

## 8 – A Tale of Two Schools

By Maria Fleming

**1945:** a California couple fights for bilingual education in Westminster, California.

*Many groups have experienced, and fought against, the indignities of segregation in the United States. In the early 1900s in California and the Southwest, Mexican Americans, or Chicanos, were excluded from "Whites Only" theaters, parks, swimming pools, restaurants - even schools.*

*Immigrants from Mexico waged many battles against such discriminatory treatment, often risking their jobs in fields and factories and enduring threats of deportation. In 1945, one couple in California won a significant victory in their struggle to secure the best education for thousands of Chicano children.*

In the fall of 1944, Soledad Vidaurri took her children and those of her brother, Gonzalo Mendez, to enroll at the 17th Street School in Westminster, Calif. Although they were cousins and shared a Mexican heritage, the Mendez and Vidaurri children looked quite different: Sylvia, Gonzalo Jr. and Geronimo Mendez had dark skin, hair and eyes, while Alice and Virginia Vidaurri had fair complexions and features.

An administrator looked the five children over. Alice and Virginia could stay, he said. But their dark-skinned cousins would have to register at the Hoover School, the town's "Mexican school" located a few blocks away. Furious at such blatant discrimination, Vidaurri returned home without registering any of the children in either school.

In the 1940s, Westminster was a small farming community in the southern part of the state. Lush citrus groves, lima bean fields and sugar beet farms stretched in every direction from a modest downtown business district. Most of the men and women working in those fields were first- and second-generation immigrants from Mexico who were employed by White ranchers.

Like many California towns at the time, Westminster really comprised two separate worlds: one Anglo, one Mexican. While Anglo growers welcomed Chicano workers in their fields during times of economic prosperity, they shut them out of mainstream society. Most people of Mexican ancestry lived in *colonias* - segregated residential communities - on the fringes of Anglo neighborhoods. The housing was often substandard, with inadequate plumbing and often no heating. Roads were unpaved and dusty.

Westminster's Hoover School was in the heart of one such *colonia* and was attended by the children of Mexican field laborers. A small frame building at the edge of a muddy cow pasture, the Hoover School stood in stark contrast to the sleek 17th Street School, with its handsome green lawns and playing fields.

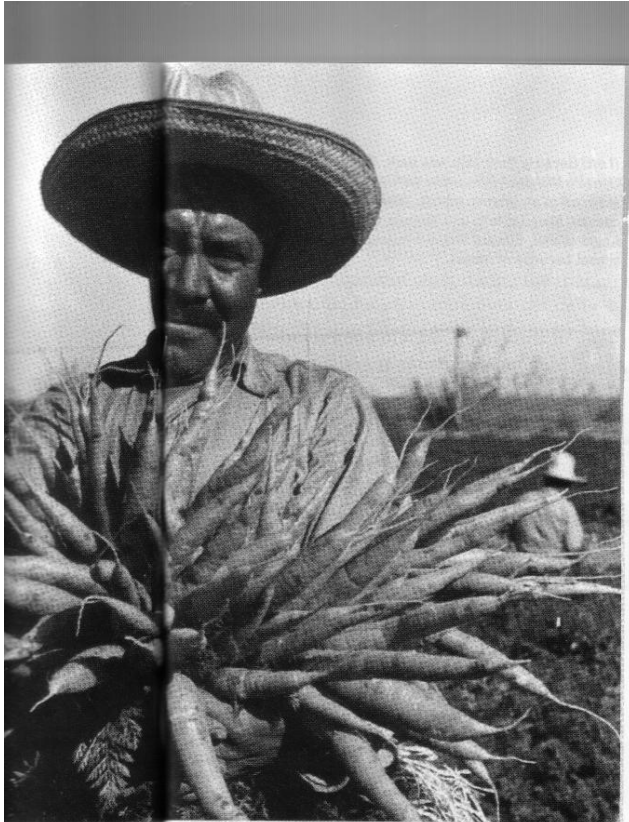
The Westminster School District was not alone in discriminating against Chicano students. At the time, more than 80 percent of school districts in California with large Mexican populations practiced segregation. The segregation of Chicano children was also widespread in Texas, New Mexico and Arizona.

