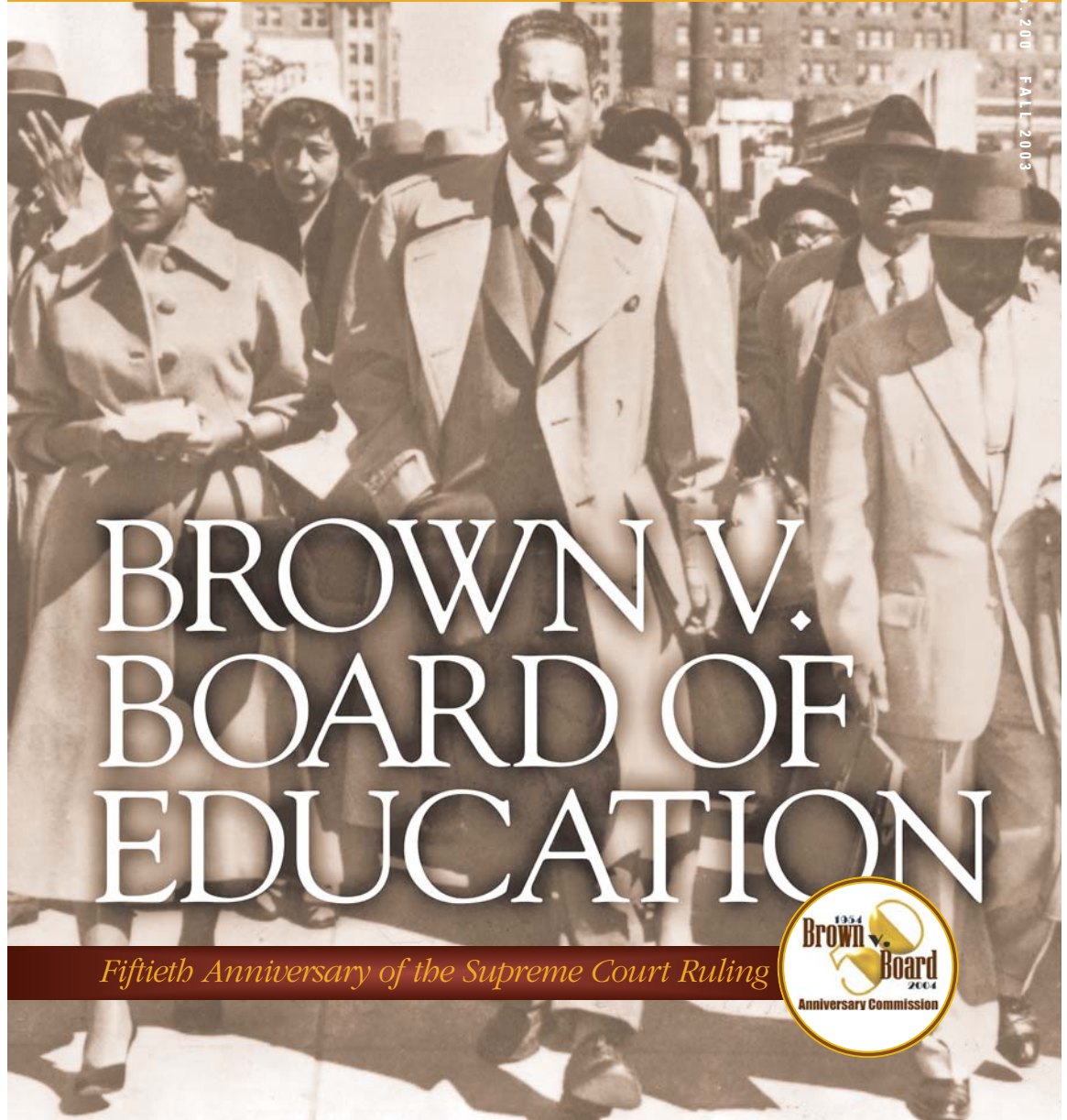




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“We Always Tell Our Children They Are Americans”

Méndez v. Westminster and the California Road to Brown v. Board of Education

By **Vicki L. Ruiz**

IN THE FALL OF 1944, LATINO¹ PARENTS IN ORANGE COUNTY, CALIFORNIA, CONFRONTED THE SEGREGATION OF THEIR CHILDREN INTO “MEXICAN” SCHOOLS. WILLIAM GUZMÁN AND HIS WIFE, VIRGINIA, JOINED A DELEGATION OF MEXICAN AMERICAN PARENTS AT A SCHOOL BOARD MEETING IN SANTA ANA. THE MINUTES OF THE MEETING MENTION THAT THE PARENTS WERE THERE “TO PROTEST WHAT THEY TERM DISCRIMINATION IN THE MATTER OF THE CHILDREN’S ATTENDANCE AT SCHOOL.”

