

The Brown Quarterly

Quarterly Newsletter for Classroom Teachers

Volume 6 No. 3

Hispanic Heritage Issue

Fall 2004

We Always Tell Our Children They Are Americans

MENDEZ V. WESTMINSTER

Mendez v. Westminster and the California Road to Brown v. Board of Education

By Vicki L. Ruiz

In Westminster, California, Gonzalo Mendez, a relatively prosperous tenant farmer, tried to enroll his children in the Main Street School which he had attended as a child. However, times had changed. Boundary lines drawn around Mexican neighborhoods ensured de facto segregation. Turned away, the Mendez children were assigned instead to Hoover, the Mexican elementary school. Consequently in March 1945, Gonzalo Mendez, William Guzman, Frank Palomino, Thomas Estrada and Lorenzo Ramirez, with the help of the League of United Latin American Citizens (LULAC), sued four local school districts, including Westminster and Santa Ana, for segregating their children.

The ensuing case of *Mendez v. Westminster School District* (1946) would foreshadow *Brown v. Board of Education* in several areas, including judicious use of social science research, the application of the Fourteenth Amendment, and the

involvement of Thurgood Marshall. Although *Mendez v. Westminster* was relatively unknown nationally, it placed the struggles for civil rights across regional,

racial and ethnic lines. The case is important for other reasons. It illuminates how race, class and citizenship marked 20th-century Mexican history, and it was one of the growing efforts by Mexican Americans to cast off a mantle of systematic prejudice.

CHALLENGE TO INJUSTICE

With shabby facilities and inadequate supplies, Mexican schools did not seem conducive for learning, because Spanish-speaking children had to sink or swim in an English-only environment. Tales of getting struck by a ruler for speaking Spanish or mispronouncing English

phrases resonate in the memories of Mexican Americans who came of age during the interwar period and into the 1960s.



Photo credit: University of California, San Diego

Students at Lemon Grove School in California, which a court ordered desegregated after Mexican American parents sued in 1931.

continued on page 4

A Personal Perspective

The American Legacy – Pass It On

We are all beneficiaries of the legacies of the 1954 *Brown v. Board of Education* decision and the *Mendez v. Westminster School District* decision of a decade earlier. Many American families have stories about life before *Brown* or *Mendez*.

My parents were born and raised in rural West Texas towns during the Depression years. My father went to a segregated elementary school. In his small town, Mexican American children attended one school, white children another.

In the 1950s, my mother went to a teachers' college in West Texas. Upon graduation, school administrators discouraged her from applying for teaching jobs in West Texas and she moved to New Mexico to work as a teacher. She was the only Hispanic on the faculty.

My parents started their family in the days after *Brown* and *Mendez* during a time of great social change and unrest in this country. Nevertheless, it was also a time of great hope. Growing up the oldest of five children, I never heard my parents bemoan any past injustices or slights. I imagine they were happy to raise children in a world they perceived as becoming more tolerant of differences. They perceived a world more filled with opportunities. They perceived a world in which America was more fully fulfilling its promise to its people.

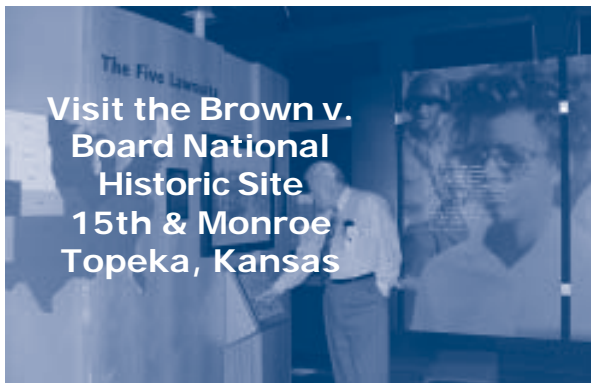
After spending the past 25 years working in national parks, I have had plenty of time to marvel at the spectacular landscapes and natural wonders of this country. I have also marveled at the many powerful and moving stories found throughout our country of ordinary people doing extraordinary things. The National Park Service cares for special places, saved by the American people, so that all may experience our heritage. As National Park Service employees, we see ourselves as stewards and tellers of the American story. We also see ourselves sharing this mission with many others.

