

Méndez v. Westminster: A Reenactment

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Actors:

Student 1: Giselle Valdez

Student 2: Mercedes Chavez

Student 3: Mario Reyes Solano

Sylvia: Nicole Castillo

Gonzalo: Rudy Carmenaty

Felicitas: Andrea Saavedra

Receptionist: Kevin Paredes

Petitioner in District Court: Nicolas Rodriguez

Respondent in District Court: Tatiana Zapata

District Court Judge: The Honorable Joanne D. Quiñones

Appellant in Ninth Circuit: Theodore Tamayo

Thurgood Marshall as Amici: Gabriel Tejada

Ninth Circuit Judge: The Honorable Analisa Torres and Betsy Barros

ACT I: INTRODUCTION

Scene 1: Law School Study Group Delves into The Case

[3 Latinx students sitting at a desk, center stage, in a study group. There are textbooks at the table. They are reviewing Constitutional Law for their upcoming 1L final. Flipping through the textbook and notes.]

The screen displays a picture of the classroom.

STUDENT 1, GISELLE VALDEZ: I am looking through my notes for Constitutional Law. By the way, did anyone catch the name of the case the professor mentioned when we were discussing *Brown v. Board of Education*? I wrote down a quick note, and it sounded like a Spanish surname.

STUDENT 2, MERCEDES CHAVEZ: Hm. I am not sure. I think the professor mentioned it was related to desegregating schools for Mexican-American children in California, which was decided before *Brown*.

[Student 3 flips through the textbook and lands upon a spot. Points to a footnote.]

STUDENT 3, MARIO REYES SOLANO: Oh! Here it is! I found it here in this footnote on page 400. *Méndez v. Westminster*—a landmark school segregation case that affirmed the right of Mexican-American families to send their children to integrated public schools in California. It was decided in the Ninth Circuit back in the 1930s or 1940s.

[Students flip to that page in their textbook.]

STUDENT 2, MERCEDES CHAVEZ: Oh, fascinating. Thanks for finding it. I will add it to my notes, but I wish we had talked about it more in Constitutional Law. It’s great to study a civil rights case with Latino petitioners. Here, it reads—“the Méndez family.”

STUDENT 1, GISELLE VALDEZ: Right! It was really only brought up in passing when we were talking about the 14th Amendment, and I jotted it down. Now that we know the case *Mendez v. Westminster*, I am going to look more into it. It will be great to learn more about this case as we continue to study the 14th amendment in class.

STUDENT 2, MERCEDES CHAVEZ: Let us know if you find anything interesting! Ok, this has been a great study session. I have to head out to a LaLSA meeting.

STUDENT 3, MARIO REYES SOLANO: Me, too! We'll come back to Con Law at a later study session..

*[Students 2 and 3 pack their things and exit stage right.
Student 1 stays at the desk. Pulls out a laptop and starts typing.]*

The screen displays a picture of a WestLaw homescreen.

STUDENT 1, GISELLE VALDEZ: Alright. Let me search on WestLaw for this case... *Méndez v. Westminster?*... It was a 1947 federal court case challenging schools and their superintendents that segregated Mexican-American students in four districts in Orange County, California.

The screen displays a picture of Orange County, California.

Ok, this is all very interesting. I wonder who the Méndez family is. Let me look into it further.

The screen displays a picture of the Méndez family.

Oh look, here are some pictures of the Méndez family...I wonder how this case all began and why they decided to file suit...

[Music interlude.]

Scene 2: Introducing Méndez family

[Méndez family enters stage right (Gonzalo Mendez, Felicitas, and Sylvia). They are trying to enroll Sylvia at the school. It is called the 17th Street School in the Westminster School District.]¹

The screen displays a picture of 17th Street School.

¹ **Note to Judge Vargas and Judge Mejias-Glover:** We note that this scene is not entirely historically accurate, as Soledad was the one who tried to enroll the students, including Sylvia and her brothers and her children. However, due to our amount of student involvement, we are only able to accommodate a few actors for this scene. Thus, we made a creative choice to slightly change and edit the story. Could this be expressed in a disclaimer prior to the re-enactment?

