

*Mendez v. Westminster School District (1947)*

## Ruling Gives Children Equal Rights

By Nannette Regua

Historically, the Supreme Court's decision in the 1896 *Plessy v. Ferguson* case, racial segregation became the law of the land as the ruling claimed "separate but equal" public facilities would be established. The assumption was that public facilities would be separate but equal on all counts. In education, it was common practice to have separate schools for African Americans or Mexican Americans and Anglos. The *Mendez v. Westminster School District* case (1947) was a monumental step forward to end segregation of Mexican American school children in California.



### Commemorative Stamp Mendez v. Westminster

At the turn of the century, Mexican American children in the Southwest often were separated from Anglo school children and segregated into "Mexican" schools. The Mexican schools were typically shacks or barns rather than equal institutional structures to that of "Anglo" schools. The Mexican schools were commonly unequal in books, desks, school supplies, and they were often given the used, damaged and outdated books from the Anglo schools.

In 1945, Mexican parents tried to enroll their children into the Main Street Elementary School located in the Westminster School District, Orange County, California. Main Street School was an Anglo school not an integrated school. The children were turned away from the school and sent to Hoover School (see photograph above), a "Mexican" elementary school. One such family was the Mendezes (see photograph below). As the Mendez parents, Gonzalo and Felicitas, attempted to enroll their children at the Main Street School their children were refused admission because they were Mexican. Listen to Sylvia Mendez recall her experience as a child attending a Mexican School at <http://www.npr.org/templates/story/story.php?Id=1784243.1>

Led by the Mendezes, the parents of the Mexican American children, united against segregation in their school district and community. Filing a class action lawsuit on behalf of 5,000 families, the Mexican parents disputed against four school districts, including Westminster and Santa Ana, in the Los Angeles federal court for segregating their children. The case became known as the *Mendez v. Westminster School District*. The Mendez's counsel, David Marcus, a Los Angeles attorney was sought and funded by the League of United Latin American Citizens (LULAC). Marcus argued in court for desegregation of California's schools "on the grounds that perpetuation of school admissions on the basis of race or nationality violated the Fifth and Fourteenth Amendments of the National Constitution."<sup>2</sup> In response, the defendants argued that Mexican children were unfit and incapable to attend the "Anglo" school.

The defense claimed that the Mexican American children possessed contagious diseases, had poor moral habits, were inferior in their personal hygiene, spoke only Spanish and lacked English speaking skills. Thus, the children are unqualified to attend Anglo schools and facilities. Despite much opposition from the Anglo Orange County community and school districts, in 1946, federal judge Paul J. McCormick ruled in favor of Mendezes and the co-plaintiffs. McCormick found that "the segregation of Mexican Americans in public schools was a violation of the state law" and unconstitutional under the Fourteenth Amendment because of the denial of due process and equal protection.<sup>3</sup> Thus, McCormick struck down systematic segregation in public schools in California.

Shortly after Judge McCormick's ruling, in April of 1947 the defense sought to appeal the decision claiming the federal court did not have the authority in this matter. Simultaneously, the plaintiffs bulked up on their representation for the Court of Appeals proceeding. With financial support from LULAC and continued legal representation from Marcus, the plaintiffs' counsel included support from several multiracial organizations, such as, the National Association for the Advancement of Colored People, American Jewish Congress, American Civil Liberties Union, and the Japanese American Citizens League. Interestingly, NAACP Attorney Thurgood Marshall honed his skills in the *Mendez* case as he would later pursue desegregation for African Americans in the *Brown v. the Board of Education* (1954) in seven years.

Successfully, the legal dream team of the Mendezes defeated the defense as the Court of Appeals supported Judge McCormick's earlier



decision which claimed the segregation of Mexican American children violated the Fourteenth Amendment. McCormick's decision ushered in the end of segregation and a new bill, entitled "The Anderson Bill." The Bill passed the California Assembly and the Senate and was signed into law by California Governor Earl Warren in June of 1947. By September of 1947, Mexican American children were able to attend integrated schools in Orange County. The *Mendez v. Westminster School District* case broke down legalized segregation and illuminated conditions of systematic racism and discrimination which was prevalent not only in California but the rest of the country.

1 "Before 'Brown v. The Board of Education.'" *Claudio Sanchez*, Natl. Public Radio. 22 Mar. 2004, 30 Aug. 2007, <http://www.npr.org/templates/story/story.php?storyId=1784243>.