As the new Superintendent at Brown v. Board of Education National Historic Site, I am honored to be able to contribute to the telling of this important American story and to continue this essential dialogue. We are all beneficiaries of a great American legacy. We are all responsible for furthering this legacy, passing it on, as we continue to pursue the promise of a more perfect union.

For visitor information,
see www.nps.gov/brvb
or call 785-354-1489.



Visit the Brown v.
Board National
Historic Site
15th & Monroe
Topeka, Kansas



Visitors view displays at Brown v. Board National Historic Site in Topeka, Kansas.

Reflections on *Brown v. Board*



by
Dennis A. Vasquez
Superintendent
Brown v. Board of
Education National
Historic Site

The Brown Foundation is pleased to publish this newsletter for classroom teachers through which we will share resources available from national parks and museums. Established to maintain the legacy of the *Brown* decision, our organization plays an exciting role as a park partner. We were instrumental in the development of the Brown v. Board of Education National Historic Site in Topeka, Kansas. We hope you enjoy the *Brown Quarterly* and we are always interested in comments from our readers.

Executive Director:
Cheryl Brown
Henderson

Program Associate:
Linda Brown
Thompson

Editor/Design:
Grace L. Wilson
gracewilsoneditor@cox.net

Mailing Support:
Chelsey Smith

More than 50 readings of *Now Let Me Fly* scheduled across the nation

Thank you to all who have done play readings of *Now Let Me Fly*! Your enthusiasm and dedication has made A NATION ACTS a great success. *Now Let Me Fly*, including youth versions, is still available at <http://anationacts.brownyboard.org/> Consider using this moving and educational play during our 50th anniversary year or in February for Black History Month (see page 6).

April 2004:

Kansas — McPherson

Miller Library, McPherson College

Minnesota — Minneapolis, Convention Center
American Association of Community Colleges

Missouri — Nevada

Cotter College Center for Women's Leadership

Texas — Seguin

Black Student Union, Texas Lutheran University

New York — New York, Association of Bar of
City of New York Civil Rights Committee

West Virginia — Thomas, Valley Ridge Theatre

May 17, 2004:

Alabama State University, Montgomery
National Center for the Study of Civil Rights
and African-American Culture

Connecticut — Middletown

SERC (Special Education Resource Center)

California — North Hollywood

5th Grade at Toluca Lake Elementary School

Florida — Tampa, 8th Grade Class,

Progress Village Middle Magnet School

— West Palm Beach

Tabernacle Missionary Baptist Church,
Community Alliance for Reform in Education

Georgia — Jesup

Bennett Union Missionary Baptist Church

Colorado — Greeley

Weld County Bar Association at Courthouse

Georgia — Atlanta

Speakwrite, Inc., at The APEX Museum
Artwork of Dr. Lee Ransaw and "With All
Deliberate Speed: The Legacy of Brown."

Hawaii — Pearl Harbor

Illinois — Elgin Community College

Indiana — Greencastle, Local NAACP,
Gobin Memorial United Methodist Church

Kansas — Independence, Inge Theatre,
Independence Community College

Kansas — Topeka Performing Arts Center
Brown Foundation/Washburn University for
the 50th Anniversary Commemoration

Kentucky — Louisville, Playhouse Theatre
African American Theatre Program

Massachusetts — Cambridge

K-8 Elementary School

North Carolina — Burlington

Broadview Middle School

Nebraska — Omaha

Metropolitan Community College

New York — Kingston, Private residence

"The
actors...
really felt
the
presence
of the
characters
they
portrayed!"
from
Bethlehem,
PA



"It brought
the black
and white
community
out
together in
a way that
I have not
seen it
since I have
been here."
from
Greencastle,
IN



Ohio — Cleveland & Cleveland Heights

Kulture Kids, Dobama Theater.

