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Los Angeles

Mendez et al. v. Westminster School District et al.:

Mexican American Female Activism in the Age of *De Jure* Segregation

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in Education

by

Nadine Bermudez

2015

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ABSTRACT OF THE DISSERTATION

Mendez et al. v. the Westminster School District et al.:

Mexican American Female Activism in the Age of *De Jure* Segregation

by

Nadine Bermudez

Doctor of Philosophy in Education,

University of California, Los Angeles, 2015

Professor Daniel G. Solorzano, Chair

In the fall of 1944, a group of concerned citizens in Westminster, California got together to protest the segregation of Mexican origin children into so-called “Mexican schools.” Angered that their children had been racially targeted, parents from the Mexican American community drafted a petition to school officials. Outlined in the petition were the parents’ concerns regarding their children’s education and their plea to the district to reconsider its separatist policies. Largely ignored by school officials, the parents saw fit to file suit.

The case of *Mendez et al. v. the Westminster School District et al.* marked a watershed moment in the history of this country and the ongoing battle for racial equality. What began as a community struggle eventually emerged as a class action lawsuit filed on behalf of 5,000 people of predominately Mexican ancestry. Named in the lawsuit were five key families, a number of students, and a host of people from across Orange County. Not readily identified in the lawsuit or subsequent inquiries about it, however, were the countless women who participated in efforts to

dismantle “Mexican schools” in California. The purpose of this dissertation is to examine this void.

This study of the *Mendez case* tells the story of a Mexican American community’s quest for social justice. It examines the grassroots movement of those who organized to challenge *de jure* segregation in their neighborhood schools and their reasons for doing so (see Figure 1).

Guiding this study are questions regarding the many people who contributed to the *Mendez case* and the multitude of ways in which they lent their support. Particular to this study of *Mendez et al. v. the Westminster School District et al.* is an investigation into the participation of Mexican origin women and their varied contributions to desegregation efforts.

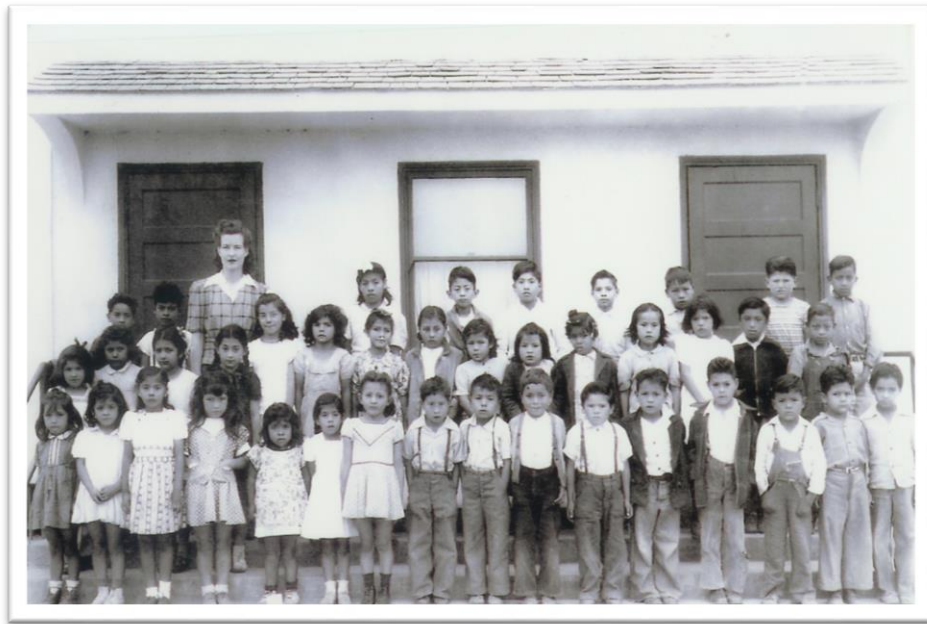


Figure 1. Mrs. Johnson’s first grade class, Hoover (Mexican) School, Westminster School District, Westminster, California, 1944. (Courtesy of Frank Mendoza)

The dissertation of Nadine Bermudez is approved.

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2015

DEDICATION PAGE

This dissertation is dedicated to Felicitas Mendez, Virginia Guzman, Josefina Ramirez, Irene Palomino, Maria Luisa Estrada, Isabel Ayala, Rosalia Bermudez, Felicitas Fuentes, Manuela Ochoa, Maple Pena, Jane Sianez, Carol Torres, Soledad Vidaurri, and the countless women who organized in defense of social equality.

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- Bermudez, N. (May, 2003). Mendez v. Westminster School District: The Struggle of a Mexican Community. Panel discussion at the LatCrit Race Theory Conference, Cleveland, Ohio
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- Bermudez, N. (August, 2006). Chicana Activism in the Age of De Jure Segregation. Chicanas in Education: Challenging the Myth of Equal Education Panel Presentation. Mujeres Activas en Letras y Cambio Social Conference, University of California, Santa Cruz
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- Revilla, A., Ek, L., & Bermudez, N. (March 2002). Resistance through Education: Cultural Relevant Teaching and Chicana/o Education. Panel presentation. National Association for Chicana/Chicano Studies, Chicago, Illinois

CHAPTER ONE

INTRODUCTION:

Summary of *Mendez et al. v. the Westminster School District et al.*

On September 8, 1944, a group of concerned citizens in Westminster, California got together to protest the segregation of Mexican origin children into so-called “Mexican schools.” Angered that their children had been racially targeted by school officials, parents residing in Westminster drafted a petition (see Figure 2) to school officials. Outlined in the petition were the parents’ concerns regarding their children’s education and their plea to the district to reconsider its segregation policies.¹ Believing that the separation of “American children of non-Mexican descent” from “American children of Mexican extraction” was “not conducive to the best interests of the children,” the parents called for an end to the racial isolation of Mexican children in American schools (*Mendez v. Westminster*, 1946). Largely ignored by school officials, the parents saw fit to file suit.

¹ See Appendix A for a transcribed copy of the petition.

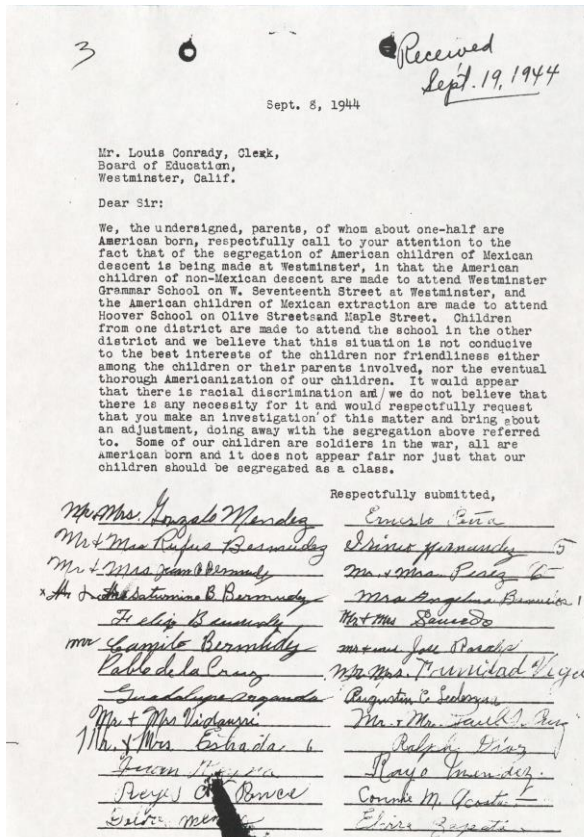


Figure 2. Petition sent to the Westminster School District by members of the Mexican American community requesting an investigation into the matter of school segregation. Westminster, California, September 8, 1944. (Frank Mt. Pleasant Library of Special Collections and Archives, Chapman University)

Named in the lawsuit were school officials from four Orange County school districts: Westminster, Santa Ana, El Modena, and Garden Grove. Leading the charge against the districts were Gonzalo Mendez, William Guzman, Frank Palomino, Thomas Estrada, and Lorenzo Ramirez. In what would amount to a class action lawsuit filed on behalf of 5,000 people of predominately Mexican descent,² the case of *Mendez et al. v. the Westminster School District et al.*³ (see Figure 3) made its way to the California courts.

² With very few exceptions (most noteworthy, Felicitas Mendez, who was of Puerto Rican descent), the overwhelming majority of participants involved in the *Mendez case* were of Mexican ancestry. As such, I will commonly refer to them as Mexicans or Mexican Americans.

³ Throughout this paper, the case of *Mendez et al. v. the Westminster School District of Orange County et al.* will be referred to as *Mendez et al. v. Westminister et al.*, *Mendez v. Westminister*, the *Mendez case*, or simply *Mendez*.

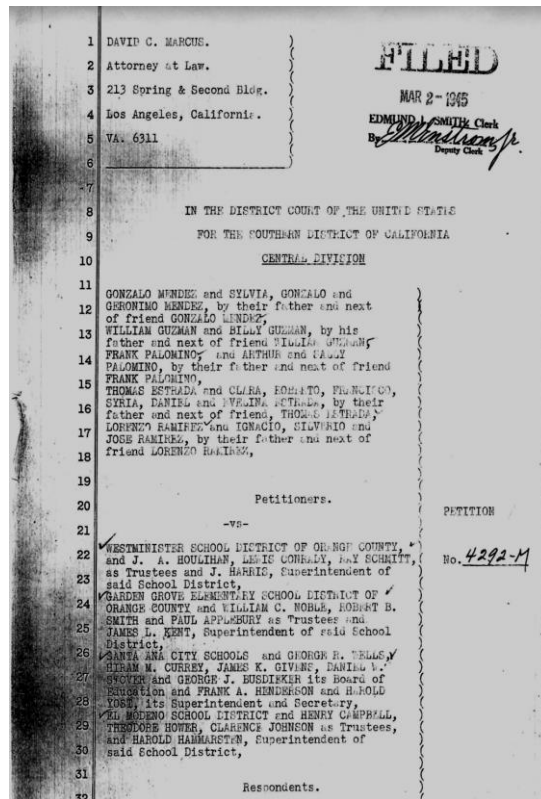


Figure 3. Legal brief filed on behalf of the plaintiffs, Santa Ana, California. *Mendez et al. v. Westminster et al.*, 64 F. Supp. 544 (S.D. Cal. 1946). (Regional Archives, Pacific Region, Laguna Niguel, California).

Hired by members of the Mexican American⁴ community to represent their legal rights was David Marcus, a well-known attorney who had successfully tried other desegregation cases in California.⁵ Marcus centered his argument on the constitutionality of *de jure* segregation. Arguing that his clients' Fourteenth Amendment rights had been violated, Marcus called for an immediate injunction to the segregating of Mexican origin children. Representing defendants in the lawsuit was legal counsel for the Orange County School District, Joel Ogle. Acting in

⁴ Tatum defined a Mexican American as “a person who has retained his or her citizenship of the country of Mexico and resides in Mexico, is temporarily in the United States, or even resides in the United States without becoming a citizen” (p. xii). For the purposes of this study, the term *Mexican American* will be used to identify those involved in this study. A preliminary investigation into *Mendez v. Westminster* identified this to be the definition of choice among many research participants. Other terms, such as *Mexican*, *Mexican origin*, *people of Mexican descent*, and the like are used interchangeably and make reference to those plaintiffs involved in the *Mendez case*.

⁵ Most notably, *Lopez v. Seccombe* (1944). This case was successfully tried by David Marcus on behalf of Ignacio Lopez (a reporter for the Spanish paper, *El Espectador*) and “roughly 8,000 other Mexican Americans” in response to the segregation of citizens of Mexican ancestry in public spaces in San Bernardino, California (Brilliant, 2010, p. 63).

defense of his clients (i.e., officials from the Westminster, Santa Ana, El Modena, and Garden Grove School Districts), Ogle based his arguments on two key factors: jurisdiction and pedagogy. In his opening statement before the court, Ogle argued that the “federal courts had no jurisdiction over essentially what was a state matter” and, as such, called for an immediate dismissal of the *Mendez case*. Ogle further argued that the separating of Mexican children from their White counterparts was strictly for educational purposes, and thus “in the students’ best interest” (*Mendez v. Westminster*, 1946).

Presiding over the *Mendez case* was the honorable Paul J. McCormick, a United States District Court Judge for the Southern District of California in Los Angeles. Hence, with all key players in place, and each side eager to have their day in court, *Mendez et al. v. the Westminster School District et al.* went to trial in the summer of 1946 (*Mendez v. Westminster*, 1946).

Filed on behalf of 5,000 plaintiffs, the *Mendez case* proved to be a lengthy and complex process. Summoned to testify in court were over 70 witnesses, among them school personnel, district superintendents, education experts, social scientists, community leaders, local residents, a host of parents, and a number of students (*Mendez v. Westminster*, 1946). Further contributing to legal proceedings were several important legal and civil rights organizations, including the National Association for the Advancement of Colored People (NAACP), the American Civil Liberties Union, the National Lawyers Guild, the American Jewish Congress, and the Japanese American Citizens League, as well as the California Attorney General. With much at stake, these organizations lent their expertise to the trial by providing attorneys for the plaintiffs with a number of *amicus curiae* briefs. Outlined in these “friend of the court” briefs were issues regarding the constitutionality of *de jure* segregation, the civil rights of children of color, and at the heart of it all, the very notion of what it means to be an American in a nation stratified by race. Of particular interest to a study of the *Mendez case* is the brief submitted by the NAACP.

Since the *Mendez case* would go on to set precedence for the landmark desegregation case *Brown et al. v. Board of Education of Topeka et al.*, the *amicus curiae* prepared by attorneys Thurgood Marshall and Robert Carter exemplifies the importance of the *Mendez case* not only to the *Brown case*, but to the battle for racial equality in the US (see Appendix B).

Finally, after much deliberation, Judge McCormick handed down his ruling on February 18, 1946. Nearly four years after the initial complaint had been filed by members of the Mexican community, the Judge ruled in favor of the plaintiffs, citing the violation of their Constitutional rights. In his ruling, Judge McCormick concluded that since the Education Code (1935) in California⁶ did not “specifically provide for segregation of Mexican school children,” the arbitrary separating of children of Mexican descent into “Mexican schools” violated their rights to due process, as guaranteed them by the Fourteenth Amendment. Adding that school segregation “foster[s] antagonisms in the children” and “suggest[s] inferiority ... where none exists,” Judge McCormick ordered an immediate injunction to the separating of Mexican children in California schools (*Mendez v. Westminster*, 1946). Although the Judge’s ruling was met with contempt and was immediately appealed by defendants in the *Mendez case*, his decision would later be upheld by members of the California Supreme Court. Thus, *Mendez et al. v. the Westminster School District et al.* marked an end to the legal segregation of Mexican origin children in California and helped set precedence for other important segregation cases to follow.

⁶ The Education State Code is well examined in the Literature Review (Chapter Three) of this study. See page 56 for a transcribed copy of how the Code reads.

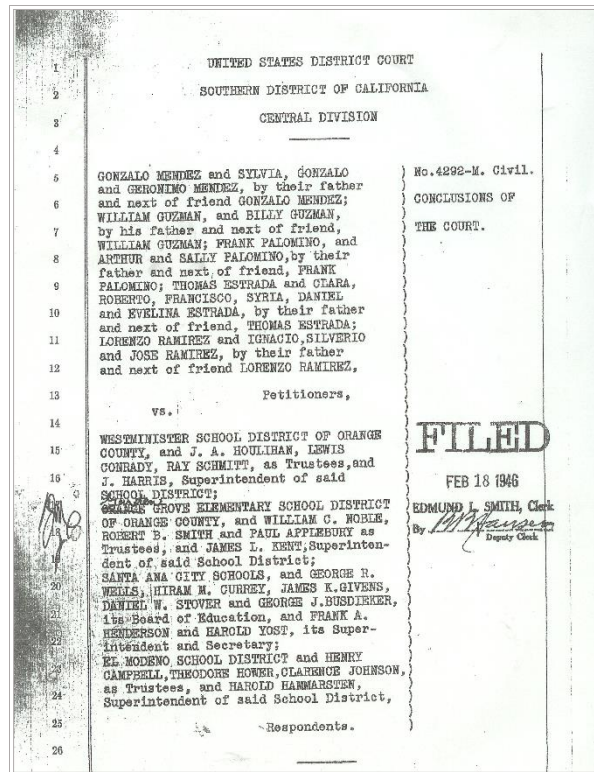


Figure 4. Conclusion of the Court. Santa Ana, California, February 18, 1946. *Mendez et al. v. Westminster et al.*, 64 F. Supp. 544 (S.D. Cal. 1946). (Regional Archives: Pacific Region, Laguna Niguel, California)

Background

Just as the California Supreme Court ruled school segregation to be unconstitutional in *Mendez et al. v. Westminster School District et al.* in 1947, the United States Supreme Court would similarly rule against *de jure* segregation in the landmark case, *Brown et al. v. Board of Education of Topeka et al.* in 1954. But unlike the *Brown case*, in which Oliver Brown and 12 other African American families were “recruited by the local chapter of the NAACP to challenge the law that upheld segregation in the Topeka Elementary schools” (Brown Henderson, 2003, p. 8), *Mendez et al. v. Westminster School District et al.* would find its origins in the grassroots efforts of the Mexican American community. In what can best be described as “bottom-up fashion,” Mexican Americans throughout Orange County organized to challenge and defeat the lawful practice of separating Mexican students from Whites. Although such efforts began as

fragmented, individual acts, in time they evolved to a grassroots movement comprised of parents, students, neighbors, friends, and a host of members from the Mexican American community. It is this grassroots movement I sought to examine in this study and their experiences I hoped to explore.

Why This Telling of the *Mendez Case*

This study of the *Mendez case* tells the story of a Mexican American community's quest for social equality. It examines the grassroots movement of those who organized to challenge *de jure* segregation in their neighborhood schools and their reasons for doing so. Guiding this study is an investigation into the many people who contributed to the *Mendez case* and the multitude of ways in which they lent their support. Particular to this study of *Mendez v. Westminster* is an investigation into the contributions of women of Mexican ancestry, and how and why they participated in the desegregation battle. Outlined below is an explanation of my interests in the *Mendez case* and my reasons for conducting this study. It begins with a description of a preliminary study I conducted in the early 2000s, proceeds to a discussion of my experiences as an educator for the past 20 years, and ends with an explanation of my familial ties to the *Mendez case*.

Preliminary Study

My interest in exploring the *Mendez case*, and more precisely the actions and motives of Mexican origin women involved in desegregation efforts, stems in part from a preliminary study I conducted in 2004. Although my initial intent was to tell the story of segregated schools from the perspective of Mexican students in attendance of such schools, over time my interest began to shift and narrow. Upon my review of the preliminary data, I came to realize that a different story had presented itself, one that went beyond my early understanding of the *Mendez case* and was rooted in the experiences of Mexican origin women. This story remained virtually obscure

in the history books, official documents, and existing narratives I read. The story before me told of women's agency and how, in their roles as mothers, wives, daughters, and such, they worked to protect their families and friends from race discrimination. It delved into their motives for acting, the strategies they employed, and the array of obstacles that impeded their efforts. In short, what emerged from the data was a different "telling" of the *Mendez case*.

Professional Experiences

Further informing my interest in the *Mendez case* has been my 20 years of public school teaching. As a former elementary school teacher in predominately Latino-populated neighborhoods, I have witnessed and experienced firsthand the everyday operations of an education system ill-equipped to meet the needs of its students. With problems stemming from an array of sources,⁷ I struggled to comprehend the social, political, and economic conditions systemically impeding the education of my students. Though I was fortunate to work with a number of dedicated teachers, administrators, and parents who seemed to genuinely care about the wellbeing of our students, the stark reality of a broken school system proved too much for me and my colleagues. I came to realize that, while we may have impacted the lives of some of our students in some ways, statistically speaking, the odds were against them. Like so many young people in this nation, my students were systemically placed "at-risk." I became very disheartened and confused by it all and began to question my choices as an educator. In search of answers, I took a sabbatical and taught and traveled in Mexico for one year. My travel experiences fostered new knowledge about myself, education, and my general views of the world; such "experiential knowledge" would inevitably make its way to this study.⁸

⁷ For example, these challenges included an unequal distribution of school resources, a curriculum irrelevant to the cultural experiences of its student body, standardized tests, overcrowded classrooms, and a host of school personnel, district officials, administrators, and teachers who, at best, were indifferent to the needs of their students, and at worst, callous and under-qualified.

⁸ A discussion of this experiential knowledge is provided in the Methodology Chapter of this study.

Upon my return, I made the difficult decision to leave the K-12 school system and entered graduate school.⁹ It was at this time that I began teaching English as a Second Language to Spanish-speaking adults. This experience further heightened my concerns regarding the educational experiences of Mexican origin and Latina/o¹⁰ students, as well as my interest in understanding the correlation between education and the sociopolitical and economic conditions historically impacting our schools. Ultimately, I would settle into teaching Chicana/o¹¹ Studies at the community college level in East Los Angeles. My experiences as a college professor would further impact my views of education and my efforts to improve the educational status of Chicana/o and Latina/o students. Although the specifics of teaching higher education (i.e., content, pedagogy, and the student population) differed in many ways from my experiences as an elementary teacher, much to my surprise, my concerns and frustrations mirrored those of my early teaching days. It is these collective experiences that I bring to this study of the *Mendez case*.

⁹ Initially I earned a Master of Arts Degree from California State University, Northridge in Chicana/o Studies. Upon completion of this degree, I applied to the University of California, Los Angeles in the Department of Graduate School of Education and Informational Studies, Division of Social Science and Comparative Studies, Race and Ethnic Studies Specialization. These educational experiences are important to note because they too impacted my views of the world and my understanding of the *Mendez case*.

¹⁰ *Latina/o* in this study makes reference to people of Latin American origin living in the United States. The “a” is used to reference females, and the “o” males. When referencing both in this study, the “a/o” combination will be used.

¹¹ According to Chicano historian and scholar Rodolfo Acuña, *Chicano* is a word “adopted during the 1960s as a political term that embraced collective responsibility to bring about social change for their community and the country (2011, p. 327).” The term *Chicana* similarly describes the political connotation of the word, but specifically “describes a women or girl of Mexican ancestry belonging to the United States” (Solorzano Torres and Hernandez, 2010, p. xix). Within the context of this paper, the word *Chicana/o* will be used to reference both females and males.

Familial Ties

Lastly informing my interests in the *Mendez case* are my personal ties to it. As long-time residents of Westminster, the Bermudez clan continues to be well-connected to the Westminster community. In fact, several of my relatives attended the very schools named in the lawsuit and were actively involved in desegregation efforts. Their involvement in the *Mendez case* is evident in the stories told by them and others, as well as the documents surrounding it (e.g., letters, court transcripts, and photographs). For instance, the signatures of several of my relatives appear on the 1944 petition circulated in Westminster and submitted to the school district in opposition to its segregation practices (see Figure 5).¹² It was my discovery of documents like this that heightened my interest in the *Mendez case* and led me to conduct a preliminary study.

Respectfully submitted,

Mr. & Mrs. Gonzalo Mendez	Ernesto Peña
Mr. & Mrs. Rufus Bermudez	Ernesto Bermudez
Mr. & Mrs. James Bermudez	Mr. & Mrs. Perez
Mr. & Mrs. Saturnino B. Bermudez	Mrs. Angelina Bermudez
Felipe Bermudez	Mr. & Mrs. Saez
Mr. Campes Bermudez	Mr. & Mrs. Jose Sanchez
Carle de la Cruz	Mrs. & Mrs. Trinidad Vega
Guadalupe Saganda	Augustin C. Saez
Mr. & Mrs. Vidgari	Mr. & Mrs. Paul A. Ruiz
Mr. & Mrs. Eschada	Rafael Diaz
Francisco Herrera	Rayo Mendez
Perez de Ronce	Concha M. Acosta
Elvira Mendez	Elvira Zapata

Figure 5. List of signatures appearing on the petition submitted to the Westminster School District. Many of the signatures listed are those of my great aunts and uncles, as well as the signature of my grandparents, Mr. and Mrs. Saturnino B. Bermudez (fourth down). Westminster, California. September 8, 1944. (Courtesy of Chapman University)

It was during the preliminary study that it became apparent to me that my family surname afforded me access to data that might not otherwise be available. I begin to realize that, as a

¹² See Appendix A for a copy of the petition as discussed in the earlier part of this chapter.

Bermudez, I was privy to people and places that helped to shape my understanding of the *Mendez case* and the direction I wished to take my study. With the help and guidance of my Aunt, Terri Salinas (who performed much like a research assistance),¹³ I had the privilege of meeting a host of people involved in the struggle—some related, others friends and acquaintances. They in turn introduced me to others, and they others. With each new encounter, I was introduced to new facets of the *Mendez case*, some involving the surrounding schools and neighborhoods, others the students, their parents, and families. For example, my Aunt Terri, arranged for me to meet my distant cousin who knew of his mother’s involvement in the *Mendez case*. During the course of this meeting, I first learned of my great aunt’s (Rosalia Bermudez) participation in the desegregation struggle, and subsequently was able to locate her contributions in the existing court documents. My Aunt Terri also first introduced me to Sylvia Mendez, one of the lead plaintiffs named in the lawsuit. As childhood friends and cousins once removed, these former students of the Hoover (Mexican) school shared an unforgettable experience that would serve to unite them many years later. When I met Ms. Mendez, she shared with me her memories of the *Mendez case*, school segregation, and her commitment to honoring her parents’ legacy.

In another example, I was informed by a relative through marriage, who also lived in Westminster and attended the Hoover (Mexican) School, about a group of women in her neighborhood who actually preferred sending their children to a separate school. She recalled as a child attending meetings with her aunt and some of the other mothers from the area because, as she described it, “We wanted a school of our own...in our community” (C.G., personal communication, July 14, 2003). According to this participant, these women opted for segregated schooling out of concern for the children’s safety and wellbeing. Although such findings may not

¹³ Terri Salinas is sister to my father, Richard Bermudez.

be new to studies regarding *de jure* segregation,¹⁴ they are new to studies regarding the *Mendez case*. In fact, my review of the literature revealed little (if any) mention of parents resisting desegregation efforts. In my opinion, such findings were worthy of further investigation and, in time, began to reshape my thinking of the *Mendez case* and how I wished to approach my study.

Privy to such information, I began to wonder about the many people involved in the lawsuit, that is, the *et al.*, and their overall contributions to the desegregation battle. What of their stories, thoughts, and concerns? What knowledge and experiences might they possess? And what might their telling of the *Mendez case* reveal? I further considered the origins of the *Mendez case* and how a community-based struggle would come to emerge as a class action lawsuit. What actions and events might have transpired, and who participated and why? Consequentially, as I delved deeper into my research and began to peel back its many layers, it became apparent to me that a back story to the *Mendez case* existed, one that involved the agency of Mexican American women. It was this story that captured my attention and ultimately became the focus of my study.

As evident in my explanation of this study, this telling of the *Mendez case* has been purposely shaped by those who lived it. Driving the research were a number of people personally involved in the desegregation battle, including those who were segregated, those who resisted, and those who filed suit.¹⁵ These participants, along with my personal and professional experiences, played an integral part of the research process. Additionally, I should state that my race and gender influenced the design of this study and my interpretation of the data. As a third-generation Chicana, I intentionally engaged in methodology that questioned notions of objectivity and the role of the researcher as an impartial participant. Admittedly this study of the

¹⁴ Other researchers have cited similar stories in their studies of school segregation, e.g., Derrick Bell, bell hooks, Ladson-Billings, and Charles M. Wollenberg.

¹⁵ It is important to draw a distinction between these groups in regard to this study. Such a distinction aided me in my efforts to determine various aspect of the *Mendez case*. It should be added that my ability to draw such a distinction is the direct result of the research I conducted and my analysis of the data.

