

2018

Mendez et. al v. Westminster et. al's Impact on Social Policy and Mexican-American Community Organization in Mid-Century Orange County

Jared Wallace
Chapman University

Follow this and additional works at: <https://digitalcommons.chapman.edu/vocesnovae>

Recommended Citation

Wallace, Jared (2018) "Mendez et. al v. Westminster et. al's Impact on Social Policy and Mexican-American Community Organization in Mid-Century Orange County," *Voces Novae*: Vol. 5 , Article 8.
Available at: <https://digitalcommons.chapman.edu/vocesnovae/vol5/iss1/8>

This Article is brought to you for free and open access by Chapman University Digital Commons. It has been accepted for inclusion in Voces Novae by an authorized editor of Chapman University Digital Commons. For more information, please contact laughtin@chapman.edu.

Voces Novae: Chapman University Historical Review, Vol 4, No 1 (2013)

[HOME](#) [ABOUT](#) [USER HOME](#) [SEARCH](#) [CURRENT](#) [ARCHIVES](#) [PHI ALPHA THETA](#)

[Home](#) > [Vol 4, No 1 \(2013\)](#) > [Wallace](#)

Mendez et. al v. Westminster et. al's Impact on Social Policy and Mexican-American Community Organization in Mid-Century Orange County

Jared Wallace

In history, singular events often overshadow the long-term movements that follow. Highly publicized or sensationalized events and people that either inspire or disgust readers are usually given the most attention in history books, while the movements that develop afterwards are viewed as less important and often forgotten. Fortunately, there comes a point when scholars recognize a condition within society and choose to look beyond the highlights of history and instead give heed to the lowlights that never reached national praise, but still had a significant impact on the lives of regular citizens over long periods of time. Their experiences deserve just as much attention as the big battles on the political field by well-established leaders and community organizers.

This is seen in the Orange County segregation court case, *Mendez et. al v. Westminster et. al* (hereon referred to as *Mendez*). This case has grown in historical interest in the past few decades for its place in the civil rights struggle to desegregate schools and other institutions in the United States. Though the case was widely publicized throughout the United States in the months after its ruling, the case lived in relative obscurity until recent years. Scholars have renewed interest in the case as a response to the growth of de facto segregation of Mexican-American students in urban areas and a revival of Latino and Chicano historical studies. The efforts of public speakers like Sylvia Mendez (the daughter of the original plaintiff of the case) have also allowed for a new generation of students, teachers, politicians, and scholars alike to take interest in the legacy of the case and preserve its history, while those that witnessed the change it brought are still alive.^[1]

Recently, scholars have placed most of their efforts on connecting *Mendez* with the famous *Brown v. Board of Education* (hereon referred to as *Brown*) case that ended de jure segregation on a national level. Though there are truths to these connections, scholars also underscore the importance of other factors surrounding the case, specifically the success of the Mexican-American community to organize politically in the aftermath. As *Mendez* comes out of academic obscurity and is reborn in historical interest, there is an emerging question of what makes the case truly distinguished-if not its connection to *Brown*, then its influence on educational and social policy in Orange County. This work will examine how the school districts involved responded to the *Mendez* ruling, how the case had an enormous impact on social and political structures within Orange County through the growth of Mexican-American community based organizations, and provided an opportunity for other institutions like movie theaters and parks to also desegregate permanently.

Establishing a Case to Fight Segregation

Although segregation is often associated with the American South, it was also practiced throughout California for over a century before *Mendez*. The earliest forms of segregation in the Golden State were

Jared Wallace

of African-Americans in 1854. These practices were protested following the passage of the 14th amendment. The 1874 court case that followed, *Ward v. Flood*, affirmed that education was a right for every Californian citizen, but using separate facilities for ethnic groups was still considered legal. The California courts would affirm this stance again ten years later in *Mamie v. Tape*, when a second-generation Chinese student protested that she had fully Americanized and had a right to attend a public school. Japanese immigrants met similar injustices when they arrived in the late 19th century. Their struggle became international news when Japanese diplomats pleaded with President Theodore Roosevelt that the conditions of the schools the immigrants were placed in were deplorable. In the following decades, some integration of Japanese students was allowed, but this progress was derailed at the time of Japanese Internment during World War II. In reaction to these court cases, the California legislature established an education code that made the practice of segregating Chinese, Japanese, and Native Americans legal. This educational code did not include Mexican-Americans, but school districts continued to segregate them at the turn of the 20th century anyway.^[2]

Segregation of Mexicans-Americans in Southern California and especially Orange County became popular during the 1920's, as both Mexican natives and immigrants worked in the growing citrus industry. City planners of the Anglo (as was the term used at the time) community justified this segregation by the fear that the Mexicans would take away important jobs and by the contemporary racial beliefs that Mexicans were "dirty" and did not share the same cultural values of "regular Americans." Schools also justified the segregation on the belief that the students' inability to speak English made it impossible for them to survive in an Anglo classroom, thus justifying the creation of separate facilities. This distinction would later influence "studies" that suggested that Mexicans were mentally inferior and could not compete in an Anglo school no matter what language they spoke. The school districts, however, rarely or never tested these hypotheses with any tests of whether the students truly struggled to keep up in a regular classroom. Some districts enrolled Mexican-American students whose families had been in California for several generations, and thus had developed wealth, but the districts saw no contradictions within these actions.^[3]

Separate schools were created for the children of the Mexican farm workers, but most of these children dropped out before enrolling in high school so that they could begin working with their parents for extra wages. Despite this fact, by 1927, Mexican-American children made up over ten percent of the state's total enrollment. The quality of their educational environment was not the same as their Anglo neighbors. A 1928 study by two University of California professors found that the schools were fire hazards with little ventilation, light, and sanitation. In the years following *Mendez*, many of these schools had to be torn down because they did not meet the proper state requirements for building safety.^[4]

Gonzalo Méndez discovered this inequality when he attempted to enroll his children in a neighborhood school in Westminster in 1943. Gonzalo moved his family to Westminster to work a farm for a recently interned Japanese family so that the bank would not confiscate it. He asked his sister-in-law to enroll his children in the local school and they were denied because of their Spanish last name. They were instead sent to the Mexican school, several miles away. Their cousins, however, gained enrollment in the Anglo school because their father was of French descent. Gonzalo had previously attended the Anglo school, Westminster Main, as a child before it was segregated, and was furious at the injustice that his children had to attend a far inferior school several blocks from his farm. He took his case to the district office, and later the county, with no success.^[5]

Within weeks of the experience, he hired Attorney David Marcus, who had recently won a segregation case of a public pool in Riverside, California. In his research, Marcus found that the school districts were breaking state policy because the California educational code did not permit segregation of Mexican-Americans. He proposed that they find plaintiffs from other school districts in order to prove that this was a wide scale act of discrimination based on surnames and unproven pedagogical studies. The two began driving around neighboring districts, interviewing families about their experiences with the school districts.^[6]

Finding support was initially difficult because many parents did not want to risk the repercussions of angering the districts, or they were content that their children were able to attend schools closer to home. Some were worried that if they spoke out they would lose their jobs. Other parents, though, began organizing meetings to discuss the topic of litigation. Gonzalo and Marcus invited Fred Ross, a fieldworker for the American Council on Race Relations, and Hector Tarango, secretary of the Latin American Council and editor of a local Mexican newspaper, to assist them in organizing the local neighborhoods around the petition. This form of community organization was not a new concept for the Mexican-American neighborhoods that had been protesting working conditions for several decades. However, these new community meetings between concerned parents provided for an even greater level of political engagement and became the basis for the *Mendez* case to gain national attention. The improved Mexican-American activity and interest in the political process would also become an asset after the case, when the parents challenged the districts to follow through with the court's decision.^[7]

When the *Mendez* case began in July 1945, the Mexican-American community was highly organized, but was facing seemingly unbeatable odds. Parents from the other districts signed on to the petition, representing over 5,000 students. The other parents representing the plaintiff side of the case were William Guzmán of Santa Ana, Frank Palomino of Garden Grove, Thomas Estrada of Westminster, and Lorenzo Ramirez of El Modena (a neighborhood that is now incorporated into Orange, California). Each of their children was also included in the original petition. During the case, Marcus argued that school districts were segregating students on the basis of national origin and thus breaking the Fourteenth Amendment of the Constitution. His witnesses explained that their children had been segregated based on their surnames and appearance. The districts' representatives replied that they had only separated students because their language abilities and lack of hygiene deemed them unfit to attend the regular schools. Judge Paul McCormick sided with Marcus and the Mexican-American plaintiffs, on the basis that segregating the students retarded their ability to learn English and prevented them from acquiring necessary cultural values. Within five days of the ruling, the districts applied for an appeal, of which they would later lose, but the case had already set the stage for major changes within Orange County.^[8]

Difficulty Connecting *Mendez* to *Brown*

Acknowledging where past research falls short is essential to understanding the importance of bringing light to the other narratives surrounding *Mendez*. The relationship between the *Mendez* case and the *Brown* decision has been an almost exclusive focus of scholars in recent years. These academics praise *Mendez* for attacking "separate but equal" segregation laws as established by *Plessy v. Ferguson* several years before *Brown*. They often compare the language of the court cases rulings or create analyses between the parties involved. These connections are difficult to surmise because Judge McCormick's decision did not fully reject *Plessy* on a broad scale and because it is difficult to connect individuals between cases without considering a broader context of their actions. Much of these scholarly works have valid points and arguments, but this research is also controversial because the cases were conducted under completely different contexts. This research also falls short of addressing

Jared Wallace

any of the events following *Mendez* and how that time period affected those directly involved with the case in Orange County. In ignoring the greater story of those involved, these scholars do a disservice to the individuals who made *Mendez's* success a possibility and who lived with its consequences.