Ohio — Toledo, New Works Writers Series, with the
Fredrick Douglass Community Center for local youth

Ohio State University — Columbus, Drake Performance
Center, Lawrence & Lee Theatre Research Institute, Alpha
Kappa Alpha, and Hit-the-Ground-Running Theatre Co.

South Carolina — Columbia & Kingstree

Williamsburg Technical College

Oregon — Portland, Associated Students of Portland
Community College, Sylvania, with PBS shows *Road to
Brown* and *Beyond Brown: Pursuing the Promise*

Pennsylvania — Bethlehem, Grace Deliverance Baptist
Church, Moravian College/Theological Seminary, Good
Schools of Pennsylvania

Tennessee — Memphis, The Pierian Society Read-In,
Southwest Tennessee Community College

Texas — Houston, The Rothko Chapel

Washington, D.C., St. Margaret's Episcopal Church

May 2004:

New York — Alfred

Nevins Theatre in Powell Campus Center at Bandstand

Kansas — Topeka, Capital City School

Maryland — Baltimore, Student Government Association,
West Baltimore Middle School

Massachusetts — Manchester Essex Regional High School

Ohio — Dayton, University of Dayton School of Law with
Central State University and National Afro-American
Museum and Cultural Center

Illinois — Carbondale, Local NAACP, Civic Center

Pennsylvania — Philadelphia

National Constitution Center

Colorado — Carbondale

Youth version live on KDNK 90.5 and 88.3 FM

California — San Diego, Muirlands Middle School

July 2004:

Washington, D.C. — Academy of Hope - Assisting adult
learners in preparing for the GED and basic skills. We
finished with a dramatic reading of this play. It was a
wonderful learning tool, and everyone thoroughly enjoyed it.

Virginia — Charlottesville, J.P. Burley Middle School
QCC, Presence, African Am Cultural Arts Fest

October 2004:

Louisiana — New Orleans, Lower Depths Theatre,
Loyola University Department of Drama and Speech

California — Los Angeles

Office of Student Life, 1600 Campus Road

November 2004:

Maryland — St. Mary's City, St. Mary's College

MENDEZ V. WESTMINSTER AND

“They degraded us horribly,” El Paso native Rosa Guerero remembered. Education, in some instances, did raise expectations that hard work would bring material rewards and social acceptance, the fulfillment of the American promise.

“We felt that if we worked hard, proved ourselves, we would become professional people,” said a Los Angeles resident.

Segregation did not only apply to schooling. In Santa Ana, Mexicans could sit only in the balcony of a local movie theatre. Orange County residents of the interwar generation, like their compatriots elsewhere in the Southwest, remember signs in stores and restaurants that stated, “No dogs or Mexicans allowed.” Responding to economic exploitation and social injustice, Latinos joined labor unions, *mutualistas* and local grassroots organizations.

In 1931, in Lemon Grove, just east of San Diego, a group of Mexican neighbors banded together to challenge successfully in court the segregation of their children into a separate school, a hastily constructed structure that resembled a barn. The case, *Alvarez v. Lemon Grove School District*, represented one of the first successful court actions in favor of school desegregation.



Photo (above): A Latina girl and her mother in Arizona, circa 1900. Latinos were denied access to decent schools or jobs and were threatened with deportation. Photo (opposite page): Latino children attend an outdoor English class at a segregated school in Tempe, Arizona, 1926.

DAVID MARCUS ENTERS THE FRAY

Efforts at school desegregation cut across class and generational divisions within the Mexican American communities. Founded in 1929, LULAC struck a chord among middle-class Mexican Americans. Envisioning themselves as patriotic “white” Americans pursuing their rights, LULAC members restricted membership to English-speaking U.S. citizens. LULAC would prove vital in underwriting the legal costs associated with *Mendez v. Westminster*. Furthermore, on LULAC’s advice the Mendezes hired civil rights attorney David Marcus.