SYLVIA, NICOLE CASTILLO: *energetically looking around, points to the screen that now displays the playground.* Mira mamá! Look at the beautiful playground at this school! They have monkey bars, a teeter-totter, swings. A beautiful, green lawn. I really want to go to school here. Recess would be so fun.

FELICITAS, DEAN SAAVEDRA: Si, *mijita*, it is really nice. We are so excited for you and your brothers to come here. Best teachers in the district, great resources... We are very fortunate that the Mu-ne-mit-sus have allowed us to lease their land so that we could be in this district. They are wonderful friends and neighbors. Without their generous support, this opportunity would not have been possible. Let's go to the school office to enroll you and your brothers at the school.

[All three family members walk across the stage to the desk. Stage screen turns to a school office. They go to the desk. The student narrator is now on the side. The receptionist enters, sitting at the desk. The family approaches the desk. The receptionist is rude and uncaring.]

GONZALO, RUDY CARMENATY: Hello. Good afternoon. My name is Gonzalo Mendez, and I am here to enroll our daughter, Sylvia Méndez at the 17th Street School. We would also like to enroll her brothers.

[Receptionist looks down to the sheet, skeptically. Starts writing a note.]

RECEPTIONIST, KEVIN PAREDES: Hm....Sylvia Méndez you said?

GONZALO, RUDY CARMENATY: Yes, ma'am.

[Receptionist looks at the family up and down. He speaks condescendingly and takes a sigh.]

RECEPTIONIST, KEVIN PAREDES: Sir, unfortunately, Sylvia Méndez and her brothers cannot attend the 17th Street School. We only allow **English-speaking** students to attend our school. However, there is a suitable alternative for Sylvia. It is called the Hoover Elementary School.

[The slide displays the Hoover School.](#)

and it is also in the Westminster School District. I can direct you to their office to enroll. For a child **like her**, this would be a much better choice. She will also get along with the students better and have a curriculum more suited to her needs. 17th Street School is not a good fit for your children.

FELICITAS, DEAN SAAVEDRA: Our daughter speaks English very well and is capable of attending school here. She would be happy to speak with you now, right Sylvia? Is there anything we can do to show that she is capable of attending 17th Street School? Is there perhaps a test she can take or a teacher we can speak to?

RECEPTIONIST, KEVIN PAREDES: We do not have language tests on-hand today. She and all of your children will have to attend the Hoover School. 17th Street School is **not** an option for them. This decision is final.

GONZALO, RUDY CARMENATY: This decision is unfair and unjust to our children. Why is she being treated differently than any other child who comes in this office to be enrolled? She is highly intelligent for her age. She speaks perfect English. She is friendly and would get along with **all students**. There has to be a way she can attend school here. Can I speak to your principal or have the contact information of the Westminster School Board?

RECEPTIONIST, KEVIN PAREDES: *Sighs heavily. Speaks passive aggressively.*

I can take you to our back office to meet with the principal, **if** he is available. However, this decision is final.

[Gonzalo and Receptionist leave stage left.

Felicitas and Sylvia take center stage.]

SYLVIA, NICOLE CASTILLO: Mamá, I really want to go to school here. The playground is great. You know I speak English. Why won't they let me?

FELICITAS, DEAN SAAVEDRA: *puts her hand on Sylvia's shoulder.*

Mija, the playground is very nice for you. But let me be clear, this is not why we are challenging their choice. We are fighting for you to attend this school because under God we're all equal. And you truly belong at that school, just like everybody else belongs at that school. You are not any less capable as you speak perfect English. You belong in the school for your district. You and your brothers deserve the best education. And your

father and I will do whatever we can to ensure that you receive the best resources and schooling. Other families will join us.

[Gonzalo re-enters from stage right. He is visibly upset.]

GONZALO, RUDY CARMENATY: This is a ridiculous injustice. Why are they not allowing our children to go to school here? The more people I talk to, the more unethical and racially biased the schools' practices appear to be. I spoke with the principal, and he reiterated that our children were entirely unable to attend this school. Yet, he could not provide one single reason why they could not attend, other than that they don't speak English. This is absurd! Sylvia and her brothers speak perfect English. This is the school and the district our children belong in. My sister Soledad Vidaurri was able to enroll her children at the school, and ours were denied. I am sure they are only looking at their last names.