2. "A History of Mexican American Schools in California." Historic Sites. 17 Nov. 2004. 30 Aug. 2007, [http://www.nps.gov/history/history/online\\_books/5views/5views5h99.htm](http://www.nps.gov/history/history/online_books/5views/5views5h99.htm)

3 Ruiz, Vicki. "We Tell Our Children They are Americans." *The Brown Quarterly*. 6:3 (2004) 30 Aug. 2007, <http://brownboard.org/brwnqurt/06-3>.

Felicitas and Gonzalo Mendez photo source: [http://www.chicano.ucla.edu/center/events/052104\\_mendez.html](http://www.chicano.ucla.edu/center/events/052104_mendez.html)

## Historical Perspective

Throughout American history issues of racial equality and educational opportunity have been disputed. Interestingly, the 1947 *Mendez v. Westminster School District* nor the infamous 1954 *Brown v. the Board of Education* were the first cases for desegregation of public schools. The following bullet points highlight several desegregation court cases both before and after *Mendez* and *Brown*:

- **Roberts v. Boston--Massachusetts State Supreme Court case, 1850**

Five-year-old, African American, Sarah Roberts, had to walk past five "Anglo" schools to get to the "colored" school. Attempting to enroll in an Anglo school, she was refused entry into an elementary school that was much closer to her home in Massachusetts. With support from the African American community, Sarah's father filed a lawsuit against the city to end segregation in public schools. However, the ruling in the Massachusetts State Supreme Court took the side of the school district and allowed it to segregate in schools as it saw fit.

- **Plessy v. Ferguson--U. S. Supreme Court case, 1896**

Homer Plessy, a biracial man, attempted to sit in the white section of a railroad car in Louisiana. When Plessy refused to move out of the white section, he was forcibly removed and jailed. According to the 1890 Louisiana Separate Car Act, Plessy would have been required to sit in a separate railroad car for "colored" passengers regardless if he was biracial. Plessy claimed that the Louisiana Separate Car Act violated the Thirteenth and Fourteenth Amendments, and filed a lawsuit. The Louisiana courts, however, favored the Louisiana Separate Car Act as they claimed it was not in conflict with the Amendments.

In 1896, Plessy took his case to the U. S. Supreme Court. The Supreme Court concurred with the Louisiana courts and ruled against Plessy. It claimed that the Louisiana Separate Act did not violate Plessy's rights as long as the separate cars were equal to one another. The decision approved de jure segregation of races in transportation, public facilities, accommodations, schools, theaters, and restaurants.

- **Gong Lum v. Rice--U. S. Supreme Court case, 1927**

Nine-year-old, Martha Lum, a Chinese American, enrolled in a public school in Mississippi. Shortly after enrolling, the Superintendent of the school district told Martha that she could not attend the school as she was not Anglo nor could she return the following day. Shortly after, her father, Gong Lum, filed a lawsuit against the school board, claiming that Martha was not colored, was Chinese American, and that she should be able to attend the Anglo school. Her father, took the case to the Mississippi State Supreme Court. The ruling favored the school board, however. Undaunted, the Lums, took their case to the U. S. Supreme Court. Yet Chief Justice William Howard Taft supported the decision of the Mississippi State Supreme Court. He ruled that Martha could not be classified as white, and she could only attend a "colored" public school.

- **Roberto Alvarez v. The Board of Trustees of the Lemon Grove School District--San Diego Superior Court case, 1931**

Seventy-five first generation Mexican American students attended Lemon Grove Grammar School in 1930. In that year, the Anglo school board of Lemon Grove School District met on several occasions to discuss the need for a separate school for Mexican American children.

Yet the Mexican parents were not invited nor notified of these meetings.

At the beginning of the school day on January 5, 1931, Principal Jerome T. Green welcomed all children into the school except the Mexican American children. Directed by the school trustees, Principal Green told the Mexican American children that they could no longer attend Lemon Grove Grammar School. Instead they had to attend a separate school. The separate "Mexican" school was a two room building which was nicknamed, "La Caballeriza" or the barnyard. Instead of going to the "Mexican" school the children returned to their homes.

