



Raitt Street mural in Santa Ana, California. Courtesy of the O' Cadiz family. [https://img.atlasobscura.com/75giJvJEDVktw7\\_66cgl-iADX3b9YKrlDNm7\\_p8zADE/rs:fill:12000:12000/q:81/sm:1/scp:1/ar:1/aHR0cHM6Ly9hdGxh/cy1kZYuczMuYW1h/em9uYXdzLnNvbS91/cGxvYWRzL2Zfc2V0/cy9kNjc5ODRIYTc2/YjlmNjdiNmFfSU1H/XzU3OTYuanBlZw.jpg](https://img.atlasobscura.com/75giJvJEDVktw7_66cgl-iADX3b9YKrlDNm7_p8zADE/rs:fill:12000:12000/q:81/sm:1/scp:1/ar:1/aHR0cHM6Ly9hdGxh/cy1kZYuczMuYW1h/em9uYXdzLnNvbS91/cGxvYWRzL2Zfc2V0/cy9kNjc5ODRIYTc2/YjlmNjdiNmFfSU1H/XzU3OTYuanBlZw.jpg)

# UNITY IN THE FACE OF DISCRIMINATION: HOW MEXICAN-AMERICAN ACTIVISTS CHALLENGED THE EDUCATIONAL SYSTEM

Melissa Carmona

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*Brown v. Board of Education* (1954), which marked the end of de jure school segregation, is believed by many scholars to be the most influential Supreme Court decision of the twentieth century and a turning point in the fight for educational equality. The landmark *Brown* ruling that ended de jure school segregation in the United States was made possible by the efforts of many individuals and organizations over a century-long struggle. This struggle featured numerous court cases that sought to end the segregation of different racial groups, including African-American, Mexican-American, and Asian-American students. While previous scholarship has largely focused on the Black-white school desegregation efforts of the 1950s-1970s, this paper specifically focuses on the series of cases that challenged Mexican-American school segregation in the Southwest before *Brown* and tracks the different legal approaches and community reactions to each case.

Specifically, this paper aims to describe how arguments for desegregation changed over time by analyzing the court opinions of *Del Rio ISD v. Salvatierra* (1930), *Mendez v. Westminster* (1946), and *Delgado v. Bastrop ISD* (1948) as well as interviews with community members involved in *Alvarez v. Lemon Grove* (1931). The progression of court decisions and legal strategies employed by activists will be analyzed to illustrate the dedication of Latino communities in ensuring their students received an equal education in the face of racial, ethnic, and linguistic discrimination. Additionally, this paper seeks to contribute to the reframing of the history of school desegregation by highlighting the pre-*Brown* efforts of Mexican-American activists and legal communities to end de jure school

segregation for Hispanic students through the judicial system.

Although most of the school desegregation cases described in this paper were not fully successful in ending school segregation, they were still monumental in that they presented a common cause for Mexican-American activists to unite behind. Notably, the League of United Latin American Citizens (LULAC), the oldest and largest Latino civil rights organization, was founded during this string of Latino school desegregation cases and consequently centered education as one of the organization's main platforms.<sup>1</sup> Given the legal and social ramifications of these court cases, they must be analyzed to truly understand the legal and cultural journey that activists undertook to end racial school segregation.

This paper will outline these cases chronologically, with an emphasis on Del Rio. As the first legal challenge to Mexican-American segregation, Del Rio reflects the emerging concerns in Latino communities about the education of Mexican-American students in the early 1900s. Themes of linguistic segregation, local school board control, and a lack of resources for Mexican-Americans are introduced in Del Rio and remain present throughout all these cases. Additionally, by analyzing the court opinions of Mendez and Delgado as well as interviews with community members involved in Alvarez, the progression of court decisions and subsequent legal strategies showcase the dedication of Latino communities to ensuring their students received an equal education. This analysis is further supported by LULAC organizational records and court transcripts: even if legal challenges to Mexican-American educational segregation were unsuccessful, these injustices spurred community members to fight for their civil rights.

### **Mexican-American Educational Segregation: Contextualizing This Historical Era**

Del Rio ISD v. Salvierra (1930) was the first state supreme court case that challenged school segregation and addressed the substandard quality of education afforded to Mexican-American children in Texas. Although Del Rio was ultimately unsuccessful in achieving school desegregation, it proved that the Mexican-American community could mobilize against perceived injustices to fight for educational equality. This section will analyze two different prongs of relevant literature: the state of Mexican-American education in Texas, and legal challenges to educational segregation in the twentieth century.

Two key pieces of literature provide context for the history of education policy in Texas. Alma Sánchez Pérez's dissertation, "Bilingual Education Policy in Texas: Pride and Prejuicio," examines the historical oppression faced by bilingual students in Texas.<sup>2</sup> Sánchez Pérez

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1. "LULAC History," League of United Latin American Citizens, accessed March 23, 2023, <https://lulac.org/about/history/>.