[Gonzalo turns to speak to the audience.]

The screen displays the next slide of the Hoover School.

When I challenged his assumptions, the principal said he would not provide a language test or even learn how capable our children are to attend this school. He said the Hoover School is the only option and the best option for our children. Everyone knows that Hoover School does not provide the same resources or education. There is no playground. I am sure they keep doing this only to Mexican-American children in the area because they are of Mexican descent. I noticed the immediate change in the tone in their voice when they read our last name "Mendez." It appears that this practice is rooted in discrimination and bias to our Mexican community. I will now go talk to other Mexican and Chicano parents and even our family attorney to see if something can be done to fix this. I will go talk to the school board and the Superintendent. Our children and all Mexican and Chicano children in the area deserve to attend this school!

[Méndez family exits stage.]

ACT II: DISTRICT COURT ARGUMENTS AND DECISION

Scene 1: Setting the Stage for the Trial Proceedings

[Student 1 Speaks to Audience]

The screen displays the next slide of the district map.

STUDENT 1, GISELLE VALDEZ:

After I delved into the struggles faced by the Méndez family leading up to the case, I knew I wanted to learn more and share this story with my study group. I researched how the case was initially filed and the arguments on both sides of the segregation issue. Four other Mexican fathers joined Gonzalo in challenging the segregated practice in the U.S. District Court for the Southern District of California, Central Division. They were all represented by attorney David Marcus. On March 2, 1945, David Marcus filed a class action lawsuit in the District Court on behalf of the named families and 5,000 other similarly situated people of “Mexican and Latin descent” who resided in the Orange County area. The initial complaint was filed against Garden Grove Elementary School District, Westminster School District, Santa Ana City Schools, and El Modeno School District in Orange County, California.

The screen displays the next slide of Méndez and Marcus' photo.

The petition alleged that for several years, the districts acted with a common scheme to exclude children of Mexican or Latin descent from “attending, using, enjoying, and receiving the benefits of the education and recreation facilities” of certain schools within their respective districts. It further alleged that these children had been segregated and required to attend certain schools that were reserved exclusively for children of Mexican and Latin descent, while other schools, with better resources, were reserved exclusively for White children. The petition argued that these practices were in direct violation of the petitioners’ rights and privileges as guaranteed by the U.S. Constitution. There were amicus briefs filed at the District Court level, including one by the National Lawyers Guild and the American Civil Liberties Union.

Looking more closely at the case, I learned more about the arguments made in the District Court and the District Court’s post-trial decision.

[Narrator exits; Both attorneys enter center stage. Judge enters stage]

Scene 2: The Trial Proceedings

The screen displays the next slide of the petitioners' names.

THE COURT (JUDGE QUIÑONES):

Petitioner, you may proceed.

DAVID MARCUS (NICO RODRIGUEZ):

You honor, opposing counsel, members of the gallery, may it please the Court.

My name is David Marcus and I represent the named petitioners in this case, in addition to 5,000 persons of Mexican and Latin descent who have been negatively impacted by their class and categorical segregation from certain public schools in the Westminster, Garden Grove, and El Modeno School Districts, as well as the Santa Ana City schools.

We bring this suit to challenge the constitutionality of the school districts' rules that American children of Mexican descent must be segregated in the public school system. The children have been arbitrarily assigned to attend schools reserved for, and attended solely and exclusively by, children of Mexican and Latin descent, while other schools in the same system were reserved solely and exclusively for white children. The facts show that the respondents have enacted these laws in their respective districts without a rational basis, and the relief we seek is a declaration that these laws violate both California and Federal Law. We demand that the districts be required to desegregate.

THE COURT (JUDGE QUIÑONES): Counsel, is it your argument that the school districts have a written policy in place of segregating children of Mexican and Latin descent?

DAVID MARCUS (NICO RODRIGUEZ):

Your Honor, the Respondents *allege* that they do not have an official policy in place; however, in practice the facts prove otherwise. In fact, for several years, these school districts have executed plans that exclude children

based on no other ground than ancestry. The segregation of children here undoubtedly violates the Equal Protection clause of the 14th Amendment.