Up the road in Westminster, meanwhile, Gonzalo Méndez, a relatively prosperous tenant farmer, tried to enroll his children in the Main Street School, which he had attended as a child. However, times had changed. Boundary lines drawn around Mexican neighborhoods ensured de facto segregation. Turned away, the Méndez children were assigned instead to Hoover, the Mexican elementary school. Consequently in March 1945, Gonzalo Méndez, William Guzmán, Frank Palomino, Thomas Estrada, and Lorenzo Ramírez, with the help of the League of United Latin American Citizens (LULAC), sued four local school districts, including

Westminster and Santa Ana, for segregating their children.²

The ensuing case of *Méndez v. Westminster School District* (1946) would foreshadow *Brown v. Board of Education* in several areas, including judicious use of social science research, the application of the Fourteenth Amendment, and the involvement of Thurgood Marshall, coauthor of the amicus curiae brief filed by the NAACP in *Méndez v. Westminster*. Landing a blow for segregation in California, the *Méndez* case would also serve as a precedent for judicial decisions in Texas and Arizona. Although *Méndez v. Westminster* was relatively unknown nationally, it placed the struggles for civil rights across regional, racial, and

ethnic lines. The case is important for other reasons. It illuminates how race, class, and citizenship marked twentieth-century Mexican American history, and it was one of the growing efforts by Mexican Americans to cast off a mantle of systematic prejudice.

SURGING IMMIGRATION AND ITS EFFECTS

In 1900, between 375,000 and 500,000 Mexicans lived in the Southwest. From 1910 to 1930, more than a million Mexicans migrated north. Pushed by the economic and political chaos generated by the Mexican Revolution and lured by jobs in U.S. agriculture and industry, they settled into existing barrios, or

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Latino children attend an outdoor English class at a segregated school in Tempe, Arizona, 1926.

neighborhoods, and created new ones in the Southwest and Midwest. Within 20 years, Mexican Americans were outnumbered by Mexican immigrants by at least two to one, and their *colonias* became immigrant enclaves. As David Gutiérrez has noted, immigration from Mexico had profound consequences for Mexican Americans in terms of “daily decisions about who they [were]—politically, socially, and culturally—compared to more recent immigrants from Mexico.” This layering of generations has occurred throughout the twentieth century as Mexican Americans have diverse generational markers. Some are U.S.-born children of immigrants, while others have roots that extend back into eighteenth-century New

PHOTO CREDIT: MARGIE AGUIRRE

Mexico and Texas. In some areas, this transformation was even more dramatic. In 1900, Los Angeles, for example, had a Mexican population ranging from 3,000 to 5,000. By 1930 about 150,000 persons of Mexican birth or heritage resided in the city’s expanding barrios.³

With the influx of immigrants from 1900 to 1930, religious and state-organized Americanization projects aimed at the Mexican population swung into action. These efforts varied in scale from settlement houses to night classes. The curriculum generally centered on cooking, hygiene, English, and civics. Notably, segregated schools were touted as instruments in the cause of Americanization. Although

some school districts did not segregate Mexican youth, residential and educational segregation often went hand in hand. Albert Camarillo has shown that in Los Angeles restrictive real estate covenants and segregated schools increased sharply between 1920 and 1950. As in other segregated facilities across the nation, the curriculum in Mexican schools was vocational in nature. Many teachers believed that their students possessed few aspirations and fewer abilities beyond farm and domestic work. Focusing on a home economics class, one article typifies this attitude: “These girls are very enthusiastic and are learning in this class, things which will make it possible for them to be efficient

Members of the League of United Latin American Citizens collect tickets for a fund-raising dinner in 1947 in California to assist the Méndez case.



domestic help, when they go into American homes to work.” In the abstract, education held out hope, but in practice, it trained them for low-status, low-paying jobs. Perhaps some proponents had their own doubts as noted by the title to the article, “Does It Pay to Educate a Mexican?”