The Mexican schools were typically housed in run-down buildings. They employed less-experienced teachers than the Anglo schools. Chicano children were given shabbier books and equipment than their White peers and were taught in more crowded classrooms. Perhaps the greatest difference between the schools, however, was in their curricula. While geometry and

biology were taught at the Anglo schools, classes at the Mexican schools focused on teaching boys industrial skills and girls domestic tasks.

Many Anglo educators did not expect, or encourage, Chicano students to advance beyond the 8th grade. Instead, the curriculum at the Mexican schools was designed, as one district superintendent put it, "to help these children take their place in society."

That "place" was the lowest rung of the economic ladder, providing cheap, flexible labor for the prospering agricultural communities of California and the Southwest. At the time, more than 80 percent of the agricultural labor force in southern California was Mexican. An advanced education would only make Mexican Americans dissatisfied with farm labor, some White educators reasoned.



As one school superintendent in Texas told his fellow educators, "You have doubtless heard that ignorance is bliss; it seems that it is so when one has to transplant onions. ... If a man has very much sense or education either, he is not going to stick to this kind of work. So you see it is up to the White population to keep the Mexican on his knees in an onion patch."

But Chicano men and women had different ideas about their children's futures. Like other immigrant groups, Chicano field laborers believed that education was the ticket to a better life in America, a way out of the heat and dust of the fields.

Gonzalo and Felicitas Mendez knew well the difficult life of field laborers. Both had emigrated to the United States as young children. Like thousands of Mexicans in the early 20th century, Gonzalo's family had fled political turmoil in their native country. They left behind a successful ranch in Chihuahua

and found jobs as day laborers in the citrus groves of Southern California.

**(Above) Through the labors of migrant workers, California's agricultural business flourished and growers prospered.**

Felicitas Gomez had emigrated to America from Juncos, Puerto Rico, when she was 10. The Gomez family led a migrant life, following the harvest from Texas to Arizona to California. Eventually, they settled in the southern California colonia where the Mendezes lived, and in 1936, Felicitas and Gonzalo married.

By that time, Gonzalo had a reputation in the county as a champion orange picker, and he commanded a slightly higher wage than other field workers. Felicitas, thrifty and resourceful, saved what she could from Gonzalo's wages, and in a few years the couple was able to lease their own ranch - 40 acres of asparagus in the town of Westminster.

The Mendezes were among the few Chicano tenant farmers in Orange County. Most Latinos at the time held low-paying jobs as field workers. Employment opportunities for Mexican Americans were severely limited. Discrimination prevented them from getting jobs in restaurants, department stores and even many factories, making it extremely difficult for them to advance economically.

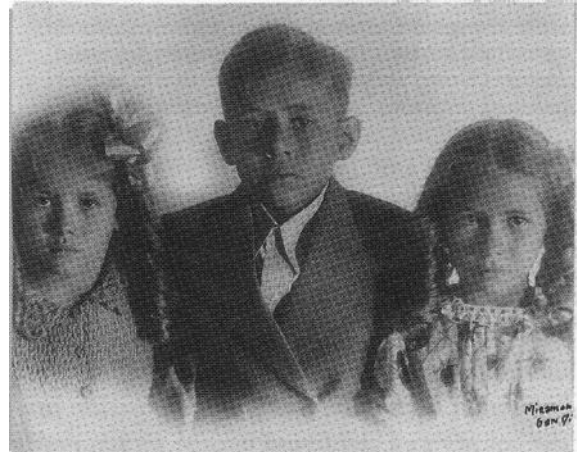
Both Felicitas and Gonzalo had been forced to abandon their education in grade school in order to support their families. But they had higher hopes for young Sylvia, Gonzalo Jr. and Geronimo. And when Soledad Vidaurri told her brother and sister-in-law that their children had been refused admission to the 17th Street School because they - unlike her own children - didn't look "White enough," Gonzalo and Felicitas were outraged.

"How could it be possible?" they wondered. They were American citizens. Gonzalo had been naturalized just a few years before; and because Felicitas had been born in a U.S. territory, she was a citizen by birth. Both thought of themselves as Americans and told their children they were Americans.

Not that they were unfamiliar with the prejudice toward Latinos, however. For people of Mexican descent living in California and the Southwest, discrimination was part of the social landscape. Many parks, hotels, dance halls, stores, eateries and barbershops were off limits. Mexican Americans were forced to sit in the balcony in movie theaters. In many communities, they were only permitted to swim one day a week at the public pool, just before it was cleaned and drained.