The Respondents' answer even *admitted* that Mexican children were **segregated** from other children. Thus, the Respondents have the burden to prove that this segregation is not in violation of the Constitution.

Respondents argue that Mexican children are dirty, don't speak English, are inferior to other children, and don't have the mental capability of white children. These arguments are **UNJUST** and **FALSE**. Many Mexican children speak English perfectly; they have proved their intelligence in schools; and they are not dirty. Thus, it is right for the parents of these children to call for justice. Their children have had their federal constitutional rights violated without justification or reason.

The respondents claim that this segregation is for the Mexican children's own benefit. Mr. Kent, the Superintendent of Garden Grove Schools, testified that the Hoover school "serves" Spanish-speaking students as they have a defective "bilingual handicap." He stated that students were sent to this school only because of linguistic difficulties, not due to Mexican ancestry. He stated that these Mexicans needed to be taught mannerisms and cleanliness, through a process of "Americanization." The children need to know "*Mother Goose rhymes*" and tales of American heroes spoken in the English language. He **claimed** that if these standards were met, the student would be allowed to attend the school. Mr. Kent was incorrect. Once again, the facts prove otherwise. We have testimony from various families that their children met the standards, spoke **perfect** English, **lived** in the correct school district and **yet** were still denied from attending the school **because they were Mexicans**. The Superintendent of Schools in the Santa Ana City School District stated that they, instead, classified these children based on looking at **their names**.

Thus, the constitutional violations are sustained by undisputed proof of usage and custom. In every district, the segregation was complete and, except in a few instances, no Mexican child had attended a school other than those where no others were enrolled. Some Mexican pupils had all of the qualifications, the only hang up was their ancestry. Thus, they were denied.

It would be irrational to conclude that the cultural background of an American child of Mexican ancestry requires schooling in another institution based on an "assumed deficiency" in the **familiarity of Mother Goose rhymes**. Ability in a foreign language is a **STRENGTH**, not a handicap. Under our constitutional structure, **ALL PERSONS** are entitled to equal protection of the law. The school boards have failed to live up to this promise. Here, **separate is not equal**. Simply look at the evidence presented of the differences in resources

and outcomes of the schools reserved for children of Mexican or Latin descent as compared to those for students classified as white by the School Districts.

The rules and regulations of these school boards were constructed and applied to violate the equal protection clause of the 14th Amendment and have denied to pupils of Mexican ancestry the privileges and immunities accorded to all other American students. This court's decision is of tremendous importance. We cannot fail these students. Therefore, we ask that this court find the segregation in these school districts unconstitutional. Thank you.

THE COURT (JUDGE QUIÑONES):

Thank you, Counselor. Respondents, you may proceed.

[The screen displays the next slide of the respondents' names.](#)

JOEL OGLE (TATIANA ZAPATA):

Good evening your Honors and may it please the Court. My name is Joel Ogle and I represent the respondents: Westminster School District of Orange County, Garden Grove, and El Modeno School Districts, and the Santa Ana City schools and the Local Superintendents of said school districts.

First, we'd like to address the issue of jurisdiction. Here, the court lacks jurisdiction over the subject matter because there is no federal question involved. Education is exclusively a state matter. This is not a suit authorized to be brought by any person to redress the deprivation, under color of any law, statute, ordinance, regulation, custom, or usage, of any right of privilege or immunities afforded by the Constitution. In *Plessy v. Ferguson*, this Court held that the Constitution does not guarantee social equality. Section 1 of the Fourteenth Amendment allows for citizens to be given equal opportunities and facilities for an education at a public expense, which Respondents provide. Respondents have not denied or impinged upon any right guaranteed to the students here by Section 1 of the Fourteenth Amendment. Therefore, the schools have not violated any of the students' constitutional rights.

Westminster School District operates and maintains two elementary schools. These schools are in the district where many families of Mexican descent live. These families speak the Spanish language in their homes and a large number of the children are unfamiliar with English when they begin school. Thus, in order to ensure

efficient instruction for these pupils, the Westminster School District instructs these students in different school locations from students who are familiar with the English language.