Mendez case is grounded in theories of social justice with the hopes of improving the academic status of students of color. Although studies embedded in ideals of social justice are not new, they tend to center on issues of class. This study looks to broaden this perspective to include issues of race and gender. It is my contention that if we as scholars hope to advance research, shift paradigms, and reclaim histories, than we must consider the manner in which issues of race, class, and gender tend to intersect. Moreover, we must begin to recognize our own subjectivity. Indeed, only by embracing those experiences that make us truly human can we hope to create a more humane society.

Purpose of this Study

The main plaintiffs named in *Mendez et al. v. Westminster School District et al.* were Gonzalo Mendez, William Guzman, Lorenzo Ramirez, Frank Palomino, Tomas Estrada, and their children. As the children's fathers and "next of friend"¹⁶, these men were identified as the children's legal guardians and therefore deemed co-plaintiffs by the court, legal counsel, and the plaintiffs themselves. Not readily named in the *Mendez case*, however, were the children's mothers: Felicitas Mendez, Virginia Guzman, Josefina Ramirez, Irene Palomino, and Maria Luisa Estrada.

The absence of these women as named plaintiffs in the lawsuit comes as no surprise. At a time in history when "a woman's place was in the home" and men were regarded as head of the house, the male centeredness of the *Mendez case* could be attributed to a number of factors: the attitudes and practices of a patriarchal legal system, perceptions about women within the Mexican home and culture, and/or sexism within the greater society. However, the failure of the legal system to formally recognize the children's mothers as lead plaintiffs in the lawsuit, as well

¹⁶ As described in the legal documents.

as their absence from many contemporary tellings of the *Mendez case*, in no way diminishes their significance to it or the overall battle for desegregation. Regardless of these women's "official" status, they and others made important contributions to the *Mendez case* and efforts to end racial discrimination in California schools. In order to understand how and why this came to be, I engaged in a review of past studies about the *Mendez case*.

Past studies regarding the *Mendez case* have largely focused on its legal and educational merit (Arriola, 1995; Strum, 2010; Valencia, 2008; Valencia, 2011). While important to legal and educational discourse, most have overlooked the gender implications of the *Mendez case* and the accounts of those who experienced it firsthand. This study of *Mendez* seeks to fill that void. It tells the story of *Mendez v. Westminster* as remembered and told by those who lived it. Because past studies regarding the *Mendez case* have tended to neglect the personal accounts of those who lived it and/or have focused largely on those legally named in the lawsuit, they tend to offer a narrow telling of the events that transpired, and those who were responsible for their occurrence. This focus raises two important questions: what are the stories of those not named, and where are women to be located in them? Considering that the *Mendez case* was a class action lawsuit filed on behalf of 5,000 plaintiffs, there undoubtedly exist a plethora of stories (at least 5,000) about the people and events surrounding it, including those involving women. A telling of these stories may produce new knowledge about school segregation and how people resist such racialized practices. Yosso, Villapando, Delgado Bernal, and Solorzano (2001) support this contention, "within the histories and lives of People of Color, there are numerous unheard counterstories. Counterstory-telling these experiences can help strengthen traditions of social, political, and cultural survival and resistance" (p. 95).

Worth further explanation at this time is the power of counterstory-telling as a methodological tool. Though well-examined in the methodology section of this paper, it is

important to note here that counterstory-telling provided a source of data for this study and also aided in its design and direction. Though perhaps a bit unconventional, I found it useful to inject the counterstories of research participants throughout the contents of the paper. The weaving of their thoughts, memories, comments, and/or photographs within and throughout various aspects of the dissertation added a layer of authenticity to it. Whatever the topic or theme explored,¹⁷ the voices of participants seemed to necessitate their inclusion. Understanding that one of the primary goals of this dissertation was to tell the story of the *Mendez case* from the perspective of those who lived it, the infusion of their personal accounts into any and/or all aspects of the study allowed a different telling of the *Mendez case* to emerge. It was this telling I hoped to capture in this study.

Research Questions

Maxwell (1996) described research questions as being at the “heart of a study” (p. 49). They are the “links that bring various components of a study together and help guide the researcher through his/her inquiry” (p. 49). Maxwell further posited that research questions should “explain specifically what [a] study will attempt to learn or understand” and as such become a vital part of the research process (p. 51). Heeding Maxwell’s words, the intent of this study is to examine the “*et al.*” comprising the *Mendez case*. Specifically, it seeks to identify the grassroots efforts of women of Mexican ancestry to desegregation efforts and how their participation may have influenced the dismantling of *de jure* segregation in California schools. In hopes of contributing to that body of research that examines the history of educational neglect long directed at students of Mexican ancestry, I first found it necessary to develop a series of questions to guide me through the research process.

¹⁷ By this, I mean the discussions of race, culture, gender, family, and/or community, as well as the literature, theories, and methods employed in this study.

The questions outlined below range from general to specific and are designed to reflect the progressive nature of the *Mendez case* (see Figure 1.1). Understanding that *Mendez et al. v. Westminster School District et al.* was a class action lawsuit filed on behalf of 5,000 people, a study of the many people involved proved essential to a gender analysis. By developing a series of broader questions, I was able to appreciate the grassroots origin of the *Mendez case*, which in turn allowed me to consider that specific to a study of gender. The next section presents an outline of the questions guiding this study, followed by the research questions prevalent to an analysis of Mexican American women's participation in the *Mendez case*.

Guiding Questions

Beginning with the *Mendez case* itself, the first set of questions posed in this study are intended to be broader in scope. They look to examine the legacy of *Mendez v. Westminster* and its connection to education in general.

A. The Legacy of the Mendez Case

- What can be learned from a telling of the *Mendez case*?
- How might this telling impact (or not) the education of this nation's youth?
- What is the relationship (if any) between *de jure* and *de facto* segregation?

The questions asked here are followed by a second set of guiding questions. These questions are intended to get at the educational experiences of Mexican origin students in legally segregated Mexican schools. The posing of these questions positions me to better understand why members of the Mexican American community may have responded as they did; that is, it may help to inform *why* they resisted school segregation.

B. The Segregation of Mexican Origin Students

- What were the educational experiences of Mexican American children during the age of legal segregation?
- What can we learn from these experiences?

The development of these questions led me to ask other questions in order to better understand the manner in which the Mexican American community responded; that is, they helped to inform *how* they resisted school segregation.

C. The Response of the Mexican American Community

- Why did Mexican American parents, residents, and students resist school segregation?
- How did the plaintiffs involved in the lawsuit organize to challenge and ultimately defeat *de jure* segregation in California Schools?

The information gathered from these questions allowed other questions specific to a gender analysis to unfold. These questions remain at the heart of this study and are particular to women's participation in the *Mendez case*.

Main Research Questions

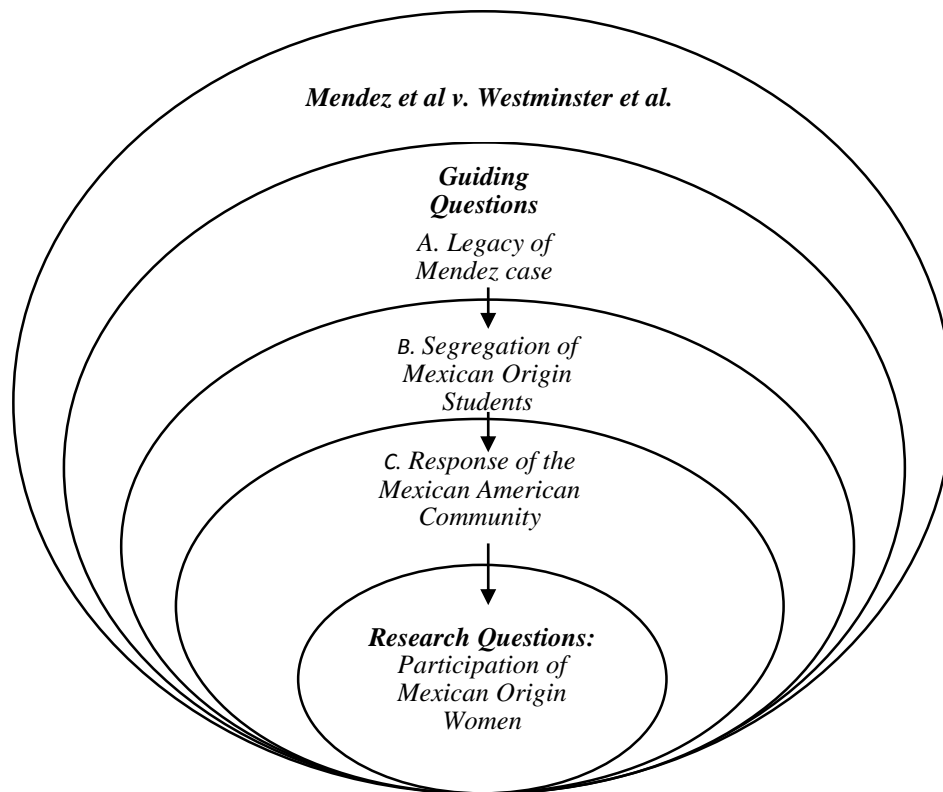
The questions listed below seek to identify the contributions of Mexican origin women to desegregation efforts. By design, they are intended to get at how and why Mexican American women may have resisted institutionalized racism and, more on point, the standardized practice of segregating Mexican origin children in California schools.

The Contributions of Mexican Origin Women to Mendez v. Westminster

- Why did women of Mexican ancestry oppose the segregation of Mexican origin students in California schools? That is, what informed their agency and actions?

- How did women of Mexican ancestry respond to *de jure* segregation in the 1946 case *Mendez v. Westminster*?

Figure 1.1
Questions Informing this Study of the Mendez Case



Note. Depiction of the questions used to inform this study of the Mendez case. The questions illustrated the progression of questions from a more general scope to those more specific to a study of women’s participation.

The series of questions outlined here positioned me to recognize key events that may have transpired as a result of the actions of those involved. By engaging in questions regarding the experiences of children in Mexican schools, I was better able to understand the community’s response to these experiences and, subsequently, the motives and actions of women involved. In order to further understand the contributions of these women and why they were so adamant in

their efforts to desegregate the schools their children were expected to attend, I must first engaged in a study of school segregation itself.

Overview of the Study

Following is an overview of school segregation in the US and how it existed in the districts named in the lawsuit (Chapter Two). Building upon this understanding, Chapter Three presents a review of the literature believed to pertain to a study of the *Mendez case*. The body of literature selected for this study served to contextualize desegregation efforts and how matters of race and language may have influenced the decisions and actions of both plaintiffs and defendants. Chapter Four provides a discussion of the theoretical frameworks. In an effort to better conceptualize the *Mendez case*, the theories employed in this study consider two key factors: why school officials segregated Mexican children and why the Mexican American community resisted. Chapters Five and Six explain the methodology employed. Because I was interested in telling the story of the *Mendez case* from the standpoint of those who lived it, I found it necessary to design a study that allowed such stories to emerge and develop. This was particularly important to data collection and the “kind” of study I wished to conduct. The final chapters of this study (Chapters Seven and Eight) contain my analysis of the data. As outlined in the Table of Contents, these chapters include an analysis of women’s participation in the *Mendez case*, as indicated by the dissertation title: *Mendez et al. v. Westminster School District et al.: Mexican American Female Activism in the Age of De Jure Segregation*.

CHAPTER TWO

STATEMENT OF THE PROBLEM

From *De Jure* to *De Facto* Segregation

The California Supreme Court ruled in 1947 against the lawful segregation of Mexican children on the grounds that it violated their constitutional rights (*Mendez v. Westminster*, 1946). Seven years later, the United States Supreme Court ruled against the segregation of people of color for similar reasons (*Brown v. Board of Education*, 1954). Yet, more than half a century later, students of color remain largely segregated (Feagin, 2000; Frankenberg & Lee, 2002; Gandara & Contreras, 2009; Kozol, 2005; Orfield & Eaton, 1996; Orfield & Lee, 2007; Street, 2005; Tatum, 2007; Valencia, 2011). What lessons might be learned from a study of *Mendez v. Westminster* and what might they tell us about the resegregation of schools in America in the 21st century? A study of school segregation in the 1940s, and the manner in which women of Mexican ancestry resisted it, may help to shed light on the kind of resistance needed to combat school segregation in its current state.

The Evolution of School Segregation and Students of Mexican Ancestry

One of the least studied and perhaps most important transformations in the nation's schools in recent decades has been the steadily increasing isolation of Latino students.

Gary Orfield, 2001

Recent studies have confirmed the resegregation of schools in America (Feagin, 2000; Frankenberg & Lee, 2002; Gandara & Contreras, 2009; Kozol, 2005; Orfield & Eaton, 1996; Orfield & Lee, 2007; Street, 2005; Tatum, 2007; Valencia, 2011). Defined by some as “hypersegregation” (Orfield & Yun, 1991), others as “silent segregation” (Arriola, 1995), and

still others as “second generation segregation” (Meier & Stewart, 1991), the tradition of separating students of colors from Whites has become standardized practice in this country. Although a number laws and measures are in place to protect the rights of such students, the stark reality is that *de jure* segregation has simply been replaced by *de facto* segregation. “No longer able to function within the law,” school segregation in its current state has taken on what legal scholar Christopher Arriola described as “a more inconspicuous, but equally effective discriminatory character” (1995, p. 205). This “character” includes an array of practices that have served to maintain the separation of Whites from “others.” In his 1976 book *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975*, historian Charles M. Wollenberg stated, “Eventually, *de facto* segregation, the result of school boundaries, neighborhood patterns and housing discrimination, would accomplish for most black people what the *de jure* system had not: separation from Whites in the school” (p. 27). It is this kind of separation that continues to plague our nation’s school systems and hinder the education of millions of students. Following is a brief study of the history of school segregation in this country and a discussion of its relevance to the *Mendez case* and present-day practices of *de facto* segregation.

Segregated Schooling: A History of Racial Exclusion in the US

Statistically evident is the longstanding practice of racially isolating students of color. As early as 1911, evidence can be found depicting the racial segregation of Mexican Americans across the nation, particularly in the Southwest (Gandara & Contreras, 2009). According to Chicano historian Gilbert Gonzalez (1990), by 1918 “the practice of segregation was in full swing” (p. 139). In one of the earliest studies (1948) surveying California schools, it was determined that by the mid-1920s an estimated 64 schools in Southern California had more than a 90% enrollment of Mexican Americans (Peters, 1948). Similarly, a study conducted in the

early 1930s found that 70% of Spanish-surnamed students attended just 15 schools in Orange County, each with a Mexican enrollment of 100% (Treff, 1934). By the mid-1930s, Gonzalez (1990) found “85 percent of surveyed districts in the Southwest to be ... segregated in one form or another” (p. 22). The “one form or another” Gonzalez referenced would come to be known as Americanization programs. Grounded in melting pot, assimilation theories, these programs were intended to Americanize children who were evidently deemed to be un-American or, perhaps, not American enough. Education historian Joel Spring (2011) described this process as “deculturalization,” that is, “the educational process of destroying a people’s culture and replacing it with a new culture” (p. 7). In his study of education and the history of “dominated cultures,” Spring (2011) wrote:

Mexican children attending segregated schools were put through a deculturalization program. Similar to that of the Indians isolated in Indian Territory and boarding schools, the deculturalization program was designed to strip away Mexican values and culture and replace that use of Spanish with English. The term most frequently used in the early twentieth century for the process of deculturalization was “Americanization.” (p. 96)

In addition to deculturalizing students determined by authorities to need it, these programs also served the dual purpose of separating them from Whites. Educational historian Charles M. Wollenberg (1978) explained that “where separate schools did not exist, separate ‘Americanization’ classrooms often did” (p. 116). In regard to this study of the *Mendez case* and this review of resegregation, the notion of Americanization takes on a particularly interesting dynamic and is worthy of further discussion, especially as it pertains to a study of the students’ language skills.

In the case of *Mendez v. Westminster*, the presiding Judge reasoned that the practice of segregating Mexican students might actually have an adversarial effect on the children's Americanization process, and thus ruled in favor of the plaintiffs:

The evidence clearly shows that Spanish-speaking children are retarded in learning English by lack of exposure to its use because of segregation, and the commingling of the entire student body instills and develops a common cultural attitude among school children, which is imperative for the perpetuation of American institutions and ideals. (as cited in Valencia, 2008, p. 30)

The fact that Judge McCormick based his ruling (at least in part) on notions of Americanization may shed light on the correlation between past and present forms of segregation. Whereas defendants in the *Mendez case* identified the Americanization of children of Mexican ancestry as reason for their isolation, particularly regarding their English speaking ability, the Judge ruled against segregation for essentially the same reasons. Evidently, the basic conjecture informing their reasoning (both the Judge's and defendants') was the presumption that Mexican origin children needed Americanizing. Whether this process occurred in segregated or desegregated schools appears to be immaterial to the fact that these children were perceived to be un-American, and thus in need of Americanization.

This assertion is significant in that it speaks to the plaintiffs' motives and actions. The very notion that children of Mexican origin needed Americanizing proved quite contentious among parents and members of the Mexican American community and weighed heavily on their decision to act. As documented in the court transcripts, many of the students attending the Mexican schools were in fact born in the US and fluent in English. David Marcus, counsel for the plaintiffs, effectively made this fact an important component of his legal defense (Arriola, 1995). Moreover, participants involved in this study thought it necessary to stress their English

fluency, and/or that of their children, as well as their allegiance to this country. The fact that school officials doubted their English skills and, in essence, their “Americanness” outraged many involved in the lawsuit, including those participants in this study. So offended were they that it became a major factor in their decision to file suit, and an important part of their legal defense. Although the issue of language and Americanization are well-examined in the findings chapters of this study, worth noting at this time is its relevancy to studies asserting the resegregation of schools in the US.

The very perception that children of Mexican descent needed to be Americanized—regardless of their birthplace, generational, and/or citizenship status—appears to be an ongoing theme in this nation’s school system. If indeed past practices of *de jure* segregation were so informed by assimilation theories that necessitated Americanization programs, as they were in the *Mendez case*, and current practices of *de jure* segregation are similarly informed by these same notions, then a correlation is drawn between *de jure* and *de facto* segregation, and the practice prevails. Gonzalez (1997) noted that “educators did not abandon the objective of assimilating Mexicans into the dominant culture; they merely changed the appearance of the program. Proponents of ‘Americanization’ ceased referring to it as such, but the essential features of the program remain” (p. 170). Further supporting this contention are recent studies asserting the onerous effects of separating English language learners from others.

Patricia Gandara and Frances Contreras (2009) provided a comprehensive review of the educational status of Latino students in their book, *The Latino Education Crises: The Consequences of Failed Social Policies*. Included in their study is a discussion of the type of racial isolation that English language learners commonly experience, and its correlation to the substandard schooling they typically endure. According to Gandara and Contreras, the segregation of children learning English continues to be a major deterrent in their ability to

acquire English proficiency. Gandara and Contreras (2009) explained, “When students lack appropriate language models and individuals with whom to interact in English, their acquisition of academic English is delayed” (p. 74). Without adequate language skills, these students may struggle to succeed in school and, as such, fail to reach their full potential (Garcia, Wiese, & Cuellar, 2011; Nieto, 2000; Valenzuela, 1999). Almost seventy years prior to Gandara and Contreras’ findings, the Judge ruling in the *Mendez case* came to a similar conclusion, for similar reasons, and as such ordered the desegregation of California schools. Ironically, the findings of this study of *Mendez* suggest that the very notion of “desegregation” may also be a contributing factor to the resegregation of America’s schools. Important to informing questions regarding the relationship between *de jure* and *de facto* segregation, as a central theme in this study of *Mendez*, is a discussion of the court’s mandate to desegregate California schools.

Desegregation: Mexican American Students in the Post-*Mendez* Ruling

In regard to the *Mendez case*, it is important to note that the act of desegregating a previously segregated school did not necessarily render it an “integrated” school. In fact, nowhere in my review of the documents was I able to locate the word *integrate* in any form.¹⁸ On the contrary, previous research has concurred that children attending non-segregated schools in the mid-1940s were subject to the same deplorable learning conditions as those in designated “Mexican schools” (Gonzalez, 1990; Wollenberg, 1978). Although such schools may have appeared racially mixed, it is important to note the presence of students of color on such campuses did not render them integrated, nor does it suggest that school officials in these districts were in favor of integration, or conversely opposed to segregation. In fact, the literature surrounding *the Mendez case* suggests that the existence of non-segregated schools at the time

¹⁸ It should be noted that comparable words like *mixed* and *mingle* were periodically referenced, but largely in defense of segregated schooling.

most likely reflected the limited number of students of color in attendance of such schools. In short, there were too few Negroes, Mexicans, Native Americans, Chinese and/or Japanese students living in these districts to warrant separate accommodations for them. Wollenberg (1978) explained that too “few such children were in the schools to justify separate learning facilities (p. 116).” He went on to add that “the methods of separation were too expensive and cumbersome” (Wollenberg, 1978, p. 116). Therefore, it is reasonable to conclude that it was largely by default that students of color attended non-segregated schools in the era of legal segregation. Despite the propriety of being integrated, these children, for all intents and purposes, attended segregated schools or what experts now refer to as “a school within a school”¹⁹ (Ornelas & Solorzano, 2009). Attesting to this claim is my *niño* (godfather), John Acosta, who in the 1940s attended a so-called “integrated school” in Huntington Beach, California (a neighboring city of Westminster). He stated, “Yeah, we were in integrated schools, but we were invisible. They made us sit in the back of the room, and eat at separate tables” (J. Acosta, personal communication, January 2, 2004). The experiences described by my godfather are mirrored in the districts named in the lawsuit.

At the time the *Mendez case* went to trial, 80% of Mexican children in Orange County attended 14 segregated schools (Gonzalez, 1990). Another study conducted in the 1940s found that about 78% of 100 California schools surveyed maintained separate schools for Mexicans (Peters, 1946). In regard to the *Mendez case*, all four of the districts named as defendants (i.e., Westminster, Santa Ana, Garden Grove, and El Modena) “maintained elementary schools with 100 percent Mexican and Mexican-American enrollment” (Wollenberg, 1978, p. 126). Despite

¹⁹ This term describes a school that has smaller units of schools within a larger school. Such schools tend to reflect the skills and/or aptitudes of students in attendance (i.e., English language learners, gifted students, “at risk” students, etc.).

the successful outcome of the *Mendez case* and the lawful dismantling of *de jure* segregation, the practice of isolating students of Mexican ancestry continued into the next era of education.

Resegregation: Students of Color in a Post-Brown Era

At the height of the Chicano and Civil Rights Movement, the California state Department of Education reported that 57% of “Spanish-surnamed” children attended schools that were predominately minority (as cited in Wollenberg, 1978). Shortly thereafter, in 1968, “one in two Mexican American students attended schools that were 80 to 100 percent Mexican American” (Valencia, Menchaca, & Donato, 2001, p. 72.). In a series of studies conducted by Orfield et al. in the late 1990s, school segregation was actually found to be more pervasive than in previous generations, including the era of the *Mendez case*. According to Orfield (1999), “45% of Latinos were in majority White schools in 1968 but only 25% in 1996” (p. 14). Put differently, in 1968, about 55% of Latinos attended predominately “minority schools,” that is, schools identified with a student body of 50%–100% minority students, and 23% attended schools with 90%–100% “minority” enrollment. Thirty years later, in 1996, the number of students in “minority schools” increased to 35%, with Latinos surpassing all others minority groups (Orfield & Yun, 1999), prompting educational expert Sonia Nieto (2000) to respond, “Latinos now hold the dubious distinction of being the most segregated of all ethnic groups in our schools” (p. 14).

Most recently, a longitudinal study conducted by *The Civil Rights Project/Proyecto Derecho Civiles* (TCRP) at the University of California, Los Angeles identified Latinos as being the largest sector of racial minorities in the US K-12 school system (comprising 20% of the student body, compared to Blacks at 16%, Asians at 3.7%, and Anglos at 58%). Consequentially, they are also the most segregated. Under the direction of Gary Orfield, the TCRP released a series of reports confirming the resegregation of schools in America.

According to Orfield and Lee (2005), “Black and Latino students attend schools where more than half of their peers are black and Latino (52% and 55% respectively)” (p. 24). In 2007, Orfield and Lee further reported that almost 40% of Chicano/Latino students attended schools that were “intensely segregated,” that is, with 90%–100% students of color, and Valencia (2011) purported that “2 of 5 Chicano/Latino students attend schools that are near exclusively students of color” (p. 64). In regard to those areas of the country identified as being the most Latino segregated, the states consistently ranking among the highest include California, New York, and Texas. Citing the data collected by Orfield et al., Gandara and Contreras (2009) determined that “the West became the first region in the United States to be majority minority, with a majority that is largely brown” (p. 17). With the US Census Bureau (2010) predicting one in four students to be Latina/o in 2025, research regarding the resegregation of this nation’s schools becomes imperative to ensuring generations of students their educational rights.

The figures presented in this section of the study raise serious questions regarding the future of our nation’s youth and the educational wellbeing of Latina/o students. Of course, no study of racial isolation in America and its impact on the education of students of color would be complete without a study of class and the manner in which race and class intertwine in the age of *de facto* segregation.

Racial and Economic Segregation in Public Education

Segregation has never just been by race: segregation by race is systematically linked to other forms of segregation, including segregation by socioeconomic status, by residential location, and increasingly by language.

Orfield and Lee, 2005

Research has confirmed a direct correlation between students’ race, their socioeconomic status, and their accessibility to educational equality and equity (Feagin, 2000; Gandara &

Contreras, 2009; Orfield, 2000; Orfield & Lee, 2005; Orfield & Lee, 2007; Tatum, 2007). Largely contributing to this correlation has been the residential isolation of people of color. Gandara and Contreras (2009) explained, “Housing segregation is intimately related to school segregation, because schools tend to draw students from their surrounding communities” (p. 73). In *Racist America: Roots, Current Realities, and the Future Reparations*, sociologist Joe R. Feagin (2000) asserted that such a relationship is anything but coincidental. In fact, Feagin (2000) posited that “many White parents and politicians work hard to keep their residential areas and schools as White as possible” (p. 168). Described by the author as “racial steering,” Feagin (2000) postulated that “residential segregation usually insures public school segregation, and public school segregation encourages residential segregation” (p. 168). Feagin is not alone in his assessment. Researchers have long identified a correlation between one’s level of income and one’s level of racial isolation (Frankenberg & Lee, 2002; Orfield & Lee, 2005). Considering that Latinas/os comprise a disproportionate number of this nation’s poor, as well as this nation’s under-educated, such research is important to understanding the resegregation of public education. Although such an examination is beyond the scope of this study, a discussion of this correlation is nonetheless warranted.

In *Can We Talk about Race and Other Conversations in the Era of School Resegregation*, educational expert Beverly Daniel Tatum (2007) outlined the many facets of school segregation and their relationship to class. According to Tatum (2007), 76% of those living in neighborhoods determined to have the highest concentrated levels of poverty were identified as Black or Latino. For these students, the relationship between racial segregation and economic segregation was reported to have a direct effect on the kinds of schools they attend. Orfield offered similar findings in his study of school resegregation. In particular, Orfield (1996) noted, “The extremely strong relationship between racial segregation and concentrated poverty in the nation’s schools is

a key reason for the educational differences between segregated and integrated schools” (p. 52). Unfortunately the research is more dismal regarding the education of Latinas/os and the high level of poverty reported among them. Based on the findings of Orfield and Lee (2005), Latinas/os attend “schools with the highest levels of students who are considered poor or near poor” (p. 35). Statistically, Orfield and Lee (2005) reported that “students in intensely segregated (90%-100%) minority schools are more than four times as likely to be in predominantly poor schools than their peers attending schools with less than ten percent minority students (84% compared to 18%)” (p. 21).