2. Alma Sánchez Pérez, "Bilingual Education Policy in Texas: Pride and Prejuicio," PhD diss., (The University of Texas at Austin,

divides Texas educational history into three eras: the bilingual tradition era (1821-1893), the English-only education era (1918-1947), and the bilingual education era (1947-Present).<sup>3</sup> In sum, these eras illustrate how the education of Spanish-speaking and Mexican-American students in Texas was constantly subject to political scrutiny and disenfranchisement, as policymakers constantly sought to eliminate Spanish-language education and provide these students with a worse education than English-speaking students. Second, the article "From the Treaty of Guadalupe Hidalgo to Hopwood" by Guadalupe San Miguel Jr. and Richard Valencia outlines a more general timeline of Mexican-American educational eras: the origins of schooling for Mexican children (1848-1890s), the expansion of Mexican-American education (1890-1930), the changing character of public education (1930-1960), and the contemporary period (1960-present).<sup>4</sup> Through their work, the authors provide a more expansive history of what education has looked like for Mexican-American students across public and private schools. Sánchez Pérez, San Miguel, and Valencia's works outline the social context of the Del Rio community during *Del Rio ISD v. Salviatierra*. Despite the constant ebb and flow of Texas state politics during the late nineteenth and early twentieth centuries, one theme remained present: Mexican-American communities, especially those that were not proficient in English, were consistently disenfranchised and discriminated against when it came to education.

Other literature details the legal challenges to educational segregation made by Mexican-American communities in the Southwest. "The Physical and Cultural Desegregation of Latinx Students in United States Public Schools" by Cassandra Vara details an extensive legal history of all the court cases and legislative bills that were relevant to challenging the segregation of Mexican-American students.<sup>5</sup> Vara references qualitative studies to show the effects of segregation and unequal education facilities: according to the 1950 US Census, on average, Hispanic citizens had seven fewer years of schooling than white citizens.<sup>6</sup> Additionally, Vara reveals that Latino students were often limited to vocational schools, while white students had access to formal academic curricula. This information further contextualizes the egregious educational inequalities perpetuated by segregation that Del Rio sought to challenge. Similarly, Rubén Donato and Jarrod Hanson's article "Legally White, Socially 'Mexican': the Politics of De Jure and De Facto School Segregation in the American Southwest" discusses the legal history of cases that challenged school segregation,

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2007).

3. Alma Sánchez Pérez, "Bilingual Education Policy in Texas: Pride and Prejuicio," 145.

4. Guadalupe San Miguel, Jr and Richard Valencia, "From the Treaty of Guadalupe Hidalgo to Hopwood: The Educational Plight and Struggle of Mexican Americans in the Southwest," *Harvard Educational Review*, 68, no. 3 (1998): 353-413.

5. Cassandra M. Vara, "The Physical and Cultural Desegregation of Latinx Students in United States Public Schools: Historical Precedents and Suggestions for Educators," *Diversity, Social Justice, and the Educational Leader*, 1, no. 1 (2017).

6. Vara, "The Physical and Cultural Desegregation of Latinx Students in United States Public Schools: Historical Precedents and Suggestions for Educators," 7.

specifically focusing on how court cases revealed the conflict between legal and social definitions of race.<sup>7</sup> Donato and Hanson examine why the Del Rio Independent School District (ISD) chose to segregate students based on linguistic differences and how this set a precedent for other school districts. The authors also observe how Mexican-Americans in Del Rio were officially classified as “white” despite being treated like racial minorities.<sup>8</sup> Here, educational segregation is viewed as a product of racial discrimination against Mexican-Americans whose social “otherness” was not legally recognized.

In total, the reviewed literature addresses how early twentieth-century school districts in Texas and New Mexico purposefully segregated Mexican-American students from their white counterparts. In the Del Rio case, this segregation occurred through the placement of Mexican-American students in schools with inferior facilities and less qualified teachers. There is little scholarship written specifically on Del Rio, likely because it was unsuccessful in achieving desegregation. However, it was still a trailblazing effort that helped legitimize Mexican-American activist efforts. By tying the Del Rio case to the broader timeline of Mexican-American educational segregation that followed it, this paper aims to better represent the history of Mexican-American struggles against discrimination.

### **In Defense of Education: LULAC Laying the Groundwork**

LULAC was founded in Corpus Christi, Texas in 1929 (one year before the events of Del Rio), marking the beginning of organized civil rights efforts by Mexican-Americans in the Southwest.<sup>9</sup> LULAC sought to address a multitude of problems faced by the Mexican-American community at the time, which included political disenfranchisement, exclusion from juries, and widespread poverty.<sup>10</sup> Notably, many of LULAC’s initial goals centered focused on ending discrimination and segregation in education. The following is an excerpt from the original 1929 LULAC constitution, which articulates some of the goals and aims of the organization:

[We] assume complete responsibility for the education of our children as to their rights and duties and the language and customs of this country, in so far as they may be good customs... We shall create a fund for our mutual protection, for the defense of those of us who may be unjustly persecuted and for the education and culture of

7. Rubén Donato and Jarrod Hanson, “Legally White, Socially ‘Mexican’: The Politics of De Jure and De Facto School Segregation in the American Southwest,” *Harvard Educational Review*, 82, no. 2 (2012): 202-225.

8. Donato and Hanson, “Legally White, Socially ‘Mexican’” 218.

9. Douglas O. Weeks, “The League Of United Latin-American Citizens: a Texas-Mexican Civic Organization,” *The Southwestern Political and Social Science Quarterly*, 10, no. 3 (1929), <http://www.jstor.org/stable/42880821> (May 02, 2022): 257-278.