In many ways, McCormick and the judges on the Ninth Circuit Court of Appeals displayed disgust with the Orange County districts' actions, but their own actions proved that they did not intend to end segregation as a whole. What McCormick argued, and the Circuit Court agreed, was that the Orange County schools broke state laws, because the California Education Code only allowed segregation of Chinese, Japanese, and Indian students. Judge Denman of the Appeals Court was especially vocal about his dissatisfaction with the system of segregated schooling, but insisted that any fundamental changes happen through legislative channels, not through the judiciary. After two hard fought court cases, segregation was still intact in California. The legislation that followed the case was what truly ended de jure segregation in California.^[9]

Frederick Aguirre and other legal scholars have compared the two cases through the presence of the NAACP and Governor Earl Warren, in *Mendez*, but there are some concerns with those arguments. Both of these figures were also major players in *Brown*. The NAACP is connected to *Mendez* because they supplied an amicus curiae brief for the appeals case. This brief explained their own research on the psychological effects of segregation on students. These scholars remind us that Thurgood Marshall, who would later be a significant lawyer in *Brown*, had followed the case closely, but fail to address that he was ill at the time and sent his partner Robert Carter to submit their brief for him. This is not to say that Marshall was uninvolved with the case, but most of the primary documents from the case suggest that Carter was much more invested in supporting the *Mendez* plaintiffs. At the time of *Brown*, Marshall did request Marcus's case notes from *Mendez*, but the NAACP never quoted the California case during any of the *Brown* proceedings.^[10]

These scholars also admit that the contexts of the cases are not direct parallels. Both addressed the evils of segregated schooling, but as previously discussed, *Mendez* only ended segregation of Mexican-Americans who were considered white by California law. The case did not fight segregation by race, as *Brown* later would. What the scholars say is similar about the cases, instead, are the strategies the NAACP used in *Mendez*. Carter would later label *Mendez* as a test run for *Brown*. This is seen in the NAACP's use of social science to explain the detrimental effects of segregating students and how it would lead to lower quality education. These arguments were extremely influential on McCormick's final opinion.^[11]

Earl Warren, a lifelong politician who would be the Chief Justice of the Supreme Court at the time of *Brown*, is a more difficult figure to connect to the case. As mentioned, he was governor of California at the time of *Mendez* and had an attorney general staff member present, so there is reason to believe he knew of the case. Aguirre argues that this action was also a means for Warren to indirectly fight what he saw as an injustice in Southern California and that there are direct parallels between the writing in *Mendez* and Warren's opinion in *Brown*. The legitimacy of these claims is controversial, because in the months that *Mendez* was being fought, several aids did indeed plead with him to take executive action on California's education code but he did not act.^[12]

It was not until Judge Denman, who ruled on the appeal case of *Mendez*, sent him a strongly worded letter against segregation that Warren finally showed support for and initiated anti-segregation legislation. When he responded to Denman's letter though, he appeared to be more concerned over how international policy would be affected. He said that "in the spirit of the United Nations," which had

recently formed at the time of the letter, it was the government's duty to ensure that delegates from Latin American countries were not discriminated against while visiting California. Though he did not mention it, this reflected new Cold War concerns and the United States' growing influence in the world. This justification focused on the political implications of segregation, rather than the psychological and social effects on educational facilities. This is not to say that he was not concerned with the injustices within California schools or that he definitely could not have borrowed language from *Mendez* when forming his opinion for *Brown*. His actions suggested that his motives were more for short-term political gains and that he may not have been as invested in the case as many scholars have suggested.^[13]

Scholars cannot assume that *Mendez* was the sole influence on Warren's later actions, because his resume and personal history suggest that he previously had several occasions to question the legality of segregation. When interviewed later in his life, Warren discussed growing up in a segregated community in Bakersfield, California. At a young age, he was aware of the inequalities of segregation. He watched as several generations of Chinese, Japanese, Puerto Rican and later Mexican immigrants replaced each other as California's agricultural workforce. He was critical of how these immigrant families were treated and recalled being uncomfortable with their removal from the Anglo Bakersfield community. As district attorney of Alameda County, Warren was also faced with the issue of Mexican segregation and discrimination of migrant workers. Overall, there is evidence that suggests Warren had knowledge of the *Mendez* case and that it prompted some of his actions in *Brown*, but his personal history and the context of both cases proposes that perhaps connecting the two cases is not possible for studying long-term historical impacts on Orange County.^[14]

Because *Mendez* was never quoted in *Brown*'s ruling and because the former case itself did not end de jure segregation, but rather inspired the legislation that changed the California Education code, it is hard to judge whether or not *Mendez*'s true importance is in its connection with *Brown*. By focusing almost solely on these factors of *Mendez*, the scholars do a disservice to the case. They limit themselves to the periods within when the court case took place and fail to fully acknowledge the legacy the case provided for Orange County. These criticisms are not to invalidate the legitimacy of previous research on the case, but rather to suggest that controversies do indeed exist and that other factors in the aftermath of the case are just as valid to explaining the legacy of the case. Certainly, because both were fought in federal courts and reflected a post-World War II revised view on race, the cases can still be viewed as mutually significant political movements. The other events surrounding *Mendez*, which are less connected to *Brown*, are just as important to the history of long-term social contributions of Mexican-Americans in the fight for civil rights and equal opportunity.

Waiting For the Appeals Case in El Modena

On February 18, 1946 Judge McCormick ruled against the segregation practices of the Orange County school districts. The struggle to make desegregation a reality began. The judge asked Attorney David Marcus to issue an injunction against the districts as a first step towards desegregation. By now, the case had received attention from several major publications, such as the *New York Times*. The success of the case proved that the community organization inspired by Gonzalo Méndez and other Mexican parents' efforts was starting to have an influence on policies in Orange County, but these groups still had many challenges to overcome. Their first challenge was to remind the districts that they had been ordered to desegregate, but this in itself was difficult because the process of forced desegregation was a new concept to Southern California and the nation as well. In the aftermath of *Brown*, schools across the nation would experience the difficulty of desegregating, as seen with the Little Rock Nine, but Orange County was one of the first regions to experiment and struggle with this process in the post-war world.

Jared Wallace

El Modena district's struggle to desegregate would receive immense media attention and acted as a warning to other school districts.

