

**WRITTEN TESTIMONY**  
**HOUSE JUDICIARY SUBCOMMITTEE ON THE CONSTITUTION AND LIMITED**  
**GOVERNMENT**

**HEARING: “IMMIGRATION POLICY BY COURT ORDER: THE ADVERSE**  
**EFFECTS OF *PLYLER V. DOE*”**

**MARCH 18, 2026**

**ROMAN PALOMARES**  
**NATIONAL PRESIDENT AND NATIONAL BOARD CHAIRMAN**

**LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC)**

Chairman Roy, Ranking Member Scanlon, and Members of the Subcommittee on the Constitution and Limited Government: thank you for giving advocacy organizations the opportunity to provide written testimony.

With more than 570,000 members and nearly 450 local councils across the United States and Puerto Rico, the League of United Latin American Citizens (LULAC), founded in 1929, is the nation’s oldest and largest Latino civil rights organization. LULAC works at the ground level, where policy meets daily life. We fight to improve how Hispanic and Latino families live and move through this country, from schools and jobs to housing, health, and the ballot box. We do it through the law and through our members, present in communities across the nation. Our reach is broad, but the mission is simple: make sure Hispanic and Latino communities, in all their diversity, are seen, protected, and able to move forward.

Our testimony addresses both the legal and constitutional foundations of *Plyler v. Doe* and the claims raised in this hearing concerning its effects on communities and public resources. Our support for *Plyler v. Doe* does not stem from mere compassion or sympathy but from a principled commitment to constitutional text, precedent, and the fair treatment of all children.

It’s been 42 years since the *Plyler v. Doe* decision granted children, regardless of immigration status, access to free public K–12 education. This decision has been integral to ensuring an educated populace, fostering economic growth through a more skilled workforce, and promoting social stability, yet questions about *Plyler v. Doe*’s legal standing, as well as claims regarding alleged harms to U.S. citizens, continue to be raised.

It’s important to clarify what *Plyler v. Doe* does and does not do. *Plyler*, despite claims in Chairman Roy’s opening statement, does not misinterpret the fourteenth amendment to “guarantee public benefits to individuals who have no right to be in the country.” Quite the contrary. The decision is narrow: it ensures that children present in the United States, through no fault of their

own, cannot be denied a free public K–12 education solely because of their immigration status. As the Court made clear, “public education is not a ‘right’ granted to individuals by the Constitution,” underscoring that the ruling does not create a general entitlement to public benefits.

*Plyler* does not extend beyond K–12 education, does not grant additional state or federal benefits, and does not alter immigration law or confer legal status. As the Court made clear, “public education is not a ‘right’ granted to individuals by the Constitution,” and “undocumented aliens cannot be treated as a suspect class.” The decision is limited. It prevents the unconstitutional exclusion of a discrete group of children while preserving the government’s broader authority over immigration and public policy.

Importantly, this protection is not abstract. As the Court recognized, “the deprivation of education takes an inestimable toll on the social, economic, intellectual, and psychological well-being of the individual,” and it is “difficult to understand precisely what the State hopes to achieve by promoting the creation and perpetuation of a subclass of illiterates.” An educated population strengthens the economy, supports civic life, and promotes long-term social stability.

Much of the legal critiques against *Plyler* rely on the misinformed notion that the court “invented a standard” in its course to judicial activism. Testimony provided by James Rogers, Senior Counsel at America First Legal Foundation, for example, characterizes the Court’s use of intermediate scrutiny as having “invented a novel, intermediate standard of review without any clear constitutional basis.”<sup>1</sup> This reasoning relies on the premise that because undocumented immigrants aren’t a suspect class and no fundamental right was at issue, no standard other than rational basis is appropriate.

Yet this ignores that the courts can, and often do, apply rational basis more carefully for vulnerable groups, such as children, in a practice sometimes called “rational basis with bite” by legal scholars. In *Reconciling Rational-Basis Review: When Does Rational Basis Bite?*, a Note in the New York University Law Review, *Plyler v. Doe* is cited as one of several cases in which the Supreme Court applied a heightened form of rational-basis review, and it was by no means the first. Earlier cases, including *Reed v. Reed* and *Eisenstadt v. Baird*, among others, already demonstrated this more searching approach.<sup>2</sup>

Even without a fundamental right or a suspect class, the Constitution still forbids the targeted, unjustified exclusion of a discrete group of children. This isn’t about policymaking or budget priorities, it’s about enforcing the limits the Equal Protection Clause places on state action.

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<sup>1</sup> James Rogers, *Testimony of James Rogers, Senior Counsel, America First Legal Foundation, before the H. Comm. on the Judiciary, Subcomm. on the Constitution and Limited Government, “Immigration Policy by Court Order: The Adverse Effects of Plyler v. Doe”* (Mar. 18, 2026).

<sup>2</sup> See Holoszyc-Pimentel, *Reconciling Rational-Basis Review: When Does Rational Basis Bite?*, 90 N.Y.U. L. Rev. 1821, 1829–30 (2015), [https://nyulawreview.org/wp-content/uploads/2018/08/NYULawReview-90-6-Note-Holoszyc-Pimentel\\_1.pdf](https://nyulawreview.org/wp-content/uploads/2018/08/NYULawReview-90-6-Note-Holoszyc-Pimentel_1.pdf).

States cannot single out children for exclusion simply because of their immigration status; doing so violates clear constitutional principles.