10. “LULAC History,” *League of United Latin American Citizens*, accessed March 23, 2023, <https://lulac.org/about/history/>.

our people.<sup>11</sup>



Original Blackwell School, 1909. Photo: Courtesy of The Blackwell School Alliance. [https://images.axios.com/k53oEzUYQqCWjw9ZqAneXK0\\_1HU=/2021/12/07/1638901904760.jpg](https://images.axios.com/k53oEzUYQqCWjw9ZqAneXK0_1HU=/2021/12/07/1638901904760.jpg)

The LULAC constitution's authors recognized that education was a key issue that Mexican-American families were concerned with. As such, they emphasized education as one of their main goals. LULAC stated they would "use all legal means at [its] command" to achieve its goals of equal opportunity and protection in education.<sup>12</sup> This intention was quickly realized through LULAC's involvement in Del Rio, Mendez, and Delgado in both legal and economic settings. Many LULAC founders including Vice President Manuel C. (MC) Gonzales and constitution writer José Tomás (JT) Canales championed court cases that challenged Mexican-American school segregation.<sup>13</sup> Additionally, LULAC's wide reach across Texas (and eventually California) created a fundraising base for educational activism. LULAC chapters contributed funds to challenge segregation in these cases because they acknowledged that eliminating Mexican-American segregation would have far-reaching ramifications.<sup>14</sup> Through advertising in local Spanish-language Texas newspapers like *La Prensa* (San Antonio), *El Popular* (Del Rio), and *El Paladin* (Corpus Christi), LULAC was able to solicit funds and keep Mexican-American communities across Texas informed about developments in the Del Rio case.<sup>15</sup> Still, there were limits to what LULAC and other Mexican-American activists could accomplish through these court cases. Because all these cases were filed at the district level and were never appealed to the U.S. Supreme Court, court mandates to end segregation were geographically limited. Also, many courts lacked sufficient power to compel school districts to follow their rulings, so de facto segregation persisted. Specifically, as seen in the Del Rio and Delgado cases, de facto segregation concerning bilingual education was difficult to challenge because educators claimed

11. Alonso S. Perales, "The draft copy of the constitution for the United Latin American Citizens ca. 1929," *Recovering the US Hispanic Literary Heritage Digital Collections*, accessed March 23, 2023, <http://usldhrecovery.uh.edu/items/show/364>.

12. Perales, "The draft copy of the constitution for the United Latin American Citizens ca. 1929."

13. Carolyn Hernandez, "LULAC: The History of a Grass Roots Organization and Its Influence on Educational Policies 1929-1983" (PhD diss., Loyola University Chicago, 1995), accessed March 24, 2023, [https://ecommons.luc.edu/luc\\_diss/3500](https://ecommons.luc.edu/luc_diss/3500).

14. Cynthia Orozco, "Del Rio ISD v. Salvatierra," *Texas State Historical Association*, Accessed May 04, 2022, <https://www.tshaonline.org/handbook/entries/del-rio-isd-v-salvatierra>.

15. Orozco, "Del Rio ISD v. Salvatierra."

segregation was a pedagogical choice.<sup>16</sup> Yet, despite these setbacks, LULAC persisted in its fight against school segregation alongside a united Mexican-American community in the Southwest.

### **Del Rio: The Pedagogical Justification of Segregation**

Del Rio ISD v. Salvatierra was the first case that challenged Mexican-American school segregation in the courts.<sup>17</sup> Del Rio ISD, as its name implies, was an independent school district located in Del Rio, Texas. The city of Del Rio is located along the Texas-Mexico border and to this day has a large Mexican population. However, during the 1920s and 1930s, the Del Rio community was highly segregated, a fact that was blatantly obvious in its education system. Del Rio ISD had four schools: one high school, two elementary schools, and a “Mexican” elementary school.<sup>18</sup> The “Mexican” school was exclusively attended by students of Spanish or Mexican descent and consisted of two rooms constructed solely of brick and tile. Meanwhile, the Del Rio ISD de facto “white” high school was two stories tall and included several rooms and windows.

The main dispute in this case came from Del Rio ISD’s plans to renovate its schools. According to Del Rio ISD’s plans, the “Mexican” school was to be enlarged by five rooms made of brick and tile.<sup>19</sup> Mexican-American parents feared that this expansion would legitimize racial inequality and further deprive Mexican students of educational opportunities afforded to white students. Consequently, Jesus Salvatierra, along with a group of Del Rio Mexican parents, filed suit against Del Rio ISD. The plaintiffs hired John L. Dodson as their legal counsel and enlisted the help of the newly-formed LULAC, which provided them with a fundraising base across Texas and the legal expertise of well-known LULAC members Alonso S. Perales, M.C. Gonzales, and J.T. Canales.

Del Rio ISD claimed to have a pedagogical, not racial, reason for segregating Mexican students into the lower-resourced “Mexican” school. Most Mexican-American students left Del Rio and their schooling every fall to work on farms with their families in different regions. Del Rio ISD claimed that, when these students returned, they were significantly behind students who had remained throughout the full school year. Additionally, Del Rio ISD insisted that these students did not grasp English well enough to learn alongside white English-speaking students. In his courtroom testimony, the Del

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16. Steven H. Wilson, “Brown Over ‘Other White’: Mexican Americans’ Legal Arguments and Litigation Strategy in School Desegregation Lawsuits,” *Law and History Review*, 21, no. 1 (2003): 145-194.

17. *Del Rio ISD v. Salvatierra*, 33 S.W.2d 790 (Tex. Civ. App. 1930).

18. *Del Rio*, 790.

19. *Del Rio*, 790.