Before Gonzalo and Felicitas Mendez sought legal redress for their three children, Sylvia, Gonzalo, Jr., and Geronimo, they organized other parents and “persuaded the school board to propose a bond issue for construction of a new, integrated school.” When the measure failed, the school board refused to take further action.

In January 1945, the Westminster superintendent reported to the board that he had met with Mendez and Marcus. The minutes reveal that the “problem of the complaint from the Mexican-speaking peoples was discussed at length.” Board members deferred making any decision. Ironically, during this meeting they voted in favor of the resolution to allow Japanese American children to attend the Main Street School. Given the recalcitrance of local boards, the Mendez and four other families filed suit against Westminster, Garden Grove, Santa Ana, and El Modena school districts on behalf of their children and 5,000 others in March of 1945.

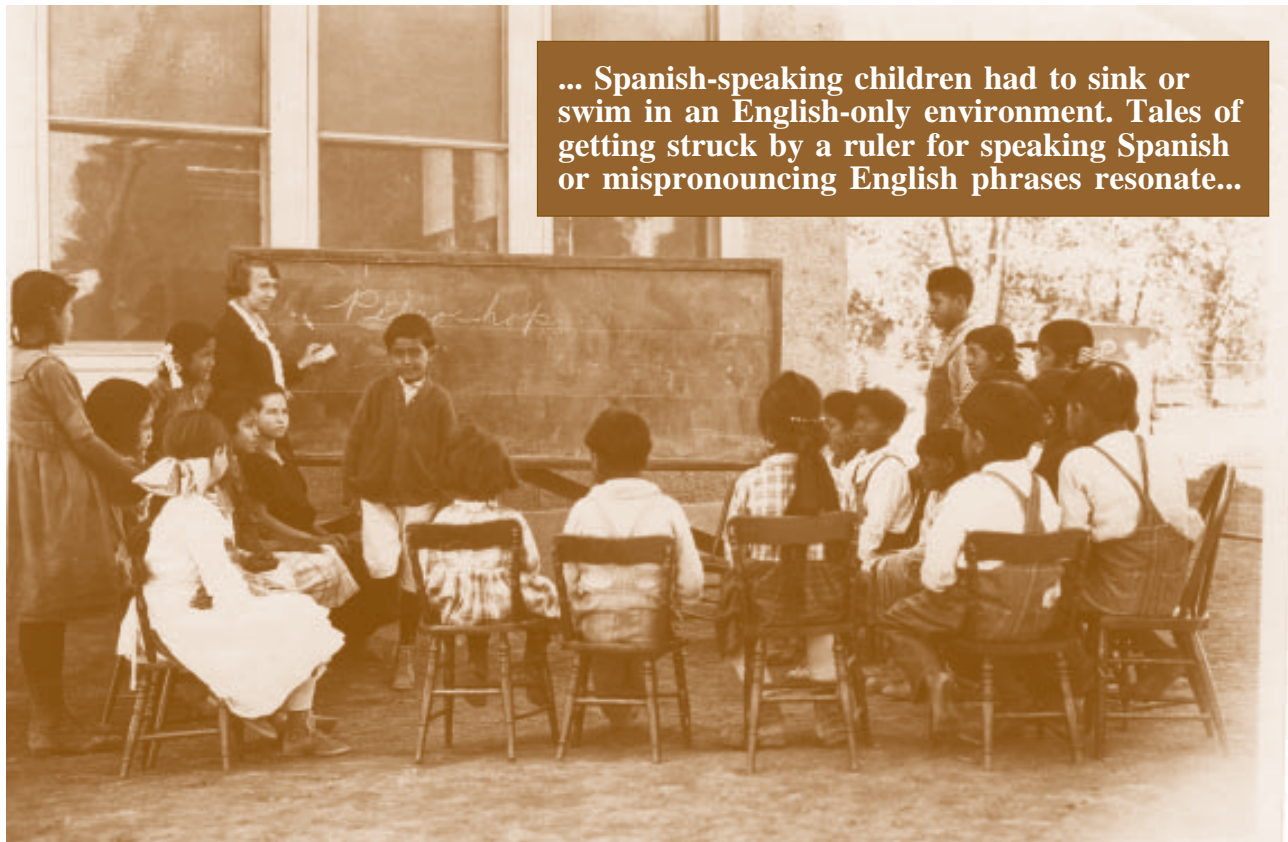
During the trial, superintendents echoed the stereotypical image of Mexicans. The Garden Grove superintendent declared, “Mexicans are inferior in personal hygiene, ability, and in their economic outlook. Youngsters need separate schools because of their lack of English proficiency.” He recited a laundry list of hygienic deficiencies peculiar to Mexican children that warranted, in part, their segregation. The deficiencies included, “lice, impetigo, tuberculosis, generally dirty hands, face, neck and ears.”