The different school location is for the students' benefit. The Board of Trustees of this District stated that it is in the best interests of pupils of Mexican descent and English speaking pupils that these groups be educated separately as they begin their elementary education. Thus, the Board established a rule requiring Mexican students who were unfamiliar with the English language to attend a school set apart for this specific purpose and benefit. The students only had to attend the school until they became proficient in the English language. The school for students of Mexican descent is furnished and supported with all of the same facilities and instruction of those schools for English-speaking students in the district, in conformance with this country's separate-but-equal precedent from *Plessy v. Ferguson*. Additionally, the teachers who instruct these students have the same qualifications and are paid the same.

The respondents do not have a rule, regulation, or custom that would deny the admission of a student of Mexican descent to a school within the district solely on the basis of their descent. Thus, we request that the action be dismissed and the Respondents have judgment for their costs incurred. Thank you.

[The screen displays the slide of Judge McCormick.](#)

THE HONORABLE PAUL J. MCCORMICK, U.S. DISTRICT COURT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA (JUDGE QUIÑONES):

Thank you, Counselors.

I, the Honorable Paul John McCormick of the United States District Court for the Southern District of California, will now deliver the decision of the District Court.

I hereby adjudge and decree that this action is a representative class action on behalf of the Mendez, Guzman, Palomino, Estrada and Ramirez families and of all similarly situated persons of Latin and Mexican descent. The action has been properly brought before me.

It is conceded by all parties that there is no question of race discrimination in this action. It is, however, admitted that segregation *per se* is practiced in the school districts as the Spanish-speaking children enter school life and as they advance through the grades in their respective school districts. The Westminster, Garden Grove and El

Modeno school districts and Santa Ana City schools require children of Mexican ancestry or descent to attend schools designated by the boards separate and apart from English-speaking pupils until they acquire some proficiency in the English language.

The ultimate question for this Court is whether such official action of the defendant school districts, and the usage and practices pursued by the respective school authorities as shown by the evidence, operate to deny or deprive the so-called non-English speaking school children of Mexican ancestry or descent within such school districts of the equal protection of the laws?

Education is not absolutely or exclusively a state matter. A violation by a State of a personal right or privilege protected by the Fourteenth Amendment, such as the State's duty to provide for the education of its residents, justifies intervention by this Federal Court.

We hold today that the equal protection of the laws pertaining to the public school system in California is not provided by furnishing in separate schools the same facilities, textbooks, 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 system of public education is social equality. It must be open to all children, regardless of lineage.

Spanish speaking children are unable to learn English if they are not given any exposure to English. Commingling the entire student body instills and develops a common cultural attitude among school children, essential for the perpetuation of American ideals. Segregation in these school districts fosters antagonisms in children and inferiority among them where none exists.

The regulations, customs, usages, and practices of defendants in segregating persons and pupils of Latin and Mexican descent in separate schools manifests a clear purpose to arbitrarily discriminate against these students and to deny them the equal protection of the laws.

Accordingly, it is ordered, adjudged, and decreed that these practices are arbitrary and discriminatory and in violation of plaintiffs' constitutional rights. Schools in one's own district must be open to all children regardless of lineage and descent.

Therefore, it is also ordered that the defendants are permanently restrained and enjoined from segregating pupils of Latin or Mexican descent in the elementary schools of the defendant school districts, in the City of Santa Ana, California, and elsewhere in Orange County, and in the state of California.

ACT III: THE APPELLATE ARGUMENTS AT THE NINTH CIRCUIT

STUDENT 1, GISELLE VALDEZ: This decision was a historic win for the Mendez family and all of the students of Mexican descent in the Orange County area. However, the Westminster School District of Orange County and the Superintendents of the various districts were dissatisfied with the outcome. They ultimately appealed the decision to the Ninth Circuit Court of Appeals.

The screen displays the next slide of the appeal news article.

[Student Narrator exits.

Both counselors and the Judges enter center stage.]

The screen displays the slide of the appeal.

Scene 1: The Proceedings

APPELLANT, JOEL OGLE FOR THE COUNTIES (THEO TAMAYO):

Good evening your Honors, and may it please the Court. My name is Joel Ogle and I represent the appellants: Westminster School District, Garden Grove Elementary School District, El Modeno School District, the Santa Ana City schools, and the Local Trustees and Superintendents of said school districts.