Rio ISD superintendent asserted that this segregation was beneficial for Mexican-American students' educational achievement and morale:

I was not actuated by any motive of segregation by reason of race or color in doing what I said I did. The whole proposition was from a standpoint of instruction and a fair opportunity of all children alike. That was the only consideration I had in the matter. There are decided peculiarities of children of Mexican or Spanish descent which can be better taken care of in those elementary grades by their being placed separately from the children of Anglo-Saxon parentage, because the average Spanish speaking children know English as a foreign tongue, and consequently when you put him in a class with English speaking children and teach him according to the method of teaching English speaking children he is greatly handicapped.... The truth is that most of these Spanish speaking children, by reason of the fact that they attend school only a part of the year, are more greatly retarded, and I find from a check up we made again just yesterday that the difference in age in the given grade between the Anglo-Saxon child and the Spanish or Mexican child is anywhere from two to four years.<sup>20</sup>

As evidenced by this quote, Del Rio ISD's motivations for segregating Mexican-American students were two-fold. First, they believed that non-English-speaking students should not be educated alongside fluent English speakers. Second, Del Rio ISD claimed that because many Mexican-American students missed school or started late due to farm work, they were behind academically and could not keep up with white students. However, in later testimony, the Del Rio superintendent admitted that the white students who missed school or came in late—often for the same reason as Mexican students—were not required to attend the Mexican school.<sup>21</sup> Additionally, there is no record that Mexican-American students were tested on their English proficiency or would benefit from separate instruction. The thinly-veiled hypocrisy of Del Rio ISD showcased their biased assumptions that all Mexican-American students were behind in school and could not speak English.

The case was originally heard by District Judge Joseph Jones, who ruled in favor of Salvierra and granted him an injunction. Del Rio ISD appealed the decision, and it was ultimately heard by the Court of Civil Appeals of San Antonio. Here, the original decision was reversed and the injunction was dissolved, meaning that the segregation occurring in Del Rio ISD was upheld. The reasoning for this decision rested on the legal trust and autonomy granted to Del Rio ISD. Still, this trust was built on false assumptions, logical fallacies, and racist tropes that supported racial segregation in education. For example, this

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20. Del Rio, 791.

21. Del Rio, 793.



was the court's reaction to the educational segregation occurring in Texas:

It is a matter of pride and gratification in our great public educational system and its administration that the question of race segregation, as between Mexicans and other white races, has not heretofore found its way into the courts of the state, and therefore the decision of no Texas court is available in the disposition of the precise question presented here.<sup>22</sup>

The court falsely assumed that the lack of cases challenging Mexican-American segregation meant that such segregation did not occur. This implied causation between school segregation and legal challenges ignored the socioeconomic oppression Mexican-American communities faced that often limited their ability to organize around political issues. Other reasons, such as a lack of resources, funding, and an organizational base for activism, were all potential causes for why no legal challenge existed before Del Rio . This was why LULAC's formation in 1929 was so crucial for Del Rio community activists and so instrumental in future cases. Still, because teaching pedagogy was used as justification for segregating Mexican-American students, it was difficult for LULAC and Salvatierra's attorneys to reason against this legal argument. Salvatierra and LULAC attempted to appeal the decision to the United States Supreme Court, but a rehearing was denied. However, this was only the beginning of the legal effort against Mexican-American educational segregation.

### **Alvarez (1931): Setting the Stage for the First Successful Challenge to Segregation**

Like Texas, California was a border state that had a substantial Mexican-American population that experienced educational segregation in the early twentieth century. This discrimination was worsened by a substantial growth in the Mexican-American population, especially in the counties closest to the border. A report published by California Governor C.C. Young's Mexican Fact-Finding Committee in 1930 detailed this rapid population growth. The report found that Orange County and San Diego County (the counties where the Alvarez and Mendez cases were filed) experienced a 175 and 84 percent increase in their Mexican-American populations from 1910 to 1920 respectively.<sup>23</sup> Both counties also had a substantial number of Mexican children: San Diego County housed 5.2 percent of the total Mexican child population in California, while Orange County housed 4.8 percent.<sup>24</sup> The growth of the Mexican-American community in Southern California meant that social

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22. Del Rio, 794.

23. Mexican Fact-Finding Committee, *Mexicans in California*, by Will French, Sacramento: California State Print Office, 1930.

24. Mexican Fact-Finding Committee, *Mexicans in California*, 154.

institutions like public schools had to accommodate Mexican-American students.

Population growth popularized the idea that Mexican-American children should be educated separately. Similar to Del Rio, this separatist view of education was based on the supposed “inferiority” of Mexican-American students. Grace Stanley, a Southern California school district superintendent, published a study in 1920 that advocated for the separate education of Mexican-American students because they were “dull, shy, and stupid.”<sup>25</sup> Believing that integration could harm white students because of differences in academic ability, Stanley advocated for separate schools for Mexican-American students. Stanley’s study, which was widely circulated in academic and educational publications, reflected the popular opinion that Mexican-American students needed separate methods of learning because of their perceived deficiencies.

Widespread belief in these discriminatory views led to Mexican-American educational segregation in Lemon Grove ISD in San Diego County and Alvarez, the first successful school desegregation case. Although there is no case brief for Alvarez since the decision was filed locally at the San Diego County Superior Court and was not appealed, the 1985 PBS Documentary *The Lemon Grove Incident* provides extensive interviews conducted with former students who were involved with the case. Former Mexican-American students recalled that they attended school with white students before January 1931; however, when these students returned to school after winter break, school officials directed them to a separate school.<sup>26</sup> In the words of some former students, the school for Mexican-American students was an “old building” everyone called “La Caballeriza,” or “the stable.” The school’s poor quality prompted Mexican parents to pull their children from Lemon Grove ISD, form the *Comite de Vecinos de Lemon Grove*, and seek legal support from the Mexican Consulate.<sup>27</sup> The Mexican Consulate provided the Lemon Grove community with two lawyers: Fred C. Noon and A.C. Brinkley. Notably, this is the only legal case concerning Mexican-American educational segregation without any form of LULAC support, which was likely due to the newness of the foundation and its lack of chapters in California.

