

Mendez v Westminster History

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Righting a wrong

Mendez v. Westminster brought an end to segregation in O.C. schools - and ultimately throughout the state and nation.

By Phillip Zonkel, Press Telegram, Staff Writer

IN SEPTEMBER 1943, Sylvia Mendez, then 9 years old, and her two brothers went with their aunt and three cousins to enroll at the 17th Street School in Westminster.

School officials, however, told her aunt that her children, who were half-Mexican but had light skin and a French surname, could register at the "white" elementary school, but the Mendez kids, who were dark skinned and had a Mexican last name, were not allowed; they had to enroll at the "Mexican" school 10 blocks away.

Mendez's parents were appalled and sued the school district in what turned out to be a ground-breaking civil rights case that helped outlaw almost 100 years of segregation in California and was a precedent seven years later for *Brown v. Board of Education*.

"I didn't realize registering for school would have such an impact," says Mendez, 71, who now lives in Fullerton.

Segregation was standard practice in 1940s California (Asian and Native American children also attended separate schools), but it wasn't always the case.

When California Constitution was drafted in 1849, Spanish and English were the state's official languages.

Previous to 1855, Mexican children attended Anglo schools. But after the Mexican-American War and the Treaty of Guadalupe Hidalgo, which ceded California, Arizona, New Mexico and Colorado to the United States, was signed, the state legislature changed a few laws.

In 1855, the state legislature said school boards could not use public funds to educate non-white students. In 1864, non-white students were educated in segregated schools.

Until the Mendez case, the logic of "separate but equal" facilities, which was established by the U.S. Supreme Court in the 1896 case of *Plessy v. Ferguson*, was the law of the land.

The Mendez family (father Gonzalo, mother Felicitas, sons Gonzalo Jr. and Jerome and daughter Sylvia) moved from Santa Ana, where they owned a cafe, to Westminster, where they leased a ranch from the Munemitsu, a Japanese family who was being interned at Poston, Ariz.

When Gonzalo was told his children were barred from the 17th Street School, he talked with the superintendent and then went to the Orange County School District. They rejected his requests that his children be allowed to enroll.

GOING TO COURT

The Mendez family, who had become successful tenant farmers in Westminster, hired David Marcus, a Los Angeles civil rights attorney, to sue the Westminster school district.

But Marcus made a bigger case, and on March 2, 1945, filed *Mendez v. Westminster*, a class-action lawsuit 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.

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The plaintiffs were five Mexican-American families (Mendez, Thomas Estrada, William Guzman, Frank Palomino and



Lorenzo Ramirez) on behalf of 5,000 similarly situated children.

Sylvia says she wasn't surprised by her father's actions. "It was during the war when people were accused of being a Communist if you didn't follow what was right, but he wasn't scared," she says. "He knew that what he was doing was the right thing to do. He was going to right a wrong."

The trial started on July 5 in the U.S. Federal District Court in Los Angeles. Marcus argued that the Mexican children were not treated equally by attending inferior schools with substandard books.

Marcus also argued that the Mexican children were not given adequate language testing before inclusion in the "Mexican" schools, and that segregation based on nationality violated the equal protection clause under the 14th Amendment of the U.S. Constitution.

The school districts' lawyer, on the other hand, said education was a state matter and the federal courts had no jurisdiction. He also argued that students were segregated so Mexican students could receive English lessons that would ready them for immersion with the already fluent English students.

A FAVORABLE RULING

On March 18, 1946, Judge Paul J. McCormick ruled that the "segregation prevalent in the defendant school districts foster antagonisms in the children and suggest inferiority among them where none exists" and that the equal protection clause had been violated.

"That was radical for the time," says Chris Arriola, a Santa Clara County Deputy District Attorney, who has written extensively on the Mendez v. Westminster case. "That decision overturned a law that said segregation was OK."

The school districts appealed the decision, but on April 14, 1947, the 9th Circuit Court of Appeals in San Francisco upheld the federal court ruling.

Shortly thereafter California Gov. Earl Warren pushed the state legislature into repealing laws that segregated Asians and Native American school children.

Mendez v. Westminster also paved the way for another historic civil rights trial.

Thurgood Marshall, who wrote the NAACP's friend of the court brief for Mendez v. Westminster, used the decision as precedent when he argued Brown v. Board of Education in front of the U.S. Supreme Court.

In 1954, Warren, then Chief Justice of the U.S. Supreme Court, wrote the opinion in Brown v. Board of Education that declared school segregation unconstitutional.

In 2007, to mark the Mendez trial's 60th anniversary, the U.S. Postal Service will issue a special stamp. Ten years ago, ground was broken in Santa Ana for the Gonzalo Felicitas Mendez Fundamental Intermediate School. It opened in 2001.

LESSONS NOT LEARNED

Despite the triumphs of Mendez v. Westminster, the case remains largely unknown and unacknowledged. The California State Board of Education does not include the case in its K-12 content standards.

"The horrific part of the story is it's not part of the history books," Arriola says. "The California State Board of Education should be ashamed of themselves for not including it. It's remarkable and frustrating."

But some people are trying to raise the awareness.

Sandra Robbie won a 2003 Emmy for a KOCE-TV documentary "Mendez vs. Westminster: For All the Children/Para Todos Los Ninos." The 30-minute documentary is available at www.koce.org. "This DVD isn't the be all and end all. It's the beginning of the conversation," says Robbie, who also has co-written a children's book called "Mendez vs. Westminster."

Sylvia Mendez also spreads the word. Mendez says that her parents were disappointed no one told them "gracias" for fighting the good fight. Now, Mendez, who speaks at schools throughout the region, says it's her mission to tell people.

"This is my legacy," says Mendez, who has been invited to speak at Harvard University next year. "I told my mom I will make sure everyone knows what you did."

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