The US Department of Education similarly reported in 2005 that “49 percent of Latinos ... were enrolled in schools with the highest measure of poverty (schools in which more than 75 percent of the students are eligible for free and reduced price lunch)” (as cited in Gandara & Contreras, 2009, p. 112). Consequentially, such concentrated levels of poverty are depicted to be “strongly linked to many forms of educational inequality” (p. 16). Frankenberg and Lee (2002) explained, “The isolation of blacks and Latinos has serious ramifications: this isolation is highly correlated with poverty, which is often strongly related to striking inequalities in test scores, graduation rates, courses offered and college-going rates” (p. 22). Tatum (2007) made a similar assessment in her study of school segregation and the correlation between high rates of poverty and low rates of academic success. She noted in her analysis of education that “It is not surprising that the outcomes associated with high-poverty schools across the country are bleak” (2007, p. 15). Tatum (2007) went on to identify “lower test schools, higher dropout rates, few course offerings, and low levels of college attendance” as having a direct link to the economic status of a school’s student body (p. 15). Without access to adequate educational opportunities, students in attendance of “poor” schools lack the means to improve their socioeconomic status, thus perpetuating the segregation cycle.

A review of the factors contributing to the resegregation of schools in this country shows a strong correlation between a student's race, class, and accessibility to a quality education. Compounded by issues of language, Latina/o students experience what Orfield and Lee (2007) described as "triple segregation," that is, segregation based on one's race, class, and language. Only by addressing the economic disparities prevalent in our nation's schools can we hope to reverse the tide of resegregation and ensure a brighter future for generations of students. As Tatum (2007) explained:

We need to remember that the fight for school desegregation was not simply a symbolic fight for the acknowledgement of the humanity and equality of all children.

Fundamentally it was a struggle for equal access to publicly funded educational resources. Clearly the struggle continues. (p. 15)

Evidently well-rooted in this nation's history are the racial attitudes that long ago established the legal doctrine of "separate but equal." But as study after study has confirmed, historically in the US, "separate" has rarely meant "equal" (Arriola, 1995; Bell, 2004; Donato, 1997; Feagin, 2000; Frankenberg & Lee, 2002; Meier & Stewart Jr., 1991; Menchaca, 1995; Nieto, 2000; Orfield, 2001; Orfield & Yun, 1991; San Miguel Jr., 1997; San Miguel Jr., 2001; Street, 2005; Valencia, 2011; Valencia, Menchaca, & Donato, 2001). On the contrary, research has concurred that the under-education of generations of students is largely related to the racial exclusion they continue to endure. Until we as a nation are prepared to accept this reality, and respond accordingly, ideals about educational equality, social mobility, and the very notion of the "American dream" will continue to evade a large sector of our citizens. Tatum (2007) agreed:

[W]e still find ourselves confronting the legacy of race and racism in our society, particularly our schools, a reality that undermines the quality of education for all students and represents an ongoing threat to the fabric of our democracy. (p. x)

The figures presented in this chapter of the study provide a statistical foundation from which to consider the legacy of *de jure* segregation and the implications of *de facto* segregation. They further provide a historical context from which to examine the causes and effects of school segregation, and why those involved in the *Mendez case* were so compelled to act against it. As indicated in the research questions guiding this study, a review of the thinking and practice responsible for the segregation of children of color in the past may help to inform studies regarding the segregation of children of color in the present. Moreover, they may offer us insight into resisting such practices. Further helping to inform a study of school segregation in this nation is a review of the literature. For organization purposes, this portion of the dissertation is divided into two sections: 1) the literature produced at the time the *Mendez case* went to trial (1940s), and 2) the literature produced in more recent years, particularly contemporary studies of the *Mendez case* in regard to the racial isolation of students of color.

CHAPTER THREE

LITERATURE REVIEW:

CONTEXTUALIZING THE *MENDEZ CASE*

At the onset of this research project, a review of the literature indicated that the *Mendez case* had been largely overlooked in scholarship relevant to a study of Chicanas/os. With few exceptions,²⁰ many had failed to include and/or consider the significance of *Mendez* to such pertinent issues as education, history, race and ethnic identity, grassroots' organizing, and Chicano resistance. Within the duration of this study, however, a recent investigation into this matter revealed an increasing number of scholars are beginning to include the *Mendez case* in their work. This interest could be contributed to a number of factors, most notably the federal government's issuing of a postage stamp in honor of the *Mendez case* in 2007 (see Figure 6). The reception of this prestigious award appears to have caused many to take note. As a case in point, a book was published on the *Mendez case* in 2010 by legal scholar Philippa Strum, and a number of texts, considered classics among Chicanas/os, have included *Mendez* in their most recent editions.²¹

²⁰ Gilbert Gonzalez's *Chicanos in the Era of Segregation* (1990, 2013); Ruben Donato's *The Other Struggle for Equal Schools: Mexican Americans during the Civil Rights Era* (1997); Carey McWilliams' *North of Mexico* (1948); Richard Valencia's *Chicano School Failure and Success: Pass, Present, and Future* (1991, 2002, 2011); and Charles. M. Wollenberg's (1978) *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975* are examples of earlier works that examined the *Mendez case* and/or the segregation of Mexican origin children.

²¹ A few of these works include *Occupied America* (Rudy Acuna, 2011), *From Indians to Chicanos* (Diego Vigil, 2012), and *Youth, Power, and Identity* (Carlos Munoz, 2007).

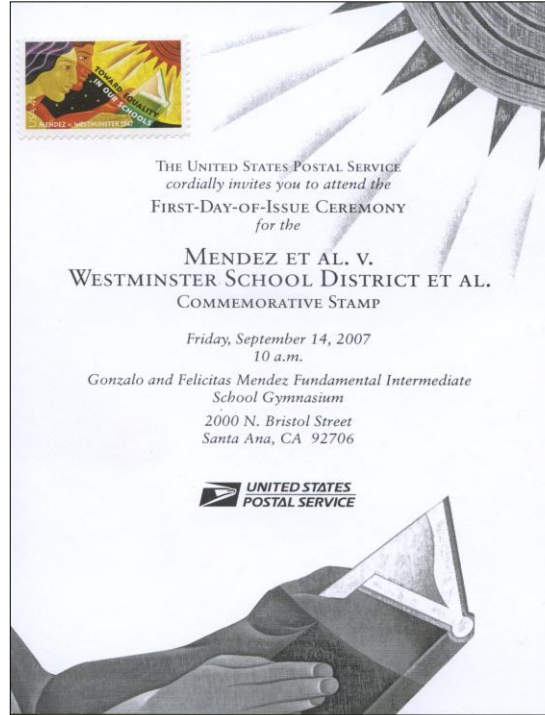


Figure 6. Invitation to the “First-Day-of-Issue” Ceremony for Mendez et al. v. the Westminster School District et al. Commemorative Stamp held at the Gonzalo and Felicitas Mendez Fundamental Intermediate School Gymnasium, Santa Ana, California. September 14, 2007. (From the personal collection of Nadine Bermudez)

The publication of a book solely about the *Mendez case*, as well as its incorporation into important existing Chicano works, is significant. It not only helps to bring attention to the *Mendez case* and the contributions of Mexican Americans to this nation, but it elucidates the ongoing battle for education equality. Irrespective of these major feats, the contributions of women to this landmark event continue to elude many recent tellings of the *Mendez case* or seemingly afford them only token mentions. With the exceptions of McCormick and Ayala (2007), who published an article focused on the life of Felicitas Mendez, and a short documentary by Erika Bennett, *Tales of the Golden State: The Mendez v. Westminster Story*, which features some of the women involved, analyses of women’s contributions to the *Mendez case* remain an area virtually ignored.

Chicana Writings: The Absence of Women in Existing Literature

The absence of women from existing studies regarding the *Mendez case* is characteristic of majoritarian stories that have traditionally excluded people of color from history. It further reflects the standardized practice of trivializing, if not excluding altogether, the stories of women from Chicano historical accounts (Blackwell, 2011; Delgado Bernal, 1997; Escobeda, 2013; Espinoza, 2001; Perez, 1999; Quinonez, 2005; Ramirez, 2009; Ruiz, 1998; Salas, 1990). Left unexamined, such stories serve the dominant population by supporting and perpetuating the dominant discourse and in turn the status quo (Yosso, 2006; Yosso & Solorzano, 2002). Placed under a microscope, however, they render a different telling of the past, a telling that challenges assumptions about women and their place in history.

A review of the literature surrounding the *Mendez case* begs the question: what is the relevance of women to desegregation efforts? That is, what informed these women's actions? What determined their type and/or level of involvement? And, what was it they hoped to accomplish? Questions like these are relevant to a study of not only *Mendez*, but of women's involvement in other historical events considered significant to Chicanas/os. For instance, Dolores Delgado Bernal (1997) posed similar questions in her study of the East LA Blowouts.²² Interested in identifying "women's voices that had previously been omitted from the diverse historical accounts of the Blowouts" (p. 3), Delgado Bernal asked, "what and whose stories and images are worth remembering in history?" (p. 5). Mary Pardo (1998) likewise raised such questions in her study of the Mothers of East LA, asking, "What perceptions do women have of their activism? Do they see conflict or congruence between their activism and everyday lives?"

²² "Blowout" makes reference to the student activism that occurred during the Chicano Movement of the 1960s and 70s. According to Acuña (2011), "nearly 10,000 Chicano students walked out of five Los Angeles high schools..." in protest to the substandard education they received and the blatant disregard for their education by school officials and political representatives (p. 302).

She went on to ask, “In the resolution of conflict do they change their conceptions of social identity?” (p. 8). Similarly, in her study of the Brown Berets and women’s participation in the East LA Chapter, Dionne Espinoza (2001) wondered, “What kind of gender practices took place in the East Los Angeles chapter of the Brown Berets? What activities did women participate in? How did women forge a collective identity as ‘revolutionary sisters’?” and “How did they become conscious of sexism in the organization?” (p. 18). More recently, in her study of “The Women in the Zoot Suit” (2009), Catherine S. Ramirez posed the question: what does the absence of female Zoot Suiters from historical accounts “reveal about nationalisms and the ways in which Chicano history and resistance have been conceived of and represented” (p. xv)? In her study of the *Hijas de Cuauhtemoc*,²³ Maylei Blackwell (2011) examined what she called “the mechanics of erasure in historical writings” as a means to “undermine, instead of replicate, the power relations and regime of truth that holds these mechanics in place” (p. 4). She further advised the reader to be mindful of “how the knowledge and contestatory histories generated by these women’s voices [*Hijas de Cuauhtemoc*] challenge us to think not only about who has been erased, but why” (2011, p. 5). Lastly, Elizabeth R. Escobedo (2013) asserted the following in her study of WWII and Mexican American women on the home front:

Often overlooked in these institutional perspectives is an understanding of the changing social and personal consciousness of the average, rank-and-file Mexican American woman as she negotiated new experiences and new encounters brought on by extraordinary circumstances. (p. 3)

These well-renowned scholars assert that the practice of “overlooking” the presence of Mexican American women in history, and those who tell it, has aimed to render them silent. Committed to

²³ *Hijas de Cuauhtemoc* was a Chicana feminist group founded by Anna NietoGomez at California State University, Long Beach in 1967 (Blackwell, 2011).

reclaiming a history long ignored by conventional scholarship (Acuna, 1988; Gonzalez, 2001, 1996; McWilliams, 1948; Menchaca, 2001) and largely minimized by most Chicano accounts (Chavez, 2000; Delgado Bernal, 1997; Escobeda, 2013; Espinoza, 2001; Nieto Gomez, 1976; Pardo, 1998; Perez, 1998; Ramirez, 2009; Ruiz, 1998; Salas, 1990), these scholars tackle the ominous absence of Chicanas in US history and Chicano scholarship and do so from the standpoint of women. This study of *Mendez* shares their endeavor.

School Segregation and Early Publications

By engaging in a gender analysis of *the Mendez case*, I hope to contribute to that body of literature that seeks to determine Chicanas' and *Mexicanas'* place in history. Prior to engaging in such an analysis, I first needed to consider the *Mendez case's* historical, social, and political contexts. Helping to contextualize women's involvement in desegregation efforts is a review of the literature produced at the time, that is, in the era of *de jure* segregation, as well as that more contemporarily produced, in the era of *de facto* segregation. In efforts to organize my review of the literature, I found it useful to divide the discussion into two separate but overlapping themes: race and language. Considering that it was notions of race and language (particularly in regard to American identity) that largely informed the segregation of Mexican students, it seems fitting that a discussion of these important themes would serve to anchor a review of the literature. Such an approach may offer us insight into why women of Mexican ancestry may have resisted school segregation and what they hoped to accomplish. Following is a discussion of each.

Matters of Race and Mexican Origin students

A review of the literature regarding the *Mendez case* overwhelmingly suggested that the segregating of Mexican origin children was for social and economic purposes, as opposed to educational reasons (Arriola, 1995; Gonzalez, 1985; Gonzalez, 1990; Valencia, Menchaca, & Donato, 2002; Wollenberg, 1974; Wollenberg, 1976). Although defendants in the *Mendez case*

cited educational theory as justification for school segregation, their theories often contradicted their practices, and their practices ignored state policies; moreover, they violated federal law. At the time the *Mendez case* went to trial, section 8003 of the California School Code read:

The governing board of the School district shall have power to establish separate schools for Indian children, excepting children of Indians who are the wards of the U.S. government and children of all other Indians who are the descendants of the original American Indians of the U.S., and for children of Chinese, Japanese, or Mongolian parentage. (as cited in Valencia, 2002)

As written, the Code did not specifically name children of Mexican parentage in its description, and thus school officials had no legal authority to segregate students of Mexican descent (Valencia, 2002). Exploring this conundrum in its day was journalist and legal expert, Carey McWilliams. In the 1947 article “Is Your Name Gonzalez?” written for *The Nation*,²⁴ McWilliams reported on the *Mendez case* and the failure of the California School Code to include Mexicans in its list of students authorized to be segregated:

Curiously enough, this practice [segregation] has never been sanctioned by California law. The School Code authorizes separate schools for Indian children and children of Chinese, Japanese, or “Mongolian” parentage but is conspicuously silent on the subject of Negro and Mexican children. (March 15, 1947; 164: 302-4)

Written shortly after the Ninth Circuit Court of Appeals ruled on the appellate case (December 10, 1946), McWilliams (1947) went on to boldly purport that “if it finally reaches the United States Supreme Court, the decision may sound the death knell of Jim Crow education” (1947, p. 302). Comments like these underscored the magnitude of the *Mendez case*.

²⁴ *The Nation* describes itself as a “flagship to the left.” It was first established in 1865 and continues to publish to this day (retrieved from Wikipedia.com).

McWilliams noted, “For a number of reasons the Westminster case is a perfect one for testing the constitutionality of segregated schools.” Those most noteworthy, as reported by McWilliams, were issues of race and language. Beginning with race, McWilliams wrote, “Although the school districts at first contended that Mexicans were a distinct, and by implications an ‘inferior’ race, they finally felt obliged to say that race was not a factor in their policy” (p. 302). “Obliged” to take race off the table, school officials were consequentially “obliged” to explain the segregation of Mexican children in other terms, and so they did: the students’ language. The issue of language proved essential to the plaintiffs’ case and greatly informed questions regarding the parents’ motives. McWilliams wrote, “With the “racial issue” not indirectly involved, the court will be compelled to examine the social and educational consequences of segregated schools in a realistic manner” (1947, p. 302). The “realistic manner” McWilliams described here would take the form of the students’ use of language and, in essence, their status as Americans. Though well-examined in the latter part of this dissertation, the notion that students of Mexican ancestry lacked English proficiency struck at the core of American identity and weighed heavily on the plaintiffs, as well as the Judge’s ruling in the *Mendez case*. McWilliams described:

To the contention of the school authorities that Mexican children were segregated because of language handicap, Judge McCormick replied that if these children were retarded in English it was because of the conditions under which they were taught (1947, p. 302).

In blaming the “conditions,” the Judge was essentially blaming school authorities for the children’s language “handicap,” thus denouncing the defendants’ basic premise that segregation was for educational purposes. As McWilliams (1947) explained:

He [Judge McCormick] went on to point out that segregation prevented children of Mexican descent from “deriving a common cultural attitude...which is imperative for the perpetuation of American institutions and ideals” (p. 302).

McWilliams continued with Judge McCormick’s ruling on the matter. In his brief, the Judge concluded that the segregation of Mexican children had “no justification in the laws of California and, furthermore, was a clear denial of the ‘equal-protection’ class of the Fourteenth Amendment.” The Judge goes on to reason that the segregation of Mexican children “tended to foster antagonism by suggesting an inferiority which in fact did not exist.”

The fact that the Judge based his decision, at least in part, on the notion that segregation “fostered antagonism” and “suggested inferiority” was epic. Many have attributed his ruling on the *Mendez case* to the plaintiffs’ attorney, David Marcus, and his brilliant use of social science research in his argument. In fact, to this day, many legal experts cite the *Mendez case* as one of the first to use social science research in its arguments.²⁵ McWilliams, a lawyer himself, explained, “The Westminster case was carefully prepared and ably tried. For perhaps the first time, in a test case of this sort, expert social scientists were called as witnesses” (p. 302).

McWilliams added that “[a] number of distinguished anthropologies from the University of California completely demolished the ‘racial’ arguments, and nationally known educators exposed the fallacy of the ‘language handicaps’” (p. 302). McWilliams’ use of language is in itself quite remarkable. The “demolishing” of racial arguments and the “fallacy” of language handicaps speaks to the severity of the defendants’ actions and the manner in which school segregation was doled out to Mexicans. Moreover, it speaks to the plaintiffs’ motives and why those in the Mexican American community were left with little choice but to file suit. The very

²⁵ As attested to by Chris Arriola, attorney and former president of the Mexican American League and Defense Fund (MALDEF) in the documentary *Mendez v. Westminster: Para todos los Ninos/For all the Children* (2002).

notion that children of all races and ethnicities were subject to segregated schooling was viewed as an affront to America itself, again underscoring the significance of the *Mendez case*, particularly at the height of World War II, when American was at war in defense of democracy. The very fact that school officials would appeal the lower court's decision underlines the importance of the *Mendez case* and all that was at stake for those on both sides of the segregation debate. After the Appellate Court handout down its ruling, McWilliams contended:

Only a refusal by the school districts to appeal from an adverse decision by the Ninth circuit court or an extremely narrow interpretation of the issues in the Supreme Court can prevent this case from making judicial and social history. (p. 302)

McWilliams' assessment of the *Mendez case* is significant, especially in the context in which it was written. With the US at war, few dared to question standardized practices of race, the social institutions that governed them (i.e., public education), and, perhaps most strikingly, the conventional wisdom that informed their existence. McWilliams wrote:

The rationalization that the law merely follows the mores [of society] and hence does not play a causative role in shaping social attitudes and relationships certainly relegates the law to a curiously degraded function in modern society. (p. 304)

Although it was just a few pages long, McWilliams' article made an important contribution to the fields of law and education, as well as social science research, including this study. McWilliams' words, though written long ago, hold true today. In raising questions about racial equality, language acquisition, and the legality of school segregation, McWilliams was essentially raising questions about the moral responsibilities of this country and the constitutional rights of those it is entrusted to protect. Of his many contentions, however, that most interesting to me and this analysis of the *Mendez case* is his assessment of that which would eventually amount to a class action lawsuit. Though McWilliams' work is well-documented and revered, his

closing argument on the matter of *Mendez* is worthy of special notation (and surprisingly has received little attention). Upon writing about the many merits of the *Mendez case*, McWilliams (1947) closed with the following:

The Westminster case is one of the many current indications that the Mexican minority throughout the Southwest has begun to attain real social and political maturity. The suit was not “rigged,” “inspired,” or “promoted,” by any cause committee. It was filed because rank-and-file citizens of Mexican descent in Southern California realized that they had long since “had enough.” (p. 304)

The synopsis that plaintiffs had “long since had enough,” in my opinion, captures the essence of those involved in the *Mendez case*. In “having enough,” these “rank-and-file” citizens defied authority and questioned the status quo. In so doing, they organized not only in opposition to institutionalized racism, but in defense of social justice. The fact that the *Mendez case* was not, as McWilliams noted, “rigged, inspired or promoted by any cause committee” underscores its grassroots origin and the level of agency of those involved. In “having enough,” this citizens resisted racial norms long engrained in this nation’s social structures, and in 1940s wartime America, this was no easy feat. Indeed, it is important to remember that the *Mendez case*, and equally important McWilliams’ analysis of it, transpired 50 years after *Plessy v. Ferguson* (1896), eight years prior to *Brown v. the Board of Education* (1954), and 20 years before the Civil Rights and Chicano Movement. This was truly, in McWilliams’ words, “judicial and social history” (1947, p. 304), so much so that McWilliams would go on to chronicle the historical significance of the *Mendez case* in his groundbreaking 1949 book, *North from Mexico: The Spanish-Speaking People of the United States*. This book paved the way for other important works to follow.

In addition to McWilliams, others have questioned the validity of school segregation in reference to Mexicans and the 1935 California Education Code. Relevant to a study of the *Mendez case* and the participation of women of Mexican ancestry is an analysis of this Code. Despite school segregation being what Wollenberg (1974) described as “a product of community pressure, sanctioned by professional educators and supported by the studies of educational psychologists” (p. 321), school officials were nevertheless outside their legal authority in separating Mexican students from Whites. This was true not only in California, but throughout the Southwest. As attested to by Thomas P. Carter (1970) in his study, *Mexican Americans in Schools: A History of Educational Neglect*, “No Southwestern state legally provided for the segregation of Mexican American children, yet widespread practice had the force of the law” (p. 67). The fact that school authorities had no legal footing on the matter, but were no less backed by the law, reveals much about the mindset of those in power and the sociopolitical climate in which it functioned. Reminiscent of Jim Crow laws, the Court was obliged to determine the constitutionality of racial segregation under these circumstances.

Forced to explain the unlawful segregation of Mexican children, defendants argued that the “federal courts had no jurisdiction in the *Mendez case*, since education was a matter governed by state law” (Wollenberg, 1976, p. 126). They further contended that it was pedagogy, and not racial prejudice, that dictated school policy. With Mexican children allegedly requiring special language instruction, defendants in the *Mendez case* avowed that separate facilities were warranted. They further contended that, even if the State Code did not permit them to segregate Mexican origin children, they were still within their legal authority to do so under *Plessy v. Ferguson* (1896) (Arriola, 1995). Well aware of their legal jurisdiction, attorneys for the defendants maintained that the practice of “separate but equal” was protected by federal law, hence superseding the state’s education code.

The issue of race in regard to the *Mendez case* is clearly a complex and sticky matter, particularly in the judiciary realm. Though race and racial formation are subjects well-examined throughout the contents of this paper, its relevancy to the State Code, the *Plessy case*, and the racial status of Mexicans requires further examination.

Racial Identity and the *Mendez Case*. For the purposes of the trial, lawyers for both parties agreed upon the racial classification of people of Mexican ancestry as Caucasian (*Mendez v. Westminster*, 1946). As Arriola (1995) explained, “Both parties stipulated that the *Mendez case* did not involve race discrimination and that Anglos as well as Mexicans would be considered of the ‘White’ race” (p. 185). In so doing, matters of race, and subsequently those of racism, were intended to be sidestepped by attorneys for defendants and plaintiffs alike. Regardless of said “agreement,” matters of race did emerge during the trial, and the legal system was forced to wrestle with them. This is evident in the legal documents and the sworn testimonies of both the plaintiffs and the defendants. As previously explained, in efforts to avoid such matters, legal counsel turned their attention away from race, and to that of pedagogy and jurisdiction. Arriola (1995) speculated this was due to the fact that attorneys in the *Mendez case* were on new legal ground. Because “there was no precedent regarding Mexicans and equal protection,” they each presented their case in what Arriola (1995) described as “rather boilerplate fashion” (p. 185).

As previously explained, section 8003 of the California School Code made no specific reference to students of Mexican parentage, nor for that matter of “Negro” parentage. Thus, Mexican children were exempt from the State Code that legally allowed for the segregation of Indian and Asian descent students (Hendrick, 1977; Wollenberg, 1978; Valencia, Menchaca & Donato, 2002). Most interesting to a study of *Mendez* is that school authorities asserted that Mexicans were in fact Indians, thus purporting that it was within their legal authority to segregate them. Such reasoning was supported by the California State Attorney General at the

time, who stated, “It is well known that the greater portion of the population of Mexico are Indians,” and so “they are subject to the laws applicable generally to other Indians” (as cited in Valencia, Menchaca, & Donato, 2002, p. 166). He further asserted that Mexicans were “not White” and therefore “should not be treated as White” (p. 85). As stated, the Attorney General condoned the practice of segregating Mexicans from Whites (p. 85). Valencia et al. (2001) explained it in this way: “Historically, the rationale used to socially segregate Mexicans was based on the racial perspective that Mexicans were ‘Indian,’ or at best ‘half-breed savages’ who were not suited to interact with Whites” (p. 84). Menchaca (1995) similarly purported that “one of the main reasons school segregation was institutionalized was to ensure that racial minority groups would not come into contact with Anglo Americans” (p. 60).

The racial discrimination experienced by students of Mexican descent was apparent, but less apparent were the laws that sanctioned it. The problem seemingly stemmed from ideals held about race and the arbitrary manner in which they were applied. Depending on a student’s phenotype, language, and/or surname, as well as the racial attitudes of those “in charge,” children of Mexican descent could feasibly be classified as White, Caucasian, Indian, American, or Mexican. Such arbitrariness dictated not only where such students went to school, but the quality of education they received. School officials were undoubtedly aware of this fact, as were the students, their parents, and the Mexican American community at large. Such were the experiences of Sylvia Mendez and her family.

In a preliminary interview conducted for this study, Ms. Mendez shared with me the story of her family and the refusal of the school district to admit her and her siblings to the 17th Street (White) School (see Figure 7). Its brief inclusion here serves to exemplify the arbitrary manner in which notions of race were applied in the era of legal segregation. Furthermore, it serves to

authenticate the literature reviewed and to highlight the importance of counterstory-telling in this study of *Mendez*.



Figure 7. Sylvia Mendez, 1937(right), 2006 (left), (Courtesy of Sylvia Mendez)

Sylvia’s Story. Initially Ms. Mendez’s aunt, Soledad Vidaurri, attempted to enroll her children (Virginia and Alice Vidaurri) and her brother’s children (Sylvia, Gonzalo Jr., and Geronimo Mendez) into the 17th Street (White) School. Upon doing so, she was informed that she could enroll her children, who carried the French last name Vidaurri and were much lighter skinned, but would be unable to enroll her brother’s children, who carried the Spanish surname Mendez and were much darker in appearance. School personnel informed her that the Mendez children would have to attend the Hoover School, Westminster’s designated Mexican school, but her children could enroll at the 17th Street School. As explained by Ms. Mendez, “she was told she’d have to take us to the Mexican School.... ‘But why?’ my aunt asked. ‘Because in Westminster,’ she was told, ‘Mexicans are allowed to be segregated’” (personal communication, February 23, 2003).

Although both the Mendez children and Vidaurri children spoke English and were U.S. born citizens, the Mendez children were instructed to attend the “Mexican school”—which was supposedly to provide for their “deficiencies” in language and Americanization—and the Vidaurri children were instructed to attend the “White school.” So indignant was Mrs. Vidaurri at the school’s refusal to enroll her niece and nephews to the 17th Street School that she responded by rejecting the school’s offer to accept her children to the better “White school” and instead enrolled them in the “Mexican school.”

