only a wise but a necessary provision. If there are to be citizens of the United States there should be some certain definition of what citizenship is, what has created the character of citizen as between himself and the United States, and the amendment says that citizenship may depend upon birth, and I know of no better way to give rise to citizenship than the fact of birth within the territory of the United States, born to parents who at the time were subject to the authority of the United States.

"And: "No doubt in the Senate as to what the citizenship clause means as further evidenced by Sen. W. Williams:

"In one sense, all persons born within the geographical limits of the United States are subject to the jurisdiction of the United States...All persons living within a judicial district may be said, in one sense, to be subject to the jurisdiction of the court in that district, but they are not in every sense subject to the jurisdiction of the court until they are

brought, by proper process, within the reach of the power of the court. I understand the words here, 'subject to the jurisdiction of the United States,' to mean fully and completely subject to the jurisdiction of the United States.

"Madison saves for last the greatest authority on the issue: "Rep. John Bingham of Ohio, considered the father of the Fourteenth Amendment, confirms the understanding and construction the framers used in regards to birthright and jurisdiction while speaking on civil rights of citizens in the House on March 9, 1866:

"[I] find no fault with the introductory clause [S 61 Bill], which is simply declaratory of what is written in the Constitution, that every human being born within the jurisdiction of the United States of parents not owing allegiance to any foreign sovereignty is, in the language of your Constitution itself, a natural born citizen...

"It's important to note this statement was issued by Bingham only months before the 14th Amendment was proposed." End of excerpt.

Mexicans and their offspring are citizens of Mexico. Their allegiance is subject to the jurisdiction of Mexico, not the U.S. The same goes for the hordes coming from Venezuela: **citizenship by birth:** yes. Same for Guatemala, El Salvador and [so many other countries](#).

So, to boil it all down, **there is no such thing as an anchor baby**. It was and is a political tool. Second, in *Plyer v Doe*, the court wrongly used the Fourteenth Amendment as a basis for forcing We the People to pay for an illegal's education. Key words: person, citizen.

"All persons **born or naturalized in the United States**, and **subject to the jurisdiction thereof**, are **citizens** of the United States." Not an illegal alien. As I pointed out above, all these illegals flooding our country are under the

jurisdiction of where ever they came from; I listed a few countries. The link takes you to a whole list of them.

[Birthright Citizenship and Dual Citizenship: Harbingers of Administrative Tyranny](#) (Emphasis mine)

“In sum, this legacy of feudalism—which we today call birthright citizenship—was decisively rejected as the ground of American citizenship by the Fourteenth Amendment and the Expatriation Act of 1868. It is absurd, then, to believe that the Fourteenth Amendment confers the boon of American citizenship on the children of illegal aliens. Nor does the denial of birthright citizenship visit the sins of the parents on the children, as is often claimed, **since the children of illegal aliens born in the U.S. are not being denied anything to which they have a right.** Their allegiance should follow that of their parents during their minority. Furthermore, it is difficult to fathom how those who defy American law can derive benefits for their children by their defiance—or that any sovereign nation would allow such a thing.”

“He further points out: “But in any case, to say that children of legal aliens are entitled to citizenship is one thing; after all, their parents are in the country with the permission of the U.S. It is entirely different with illegal aliens, who are here without permission. Thus, repeal of the current policy of birthright citizenship for the children of illegal aliens would not require a constitutional amendment.”

Prof. Erler hit it out of the ball park: Children born on US soil of an illegal alien parent (or two parents) regardless of country of origin have no “right” to U.S. citizenship.

As for the decision in the Plyer case:

[Authored by: Andrew Michael Karp, Cornell Law School](#). “The dissent criticized the majority for overstepping its authority and legislating from the bench. Specifically, the dissent emphasized that “the importance of a governmental service does

not elevate it to the status of a 'fundamental right' for purposes of equal protection analysis." Accordingly, because "illegal aliens are not a suspect class" and "education is not a fundamental right," the majority should have examined whether the "legislative classification at issue [bore] a rational relationship to a legitimate state purpose." Using this approach, the dissent would have found that Texas had a legitimate interest in protecting its limited fiscal resources."