The Mexican parents refused to allow their children to attend the "Mexican" school. The parents petitioned the courts to reinstate their children into Lemon Grove Grammar School as they found the exclusion of their children had been an attempt at racial segregation. The San Diego Supreme Court Judge Claude Chambers found for the plaintiffs. Judge Chambers stated that the Lemon Grove School Board members had illegally condoned racial segregation and all Mexican American students were ordered back to Lemon Grove Grammar School. In addition, Judge Chambers declared that segregation in the school district had no legal basis. Listen to an NPR audio clip at <http://www.npr.org/templates/story/story.php?storyId=1176193>

- **Brown v. Board of Education--U. S. Supreme Court case, 1954**

Seven-year-old Linda Brown had to walk one mile and across a railroad switchyard to get to her "colored" elementary school in Topeka, Kansas. Yet an all-white school was only a few blocks from her home. Her father, Oliver Brown, attempted to enroll his daughter into the white school near their home, but the school principal refused for Linda to be enrolled because she was black.

The Brown family, along with support from the black community and the National Association for the Advancement of Colored People (NAACP) filed a lawsuit against The Board of Education. One of the lead lawyers for the case was NAACP's, Thurgood Marshall. Marshall gained experience in the desegregation case *Mendez v. Westminster* seven years prior.

The *Brown* case would eventually make its way to the U. S. Supreme Court. Marshall pushed for the court to overturn the precedent that was established in *Plessy v. Ferguson* (1896), allowing for "separate but equal" public facilities. In 1954, the Supreme Court, led by Chief Justice Earl Warren found for the plaintiffs and in a monumental decision overturned *Plessy v. Ferguson*. Chief Justice Warren claimed that "Separate educational facilities are inherently unequal," and the ruling had violated the Fourteenth Amendment.

The decision paved the way for integration. However, the Supreme Court failed to mandate a timeline and instead claimed that public school desegregation was to be implemented with "all deliberate speed." Countless states refused to follow the Court and declared the decision void or simply had schools close their doors rather than implement integration. The ruling would later help light the fire of the Civil Rights Movement and black pride.

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Source: <http://www.kcet.org/socal/departures/columns/laws-that-shaped-la/no-dogs-or-mexicans-allowed-mendez-v-westminster-and-its-legacy-on-the-southwest.html>

## **'No Dogs or Mexicans Allowed': Mendez v. Westminster and its Legacy on the Southwest**

**By Sharon Sekhon**

While few recognize Orange County for its history of civil rights activism, all Americans are indebted to the actions of Gonzalo and Felicitas Mendez, and four other Santa Ana families, who challenged segregation in local schools.

The 1946 court case *Mendez v. Westminster School District* had an immediate impact on Southern California and put a human face on the legacy of racism and potential psychological costs to American children.

Like Los Angeles, Orange County has its own media-made identity -- often depicting the place as only a bastion of like-minded conservative Anglo Americans; the home to Disneyland; or for its tremendous though manicured natural beauty. While there are kernels of truth in some stereotypes, like Los Angeles, Orange County's two-dimensional portraits are used to sell a lifestyle, product or political ideology. *Mendez v. Westminster* shows us that Orange County has its own activist history that is often dwarfed by its media-made identity.

*Mendez v. Westminster* makes us consider Orange County for its social history and to re-think American heroism and to place it where it belongs here -- among people enduring a righteous struggle for equality for all.

Mendez v. Westminster blurs the boundaries between counties and recognizes the Southwest as a region whose de facto or de juris practices reflected an embedded racism that threatened the American values of pluralism and equality. Mexicans were the agricultural labor force, both in Mexican American families living throughout the Southwest and through the Bracero Movement, of California and most of the United States.

Not only does this case reflect the changing ideas in postwar America concerning childhood and social development, but it also challenged the scientific racism that undergirded Santa Ana's segregation.

The school district countered the Mendez case by arguing that Mexican American children were inferior to Anglo American children, carried contagious diseases, and were limited by their "language deficiency." The significance of this case for Los Angeles is that it while it had immediate reverberations in Santa Ana, its ripple effects shaped legal appeals ending segregation throughout the Southwest and ultimately for the nation.

On March 20, 2013 in an interview that I co-conducted with Gonzalo Mendez Jr. as part of the Raitt Street Chronicles, a community history project launched through the Santa Ana Public Library, Mendez explained the case to local high school students living in his former neighborhood.

His father Gonzalo Sr. had originally attended the 17th Street School as a child and wanted his children to attend it too, as it was located close their home in the Raitt/Townsend neighborhood of Santa Ana. Mendez asked his sister to enroll their children as he was busy farming and tending to the farms of his Japanese neighbors who had been interned as part of World War II. In 1943, when Mendez's fair skinned nieces with the Italian-sounding last name of Vidaurri were accepted for enrollment into the school but his own darker children were sent to Hoover Elementary School, an inferior non-white school, Mendez, Sr. was outraged.