Ms. Mendez’s story illustrates the differences in attitudes routinely held by school officials toward dark-skinned Mexicans (e.g., the Mendez children) and those held toward light-skinned Mexicans (e.g., the Vidaurri children). More on point, it demonstrate the arbitrariness in which segregation tended to operate. As confirmed by Valencia et al. (2002), “The racial overtones of these practices [language pedagogy and Americanization] were blatantly seen when Mexican students, who did not speak Spanish, were also forced to attend the Mexican School” (p. 86). This point was similarly made by Carter (1970) in his assessment of language use and the segregation of Mexican children. Carter wrote, “The fact that Negro children were sometimes assigned to ‘Mexican schools’ suggests a racial rather than language basis for segregation” (p. 68).

The refusal of the Westminster School District to admit the Mendez children to the 17th Street (White) School did not occur solely at the school level. When refused access to the better White school, the Mendez family, along with others from the Westminster community, took their plea to the District Superintendent.²⁶ When he ignored their transfer requests, they took their plea

²⁶ Eventually a group emerged called the *Pro Patria Club* (literally translated as the Pro Native or Fatherland Club), which in all likelihood reflected the patriotic stance of its members. *The Club* was comprised of members of the community and those concerned about the segregation of Mexican origin children (Strum, 2010).

to the Westminster School Board. When that too failed, they took it to the County School Board, who similarly refused their requests. Such were the experiences of the Mendez family, the Vidaurri family, and other Mexican American families in Orange County, including my own. In order to better understand what informed the racial separation of Mexican children, a study into the logic and reasoning informing the practice was necessary. Understanding that the segregation of students of Mexican descent was outside the authority of school officials in California, the practice nevertheless persisted. Following is an examination as to why and how matters of language may have influenced such practices.

Matters of Language and Mexican Origin Students

As indicated in the theoretical framework section of this paper, the Americanization of students of ethnic, racial, cultural, and linguistic diversity has long been a key objective of this nation's school system (Darder, 1991; Nieto, 2000; Spring, 1997). Intended to rid such students of the "inferior ways," the ultimate goal of Americanization programs has been their assimilation into "the American way of life." According to Gonzalez (1990), at the time the *Mendez case* went to trial, "there existed an aggressive policy of de-culturalization aimed at eliminating the ethnicity of the Mexican community" (p. 60). With students of Mexican ancestry thought to be in need of English and Americanization, defendants in the *Mendez case* argued that such instruction could best be accomplished in separate learning facilities. Although Americanization programs at the time often stressed good hygiene, strong work ethics, and allegiance to the US, the Americanizing of Mexican descent students tended to focus on the students' use of language more than anything else.²⁷ Intended to get at the motives of those involved in the *Mendez case* is a review of language and its justification for the segregation of Mexican origin Students.

²⁷ Legal documents surrounding the *Mendez case* depict numerous references to Mexican children's alleged limited English proficiency.

Segregating California Schools. The notion that Mexican children lacked English proficiency in the 1940s is not surprising, nor is it surprising that such a notion would emerge as a central theme in the *Mendez case*. First, it was in the realm of language that the success of an Americanization program was largely measured (and in a sense, Mexican students' perceived "Americanness"); second, it was in the realm of language that defendants in the *Mendez case* largely justified their segregation policies (Gonzalez, 1990). Such reasoning is evident in the court documents and other literature produced at the time. For instance, in the summer of 1948, the *Daily Report*, a newspaper circulated in Ontario, California, ran several articles regarding the *Mendez case* and the segregation of schools in the area. In those published after the Court's decision on the *Mendez case*, newly assigned Principal Mary Peters "pledged herself to give all pupils their every possible educational advantage." In response to local residents' objection to the Court's desegregation ruling, a special meeting was called to "clear up a number of apparent misunderstandings relative to the inauguration Monday of a non-segregation program in the Ontario elementary school system." Evidently the Court's ruling sparked some confusion regarding its implementation and a seemingly harsh reaction from some in the community. Upon learning of the Court's mandate to desegregate the schools, the City Superintendent of Schools received what the *Daily Report* described as "petitions largely signed by residents of the Grove school area, protesting non-segregation program as earlier announced." Quite interesting is that Principal Peters would go on to write her Master's thesis on the subject.

Filed in July of 1948, Ms. Peters' thesis bears the title, *The Segregation of Mexican American Children in the Elementary Schools of California – Its Legal and Administrative Aspects*. Rather unique for its time, Ms. Peters' research centers on that which informed the segregation of Mexican children in California. Largely critical of school policies that identified language as a reason for the students' isolation, Ms. Peters posed a number of interesting

questions. The one most relevant to this discussion asked, “Is there substantiation in the popular theory that segregation, if not in one school, then within a school is necessary to help Mexican-American children learn the English language?” (p. 15). Citing such scholars and writers as George I. Sanchez and Carey McWilliams, Peters’ analysis included a discussion of pedagogy, policy, and practice in regard to the language needs of Mexican origin students.

Further underscoring Ms. Peters’ main thesis are questions regarding the “legal bases of segregation” and the democratic rights of “all students,” including those of Mexican ancestry (p. 15). As a newly assigned principal, Ms. Peters was rather outspoken in her intent to provide all children a good education:

It is hoped that this study will contribute to a better understanding of the educational needs of all of the children of all of the people in the public school of California, and especially to the educational needs and lacks peculiar to the Mexican American children.
(p. 6)

Most informative to this study is her position as a California educator and administrator in the age of *de jure* segregation. Although defendants in the *Mendez case* argued the merit of school segregation as a viable source of language acquisition, Ms. Peters’ thesis questioned it. This is significant in that it demonstrates how some in education were beginning to question the pedagogical merit of separate schooling, as well as its moral and democratic foundations. Studies like Ms. Peters’ are important to understanding the purpose of Mexican schools and the function of Americanization programs. Moreover, they help to explain why some involved in the *Mendez case* were so offended by their very existence. Ms. Peters’ study and others like it corroborate the position of the Mexican American community.

A review of the literature produced at the time further includes a study of the media’s coverage of the *Mendez case*. On July 10, 1945, the *Santa Ana Register* ran an article reporting

on the daily occurrences of the trial, entitled, “Language Segregation Defended in School Trial in Los Angeles” (Figure 8). The article went on to cite the sworn testimony of Richard Harris, Superintendent of the Westminster School District, revealing much about his views of the district’s segregation policies. While on the stand, the attorney for the plaintiffs probed the Superintendent by stating, “Most Mexican children in the Westminster district are put in the Hoover [Mexican] school and do not associate with pupils in the Westminster [White] school” (1945, p. 1) In defense of the district, the Superintendent cited the special language needs of Mexican children as reason for their isolation. As reported by the *Santa Ana Register*, “Harris countered that instructors at Hoover school are especially qualified. He defended segregation, insofar as ability to comprehend the English language and inherit concepts is concerned.” According to the *Santa Ana Register*, Harris went on to add that the “Segregation of Mexican children with a ‘language handicap’ is ‘definitely democratic’” (p. 1). Paradoxically, he went on to state, “However, the school board has decided to unite the two schools” (the Hoover “Mexican” school” and the Westminster “White” School) (p. 2). Thus, regardless of its alleged methodological benefits and its professed democratic foundation, the board decided to “unite the two schools” and, based on the Superintendent’s testimony, did so prior to the court’s ruling on the matter.



Figure 8. Santa Ana Register runs an article detailing defendants' position on language use. Santa Ana, California. July 10, 1945.

The “uniting” of the Mexican and White schools raises some interesting questions regarding the relationship between *de jure* and *de facto* segregation as well as the court’s mandate to desegregate the schools. As previously explored, the act of desegregating schools once segregated hardly amounted to their unification. In fact, several participants in this study vividly recalled the district’s measly attempt to desegregate the schools they attended. My Aunt Terri, for instance, recalled the “unification” of schools in Westminster resulting in Mexican students being taught in the attic of the former White school. Recalling her and her siblings’ first days at the newly desegregated school, she stated:

They put us in the attic, with very few Whites in there.... Ask anybody that was in my class. We were put in an attic at the school. I guess they didn't have rooms. So we went in upstairs and it had a little attic and that was our classroom. (Terri Salinas, personal communication, February 19, 2003)

Sylvia Mendez also recalled the district "tearing down the Mexican school" shortly after the court's mandate to desegregate. In an interview for this study, she mused, "I guess they didn't want the White kids going to that school," which she commonly referred to as a "shack" (see Figure 9). (Sylvia Mendez, personal communication, February May 22, 2003)

In regard to the decision of the school board to "unite the two schools," it remains unclear if this was a direct result of the tribulations of the trial. Some have speculated, however, that the "special deals" (to admit their children to the White schools) offered to key plaintiffs was a result of the parents' filing suit, thus suggesting that defendants were looking to get the *Mendez case* dropped. Regardless of the timing and/or what prompted the district to "unite the two schools," the Judge's ruling on the *Mendez case* would ultimately mandate such actions. Most interesting is the fact that the Westminster School District, along with the other districts named in the lawsuit, went on to appeal the Court's decision to desegregate schools in California, thus raising questions about the Westminster School Board's intentions. That is, if the Board had intended to "unite the two schools" all along, as expressed by the Superintendent, than why would they appeal? Questions such as this speak directly to the arbitrariness of school segregation and the conspicuous manner in which it was applied. Supporting this premise is a review of the explanations proposed by defendants as to why Mexican children in Orange County were segregated. As evident in the court records, and based on my calculations, school officials cited over 40 reasons as to why Mexican children should be segregated. Their reasons ranged from those of a personal nature (e.g., poor morals, behavior, and/or hygiene) to those of institutional

matters (e.g., lack of resources, school zones, district policies). They even went so far as to blame the children's parents and culture, and even cited the War.²⁸ Whatever reasons school officials offered, however, the end result was always the same: the racial isolation of Mexican children.



Figure 9. Hoover (Mexican) School, Westminster, California, 1947. (Courtesy of Sylvia Mendez and the Mendez family archives)

As previously stated, the Americanization of Mexican children was intended to “assimilate Mexicans and Mexican-Americans into the American way of life” (Wollenberg, 1978, p. 122). Therefore, it is reasonable to assume that a student’s level of assimilation, and thus their success at Americanization, was largely measured in his or her ability to speak English. So, if a student of Mexican ancestry spoke English well, he or she was considered assimilated, Americanized, and, for all intents and purposes, a “good” student. Juxtaposed, if a student spoke Spanish, spoke English poorly, with an accent, or was even bilingual, he or she considered unassimilated, un-American (or not American enough), and inadvertently a “bad” student. As such, these students were perceived as needing special instruction in separate

²⁸ See Appendix C for a complete listing of the reasons cited for the segregation of Mexican American children as located in the legal documents.

facilities and were subsequently labeled a “problem” (Sanchez, 1993). This appeared to be the logic informing school segregation in the 1940s and the reluctance of school officials to desegregate.

Such reasoning is best illustrated in a 1942 bulletin written by the Arizona State Department of Education in regard to the educability of Mexican origin students. Entitled, *Instruction of Bilingual Children*, the bulletin read:

The failure of Mexican children “to learn English in their daily life” implied a retention of the “customs and traditions of their native land,” which had a negative effect upon the educational problems of bilingual children. “Bad habits,” customs, and attitudes retarded learning, therefore, assimilation could not be realized until Spanish was eliminated. (as cited in Gonzalez, 1990, p. 41)

Conversely, an article written by Henry Cook (1948), which appeared in the *Journal of School and Society*, stated:

Schools for “Mexicans” and schools for “Americans” have been the custom in many a Southern California city. It mattered not that the “Mexicans” were born in the US and that great numbers of them were sons and daughters of United States citizens. It has been the custom that they be segregated at least until they could use English well enough to keep up with English-speaking children. Neither did it matter that many of them had a command of English nor that there was no legal basis for their segregation. (p. 417)

The oppositional stance of these two articles (both written in the 1940s) reflects the growing contention surrounding the segregation of Mexican origin children, not only by those in the Mexican American community, but educational experts as well. Cook’s assessment particularly echoes the thoughts and experiences of those involved in this study.

Although the issue of language was previously addressed, further analysis underscores the experiences of students in segregated “Mexican schools” and questions why the Mexican American community was determined to resist. For instance, Sylvia Mendez recalled testifying in what may have been a mock trial leading up to the court case. Although the conditions of her testimony remain unclear,²⁹ Ms. Mendez remembered speaking before Attorney Marcus for the purposes of demonstrating her English language skills:

The only reason I went to testify was that they were stating that Mexicans did not speak English and that was one of the reasons they wanted to segregate us. The lawyer asked my dad to have me as a witness so I could testify ... to show them that I did know how to speak English ... just to prove that I was able to answer the questions in English.

(personal communication, January 2, 2004)

Further disputing the notion that Mexican American children did not speak English was my Aunt Terri:

We all spoke English! My dad always taught us to speak in English. He thought it was very important.... We used to teach each other. We were born here, raised here, and anywhere you went—the stores or wherever—everyone spoke English.... We could speak it! (personal communication, January 2, 2004).

My Aunt Jenny also recalled in an interview for this study her experiences in speaking English.

“We were pretty well into English when we started school.... How else could we have communicated?” (Jenny Acosta, personal communication, January 2, 2004). Isabel Ayala, a

²⁹ Ms. Mendez vividly recalled testifying on behalf of the plaintiffs, yet there exists no official record of her testimony in any of the documents surrounding the *Mendez case*. It could be that she was interviewed by the attorney for the plaintiffs, David Marcus, as a potential witness, but was never actually called upon to testify in court. Nevertheless, the absence of Sylvia’s testimony in any “official” capacity speaks to the manner in which history is sometimes rendered, and the importance of counterstory-telling. That is to say, even if Ms. Mendez never testified during the trial, she undoubtedly possessed expert knowledge about the experiences of children in “Mexican schools,” as well as their ability to speak English proficiently.

recent high school graduate at the time, who also testified on her family's behalf, made similar comments in regard to her siblings' English speaking ability. When told her siblings could not attend the White school because of their inability to speak English, she contested, "My little sisters speak English. They speak very good English, all the time" (*Mendez v. Westminster*, 1946).

The significance of language to the *Mendez case*, the processes of Americanization, and the experiences of students in segregated Mexican schools is further demonstrated in the repercussions suffered by Mexican children for speaking Spanish. In the majority of interviews I conducted, participants recalled issues of language and the consequences of speaking Spanish in school. As former students of the Mexican schools, many recalled being physically reprimanded for their use of Spanish on school grounds. Silverio Ramirez (the son of Lorenzo Ramirez, a named plaintiff in the lawsuit) attested, "In school you'd better not speak Spanish or they'd hit you on the top of the head with a ruler or send you to Hammerstein [the Superintendent and Principal of the El Modena School District]" (personal communication, February 3, 2005). Other participants had similar recollections; one recalled having her ears tugged by a teacher, and another having his hands "smacked," while still others recalled being issued "citations." Such actions seem to have left a lasting impression on the participants involved in this study. My Aunt Terri stated, "In those days, you'd better speak English or you'd get in trouble." My Aunt Jennie similarly recalled, "We could not speak Spanish—at all! We weren't allowed to ... but sometimes we did anyway." Comments like these reflect the students' understanding of the school's language policies, as well as their attitude towards such policies. My Aunt Terri confided that "when the teachers weren't around ... we spoke Spanish, sometimes just to spite them." My Aunt Jennie too recalled speaking Spanish among her siblings and friends while at school, "We spoke it ... just 'cause we wanted to."

The speaking of Spanish by students constitutes an act of resistance on their part. Cognizant of the rules regarding such practices, the students knowingly engaged in behavior that violated school policy. In speaking Spanish, the students broke the rules and, in so doing, defied school authorities. More importantly, they challenged notions of racial inferiority and theories of cultural deprivation responsible for the implementation of such rules and policies. In line with Resistance Theories, that considers the role of human agency in such conditions (as explained in the Theoretical Framework Chapter of this study), the behavior exhibited by these students could be interpreted in a number of ways (i.e., reactionary, self-defeating, conformist, or transformative),³⁰ but I would argue that the students' level of consciousness (both in regard to the rules and punishment) might suggest something in-between. Given the students' young age, they resisted as best as they could. Though they may not have been able to take their plea to a level of transformation, they were able to take it to the playground. Thus, while their parents contested race discrimination in the courts, the students contested it in the schools.

Beyond the students' personal experiences with speaking English and Spanish, the issue of language played a vital role in the trial and the logic yielding school segregation. In addition to calling on Mexican American children to demonstrate their knowledge of English, counsel for the plaintiffs also brought in social science experts to testify to "the negative effects of segregation" in education and, perhaps more significantly, the negative effects on the "social development of the group labeled as 'inferior'" (Arriola, 1995, p. 185). Interestingly enough, Judge McCormick considered such expert testimony in his decision and ruled in favor of the plaintiffs partially on the grounds of language.

³⁰ See Chapter Four for a detailed description of each.

In his ruling, Judge McCormick reasoned that Spanish-speaking children could best learn English by being exposed to it in an integrated setting. He stated, “The evidence clearly shows that Spanish-speaking children are retarded in learning English by lack of exposure to its use because of segregation” and so ordered schools to desegregate (*Mendez v. Westminster*, 1946). Although such logic aided in the termination of *de jure* segregation, it did little to address the notions of Anglo superiority and ethnocentric practices that informed such practices in the first place. That is, be it segregated or integrated schools, the intention was the same: the deculturalization of Mexican origin children.

A study of the factors that informed segregation, and in respect desegregation, speaks directly to theories of deficit thinking (as examined in the Theoretical Chapter of this study) and the perception of Mexican origin children as inferior. Nowhere is this point made more clearly than in the words of Harold Hammerstein, Superintendent of the El Modena School District, in an open letter to the *Orange Daily News*. Written in 1945, the letter read:

Because of the (1) social differences between the two races; (2) much higher percentage of contagious disease; (3) much higher percentage of undesirable behavior characteristics; (4) much slower progress in school, and (5) much lower moral standards, it would seem best that ... Mexican children be segregated. (as cited in Gonzalez, 1991, p. 25)

Comments like these leave little doubt about the racist attitudes responsible for the segregation of Mexican origin children, not only in regard to the *Mendez case*, but in similar cases across this country.

School Segregation and Contemporary Writings: A Review of Related Cases

Mendez et al. v. the Westminster School District et al. set a precedent for *Brown v. Board of Education*. Similarly, other desegregation cases set precedents for *Mendez*. That most

comparable to a study of the *Mendez case*, and early efforts to desegregate the schools, is the 1931 case of *Alvarez v. the Board of Trustees of the Lemon Grove School District*. Similar to the *Mendez case*, the *Alvarez case* also involved a group of parents who objected to the segregation of Mexican origin students—and, like the *Mendez case*, they too organized in defense of their children.

Important to an analysis of the *Mendez case* is a review of the circumstances leading up to it. Robert R. Alvarez Jr. (1986) provided such a context in an article entitled, “The Lemon Grove Incident: The Nation’s First Successful Desegregation Court Case.” As the son of Roberto Alvarez, the lead plaintiff named in the lawsuit, Alvarez Jr. provided a detailed account of the people and events surrounding the *Alvarez case*. Included in his analysis was a review of the sociopolitical conditions leading up to the lawsuit. In the following section, I present a review of the “Lemon Grove Incident” and a brief discussion of its relevancy to the *Mendez case*.

Alvarez v. Lemon Grove School District, 1931

As a thriving, up-and-coming community in San Diego, Lemon Grove offered its residents many attractive perks and opportunities. Considered in its day “one of the prettiest spots in the San Diego suburban district,” the county was viewed as having great potential for growth and prosperity (Alvarez, 1986, p. 116). Hoping to generate new interest in the area, town leaders often boasted in local newspapers about Lemon Groves’ fine living and endless prospects, including the construction of a new grammar school (Alvarez Jr., 1986). The school was described as follows: “A fine new building has recently been completed that offers every facility of the well-equipped schools” (as cited in Alvarez Jr., 1986, p. 117). According to Alvarez Jr., the county’s advertisement was intended to attract a “better class of people” to the area. As stated in the local paper, “within ... the Lemon Grove district will be found many of the better class of people who have selected San Diego as their home” (1986, p. 117). Unfortunately,

the district's idea of a "better class of people" excluded students of Mexican ancestry. Literarily barred from entering the "fine new building," Mexican origin children were directed by school officials to attend a school constructed just for them. As described by Alvarez Jr. (1986):

On January 5, 1931, Jerome T. Green, principal of the Lemon Grove Grammar School, acting under instructions from the school trustees, stood at the door [of the new school] and admitted all pupils except the Mexican students. Principal Green announced that the Mexican children did not belong at the school, could not enter, and instructed them to attend a two room building constructed to house Mexican children. (p. 118)

The building Mexican children were expected to attend was in reality little more than a barnyard. In fact, Mexican students referred to it as "*La Caballeriza*" (The Barnyard).³¹ Outraged by the district's blatant disregard for their children and their education, members of the Mexican American community formed the *Comite de Vecinos de Lemon Grove* (The Lemon Grove Neighbors Committee) in response. Having learned of the board's plan to bar Mexican children from the new school, Mexican parents organized a preemptive strike and instructed their children to return home if denied access to the new school. According to Alvarez Jr., the district had called a special meeting to determine the fate of Mexican children six months prior to the completion of the building. Sadly enough, Mexican parents were not informed of the meeting or the district's intentions to segregate their children. In fact, Alvarez Jr. (1986) purported that "the board, in a following meeting decided against any official notice so as not to committee themselves in writing" (p. 118).

In need of justification, district officials (much like those in the *Mendez case*) readily pointed to the students' limited English as reason for their racial isolation. Most peculiar,

³¹ Spanish for barnyard

however, was the timing of the district's newly devised policy. Although children of Mexican ancestry had long been taught in "special English classes" in Lemon Grove, plans for a separate school dedicated solely to Mexicans materialized only after the construction of the new grammar school (Alvarez Jr., 1986). To members of the *Comite de Vecinos de Lemon Grove*, the notion of a separate school for Mexican was outlandish and "viewed as a threat to the community" (1986, p. 125). As such, not only did *La Comite* reject the district's proposal, they also threatened legal action with the help of the Mexican consulate (Alvarez Jr., 1986). To members of the school board, such threats were viewed as futile. With the support of the District Attorney's Office, along with the encouragement of local Assemblyman, George R. Bliss, the school board ignored the parents' concerns and moved forward with its separatist plans. So confident were they that the board was quoted as "welcoming the test suit to determine the county board's powers to build the separate school for Mexican children" (1986, p. 125).

Of relevancy to *Mendez* was the intent of Assemblyman Bliss, who wanted to "introduce a bill to the California legislature that would have legalized the segregation of Mexican and Mexican American students" (Alvarez, Jr., 1986, p. 128). Although the California Education Code did not specifically allow for the segregation of Mexican origin children, as previously explained, it did allow for the segregation of Indians. Based on the premise that Mexicans were Indians, Bliss looked to extend the Code to read "Indian children whether born in the United States or not" (p. 128). Having successfully maneuvered the segregation of Mexicans under similar circumstances in the town of Carpentaria just a few years prior, Bliss looked to further his campaign in Lemon Grove. Although his plans were ultimately defeated, the notion that Mexicans could be labeled as Indians, as a means of securing their racial isolation, speaks to the arbitrary nature of race. Moreover, it highlights the willingness of those in power to manipulate

concepts of race in order to push their political agendas. Such was the intent in the *Alvarez case*, and such was the intent in the *Mendez case*.

Similar to *Mendez v. Westminster*, the case of *Alvarez v. Lemon Grove* would in time make its way to the judicial system. Like *Mendez*, the courts would conclusively rule in favor of the plaintiffs. As explained by Alvarez Jr. (1986):

The separation was indeed deemed a segregation and the court ruled that the school board had no legal basis on which to segregate the children. California law did not authorize or permit the maintenance of separate schools for the instruction of pupils of Mexican parentage, nationality and descent. The children were legally entitled to enter the regular school building and receive instruction on the basis of equality with all other children. (p. 131)

Although the *Alvarez case* was “the first successful school desegregation court decision in the history of the United States” (p. 116), its ramifications were surprisingly quite limited. As explained by Alvarez Jr., “The Lemon Grove school case was isolated as a local event and had no precedent-setting ruling affecting either the State of California or other situations of school segregation in the Southwest” (p. 131). In fact, Alvarez Jr. described how “the case was never recorded in the school board minutes and even a local history of the Lemon Grove School from 1880-1966 by a former school superintendent failed to mention the case” (p. 131). Regardless of its lack of “precedent-setting ruling” and the intention of local officials to render it invisible, the *Alvarez case* stands as a testament to the will of the people and the resiliency of those of Mexican ancestry.

In regard to the *Mendez case*, a study of “The Lemon Grove Incident” provided a useful context from which to consider the sociopolitical climate in which the Mexican American community would organize and resist. Irrespective of the fact that the California Education Code

did not allow for the segregation of Mexican origin students, defendants in the *Alvarez case* knowingly constructed a separate learning facility for them. In fact, it is obvious that school officials went to great lengths to secure the district's newly built school house from the likes of less desirable Mexicans. This is evident in that the district and its supporters sought to: (a) reclassify Mexicans as Indians, (b) rewrite the State Education Code, and (c) frame the students' racial isolation as a matter of their language "deficiencies." What the district failed to consider, however, was the swift and organized response from the Mexican American community. According to Alvarez Jr. (1986), "The board expected the Mexican children and families to act docile, follow orders and attend the new school" (p. 118). The response of those involved in the *Alvarez case* is comparable to those in the *Mendez case*. Only after exhausting all other recourse did the plaintiffs in each decide on legal action. This is rather astonishing considering that the districts named as defendants in each had no legal authority to segregate Mexican children, yet implemented the practice anyway.

So adamant were the districts about the racial exclusion of Mexican children from Whites that they chose to ignore the pleas of the Mexican American community and opted to take the matter to court. Their actions would suggest that school officials: (a) believed they were right in their assessment of race, (b) believed they were within their authority to segregate under *Plessy*, and/or (c) welcomed (if not orchestrated) the lawsuit as an opportunity to rewrite the laws, policies, and/or educational codes pertaining to those of Mexican ancestry. It is also conceivable that the disdain for Mexicans was so palpable that school officials were willing to risk legal sanction in order to maintain their racial isolation. Whatever their reasons, the debate over the *de jure* segregation would inevitably make its way to the courts and, under *Brown*, meet its "legal" demise. Although *de jure* segregation would later give way to *de facto* segregation, these cases

speak to the agency of those involved and their willingness to do right by their children, community, and, as Americans, their country at large.

A review of the *Alvarez case*, in relation to the *Mendez case*, served several purposes. First, it helped me to consider the sociopolitical climate informing the segregation of Mexican students from one generation to the next. Second, it allowed me to understand how the Mexican American community responded to racial discrimination prior to the *Mendez case* and under similar circumstances. This is best illustrated in the formation of the clubs that emerged from each. In the *Alvarez case*, members of the community formed *Comite de Vecinos de Lemon Grove*. In the *Mendez case*, they formed *Pro Pratia Club*. These clubs demonstrate the resiliency of the Mexican community and the manner in which they organized against systems of oppression. Lastly, it signified the legacy of racial segregation inherent to this nation's schools. In addition to these cases exist others equally committed to racial equality and the educational betterment of students of color. Following is a brief overview of these cases in relationship to a study of *Mendez* and the educational status of students of Mexican ancestry.

Additional Desegregation Efforts, Studies and Cases

The study of school segregation and the educational experiences of Mexican Americans is by no means limited to a study of the *Mendez case* or the *Alvarez case*. Over the years, scholars have looked to explain the racial isolation of Mexican American students in a number of states, in a number of cases, and in a number of studies. Moreover, they have looked to identify the manner in which the Mexican American communities resisted such practices. In addition to the *Mendez* and *Alvarez cases*, other important cases and/or community efforts have contributed greatly to the dismantling of *de jure* segregation. For example, Jose F. Moreno (1999) provided a comprehensive analysis of school segregation and the historical experiences of students of Mexican descent in his book, *The Elusive Quest for Equality: 150 Years of Chicano/Chicana*

Education. As an anthology, this book explored a number of cases and events relevant to a study of Chicana/o education.³² From the Treaty of Guadalupe to the East LA Blowouts, to the resegregation of this nation's schools, this book offered a comprehensive analysis of that which has historically impeded the educational advancement of people of Mexican ancestry. Others have engaged in similar studies; indeed, Chicano historian Guadalupe San Miguel Jr. has written several books on the subject.