The only right an illegal alien has is to be deported. The only way we're going to stop this is to stop all welfare and free, free, free. **That is the magnet.** I've explained the bill already written numerous times [in columns](#). The one Republicans wouldn't even introduce when they had the majority in both chambers with Trump in the WH which would not only force millions of illegals to self-deport, **we would not be where we are today.**

Stopping illegals from attending OUR public schools is a huge step forward. Our schools around the country are drowning in illegal aliens from more than 120 countries. They speak little or no English. School taxes will continue to go up as the financial burden for illegals increases by the day. Some property taxes in this state go towards education. Wasted on illegals who have no right to be on U.S. soil. Yes, children are the innocent and they can blame their parents, not me or you or the State of Texas. **Either we fight to win or this country will continue turning into a third-world hell-hole.**

An absolute top priority should Republicans take the House, Senate and WH in 2024 is to get former Senator Harry Reid's anti-illegals bill passed and signed into law. I've covered this so many times over the past decade only to be ignored by Republicans. [S. 1351 \(103rd\): Immigration Stabilization Act of 1993](#)

AG Ken Paxton is very intelligent. He's also a fearless

fighter. I believe he would be on solid legal ground. That obscene 1982 SCOTUS decision needs to be overturned. Illegal aliens (K-college) have no right to get a free education while sticking the bill on the backs of hard-working Texans. Not to mention degrading the quality of education because classrooms are full of illegals depleting resources for school districts. Texans: Give AG Paxton's office a call. Constituent Affairs 800-252-8011

For a thorough, comprehensive education on the Fed, the income tax, education, Medicare, SS, the critical, fraudulent ratification of the Seventeenth Amendment and more, be sure to order my book by calling 800-955-0116 or click the link, "[Taking Politics Out of Solutions](#)". 400 pages of facts and solutions. Order two books and save \$10.00

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In case you missed these.

[Mexico's Socialist President Lopez Obrador Threatens to Interfere in American Elections – Announces Plan to Ensure "Not One Vote" Goes to Republicans](#), March 11, 2023 (Boycott **EVERYTHING** from Mexico and that includes vacations or business conventions.)

Coming to your town or city? Just a matter of time.

Evil, dirty, filthy pedophile: [Illegal Alien Gets Life in Prison for Raping, Impregnating 10-Year-Old Girl, July 5, 2023](#)
[Tuberculosis-infected illegal alien children deliberately](#)

[released across 44 states by the Biden regime](#), July 20, 2023
(Highly contagious as I pointed out in a recent column.)

How shameful: [OUTRAGEOUS! 95-Year-Old Veteran Becomes Homeless After NYC Nursing Home Room Given to Illegal Alien \(VIDEO\)](#), Sept. 27, 2023

[Humanitarian Crisis Declared After Unmarked White Buses Drop Off THOUSANDS of Illegal Aliens on San Diego's Streets](#), Sept. 28, 2023

[Illegal Alien Bites Off NYPD Sergeant's Finger](#), Sept. 26, 2023

[Chicago residents sound off on illegal immigrants in neighborhood: 'They disrespect us, rob us, harass us'](#) – Woodlawn residents told city officials they were fed up with migrants partying and drug dealing (video), July 28, 2023

California's budget deficit is now over \$36 BILLION dollars. More insanity from their maniac governor, Gavin Newsom: [Sanctuary State California Gov. Gavin Newsom to Spend \\$4.5M on Lawyers for Illegal Aliens](#), July 21, 2023

[CONFIRMED: Man Who Beheaded Mother in Front of Horrified Neighbors Is an Illegal Immigrant with Expired Visa](#), Sept. 11, 2022

Think it's any different with the hordes since then?

[More Than HALF Of People In Huge Illegal Alien Caravan Heading To U.S. Are Sick](#), Nov. 2, 2021