SHAME AND DEPORTATION

With shabby facilities and inadequate supplies, Mexican schools seemed uncondusive for learning because Spanish-speaking children had to sink or swim in an English-only environment. Tales of getting struck by a ruler for speaking Spanish or mispronouncing English phrases resonate in the memories of

Mexican Americans who came of age during the interwar period and into the 1960s. “They degraded us horribly,” El Paso native Rosa Guerrero remembered. “Don’t speak that ugly language, you are an American now.” Education, in some instances, did raise expectations that hard work would bring material rewards and social acceptance, the fulfillment of the American promise. “We felt that if we worked hard, proved ourselves, we would become professional people,” a Los Angeles resident said.⁴

The onset of the Great Depression brought a deepening financial crisis and widespread deportations and repatriations to Mexico. It shook Latino hopes to the

core. From 1931 to 1934, about one-third of the half-million Latinos in the United States were either deported (summarily taken off the streets and transported across the border) or repatriated (leaving on their own, frequently under the threat of deportation) to Mexico, even though most were native U.S. citizens. Proximity to the Mexican border, the physical distinctiveness of mestizos, and easily identifiable barrios influenced immigration and social welfare officials to focus their efforts solely on the Latino people. These events reflected nativist sentiments whipped up in the popular press. The *Saturday Evening Post* ran a series of articles in the late 1920s with such titles as “The Mexican

PHOTO CREDIT: SYLVIA MÉNDEZ

Opportunity according to skin color: Alice Esperanza Méndez Vidaurri, second row, far right, with Latino classmates. Alice, with her fair skin, was later admitted to a white public school in Orange County, California. Her first cousin, Sylvia Méndez, had darker skin and was not admitted. Her parents went to court.



Invasion.” Although this campaign of fear diminished by 1934, segregation remained. Citing a 1931 survey, Francisco Balderrama noted that more than 80 percent of the school districts in southern California enrolled Mexicans and Mexican Americans in segregated schools.⁵

Segregation did not apply only to schooling. In Santa Ana, Mexicans could sit only in the balcony of a local movie theater. Orange County residents of the interwar generation, like their compatriots elsewhere in the Southwest, remembered signs in retail stores and restaurants that stated, “No dogs or Mexicans allowed.” Responding to economic exploitation and social injustice, Latinos joined