In his 1987 book, *“Let all of them Take Heed”*: *Mexican Americans and the Campaign for Educational Equality in Texas, 1910-1981*, San Miguel Jr. examined the history of educational neglect in Texas and the Mexican American community's response. In contrast to those that tend to paint Mexican Americans as unresponsive victims of racism, San Miguel emphasized the significance of human agency and the role “Mexican Americans have played in promoting or acquiring education for their own group members (p. x).” In a later book (2001), *Brown, Not White: School Integration and the Chicano Movement in Houston*, San Miguel Jr. investigated the Houston Independent School District's attempt to resegregate its schools by reclassifying students of Mexican descent as White. This book makes an important contribution to racial discourse and scholarship. The “reclassifying” of students' race underscores the subjectivity of race as a social construct and the power of racial formation over the historical experiences of Mexican American in schools, a theme similarly explored in this study of *Mendez*. In San Miguel's (2013) latest book, *Chicana/o Struggles for Education; Activism in the Community*, the author explored race in relationship to Chicana/o activism in the 1960s and 1970s. Different from those of the “Mexican American era” (1940s), which largely embraced

³² Those most relevant to this study include the following cases: *Alvarez v. Lemon Grove School District* (1931) (as stated); the *Independent School District v. Salvierra*, (1930, 1931); and *Delgado v. Bastrop Independent School District* (1948). Further included are a host of events outlined by the authors, including the Treaty of Guadalupe, Americanization programs, the East LA Blowouts, legislation, propositions, and the list goes on.

American ideal—and, in some respects, racial unity and acceptance—the proceeding generation was motivated by notions of Chicano nationalism and ethnic pride (Griswold Del Castillo, 2008). As opposed to dismantling *de jure* segregation, which prior to the Civil Rights Era had already been accomplished, this generation looked to reform education at its core. Although each generation worked in opposition to race discrimination, the factors informing their motives and actions varied in accordance with time and place.

Similar to San Miguel Jr., Ruben Donato also examined Chicana/o resistance at the height of the Chicano Movement. In his book (1997) *The Other Struggle for Equal Schools: Mexican Americans during the Civil Rights Era*, Donato examined the racial exclusion of Mexican American students in Brownfield, Texas in the 1960s and 1970s as well as how the Mexican American community mobilized in opposition. Donato's book provides a comprehensive look at the inequality in the kinds of schools that students of Mexican descent have historically attended from the early part of the 20th century to the era of Civil Rights.

Martha Menchaca also examined the history of race discrimination in her ethnographic study of a Mexican community in Santa Paula, California. In her 1995 book, *The Mexican Outsiders: A Community History of Marginalization and Discrimination in California*, the author traced how racial formation resulted in the “apartness” of Mexican residents and, consequentially, the establishment of Mexican schools in a town she once called home. Menchaca's work provided a detailed account of racial formation from its infancy to its institutionalization, and from its implementation from *de jure* to *de facto*.

Most recently, editors Margarita Berta-Avila, Anita Tijerina Revilla, and Julie Lopez Figueroa (2011) examined the role of student activism in the ongoing battle for education equality. In their book, *Marching Studies: Chicana and Chicano Activism in Education, 1968 to the Present*, the authors traced the “parallels between the students who marched in 1968, 2006,

and the present” (p. xiii). Such a study underscores the significance of student participation in matters of social justice, such as educational equality. A study of *Mendez v. Westminster* supports this contention. Though the tactics of those involved in the *Mendez case* may have differed from those of later generations, their level of agency is equally impressive, thus supporting the authors’ thesis. This is significant in that it speaks to that which informed female participation in desegregation efforts, as well as my efforts to tell the *Mendez* story from an alternative perspective. That is to say, although much has been written about the parents’ involvement in the *Mendez case*, little has been written about the manner in which the students themselves resisted segregated schooling, particularly pertaining to young women and girls. This is a topic later explored in the findings chapters of this study.

In addition to these important works, there further exist a handful of studies specific to *Mendez v. Westminster*. Those most useful to this study included Gilbert Gonzalez’s book (1990, 2013) *Chicanos in the Era of Segregation*, Charles M. Wollenberg’s (1978) *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975*, and Phillip Strum’s (2010) *Mendez v. Westminster: School Desegregation and Mexican-American Rights*. Further aiding in my analysis of the *Mendez case* was Richard Griswold Del Castillo’s (2008) *World War II and Mexican American Civil Rights*. Additionally, Richard Valencia has written extensively on the *Mendez case* in a number of publications. For example, his edited book, *Chicano School Failure and Success: Past, Present, and Future*, was one of the earliest works (1991) to include a study of school segregation in relationship to the *Mendez case*. He further analyzed the *Mendez case* in his book (2008), *Chicano Studies and the Courts: The Mexican American Legal Struggle for Educational Equality*, as well as in a host of journal articles and/or publications.³³ Lastly, as

³³ See the bibliography of this paper for a list of those related to a study of the *Mendez case*.

previously discussed, perhaps the earliest work to include a study of the *Mendez case* was Carey McWilliams' 1948 landmark text, *North from Mexico: The Spanish-Speaking People of the United States*. Experts revere this book as one of the first to examine the history of Mexican people in the US from a perspective different than traditional tellings of history.

The body of literature presented here proved essential to my analysis of the *Mendez case*, and as such these studies are embedded throughout the content of this dissertation. Their inclusion helped to locate the *Mendez case* within a sociopolitical and historical context, and provided me with the conceptual means to make sense of the data I had collected. There obviously exist other important works relevant to a study of *Mendez* (as evident in the bibliography of this paper), but those outlined here proved most useful. From a host of topics (e.g., segregation, education, WWII, etc.) to a range of themes (e.g., Chicana activism, resistance, assimilation, etc.), each examined the educational experiences of students of Mexican origin and the community's quest for social equality. Although other researchers may do the same, these studies best emulated the circumstances surrounding the *Mendez case*.

A review of the literature pertaining to a study of racial segregation and the *Mendez case* is significant for a number of reasons. First, it illustrates the role of human agency and the historic efforts of Mexican Americans to battle institutionalized discrimination. Second, it dispels notions of Mexican Americans as docile, lazy, and fatalistic. Third, it disputes scholarship which examines issues of race and racism strictly within a Black and White binary. Finally, it credits the countless number of Chicanos/as who have fought to defend the rights of generations of people of color. Largely missing from these works, however, is an analysis of Mexican American women's contribution to them. The relative absence of women from existing literature highlights the need to examine race discrimination within a larger context. Providing such a context are the theoretical models employed in this study. In efforts to "get at" women's

contributions to the *Mendez case*, a number of conceptual lenses were employed. The following section presents a discussion of each.

CHAPTER FOUR

THEORETICAL FRAMEWORKS:

CONCEPTUALIZING THE *MENDEZ CASE*

As we redefine what is legitimate knowledge, we must ask, for whom are we doing theory?

Teresa Cordova, 1998

Important to developing a conceptual framework from which to examine the *Mendez case* are theories that consider the racial segregation of Mexican children and their experiences in “Mexican schools.” These theories must further consider the manner in which students, families, and members of the Mexican American community responded to school segregation, and why and how they organized against it. While I am aware of no one theory that addresses all these attributes, the integration of several may help to provide a comprehensive framework from which to examine the *Mendez case* and the particular involvement of women of Mexican origin.

Mindful of my efforts to tell the *Mendez* story from the perspective of those who lived it, I employed the following theoretical models: Critical Race Theory, Deficit Thinking Theory, Resistance Theory, and Chicana Feminist Theory. I selected these models for their ability to conceptualize two key areas of thought: first, that which informed the segregation of Mexican children; and second, that which informed desegregation efforts. Simply put, I selected models to answer two basic questions: Why segregate, and why resist? The first area of study utilizes Critical Race Theory and Deficit Thinking as a means of deconstructing race and the manner in which conceptions of race lent themselves to *de jure* segregation and the establishment of Mexican schools. The second area of study utilizes Resistance Theory and Chicana Feminist Theory (see Diagram 4.1). These models provided a theoretical framework from which to consider the actions of those who challenged school segregation and the significance of gender to

these acts. Serving to inform both areas of study is *Chicanismo*, i.e., Chicana/o ideology and thought. The incorporation of *Chicanismo* provided a conceptual lens from which to consider other facets of *Mendez v. Westminster* thought to be significant to this study, including ideals of family, culture, and community. Together these theories guided me through the research process and my analysis of the data; moreover, they provided me with a framework from which to consider the actions of Mexican origin women. The section below contains a discussion of each and a review of their significance to the *Mendez case*.

Figure 4.1

Conceptual Frameworks

Why Segregate?	Why Resist?
<i>Deconstructing the segregation of Mexican children</i>	<i>Deconstructing efforts to desegregate Mexican Schools</i>
<i>Conceptual Frameworks</i>	
Critical Race Theory Deficit Thinking	Resistance Theory Feminist Theory } <i>Chicanismo</i>

Note. This diagram presents the conceptual approach to understanding the factors that informed segregation and those that informed desegregation.

Why Segregate? Deconstructing School Segregation

Critical Race Theory

Most Whites believe that if blacks and other minorities would just stop thinking about the past, work hard, and complain less (particularly about racial discrimination) then Americans of all hues would all get along.

Eduardo Bonilla-Silva, 2014

Derived from the legal field, and based on theories of critical scholarship, Critical Race Theory (CRT) looks for ways to examine the social conditions largely responsible for the subordination of people of color. Described by legal scholar, Kimberly Crenshaw, as a “movement,” CRT “challenges the ways in which race and racial power are constructed” and then looks for way to “change it” (1995, p. xiii). Critical of notions of race that have served to nullify racist ideologies and practices (e.g., colorblindness, meritocracy, and objectivity), critical race theorists look to place issues of race and racism at the forefront of discourse and analysis. With ideals about race long engrained in this country and elements of racism permeating virtually every aspect of society, a study of race became essential to this study and my efforts to determine the factors that informed both school segregation and desegregation efforts (Feagin, 2000). Undoubtedly warranted was an investigation into the societal norms that mandated *de jure* segregation in the 1940s, but equally warranted was an investigation into the racial attitudes held by those who contested it. Indeed, what views about race did the Mexican American community possess, and how did these views inform their resistance? Providing a framework from which to consider these questions are theories of critical race and, more specific to a study of segregated schooling, a study of critical race theory in the field of education.

Critical Race Theory in Education

Specifically intended to expose the racist practices historically embedded in our nation’s school systems, CRT in the field of education offers a conceptual framework from which to consider various aspects of the *Mendez case*. Educational scholar Daniel Solorzano (1997) defined CRT in the field of education as “a framework or set of basic insights, perspectives, methods, and pedagogy that seeks to identify, analyze and transform those structural and cultural aspects of education that maintain marginal position and subordination of Students of Color” (p. 6). In his research of Chicana/o education, Solorzano (1997) outlined three major themes of

racism that aided my efforts to understand the existence of school segregation; in particular, he posited: (a) that one group believes itself to be superior, (b) that the group which believes itself to be superior must have the power to carry out the racist behavior, and (c) that racism affects multiple racial groups. Utilizing Solorzano's model of racism, I was able to identify a correlation between race and racism, *de jure* segregation, and the education of Mexican origin children.

In view of the fact that the legal doctrine of "separate but equal"³⁴ was in full effect at the time the *Mendez case* went to trial, notions of racial superiority were undoubtedly present, thus meeting Solorzano's first tenet. Motivated by ideals of White supremacy, school officials acted within their power and so ordered the separation of Mexican origin children from Whites, thus meeting Solorzano's second tenet. Lastly, the idea that "racism affects multiple racial groups" is evident not only in the laws and practices that then governed the nation, but those that governed the state's education system. As indicated in the 1935 California Education Code, school districts at the time had the legal authority to segregate identified groups of students of color. Unique to children of Mexican ancestry, however, were questions regarding the validity of the state code in regard to the racialized status of children of Mexican descent. Although this topic is well-examined in the Literature Review of this study, suffice to say, some educational experts believed Mexican origin students were White, while others believed them to be Indians (Valencia, 1997; Wollenberg, 1978). The racial ambiguity directed at students of Mexican ancestry in California served to cast doubt on the authority of schools to legally separate them. Interestingly enough, at the onset of the trial, legal counsel for both the plaintiffs and defendants agreed that Mexican origin children would be classified as Caucasian, thus intending to dodge questions pertaining to race. Nevertheless, questions about the racial status of Mexican/Mexican

³⁴ As protected by *Plessy v. Ferguson*.

American children were raised and spoke directly to ideals about race and racism in this country, as purported by CRT scholars and supported by the data presented in this study.

By incorporating a theoretical framework that centers on notions of race/racism and its relationship to other forms of domination (e.g., sexism, classism, xenophobia, etc.), I was better able to explore the segregation of Mexican/Mexican Americans and its historical significance to generations of students. Further helping me to deconstruct notions of race thought to be relevant to a study of the *Mendez case* were a number of themes outlined by critical race theorists in the study of education. These themes form what Solorzano and Delgado Bernal (2001) described as “the basic perspectives, research methods, and pedagogy of a critical race theory in education” (p. 3). As outlined by Solorzano and Delgado Bernal, they include: (a) the centrality and intersectionality of race and racism, (b) the challenges to dominant ideology, (c) the commitment to social justice, (d) the centrality of experiential knowledge, and (e) the interdisciplinary perspective. Following is a description of each and a brief discussion of their relevance to *Mendez*.

The Five Tenets of Critical Race Theory in Education

1. The Centrality and Intersectionality of Race and Racism

The first tenet of CRT argues the *centrality and intersectionality of race and racism*. It places race at the center of analysis with the intention of exposing those societal structures largely responsible for the under-education of students of color. In so doing, CRT looks to identify the relationship between race and racism with other forms of oppression and their combined effect on education. Because defendants in the *Mendez case* identified the Americanization of Mexican origin children as a primary reason for their segregation, questions regarding the racialized status of the Mexican American community were raised within a CRT framework. Such questions were further raised in

regard to the California State Education Code (1935). As previously indicated, whether students of Mexican origin were considered Caucasian or Indians would determine if school officials were in fact in violation of the state code (1935). Such matters speak to the racial ambiguity of people of Mexican descent, as well as the subjectivity of race. In placing race at the forefront of my analysis, I was better positioned to examine these issues and the manner in which they intersected with gender.

2. *The Challenge to the Dominant Ideology*

The second tenet of CRT *challenges the dominant ideology*. Especially useful in this analysis of the *Mendez case* are conceptual lenses that examine those underlying beliefs (White superiority) and practices (White privilege) that warranted not only segregated schooling, but Americanization programs. With standardized practices of education based on notions of meritocracy, equal opportunity, and other “bootstrap” philosophies, a critical race analysis of education draws into question traditional models of education (e.g., liberal, conservative, and assimilation) that help to perpetuate dominant paradigms used to legitimize social inequalities. As a tool of analysis, this basic tenet of CRT addresses the ideologies and practices that led to the establishment of Mexican schools in a racially stratified society.

3. *The Commitment to Social Justice*

Critical race theorists identify the third theme of CRT in education as *the commitment to social justice*. In pursuit of educational equality, critical racist theorists look to identify those educational philosophies that promote democratic beliefs and inspire democratic practices. Understanding, of course, that issues of race and racism hardly exist in a vacuum, a commitment to social justice considers the multitude of forces (e.g., classism, sexism, ethnocentrism, etc.) responsible for the marginalization of people of color. By

placing race and its relationship to education in a political, social, and economic context, critical race theorists aspire to create a fairer, more just society, as did those involved in the *Mendez case*. This particular tenet of CRT helped to frame the significance of World War II to desegregation efforts and why plaintiffs named in the lawsuit were so offended by the mere implication that their children needed Americanization.

4. *The Centrality of Experiential Knowledge*

The fourth tenet of CRT is the *centrality of experiential knowledge*. It is this tenet of CRT that best envelops the methodology used in this study. Viewed as a viable source of information, experiential knowledge “draws heavily on the lived experiences of people of color” (Solorzano & Tara, 2000, p. 41) and as such becomes an important part of the research process. Drawing from a number of sources, experiential knowledge may include, but is not limited to, storytelling, family history, biographies, scenarios, parables, *cuentos* (stories), chronicles, and other kinds of narratives. In this study, participants tended to integrate photographs as a means of telling their stories. The incorporation of such images alongside their personal narratives served greatly in my efforts to tell the story of the *Mendez case* from the perspective of those who lived it. Different from previous narratives about the *Mendez case*, which relied heavily on court records and other official documents, the integration of participants’ experiential knowledge allowed an alternative telling of the *Mendez case* to emerge—one that Yosso (2006) would identify as a “counterstory.” A counterstory, according to Yosso, “seeks to document the persistence of racism from the perspective of those injured and victimized by its legacy.” Yosso added that “counterstories bring attention to those who courageously resist racism and struggle toward a more socially and racially just society” (p. 10). Although counterstory-telling is further explained in the methodology section of this study, it is

worth noting at this time that Yosso's description of counterstory-telling best encapsulates the intention of this study and, perhaps more compellingly, the spirit of those involved in the *Mendez case*. The willingness of participants to share their stories, family photos, homes, and lives with me, and ultimately the public, exemplifies the significance of the experiential knowledge they possessed.

5. *The Interdisciplinary Perspective*

The last tenet of CRT in the field of education is that of *the interdisciplinary perspective*. Solorzano (1997) described the interdisciplinary perspective as one that “challenges ahistoricism and the unidisciplinary focus of most analyses and insists on analyzing race and racism in education” (p. 7). By employing a perspective of education that is interdisciplinary, critical race theorists are able to locate issues of race and racism in a broader, more inclusive context—one that is thoughtful of both its historical and contemporary significance. This tenet of CRT served to highlight the relationship between *de jure* segregation in the 1940s and *de facto* segregation in the 21st century.

The five tenets outlined here served this study in many ways. As a methodological tool, they helped to guide me through the research process. As a theoretical framework, they helped me to decipher the data. By locating race at the center of analysis, they positioned me to grasp the significance of race to those on both sides of the legal debate. Moreover, they further informed my understanding of race in relationship to gender.

In addition to CRT and the basic tenets informing it, this study of *Mendez* was also influenced by models of deficit thinking. As a theoretical framework, a study of deficit thinking allowed me to consider the thinking informing the establishment of Mexican schools and why the Mexican American community so adamantly opposed them.

Deficit Thinking Theory

Deficit thinking finds its origin in racist ideology and thought. Dating back to the 16th century, people of color were presumed to be biologically inferior and thus deserving of conquest, colonization, enslavement, genocide, exploitation, discrimination, and such (Valencia, 1997). Long engrained in the history of this country and the early formation of its social structures, deficit thinking has served to justify the many forces of domination, including that of segregated schooling. In order to understand the factors that sanctioned the legal separation of children of color in 1940s wartime America, I engaged in a study of the “thinking” behind it.

Theories of Deficit Thinking in Education

Educators have long attempted to explain the limited academic achievement among students of color within a deficit thinking framework. Defined by Ryan (1971) as “blame the victim” theories, early proponents of deficit thinking reasoned that the academic failure of students considered racially, ethnically, and linguistically different was largely contributed to their biological makeup. Commonly known as “eugenics,” theories of deficit thinking asserted that “the student who fails in school does so because of internal deficits or deficiencies” (Valencia, 1997, p. 3).

With the genes of some students deemed to be deficient, those responsible for educating them worked to devise policies and practices that necessitated their isolation. As Valencia (2011) explained, “Deficit thinking was highly influential in the promotion of school segregation during the rooting of separate but equal education in the late 1890s and early 1900s, and particularly in the subsequent decades of entrenchment (1920s through the 1940s)” (p. 11). The implementation of such “separate but equal” practices served the dual purpose of isolating those thought to be genetically inferior and, conversely, those believed to be genetically superior. According to Valencia (2010), proponents of White supremacy predicated segregationist practices “on the

belief that colored races were biologically inferior and race mixing would contaminate the White ‘stock’” (p. 11). Problematic for authorities, however, was the political climate in which such segregationist practices existed. Set against the backdrop of WWII (i.e., Nazi propaganda and American patriotism), the racial isolation of children of color stood in direct contrast to the democratic principles the US was purporting to defend. Unable to justify the hypocrisy of race segregation within the context of the Second World War, school officials faced the conundrum of how best to explain the academic failure of students of color in a way that not only mandated their racial exclusion, but functioned under the banner of democracy. With much at stake, school officials turned their attention to the cultural make-up of students of color.

Cultural Deprivation Theory. Structured within theories of deficit thinking are models of cultural deprivation. Slightly different from eugenics that find fault with the student’s racial makeup, cultural deprivation theory finds fault with the student’s culture, that is, his or her family, language, ethnicity, and home life (Barrera, 1979; Nieto, 2000; Valencia, 2010). Based on the premise that certain students (i.e., historically working class students of color) possess a culture that is inherently backwards, inferior, or deficient, school officials have long been charged with the task of changing or fixing it (Barrera, 1979; Darder, 1991). With the “burden of responsibility for academic failure [placed] on the students’ shoulders,” theories of cultural deprivation continue to identify the source of a student’s educational problems as existing within the students themselves (Darder, 1991, p. 2). In so doing, school authorities and policymakers successfully deflect attention away from themselves and/or those societal conditions long permeating our public school systems (e.g., politics, economics, labor, etc.). With emphasis placed on the students’ perceived deficiencies, as opposed to deficiencies within society, school officials are relinquished of any culpability, and the education system remains largely in-check,

as does the status quo (Valencia & Solorzano, 1997). Barrera (1971) described this phenomenon as such:

Deficiency explanations of racial inequality are superfluous in that all of them assume that equal opportunity exists and has existed for the minority races in American society, and that they have failed to seize the opportunity because of their own deficiencies. (p. 9)

Relevant to this study of *Mendez* is a review of models of deficit thinking that have long asserted the cultural inferiority of Mexican children, and thus their need for assimilation. As proposed by the research questions guiding this study, a study of deficit thinking was intended to help me understand the perceived need for Mexican schools and the correlation between *de jure* and *de facto* segregation.

Assimilation Theory.

Students of color are silenced and their bicultural experiences negated and ignored, while they are systematically educated into the discourse of the dominant culture --an ethnocentric ideology that perceives the discourse of the others as inferior, invaluable, and deficient in regard to the aims of American society.

Antonia Darder, 2012

Akin to theories of cultural deprivation are theories calling for the assimilation of students of color. Largely embedded in liberal and conservative views of education, models of assimilation consider schooling to be a socializing mechanism, and assimilation as necessary for academic success. Simply described, models of assimilation operate under the assumption that “the ways” of so-called minorities are culturally, socially, and linguistically devoid, and those of the dominant group are normal, natural, and thus more desirable (Darder, 2010; Ladson-Billings, 1994; Nieto, 2000). As such, a key function of schools in America has been to rid ethnic, racial, cultural, and linguistic “minorities” of their perceived inferior ways, and instill in them “better

ways,” that is, the ways of the dominant culture (Darder, 2010; Garcia, 2001; Spring, 1997). The process of assimilation—such as the Americanization of minority students—has traditionally been framed in the students’ best interest and thus the overall betterment of society, otherwise known as “the common good.” In accordance with this thinking, it is reasonable to conclude that, if a student fails to acquire the culture of the dominant group and consequentially fails in school, then fault lies with that student and “their” kind, as opposed to any institutionalized and/or societal factors.

In line with deficit thinking theory that blames the victims for their perceived “failures,” models of assimilation, such as that of Americanization programs in the 1940s, have served to perpetuate the racial hierarchy. Although theories that identify students’ genes as reason for the limited educability have been largely debunked, theories that lay blame on the students’ cultural makeup persist to this day (Valencia, 2010). Because notions of racial inferiority have simply been replaced with notions of cultural inferiority, little has changed regarding the educational status of students of color since the days of *Mendez*. As outlined in Chapter Two (Statement of the Problem), school segregation in its current state largely mirrors that of the pre-*Mendez* era (Kozol, 1991, 2005).

Like cultural deprivation theory and other theories of deficit thinking, assimilation theory is highly suspect and has been met with great scrutiny. As numerous experts³⁵ have attested, the limitations of assimilation theory are many. First, it assumes that students are able to choose their culture, language, and/or “way of life.” Second, it assumes the education system is fair, just, and accessible to all. Third, it assumes that if a student sheds his or her “traditional ways”—in favor of those considered “modern” or “developed”—he or she will automatically reach higher levels

³⁵ These experts include Antonia Darder, Paulo Freire, Henry Giroux, Gloria Landson-Billings, and Sonia Nieto, among others.

of academic success. Fourth, it fails to contextualize education. Devoid of any political, social, and economic context, the assimilation model ignores those societal conditions largely informing school practices and policies (e.g., poverty, politics, racism, etc.). Lastly, and in my opinion most damagingly, the assimilation model frames the culture components of students of color as barriers to be overcome, as opposed to strengths and assets to build upon.

Juxtaposed with models of assimilation that aim to deculturalize students of color, proponents of cultural relevancy pedagogy argue the merit of designing an educational program from the cultural particulars of the students (Gay, 2000; Ladson-Billings, 1994, 2009; Spring, 2007; Yosso, 2005). According to Geneva Gay (2000), author of the book *Culturally Responsive Teaching: Theory, Research, and Practice*, “Teaching is a contextual and situational process. As such, it is most effective when ecological factors, such as prior experiences, community settings, cultural backgrounds, and ethnic identities of teachers and students are included in its implementation” (p. 21). Educational expert Tara J. Yosso (2005) made a similar argument in her article, “Whose culture has capital? A critical race theory discussion of community cultural wealth.” (2005). According to Yosso, Students of Color bring to the classroom an array of “community cultural wealth,” that is, “an array of knowledge, skills, abilities and contacts possessed and utilized by Communities of Color to survive and resist macro and micro-forms of oppression” (p. 77). In order to “transform the process of schooling,” Yosso re-interpreted the cultural attributes of Students of Color (i.e., family, linguistic, social, etc.) as spaces of wealth, as oppose to deprivation (p. 70). Yosso’s intention is to position Students of Color for academic success by utilizing their culture norms as valuable sources of power and strengths. “Indeed, the main goals of identifying and documenting cultural wealth are to transform education and empower People of Color to utilize assets already abundant in their communities” (Yosso, 2005, p. 82).

The failure to incorporate the culture, histories, and life experiences of students into the curriculum, textbooks, and other school practices runs the risk of alienating them from the education process. Unable to connect, Students of Color are robbed of the prospect of a good education, and consequentially, may find themselves marginalized by the process. As Gay concluded, “Decontextualizing teaching and learning from the ethnicities and cultures of students minimizes the chance that their achievement potential will ever be fully realized” (Gay, 2000, p. 21).

The thought that Mexican origin students have been deprived of the *Mendez case* and its many lessons, including the knowledge that their ancestors have made important contributions to the democratic formation of this country, underscores one of the key objectives of this study. As an educator for the past 20 years, I can attest to the benefits of developing curricula from the standpoint of the students themselves and the harmful effects of failing to do so.

The problem with the deculturalization approach to education is that it assumes America is a single, homogenous society, in which all individuals and groups in time will “melt” together as one. Irrespective of a people’s race, color, or culture; their social, political, and economic status; or their historical relationship to the United States, efforts to deculturalize students of color has long been a key objective of the American education system. Based on melting pot theories that assert the US is “a place where all cultures have (or should have) melted together to form one culture,” the ethnocentric practice of Americanizing culturally diverse students has served to perpetuate segregationist practices as purported by this study (Darder, 1991, p. 114).