Appellants assign two points of error to the District Court's denial of our Motion to Dismiss: first, that the District Court lacked subject matter jurisdiction of this action, and second, that Appellees have failed to state a claim upon which relief can be granted.

The District Court determined that the establishment of separate school systems for pupils of Mexican or Latin descent and pupils of White or Anglo Saxon descent raised a substantial federal question that brought this case within its jurisdiction. It based this conclusion on the premise that the operation of the separate school systems

violated Appellees' rights, privileges, or immunities under the Federal Constitution, particularly the Fourteenth Amendment right to the Equal Protection of the Laws.

Appellants contend that this premise was itself in error. The Supreme Court held in *Cummings v. Richmond Board of Education* that public education funded by State taxes is purely a matter of State concern. Furthermore, as the Appellees do not dispute, Appellants have provided all pupils within their jurisdictions with equal facilities and equal instruction, and Supreme Court precedent holds that providing separate yet equal facilities to distinct groups does not violate the Equal Protection of the laws. There is no allegation in the Petition that the schools reserved for and attended by children of Mexican descent are any different from other schools maintained by Appellants. There is no claim that the technical facilities, physical conveniences, efficiency of the teachers, or class curricula are different from those in any other schools maintained by Appellants. There is no allegation that the students received fewer opportunities as a result of attending these schools. Thus, there is no Federal right at issue to provide a Federal Court with subject matter jurisdiction, and the District Court erred in finding it had jurisdiction to hear this case.

In the alternative, Appellants contend that the actions, rules, or regulations complained of were not made pursuant to or under color of the law of the State of California, and thus Appellees cannot state a claim for a violation of their Constitutional rights. The Fourteenth Amendment orders that “No State shall... deny to any person within its jurisdiction the equal protection of the laws.” Appellees argue that the Appellants, as agents of the government, violated this right by establishing separate schools for the education of pupils of Mexican or Latin descent, separate and apart from schools maintained for other pupils. However, the Petition did not allege that this separation, or any of the other conduct at issue, was sanctioned by the State Board of Education or any law of the State of California. Nor could it: Section 2204 of the California Education Code provides that “The governing board of any school district shall... prescribe and enforce rules not inconsistent with law or with the rules prescribed by the State Board of Education.” The District Court stipulated to the fact that Appellants' individual agents clearly ran afoul of this provision, finding that the “method of public school administration is contrary to the general requirements of the laws of the State of California.” That Court concluded that the segregation at issue “indicates an official school policy that is antagonistic in principle and action to” the Education Code. Appellants argue not only that no such official policy existed, but that such a policy could not exist given the status of school districts as mere administrative agencies of the State. Thus, the individual agents did not and could not act as agents of the State in organizing the systems of separate schools in their districts. As the officers at issue in this case could not have claimed to act under statutory authority, there is no State action present, and Appellees cannot make out a claim under the Equal Protection Clause.

For the foregoing reasons, we submit that the Petition, opinions, and findings conclusively show that there is no Federal question involved in this action, that the District Court erred in denying Appellants Motion to Dismiss, and that the judgment of the District Court should be reversed. Thank you.

[Student narrator enters.]

STUDENT 1, GISELLE VALDEZ: As in the District Court proceedings, various amicus briefs in support of the *Méndez* family were filed including briefs by the NAACP, American Jewish Congress, ACLU, the Japanese-American Citizens League, and the California Attorney General. Thurgood Marshall and co-counsel Robert Carter, who was later appointed as a federal judge in the Southern District of New York, and Loren Miller assisted in filing the amicus brief on behalf of the NAACP. As Thurgood Marshall also argued *Brown v. Board of Education*, I became particularly interested in learning more about the arguments presented in the amicus brief for *Mendez*. I decided to research his role some more...

[Student narrator exits. Thurgood Marshall enters stage right.]

[The screen displays the slide of Thurgood Marshall.](#)

THURGOOD MARSHALL, GABRIEL TEJADA:

To the honorable judges of the United States Circuit Court of Appeals for the Ninth Circuit, I, Thurgood Marshall, on behalf of the National Association for the Advancement of Colored People, move that the Court permit us to file this brief as Amicus Curiae.