Three days after McCormick's decision, the newly victorious Mexican-American community received its first major challenge in its hopes to make desegregation a reality. On February 21, County Counsel Joel Ogel filed an appeal in response to McCormick's ruling, demonstrating that he and the district officials still did not believe that their practices were illegal. Correspondence between Ogel and the districts showed that they planned to go all the way to the Supreme Court if necessary. This move also allowed the districts more time to organize their legal team in order to avoid another embarrassing loss. The fight against desegregation was far from over as the districts either refused to desegregate or found means to prolong desegregation during the months leading up to the appeals case.^[15]

While waiting for the date of the appeals case, there was confusion over whether El Modena School District had a lawful obligation to desegregate immediately or if they had to wait for the appeals case to end. The Orange County schools were in the middle of the school year and any immediate changes were thought to be chaotic. Despite the embarrassment of losing the case, members of the schools districts still claimed that their segregation practices were for the benefit of the students and no court had the right to force the districts to change their practices. In September, El Modena made promises to allow Mexican students to take placement tests to prove they were eligible to attend Roosevelt Elementary, but according to witness accounts, these tests never took place. Mexican-American parents continued to petition permission for their children to transfer, but the district would reiterate their view that the students were being separated due to their language disability and that no transfers would be allowed. This action would not be met without a challenge from the newly organized community groups surrounding El Modena.^[16]

The Mexican-American community in El Modena fought the district's inability to desegregate through several petitions. Alexander Lievanos, a Mexican-American shop owner and El Modena resident, was one parent who was unable to register his child during the next school year. He lived within blocks of the Anglo Roosevelt elementary school's boundary, but his son was still denied enrollment in the fall. Lievanos, with the help of the Latin American Organization, filed a petition on September 27, 1946, to Judge McCormick to hold El Modena school district in contempt. Members of LAO would later start a chapter of the League of United Latin American Citizens (LULAC), a national organization that was, at the time, hoping to become the Latin American equivalent of the NAACP. Many of the parents and community members that got involved in the desegregation fight were registered members of LULAC, which showed the group's growing impact on Orange County. Another parent filed a similar complaint the day after Lievanos and Judge McCormick ordered the defendants to come before him on October 14. Lievanos and the organizations that backed him chose to come before the El Modena board a week before their contempt court date in one last plea.^[17]

When Lievanos took his case to the school district, he brought several community members and organizers with him for support. The minutes of the El Modena meeting show that the district tried to give Lievanos the same excuses they had given other parents. One board member explained that students would be put through a competency test that they were basing off a Detroit school district's exam. He would not say how or when that test would take place or why that test was relevant. Another board member claimed that there was a possible plan to send the lower grade students to one school and the rest to the other, as other districts were doing, but this would require hiring extra teachers and was not within the district's budget.^[18]

130 Voces Novae, Vol 4, No 1 (2013)

Eventually the board members stopped talking about plans and reiterated their belief that the Mexican students could not perform well in a normal classroom. The parents reminded the board that McCormick's decision stated that putting the children in the same classroom would help students learn English faster and help them develop academic proficiency, but the board remained apprehensive. Throughout the duration of the meeting the board continued to act both surprised and annoyed at the parents' complaints and told them that no further action would be decided until they met with McCormick about the contempt charges. By the end of the meeting, it was clear that the district had invited the parents to placate them, not to actually have a discussion on how the district was going to desegregate the schools.^[19]

As seen, the meeting with the board did not produce any immediate results, but still proved to be a monumental step in parental and community involvement in the desegregation fight. Lievanos attended the meeting not only as a concerned parent and as a representative of the Unity League of El Modena, a recently formed community organization committee that sought to not only end segregation but also to encourage Mexican-American involvement in politics. Among the community members who joined Lievanos were Fred Ross and Hector Durango from the Latin American Council. Fred Ross became involved in the fight against segregation early on as a protégé of Sam Alinsky, the founder of modern community organization in the United States. Ross used his experience in community activism as a means to help Mexican-Americans in Orange County protest unfair district policies. In the time that the community groups were awaiting the results of the appeals case, they had an opportunity to form relationships and better organize their ranks. This move would come in hand in the next few years, as the same groups rallied more neighbors to become involved in both the educational and political process within El Modena.^[20]

Before the case had begun in 1945, Gonzalo Méndez and the other plaintiffs earnestly attempted to organize their communities to respond to the school board's policies. By 1946, the El Modena community showed the political power of this new movement in Orange County. Whereas before, parents were afraid of or uninterested in challenging segregation, now thousands were involved in the movement to get rid of the practice. As the district meeting would prove, the school district would not change their segregation practices without a fight. The parents, nonetheless, in their campaign to send their children to better schools, were willing to ask difficult questions and challenge the district on their occasional hypocrisy and their unwillingness to comply with court orders. This passion would continue to serve the Mexican-American community, especially in El Modena, in the fight to end segregation in the years to follow.

When Judge McCormick finally met the El Modena school board, he cited them for contempt. He ordered them to develop a plan to divide the students between the two schools by grade. The initial plan was to send grades one through four to Roosevelt and five through eight to Lincoln. The board still failed to comply with the order. Some students were allowed to transfer in the next few months, but the district appeared to be waiting for the final results of the Appeals case before making any significant changes. This debacle did not leave the district unstirred, though. The event was published in papers across the region and the Mexican-American community continued to challenge them on their lack of action. In the weeks leading up to and after their contempt case, they attempted to publicize plans for change, but none of these came to fruition.^[21]

Though this phase of desegregation may not look like a success, it was an example of the changing political climate in Orange County. The parents from the Mexican-American community, who were largely ignored before *Mendez*, now had a much larger political voice. The El Modena board tried to

Jared Wallace

placate the parents with excuses about budgets, educational studies and with plans that they never followed through with, but the parents persisted. Similar themes of community organization and pressure were present in the other school districts, but the case of El Modena is unique because the school district was cited for its inability to desegregate its schools, thus inspiring an even greater turnout of community activism.

Waiting for the Appeals Case in Other Districts

The other districts involved in the *Mendez* court case were also pressured by newly organized community groups to comply with the court ruling. Many of them tried to avoid El Modena's embarrassment by making clearer plans to desegregate schools, while also waiting for the appeals case to make final decisions. Because these districts received less media attention by complying with the newly formed groups empowered by the recent success of *Mendez*, few existing documents describe the events that occurred while these districts awaited the Appeals court's decision. What is certain is that they each were slow to change their segregation practices, while still attempting to appear like they were complying with McCormick's ruling in order to avoid contempt. Like El Modena, these districts were unsure what legal requirements were needed of them to comply with the desegregation ruling. Also like El Modena, parent and community activism was a significant factor behind the new changes in districts' policies.

Many Mexican-Americans in the Garden Grove District were doubtful of the district's ability to desegregate. One reason for their doubt was that the district superintendent, James Kent, had written an academic dissertation in college stating that Mexican-American students were unable to cope with scholastic pressures when paired with Anglo students. Kent acknowledged this ideology proudly before and during the *Mendez* case. The Garden Grove district had two Anglo and one Mexican elementary schools and one integrated high school that enrolled students of all "nationalities and races." This statement is doubtful due to the high prevalence of teenage dropouts in the Mexican-American community in Orange County that was inspired both by monetary needs and the terrible states of the primary schools. During the case, Kent told the *Santa Ana Register* that he would gladly transfer Mexican students to the Anglo school in his district as soon "as they were able to compete," but the very few records about the Garden Grove district do not say whether this promise came to fruition. The political fight between non-acting districts and passionate community members did not gain much attention in Garden Grove, but it was influencing a growth in community activism elsewhere in Orange County.^[22]

Despite signing on to the appeal with other districts, Westminster reacted to Mexican-American pressure and began making plans to desegregate their schools while simultaneously defending their segregation practices during the *Mendez* trial. During the 1946-1947 school year, the district moved the grades one through four of both Mexican and Anglo descent to the Hoover school and put the remaining elementary grades in the previously Anglo-only Main Elementary School. Gonzalo Méndez's children were finally permitted to attend Main Elementary after a long fought struggle. This move, however, was not a sign of the district members changing their mind about the right to separate students as they saw fit. Their move to desegregate the elementary schools so early on shows that pressure from community activists was having a great influence on district policy. This pressure combined with federal orders forced the district to back down from its original views and begin desegregating.^[23]

The Westminster School District had been the original focus of the *Mendez* case and was also the first to react to the growing Mexican-American activism in Orange County. Correspondence from Westminster

officials detail how the district was distressed by both the community and media attention they received for being at the forefront of the court case. District meeting minutes showed that as early as September, 1944, the district was allowing members of the Latin American Voters Counsel to make statements at board meetings. These minutes show that the board was apprehensive about the parent's demands early on, but as their actions in 1946 show, the community activism eventually had an effect. Gonzalo and his wife, Felicitas, spent the months leading up to and after the court case organizing community meeting in Westminster to discuss action plans. They went as far as paying for some families to miss work in order to attend such meetings. Their efforts not only helped the court case become a success but also provided for greater community organization to meet the challenges that followed the case.[\[24\]](#)

Santa Ana, though not very compliant with the *Mendez* ruling, was also influenced by community activism. Their actions showed that they were waiting for a decision to be made in the appeals court before making a full-fledged plan to desegregate their schools. Shortly before the *Mendez* case started, their superintendent was quoted in the *Santa Ana Register* defending the districts' policies. He claimed that they were not segregating students, but that they had followed a policy of allowing Anglo students to transfer schools when it was logistically possible, and that the district even allowed Mexican students to transfer in special cases. After the trial, the district continued their indignant attitude in an attempt to avoid starting a full desegregation plan.[\[25\]](#)