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25. Darrell S. Willey, “Bilingualism: A Review of the Literature Relevant to Preparation of Teachers for Southwestern Spanish-Speaking Children and Youth” (1974), (unpublished report, ERIC Clearinghouse for Junior Colleges, Los Angeles, CA).

26. *The Lemon Grove Incident*, directed by Frank Christopher (1985; San Diego: KPBS, 2017), streaming video.

27. *The Lemon Grove Incident*.

*“The district court rejected the assumption that Mexican-American students learned better separately; educational segregation was deemed unlawful in Lemon Grove ISD, and students had the right to attend integrated schools.”*

Similar to Del Rio ISD, Lemon Grove ISD argued that Mexican-American students had substandard English skills and were academically behind, which meant they required a specialized education in an environment separate from white students.<sup>28</sup> Again, Mexican-American segregation was rationalized as a pedagogical choice. However, the plaintiff’s legal counsel utilized different legal strategies and achieved a different outcome. First, the plaintiff in the case was Roberto Alvarez, a current student of Lemon Grove ISD and not a group of parents like in Del Rio. Although the reasoning behind this was not explicitly stated, having Roberto Alvarez as the plaintiff disproved claims about Mexican-American students having academic and language deficiencies. When asked why Alvarez was chosen to be the plaintiff and a key witness in the case, former Lemon Grove student Anton Brunner responded, “[Roberto Alvarez] was a very intelligent boy. He was a very hard worker. He was very good in school, he always got good grades. He was a very good student.”<sup>29</sup>

Because Alvarez was deemed “intelligent” and proficient in English, his existence proved that Mexican-American segregation, based on pedagogy, was not needed. Second, unlike Del Rio, the plaintiff’s argument in Alvarez was successful. The court ruled that Lemon Grove ISD’s policies were unlawful and detrimental to Mexican-American students. In his concluding statement, presiding judge Claude Chambers stated the following regarding segregation based on linguistic ability:

I understand that you can separate a few children, to improve their education they need special instruction; but to separate all the Mexicans in one group can only be done by infringing the laws of the State of California. And I do not blame the Mexican children because a few of them are behind (in school work) for this segregation. On the contrary, this is a fact in their favor. I believe that this separation denies the Mexican children the presence of the American children, which is so necessary to learn the English language.<sup>30</sup>

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28. The Lemon Grove Incident.

29. The Lemon Grove Incident.

30. The Lemon Grove Incident.

The district court rejected the assumption that Mexican-American students learned better separately; educational segregation was deemed unlawful in Lemon Grove ISD, and students had the right to attend integrated schools. However, while this decision was groundbreaking, Alvarez's impact was relatively limited.<sup>31</sup> Since the district court's ruling was not appealed, neither the appellate nor the supreme courts could establish precedent regarding school segregation. Given the district court's limited jurisdiction, educational segregation for Mexican-Americans largely persisted in Texas and California throughout the 1930s. It would not be until Mendez when a large-scale victory against school segregation was finally achieved.

### **Mendez (1946): Setting a Precedent**

The origins of Mendez are similar to Del Rio and Alvarez in that a Mexican-American community was motivated to legally challenge their local school district after an incident of segregation. Specifically, Sylvia Mendez, a nine-year-old Mexican and Puerto Rican student in Orange County, California, was denied admission to her local school, the all-white Westminster Elementary School, because of her ethnicity.<sup>32,33</sup> This action sparked Mendez's parents to mobilize local families in similar situations and seek help from LULAC to advocate for educational integration. Once united, these parents and activists eventually sought legal help from the Mexican Consulate. The consulate appointed David C. Marcus as the lead attorney for these families, who had previously worked on legal cases concerning labor rights and housing issues for Mexican-Americans in California.<sup>34</sup> After joining the case, Marcus launched a strategic and targeted attack against Mexican-American educational segregation in California, unlike any of the Mexican-American educational segregation cases that came before. Subsequently, the U.S. District Court for the Southern District of California ruled in the plaintiff's favor in Mendez and declared that Mexican-American educational segregation was unlawful.<sup>35</sup> Following this, the Westminster School District and other defendants appealed the decision to the U.S. Court of Appeals for the Ninth Circuit.<sup>36</sup> Here, the original decision was affirmed and two months later, the California State Legislature and Governor Earl Warren struck down the state's segregation statutes, making

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31. Mike Madrid, "The Lemon Grove Desegregation Case: A Matter of Neglected History" in *Latino Civil Rights in Education: La Lucha Sigue*, ed. Anaida Colon-Muniz and Magaly Lavadenz (United Kingdom: Taylor & Francis, 2015), 47-57.

32. Maria Blanco, "Before Brown, there Was Mendez," *The Lasting Impact of Mendez v. Westminster in the Struggle for Desegregation*. (Washington, DC, Perspectives: American Immigration Council, 2010).

33. *Mendez v. Westminster*, 64 F. Supp. 544 (S.D. Cal. 1946)

34. Blanco, "Before Brown, there Was Mendez," 5.

35. Genevieve Carpio, "Unexpected allies: David C. Marcus and His Impact on the Advancement of Civil Rights in the Mexican-American Legal Landscape of Southern California," *Beyond alliances: The Jewish Role in Reshaping the Racial Landscape of Southern California* 9 (2012): 1-32.