When David Marcus asked if all children were dirty, the superintendent answered; “No, sir”. Marcus pushed the issue; “Do you keep a record of dirty hands and face?” “No” was the response.

THE CALIFORNIA ROAD TO BROWN

Marcus devised a twofold strategy. He questioned the constitutionality of educational segregation and called in expert witnesses, social scientists who challenged these assumptions about Mexican American children and the supposed need for separate schools. Fourteen-year-old Carol Torres took the stand to counter claims that Mexican children did not speak English. The testimony of Felicitas Mendez summed up her family's beliefs simply: "We always tell our children they are Americans."

Mendez case influenced a shift in the NAACP legal strategy to include social science arguments. Second, Judge McCormick relied not just on legal precedent but on social science and education research. Third, it was the first time a federal court had concluded "that the segregation of Mexican Americans in public schools was a violation of the state law" and unconstitutional under the Fourteenth Amendment because of denial of due process and equal protection. Last, as the direct result of the *Mendez* case, the California legislature passed the



... Spanish-speaking children had to sink or swim in an English-only environment. Tales of getting struck by a ruler for speaking Spanish or mispronouncing English phrases resonate...

Photo credits: University Archives, Arizona State University Libraries

Taking almost a year to make a decision, Judge Paul McCormick ruled that segregation of Mexican youngsters found no justification in the laws of California, and furthermore was a clear denial of the *equal protection clause* of the Fourteenth Amendment. The school district appealed the decision, partly on states' rights strategy, arguing the federal court had no jurisdiction in the matter.

Mendez v. Westminster assumes national significance through its tangible connections to *Brown v. Board of Education* in four related areas beyond NAACP counsel Thurgood Marshall's *amicus curiae* brief. First, the

Anderson Bill (1947), a measure that repealed all California school codes mandating segregation and was signed into law by Earl Warren, who was then governor of California.

Mendez v. Westminster was certainly a crucial case in the multiple struggles for school desegregation, in that it forecast the rationale of the Warren Court in *Brown v. Board of Education*. The courage of individual parents, like the Mendezes, and the collective strength of civil rights organizations, like LULAC, are part of a continuing national story in claiming educational equity for all of our nation's children.

Playwright explains how experience helps her craft

By Marcia
Cebulski

Teachers
may still
download
youth
versions
of *Now
Let Me Fly*,
by Marcia
Cebulski
(photo
above), for
use in their
classrooms.

Photo credit: Martin Wisneski



What did I call upon in myself since I am not black and cannot know that experience? What experiences did I call upon?

- ~ Being spat upon and called "dirty Pollack" as a child.
- ~ Being told a whole generation of Polish jokes that told me I should consider myself stupid.
- ~ Being told by my college boyfriend that women were on the earth to serve men and I was to walk five steps behind him
- ~ Being thrown to the ground when I demonstrated peacefully against the war in Vietnam.

~ Being harassed and jailed for associating with people of color while I was project director of a race relations study in Seattle.

~ Being part of a family whose members have married people of color so that I now have cousins who are African American and Asian American and Hispanic American.