Gonzalo Mendez, Sr. hired civil rights lawyer David Marcus, who initiated a class action lawsuit with four other families on behalf of 5,000 students against four Orange County school districts (Westminster, Santa Ana, Garden Grove and El Modena, now Eastern Orange) seeking an injunction that would order the schools to integrate. Amicus briefs in favor of desegregation were filed by the American Civil Liberties Union, National Association for the Advancement of Colored People, the National Lawyers Guild, the American Jewish Congress and the Japanese American Citizens League. Once Mendez successfully passed in the U.S. District Court of Southern California, other schools throughout the Southwest were forced to desegregate.

During the trial itself, Mendez's attorney David Marcus had Mexican American children testify on how it felt to be rejected by the "white" 17th Street School and assigned to an inferior one, including nine-year-old Sylvia Mendez, who would later receive the Presidential Medal of Honor from President Barack Obama for her testimony.\*

The children involved in the suit testified to the signs comparing Mexicans to dogs in Santa Ana and the "loathsome" quality of the Hoover Elementary School. Genevieve Barrios Southgate, a daughter of one of the other plaintiffs, recalled in a 1989 interview with Maria Newman of the Los Angeles Times that white parents would never tolerate the Hoover School:

It was next to a dairy and a cow pasture. It was OK for the Mexican kids to go there, even though there was a lot of illness. It was muddy; it was messy. Kids would have to shoo away the flies during their lunchtime.

Other students recalled that pride in their culture was not taught in schools but actively instilled by their parents who were farmers and small business owners. Isabel Ruiz, who grew up in Santa Ana, recalled her father taught her self-esteem and pride in her ancestry and remembers not learning anything of the sort in school.

Marcus did not limit the testimony to children and employed specialists who could explain the negative consequences of school segregation on the individual and on society. According to education scholar Frederick P. Aguirre:

Marcus retained as an expert witness Dr. Ralph Deals, head of UCLA's Anthropology Department, who testified that separating Mexican American children from White children would stamp the Mexican American children with a badge of inferiority and the White children with a badge of superiority and that such practice would lead to unproductive Mexican American citizens. He also testified that Nazi Germany had recently labeled such people as Jews and Gypsies but that America should not follow such attitudes and practices.

According to Aguirre, school district superintendents argued that Mexican Americans were inferior to their Anglo counterparts. District staff admitted transfers sending children to specific schools were based on their last names or their complexion.

The story of Mendez's case is full of details that are sometimes lost in re-counting its legacy as the blueprint for the federal case *Brown v. the Board of Education* in 1954.

First, while Gonzalo Mendez, Sr. was Mexican American, his wife Felicitas was from Puerto Rico. Both of them were American citizens as were their children, who all spoke English fluently.

Second, under then California law, Mexican Americans and Latinos were perceived as white depending upon local context and their phenotypes; some passed as "White," while siblings of darker complexion were classified as "Mexican."

Within one generation, Mexican American students were denied access to the neighborhood school they once attended; Mendez, Sr. had attended the 17th Street School and wanted his children to attend it as well.

A pivotal part of the case is that Mendez v. Westminster did not directly take up the issue of the 1896 "separate but equal" doctrine established in *Plessy v. Ferguson*, and the legal basis for national segregation. According to legal historian Philippa Strum, Mendez's lawyer David Marcus brilliantly did not claim racial discrimination because Mexicans were legally considered white. Instead, he argued

discrimination based on ancestry and supposed "language deficiency" that denied their children their Fourteenth Amendment rights to equal protection under the law.

Marcus showed that segregated schools created a sense of social inequality and psychological antagonisms between groups where there should be none. He successfully persuaded the federal district judge Paul McCormick, who concluded on February 18, 1946:

The equal protection of the laws pertaining to the public school system in California is not provided by furnishing in separate schools the same technical facilities, text books and courses of instruction to children of Mexican ancestry that are available to other public school children regardless of their ancestry. A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage.

Fortunately, over the last dozen years, there has been a flowering of research conducted on the case, and Gonzalo and Felicitas' children have served as gracious ambassadors of this history. While the case immediately allowed for the Mendez children to attend the 17th Street School, Gonzalo Mendez Jr. gave up his childhood dreams of becoming a pilot when he realized that Mexican Americans were never considered for pilot positions. He became a carpenter and married the girl next door.