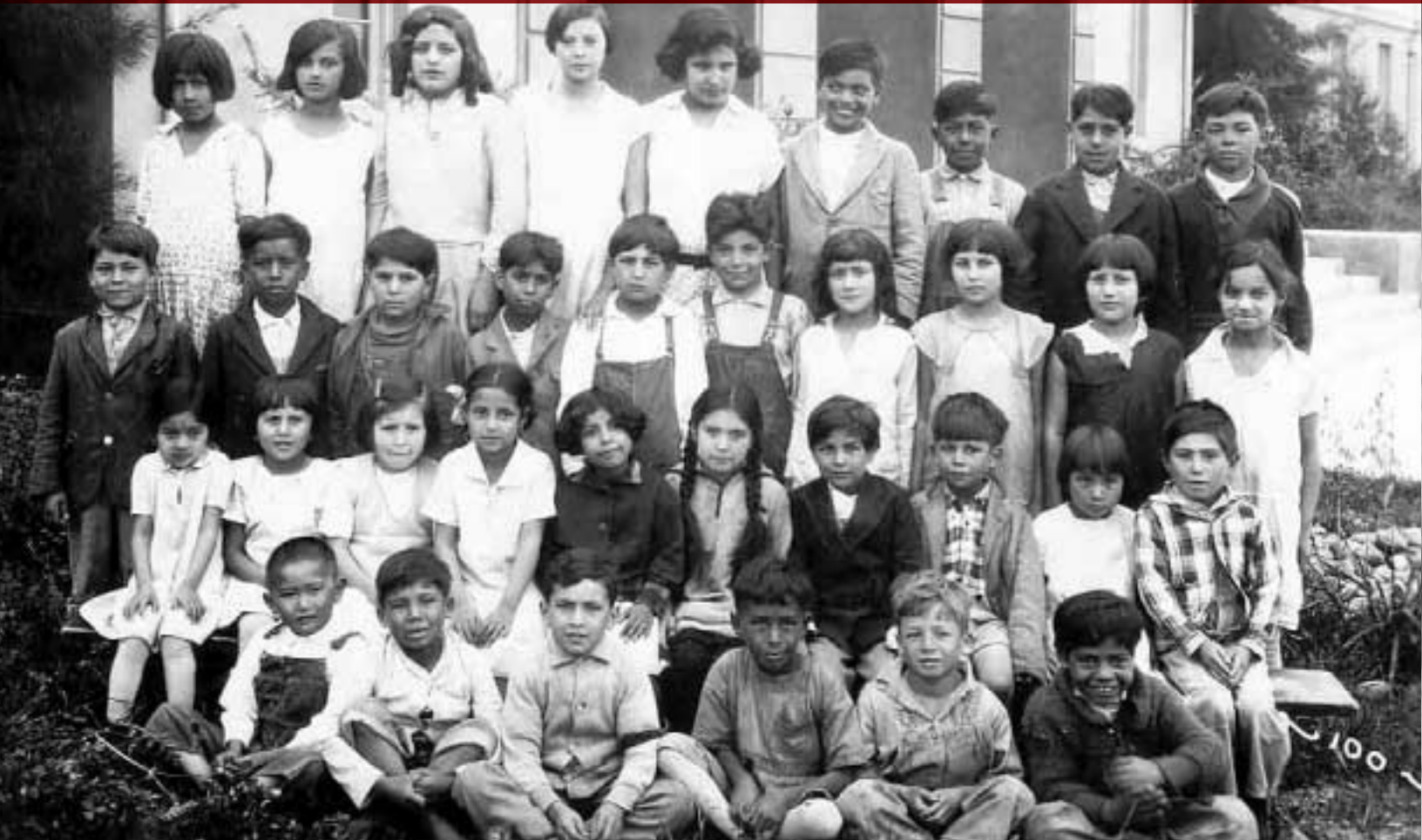
labor unions, *mutualistas* (mutual aid societies), and local grassroots organizations. In 1931, in Lemon Grove, California, just east of San Diego, a group of Mexican neighbors banded together to challenge successfully in court the segregation of their children into a separate school, a hastily constructed structure that resembled a barn. The case, *Alvarez v. Lemon Grove School District*, represented one of the first successful court actions in favor of school desegregation. In Los Angeles eight years later the first national Latino civil rights assembly was held, called *El Congreso de Pueblos Que Hablan Español* (Spanish-Speaking Peoples’ Congress). Delegates of more than

100 organizations agreed to a comprehensive platform demanding an end to discrimination and segregation in housing, employment, and education as well as affirming immigrant rights. Led by labor leader Luisa Moreno, *El Congreso* was rooted in CIO trade union locals, *mutualistas*, and working-class immigrant communities.⁶

DAVID MARCUS ENTERS THE FRAY

Efforts at school desegregation cut across class and generational divisions within Mexican American communities. Founded in 1929, LULAC struck a chord among middle-class Mexican Americans,

Early success. Students at the Lemon Grove School, which a court ordered desegregated after their parents sued in 1931.



and by 1939 chapters appeared throughout the Southwest. Envisioning themselves as patriotic “white” Americans pursuing their rights, LULAC members restricted membership to English-speaking U.S. citizens. As David Gutiérrez notes, LULAC, taking a page from the early NAACP, stressed the leadership of an “educated elite” who would lift their less fortunate neighbors by their bootstraps. With “successful voter registration and poll tax drives,” LULAC developed political muscle. LULAC would prove vital in underwriting the legal costs associated with *Méndez v. Westminster*. Local officer John Gonzáles wrote a passionate appeal

in *LULAC News*. “If discrimination against our children continues, we shall have no one to blame but ourselves,” he stated. “I am firmly convinced that the renaissance of educational opportunity for the Latin American child is at hand.” To this end, Orange County LULAC members went door-to-door encouraging their neighbors to show their support and attend fund-raisers, raffling off at one event a shiny new refrigerator. Furthermore, on LULAC’s advice, the Méndezes hired civil rights attorney David Marcus.⁷

Before Gonzalo and Felicitas Méndez sought legal redress for their three children, Sylvia, Gonzalo, Jr., and Geronimo, they organized other

parents and “persuaded the school board to propose a bond issue for construction of a new, integrated school.” When the measure failed, the school board refused to take further action. In January 1945, the Westminster superintendent reported to the board that he had met with Méndez and Marcus. The minutes reveal that the “problem of the complaint from the Mexican-speaking peoples was discussed at length.” Board members deferred making any decision. Ironically, during this meeting they voted in favor of a resolution to allow Japanese American children to attend the Main Street School. Given the recalcitrance of local boards, the

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Little to look forward to. An unidentified Latina girl and her mother in Tempe, Arizona, circa 1900. Denied access to decent schools or jobs and threatened with deportation to Mexico, Latinos did what they could to survive.



