



GENTNER DRUMMOND
ATTORNEY GENERAL

March 3, 2025

Via U.S. Mail and Email

The Honorable Ryan Walters
Superintendent of Public Instruction
Oklahoma State Department of Education
Oliver Hodge Building
2500 N. Lincoln Blvd.
Oklahoma City, OK 73105
Ryan.Walters@sde.ok.gov

Re: Request for Attorney General Opinion

Dear Superintendent Walters:

My office received your request for an official Attorney General Opinion on February 24, 2025, in which you asked, in effect, the following questions:

- 1. Are school programs in Oklahoma public schools that receive federal funding, in whole or in part, affected by *Ending Taxpayer Subsidization of Open Borders*, Executive Order 14218, 90 Fed. Reg. 10581 (Feb. 19, 2025) (“EO 14218”)?**
- 2. If the answer to Question 1 above is in the affirmative, how is the Oklahoma State Department of Education (“OSDE”) to ensure the requirements of the Executive Order as the same relates to affected school programs?**

Thank you for requesting this office’s guidance on compliance with Executive Order 14218. I certainly applaud President Trump’s dutiful and comprehensive efforts to curb illegal immigration into the United States. Not only are Oklahoma communities safer now, President Trump’s immigration policies better position our State to tackle the fentanyl crisis, continue shutting down illegal marijuana grows, and take on organized crime coordinated by violent drug cartels and syndicated Chinese operations.

In fact, President Trump’s leadership addressing illegal immigration has been so strong and decisive that it has laid bare Governor Stitt’s many failures in dealing with this critical issue here in Oklahoma. In a matter of weeks, President Trump has issued several Executive Orders in addition to EO 14218 that directly and meaningfully address border security and illegal immigration. For more than six years in office Gov. Stitt took no substantive action to address

illegal immigration here in Oklahoma.¹ Quite the opposite, Governor Stitt partnered with the Biden Administration to “resettle” over 1,800 poorly-vetted Afghan “refugees” in Oklahoma.² You may recall that the FBI recently arrested one of them for planning a mass shooting on Election Day in 2024. Worse still, an audit revealed that Governor Stitt improperly spent over \$6.5 million in taxpayer funds to “resettle” these “refugees” without appropriate authorization.³ Additionally, Gov. Stitt partnered with the Mexican government to establish a Mexican Consulate in Oklahoma City, which serves Mexican nationals who are here illegally (as well as those who are lawful residents). Governor Stitt hailed the Consulate as “the fulfillment of a long-awaited promise to the Mexican community in Oklahoma.”⁴

While President Trump is fighting to remove inducements for illegal immigrants, Governor Stitt has done nothing to ensure that state services in Oklahoma are delivered exclusively to American citizens and lawful residents. Indeed, I am unaware of a single instance where Governor Stitt even sought to collect citizenship information that would help us understand exactly how much money our state wastes each year on delivering services to illegal immigrants. Governor Stitt could have issued an executive order similar to President Trump’s “Ending Taxpayer Subsidization of Open Borders.” However, in six years, he has chosen instead to ignore this very costly consequence of illegal immigration.⁵

I am very thankful for President Trump’s leadership on this critical issue, and I am very disappointed in Governor Stitt’s failures that have cost Oklahoma taxpayers billions and put our families at risk. EO 14218 should be a model for Oklahoma and every state to ensure their services are delivered only to those legally eligible to receive them.

While President Trump is taking bold and decisive action on this issue, your request for an official Attorney General opinion appears to be nothing more than manufactured political drama. As a reminder, the framers of the U.S. Constitution enshrined within it the concept of federalism.⁶ This means that the United States and the several States are distinct and separate sovereigns. As a result, President Trump is the head of the Executive Branch for the United States Government. And generally, the governors of the several States are the heads of their respective states’ executive branches. The President issues executive orders that direct the actions of *federal* departments,

¹ Gov. Stitt has recently sought to save face on this issue by announcing an effort to deport convicted illegal immigrants in Department of Corrections custody.

² Press Release, Senator Carri Hicks, Senate Committee Studies Oklahoma’s Afghan Refugee Program (Aug. 17, 2023), <https://oksenate.gov/press-releases/senate-committee-studies-oklahomas-afghan-refugee-program?back=/press-releases/2023-08>.

³ OKLAHOMA OFFICE OF THE STATE AUDITOR AND INSPECTOR, STATE OF OKLAHOMA SINGLE AUDIT REPORT at 21 (2024), <https://www.sai.ok.gov/Search%20Reports/database/2022OKStateSingleAudit.pdf>.

⁴ Press release, Oklahoma Department of Commerce, May 21, 2023: <https://www.okcommerce.gov/new-mexican-consulate-opens-in-oklahoma-city/>

⁵ I testified to the United States Congress that providing state services to illegal immigrants in Oklahoma costs an estimated \$750 million annually.

⁶ The U.S. Constitution also created the federal government to be one of only limited, enumerated powers.

agencies, officers, employees, and contractors; while a Governor issues executive orders that direct the actions of *state* departments, agencies, officers, employees, and contractors.

Here, President Trump’s Executive Order speaks strongly and clearly for itself, and any interpretation that may be necessary is for the federal executive branch to determine. This is consistent with and complementary to established principles of federalism. Indeed, a cursory reading of the Executive Order reveals that it directs *federal* heads of department and agencies, and indeed only the *federal* executive branch officials, to implement and interpret the Executive Order. *See* Section 2 of EO 14218 (“directing the head of each executive branch department or agency . . .”). Notwithstanding your rumored aspirations, you are not part of the *federal* executive branch. Your request asks this office to interpret a *federal law* in conjunction with *federal executive action*. Accordingly, the Oklahoma Attorney General’s office does not have the appropriate jurisdiction to opine.⁷

When federal agencies like the Departments of Education and Agriculture—which provide payments to Oklahoma for applicable programs referenced in your request and who are plainly within the “executive branch or department or agency” subject to the Executive Order—I strongly encourage you and OSDE to cooperate with these federal agencies to faithfully implement the Executive Order.

In the meantime, I suggest you devote increased energy and focus on improving the test scores and reading proficiency of Oklahoma students. The people of this state entrusted you with the critical responsibility of administering and managing public education. Fulfilling that responsibility should be your only focus.

Respectfully,



GENTNER DRUMMOND
Attorney General

⁷ Contrast 28 U.S.C. §§ 511–12; (requiring the United States Attorney General to answer questions of law presented by the President or heads of the federal executive branch departments) with 74 O.S.2021, § 18b(A)(4–5, 18) (duties of the Oklahoma Attorney General include providing an opinion on questions of law when asked by a state officer, legislator, or district attorney).