Mendez Jr. eventually moved from the Santa Ana neighborhood where he grew up as it grew more violent in the 1960s. His was the first non-white family on his block in Tustin, a city adjacent to Santa Ana. In 2003, PBS produced the documentary "Mendez vs. Westminster: For All the Children/Para Todos los Niños." In 2007 the U.S. Postal Service released a stamp to honor the case. In 2011 Sylvia Mendez was awarded the Presidential Medal of Freedom for her role in the case.

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Source: <http://www.ocregister.com/articles/mendez-288377-medal-case.html>

## O.C. civil rights icon Mendez awarded Medal of Freedom

By FERMIN LEAL / THE ORANGE COUNTY REGISTER

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### The landmark case

**1944:** Gonzalo and Felicitas Mendez sue Westminster School District after their children are turned away from an all-white school. Later, four other O.C. families sue their districts.

**1947:** The 9th U.S. Circuit Court of Appeals, in Mendez, et al. v. Westminster School District, orders an end to California school segregation.

**1954:** The U.S. Supreme Court outlaws the "separate but equal" doctrine in Brown v. Board of Education. NAACP lawyer Thurgood Marshall cites the Mendez case.

### The aftermath of the case

**2000:** Gonzalo and Felicitas Mendez Fundamental Intermediate School opens in Santa Ana.

**2003:** Filmmaker Sandra Robbie wins an Emmy for her documentary "Mendez v. Westminster: For All the Children/Para Todos Los Niños."

**Sept. 2007:** The U.S. Post Office unveils a stamp commemorating the 60th anniversary of the court case at Mendez Intermediate.



**Tuesday:** Silvia Mendez receives Presidential Medal of Freedom.

WASHINGTON – Sylvia Mendez smiled through tears Tuesday as President Barack Obama draped the Medal of Freedom around her neck, overcome as she remembered the desegregation fight her parents waged on her behalf.

"I never could have imagined as a child battling segregation that I would end up one day meeting the president and receiving such a tremendous honor," said Mendez, 74, of Fullerton.

"My parents just wanted what was best for their children. So I have made it my life's work to spread their message."

Mendez was just 8 years old when her parents, Gonzalo and Felicitas Mendez, sued Westminster School District for turning their children away from an all-white school.

The children were sent instead to the "Mexican" school, a two-room wooden shack with worn, wobbly desks and chairs, and tattered textbooks – hand-me-downs from other campuses.

In 1947, the 9th U.S. Circuit Court of Appeals, in deciding the case, ordered an end to segregation in California schools.

Mendez v. Westminster was later cited in the historic 1954 Brown v. Board of Education of Topeka case by Thurgood Marshall, lawyer for the National Association for the Advancement of Colored People, who would later join the Supreme Court.

The ruling meant that Mendez could attend the formerly segregated white campus, and she endured taunts from white classmates after enrolling. With her parents behind her, she stuck it out, and eventually began to educate others about the need for racial tolerance.

"She has made it her mission to spread her message of tolerance and opportunity to children of all backgrounds and all walks of life," Obama said during the annual Presidential Medal of Freedom ceremony, held in the East Room of the White House.

Other recipients of the nation's highest civilian honor included former President George H.W. Bush, poet Maya Angelou, investor Warren Buffett, cellist Yo-Yo Ma, basketball player Bill Russell and baseball great Stan Musial.

"This year's Medal of Freedom recipients reveal the best of who we are, and the best of who we aspire to be," the president said.

The Medal of Freedom is presented to individuals who have made "especially meritorious contributions to the security or national interests of the United States, to world peace, or to cultural or other significant public or private endeavors."

Obama kissed and hugged Mendez after giving her the award – part of what Mendez said has become an "amazing day."

"First I got a kiss from the president. Then I got to meet and talk to former President Bush, Stan the man, Yo-Yo Ma and Bill Russell. Now I have a big party in my honor," she said. "What an amazing day. I feel very blessed."

For years, Mendez has traversed the country, speaking to students about the history and importance of the Mendez case. Mendez said she hopes her story will serve to inspire students to continue their education into college and beyond.

Mendez, who will return Wednesday to Orange County, said she plans to use her Medal of Freedom to further educate and inspire students about the historic case.

"I'm going to show students that no matter your race or background, anything is possible," she said.



[Watch a video of the 2010 Presidential Medal of Freedom Ceremony held at the White House.](#)

[SLIDE SHOW: O.C. civil rights icon Mendez awarded Medal of Freedom 15 Photos »](#)

[VIDEO: 2010 Presidential Medal of Freedom Ceremony](#)