The fact that the Mendezes were fairly prosperous tenant farmers did not make them any more acceptable to the mainstream community. They were used to being told in restaurants, "We don't serve Mexicans here," and being informed by store clerks that they would have to wait to make their purchases until all the White customers had been served.

"That's when you learned to walk away," Felicitas later remembered.



**(Above) Because their skin was dark, Sylvia, Geronimo and Gonzalo Mendez (shown here with a baby sitter) were assigned to an inferior school. (Below) Their Vidaurri cousins Alice (pictured above) and Virginia were assigned to the Anglo school. Edward Vidaurri missed the opening of school because of illness.**

But this time, Gonzalo and Felicitas Mendez didn't plan to walk away. They were ready to do battle with the Westminster School District for the sake of their children's education. Realizing that other Chicano families in the community faced the same problem, the Mendezes organized a group of Mexican parents to protest the segregation of their children in the shabbier school. Together, they sent a letter to the board of education demanding that the schools be integrated. Their request was flatly denied.

Gonzalo continued to petition school district administrators. Worn down by his persistence, the school superintendent finally agreed to make an exception for the Mendez children and admit them to the Anglo school. But the Mendezes immediately rejected his offer. The school would have to admit all of the Chicano children in the community or none of them.

The Mendezes hired a civil rights attorney, David Marcus, who had recently won a lawsuit on behalf of Mexican Americans in nearby San Bernardino seeking to integrate the public parks and pools. The Mendezes also learned that parents in other school districts had been fighting against segregation, too. Marcus suggested that they join forces, and on March 2, 1945, the Mendezes and four other Mexican American families filed a class action suit against the Westminster, Garden Grove, El Modena and Santa Ana boards of education on behalf of 5,000 Mexican American children attending segregated, inferior schools.

The Mendezes threw themselves into the trial preparations. Gonzalo took a year off from work to organize Latino men and women and gather evidence for the case. Every day, he and David Marcus drove across Orange County's patchwork of vegetable farms and citrus groves, stopping in the colonias. They knocked on doors and tried to convince Mexican American parents and their children to testify in court.

It was no easy task. Some workers feared that their Anglo bosses might fire them if they testified. Or worse, they might be deported. But slowly, the plaintiffs built their case. Gonzalo offered to pay the transportation costs and lost wages of anyone willing to travel to Los Angeles and appear in court during the trial.

Meanwhile, Felicitas took over the daily operation of the farm. In the little spare time she had, she organized a group of local Latino parents to support the five plaintiffs in the lawsuit.

Finally, the trial date arrived. Now it was up to the courts to decide if the Latino men and women who had helped California's agricultural economy grow and thrive were to that of entitled to the same rights as those who prospered from their labor.

During the trial, defense attorney Joel Ogle pointed out that the 1896 Supreme Court decision in *Plessy v. Ferguson* had given legal sanction to racial segregation, provided that the separate facilities for different races were equal. Furthermore, Ogle maintained, there were sound educational and social advantages to segregated schooling. The "Mexican schools" gave special instruction to students who didn't speak English and who were unfamiliar with American values and customs. Such "Americanization" programs benefited both Anglos and Mexicans, Ogle argued.

But this educational rationalization for segregation was undermined by the testimony of 9-year-old Sylvia, 8-year-old Gonzalo and 7-year-old Geronimo Mendez. All spoke fluent English, as did many of the other children who attended the Hoover School. In fact, further testimony revealed that no language proficiency tests had even been given to Chicano students. Rather, enrollment decisions were based entirely on last names and skin color, as evidenced by the experience of the Mendez children and their cousins.

The racist underpinnings of such "Americanization" programs became apparent when James L. Kent, the superintendent of the Garden Grove School District, took the stand. Under oath, Kent said that he believed that people of Mexican descent were intellectually, culturally and morally inferior to European Americans. Even if a Latino child had the same academic qualifications as a White child, Kent stated, he would never allow that child to enroll in an Anglo school.

It was testimony that made the Latino men and women who had gathered in the courtroom to show their support for the suit wince in pain - and anger. Felicitas said later that she never forgot Kent's hateful testimony.