It is no secret that public education has historically contributed to this nation’s social hierarchy. As an agent of socialization, it serves to maintain the status quo (Bourdieu & Passeron, 1977; Darder, 2010). Based on notions of Anglo superiority, ethnocentrism, and deficit thinking, the processes of “Americanization,” deculturalization, and assimilation ignore and

negate the experiences of ethnic, cultural, and racial “minorities,” while simultaneously affirming those of the dominant culture. In line with theories of deficit thinking that blame the victims for their perceived “failures,” models of assimilation, such as those that existed at the time of *Mendez*, have served to perpetuate the racial hierarchy. Further supporting this contention are six aspects of deficit thinking outlined by Valencia.

Deficit Thinking and the *Mendez* Case

In this study of the *Mendez case*, theories of deficit thinking (e.g., Americanization programs and assimilation theory) provided a useful framework from which to consider school segregation and the educational experiences of students of color. As previously described, the employment of deficit thinking allowed me to examine the attitudes and beliefs long held by Whites towards Mexicans, and those condoning segregation policies. Further informing my analysis were six components of *deficit thinking* that were outlined in Valencia’s award-winning book (2010), *Dismantling Contemporary Deficit Thinking: Educational Thought and Practice*. They include: (a) blaming the victim, (b) oppression, (c) pseudoscience, (d) temporal changes, (e) educability, and (f) heterodoxy. Following is a description of each and a brief discussion of its relevancy to a study of the *Mendez case*.

- 1) *Blaming the victim*: according to Valencia, the first aspect of deficit thinking identifies the source of a student’s educational problem(s) as solely within the student and his or her culture, race, ethnicity, etc. In blaming the students for their academic failure, educators are then charged with the task of “fixing” them. Examples of “blaming the victim” are easily detected in the *Mendez case*. Located throughout the trial transcripts are relentless remarks by school officials regarding the alleged inferiority of Mexican children. In citing such things as the students’ “low IQ,” “inferior mental ability,” “low morals,” “poor work habits,” “poor hygiene,” and “poor manners” (see Appendix H for a

complete list), school authorities were essentially blaming the children for their own segregation. In fact, they went as far as to frame segregation as being “good for the children” and “in the children’s best interest” (*Mendez v. Westminster*, 1946). Hence, in segregating Mexican children, school officials were in a sense saving the students from themselves, that is, their culture and race.

- 2) *Oppression*: Valencia’s second aspect of deficit thinking brings attention to the oppressive intent of schooling. Like CRT, this aspect of deficit thinking questions those infrastructures (e.g., education) that have long maintained the status quo and, in the case of *Mendez v. Westminster*, a racially stratified school system. Contrary to philosophies of meritocracy, colorblindness, and melting pot theories, many experts³⁶ have contended the oppressive structuring of schools in this country.
- 3) *Pseudoscience*: Valencia identified pseudoscience as the third aspect of deficit thinking. Making a distinction between genuine science and pseudoscience, Valencia asserted that models of deficit thinking lack any real scientific merit and thus are based more on ideology than fact. Although theories identifying genetic inferiority as the source of academic failure among racial minorities have largely been discredited, theories alleging their cultural inferiority remain a prominent feature in this nation’s schools (Darder, 2012; Landson-Billings, 2009; Spring, 2007; Valenzuela, 1999).
- 4) *Temporal changes*: Valencia’s fourth aspect of deficit thinking is that of temporal changes. Valencia described this aspect of deficit thinking as a “dynamic model, changing according to the temporal period in which it finds itself” (p. xii). In this study, identifying temporal changes served to contextualize the *Mendez case*. Locating *Mendez*

³⁶ See, for example, Michael W. Apple, Stanley Aronowitz, Pierre Bourdieu, Henry A. Giroux, Jean-Claude Passeron, and Paul Willis.

v. Westminster within its sociopolitical climate, particularly in reference to the War, elucidated the motives and actions of those involved in the lawsuit. It also allowed me to consider any temporal changes that may exist between *de jure* and *de facto* segregation.

5) *Educability*: marking Valencia's fifth aspect of deficit thinking is educability. It examines how theories of deficit thinking identify "behavior in pathological or dysfunctional ways" and then suggest a prescription for "correcting" them (2010, p. 7). The perception that "minority" students engage in pathological or dysfunctional behavior is easily recognized in educational discourse. Terms like *deficits*, *deficiencies*, *limitations*, *shortcomings*, *at-risk*, and *disadvantaged* are commonly used by educators to describe certain "kinds" of students (i.e., typically working class students of color) and the "kinds" of schools they typically attend (e.g., inner city, racially isolated, low income). In the era of legal segregation, language such as *retarded*, *inferior*, *undesirable*, *menacing*, *backward*, and—most significant to a study of *Mendez*—the "Mexican problem" were commonplace (Gonzalez, 1990; Sanchez, 1993). With the behavior of students of Mexican descent and, for that matter, the entire Mexican American community framed as a "problem" and their Americanization framed as the solution, Valencia's notion of educability highlighted the reason for segregated schooling.

6) *Heterodoxy*: the final aspect of deficit thinking outlined by Valencia is heterodoxy. The idea of heterodoxy is based on the belief that deficit thinking is "so controversial that dissent . . . is inevitable" (p. xii). In this post-*Brown*, Civil Rights era, questions regarding institutionalized race discrimination are without doubt contentious, but in this era of *de facto* segregation, such questions clearly need to be asked. I believe this to be true today, and it was undoubtedly true in the days of *Mendez*. The very existence of the *Mendez case* underscores this premise. Because the racial isolation of Mexican origin children

was so offensive to people of Mexican ancestry, as well as an affront to America in general, the Mexican American community had no choice but to contest it. This aspect of deficit thinking accentuates why the Mexican American community felt obliged to act. These aspects of deficit thinking served to frame my understanding of the *Mendez case* and my analysis of the data. As proposed by the research questions guiding this study, theories of deficit thinking helped to inform what led to the establishment of “Mexican schools” and the experiences of students in these schools.

Relevant to this study of the *Mendez case* are theories that identify race as a central theme in this nation’s history. The employment of CRT and Deficit Thinking allowed me to consider how notions of race influenced the behavior of those on both sides of the segregation debate. For defendants named in the lawsuit, it was notions of race that led them to isolate those believed to be racially inferior. For plaintiffs, it was notions of race that led them to file suit. Though many mistakenly view ideals of race and racial discourse as something controversial, and thus something to be avoided (e.g., colorblindness), others view it as a means of empowerment, such as those involved in the *Mendez case*. If indeed notions of race can be used to enslave a people, it can also be used to liberate them. Attesting to this thesis are Omni and Winant (2015), who stated that “while race is a template for the subordination and oppression of different social groups, we emphasize that it is also a template for resistance to many forms of marginalization and domination” (p. 108).

Important to note is that concepts of race do not in and of themselves constitute racism. Rather, what constitutes racism is the idea that some groups are thought to be racially superior to others. In fact, Solorzano (1997) identified this to be a defining characteristic of racism (as previously described). In this study of the *Mendez case*, notions of race appeared to inform the mindsets of plaintiffs and defendants alike. While assessments of race led plaintiffs to conclude

that they were Americans, and thus entitled to the same rights and privileges as other Americans, assessments of race also led defendants to conclude that people of Mexican ancestry required segregation. Though each was informed by notions of race, the latter was grounded in ideals of racial superiority. My point here is not to debate the significance of race to the *Mendez case*—this is without question—but instead to underscore the manner in which concepts of race are manipulated to serve as tools of oppression.

Supporting this contention is the work of Michael Omni and Howard Winant. In their book, *Racial Formation in the United States* (2015), the authors stressed the importance of differentiating between race and racism, purporting that the “the two should never be used interchangeably” (p. 71). In differentiating between race and racism, the authors described race as having “no fixed meaning.” They went on to explain how race is “constructed and transformed sociohistorically through competing political projects” (p. 71). In contrast, they defined racism as “a fundamental characteristic of social projects which create or reproduce structures of domination based on essentialist categories of race” (p. 162). In drawing a distinction between the two, the authors are able to identify the processes of race that render it racism, that is, what they define as “racial formation.” According to the authors, racial formation is the “sociohistorical process by which racial categories are created, inhabited, transformed, and destroyed” (p. 55).

The utilization of racial formation theory in this study allowed me to distinguish between concepts of race amounting to segregation and those amounting to resistance. Though well-examined in the findings chapters of this study, worth noting here is that the racial concepts held by school officials and the Mexican American community served to inform their behavior and reasoning in regard to school segregation. Whereas the plaintiffs’ interpretation of race justified social equality, the defendants’ interpretation of race justified segregation and thus the

establishment of “Mexican schools.” By isolating those thought to be racially inferior, and effectively those thought to be racially superior (Whites), notions of race resulted in racism. Such perceptions underline the significance of race and racism to a study of *Mendez* as well as the need for racial discourse in educational research.

It is worth reiterating at this time that the theoretical frameworks employed in this study were selected to get at two key areas of thoughts: that which transpired before the decision to file suit, and that which transpired after the decision to file suit. Informing the first were CRT and Deficit Thinking. As outlined in the Introductory Chapter, these theories centered on the initial set of questions guiding this study: (a) What were the educational experiences of Mexican American children during the age of segregation? (b) What can we learn from these experiences? (c) How can we apply what we learn from these experiences to the present-day experiences of students of color? Informing the second area of thought—that which transpired after the decision to file suit—are theories of Resistance and Chicana Feminism, as well as *Chicanismo*. An in-depth discussion of each follows.

Why Resist? Moving Towards Desegregation:

Resistance Theory

Unlike theories of deficit thinking that identify students as the source of their “problems,” resistance theory incorporates the role of human agency in its critique of education and the overall structure of society. Based on the contention that individuals do not always respond passively to domination, resistance theory examines the ways in which dominated groups tend to resist structures of oppression, such as racial segregation (MacLeod, 1983).

Especially useful in this study of *Mendez* is what resistance theory identifies as the dialectical relationship between structure and agency, that is, the correlation between and within the home, community, school, and society. Important to understanding the response of the

Mexican American community to government-sanctioned school segregation is an understanding of the relationship between the dominant society and the Mexican American community at the time. An investigation into these dialectical relationship revealed much about the perceptions held by Whites towards Mexicans, and conversely Mexicans towards Whites, the War, and America itself, and how these perceptions transcended into the schools, community, and daily lives.

Based on the belief that people of Mexican ancestry were entitled to the same rights as others, many rejected their subjugated status. In so doing, they organized not only against institutionalized race discrimination but towards that of social equality. This kind of resistance delineates human agency and the response of those involved in the *Mendez case*. It further supports the research methods utilized in this study. Giroux (1983) explained:

Resistance is a valuable theoretical and ideological construct that provides an important focus for analyzing the relationship between school and the wider society. More importantly, it provides a new means for understanding the complex ways in which subordinate groups experience educational failure, pointing to new ways of thinking about and restructuring modes of critical pedagogy. (p. 289)

Understanding that individuals respond differently to the oppressive conditions in which they find themselves, resistance theory identifies a number of oppositional behaviors in which individuals and groups tend to engage. In general, they have been identified by resistance theorists as (a) reactionary behavior, (b) self-defeating resistance, (c) conformist resistance, and (d) transformative resistance (Giroux, 1983; Solorzano & Delgado Bernal, 1999). Although each may meet the criteria of resistance, some are thought to lack the level of consciousness needed to be truly emancipating. MacLeod (1995) explained that “not all forms of oppositional behavior stem from a critique, implicit or explicit, of school-constructed ideologies and relations of

domination” (p. 21). In fact, some acts are thought to do more harm than good. For example, Delgado Bernal argued that, while dropping out of school could be construed as an act of resistance, in actuality it may be self-defeating. On the other hand, students who are thoughtful about the sociopolitical conditions in which schools operate are often more transformative in their approach. Delgado Bernal’s study (1997) of the 1968 East Los Angeles Blowouts exemplified this point. According to Delgado Bernal, the political actions of Chicanas involved in the Blowouts reflected their understanding of the socioeconomic systems largely responsible for their substandard education, and thus looked for ways to transform such systems.

Because resistance theory is rooted in critical theory, it offers a conceptual framework from which to consider the role of human agency in the *Mendez case*. Its employment helped to frame the actions of those involved in desegregation efforts, including parents, students, and community members. Unlike theories of deficit thinking, which assumes that certain individuals and groups are destined to fulfill their pre-allotted place in life, resistance theory is more optimistic in its approach and more transcending in its intent. By allowing for free will, it offers students, researchers, and those committed to social equality a sense of hope. Indeed, at the heart of resistance theory lies a commitment to social justice. It is this commitment that I believe inspired the Mexican American community to resist.

It should be noted that a more in-depth discussion of resistance theory is available in the findings chapters of this study (Chapter Seven). In effort to identify the kind of oppositional behavior students in attendance of the “Mexican schools” engaged in, I found it useful to attach resistance theory to my findings. Understanding that this is an area largely overlooked in the existing literature, it is important to note that the students themselves resisted school segregation. The application of resistance theory helped me to understand how and why this came to be,

particularly in regard to the participation of female students. Further serving to inform this analysis is a review of Chicana Feminist Theory.

Chicana Feminist Theory

The final framework informing this analysis of *Mendez v. Westminster* is that of Chicana Feminist Theory. Grounded in studies of gender consciousness and ideals of gender equality, the employment of Chicana feminism allowed me to better understand the significance of Mexican origin women to the *Mendez case*, and how and why they contributed to the struggle. Arguably, terms such as *Chicana* and *feminism* were less common in the days of *Mendez*, or held a different meaning altogether,³⁷ but the intentions are nevertheless the same and apply easily to a study of the *Mendez case*. Following is a review of the ideals and thoughts informing Chicana Feminist Theory as viewed relevant to this study of the *Mendez case*.

Understanding Chicana Feminism

It sounds like a contradictory statement, a “Malinche” statement—if you’re a Chicana you’re on one side, if you’re feminist, you must be on the other side. They say you can’t stand on both sides—which is a bunch of bull.

Anna NietoGomez, date unknown

³⁷ Prior to the 1960s Chicano Movement, the term *Chicano* was largely used as a derogatory remark. According to Chicana scholar, Charles Tatum, it was used in the 1920s/1930s to describe “recently arrived immigrants from Mexico who were thought to be socially inferior, less educated, Mexican Indian, or *mestizo*” (2001). During the Civil Rights era, Chicano activists “reclaimed” the word, giving it the positive social and political meaning it has today (Acuna, 2011). The term *feminism* also has an evolving meaning, which is commonly referred to by feminist scholars as “waves.” The “first wave” embodies the ideals and goals of women in the 1920s, the “second wave” those of the 1960s (Dicker, 2008), and the current “wave” offers a more global meaning. The very notion of feminism as occurring in “waves” depicts the evolution in thinking, as well as the importance of contextualizing feminists’ actions.

Feminist ideals have a long and tumultuous history in the study of Chicanas and Chicanos. With patriarchal notions well-engrained in the Chicano/Mexican culture, efforts to expose and explain sexist ideologies and practices have typically been met with great suspicion and contempt, if not outright hostility (Blackwell, 2010; Delgado Bernal, 1997; Garcia, 1997). For Chicanas engaged in such efforts, the battle for gender equality remains an ongoing struggle, not only among the Chicano/Mexican people, but surprisingly among Chicano scholars and activists (NietoGomez, 2010; Orozco, 2010; Quinonez, 2000). In efforts to get beyond such thinking and to the core of Chicana suppression, we need to first get at that which Chicana scholar Naomi Helena Quinonez (2000) described as “a more complex approach to gender within the framework of the Chicana/o experience” (p. 259).

It is within this “framework of the Chicana/o experience” that Chicana scholars have worked to determine the structures of power responsible for the marginalization of Mexican origin women. By engaging in a study of the “reasoning” of gender—that is, a deconstruction of the ideals, logic, and sentiment informing how we perceive, think, and even feel about gender—we attempt to understand the intricacies of sex and sexism, and how best to identify and confront them. Failure to do so can only perpetuate the silencing of generations of women and lead to the further subjugation of Mexican origin women. As explained by Chicana scholar Teresa Cordova, in her article, “Power and Knowledge: Colonialism in the Academy” (1998), “One of the most empowering things we [Chicana scholars] can do is articulate the mechanisms of silencing: the discourse of silencing, the discourse against giving voice, the discourse against resistance” (p. 38).

Within the experiences of women involved in the *Mendez case*, the “mechanisms of silencing” Cordova spoke of seemed to come in many forms, most notably those considered to

be historical and thus worthy of knowing or repeating. Indeed, within the stories of the women involved in *Mendez* lay a version of the truth largely ignored by those or that considered legitimate or official (Blackwell, 2011; Cordova, 1998; Menchaca, 2001; Perez, 1999). However, ignoring these stories and truths never truly rendered them invisible or, for that matter, irrelevant. On the contrary, whether they are acknowledged or remembered by the dominant discourse, and those that determine it, is immaterial to the fact that these stories do exist, and it is their sheer existence that stands as testament to their relevancy. They offer us insight into the human spirit and the agency of those who dare to tell. It is in this telling that I believe Chicana feminism resides and the voices of dissent can be heard.

Chicana Feminism and the *Mendez Case*

Located in the data surrounding the *Mendez case* are the words and actions of the countless women involved in the battle for social equality. Evident in their testimonies, photographs, and assorted “tellings” is a form of resistance that cannot and should not be denied. For Chicana scholars, writers, and the like, this kind of resistance represents a break in how we traditionally think about history as well as how we conceive and practice conventional scholarship. Maylei Blackwell (2011) used the phrase “mechanics of erasure in historical writings” to describe her “attempt to undermine, instead of replicate, the power relations and regime of truth that holds these mechanics in place” (p. 4). Following Blackwell’s lead, I am left to wonder what “mechanics of erasure” have rendered the participation of women’s involvement in the *Mendez case* erased. And, if they have indeed been erased, than what can be learned from their recovery? That is, what lessons can be learned from a telling of *Mendez* from a Chicana feminist perspective? What impact might it have on those who tell it, those who hear it, and inadvertently, those who do not?

Questions like these not only reflect the essence of Chicana feminist theory, but the lifelong work of those committed to asking and answering them. Be it scholars, activists, or those involved in the *Mendez case* (myself included), it is in the struggle to make sense of our world and our place in it that allows such questions to emerge. In response, we look to create new ways of seeing, thinking, and speaking about Chicanas, thus creating theory and discourse. Those most fitting to a study of *Mendez* are those inclusive of race, class, and gender, and mindful of the Chicana experience. Renowned scholar Cherri Moraga defined that which I have described here as “theories in the flesh.” In her much acclaimed book, *This Bridge Called My Back: Writings by Radical Women of Color* (1983), Moraga described “theories in the flesh” as spaces “where the physical realities of our lives—our skin color, the land or concrete we grew up on, our sexual longings—all fuse to create a politic born out of necessity” (1981). Moraga went on to explain how:

[W]e attempt to bridge the contradictions in our experience.

We are the colored in a White feminist movement.

We are the feminists among the people of our culture.

We are often the lesbians among the straight.

We do this bridging by naming ourselves and telling our stories in our own words.³⁸

For the many women involved in the battle over segregation, the contradictions were plenty. They were the brown among the White, they were the Mexicans among the Americans, and they were the women in a patriarchal system. For these women, the “politics born out of necessity” emerged from their status as working class women of color in a society stratified by race, class, and gender. By addressing the social inequalities their children experienced, they

³⁸ Out of respect for the author, I maintained the formatting of her writing and spacing.

were also addressing the inequalities they too were living. In their attempt to “bridge the contradictions” in their lives, these women in fact named themselves. As women, mothers, wives, and daughters; as Mexicans, Americans, patriots, and citizens, they indeed named themselves—and, in so doing, found their voice and “told their stories in their own words” (Moraga, 1981).

Moraga’s notion of storytelling as a form of resistance is widely characteristic of Chicana feminism and easily located in a study of *Mendez*. In efforts to break our silence, find our voice, and speak our truths, the telling of stories from our perspective is a theoretical method well-conceived and employed in the study of Mexican origin women. In the book, *Chicana Feminism: A Critical Reader* (2003), Chicana scholars argued the importance of engaging in praxis from the standpoint of women of color. Borrowing from a host of scholars, they looked to identify those spaces commonly occupied by Chicanas as a means of disrupting that which renders them to the margins. By disrupting the dialogues responsible for their silencing, they are what some Chicana feminists refer to as “talking back”:

By occupying a third space, Chicana feminists actively contest the silencing that has been used against us. As it has been for other feminists of color, “talking back” has been an important form of disruption for Chicanas. Talking back creates waves of disturbance that establish women’s humanity, agency and worth. (Arredondo *et al.*, 2003, p. 2)

It is this kind of disruption that best encapsulates the actions and motives of women involved in desegregation efforts. In telling their stories, and those of their children, they were indeed “talking back.”

Evidence of their “talking back” can be found in their testimonies, both then and now, as well as the documents surrounding the *Mendez case*. For instance, as previously stated, my great Aunt Rosalia Bermudez is believed to have drafted the petition contesting the segregation of

Mexican children in Westminster. In efforts to protect her children, she and others confronted school officials, challenged state and local authorities, and voiced their complaints before the State Supreme Court. In so doing, they not only questioned existing norms about race but, in effect, existing norms about gender, both in the greater society and within their culture and families. Be it in the schools or the courtrooms, their homes or communities, these women talked back. Like the many women who came before them, and those who would follow, they shifted the boundaries of discourse, disrupted the status quo, and in the process established their and their children's "humanity, agency and worth" (Arredondo *et al.*, 2003). However, it is important to note that their reasons for and methods of talking back varied. As outlined in the findings section of this study, while these women may have shared a common gender, ethnic, and racial background, and even a common vision of America, it is important to acknowledge their individuality as well. Despite their shared goal of ending *de jure* segregation, many differed in their reason and approach. A study by Chicana scholars Denise A. Segura and Beatriz M. Pesquera (1992) helped me to make these distinctions as pertaining to a study of the *Mendez case*.

In their study of Chicana activism, *Beyond Indifference and Antipathy: The Chicana Movement and Chicana Feminist Discourse (1992)*, Segura and Pesquera identified three leading types of feminist behavior that proved useful in my efforts to identify the commonalities and differences that may have existed between and among female participation in the *Mendez case*. As identified by the scholars, women of Mexican origin have typically engaged in the following forms of resistance: (a) Chicana Liberal Feminism, (b) Chicana Insurgent Feminism, and (c) Chicana Cultural Nationalist Feminism. Briefly described,

- 1) *Chicana Liberal Feminism* "centers on women's desire to enhance the wellbeing of the Chicano community" and operates within the perimeters of reform. Chicanas

- historically engaged in this kind of behavior believed that the subordination of Chicanas and others can best be “redressed through institutional reforms that improve Chicanas’ access to education, employment and opportunity” (p. 81).
- 2) *Chicana Insurgent Feminism*, according to Segura and Pesquera, “draws on a tradition that includes radical thought and political insurgence” (p. 82). Intended to get at the multiple forms of oppression commonly experienced by working class women of color, this type of feminism calls for an “internal critique of Chicano/Mexican culture ... and a radical restructuring of society” (p. 84). It further argues for the development of alternative scholarship, research, and methodology that recognizes the relationships between race, class, and gender.
 - 3) *Chicana Cultural Nationalist Feminism* “includes a commitment to cultural nationalist ideology that emphasizes maintaining traditional cultural values” (p.85). This type of feminism operates on the premise that Chicana resistance must uphold the Chicano/Mexican culture and remain loyal at all costs. Critics have argued that such a commitment, however, fails to consider the patriarchy (i.e., *machismo*) engrained in the cultural practices and beliefs of the Chicano/Mexican people.

Although female participation in the *Mendez case* was by and large based on the children’s best interests, as opposed to those of the women themselves, a review of their motives and actions nevertheless suggests a connection between their gender and agency. Important to getting at this connection is an understanding of how these women perceived themselves as women and how this perception informed their behavior. As outlined by Segura and Pesquera, female participation in the *Mendez case* could be widely interpreted. That is to say, while the actions of these women may have been motivated by a love for their children and/or families

(Chicana Cultural Nationalist Feminism), and their actions may have met the criteria of reform (Chicana Liberal Feminism), their motives for acting could also be construed as radical (Chicana Insurgent Feminism), particularly within the context of the Second World War. Indeed, for these women to question the legality of *de jure* segregation at a time when democracy was under attack caused many to question their loyalty to the US. Although this conundrum is greatly explored in Chapter Seven, suffice to say, it was their belief in American democracy that led them to challenge America's practice of legal segregation, in whatever manner they saw fit, either as individuals or as contributors to a class action lawsuit.

By engaging in a review of Segura and Pesquera's "types of feminism," I was better able to appreciate the kind of resistance women of Mexican origin tend to engage in and why. Although their study of Chicana activism was somewhat dated (1992), it did provide a useful framework from which to consider the actions and motives of those involved in the *Mendez case*. This recognition revealed much about their individual and collective experiences and their varied contributions to desegregation efforts. Although the women involved in the struggle may have shared a common concern for their children's education and an equal disdain for school segregation, not to mention a common gender and race, it is important to note that the manner and approach in which they resisted was partially informed by their unique circumstances.

On a personal note, of all the theories utilized in this study, I found Chicana Feminist Theory to be the most insightful. Perhaps because of my education, profession, and/or personal experiences, beliefs, and even my gender, an understanding of and appreciation for Chicana ideology and thought served me and this study well. It is with great humility and respect that I thank the countless many who carved out this scholarly path for me and others to follow. Without the wisdom and vision of those who push paradigms, challenge social norms, and dare

to ask why, I doubt that a study of women's participation in the *Mendez case* would have been possible.

The final conceptual framework informing this study of the *Mendez case* is that of *Chicanismo*. Its inclusion served to highlight common ideals and beliefs held by those involved in desegregation efforts. In hopes of getting at that which informed the grassroots organizing, a study of Chicano ideology and thought is warranted. Following is a brief discussion of it.

Chicanismo: Chicano/a Ideology and Thought

Chicano ideology and thought is grounded in ideals of family, community, culture, nationalism, political activism, and social consciousness. It further encompasses ideals of self-determination, self-identity, and self-definition (García, 1998; Gómez-Quíñones, 1990; Muñoz, 1997). Committed to the development of a truly just and democratic society, Chicana and Chicano scholars, educators, activists, and others have long worked toward developing a conceptual framework that considers the unique experiences of Chicanas/os in a sociopolitical context (Barrera, 1979; Blea, 1988; Mirandé, 1985; Muñoz Jr., 1997). Described by some as *Chicanismo*, and others as *Chicanzaje*, Chicano ideology and thought considers the ethos and beliefs that have historically defined a people, informed a movement, and inspired resistance. Chicano historian Gómez-Quíñones (1990) described *Chicanismo* as “a set of beliefs” that emphasize such characteristics as “dignity, self-worth, pride, uniqueness, and a feeling of cultural rebirth” (p. 104). He further described it as an ideology that “emerged as a challenge to the dominant institutions, assumptions, politics, principles political leaders, and organizations within and without the [Chicano/Mexican] community” (p. 104). Chicana scholar, Irene Blea (1988) used the term *Chicanismo* to describe the *mestizaje*³⁹ of the Chicano/a people; that is, the

³⁹A *Náhuatl* word (the indigenous language of the *Mexicas*) meaning racially mixed or mixed blood (Vigil, 2012).

recognition of both their indigenous and European past, as well as their “Mexicanness” and “Americanness” (p. 97). Chicano educator Diego Vigil (2012) similarly used the term *Chicanzaje* to further describe Chicano ideology and thought. In his book, *From Indians to Chicanos: the Dynamics of Mexican-American Culture*, the author defined *Chicanzaje* as “a historical awareness of the Chicanos’ role as oppressed members of society” and went on to describe it as “the most pervasive sign of the altered consciousness of Mexican Americans” (p. 264). More recently, Chicano Studies scholar Michael Soldatenko (2009) defined *Chicanismo* as:

[A]n ideology served to link activists in their struggle for self-determination and the push for institutional building. The Movement was driven by profound political and cultural ideas on being “Chicano.” This active philosophy came to be known as *Chicanismo* (p. 74).