Fred Ross, as he had done in El Modena, accompanied a parent of a Mexican student from Santa Ana, Hector Torango, to discuss the issue of desegregation with the Santa Ana School Board. Torango was representing the Santa Ana chapter of the Latin American Organization, showing that community organizations were becoming more active in Santa Ana as well. According to school board meeting minutes from September 12, 1946, they made no promises to desegregate, but focused most of their attention on Ross's "belligerence." Ross stated that he had asked every Mexican-American parent in Santa Ana to send their children to any school of their choice. If the children were not enrolled, according to Ross, the district would be held for contempt. The board invited Torango to a dinner where he could discuss his community's demands.[\[26\]](#)

Two months later, the Santa Ana board showed that it had reacted to the community's demands. In their minutes, they mentioned that they had recently met with representatives from the Mexican-American community. The members had promised that, in good faith, they would allow transfers of Mexican-American students who were "socially acceptable" and as long as Anglo students were not prevented from a spot at the school. The board recognized that this agreement was not a solution but merely an attempt to "adjust a difficult situation." The language of the stipulations suggests that the board was still not yet fully committed to desegregation. In December of that year, the board was still asking its members to attend the appeals case. It is difficult to determine their actual attitudes towards the Mexican-American community from what is written in their board minutes. The promises they made to the Mexican-American parents only provided for a few changes in their policy, and they were slow to follow up with these policies anyway. Their actions suggest that they initially had no interest in desegregating their schools and that they were awaiting the results of the appeals case before planning any concrete action. Regardless of the district's attempts to stall desegregation, the efforts of Mexican-American community activism and external political enforcement caused the district officials to make a few concessions and take gradual steps towards integrating their schools.[\[27\]](#)

Despite the efforts of the Orange County school districts to procrastinate making desegregation a reality, by the end of the appeals case their efforts proved unsuccessful. On April 14, 1947, the appeals court aligned themselves with McCormick's view that the Orange County school districts had no right to

Jared Wallace

segregate Mexican-American students under state laws and that the state of the segregated schools was deplorable. Judge Denman of the appeals court was very supportive of the desegregation cause and held that it was unfortunate that such gross practices were not stopped sooner. Local newspapers cited the reaction in Mexican neighborhoods as jubilant. Months of organizing and risking their jobs had paid off, but another political fight was ahead for the community.[\[28\]](#)

The districts were given the choice to appeal further to the United States Supreme Court, but none found this option tempting. Joel Ogle corresponded with the Westminster School District in June to discuss the issue. He restated his position that the federal government had no jurisdiction on the issue of segregation in California and that appealing to the Supreme Court would only further involve the federal government and be too much work. The district wrote back to Ogle in agreement within a matter of weeks. Similarly, the Santa Ana School Board discussed the issue of jurisdiction, but asked that their legal counsel take two weeks to ponder another appeal, which, in the end, they decided was not in their best interest. The Mexican-American community's newfound political success would be put to the test, as districts no longer had an excuse to not comply with McCormick's original demands.[\[29\]](#)

Early Responses to Desegregation

Despite its major success, *Mendez* did not change California politics overnight. The Ninth Circuit Appeals Court agreed with McCormick's original ruling in April 1947, but the jurisdiction of the ruling only applied to Orange County. Before the case, many advisors to Governor Earl Warren had pleaded with him to consider anti-discrimination legislation but he was resistant to such legislation. Two weeks after *Mendez*, Warren finally ordered a committee to draft a bill to overturn the California Education Codes 80003 and 8004. School districts around the state had been using these codes for decades to justify discrimination practices against African-Americans, Native Americans and new immigrants from China and Japan. The legislation the committee drafted was presented to the State Assembly by Assemblyman Glenn Anderson as bill AB1375. The bill would later be referenced to as the "Anderson Bill." The State Assembly passed this bill on April 10, 1947 with great support, and two months later the state senate followed their example. Now, *Mendez* had made a statewide impact, challenging several generations of discrimination practices.[\[30\]](#)

As it would seem, Mexican-American parents and activists, at least temporarily, had won the legal battle against statewide desegregation. Because *Mendez* had been successful a second time though, it started to attract attention nationwide. The *New York Times* and other national newspapers published several articles about the triumph of the Mexican-American community. Their first article, on April 15, mentioned that the courts had declared that Orange County districts had violated the Fourteenth Amendment of the Constitution. A second article, on April 20, focused less on the case and more on the struggles of the community groups involved. It mentioned the efforts of race-relations groups, such as those in Orange County, and how they were able to overcome staff shortages and difficult odds in order to bring attention to discrimination in Southern California. The article said that the recent court case inspired Sacramento to develop a team to research discrimination against minorities. These articles stressed that the efforts of the Mexican-American community were being recognized on a national level and that other parties were aware of the challenges that were to come. The Mexican-American community in California now had far reaching attention and support for their cause, but they still had to overcome a longer political battle to make sure the school districts upheld the new desegregation rulings.[\[31\]](#)

During the first school year following the appeals case, all four districts mostly complied with the new desegregation laws, but their actions portrayed their continual disregard and reluctance to fully desegregate their schools. Just as with the period after the first *Mendez* case, the government gave little indication of how the schools were to undergo desegregation. The judgment said that separate schools cannot be created on the basis of race, but it did not say what to do about communities that were already mostly made up of a particular demographic or what process the districts were to take to integrate their schools. Secondary sources say that Garden Grove allowed students who requested a transfer to do so, but there is no indication that they planned additional facilities or teachers to meet this demand. Other districts in Orange County, though, were highly influenced by growing public attention and parental pressures. They had to perform visible actions to show that they were making an effort to desegregate their schools. Many Mexican-American students were given educational opportunities they would not have received before *Mendez*, but the districts struggled to meet the demands of a growing student population.^[32]

Westminster, which had already desegregated while awaiting the court's decision, continued the process in the 1947 school year. They chose to enroll elementary students by age, instead of race, but this process called for funding to accommodate additional teachers and classroom resources. Students from other districts, mostly Los Alamitos, attempted to transfer into Westminster in hopes of attending their schools, and this began to cause the district distress. In December 1947, the district board expressed that the parents of the newly transferred students were not helping pay for the new school bonds. These bonds were necessary for the additional resources and facilities the district would need to maintain desegregation. According to the meeting minutes, the district proposed an open letter advising parents to move back to their original district. Though the transfer issue was more about logistics than desegregation, the board meeting minutes indicate that the board was making efforts to pay for desegregated schools and the additional resources they would require. These minutes did not portray the Westminster board's attitude towards the desegregation issue, but they demonstrated that the board was attempting to continue to live up to community pressure to allow Mexican-American students to attend schools equal of their Anglo neighbors.^[33]

Santa Ana School District, which had previously attempted to prolong desegregation, was now faced with considerable pressure to make concrete changes to their policies. Minutes from April and June 1947 suggest that the board was disappointed in the results of the appeals case. Instead of addressing their plans for the future, for more than three meetings straight they discussed whether they were going to move forward with another appeal. They also discussed how a local newspaper had written an editorial sympathizing with the board and their side of the desegregation question. These actions portray how the board was consistently reluctant to honestly address the parents' concern over the issue of segregation. The system of segregation was long ingrained in the cultural atmosphere of Santa Ana and community. Governmental pressures were not enough to change that culture overnight. Despite early reluctance to act on the issue of desegregation, by the next school year the district finally showed that they were willing to make concessions.^[34]

In the school board meeting minutes from September 10, 1947, the board addressed the matter of desegregation with a more positive outlook than in previous meetings. The minutes describe desegregation as an issue of "the Anglo-American youth and the Mexican-American youth regarding the transfer from one school to another." The minutes indicate that they felt the change was agreeable to "all concerned." Though the minutes do not directly address the parents of Mexican-American students, these individuals had initially pressured the board to allow more transfers before the appeals court made their final decision. The district now had an obligation to listen to the demands of the Mexican-

Jared Wallace

American community. The minutes suggest that the board was trying to take the matter more serious than they had in the past and even asked the superintendent to report on the process. He announced to the board that he had overseen the process of transferring and that he was pleased with the results. He claimed that he could truthfully say that "no discrimination was being shown," which demonstrates that the board was concerned that there could be a backlash if the policy did not run smoothly. Santa Ana was previously one of the most resistant districts to desegregation, but after the 1947 school year, they had to portray themselves as complying with the expectations of the Mexican-American community.^[35]

