

Multicultural America: A Multimedia Encyclopedia

Mendez v. Westminster (1946)

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In an era of segregated schools, *Mendez v. Westminster School District* (1946) challenged the constitutionality of the “separate but equal” doctrine and spurred the integration of California's Mexican American students into schools reserved for white students. The *Mendez v. Westminster* federal court case served as an important example for the *Brown v. Board of Education* (1954) Supreme Court case, which ended de jure segregation at the national level and began the integration of all public institutions.

At the end of the Mexican-American War in 1848, the residents living in the former territory of Mexico were offered U.S. citizenship. Citizenship did not confer equality, however, and Mexican Americans were relegated to second-class status in a segregated society, much like African Americans, Native Americans, and Asian Americans in other parts of the United States. Racial segregation, in addition to being a common practice, became de jure, or written, law as a result of the 1896 Supreme Court decision in *Plessy v. Ferguson*, which stated that public facilities could be established that were “separate but equal.” Restaurants, theaters, and parks could have a “whites only” policy or admit people of color with certain restrictions, such as the public swimming pool on the day before it was drained and cleaned. In schools, minority students were either tracked into segregated classes or attended an entirely separate school.

Local Schools Versus “Mexican” Schools

Like many Latinos who were attracted to Orange County, California, in the 1920s and 1930s, Gonzalo Méndez and his wife, Felicitas, came to work in the booming citrus belt. They saved enough money to buy a restaurant in Santa Ana and then, during World War II, moved to nearby Westminster to lease a 60-acre farm owned by an interned Japanese American family.

It was the fall of 1943 when Gonzalo Méndez's sister, Soledad Vidaurri, took the three Méndez children and her two daughters to enroll in the closest school: 17th Street Elementary. An administrator determined that the [p. 1437 ↓] Vidaurri children, who were half-Mexican but light-skinned and with a French surname, could attend; however,

the darker-skinned Méndez children would have to go to the “Mexican” school, Hoover Elementary.

Not only was Hoover 10 blocks farther away, but it also shared features common for Mexican schools of the era: run-down facilities, outdated materials, and a curriculum that focused on labor and domestic skills rather than scholastic achievement. The Méndezes went to the superintendent to protest the policy and wrote a letter to the Westminster School Board demanding that it integrate the schools. An eventual offer for the Méndez children to attend the white school was rejected because the school board's integration policy would not be changed for the rest of the Hoover students.

Together with four other Mexican American families (Estrada, Guzman, Palomino, and Ramirez) who were fighting the same battle in nearby towns, the Méndezes filed suit against the Westminster, Santa Ana, Garden Grove, and El Modena School Districts on behalf of over 5,000 children. David Marcus, a Los Angeles attorney who had recently won a desegregation case against a neighboring city, was contracted to represent the plaintiffs. Marcus needed to carefully craft his arguments because other cases had unsuccessfully tried to strike down the “separate but equal” clause.

When the case went to trial in 1945, defense attorney Joel Ogle argued not only that segregation was supported by the *Plessy v. Ferguson* decision but also that it had social and educational advantages. Mexican schools gave special instruction in “Americanization” programs that emphasized values, work habits, sanitation practices, and language instruction for those who didn't speak English. The overt racism of these programs became apparent when the defense called James Kent, superintendent of the Garden Grove School District, to the stand. He declared under oath that the Mexican students were inferior and had poor moral habits, and as such were unqualified to attend white schools.

In turn, Marcus—for the plaintiffs—pointed out that no language proficiency tests were given to the three Méndez children, all of whom demonstrated their English fluency when they testified in court. Instead of focusing on the inferiority of resources, as previous cases had, Marcus argued that the school districts were segregating on the basis of nationality, which violated the equal protection clause of the Fourteenth Amendment. On February 18, 1946, Judge Paul McCormick ruled in favor of Méndez

and his co-plaintiffs that segregated education was socially, psychologically, and academically damaging to Mexican American children.

The defense attracted national attention when it announced it would appeal the decision, which was filed on December 10, 1946. Several leading civil liberties and multiracial organizations supported the plaintiffs. The League of United Latin American Citizens (LULAC) provided funds for legal fees, and the National Lawyers Guild, American Jewish Congress, and Japanese American Citizens League submitted “friend of the court” briefs. Two of the amicus briefs written by the American Civil Liberties Union (ACLU) and the National Association for the Advancement of Colored People (NAACP) specifically called for a challenge to the U.S. Supreme Court's “separate but equal” interpretation.

On April 14, 1947, the seven justices of the Ninth Circuit Court of Appeals unanimously upheld Judge McCormick's decision in *Mendez v. Westminster*. Although the appeals court did not challenge de jure segregation in the rest of the country, the case had significant regional and state impact by affirming that it was unlawful to segregate Mexican children on the basis of national origin. Mexican Americans won representation on school boards, and other towns voluntarily opened integrated schools.

Earl Warren, who was then governor of California, signed a law to repeal the school segregation statutes in the California Education Code (sections 8003 and 8004 of the California Education Code). Seven years later, Warren was chief justice of the U.S. Supreme Court and presided over the *Brown v. Board of Education* case. In addition, Thurgood Marshall, who had cowritten the aforementioned NAACP amicus curiae brief, represented the plaintiffs.

Although this case is not as well known as *Brown v. Board of Education* (1954), it was important in the process of fostering an integrated and multicultural society. *Mendez v. Westminster* [p. 1438 ↓] illuminated both the discrimination embedded in racist structures and the important role that Mexican Americans—in collaboration with other marginalized groups—played in the struggle for equity and civil rights.

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See Also:

Further Readings

Blanco, Maria. "The Lasting Impact of *Mendez v. Westminster* in the Struggle for Desegregation ." <http://www.immigrationpolicy.org/perspectives/lasting-impact-mendez-v-westminster-struggle-desegregation> (Accessed August 2012).

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