These are some of the things I called upon in addition to my dear family and friends of African American heritage who advised me, corrected me, and led me to sources to read and people to talk to. Fortunately, there were brave strong people who were willing to come forth at great risk, to make a change. I came to admire the strength and resolve of these unsung heroes and heroines.

A NATION ACTS: Play Readings of *Now Let Me Fly*

Join others across the country for readings of *Now Let Me Fly* by award-winning playwright Marcia Cebulski.

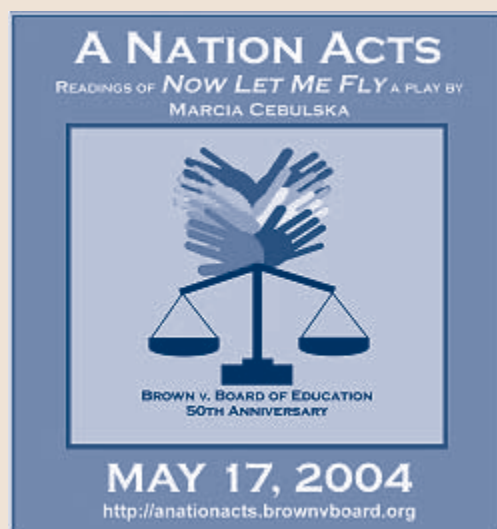
Brown v. Board overturned "Separate But Equal," but years before the landmark court case, brave citizens held grassroots meetings across the nation in homes, schools, church basements and barbershops. This uplifting play opens hearts and minds to the issues of race, education and equality.

Based on hundreds of oral histories collected by the Brown Foundation and personal interviews, *Now Let Me Fly* brings to life the real stories and people involved in the struggle leading to *Brown v. Board*. Considered the most important U.S. Supreme Court decision ever, *Brown v. Board* started unraveling the chains of legal segregation.

Synopsis

It is 1950 and Thurgood Marshall wants to end the doctrine of "Separate But Equal." When the ghost of his mentor, Charles Houston, visits him, his enthusiasm turns to doubt. Houston takes Marshall on a journey, looking in on the lives and losses of the men and women working in the grassroots struggle against segregation. Together they visit Washington, D.C.; Farmville, Virginia; Hockessin, Delaware; Somerton, South Carolina and Topeka, Kansas. They collect the thumbprints of the ordinary people who became activists in all five of the cases that went to the Supreme Court. *Now Let Me Fly* is the story of the unsung heroes and heroines behind the struggle to end legalized segregation in the United States.

Now Let Me Fly was commissioned by the Brown Foundation and Washburn University.



Professional productions are those in which any actor is paid or admission is charged; they are subject to royalties and must receive playwright's permission (<http://anationacts.brownvboard.org/downloads/script/>)

"Thank you for making this valuable piece of literature available to [our] middle school students."

Deborah Barron, Tampa, FL

Youth versions of *Now Let Me Fly* may be downloaded at <http://anationacts.brownvboard.org/>

Teacher Talk

Curriculum Matrix

STRENGTH THROUGH DIVERSITY

Primary Concepts To Be Developed	Underlying Principles Supporting Concepts	Activities to Develop Primary Concepts	Student and Teacher Resources
<p>Much of the strength of the American way of life has come from many different sources which have been assimilated into our culture. These include cultures which were native to the United States.</p> <p>Diversity, in its many different forms, serves to strengthen rather than weaken our country.</p> <p>Diversity, in its many different forms, helps each of us develop a broader understanding of who we are, how we came to be who we are, and the potential we have to become something more.</p>	<p>Many different ethnic groups come to America to enjoy the freedoms it provided.</p> <p>Different ethnic groups bring a wide range of cultural beliefs and practices, different languages, and different races.</p> <p>Freedom of religion assures many different groups have the right to practice their specific religion and their particular beliefs openly.</p> <p>Freedom of association allows groups to collaborate at the same time they work to preserve their cultural identity.</p>	<p>Awareness & Observation. What diversity have we observed? What other diversity exists?</p> <p>Knowledge & Understanding. What were the sources of this diversity? What do they represent?</p> <p>Contribution and Utility. How has this diversity been useful to us in the development of our nation and our own belief systems?</p> <p>Appreciating and Valuing. How does this diversity contribute to the beauty and wealth of our nation?</p> <p>Acceptance and Respect. Although we do not agree with everything others believe or do, is it desirable to allow them to do it?</p>	<p>Class surveys, school surveys, community surveys and studies.</p> <p>Interviews with individuals of different cultures, especially immigrants and older people.</p> <p>Identification of different languages and specific terms we have adopted in our daily language.</p> <p>Research on immigration trends, attempts to control immigration and treatment of immigrants.</p> <p>Analysis of contributions to our country from different cultures.</p> <p>Consideration of what our culture would be without these contributions.</p>