The desegregation process in Santa Ana was different from Westminster's because of the difference in the geographic distribution of Mexican-Americans in the two cities. In Westminster, as the story of the Mendez family suggests, many Mexican-Americans lived close to Anglo communities, and thus felt jilted when they could not attend the local school. In Santa Ana, the most populous city in Orange County at the time, there was a far greater divide between racial communities. The demographics at some schools stayed the same because they were already located in predominantly Mexican-American neighborhoods and the districts did not bus in Anglos from other neighborhoods for the sake of integration. Despite these exceptions, Franklin Elementary, the Anglo school that had originally inspired community members to join the case, had over fifty percent Mexican-American enrollment in 1948. This was a major success for the Mexican-American community. It proved that their efforts were having an effect on the social system of Santa Ana, at least within the educational field. The following years would pose many challenges to the changing district, but this movement was a major step away from the de jure (legal) segregation that originally existed in Santa Ana.^[36]

Outside of the districts originally involved in the *Mendez* case, there was also community pressure for previously segregated schools to provide equal education to Mexican-American students. Mexican-American residents of Placentia (a town in northern Orange County), under the leadership of Alfred Aguirre, considered suing their district for not allowing their children to transfer to an Anglo school several months after the court case. They were confident in this action because they knew that the *Mendez* ruling would put the lawsuit in their favor. Their attorney advised them to petition the school board one more time, and under the threat of litigation, the district opened the Anglo Bradford Elementary School to all children. This same community group used their newfound organization to register over 300 Placentia citizens to vote in the next election. The success of the case inspired the Mexican-American community to get involved in the political process and use new laws to guarantee equal education for the children in many Orange County cities.^[37]

This impact was also relevant outside of Orange County, affecting districts just miles away and in the Bay Area. A few miles from Orange County, in Riverside, school districts succumbed to local pressure and allowed Mexican-American and African-American students to attend Anglo schools after several decades of strict segregation. A district in Ontario, California followed suit that year, despite a petition from over 1,000 Anglo parents begging the board to not integrate the schools. Superintendent Virgil Howard in Mendota, California found that having two segregated school facilities was costing the district over \$5,000 a year and made the process of integration a matter of haste. He acknowledged that if the schools had been integrated in the first place, the community would have faced much less vandalism and been safer. All of these cases show that the effects of *Mendez* were expanding beyond the districts originally involved in the case and were inspiring new community groups to get involved in local politics.^[38]

Desegregation in El Modena and Challenges to Mexican-American Leadership

136 Voces Novae, Vol 4, No 1 (2013)

El Modena, the district that was most resistant to desegregation while waiting for the *Mendez* appeals, now had no choice but to follow the court's ruling. The local newspaper, *Orange Daily News*, discussed the issue of desegregation in an editorial a few days after the appeal's decision. The newspaper reflected that segregation by national origin was indeed unconstitutional, but the El Modena school board was doing the best they could within "very difficult circumstances." They suggested that the board segregated students for their own benefit. These were the same arguments that had been refuted during the *Mendez* case weeks before. Though this editorial did not stand as the opinion of the entire Anglo community, it reflected the mindset that Mexican-American community groups would have to overcome in the upcoming months. During the years that followed the appeals ruling, Mexican-American groups would go to great lengths to remain relevant in the discussion on desegregation in El Modena and even elected community members to significant school board seats, but major challenges awaited them at every turn.^[39]

In the fall of 1947, El Modena finally began a system of desegregation in their two elementary schools, challenging a tradition of racial discrimination and segregation. Grades kindergarten through four were sent to Lincoln Elementary, while five through eight were sent to Roosevelt, previously the Anglo school. Some observers claimed that the process of transferring students was slow. Small portions of students were allowed to transfer at a given time and as more students began entering a new grade, the district would begin sending them to the other school. Whether or not the process was done quickly, the Mexican-American students were sitting alongside Anglo students for the first time in the El Modena history.^[40]

Students that previously had no way of interacting with each other were now playing on sports teams together and spending time after school together. Pictures of the sports teams and school dances show that students of different skin tones were interacting as if segregation never existed. Some students were originally apprehensive about how peacefully the community would react to this break in the racial barrier created by several generations of segregation. Some parents worried that their students would get into fights, but over time many students found it easier to accept that a new social norm had formed. Unfortunately, some Anglo parents were not happy with the new district policies and started to organize to derail the successes of the Mexican community.^[41]

In the immediate aftermath of the court's ruling, Anglo parents began transferring their students to the nearby Tustin district to the east, challenging the strength of the desegregation experiment. In the fall of 1947, the Anglo parents from El Modena petitioned the County Board of Education to allow their students to transfer to Tustin. Many Mexican-American parents and district officials alike spoke out against the petition, as it would hurt the district monetarily. By December 1947, the County Board of Education, with little hesitation, redistricted an entire neighborhood, worth over \$600,000 in revenue for El Modena, to the Tustin School District. This move was almost pointless given that most of the students in the area were already attending other districts illegally. Three years after *Mendez*, in 1950, El Modena had already lost half of its enrollment, while the surrounding districts of Tustin, Villa Park, Olive, Santa Ana, and Orange had all shown exponential growth in student population and attendance. This change in demographics would be a continuous challenge for the already fading Mexican-American leadership in its goals to gain recognition on the El Modena school board.^[42]

Christopher Arriola, Chicano Studies Scholar and alumni of El Modena High School, describes these events in El Modena as a phenomenon called "second generation discrimination." As Arriola explains, the district, in facing its loss in the courts, continued its discrimination policies through covert policies that limited the opportunities of Mexican-American students. Though they were allowed to attend

Jared Wallace

schools with Anglos, Mexican students in the late 1940's were usually not as empowered as their Anglo neighbors to succeed in school and were still given lower placement in classes. Community members who had power, such as district board members and rich Anglo landowners, used their influence to try to disturb the desegregation process and ensure that the two student groups were never fully integrated. In order to combat the changes in district lines and challenge the Anglo monopoly on school policy, the Mexican-American community would have to further organize politically and take greater risks.^[43]

In addition to organizing parents to challenge the district to desegregate, groups like the Latin American League (LAL), previously named the Unity League of El Modena, were also organizing community members to register as voters. This process began in the early days of the *Mendez* case, but was expedited as seen and unseen powers tried to disrupt the desegregation process in 1947. In a school board election just one month after the court of appeals' decision, the LAL inspired Mexican-American citizens to vote in record numbers. They helped oust a disliked member of the school board, Henry Campbell, who had been a major opponent of the court case. In the months leading up to the election, Campbell made concessions to not appeal *Mendez* further, but he had already polarized the Mexican-American community. He was also from the rich rancher community of El Modena and some community members felt like he was out of touch with their needs. Grant Baggott, a more moderate Anglo who resided within the city and had Mexican-American groups backing him, won the seat with 193 votes to Campbell's 117. The *Orange Daily News* associated his success with the efforts of LAL and the newly registered community members.^[44]

The Mexican-American community would continue their success in the following year as they attempted to elect one of their own. Jess Martinez, a member of LAL and a long-time resident of El Modena, ran for an open seat on the school board. He later admitted that he hesitated before running for the position because many community members received threats of job loss or violence if they challenged Anglo political authority. On election day in May 1948, Martinez defeated his opponent 155 to 122 votes. During the same election, LAL was able to help a Mrs. Robles get on the election committee for the district, further increasing the Mexican involvement in politics in El Modena. The event was covered on the front page of the *Daily* and was deemed a great success for the Mexican-American community, especially given the area's history.^[45]

In Martinez's tenure, he made several key changes that would benefit the Mexican-American community for an entire generation. He hired the district's first Mexican employee, Ysmail Vargas, as a janitor. Statistics also show that during Martinez's time on the board, the graduation date of El Modena schools increased significantly. This was a unique achievement, given that Mexican students of the area had grown accustomed to dropping out to go into the workforce or because they did not feel welcomed at school. It appeared that the LAL was meeting many of its major goals in promoting desegregation and empowering Mexican students.^[46]

Despite these major successes, the LAL was unable to achieve other objectives because of internal issues within its leadership and the opposing efforts of the Anglo community. In 1950, the LAL had an opportunity to elect another Mexican-American to the school board, but he was defeated easily. In the months after, a rumor surfaced that Superintendent Hammerstein had said racist comments about Mexicans. He would deny these rumors, but given his track record supporting segregation, the Mexican-American community portrayed him as someone against their interests who was failing to upkeep desegregation. In 1950, Hammerstein's contract was up for renewal and the Mexican-American community tried to attend a board meeting to influence the decision. The Anglo community also

attended this meeting in support of Hammerstein. Because Martinez was outvoted, Hammerstein was given a contract renewal and a raise. Both events were devastating the Mexican-Americans, as LAL leadership was faltering and Martinez decided not to run for a new term in the next election.^[47]