"He said Mexicans should be segregated like pigs in pigpens," she recalled. "He said Mexicans were filthy and had lice and all kinds of diseases."

U.S. District Court Judge Paul J. McCormick was also appalled by Kent's blatant bigotry. On February 18, 1946, he ruled in favor of the plaintiffs. In his opinion, McCormick pointed out that segregation "fosters antagonisms in the children and suggests inferiority among them where none exists." Because the separate schools created social inequality, he reasoned, they were in violation of the students' constitutional rights. He also pointed out that there was no sound educational basis for the segregation of Anglo and Mexican students since research showed that segregation worked against language acquisition and cultural assimilation.

The Orange County school boards filed an appeal.

But dramatic social change was occurring on a national level following World War II, and Orange County school officials would find their position on segregation coming under increasing attack. After fighting for democracy abroad, Mexican American soldiers balked against the rigid lines of division when they returned home. "How could America declare itself the leader of the free world, while it trampled the rights of its own citizens?" they asked. Latino veterans formed civil rights groups and demanded change. Around the country, other minority groups were waging similar battles.

By now, the Mendez lawsuit had drawn national attention. Civil rights lawyers in other states were watching the proceedings closely. For half a century, they had been trying to strike down the "separate but equal" doctrine of *Plessy v. Ferguson*, and they thought that Mendez just might be the test case to do it.

Among those following the suit was a young African American attorney named Thurgood Marshall. Marshall and two of his colleagues from the National Association for the Advancement of Colored People (NAACP) submitted an amicus curiae - "friend of the court" - brief in the appellate case. Among the other groups submitting amicus briefs were the League of United Latin American Citizens, the Japanese American Citizens League and the Jewish Congress.

On April 14, 1947, the Ninth Circuit Court of Appeals in San Francisco upheld the lower court decision. The court stopped short, however, of condemning the "separate but equal" doctrine of *Plessy v. Ferguson*. The NAACP and other groups eagerly waited for Orange County school officials to file an appeal that would bring the case before the U.S. Supreme Court. But lawyers for the school read the writing on the wall: Mainstream public opinion had shifted, and the era of segregation was coming to a close. The defense decided not to appeal the decision further. An opportunity to overturn *Plessy* would have to wait.

Even if it would not rewrite the law of the land, *Mendez v. Westminster* still had a significant regional impact. Like a pebble tossed into a pond, the legal victory sent ripples of

change throughout the Southwest. In more than a dozen communities in California alone, Mexican Americans filed similar lawsuits. Chicano parents sought and won representation on school boards and gained a voice in their children's education. The decision also prompted California Gov. Earl Warren to sign legislation repealing a state law that called for the segregation of American Indian and Asian American students.

Seven years later, the NAACP did find a successful test case to reverse *Plessy v. Ferguson*. Thurgood Marshall argued the landmark *Brown v. Board of Education of Topeka* before the U.S. Supreme Court, presenting the same social science and human rights theories he had outlined in his *amicus curiae* brief for the Mendez case. Former California Gov. Earl Warren, who had been appointed chief justice of the U.S. Supreme Court, wrote the historic opinion that finally ended the legal segregation of students on the basis of race in American schools in 1954.

In September of 1947, Sylvia, Gonzalo Jr. and Geronimo Mendez enrolled at the 17th Street School in Westminster with out incident. Integrated schools also opened that fall in Garden Grove, El Modena and Santa Ana. Felicitas and Gonzalo Mendez quietly resumed their work. At the time, neither really considered the full impact of their legal victory; they were content just to have righted a wrong in their community and to have protected their children's future. In 1964, Gonzalo Mendez died of heart failure. Felicitas continued to live in Southern California until her death in 1998.

Sadly, neither *Mendez v. Westminster* nor *Brown v. Board of Education* led to the complete integration of American schools. The long legacy of segregation has left its mark on our current educational system, and integration and equity are issues that schools are still grappling with today. In Santa Ana, Calif. - one of the districts named in the Mendez desegregation lawsuit more than 50 years ago - a new school opened in the fall of 2000 honoring Gonzalo and Felicitas Mendez, two civil rights pioneers in the continuing struggle to provide equal educational opportunities for all of America's children.