Finally, Solorzano Torres and Hernandez (2010) made reference to *Chicanismo* in regard to their study of Chicanas. Referencing the Chicano Movement of the 1960s and 1970s, the authors wrote, “During this period, a philosophy of ‘*Chicanismo*’ prevailed, which emphasized race, ethnicity, class, and nationality for defining self- and group-identity and the key sites of struggle for civil and human rights” (p. xx).

Although some may argue that the notion of *Chicanismo* and *Chicanzaje*,⁴⁰ as an ideological framework, emerged at the height of the Chicano Movement in the 1960s/1970s, I believe the core values informing its meaning date back to *Aztlán*⁴¹ and the very origin of the Chicano and Chicana people (Vigil, 2012). It is my contention that people from across time and from across the globe have always resisted that which looks to oppress them; our indigenous

⁴⁰ In this study, the terms *Chicanismo* and *Chicanzaje* will be used interchangeably.

⁴¹ *Aztlán* refers to the mythological homeland of Chicanos/as and encompasses most of the Southwest. It is a term appropriated by Chicano/a activists during the Movement of the 1960s and 1970s to symbolize the spirit and destiny of the Chicano/a people. Garcia (1998) described *Aztlán* as “a social, political, economic, and cultural utopia, free of liberal politicians, welfare programs, police brutality, discrimination, poverty, and identity crises” (p. 18).

ancestors were no exception. Certainly, evidence of *Chicanismo* can be located in countless historical events, including that of *Mendez v. Westminster*.

Chicanismo and the Mendez Case

At its core, the *Mendez case* embodies the very ideals informing *Chicanismo* and the longstanding quest for social equality. In regard to this study, *Chicanismo* provided a useful framework from which to consider grassroots organizing, Chicano/a resistance, and the experiences of Mexican Americans in the era of legal segregation. By design, the employment of a *Chicanismo* framework positioned me to make sense of the actions and motives of those who organized against legal segregation and the factors that united them in their efforts. Adhering to notions of *Chicanismo*, a preliminary study of the *Mendez case* revealed much about the familial beliefs of those involved. As previously noted, the majority of people involved in this class action lawsuit of 5,000 people were largely related, either by blood, marriage, and/or some other social ties, namely as *compadres* or *comadres*.⁴² Such family relationships undoubtedly played a significant role in the community's ability to raise awareness, rally support, and organize against those power structures responsible for the subjugation of Mexican Americans.

The significance of family to the *Mendez case* is apparent not only in the actions of those who organized to defeat segregation, but within the actions of the students in attendance of the Mexican schools. Based on the data collected, many of the students were brothers and/or sisters, *primos* and/or *primas* (male and female cousins). The strong familial ties these children shared played a vital role in their education, and their ability to navigate a racist school system. As my Aunt Terri explained, “We did okay because we were together.... I had [my brother] Ricardo and [my sister] Jennie and [my cousin] Felix and all of them with me, so we helped each other”

⁴² In short, *compadre* and *comadre* are Spanish for godfather and godmother; in actuality, their meaning is much more complex. A detailed explanation of these concepts, as related to a study of the *Mendez case*, is provided in Chapter Eight.

(2003a). In addition to the children and adults involved in the *Mendez case*, familial ideals proved to be essential to the design and development of this study. As explained, my family provided me access to the data (people and information), and they inspired me to go forth with this study.

In addition to family, ideals of community proved essential to the *Mendez case* and the grassroots efforts of those who participated. Many involved in the *Mendez case* continue to have longstanding ties to their local communities. While I am less familiar with some communities involved in the lawsuit, my family ties afforded me access to those involving Westminster. Although many have moved away, their social, cultural, and familial ties to Westminster are evidently well-rooted. My father, for instance, continues to visit the people and places of his childhood. Many of my aunts also remain connected to the local community and the events surrounding it. In fact, the neighborhoods surrounding the site where the segregated schools were originally located continue to be well-populated by members of my family and the families of the original plaintiffs. In the winter of 2004, many of them participated in a march held in Westminster to commemorate the 57th anniversary of the *Mendez case* (Figure 10). As longtime residents of Westminster and former students of the segregated Mexican school, they joined dozens of others in a march to raise awareness about the *Mendez case* and support its adoption into the state curriculum. The event proved successful largely because of the strong sense of community held by those connected to it.

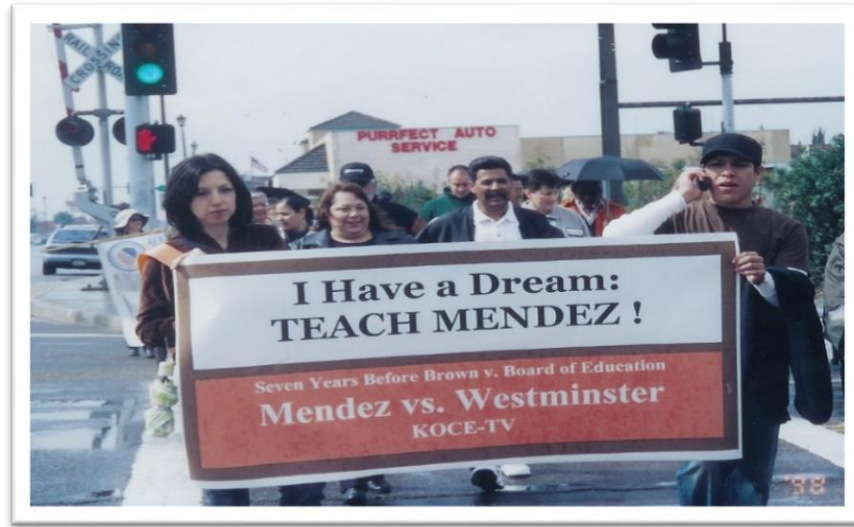


Figure 10. March held to commemorate the 57th anniversary of *Mendez v. Westminster*, and in support of the incorporation of the *Mendez case* into the California State Curriculum. Westminster, California. February 18, 2004. (From the personal collection of Nadine Bermudez)

The strong sense of family and community held by people of Mexican ancestry has been well-documented (Baca Zinn & Eitzen, 1996; Griswold del Castillo, 1984; Zambrana, 1995). According to scholars and researchers, evidence of kinship and community can be located throughout the history of the Mexican people. Dating back to MesoAmerica, social structures were largely formed around familial ties (Vigil, 1998). More contemporarily, the Chicano Movement enveloped ideals of family and community in their struggle for social justice. The literature overwhelming suggested that Chicano activism in the 1960s was largely organized around notions of family and community. Similarly, in this study of the *Mendez case*, values of family and community played a pivotal role in the fight for educational equality. The significance of family to the Mexican people is best summarized by Baca Zinn (1996), who stated, “For decades, familism has been considered a defining feature of the Mexican heritage population. Presumably, family is one of the strongest areas of life, more important for Mexicans than for Anglos” (p. 160).

Representative of *Chicanismo* and the other theoretical frameworks employed in this study is a desire to recapture the history of the Mexican American people. It seeks to educate the Chicano/a community about the struggles and efforts of their ancestors in hopes of inspiring consciousness, promoting self-determination, and evoking sentiments of Chicano/a pride. Finally, this study seeks to honor the memories of those who have fought to end racial inequality in their neighborhoods with the hope of creating a more just society for their children, themselves, and future generations.

CHAPTER FIVE

METHODOLOGY:

APPROACHING AN ALTERNATIVE TELLING OF THE *MENDEZ CASE*

A review of the literature suggested that past studies of *Mendez v. Westminster* have tended to focus on either its legal aspects, particularly the constitutionality of *de jure* segregation, or its educational significance, most notably the relationship between language acquisition and the Americanization of Mexican children (Arriola, 1995; Brilliant, 2010; Strum, 2010; Valencia, 2008). While such studies are important to the advancement of legal and educational discourse, most have neglected to consider the standpoint of those who actually lived the *Mendez case* and their telling of the events surrounding it.

As previously noted, this study of the *Mendez case* is intended to provide those involved in desegregation efforts with a space to explore their “lived experiences.” It looks to provide participants with a forum to share their memories, tell their stories, and voice their opinions regarding the *Mendez case*. The induction of such a forum required the employment of research philosophies and practices that not only recognized the uniqueness of participants’ stories, but also allowed such stories to emerge and be told.

The methodologies employed in this study are based largely on qualitative research. In addition to reviewing pages of archival documents, I also conducted numerous personal interviews. These interviews came to serve as the cornerstone of this project. Among the many who participated were representatives of the lead families named in the lawsuit, students in attendance of the segregated Mexican schools, and members of the Mexican American community. Able to draw from their life experiences, these participants possessed an array of knowledge unique to their status in their families, homes, communities, schools, and society in general. The stories they told helped to generate others, and they others, and located in each were

nuances of the *Mendez case* not readily identified in existing literature. For instance, the participants first identified the reluctance of some to get involved in *the Mendez case*. The participants also helped to shed light on the contributions of women to desegregation efforts. Such information reflects the value of engaging in a methodology that not only recognizes the kind of “expertise” participants might possess, but also invites them to be active participants in the research process. In addition to providing much of the data for this study (e.g., knowledge, stories, photographs, and research contacts), the participants grasped the data’s significance, possessed the means to syphon through it, and then guided me in my understanding of it. Without the employment of qualitative methods, the data collected in this study of *Mendez* might have transpired very differently or, worse, remained buried altogether.

The methodologies used to help get at this telling of the *Mendez case* include Participatory Action Research, Chicana and Chicano Epistemology, and Counterstory-Telling, and, to some extent, Visual Sociology. These methods were selected for their distinct ability to include the voices of those typically silenced by conventional methods of social science research. Because participants were able to tell their stories, in their own words, in their own way, a forum was created for self-reflection and realization, thus creating the conditions for new information to emerge. Perhaps this sentiment is best expressed by a participant involved in this study. Upon being approached about her knowledge of the *Mendez case*, she stated, “We’ve been waiting for someone to ask.”

Following is a description of the methodologies outlined in this study and a discussion of their relevancy to an analysis of the *Mendez case*. As stated, they include: (a) Participatory Action Research, (b) Chicano Epistemology, and (c) Counterstory-Telling. In addition, a brief discussion of the photographs collected during this study are discussed in relationship to Visual Sociology. Lastly, a discussion of my decision to profile one of the key participants involved in

the *Mendez case* (Virginia Guzman) ensues. Its inclusion helped to underscore the contributions of women to the *Mendez case* and the unique ways they participated in desegregation efforts. The methods outlined here were selected because of their thoughtful approach to data collection, their inclusion of participants in the research process, and/or their social justice orientation. As Solorzano and Yosso (2002) explained, “If methodologies have been used to silence and marginalize people of color, then methodologies can also give voice and turn the margins into places of transformative resistance” (p. 37).

Participatory Action Research

Marshall and Rossman (1999) described Participatory Action Research (PAR) as “full collaboration between researcher and participants” (p. 6). It assumes that “sustainable empowerment and development must begin from the concerns of the marginalized” and thus calls for an “explicit commitment to action” (p. 6). In contrast to methodologies that approach research participants as “passive objects of inquiry,” PAR recognizes them to be a vital part of research process (1999, p. 4). By creating “a cycle of research, reflection and action,” participants are invited to have more of a say in how research is conducted and the direction they wish a study to take (1999, p. 61). Like Marshall and Rossman, McIntyre (2008) also explained that PAR “offers a multidimensional approach to research that intentionally integrates participants’ life experience into the research process” (p. xiv).

Respectful of the participants’ “right to know” (Miles and Huberman, 1994), and mindful of their “unique angle of vision” (Collins, 1991), the contributions of participants in this study aided me greatly, particularly in the initial stages of the research process. For example, Sylvia Mendez played an important role in a preliminary study conducted for this project. She and I spoke frequently about the *Mendez case* and her parents’ involvement as lead plaintiffs. In fact, her main interest in participating in this study was to help raise awareness about it. In the spirit of

those involved, and in hopes of carrying on the legacy of her parents, Ms. Mendez continues to be a champion for educational equality. For these reasons, she regularly visits campuses across the country and shares with students her family's story. It has become her lifelong mission to educate young people about the *Mendez case* and their educational rights. Concerned that the *Mendez case* has received limited attention in the past, Ms. Mendez's intention is to get those involved in desegregation efforts the proper recognition they deserve.

Given Ms. Mendez's strong connection to the *Mendez case* and her "insider's" knowledge of her family's involvement, I believe her participation in this study was essential to its early development, and it demonstrates well the viability of PAR. As I did with many of the participants involved in this study, I regularly checked in with Ms. Mendez to get her feedback on various aspects of the research process. I provided her transcribed copies of the interviews we conducted along with copies of the legal documents I was able to obtain. This provided Ms. Mendez with the opportunity to reflect on her thoughts, review her comments, and consider her participation in this study, as well as my general approach to it, thus positioning Ms. Mendez, and all participants involved in this study, to play an active role in the research process. In fact, upon completion of this project, I revisited the key participants involved, including respective members of the 5 lead families (Mendez, Guzman, Palomino, Estrada, and Ramirez). In hopes of getting their final approval, I shared with them my analysis of the data and parts of the dissertation most relevant to them and their families' experiences. Such an approach reflects my respect for and appreciation of those involved in this study, but also my efforts to tell the story of the *Mendez case* from their perspectives. In accordance with PAR, this allowed participants to be actively involved in the research process. In another example, I was able to provide the sons of my great Aunt Rosalia Bermudez (my second cousins) with copies of the court transcripts describing their mother's participation in early stages of the *Mendez case*. Although they had

always known of their mother's involvement, largely because she told them about it, they were delighted to see her name in the legal documents. The fact that my great Aunt Rosalia shared with her children the daily events of the *Mendez case*, even at their young age,⁴³ was seemingly quite unique itself. In fact, Robert Bermudez, her oldest son, recalled his mother sharing with them the historic book, *North of Mexico: Spanish Speaking People of the United States*, which in 1949 was one of the first publications to chronicle the *Mendez case*.

My mom would hold up the book *North of Mexico* and read parts so we'd have pride in who we were; that Gonzalo [Mendez], and my mom and dad did something for our future. So that we could succeed; have the opportunity without any restrictions. (Robert Bermudez, personal communication, April 22, 2005)

I should mention that my great aunt is remembered as being fairly well-educated, and many considered her to be, as her son Jackie described her, an "intelligent woman." In fact, several participants in this study, including my grandmother, identified her as being a leader in the community. Interestingly, she was one of the few who actually shared the *Mendez case* with her children at the time the *Mendez case* was being tried. Many I spoke to, including the Mendez children, had limited recollection of the *Mendez case* in its day. Interestingly enough, questions still get raised by students and audiences attending *Mendez* events as to why the plaintiffs never boasted about the *Mendez case* or their victory to their children or the public. Some have speculated that it has to do with the culture and/or the parents' efforts to shield their children from the racist overtones of the *Mendez case*, others attributed it to the humbleness of the people and/or culture, while others, myself included, believe it speaks to the parents' motives. Simply put, the plaintiffs were successful in desegregating the schools in their neighborhoods, and that

⁴³ The oldest of the children, Robert, was 5 at the time of the trial.

was their intention. It took later generations, and I might add over 60 years, to get the *Mendez case* the kind of recognition it deserves (Figure 11).



Figure 11. Original plaintiffs and their family members are honored by the League of United Latin Americans, March 16, 2003, Orange County Register.

The use of PAR and the methodologies employed in this study allowed findings such as these to surface. With participants involved in the research process, a dialectic relationship was created among research participants and me as the researcher. This resulted in a synthesis (of sorts) of the study and the data. In fact, it was not uncommon for participants to call and invite me to various events (whether communal or familial) they thought significant to this study and their telling of the *Mendez case* (e.g., family reunions and get-togethers, neighborhood fairs, and other events particular to the *Mendez case*). For instance, I was honored to be an invited guest to Mrs. Guzman’s 90th birthday celebration. I was also invited to accompany the Guzman family to an award luncheon at Chapman College in honor of the *Mendez case*. Sylvia Mendez routinely invited me to accompany her to similar events and/or co-present with her on the *Mendez case*.

In addition to PAR allowing participants to play an active role in the research process, it further allowed me to consider my personal ties to the *Mendez case*. Because it rejects ideals of objectivity, PAR positioned me to draw from the knowledge and experiences of my family and friends as an important source of data. Understanding that my family was directly involved in the lawsuit and have remained prominent residents of the Westminster community served to enhance data collection and the overall structure of my study. Contrary to methods that claim objectivity and the role of the researcher as a “disinterested observer,” PAR recognizes subjectivity. Indeed, as a Bermudez, a woman, a Chicana, and an educator, my personal and professional existence undoubtedly influenced my research. By the same token, the race, gender, professional, and/or personal experiences of any researcher would likewise undoubtedly influence his or her research. One difference, perhaps, is the access to data my family surname afforded me. If not for my family’s connection to the *Mendez case*, I doubt that the information gathered here would contain the same level of authenticity I believe it does. Helping to further exemplify this point is the role of my aunt, Terri (Bermudez) Salinas (see Figure 12), in this project.



Figure 12. Terri (Bermudez) Salinas, 1948 (right), 2005 (left), (Courtesy of Terri Salinas)

From the very onset of this research endeavor, my Aunt Terri played a pivotal role in the development and direction of this study. As a longtime resident of Westminster and a former student of the Hoover (Mexican) School, she possesses a wealth of knowledge about the community. In fact, she introduced me to many of the participants involved in this study and kept me abreast of community happenings she thought relevant to my inquiry. For instance, she informed me about Westminster's annual Heritage Day Festival. She not only attended the event with me, but introduced me to potential participants, including a number of prominent families, former classmates, friends, and acquaintances. The connections I made at this event and others similar to it played an instrumental role in data collection. As a resident of Westminster and a survivor of *de jure* segregation, my Aunt Terri was well-positioned to take an active role in this study. My Aunt's involvement in this study illustrates Marshall and Rossman (1999) position that "research design and data collection strategies can be structured to facilitate the active participation of the individuals being researched" (p. 160).

Lastly, the significance of PAR to this study lies in its commitment to social justice. Mindful of those traditionally located on the margins of society, PAR aligns researchers to consider those aspects of a group particular to them and/or their "minority" status. As McIntyre (2008) explained, "Too often, cultural, religious, familial, and community beliefs, as well as related practices that are particular to specific groups of people, are overlooked within research projects directed at marginalized communities" (p. xiv). As outlined in the theoretical section of this study, the family and community ties shared by participants greatly influenced their commitment to the *Mendez case* and the manner in which they organized and resisted. Committed to the educational betterment of Mexican origin students, many drew from their cultural beliefs as a means of combating the racial prejudices aimed at them and their children.

This is evident not only in the actions of those involved in the *Mendez case* at the time, but the actions of those more recently involved in this study.

Of particular interest to a discussion of PAR and its social justice orientation is a discussion of the recent activities engaged in by research participants. Over the course of this study, numerous presentations, lectures, and celebratory events have been held to commemorate the *Mendez case*. To a much lesser extent, marches and rallies were organized to draw attention to such issues as the under-education of Chicano/Latino students, the resegregation of schools in this country, and, more specific to this study, efforts to get *Mendez v. Westminster* adopted into the California curriculum.⁴⁴ In a rally organized⁴⁵ in the winter of 2004, former students of the Hoover (Mexican) school (Figure 13), along with members of the Westminster community (Figure 14), rallied to show their support for the *Mendez case* and their ongoing commitment to education equality. Many from the community attended in large part because of their participation in this study. My connections to the local residents and/or research participants encouraged the organizer of this event to elicit my help.

⁴⁴ Then Governor Schwarzenegger vetoed AB 531, “The Mendez Bill, citing his consistent record to veto “legislation that has attempted to mandate specific details or events into areas of instruction.” He added that “the State should refrain from being overly prescriptive in specific school curriculum” (September, 2008).

⁴⁵ Sandra Robbie, producer of the 2004 film, *Para todos los Ninos/For all the Children*, organized the rally.



Figure 13. Former students of the Hoover (Mexican) School march to get the *Mendez case* incorporated into the California state curriculum. Catalina Vasquez, Delia Acosta, Jenny Acosta, and Terri Salinas (left to right), Westminster, California, February 18, 2004. (From the personal collection of Nadine Bermudez)



Figure 14. Members of the Westminster community participate in a rally and march commemorating the 67th anniversary of the *Mendez case*, and in support of its adoption to the state curriculum. Participants included my grandmother, Ysaura Bermudez (seated holding sign). Westminster, California. February 18, 2004. (From the personal collection of Nadine Bermudez)

Their involvement in this event, and others like it (see Figure 15), reflects the value of PAR and the ongoing commitment of those involved in the *Mendez case* to educational rights. Not only did these participants and/or their families stand in opposition to social inequality in the 1940s, but they did so again in the 2000s. The organizing of such events worked to inform a new generation of young people about the educational struggles of the past and the merits of *Mendez v. Westminster* (see Figure 16). Committed to advancing the educational status of Latinos, many organized in support of “Teach Mendez.”⁴⁶



Figure 15. March held in the community of El Modena in support of the “Teach Mendez” campaign. El Modena, California, 2005. (From the personal collection of Nadine Bermudez)

⁴⁶ “Teach Mendez” became the rally call of supporters to get the *Mendez case* implemented into the state curriculum.



Figure 16. Participants in attendance of the “Teach Mendez” rally seen standing in front of the former “Mexican school” in Orange County. Melanie Arredondo (left), Sylvia Mendez (right), El Modena, California, 2005. (From the personal collection of Nadine Bermudez)

Experiences like those described here exemplify the need for social science research methods like PAR. Without PAR, participants involved in this study may have participated very differently or not at all. Their willingness to share not only their stories and experiences, but to become actively involved in various aspects of the research process, as well as recent events (e.g., marches and rallies), could be contributed to a number of factors. These factors include: (a) their level of trust towards the researcher and/or other research participants, (b) their level of pride and enthusiasm towards the *Mendez case*, (c) their level of concern for students of diverse racial and ethnic backgrounds, and/or (d) their love and respect for their families and communities. As the primary researcher of this study, I saw evidence of all of these factors throughout the duration of this project. In addition to PAR, Chicano Epistemology helped to shape the structure of this study and the gathering of data.

Chicano Epistemology

Chicano scholar Marcos Pizarro (1998) posited an epistemology that is uniquely Chicana/o. Because “Chicanas/os and their voices have been almost completely excluded from educational research,” Pizarro proposed a methodological framework that is both participatory and transformative in its purpose (p. 59). Like PAR, Chicano epistemology is more dialectic in its approach. It invites participants to take an active role in the research process. Specifically designed to get at “who we are” as Chicanas/os, it values the knowledge and experiences that participants possess. By taking into account the shared experiences of Chicanos/as (e.g., cultural, historical, and experiential ties), Chicano epistemology offers an angle of vision unique to people of Mexican ancestry. While certain aspects of life may be universal and can be located in societies the world over (e.g., racism), Chicano epistemology offers a lens from which to contemplate these aspects from a Chicana/o perspective. In so doing, it “allows the participants themselves to analyze and explain their world as part of their empowerment” (1998, p. 61).

Critical of traditional models of educational research that tend to “maintain the status quo” and therefore “participate in the continued oppression of the Chicana/o” (1998, p. 61), Pizarro elicited what he called “social justice research.” Because of its empowering and interactive effect, and its ability to “move knowledge in a new direction” (p. 61), Chicano epistemology proved essential to my approach to the research. In fact, I believe this epistemology embodies the spirit of this study and the essence of the *Mendez case*. Having spoken with many people involved in the *Mendez case* and the struggle for racial equality, I feel confident in stating that it was out of sheer love and concern for *La Raza* (Our People) that many agreed to participate in this study. For many, it seemed to be where they gathered their strength and found their voice. Regardless of their status as plaintiffs, parents, daughters, sons, aunts, uncles, *comadres*, or *compadres*, their willingness to share their stories appeared to stem from a

need to protect our youth from the kind of racism they themselves endured. I believe this rang true for the plaintiffs involved in the *Mendez case* in the 1940s, and it appears to ring true for participants today. Important to further understanding their position on the matter, as well as their willingness to participate in this study, is an understanding of their live experiences as they saw fit to tell them. Following is a review of Counterstory-Telling as a viable means of social science research.

Counterstory-telling

How can I explain to anyone that stories are like air to me?

Jacqueline Woodson, Brown Girl Dreaming, 2014

Ladson-Billings (1998) described stories as providing “the necessary context for understanding, feeling and interpreting” (p. 13). Delgado and Stefancic (2001) described stories as a way of preserving culture, binding groups together, and reminding people of their common destiny. Together these explanations exemplify the human need for people to express themselves and to share with others their ideas, thoughts, and emotions.

The power of storytelling is its ability to personalize that which we experience as people, and in effect that which we attempt to understand as researchers. The problem with storytelling *per se* is that the stories often told (and heard) have tended to represent only a selected group of people. Such stories, often referred to as “majoritarian stories,” “monovocal,” and/or “standard stories” (Solorzano & Yosso, 2002), have traditionally reflected the dominate discourse and thus provided the listeners and audience with only a narrow interpretation of life. Necessary for understanding the experiences of those not commonly represented in these “master narratives,” or represented largely in negative stereotypes, are stories that reflect the experiences of those rendered to the margins (Solorzano & Yosso, 2002). It is in these stories and experiences that we

may locate new information about the *Mendez case*, shed light on a different reality, and in turn find an alternative story to tell.

Solorzano and Yosso (2002) defined counterstory-telling as “a method of telling the stories of those people whose experiences are not often told” (p. 24). They further described it as a “a tool for exposing, analyzing, and challenging the majoritarian stories of racial privileges [that] can shatter complacency, challenge the dominant discourse on race, and further the struggle for racial reform” (p. 32). Grounded in Critical Race Theory and based on critical race methodology, counterstory-telling provides a useful analytical tool from which to examine *de jure* segregation, Americanization programs, and Chicana/o resistance.

The power of counterstory-telling is in its ability to personalize the experiences of people typically excluded from majoritarian stories (Solorzano & Yosso, 2002), that is, those popular, mainstream stories that naturalize or normalize certain behaviors, beliefs, attitudes, etc. (e.g., standard English, heterosexuality, Whiteness, etc.) and in turn render all “other” behaviors, beliefs, attitudes, etc. (e.g., foreign languages or accents, homosexuality, people of color) as unnatural or abnormal. Therefore, counterstory-telling in social science research can play an important role in how data is collected, analyzed, and disseminated. In educational research, it can help to personalize the educational statistics and data routinely gathered in standardized tests. In this study of the *Mendez case*, counterstory-telling can help to humanize the institutionalized practice of race discrimination and the ways in which such practice may have manifested in the schools, communities, and districts named in the lawsuit. In so doing, counterstory-telling provides a useful tool to examine the experiences of Mexican Americans in a racially stratified school system and society. With it, we are able to explore the racial experiences of those who “lived” the *Mendez case* and those who attended the “Mexican schools.” It is in their experiences that we may locate new information about race and racism and the many forms of oppression

historically embedded in society. Following is a discussion of counterstory-telling in relationship to the Mendez family.

Counterstory-Telling and the Mendez Family

*The story to be told here is that we didn't just take it. They think we're passive and dumb and that they can do whatever they want to us. But we're not! We fought it and we won! That's the story to be told here!*⁴⁷

Sylvia Mendez, May 22, 2003

This quotation was taken from a conversation I had with Sylvia Mendez in the spring of 2003. In it, the reader gets a sense of Sylvia's personal connection to the *Mendez case* and her strong convictions about school segregation. It further exemplifies the power of storytelling and its significance to this study.