At the end of Martinez's term, LAL was able to elect Primo Rodriguez easily, but his term was during a time of great changes within the district that would continually challenge the new Mexican-American leadership. Rodriguez was a well liked person in the community and ran for his seat on the school board unopposed. During his term, the board was faced with both internal and external pressure to merge with other districts. Over the past four years, hundreds of students had moved to other districts and it was having a paralyzing affect on the El Modena district's budget. They were strapped of funds and could no longer pay for upkeep of the schools. These factors were intimidating for Mexican-American groups and it appeared that there was little the community or its leadership could do to solve the problem before it became worse.^[48]

Although desegregation cases like El Modena's may seem like a failure, the efforts of the Mexican-American community did make a huge difference in Orange County. As previously stated, desegregation was an experiment for Orange County. There were few historical grounds to base the process on and political powers were vague on what the districts were expected to do. What was clear was that *Mendez* declared that segregation by race or national origin was counterproductive to education and that the districts' practices were immoral and must cease. A year after *Mendez*, scholars found that only eighteen percent of districts segregated students by race, whereas before the statistic was over seventy percent. The 1950's would challenge how well districts could maintain desegregation and whether the Mexican-American community could preserve their newfound political presence.^[49]

De Facto Segregation and Long Term Challenges

The first few years following *Mendez* were the golden age of desegregation and integration efforts, as factors developing in the 1950's would diminish many of the gains of the Mexican-American community. Issues of urbanization and white-flight would continue to challenge the Mexican-American political movements in Orange County. In many cities, school districts began to merge and thus have greater control of the attendance boundary lines. Mexican community members that recently found footing in local politics now had to compete with a much larger population of Anglos for control of school board seats. As many Mexican neighborhoods began experiencing greater poverty and dropout rates, both the Mexican and Anglo community would have to make efforts to ensure that those students that could remain in school were given the best opportunities available. The return of racial segregation, this time by demographics and geographic placement of students, not district policy, would continue to pose challenges to the Mexican-American community, but the gains made in the previous decade due to *Mendez* allowed for some progress to continue.

Beginning in 1948, El Modena district officials contemplated uniting with the surrounding school districts in order to make up for their new losses of revenue. Representatives of Orange High School and the surrounding elementary districts of Villa Park, Silverado, Orange, Olive, and El Modena met several times over the next year to discuss this merger. In May 1948, the Orange County Re-Districting committee approved a measure that would allow the Orange High School District to vote on whether they wanted to unify with the surrounding elementary schools into one district. As this measure expanded, it was decided that the high school and at least one elementary school needed to approve the unification for it to go into effect. In this situation, El Modena, which was the only elementary school district with a high proportion of Mexican students, had no choice of whether to join the unified district.

Jared Wallace

By the fall of 1953, the unification measure was approved and El Modena merged with other districts to form the Orange Unified School District. This meant that all the community members were now under the jurisdiction and control of a much larger, all-Anglo board and that their previously elected board members lost their positions. This alteration would attribute heavily to an increase in de facto, as opposed to legally forced, segregation in El Modena.[\[50\]](#)

The move to unite school districts was a growing educational trend in California at the time. Arriola explained that this move, as racially driven as it appears, also reflected an economic necessity. As enrollment increased in schools following the post-World War II baby boom, the California government pressured districts all over the state to unify during the 1950s. This move was expected to make school districts more efficient and accountable for their students. For El Modena, it was a chance for the district to regain funds lost during the years of desegregation and white-flight. The districts surrounding El Modena had much higher attendance ratings and funds, thus making unification sound more alluring.[\[51\]](#)

Though there were many economic and pragmatic justifications for the unifications of the school districts, Anglo officials also used it as an opportunity to re-segregate Mexican students. As a result of this move, the increasingly Mexican-American area of El Modena was now under an Anglo-controlled district and no longer had a say on attendance boundary lines. In what was later called, the "Strawberry Patch Effect," (named after the strawberry groves of Villa Park) the Orange District changed the boundary lines so that a greater majority of Anglo students went to Villa Park High School, while most of the Mexican-Americans went to Orange High School. These changes continually posed a challenge to the Mexican-American community of El Modena over the next few decades as they still sought educational and social equality.[\[52\]](#)

The Mexican-American community of Santa Ana would also struggle to maintain a sense of racial integration in schools and neighborhoods during the 1950's. At the time of *Mendez*, Santa Ana was already the most populated and urbanized city in Orange County. In the following decades, the city would continue to grow and the Mexican community would be increasingly alienated. Land developers would create large apartment complexes along urbanized areas, while the cost of housing continued to rise. Mexican families were more likely to move to apartments, while Anglo families moved to suburbs and more expensive residential areas where they could feel secluded from the Mexican community. This action, whether done purposely or not, caused the Mexican population to centralize into certain sectors of Santa Ana. Even though some schools were in mostly-Mexican areas before the court case, these changes in urban growth would ensure that many Mexican students would never live close to Anglo residents, and thus the schools would be just as racially distinct. Over the next few years, white-flight and an influx of immigration would create de facto segregation and a significant loss in revenue within many schools in Santa Ana.[\[53\]](#)

As the Mexican-majority schools in Santa Ana became home of some of the poorest and most disadvantaged students of Orange County, with little support from the districts, some faculty members began using their own resources to try to create new opportunities for the students to succeed. Edith Gilbert, a teacher at Freemont Elementary, was extremely dedicated to helping the needy children that attended her school. She would work off the clock on Saturdays to help students do projects and activities that the district would not provide during the school week. Carmen Pedrosa, who attended Freemont in the early 1950's, remembered doing fun chemical experiments and interactive activities at the Saturday sessions that would engage students and give them opportunities they did not receive in the classroom. Outside of school, Gilbert was also known for providing medicine and clothes for the sick

140 Voces Novae, Vol 4, No 1 (2013)

and poor, along with legal services for Mexican immigrants. In 1959, she was awarded "Teacher of the Year" by the California Federation of Women's Club and featured in the *Los Angeles Times* on multiple occasions. Though she was not of Mexican ancestry, she dedicated several decades of service to the hardest struggling Mexican-American students and provided some relief from the growing disparity caused by de facto segregation and growing urbanization.^[54]

In the face of major setbacks and the growing proof of de facto segregation, *Mendez* still had many positive impacts on social relationships between races in Orange County. In the years that El Modena was fully integrated, Mexican-American and Anglo students had opportunities to form relationships and question the previous racial division. Some Mexican parents were skeptical about integration because at least when their children were in segregated schools, they were surrounded by a familiar community that the parents believed understood their needs. Some parents were also worried that their children would get into fights due to the tension between the races, but according to Robert Pedrosa who grew up in El Modena, the transition was much more peaceful than they thought it would be. Those that began playing sports together during the height of desegregation continued to do so, even when the schools were re-segregated in the 1950s. These relationships would be tested as de facto segregation became a social norm, but they were still a step forward from the racial divide that previously existed.^[55]

During the late 1940s and early 1950s, *Mendez's* influence reached beyond educational and political structures and began affecting the social fabric of Orange County. Several Mexican-Americans from neighborhoods like El Modena had served in World War II and when they returned, they used the momentum of the court case to demand access to basic public facilities that they and their families had been denied for several decades. In Orange, just outside of El Modena, public segregation was very much the norm before *Mendez*. In certain areas of Orange, if Mexican-Americans were found walking around without any formal business, police officers would ask them to return home.^[56]

In the months after *Mendez*, a variety of institutions were desegregated for the first time. For several decades, a movie theater in Orange had separate sections for Mexicans and Anglos to sit in. After *Mendez*, a returning soldier questioned the manager about this policy, and within weeks it was desegregated. A public pool in Orange that only allowed Mexicans to swim the day before it was cleaned was also desegregated during this time period. Other institutions, such as restaurants, social clubs, and stores that had previously segregated or prevented Mexican-Americans from using the facilities completely, also were influenced by this sweeping social change. Housing in Orange was also segregated up until *Mendez*, and after the case, realtors would slowly allow Mexicans to move into previously all-Anglo neighborhoods. This post-war reexamination on race would serve Mexican-Americans in achieving access to other public facilities and higher paying jobs in the upcoming decades, showing the struggles for justice and equal opportunity were fought in areas far beyond the schools.^[57]

The Mexican-American community of Orange County was in a transitional phase in the early 1950s. *Mendez* and the social movements that followed had provided them a greater voice within their cities and school districts. Despite any complications that accompanied de facto segregation and white flight, the quality of education for Mexican-American students was much better than the previous decades. The previously all-Mexican facilities that disgusted the judges involved in case because of their deplorable conditions were out of commission by 1960 and students now had a choice, though limited, of where they could attend school. The era of experimenting with full-integration ended as quickly as it began, but its gains would continue to assist the Mexican-American community for the next generations to come.^[58]

Jared Wallace

Mendez's Influence in the 2000s

In the years since the social movements that took place during the first few years after *Mendez*, the Mexican-American community in Orange County has continued to seek venues to remain relevant in political and educational institutions. Hispanics, mostly Mexican, make up more than a third of Orange County's population, while during the time of *Mendez* they were less than half that amount. Politically, their community members now hold positions in nearly every city council and several on both state and national legislatures. Outside of politics, many have had success in the medical, law, and corporate career fields that were once monopolized by their Anglo neighbors. With these recent successes, there are still many struggles in the fight for equal opportunity and due respect in the Orange County community. Over the years, *Mendez* and its legacy has provided a means for members of both the Mexican-American community and their diverse neighbors to find empowerment in the pursuit for justice and equality.