There is a common misconception that, by virtue of being undocumented, these individuals are entirely excluded from constitutional protections. During his opening statement, Chairman Roy asserts that: “The fourteenth amendment states that no state shall deprive any person from life, liberty, or property without due process of law nor deny any person within its jurisdiction the equal protection of the law. By definition, illegal immigrants, including those who are minors, are trespassers to the nation, as they entered or overstayed without the consent of the American people, which makes them persons outside of the jurisdiction of the law.” This interpretation of the Constitution has never been endorsed by the Supreme Court; on the contrary, it has been explicitly rejected in multiple decisions both before and after *Plyler*.

In *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) for example, the court clearly stated “Once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent.”<sup>3</sup> and even earlier in *Mathews v. Diaz*, 426 U.S. 67 (1976) “There are literally millions of aliens within the jurisdiction of the United States. The Fifth Amendment, as well as the Fourteenth Amendment, protects every one of these persons from deprivation of life, liberty, or property without due process of law.”<sup>4</sup> The notion that these individuals fall out of the scope of constitutional protection is not only a myth fueled by prejudice, but quite simply, wrong.

At the heart of the argument against *Plyler* lies its most damaging falsehood: that these children are a burden on the state and American taxpayers. This view is repeated frequently by those seeking to overturn the case. In his opening statement, Chairman Roy claims, “American taxpayers provide free public education to every single UAC enrolled in a public school. And I can tell you firsthand in Texas the burden that is placed on the people of Texas, the taxpayers of Texas.” Similarly, Dr. Matthew J. O’Brien, former Assistant Chief Immigration Judge, testified before the committee: “The resulting mandate has imposed immense financial, administrative, and operational burdens on state and local governments.”

The reality, however, tells a different story. Yes, educating more children requires resources, but the notion that the cost falls solely on U.S. born taxpayers ignores the fact that these families pay state and local taxes too. The argument pretends the cost is borne solely by citizens, erasing the real economic contributions of immigrant families. As noted by Ranking Member Scalton, a FWD.us analysis estimates that adult beneficiaries of *Plyler* have paid more in state and local taxes over their lifetimes, exceeding the cost of their public education, with their net contribution growing even larger when federal education transfers are factored in.

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<sup>3</sup> *Zadvydas v. Davis*, 533 U.S. 678, 679 (2001).

<sup>4</sup> *Mathews v. Diaz*, 426 U.S. 67, 77 (1976).

Furthermore, A *Cato Institute* analysis found that, over a thirty-year period (1994–2023), immigrants collectively paid far more in taxes than they received in government spending, producing a substantial fiscal surplus that benefited both federal and state/local government budgets. Over that period, immigrants contributed more than \$24 trillion in taxes while costing about \$13.6 trillion, resulting in a net government revenue gain and helping reduce deficits.<sup>5</sup> Far from being a drain on public resources, the evidence makes clear that immigrant families, including the children protected by *Plyler*, are net contributors to our schools, states, and the nation’s economy.

The overturning of *Plyler*, may reduce immediate education spending and thereby create a “lighter burden” by forcibly removing children out of the classroom, but it’ll give the state a far more serious and long-term set of social and economic problems. As Thomas Saenz, President and General Counsel of Mexican American Legal Defense and Educational Fund (MALDEF), noted in his testimony, denying these children access to education leaves them with nowhere to turn, increasing their vulnerability to criminal activity and potentially encouraging other children to drop out as well.

There is a well-established correlation between educational attainment and public safety; research by Lance Lochner and Enrico Moretti<sup>6</sup> demonstrates that increased access to education significantly reduces crime rates. Stripping children of access to schooling does not eliminate costs, shifting the burden from classrooms to communities, from education budgets to policing and social services, and from short-term expenditures to long-term societal instability.

The long-term impacts of overturning *Plyler* would not only be felt by innocent children, deprived of opportunity through no fault of their own, but by the communities that would bear the consequences, the economies that would absorb the loss, and the institutions forced to manage the fallout. This case has never been about extending benefits; it is about enforcing constitutional limits on exclusion. In *Plyler*, the Court drew that line clearly. The Equal Protection Clause does not allow states to simply write certain children out of its protections. Erasing it now would come at the expense of both constitutional principle and long-term societal stability.

For the substantial reasons discussed above, this Committee should act within its jurisdiction to reinforce compliance with *Plyler v. Doe* and to uphold the constitutional guarantees of the Equal Protection Clause. This is not about expanding benefits or altering immigration law. It is about ensuring that existing constitutional limits on state action are respected and that children are not unlawfully excluded from public education.

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<sup>5</sup> David J. Bier, Michael Howard & Julián Salazar, *Immigrants’ Recent Effects on Government Budgets: 1994–2023* (White Paper, Cato Institute, Feb. 3, 2026), available at <https://www.cato.org/white-paper/immigrants-recent-effects-government-budgets-1994-2023#summary>

<sup>6</sup> Lance Lochner & Enrico Moretti, *The Effect of Education on Crime: Evidence from Prison Inmates, Arrests, and Self-Reports*, 94 Am. Econ. Rev. 155 (2004).

Within the purview of the House Judiciary Subcommittee on the Constitution and Limited Government, the Committee can play a focused role through oversight. It may seek information from the U.S. Department of Justice on how constitutional protections are being enforced in this context and examine whether any state or local policies raise concerns under established Supreme Court precedent. The Committee may also use hearings to clarify the legal scope of *Plyler* and address common misunderstandings reflected in the public discourse.

Finally, the Committee can help build a clear and accurate legislative record that reaffirms the narrow holding of *Plyler* and the continued applicability of the Equal Protection Clause to all persons within the United States. These are measured steps, but important ones. They fall squarely within the Committee's role and would help ensure that constitutional protections are understood, respected, and consistently applied.