Gonzalo Mendez, on behalf of five thousand persons similarly situated of Mexican or Latin descent, filed a class action lawsuit. The complaint alleges a concerted policy and design of class discrimination against elementary school students of Mexican or Latin descent by the defendant school agencies, which results in the denial of equal protection of the laws to petitioners and the class of persons whom they represent.

Here, the respective defendant agencies have maintained a policy, custom, and usage of excluding children of Mexican descent from attending, using, and enjoying the benefits of education at certain schools in their respective school districts. They require these students to attend schools reserved for and attended solely by persons of Mexican descent; thus, this exclusion is on the basis of race and national origin. While it was stipulated that there are no inequalities between the schools maintained for those of Mexican and Latin origin

versus those for White students, the court below considered the separation itself as a violation of the equal protection of the laws guaranteed by the U.S. Constitution. That conclusion was correct.

The Fourteenth Amendment was designed to benefit newly freed Black individuals, but its protection has been extended to all persons. By its adoption, Congress intended to create and assure full citizenship rights, privileges, and immunities for all Americans, including this minority. Although the United States Supreme Court has limited the scope of the Fourteenth Amendment more narrowly than its framers intended from its adoption to the present, the decisions have almost uniformly considered classifications and discrimination on the basis of race as contrary to its provisions, as in *Ex parte Virginia* and *Strauder v. West Virginia*. Thus, the acts of state agencies which have established distinctions on racial lines have been struck down as violative of its provisions. Even our national government is prohibited from making distinctions on the basis of race and color, as the requirements of due process require. Thus, since the Civil War, a body of constitutional law has developed which proscribes both our national and state governments from making distinctions and classifications and from discriminating on the basis of race, color, or national origin.

The equality demanded by the Constitution and laws of the United States cannot be realized under a system of segregation. Discrimination is the direct result of segregation. Racial segregation in education originated as a social weapon to keep Black citizens in a status inferior to white citizens. The mere fact that one particular school in one particular area provides equal facilities despite the fact of segregation, does not invalidate this fact. In fact, the existence of such instances is even more menacing because they can be pointed to as justification for segregation. The fact is, that where segregation is a general pattern, it is an instrument to enforce inequality.

The educational record and standards in California are high, as a model for many states in the country. However, if the principle of segregation in California remains, those standards will fall, especially as they relate to the success and achievement of students of Mexican and Latin descent. The records and statistics of these states where segregation is a part of public educational policy show that this policy creates severe educational inequalities. The unjust result of segregation is applicable not only to one particular minority, but to any group subjected to the practices of racial segregation; including Black, Mexican, Latin American, or Japanese students. It not only deprives the students of educational opportunities, but it also deprives them of future professional opportunities. This practice promotes racism by teaching the White children and the children of marginalized groups to regard each other as different and apart.

In addition, our national government has signed various treaties with Latin American nations to prevent discrimination on the basis of racial or religious reasons, including the Act of Chapultepec in Mexico City. We have been pursuing the “good neighbor” policy in our foreign relations under the Hoover Administration. Thus, it is essential that persons of Latin and Mexican origin be accorded on our domestic scene the equality which we grant to Mexico and Latin American nations in our international relations.

Segregation on a racial basis in the public school system is arbitrary. It is unreasonable discrimination which should be forbidden under our laws. There are no decisions of the United States Supreme Court that prevent this court from declaring segregation in a state public school system unconstitutional. The Supreme Court in *Plessy v. Ferguson* accepted the “separate but equal doctrine” but limited its application to carrier accommodations. It has been assumed that decisions can apply this theory to validate segregation in public schools. However, this is not the case and in no case has this question been determined.

We have developed a theory of government which finds distinctions on racial grounds invalid to our best interests and contrary to our laws. Thereby, the decision of the lower court should be affirmed.