The cities involved in the case have especially seen a growth in Mexican-American presence. In the 2010 census, Santa Ana had the highest proportion of Hispanics in Orange County, consisting of seventy-eight percent of the population. In other cities, the trend is similar, with thirty-eight percent in Orange (where El Modena is now incorporated), thirty-seven percent in Garden Grove, and twenty-three percent in Westminster. Many of those residents are descendants of individuals who were involved in the social phenomena from the years following *Mendez*, but a growing majority of them are recently immigrated families. This new generation may not know as much about the conditions of school segregation before *Mendez*, but could definitely testify to how de facto segregation has seeped into many inner city and suburban schools alike in Orange County in recent decades.^[59]

As early as 1974, many schools in Southern California had more segregation by race than they did in the years before *Mendez*. Factors such as white-flight, surges in immigration, and attendance boundary-line policies have made it so that a great proportion of Mexican-American students are in schools where they make up over ninety percent of their school's population. This has added to the so-named "Latino Achievement Gap" because many of these schools lack the funds or resources to meet the linguistic and cultural needs of the students. The 2008 recession and a growing policy emphasis on high-stakes standardized testing has attributed to growth of the gap in recent years. In academic circles this is considered an epidemic. Hispanic students, of whom a great majority are Mexican, will soon represent over fifty percent of the California school population. Beyond being a challenge for schools, scholars say this could have implications on the economic, political, and social future of California and other states that face the same situation.^[60]

In reaction and reflection of the growing disparity of Mexican-American education in California, scholars and community members alike have turned to *Mendez* for a story that both empowers Mexican students and directs our understanding of where their achievement gap began and where it can be stopped. Up until the 1990's few scholars in the United States, let alone Orange County, referenced or elaborated on *Mendez*'s impacts on educational policy. The case received renewed recognition in 2000 when Santa Ana School District named their newest middle school after Gonzalo and Felicitas Méndez, just miles from where the couple bought their farm in Westminster in 1943. After covering the event, the *Orange County Register* began publishing regular stories that recited events from the case and attempted to contact descendants of the plaintiffs involved.^[61]

Sandra Robbie, an Orange County native, read one of these articles and was inspired to bring the story to greater public light. Over the course the next few years, she worked on a documentary that covered the events of the case, but placed a particular concentration on how individuals from many cultural backgrounds came together to make the case a success. Later that year, it won an *Emmy* and was shown at schools and events across the country. The documentary mostly focused on the events directly surrounding the case, but it gave a few minutes to explain how *Mendez* challenged social relationships and structures in following years. In the long run, the news articles, the documentary, and the attention they brought to the case were a part of the continuing legacy of *Mendez* as they sought to bring attention to Mexican-American contributions to Orange County historically and in the present.^[62]

After the timely fiftieth anniversary of *Brown* in 2003, *Mendez* gained further recognition on a national scale. Scholars used the occasion as an opportunity to study *Mendez* extensively, and more articles came out on the case within a single year than had been published in the previous four decades. In 2004, UCLA hosted a full-day forum commemorating the court case, with scholars hoping to reclaim its place in political and social history. During that same year, Sylvia Méndez (Gonzalo's daughter who was denied enrollment in Westminster's Anglo school in the events leading up to the case) and her family were invited by President George Bush's administration to attend an event during Hispanic Heritage Month. At the ceremony, Bush spoke about *Mendez*'s significant contribution to American civil rights history. Several years later, in 2011, Sylvia was invited to the White House again by President Barack Obama, this time to receive the Presidential Medal of Freedom for her efforts to use the case to inspire students and decrease the high school dropout rate. The federal government also recognized the case in 2007 when the United States Postal Service honored the 60th anniversary of the ruling with a commemorative stamp.^[63]

The case has continued to gain notoriety in Orange County as individuals like Sylvia Méndez and Sandra Robbie have pushed for the case to become part of classroom curriculum and Orange County history programs. This effort has had mixed success, as Governor Arnold Schwarzenegger vetoed a bill that would make it part of school lessons. Some teachers in Orange County, however, have begun teaching about the case in relation to both the importance of *Brown* and its relevance to Orange County heritage. *Mendez* was featured in an elaborate exhibit at the Old Orange County Courthouse in 2012 and numerous institutions have named libraries and memorials after individuals involved in the case in recent years. At the turn of the century, El Modena High School conducted a small ceremony recognizing the legacy of *Mendez* and the social improvements that have developed since. At the ceremony, school officials and community members restored a bell from the original segregated elementary school and posted it on a mount in front of the high school, signifying the school's recognition of the area's difficult past. Through all these events and new social movements, the *Mendez* case continues to have a major impact on Orange County and the individuals the case sought to protect.^[64]

Conclusion

Despite existing in historical obscurity for several decades, *Mendez* has lived an illustrious second life in recent decades. Though much of its fame is due to its connections to other historical events, its testament of diverse groups working together for the cause of justice and equal opportunity is extremely relevant to contemporary scholarship and social movements. The case has given the Mexican-American community of Orange County a symbol to stand behind and remind them of how many of their relatives and ancestors fought for equal education and political representation. Many new activists and community organizers have been inspired by the legacy of the case. They hope to live up to the

Jared Wallace

promises the *Mendez* ruling presented by questioning why equal educational and political opportunity for individuals of all racial backgrounds has not yet been achieved.

Factors of immigration, white-flight, and districting policies may have increased the presence of segregation of Mexican-Americans from their Anglo neighbors in the years since McCormick's decision, but *Mendez's* impact on social and educational norms within Orange County is undeniable. What is certain is that school districts can no longer legally deny students enrollment because of their skin tone or last name. The case also provided an opportunity for other institutions to desegregate, further thinning the racial divide in a very conservative and diverse Orange County. Despite all the challenges that have developed since *Mendez*, the economic and social position of Mexican-Americans in Orange County is much greater today than it was in the early 1940's.

Rather than labeling *Mendez* as California's *Brown*, it can be viewed as an event that incited spectacular change in an area bound by silent, but deeply embedded discrimination. Now that the case has risen from historical obscurity, scholars have an opportunity to study it based on the expectation it laid that students receive equal access to an education full of cultural values and proper language acquisition. It is no secret that a Latino Achievement Gap and racial division continues to exist in California, especially Orange County, but studying *Mendez* provides a framework to tackle these epidemics and gives people of all races and ethnicities a historical event to celebrate.

[1] Fermin Leal, "O.C. civil rights icon Mendez awarded Medal of Freedom," *Orange County Register*, February 15, 2011.

[2] Charles Wollenberg, *All Deliberate Speed*, (Berkeley: University of California Press, 1976), p. 28-48.; California Education Code, Article 1: Public Schools. Box 1, Folder 3. *Mendez, et. al v. Westminster, et. al* Collection, Frank Mt. Pleasant Special Collections and Archives, Chapman University, Orange, CA (Hereon referred to as *Mendez* Collection).

[3] Philippa Strum, *Mendez v. Westminster* (Lawrence: University of Kansas Press, 2010), p. 14-21.

[4] Strum, *Mendez*, p. 18-21.

[5] *Ibid.* p. 35-38.; *Mendez v. Westminster: Para Todos Los Niños*, Directed by Sandra Robbie (2002: Huntington Beach, KOCE-TV Foundation), DVD.

[6] Strum, *Mendez*, p. 39-41.

[7] *Ibid.* p. 42-53.

[8] Strum, *Mendez*, p. 123-141.; *Mendez v. Westminster*, 64 F. Supp. 544 (S.D. Cal. 1946).; "Segregation is Charged Against County Schools," *Santa Ana Register*, March 3, 1945.; "Discrimination Suit Against Schools is Opened in Los Angeles," *Santa Ana Register*, July 7, 1945.