Méndezes and four other families filed suit against the Westminster, Garden Grove, Santa Ana, and El Modena school districts on behalf of their children and 5,000 others in March of 1945.⁸

During the trial, superintendents echoed the stereotypical imagery of Mexicans. The Garden Grove superintendent declared, “Mexicans are inferior in personal hygiene, ability, and in their economic outlook.” Youngsters needed separate schools because of their lack of English proficiency. They “were handicapped in ‘interpreting English words because their cultural background’ prevented them from learning Mother Goose rhymes.” He recited a laundry list of hygienic deficiencies peculiar to Mexican children that warranted, in part, their segregation. These deficiencies included “lice, impetigo, tuberculosis, generally dirty hands, face, neck, and ears.” When David Marcus asked if all children were dirty, the superintendent answered, “No, sir.” Marcus pushed the issue: “Do you keep a record of dirty hands and face?” “No” was the response.⁹

Marcus devised a twofold strategy. He questioned the constitutionality of

educational segregation and called in expert witnesses: social scientists who challenged these assumptions about Mexican American children and the supposed need for separate schools. Fourteen-year-old Carol Torres took the stand to counter claims that Mexican children did not speak English. Felicitas’s testimony summed up her family’s beliefs simply: “We always tell our children they are Americans.”

Taking almost a year to make his decision, Judge Paul McCormick ruled that segregation of Mexican youngsters found no justification in the laws of California and furthermore was a clear denial of the ‘equal protection’ clause of the Fourteenth Amendment. The school district appealed the decision, partly on a states’ rights strategy, that is, the federal court had no jurisdiction in the matter. The importance of Judge McCormick’s ruling was not lost on civil rights activists. Amicus curiae briefs were filed by the American Jewish Congress, the ACLU, the National Lawyers Guild, the Japanese American Citizens League, and the NAACP. California Attorney General Robert W. Kenney composed his own supporting brief. Nationally,

hopes rose that this would be the test case before the U.S. Supreme Court. When the U.S. Ninth Circuit Court in 1947 upheld McCormick’s ruling, the Orange County school districts decided to desegregate and drop the case, dashing the heightened expectations.¹⁰

Méndez v. Westminster assumes national significance through its tangible connections to *Brown v. Board of Education* in four related areas beyond NAACP counsel Thurgood Marshall’s amicus curiae brief. First, the *Méndez* case influenced a shift in NAACP legal strategy to include “social science arguments;” historian Rubén Flores calls the links “clear and unmistakable.” Second, Judge McCormick relied not just on legal precedent but on social science and education research. Third, “it was the first time that a federal court had concluded that the segregation of Mexican Americans in public schools was a violation of state law” and unconstitutional under the Fourteenth Amendment because of the denial of due process and equal protection. Last, as the direct result of the *Méndez* case, the California legislature passed the Anderson bill (1947), a measure that repealed all



“As the direct result of the *Méndez* case, the California legislature passed the Anderson bill (1947), a measure that repealed all California school codes mandating segregation.”

California school codes mandating segregation and was signed into law by Earl Warren, who was then governor of California.¹¹

Méndez v. Westminster was certainly a crucial case in the multiple struggles for school desegregation, one that forecast the rationale of the Warren Court in *Brown v. Board of Education*. The courage of individual parents, like the Méndezes, and the collective strength of civil rights organizations, like LULAC, are part of a continuing national story in claiming educational equity for all of America's children.