36. *Westminster v. Mendez*, 161 F.2d 774 (9th Cir. 1947)

California the first state to end school segregation.<sup>37</sup>

Marcus and his colleagues took a different legal approach than the Del Rio and Alvarez plaintiffs when arguing that the segregation of Mexican-American students was unlawful. Previously, both cases before Mendez grounded their arguments in very localized and specific community events. While it was well known that Mexican-American educational segregation was widespread in Texas and California, the plaintiffs in Del Rio and Alvarez argued solely against desegregation in their respective school districts. In contrast, Mendez took a much more coalitional and community-unifying approach when arguing against Mexican-American segregation. Namely, the plaintiffs in Mendez acknowledged that educational segregation was not an isolated incident but a deliberate pattern of discrimination that affected several Mexican-American communities. The case itself was a class-action lawsuit, filed by five named plaintiffs who were fathers of Mexican-American children on behalf of “some 5,000” people of “Mexican or Latin descent” similarly affected by educational segregation.<sup>38</sup> Additionally, the plaintiffs in Mendez argued against educational segregation in not just one school district, but several. In total, four school districts were named as defendants in Mendez, as well as the respective trustees and superintendents in said school districts and in all of Orange County, California. The sheer number of people named as defendants and plaintiffs reinforced the fact that educational segregation was not just a practice that affected a few families, but a systemic form of discrimination against Mexican-American students. Lastly, the legal efforts behind Mendez were supported by a plethora of civil rights organizations. For the original case filed at the district court level, the American Civil Liberties Union (ACLU) and National Lawyers Guild (NLG) both filed *amicus curiae* briefs in support of Mendez.<sup>39</sup> When the original decision was appealed and heard at the US Circuit Court of Appeals, even more *amicus curiae* briefs in support of Mendez were filed by the National Association for the Advancement of Colored People (NAACP), American Jewish Congress, Japanese-American Citizens League, and the Attorney General of California.<sup>40</sup> As such, Mendez was monumental because it united several different racial and ethnic groups in the fight against segregation.

Another noteworthy approach taken by the plaintiffs in Mendez is the use of social science research to prove the negative effects of educational segregation on Mexican-American students. The plaintiffs called up several social scientists to serve as expert

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37. Vicki L Ruiz, “South by southwest: Mexican Americans and segregated schooling, 1900–1950.” *OAH Magazine of History* 15, no. 2 (2001): 23–27.

38. Mendez, 545.

39. Mendez, 545.

40. Westminster, 775.

witnesses and testify regarding the negative effects of Mexican-American segregation.<sup>41</sup> One such witness was Dr. Ralph L. Beals, professor and chairman of the Department of Anthropology and Sociology at the University of California, Berkeley. In the following excerpt taken from his initial witness examination, Dr. Beals, who had conducted extensive research on Mexican communities in the Southwest, is asked about the effects of segregation on Mexican-American students' ability to learn English and succeed academically:

Question: Is it your opinion . . . that it would be to their best interests, that is, to the best interests of the pupils of Mexican descent, and for the best interests of the English-speaking pupils that the groups be educated separately during the periods that they are in the grades [between first and eighth grade] that I have indicated to you?

Dr. Beals: In my opinion, it is not to the advantage of the pupils, regardless of their linguistic background. . . This is precisely the period when the child would get its best control in English, if it had the fullest possible exposure to it, and segregation defeats the purpose of teaching English, certainly, to the Spanish-speaking child.<sup>42</sup>

Here, it is evident that the plaintiffs in Mendez are trying to avoid the same fate of the Del Rio case, which rationalized Mexican-American educational segregation on the basis of linguistic development and pedagogical preference. Dr. Beals' testimony directly disproves the prevalent notion that Mexican-American students are being segregated for their own benefit because they supposedly need specialized and separate English instruction. Instead, Dr. Beals argues that the integration of Mexican-American students in schools is the best outcome for everyone involved. In addition to the linguistic benefits of integration, Dr. Beals asserts that integration helps assimilate Mexican-American students and disproves the stereotype of Mexican-American students' inferiority. Later in his testimony, Dr. Beals stated that integrated schools helped Mexican-American students become more "Americanized" and adopt predominant white cultural traditions and customs. For white students, integrated schools were essential to expanding their understanding of different cultural backgrounds and breaking down negative Mexican-American stereotypes. Through social science-centered evidence, the plaintiffs in Mendez proved that Mexican-American segregation had quantifiable negative effects on all students and must be ended.

Lastly, Mendez set a precedent by invoking the Fourteenth Amendment to argue

41. Charles Wollenberg, "Mendez v. Westminster: Race, Nationality and Segregation in California Schools," *California Historical Quarterly* 53, no. 4 (1974): 317–32. <https://doi.org/10.2307/25157525>.

42. "Trial Transcript July\_11\_1945," Before the Southern District of California, 677 (1945) (testimony of Dr. Ralph L. Beals, Professor of Sociology and Anthropology), accessed March 23, 2023, <https://mendezetalvwestminster.com/court-documents-2/>.

against educational segregation.<sup>43</sup> The plaintiffs alleged that the segregation policies and practices enacted by the defendants violated “the personal right which every public-school pupil has to the equal protection provision of the Fourteenth Amendment to obtain the means of education.”<sup>44</sup> This argument was successful at the district level, where the court ruled in favor of the plaintiffs. When the case was appealed to the Ninth Circuit US Court of Appeals, this argument was again upheld. The court published an opinion affirming the district court’s decision and stated the following regarding the Fourteenth Amendment:

By enforcing the segregation of school children of Mexican descent against their will and contrary to the laws of California, respondents have violated the federal law as provided in the Fourteenth Amendment to the Federal Constitution by depriving them of liberty and property without due process of law and by denying to them the equal protection of the laws.