[9] Vicki Ruiz, "South by Southwest: Mexican Americans and segregated schooling, 1900-1950," *The College Board Review* (2003), p.76.; Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941-1978* (Oxford: University Press, 2010), p. 34.; *Westminster v. Mendez*, 161 E2d 774 (9th Cir. 1947).

[10] Frederick Aguirre, "*Mendez v. Westminster* School District: How It Affected *Brown v. Board of Education*," *Journal of Hispanic Higher Education* (2004), p.328-329.; Letter from Robert L. Carter to Public Relations Department, April 24, 1947. Box 3, Folder 10. *Mendez* Collection.; Strum, *Mendez*, p. 151.

- [11] Vicki Ruiz, "We Always Tell Our Children They Are Americans: *Mendez v. Westminster* and the California Road to *Brown v. Board of Education*," *The College Board Review* (2003), p. 26.
- [12] Aguirre, "Mendez," p. 328.; Brilliant, *The Color*, p. 80-83.
- [13] Aguirre, "Mendez," p. 328.; Brilliant, *The Color*, p. 83.; Strum, *Mendez*, 146.
- [14] "Law enforcement, race relations, 1930-1960" Earl Warren Oral History Project, Bancroft Library, University of California Berkeley, Berkeley, CA.; Aguirre, "Mendez," p. 328.
- [15] "Segregation of Mexicans Stirs School-Court Fight," *New York Times*, December 22, 1946.; "County Schools to Appeal Decision in Segregation Case," *Orange Daily News*, February 21, 1946.; "Mexican Students to be Unchanged," *Orange Daily News*, September 13, 1946.
- [16] El Modena District Board Minutes, October 9, 1946. Box 3, Folder 13. *Mendez* Collection.
- [17] Strum, *Mendez*, p. 128-129
- [18] El Modena, October 9, 1946. *Mendez* Collection.
- [19] Ibid. *Mendez* Collection.
- [20] Strum, *Mendez*, 128-130.; Brilliant, *The Color*, 58-66.
- [21] Strum, *Mendez*, 130-131.; "Mexican Students to be Unchanged," *Orange Daily News*, September 13, 1946.
- [22] "Segregation is Charged Against County Schools," *Santa Ana Register*, March 3, 1945.; *Mendez v. Westminster*, 64 F. Supp. 544 (S.D. Cal. 1946).; Strum, *Mendez*, p. 82, 147.
- [23] Letter from Joel Ogle to Westminster School District Board of Trustees, June 7, 1947. Box 3, Folder 1. *Mendez* Collection.; Strum, *Mendez*, p. 128.
- [24] Westminster School Board of Trustees Minutes, September 19, 1944. *Mendez* Collection.; Strum, *Mendez*, p. 41, 53.
- [25] "Segregation," *Santa Ana Register*.
- [26] "Santa Ana Board of Education Meeting Minutes, September 12, 1946. Online. *Mendez* Collection.<http://cdm15046.contentdm.oclc.org/cdm/compoundobject/collection/p15046coll5/id/21/rec/10>, December 1, 2012.
- [27] Santa Ana Board of Education Meeting Minutes, June 6, 1946. Online. *Mendez* Collection.; Strum, *Mendez*, p. 131; Christopher Arriola, "Knocking on the Schoolhouse Door: *Mendez v. Westminster*: Equal Protection, Public Education and Mexican American in the 1940's," *La Raza Law Journal* 8 (1995), p. 22.
- [28] Arriola, "Knocking," p. 21-22.; *Westminster v. Mendez*, 161 E2d 774 (9th Cir. 1947).; Strum, *Mendez*, p. 141-145.
- [29] Letter from Joel Ogle to Westminster School District Board of Trustees, June 7, 1947. Box 3, Folder 1. *Mendez* Collection; Letter from R.F. Harris to George Holden, June 25, 1947. Box 3, Folder 1. *Mendez* Collection.; Santa Ana School Board of Trustees Minutes, June 5 and 16, 1947. Online. *Mendez* Collection.
- [30] California Assembly Bill No. 1375, January 29, 1947. Box 1, Folder 3. *Mendez* Collection.
- ^[31] "Mexican's Schools on Coast Banned," *New York Times*, April 15, 1947.; "Racial Intolerance is Feared Spreading on the Coast," *New York Times*, April 20, 1947.
- [32] Strum, *Mendez*, p. 147.
- [33] Westminster Minutes, December 10, 1947. Box 3, Folder 1. *Mendez* Collection.
- [34] Santa Ana Minutes, June 5 and 13, 1947. Online. *Mendez* Collection.
- [35] Strum, *Mendez*, p. 147.; Santa Ana Minutes, September 10, 1947. Online. *Mendez* Collection.
- [36] Strum, *Mendez*, p. 147.; Interview of Carmen Pedrosa, Orange, CA, November 15, 2012.
- [37] Strum, *Mendez*, p. 148-9.; "Placentia parents fought for school desegregation," *Orange County Register*, May 27, 2004.

Jared Wallace

- [38] Strum, *Mendez*, p. 148-9.; "Segregation of Mexicans Stirs School-Court Fight," *New York Times*, December 22, 1946.; Charles Wollenberg, "Mendez v. Westminster: Race, Nationality and Segregation in California Schools," *California Historical Quarterly* 53 (1974), p. 330.
- [39] "Court Decision on Schools," *Orange Daily News*, April 16, 1947.
- [40] Arriola, "Knocking," p. 22.
- [41] Interview of Robert Pedrosa, Orange, CA, November 15, 2012.; Strum, *Mendez*, p. 147-148.
- [42] Christopher Arriola, "Silent Segregation: the History of Mexican American School Segregation in El Modena, California," (Stanford: University Press 1992), p. 62-63.
- [43] Arriola, "Knocking," p. 22-23.
- [44] *Ibid.* p. 23.; "Villa Park School Bonds Are Carried," *Orange Daily News*, May 17, 1947.
- [45] "Jess Martinez Close Winner in Hot Contest at El Modena," *Orange Daily News*, May 22, 1948.
- [46] Arriola, "Silent," p. 63-65.
- [47] *Ibid.*, p. 66-67.
- [48] Arriola, "Knocking," p. 23.
- [49] Wollenberg, *All Deliberate*, p. 132.
- [50] Arriola, "Silent," p. 68-71; "School Unification Program to be Submitted to Voters," *Orange Daily News*, May 27, 1948. "Redistricting of Local Schools Up for Decision," *Orange Daily News*, May 25, 1948. "Unification of Local Grade School Districts to be Recommended Tonight," *Orange Daily News*, May 26, 1948. "Write-In Campaigns Mark Local School Board Elections," *Orange Daily News*, May 21, 1949.
- [51] Arriola, "Knocking," p. 22-24.
- [52] Interview of Cecelia Dick, Orange, CA, October 24, 2012.; Robert Pedrosa, 2012.
- [53] Interview of Frederick Aguirre, Fullerton, CA, February 15, 2013.; Carmen Pedrosa, 2012.
- [54] Carmen Pedrosa, 2012.; "Mrs. Edith Gilbert of Santa Ana," *Los Angeles Times*, April 30, 1959.
- [55] Robert Pedrosa, 2012.
- [56] Robert Pedrosa, 2012.
- [57] *Ibid.*, 2012.; Robbie, *Mendez*, DVD.
- [58] Letter from Harold V. Kibby to Edward Shaw. October 2, 1962. Box 3, Folder 1. *Mendez* Collection.
- [59] "American Fact Finder." <http://factfinder2.census.gov>, April 7, 2013.
- [60] Michael Madrid, "The Latino Achievement Gap," *Multicultural Education* 19 (2011), p. 7-12.; Fermin Leal, "District has come a long way since 1947; But even highly integrated schools like Westminster's still much deal with economic inequality," *Orange County Register*, May 16, 2004.; Strum, "*Mendez*," p. 161.
- [61] Maria Sacchetti, "School integration is O.C. Family's legacy," *Orange County Register*, September 3, 2000.
- [62] Strum, "*Mendez*," p. 161.; "Out from the shadows; Bush credits O.C.'s Mendez Family for paving way to ending school segregation with historic 1947 case," *Orange County Register*, September 16, 2004.; Robbie, *Mendez*, DVD.
- [63] *Ibid.* 2004.; Leal, "O.C. civil," 2011.; Strum, "*Mendez*," p. 160-162.
- [64] Strum, *Mendez*, p. 162. Cindy Arora, "School history lesson hits home: A landmark desegregation case is finally being taught where it happened-here," *Orange County Register*, February 2, 2004.; Lou

Ponsi, "Exhibit chronicles school desegregation in California," *Orange County Register*, September 8, 2011.; Robert Pedrosa, 2012.