Scene 2: The Decision

[The screen displays the slide of Judge Stephens.](#)

JUDGE BARROS:

The petition contains allegations of the following facts. A number of minors for themselves and for 5,000 others as to whom the allegations of the complaint apply, students of Mexican descent who attend the public schools of the State of California in Orange County, filed a petition by their fathers for relief against trustees, superintendents of several school districts, and the superintendent, the secretary, and members of a city board of education. A common plan of the school officials has been adopted and practiced and common rules and regulations have been adopted and put into effect whereby “petitioners and all others of Mexican and Latin descent” are “barred, precluded and denied” from attending and using the benefits of education provided to other children.

To this petition, the school officials respond by motion to dismiss for lack of federal court jurisdiction because this is not a suit to be brought to redress the deprivation of any right, privilege, or immunity secured by equal rights protections of United States law. A judgment was entered that all segregation was and is arbitrary and

discriminating and in violation of rights guaranteed by the Constitution. Respondents appeal that judgment and argue that we should reverse based upon the authority of segregation cases such as *Plessy v. Ferguson* in which the Supreme Court upheld the right of states to segregate citizens provided that equal facilities be provided to all.

The screen displays the slide of news clipping.

JUDGE TORRES:

We hold that the respondents actively segregated school children as alleged in the petition contrary to California state law. The court has found that segregation has been practiced for several years and has been adopted by the appellants in the school districts. The petitioners are citizens of the United States of Mexican descent, are of good moral habits, free from any disease or disability, and are fully qualified to attend and use the public school facilities. The amicus curiae briefs pose the question of striking out the question of segregation. We leave this issue to state legislation. However, the segregation in this case is without legislative support and comes into fatal conflict with state legislation. By enforcing the segregation of school children of Mexican descent against their will and contrary to the laws of California, respondents have violated the 14th Amendment of the Federal Constitution by depriving Petitioners of liberty and property without due process of law and depriving them the equal protection of the laws.

The lower court judgment is affirmed.

[Judges and counselors leave center stage]

ACT IV: THE MENDEZ LEGACY

Scene 1: Students Discuss the Impact

[3 original students sit back down in the study group. Student 1 begins speaking to the students]

The screen displays the slide of the classroom.

STUDENT 1, GISELLE VALDEZ: These facts I have told you are the powerful story of *Méndez v. Westminster*. From my research, I have now realized—the door to our education as Latinx students was truly

opened by the Méndez family, especially for myself as a Mexican-American student from Southern California. This case was the *Brown v Board of Education* for Mexican-Americans in California. Two months later after the decision in this case, California's Governor Earl Warren signed a bill ending school segregation in California, making it the first state to officially desegregate its public schools. Advocates like Thurgood Marshall were inspired by this case and drew upon the arguments in the amicus brief for their arguments in *Brown v. Board of Education*. And it was then Chief Justice Earl Warren who delivered the unanimous ruling in *Brown*.

STUDENT 2, MERCEDES CHAVEZ: It is great that we now know about this case and its history. Their story is so inspiring, especially considering our role as Latinx law students. Thank you for sharing it with us. What happened to the Méndez family after the case?

[The screen displays the slide of the U.S. postage stamp.](#)

STUDENT 1, GISELLE VALDEZ: Sylvia Méndez worked for more than 30 years at the Los Angeles University of Southern California Medical Center. Various schools in California have been named after the Méndez family. They have even been honored in a U.S. postage stamp. Most importantly, the Méndez family has sought to ensure that this case lives on in classrooms, by spreading awareness about such a landmark decision. As this fight for justice and equality is not just about Mexican-American students, it is for all marginalized individuals who have opened the door for students to have equal access to education. It's time we also learn this history as future Latinx lawyers.

STUDENT 3, MARIO REYES SOLANO: Wow. I am so grateful for their work. We have to help spread awareness about this case. Let's go share it with the rest of the LaLSA law students!

STUDENT 1, GISELLE VALDEZ: Let's do it! And let's be sure to share the case, *Méndez v. Westminster*, with future Latinx lawyers, too. They should know this history before they enter law school and as practicing attorneys. We are so grateful to the Méndez family and for the work that they have done to spread awareness about this case. It is our duty to carry the torch and pass along the information about *Méndez* to the next generation of Latinx law students. We must continue to shine a light on such a powerfully impactful case.

[Students grab their books and exit the stage.]

End Scene.