Mendez was the first case to successfully argue that school segregation itself was unconstitutional because it violated the Equal Protection Clause under the Fourteenth Amendment. Previously, in cases like *Del Rio*, the plaintiffs alleged that inequality stemmed from unequal schooling conditions, including worse facilities and less qualified teachers. The attorneys in *Del Rio* did not invoke the Fourteenth Amendment or declare that educational segregation itself was fundamentally unjust. This allowed school districts to segregate Mexican-American students, as long as they claimed that there was a valid reason to. Throughout the early twentieth century, the reason for Mexican-American educational segregation was the students’ perceived linguistic deficiencies. However, after Mendez declared that the segregation of Mexican-American students itself was unlawful under the Fourteenth Amendment, the state of California outlawed educational segregation for Mexican-American students.<sup>45</sup>

*“After Mendez declared that the segregation of Mexican-American students itself was unlawful under the Fourteenth Amendment, the state of California outlawed educational segregation for Mexican-American students.”*

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43. Christopher Arriola, “Knocking on the Schoolhouse Door: Mendez v. Westminster, Equal Protection, Public Education, and Mexican Americans in the 1940’s.” *La Raza* LJ 8 (1995): 166.

44. Westminster, 777.

45. Arriola, “Knocking on the Schoolhouse Door,” 166.

Although the issue of Mexican-American segregation presented in Mendez had been argued in California and Texas courts before, the legal approaches and evidence used by the plaintiffs were not utilized in previous cases. Filing a class-action lawsuit against several defendants, using social science research to establish the harms of educational segregation, and invoking the Equal Protection Clause under the Fourteenth Amendment were all relatively new strategies that proved to be especially effective in Mendez. Later cases against educational segregation, like Delgado in Texas and Brown at the Supreme Court level, would draw upon the actions taken by the plaintiffs in Mendez to successfully desegregate schools. For example, NAACP attorneys working on Brown, including Thurgood Marshall, author of the NAACP amicus curiae brief in support of Mendez, filed the testimonies of over forty social scientists in support of school desegregation in an appendix to the plaintiff's brief.<sup>46</sup> Moreover, NAACP attorneys in Brown also argued that the educational segregation of African-American students violated the Fourteenth Amendment, which then ended school segregation on a federal level. Looking at the origins of this legal strategy, Mendez was a crucial stepping stone in advancing not only the desegregation of Mexican-American schools in California but also in challenging school segregation across different races on a federal level.<sup>47</sup>

### **Delgado (1948): One Step Forward, Two Steps Back**

In Texas, no substantive legal challenge against educational desegregation had been pursued since the failed Del Rio case. However, the success of the plaintiffs in Mendez and California's declaration that the educational segregation of Mexican-American students was unlawful inspired activists in Texas to launch their own statewide legal attack. This resulted in Delgado, which was a class action lawsuit filed in the U.S. District Court for the Western District of Texas. Delgado, like Mendez, was a carefully calculated case that used ambitious legal strategies and arguments, such as a long list of plaintiffs and defendants, and the Fourteenth Amendment to establish the widespread nature of educational segregation and argue against it. Being in Texas, this case also benefited from the involvement of established Mexican-American LULAC activists and community members. Notably, this case ended in an agreed-upon judgment that favored the plaintiffs, in which the Texas Educational Board instituted a policy that banned the segregation of students based on Spanish surnames.

Delgado was championed by prominent LULAC members who had been long standing community advocates for educational desegregation and were well-versed in

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46. Lisa Y. Ramos, "Dismantling Segregation Together: Interconnections Between the *Méndez V. Westminster* (1946) and *Brown V. Board of Education* (1954) School Segregation Cases," *Equity & Excellence in Education* 37, no. 3 (2004): 247–254.



legal strategy and educational research. Gustavo C. Garcia, the lead attorney on the case, had previously worked for the Mexican Consulate on cases concerning school segregation. For example, in 1947 Garcia filed suit against the city of Cuero, TX to close a "Mexican" school located there. Dr. George I. Sanchez was also directly involved in Delgado. Sanchez was LULAC president from 1941-1942, a professor of Latin American Studies at the University of Texas at Austin, and published research opposing the use of biased standardized tests, like IQ tests, as a rationale for segregating Mexican-American students.<sup>48</sup> Sanchez utilized his research to show the negative effects of educational segregation on Mexican-American students and was instrumental in securing a fundraising base of over \$20,000 for the legal team working on Delgado (1948).<sup>49</sup>

Like Mendez, Delgado filed suit against four different school districts: Bastrop ISD, Elgin ISD, Martindale ISD and Colorado Common School District. Notably, lead plaintiff attorney Garcia ambitiously attempted to include the Texas State Board of Education as a defendant, but his efforts were ultimately unsuccessful. The named plaintiffs in the case were Minerva Delgado, a first grade student who was denied admission into a nearby white elementary school, and 19 other elementary school students who experienced similar instances of discrimination in Central Texas. The inclusion of several defendants and plaintiffs mirrors the approaches taken by Mendez, as does the argument used by the Delgado plaintiffs that Mexican-American educational segregation was unlawful under the Fourteenth Amendment. Again, the combination of Sanchez's social science research, strategic acknowledgment of the widespread nature of segregation through the large plaintiff and defendant list, and use of the Fourteenth Amendment were effective in convincing the court to rule in the plaintiffs' favor. In a published opinion, the court stated the following:

The regulations, customs, usages and practices of the defendants, Bastrop Independent School District of Bastrop County, et al, and each of them in so far as they or any of them have segregated pupils of Mexican or Latin-American descent in separate classes and schools within their respective school districts of the defendant school districts heretofore set forth are, and each of them is, arbitrarily and discriminatory and in violation of plaintiff's constitutional rights as guaranteed by the Fourteenth Amendment to the Constitution of the United States, and are illegal.<sup>50</sup>

The outcome of Delgado marked an end to most forms of legally sanctioned segregation

48. Ricardo Romo, "George I. Sanchez and the civil rights movement: 1940-1960." *La Raza* LJ 1 (1983): 342.

49. Martha Tevis, "Sanchez, George Isidore," *Handbook of Texas Online*, accessed May 03, 2022, <https://www.tshaonline.org/handbook/entries/sanchez-george-isidore>.