A final word about several of the plaintiffs: Gonzalo Méndez briefly leased land from interned Japanese American farmers before they reclaimed it after World War II. He went on to run a small restaurant. Frank Palomino helped found LULAC Santa Ana Council No. 147. He and his friend and fellow plaintiff William Guzmán worked for many years at Disneyland after it opened in 1955. ■

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ACKNOWLEDGMENT

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ENDNOTES

1. *Latino* is an umbrella term encompassing all people of Latin American birth or heritage. *Mexican* refers to someone born in Mexico, and *Mexican American* to a person born in the United States.
2. Minutes of the Santa Ana School Board, October 23, 1944, 62. For a longer discussion of the issues touched on in this brief essay, see my article "Tapestries of Resistance" cited in Additional Readings.
3. Oscar J. Martínez, "On the size of the Chicano Population: New Estimates, 1850–1900," *Aztlán* (Spring 1975), 56; Albert Camarillo, *Chicanos in a Changing Society* (Cambridge: Harvard University Press, 1979), 200–201; David Gutiérrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity in the Southwest, 1910–1986* (Berkeley: University of California Press, 1995), 6.
4. For more information on Americanization and segregated Mexican schools, see Gilbert González, *Chicano Education in the Era of Segregation* (Philadelphia: Balch Institute Press, 1990) and Vicki L. Ruiz, *From Out of the Shadows: Mexican Women in Twentieth-Century America* (New York: Oxford University Press, 1998), 33–50.
5. Francisco Balderrama and Raymond Rodríguez, *Decade of Betrayal: Mexican Repatriation in the 1930s* (Albuquerque: University of New Mexico Press, 1995) and Francisco Balderrama, *In Defense of La Raza: The Los Angeles Mexican Consulate and the Mexican Community, 1929–1936* (Tucson: University of Arizona Press, 1982), 56.
6. Ruiz, *Shadows*, 68, 94–95; Maria Newman, "Person Gets Tired of Being Pushed Around," *Celebrate!* (*Los Angeles Times* supplement, n.d.) (courtesy of Margie Aguirre); Robert Alvarez, Jr., *Familia: Migration and Adaptation in Baja and Alta California, 1800–1975* (Berkeley: University of California Press, 1987), 152–155.
7. Benjamin Márquez, *LULAC: The Evolution of a Mexican American Political Organization* (Austin: University of Texas Press, 1993), 17–38; Gutiérrez, *Walls and Mirrors*, 74–87; *LULAC News*, Vol. 13, No. 16 (December 1946), 9; Newman, "A Person Gets Tired;" "Que Viva LULAC" (transcript of slide show commemorating 50 years of LULAC Santa Ana Council No. 147, September 26, 1996) (courtesy of Margie Aguirre).
8. Frank Barajas, "On Behalf of..." (graduate seminar paper, Claremont Graduate School 1994), 1, 12, 26; José Pitti, et al., "A History of Mexican Americans in California," in *Five Views: An Ethnic History Site Survey for California* (Sacramento: California Department of Parks and Recreation, 1980), 238; *Los Angeles Times*, September 10, 1996; Minutes of the Westminster School Board of Trustees, January 10, 1945, 1.
9. *Los Angeles Times*, September 10, 1996; Carey McWilliams, "Is Your Name Gonzales?" *Nation*, Vol. 164 (March 15, 1947), 303; Reporter's Transcript of Proceedings, *Gonzalo Méndez et al. v. Westminster School District of Orange County, et al.*, in File Folders 4292-M, Box#740 Civil Cases 4285–4292. RG 221-Records of the District Court of the United States for the Southern District of California, Central Division, National Archives and Records Administration (Pacific Region), Laguna Niguel, CA, 5, 85–87, 116–199, 120, 122–123. The exchange between Marcus and Kent can be located on 116–118.
10. McWilliams, "Is Your Name," 302; Charles Wollenberg, *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855–1975* (Berkeley: University of California Press, 1975), 127–128, 131–132; Proceedings, *Méndez v. Westminster*," 256–260, 460, 468; Barajas, "On Behalf of..." 33–34.
11. Rubén Flores, "Social Science in the Southwestern Courtroom: A New Understanding of the Development of the NAACP's Legal Strategies in the School Desegregation Cases" (B.A. thesis, Princeton University, 1994), 105–116; Wollenberg, *All Deliberate Speed*, loc. cit.; Guadalupe San Miguel, Jr., *Let Them All Take Heed: Mexican Americans and the Campaign for Educational Equality in Texas, 1910–1981* (Austin: University of Texas Press, 1987), 119; Pitti, et al., "A History of Mexican Americans," 239.