This matrix, provided by Robert R. Dunwell, retired head of the Washburn University Education Department, is a tested adaptation of Hilda Taba, a curriculum development specialist.



The film, *The Road to Brown*, tells the story of the brilliant legal assault on racial segregation that launched the Civil Rights Movement. It is also a long overdue tribute to Charles Hamilton Houston, a visionary recognized as “the man who killed Jim Crow.” A celebration of the road we have traveled, the film challenges viewers to think creatively and strategically about where we need to go next.

The Road to Brown Web page offers a more thorough description and reviews at: <http://www.newsreel.org/nav/title.asp?tc=CN0076> California Newsreel, now in its 35th year, is the country's oldest non-profit documentary production and distribution center. It is a leading resource center for the study of race and diversity, African American life and history, and African feature films and documentaries.

Teachers may also be interested in the film series from California Newsreel, *The Rise and Fall of Jim Crow*, at: <http://www.newsreel.org>. This series is a chronicle of race relations leading up to the Civil Rights Movement. It has a complementary PBS companion Web site at: <http://www.pbs.org/wnet/jimcrow/>.



Glossary of Terms for studying the Brown & Mendez cases

amicus curiae - a friend of the court brief or written argument from someone who is not an actual party in the lawsuit, but who has an interest in the matter.

de facto - existing in actual fact, though not by legal establishment or official recognition. Example: *de facto* segregation.

due process - the course of legal proceedings established to protect individual rights and liberties.

exploitation - making a profit from the labor of others without giving a just return.

14th Amendment - the amendment to the U.S. Constitution which specifies who are legal citizens of the United States and their protections under the law.

LULAC - League of United Latin American Citizens. LULAC supported the legal fight against segregation in the *Mendez v. Westminster School District* case.

mutualistas - mutual aid societies established for outsiders in Anglo-American society, providing loans, insurance, legal aid and social, cultural and educational activities.

NAACP - National Association for the Advancement of Colored People. The NAACP planned the legal strategy that led to the *Brown v. Board of Education* case.

prejudice - a preconceived or unreasonable judgement or opinion; a suspicion, intolerance or irrational hatred of other races, creeds, regions or occupations.

stereotype - a fixed or conventional notion of a person or group, allowing for no individuality.

Find out about these individuals mentioned in the article, *We Always Tell Our Children They Are Americans*, on page 1: *David Marcus, Thurgood Marshall, Felicitas and Gonzalo Mendez, Earl Warren*



Brown v. Board of Education

50th Anniversary Commemorative Poster

This full-color poster commissioned by the Brown Foundation, including the art of Sam Smith is available for a minimum donation of \$10 per poster (plus an additional \$10 for shipping and handling of 1 - 3 posters). Posters will be mailed *to domestic addresses only*. Posters will not be shipped until payment is received. Make your check payable to the Brown Foundation and mail it to:

Brown Foundation
P.O. Box 4862
Topeka, KS 66604



For information on African, Asian, Hispanic, and Native American history, see past issues of the Brown Quarterly at:

brownvboard.org

E-Mail: brownfound@juno.com

Web: <http://brownvboard.org>