50. Minerva Delgado, et al., v. Bastrop Independent School District of Bastrop County, Texas, et al., Civil action no. 388.

for Mexican-American students in Texas. However, the court did leave a loophole regarding the most contentious issue in the case: English-speaking ability.

The issue of linguistic ability, like the cases that preceded it, was the primary rationale that school districts used for keeping Mexican-American students segregated in Delgado. However, during the trial, it was revealed that no standardized tests or assessments were given to determine if Mexican-American students were proficient in English. The following testimony, given by P.J. Dodson, Bastrop ISD superintendent, showcases the practice of automatically placing Mexican-American students in segregated schools, regardless of their actual language proficiency:

Question: All right, now, you said if a [Mexican-American] child can speak English, then he is allowed to go to the "White" school?

Dodson: No, you understand I don't go over there and ask them if they can speak English and bring them in; but if the kids want to go to the school and speak English, we bring them in. We haven't made a practice of giving them an examination; I recognize that we should have, but we have never thought of it. But all who want to come over, come over.<sup>51</sup>

Aside from Mexican-American students who can prove language proficiency and actively request to transfer schools, all other Mexican-American students must go to the designated "Mexican" school. Later in this testimony, Dodson states that he has denied students admission into the "white" school because of linguistic ability and gives a specific example:

Dodson: This past fall, the first day of school, one of our Latin-American students in the freshman class in high school called me and said, "Mr.Dodson," says, "Mama wants Minerva Delgado to go to the white school." I said, "Why?" He said, "She is too far from the Latin-American school." I said, "Does she speak English?" He said, "No sir." "Does your mother speak English?" He said, "No sir." I said, "She will have to go to [the segregated Mexican school] until she can speak English well enough to do the work."<sup>52</sup>

The plaintiffs in the case hoped for a similar outcome to Mendez, which outlawed

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51. Gene B. Preuss, "Delgado v. Bastrop," in *Texan Identities: Moving Beyond Myth, Memory, and Fallacy in Texas History*, ed. Light T. Cummins and Mary L. Scheer (Denton, TX: University of North Texas Press, 2016), 217-250.

52. Preuss, "Delgado v. Bastrop," in *Texan Identities*, 234.

all forms of educational segregation, even if they were carried out because of linguistic reasons. Mendez acknowledged that segregation was harmful to Spanish-speaking students attempting to learn English. However, the Texas courts still permitted educational segregation of Mexican-American students, provided there was a universal standardized test that could assess the English proficiency of Mexican-American students. Unfortunately, because of this provision, certain forms of educational segregation were still permitted in Texas, even after the Delgado ruling.

### **Conclusion: What Were the Community's Reactions and Outcomes?**

Community reactions and activist efforts in response to educational segregation in Del Rio, Alvarez and Mendez, and Delgado followed similar patterns. When instances of educational segregation occurred in California and Texas, Mexican-American parents responded in community-based ways: they pulled their children from segregated schools, organized with fellow Mexican-American parents, and voiced their opinions to elected school board officials.<sup>53</sup> Across all four court cases, there was an initial resistance to school segregation: parents attempted to protest this action by refusing to send their children to school. In cases that were more localized, like Del Rio and Alvarez, this approach was more feasible than the widespread legal attacks that occurred in the 1940s. In the Lemon Grove and Del Rio communities, which were the locations of the earliest legal challenges, Mexican-American parents formed neighborhood committees to present a united front against school districts and board members. In cases with heavy LULAC involvement, there were usually dedicated fundraising efforts undertaken to provide financial support for the legal proceedings. Notably, the absence of an organized LULAC presence in California led parents to seek legal counsel from the Mexican Consulate, as opposed to Mexican-American parents in Texas who often received legal assistance from LULAC.

The most important conclusion from this legal analysis of Del Rio, Alvarez, Mendez, and Delgado is that there were constant developments taking place in the fight against the educational segregation of Mexican-American students. None of these court cases were isolated incidents. From the very beginning of the Del Rio case, Mexican-American communities embarked on a journey to advocate for their educational rights. Each case served as a learning experience for how to better organize Mexican-American communities

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53. Nadine Bermudez, "Mendez et al v Westminster School District et al: Mexican American Female Activism in the age of De Jure Segregation." PhD diss., UCLA, 2014.

and more effectively argue against the unlawfulness of segregation. Through the sharing of information and community-building, legal attacks against educational segregation by activists became more successful as time went on. These communities, even if they were geographically spread out, were united in the same struggle to ensure a quality education for Mexican-American students. Whether through organized activist organizations like LULAC or by forming a group of dedicated parents, Mexican-American families in the early twentieth century rallied around a common cause: educational equality.

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**MELISSA CARMONA (AUTHOR)**

Lovett College, '23

Melissa Carmona is a senior majoring in Sociology and History with a minor in Poverty, Justice, Human Capabilities. She's currently writing her sociology senior thesis on how Latino families in Houston interact with school choice landscapes and is also interested in social movement formation in Latino communities. In her free time, you can find Melissa at local coffee shops and on long walks in parks.