Over the course of the past 10 years, I have had the great pleasure of working with Sylvia Mendez on several levels and on many occasions. I have interviewed her formally, spoken with her informally, and have had the great honor of co-presenting with her on campuses across the state. It is with these experiences in mind that I recognize the value of counterstory-telling as a methodological tool.

When Ms. Mendez presents about her family's efforts to desegregate America's schools, she does so in story-like fashion. She begins with her memories of the first day of school, when she and her brothers were denied admittance to the 17th Street (White) School in Westminster. She goes on to tell about her parents' reaction to this news and their battle with school and county officials. She then tells of her parents' efforts to organize the community and vividly

⁴⁷ Sylvia made this statement on our drive home from a presentation we did at the University of California, Los Angeles about the *Mendez case*. The "it" she is referring to in the statement is segregation; the "we" is the Mendez family and all those involved in the class action suit; and the "they" are the four school districts named in the lawsuit and all those who support and condone segregation policies then and now.

recalls their attempts to seek legal counsel. Ms. Mendez goes on to share with her audience her memories about the lawsuit and how as a little girl she was asked to testify in court. In the end, Ms. Mendez hails the triumph of her family and others and encourages her listeners to value education and, in her final words, “always persevere!” It is these memories and words that most captivate Ms. Mendez’s listeners. Regardless of the event, campus, or organization, it is Ms. Mendez’s personal narrative that always seems to have the biggest impact on those listening and a seemingly lasting impression—an impression, I might add, no secondary source can duplicate. Her personal account of the *Mendez case* goes beyond just motivational speaking and is rooted in her life experiences, not only as a participant in the *Mendez case*, but as a survivor of segregated schooling.

Ms. Mendez’s telling of the *Mendez case* best exemplifies the power of storytelling. Presented as a story it serves many purposes. First, it humanizes the effects of institutionalized racism. Second, it helps to personal the *Mendez case* and the life experiences of those who contributed to desegregation efforts. Third, it reflects the importance of engaging in methodology that is thoughtful and inclusive of research participants. Relatively speaking, this telling of the *Mendez case* was made possible because of the utilization of PAR, Chicano Epistemology, and Counterstory-Telling in the research process. In addition to these methods, I found it necessary to construct a working timeframe of the *Mendez case*. Such a timeframe allowed me further to understand various aspects of the *Mendez case*, particularly its emergence from a grassroots effort to a class action lawsuit. Below is a description of this timeframe.

Constructing a Working Timeframe of the *Mendez Case*

Prior to pursuing legal action, concerned members of the Mexican American community employed a number of strategies in an effort to desegregate the schools their children attended. In hopes of ensuring their children and others a better education, they met with school officials, requested school transfers, attended school and district meetings, sat on committees, wrote letters, circulated petitions, and consulted legal advice. Although attorneys for the defendants accused Mexican parents of bypassing district policies and ignoring altogether what they described as “the democratic process,” the data clearly illustrates Mexican parents’ repeated attempt to “work within the system.” Met with little avail, the parents were compelled to pursue other means. In what would eventually amount to a class action lawsuit, *Mendez et al. v. Westminster School District et al.* would go on to become the first federal case to successfully challenge the unlawful segregation of Mexican children in California; moreover, it would come to set a precedent for other desegregation cases to follow, most notably *Brown v. Board of Education*.

Needless to say, a study of the *Mendez case* is an enormous undertaking. At the very least, it entails a study of racial identity, race relations, *de jure* segregation, and a review of educational pedagogy, policies, and practices, as well as a study of the US Constitution, cultural norms, social practices, ideals of democracy, equality, and what it generally means to be American in this country. It further entails a study of a six-day trial, an appellate case, a review of 28 testimonies, five *amicus curiae* briefs, and numerous documents and records. Having transpired at the height of WWII, across Southern California, across generations, over a seven-year period (in its entirety), it is obvious that much goes into a study of *Mendez*. Understanding that it involves five key families, 5,000 people of Mexican descent, and four Orange County school districts, including school officials, teachers, and personnel, my decision to conduct a

study of the *Mendez case* was clearly not one I entered into lightly. Knowing that I wished to approach my study from the perspective of those who lived it, I understood that my inquiry would need to entail an analysis of the reasoning and actions of those involved at its every junction.

Prior to embarking on such an endeavor, I first needed to conceive of the study I wished to conduct and then develop a plan of action. Such a plan would need to enable me to contemplate various aspects of the *Mendez case*, determine which direction I hoped to take my study, and then position me to best decipher the data. It would further need to encompass my interest in understanding the effects of segregated schooling on the lives of those who lived the *Mendez case*. My attempt to pursue such information led me to draw upon the methodologies employed in this study (as outlined in this chapter) and then the development of a working timeframe.

The construction of a working timeframe served to contextualize the people and events surrounding the *Mendez case* by locating them in a space and time. Operating in unison with the research questions, the induction of a working timeframe served this study well. Prior to engaging in a discussion of this timeframe is a review of the research questions guiding this study. Their reiteration here helps to underscore the necessity for developing such a timeframe and illustrates its significance to my investigation. As previously described, these questions tend to range from general to specific, and reflect the steady progression of participants' actions.

Review of the Research Questions Guiding this Study Broken into Sets

1. The first set of questions consider the legacy of the *Mendez case*. They speak to the legacy of the *Mendez case* and are often asked of my students upon learning about it.
 - What can be learned from a telling of the *Mendez case*?
 - How might this knowledge impact (or not) the education of this nation's youth?

- What is the relationship (if any) between *de jure* and *de facto* segregation in regard to the *Mendez case*?
2. The second set of questions posed in this study is geared towards the experiences of students in segregated schools.
 - What were the educational experiences of Mexican American children during the age of legal segregation?
 - What can we learn from these experiences?
 3. These questions in turn raised other inquiries about the manner in which the Mexican American community responded to the segregation of Mexican children.
 - Why did Mexican American parents, residents, and students resist school segregation?
 - How did the plaintiffs involved in desegregation efforts organize to challenge and ultimately defeat *de jure* segregation in California Schools?
 4. The asking of these questions, and the answers that materialized, led me to inquire about the role of women in the desegregation movement. It is these questions that remain at the heart of this study and best represent the intent of this project.
 - Why did women of Mexican ancestry oppose the segregation of Mexican origin students in California schools? That is, what informed their agency and actions?
 - How did women of Mexican ancestry respond to *de jure* segregation in the 1946 case *Mendez v. Westminster*?

It was with these questions in mind, along with the data I had gathered from a preliminary study, that I began to construct my study of the *Mendez case*. As stated, the development of a working timeframe allowed me to analyze the various nuances of the *Mendez*

case within a predetermined space and time. By locating the actors within a descriptive timeframe, I was better able to appreciate the transformation in their reasoning and the steady progression of their efforts, in short, the evolution in their motives and actions. My analysis of this transformation was influenced by the work of eminent scholar, Paulo Freire.

In his world-renowned book, *Pedagogy of the Oppressed* (1970), Freire outlined his notion of *conscientizacao* (consciousness). Though complex, Freire (1970) defined *conscientizacao* as the process of “learning to perceive social, political, and economic conditions, and to take action against the oppressive elements of reality” (p. 17). Necessary to the process of *conscientizacao* are four key phases: (a) awakening, (b) taking action, (c) transformation, and (d) liberation. The employment of these phases here allowed me to better appreciate the grassroots origin of the *Mendez case* and the increased progression of participants’ actions, particularly those regarding women. Indeed, as the *Mendez case* moved from the community to the courtrooms, the data depicts a steady shift in the motives and actions of those involved. It is the shift that may best embody Freire’s notion of *conscientizacao*, i.e., an awakening of sorts. Although it may have begun as a disjointed effort across Orange County, in time it evolved into a class action lawsuit. A study of how and why this came to be was informed in part by Freire’s pedagogy of oppression.

Freire asserted that only by learning to read the world can a people be truly free. By learning to read the oppressive elements in their world, i.e., *de jure* segregation, many in the community acted to transform it for the sake of their children, and as stated by Felicitas Mendez, “*por todos los ninos*” (for all the children), including those in attendance of the “White schools.” Though few consider this aspect of the *Mendez case*, such an observation is worthy of discussion, particularly in regard to Freire’s philosophies of liberation.

“*Por todos los niños*” was a phrase uttered by Felicitas Mendez in her 1944 testimony before the court in order to emphasize that desegregation was “for all the children,” not just her own. After she and her family were offered a special deal⁴⁸ by defendants, which she and her husband staunchly refused, she evidently thought it necessary to clarify this point in her testimony. Some 40 years later, Mrs. Mendez reiterated these words in a 1987 interview for UC Irvine, and they would later become the title of a 2004 documentary about the *Mendez case*, *Por Todo los Niños/For All the Children*, by Sandra Robbie. Needless to say, Mrs. Mendez deemed this point significant, as have others interested in the *Mendez case*. This is evident in the attention these few words have received over the years. Interestingly enough, however, most have interpreted Mrs. Mendez’s words to mean not only the Mendez children and the other children specifically named in the lawsuit, but all Latino children. Later interpretations would have it include all children of color. Based on Freire’s teachings, however, I would argue “all the children” would further include White children (i.e., Caucasian and/or “American children” as they are referenced in the *Mendez case*). Perhaps this is understood or maybe implied, but as necessitated by Critical Race Theory, it warrants specific mention for two important reasons: first, we must be willing to centralize matters of race and bring them to the forefront of racial discourse, not only in regard to racial minorities, but racial majorities as well (Delgado & Stefancic, 2001). Second, only in making the invisible, visible, can we hope to identify those concepts of race responsible for the standardization of Whiteness and, in effect, everything else as “other” (Lopez, 2006). Although these points may speak to the same ends, in my opinion, their means differ significantly. That is, it is important to remember that White children were also subject to racial segregation as a result of racist ideologies and practices in schools. Though

⁴⁸ School officials were willing to make an exception to segregationist policies for the Mendez children. The significance of this “special deal” is further explored in Chapter Seven of this study.

they may have benefited from school segregation in many ways,⁴⁹ they were nonetheless children at the time and segregation was no more their decision than it was that of Mexican origin children. Such a read on the *Mendez case* speaks to questions regarding the implications of school segregation and race as a social construct (Omni & Winant, 2015). Freire explained that it is not enough to educate the oppressed about their oppression, but the oppressor as well. By freeing Mexican origin children from government-sanctioned racial isolation, White children were also freed.

It is impossible to overstate the significance of Freire to this study. Not only did his philosophy of liberation, and all that informs it, aid me in my analysis of participants' actions, but his premise of *conscientizacao* provided a theoretical basis from which to contemplate their agency. It further provided a methodological foundation from which to approach my study and the necessity of a working framework. In following Freire's four phases of *conscientizacao*, I was better able to appreciate the progression of the *Mendez case* from its grassroots origins to its class action status.

It should be stated that the development of a working timeframe was further influenced by the work of Mario Garcia (1998) and his research on the Chicano Movement (1960–1970s). In his book, *Chicanismo: The Forging of a Militant Ethos among Mexican Americans*, Garcia outlined four significant phases⁵⁰ of the Chicano Movement in regard to the actions of those involved and that which motivated them to act. According to Garcia, the development of his framework served as “a way to study the Movement” (p. 9). A similar approach was adopted for this study. By breaking down the chain of events amounting to the *Mendez case* into several key

⁴⁹ The White children benefited in that it largely resulted in their attendance at better schools (i.e., learning facilities) and a better education (e.g., more resources, qualified teachers, relevant curriculum, etc.).

⁵⁰ The four phases Garcia outlined in his study of the Movement are: (a) the rejection of the liberal agenda, (b) a reinterpretation of history, (c) cultural affirmation and pride, and (d) the engagement of oppositional politics.

phases, I was better able to conceive of “a way to study” it. Following is a review of this timeframe and a discussion of its significance to the *Mendez case*.

Identifying Phases of the *Mendez Case*

The events surrounding the *Mendez case* may best be considered in five separate but interrelated phases and/or stages: (a) the segregation stage, (b) the pre-lawsuit stage, (c) the lawsuit stage, (d) the trial stage, and (e) the desegregation stage. Each of these stages reflects particular aspects of the *Mendez case* and/or desegregation efforts. Following is a description of each and a table illustrating the various phases.

PHASE I: Segregation Stage: The first phase of this working timeframe is defined as the segregation stage. It best represents the attitudes and events that transpired in the early years of public education and led to the increased practice of segregating Mexican ancestry children in California, for instance, demographic shifts, labor practices, WWII, and general changes in the social and political climate. It is this phase of the timeframe that best addresses the first set of research questions.

PHASE II: Pre-Lawsuit Stage: The second phase of the working timeframe is identified as the pre-lawsuit stage. It makes reference to the thinking and events that transpired prior to the pursuit of legal action. This stage best represents the individual and collective efforts of those involved in the desegregation movement, including Mexican parents and community members, school officials, and the students themselves. This phase best considers the first and second set of questions asked.

PHASE III: Lawsuit Stage: The third phase of this working timeframe is defined as the lawsuit stage. It makes references to the motives and actions of the events that transpired

after the community decided on legal action. It was during this stage of the *Mendez case* that Mexican parents from across Orange County came together, organized, and united in their efforts to desegregate the schools. This phase of the timeframe best represents the concerns raised in the second and third set of questions.

PHASE IV: The Trial Stage: The fourth phase outlined in the timeframe is the trial stage. It best reflects the motives and events that transpired throughout the course of the trial, including the plaintiffs' testimony. It is during this stage of the framework that a shift in the setting of desegregation efforts moves from that of the plaintiffs' respective communities to that of the courtroom (i.e., from its informal to its formal setting). The shift in setting largely occurred after the parents exhausted their options and were left with little recourse but to file suit. It was during the trial phase that members of the Mexican American community shared their individual and collective experiences regarding segregation. The plaintiffs expressed their thoughts, feelings, frustrations, and concerns regarding race discrimination and their objections to the institutionalized practice of segregating Mexican children. This phase of the timeframe is particularly important to a telling of *Mendez* in that it (a) provides the sworn testimonies of plaintiffs named in the lawsuit, and thus legally documented, and (b) provides a firsthand account of those who participated, why they participated, and what they were hoping to accomplish. As such, this phase of the framework addresses to some extent all the research questions guiding this study.

PHASE V: Desegregation Stage: The fifth and final phase outlined in the working timeframe is the post-trial stage. This stage represents that which transpired after the

Judge's ruling on the *Mendez case*, particularly in regard to the initial lawsuit. It was during this stage that the plaintiffs, the defendants, the Mexican American community, and the general public reacted to the court's mandate to desegregate previously segregated schools. It further includes the defendants' decision to appeal the *Mendez case*, the media's account of the events that transpired, and the public's reaction to the court's ruling (Figure 17). This phase best considers the last set of questions regarding the implications of the *Mendez case* (see above). Feasibly, this could include this study and other contemporary inquiries about the *Mendez case* (e.g., books, articles, and films), including efforts to get it included in the state curriculum.



Figure 17. Article ran by Santa Ana Register reporting the defendants' intention to appeal the Court's ruling in *Mendez et al. v. Westminster et al.*, 1946. Appellate was filed just two days after the Judge McCormick's ruling. Santa Ana, California. February 20, 1946.

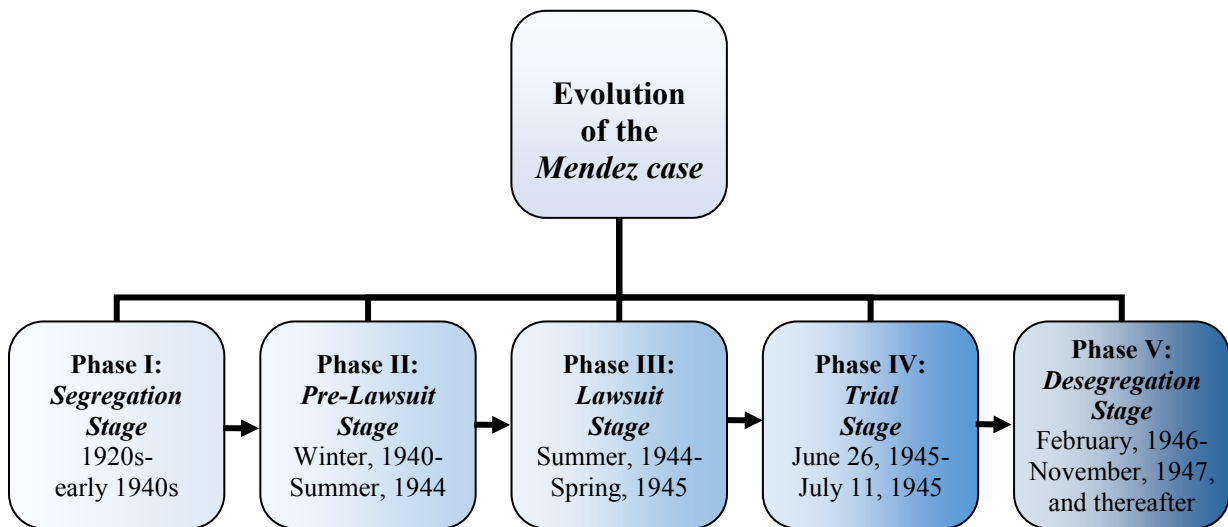
It should be noted that additional phases could easily apply to a study of *Mendez*, given the long history of segregation in this nation. For instance, a study of the events transpiring after the *Mendez case* (1947) and prior to the *Brown case* (1954) could easily ensue. Although such an examination is beyond the scope of this study, a review of the relationship between *de jure* and *de facto* segregation is made available in the findings chapter of this study.

The synthesizing of these five phases aided greatly in my efforts to manage my study and determine my approach to analyzing the data (see Figure 5.1). With the guiding questions in mind, I was better able to identify key periods in the *Mendez case* and prominent shifts in participants' actions. Examined separately, they helped to illuminate key actors involved in the desegregation battle. Examined together, they informed the collective actions of participants, as

well as the steady succession of the *Mendez case* itself. It was the investiture of this approach that allowed the story of women to unfold. Indeed, amidst all the clamor, actors, and events arose a story about women and their contributions to the *Mendez case*. Although women’s participation in desegregation efforts is later explored, it is worth noting at this time that the employment of the working framework allowed their story to emerge and gave me the methodological tools to pursue it.

FIGURE 5.1

Working Timeframe of the Mendez Case



Note. Depicts the evolution of the *Mendez case* from the early stages of segregation to the later stages of desegregation.

The Conception of the *Mendez case* as a Movement

In addition to a working timeframe, I found it useful to conceive of the *Mendez case* as a movement, particularly in regard to my analysis of gender. The conceptualization of the *Mendez case* as a movement, a continuum of sorts (see Table 5.2), served several purposes. First, it allowed me to consider the ongoing efforts of those involved at various stages (Phases I-V) of the *Mendez case*. Second, it highlighted the steady progression in participants’ motives, thinking,

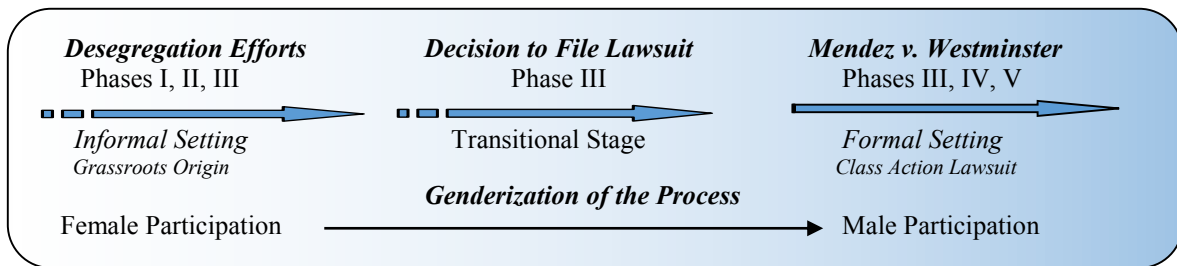
and rationale. Third, it reflected the rising momentum in the actors' tactics. Finally, and perhaps most telling, it elucidated the grassroots efforts of those involved. Such an approach informed questions regarding the response of the Mexican American community to school segregation, and the manner in which the *Mendez case* emerged and evolved. In so doing, the story of women was able to surface and, in a sense, be excavated. In addition, it helped me to conceive of the *Mendez case* from two dissimilar yet coinciding perspectives: (a) that regarding the people and events prior to the decision to file suit, and (b) that regarding the people and events after the decision to file suit, in short, from its informal to its formal existence. In an effort to manage the data, and my analysis of it, I used the phrase "desegregation efforts" (and variations of it) to reference the events leading up to the lawsuit (i.e., Phases I, II, and III), and generally referenced that which transpired after the decision to file suit as the *Mendez case* (and its variations) (i.e., Phases III, IV, and V).⁵¹ This allowed me to distinguish between the people and actions of those "officially" documented in the *Mendez case*, and the people and actions which may not be readily apparent in the records, but nevertheless were equally significant in the battle for racial equality.

The progression of the *Mendez case* is further recognized in its shift in settings. Whereas early stages of resistance transpired in settings thought to be less formal (e.g., people's homes, neighborhoods, local playgrounds, etc.), latter stages transpired in those considered more formal (e.g., district offices, courtrooms, media, and, in general, more public spaces). I use the terms *informal* and *formal* to identify the kind of settings in which events transpired and to differential between various stages of the *Mendez case*.

⁵¹ Please note that Phase III of the framework represents both desegregation efforts and the *Mendez case* (i.e., informal to formal). It was during the trial portion of the lawsuit that plaintiffs offered their testimonies explaining their reasons for filing suit and discussed the people and events leading up to it.

FIGURE 5.2

Continuum of the Mendez Case



Note. Depicts the steady progression of the *Mendez case* from its grassroots origin to its filing as a class action lawsuit.

The conception of the *Mendez case* as a movement was significant to a gender analysis. By dividing the *Mendez case* into a steady progression of phases, I was better able to recognize its increased genderization. Though it may have begun as a grassroots effort, it eventually emerged as a class action lawsuit. A study of women’s participation helped to inform how and why this came to pass.

Data Collection

Primary Sources

The testimonies of those involved in desegregation efforts comprised the primary source of data collected for this study. In addition to interviewing plaintiffs named in the lawsuit, including representatives of all five families (Mendez, Guzman, Palomino, Ramirez, and Estrada), I interviewed students who attended the segregated schools along with community members and local residents. These participants were determined to be knowledgeable about the *Mendez case* and the events leading up to it either by existing documents, most notably the court transcripts, and/or by other participants involved in this study. The data collected from these interviews reflects the knowledge and experiences of those named in the lawsuit and/or those who testified during the trial. It also reflects, however, the knowledge and experiences of those

not readily identified in the legal documents, but who nevertheless participated in desegregation efforts. For the purposes of this investigation, a distinction between those whose actions were officially recorded and those whose actions were not must be clarified. Understanding that the *Mendez case* was a lengthy endeavor that spanned essentially a seven-year period, the level and/or type of participation of those involved seemed to vary and fluctuate over time. Whether the participation of those involved found their way to the courts or not is irrelevant to the fact that they did participate. Their inclusion in this study helped to unearth other aspects of the *Mendez case* not readily available in the existing documents, namely those regarding gender.

Secondary Sources

Legal documents. The numerous documents surrounding the *Mendez case*, including pages of court briefs, legal transcripts, and district records, formed a secondary source of data for this study. These documents provided me with a foundation to understand the legal aspects of the *Mendez case* as well as a window into its possible implications. For example, located throughout the legal documents was the arbitrary definition of people of Mexican ancestry. Although the trail documents legally defined them as Caucasians, throughout the trial they were indiscriminately referred to as Mexicans, Spanish-speakers, non-Whites, and Indians. The legal experts' lack of consistency speaks to the ambiguous status of Mexican origin people and notions of race in 1940s America. If court officials were hard-pressed to racially define Mexican origin people at the time, then what might the general public have thought? Though the plaintiffs considered themselves to be Americans, it is evident from the legal documents that the court, schools, and government considered them otherwise. As gathered from the testimonies of many, this was an affront to the Mexican American community and informed greatly their decision to sue.

The testimonies provided by plaintiffs during the trial proved especially helpful in my understanding of the people and events surrounding the *Mendez case*. Though many are deceased, their words have made a lasting impression. The stories they conveyed during the trial helped to contextualize the lawsuit and offered me some insight into the motives and actions of those involved. They further served to substantiate the testimonies of participants involved in this study, particularly the children who then attended the segregated schools. Many of the stories told by research participants mirrored those shared by plaintiffs close to 70 years ago. Although they may differ in some ways, common to each were unmistakable sentiments of indignation, concern, and injury. Furthermore, the firsthand accounts of those who legally testified provided a context from which to consider the actions of those who did not. This is significant in that it informs questions regarding the grassroots efforts of those involved in early stages of the desegregation movement.

Photographs. Further providing a secondary source of data are the many photographs attached to the *Mendez case*. These photographs depict the people and places surrounding the *Mendez case* and were primarily provided by research participants. They include photographs of research participants (both in the past and present), the plaintiffs, their children, families, and friends, and various events (e.g., family gatherings, celebrations, marches, and rallies), as well as a number of class pictures, photographs of the schools and communities named in the lawsuit, copies of court documents, and newspaper articles. The inclusion of these images in this study served to triangulate the data collected from the interviews and the legal documents. They further helped to personalize the testimonies of participants and to humanize those victimized by race discrimination. Lastly, the inclusion of photographs illustrates the benefits of counterstory-telling as a method of research. In telling their stories, research participants felt it necessary to incorporate their personal photographs as a means of communicating their thoughts and feelings

about their experiences with the *Mendez case*, school segregation, their respective communities, and even their phenotype. Sylvia Mendez, for example, requested that I include in this study a photograph that she provided that depicts the stark differences in skin tone between the Mendez and the Vidaurri children (see Figure 18). Sylvia shared the photograph as a means of telling her story and, in many ways, of corroborating it.



Figure 18. Members of the Mendez and Vidaurri families. Located in the top row is Sandra Duran Mendez and Sylvia Mendez (left to right). Located in the bottom row is Olivia Vidaurri, Felicitas Mendez, and Alice Vidaurri (left to right). Fullerton, California, 1997. (Courtesy of Sylvia Mendez and the Mendez family archives)

Photos such as these added another dimension to the *Mendez* story and my interpretation of the data. In his article, “Visual Sociology: Expanding Sociological Visions,” Douglas Harper (1988) supported this contention by arguing the merits of photography as a methodological tool:

The potential of this method is great ... in the case of studying social change of the material environment or the social lives of a group in different historical periods and circumstances, the rephotographic survey does what no other social method can. (p. 62)

Harper's position is similar to that of Eric Margolis (1999), a sociologist in the field of education. In an article written for the International Visual Sociology Association, entitled, "Class Pictures: Representations of Race, Gender and Ability in a Century of School Photography," Margolis outlined the findings of an ethnographic study he conducted of schools in the US from the 1880s to the 1940s. Particularly relevant to a study of the *Mendez case* is Margolis' analysis of class pictures as a means of examining social hierarchies in this country. In particular, Margolis explained, "The research on class pictures was theoretically informed by an interest in socialization processes and hidden curricula having to do with the reproduction of race and gender hierarchy" (p. 9). Margolis cited the work of Philip Jackson in his explanation of the "hidden curricula," which he described as "the socialization that takes place in school but is not written into the formal curriculum" (p. 10). In his exploration of the hidden curriculum in class pictures, Margolis wrote:

While the education literature refers to the socialization curricula as "hidden" they are actually quite visible and have readily been photographed. From a critical perspective, class pictures can be viewed as an historical record of certain elements of the hidden curriculum. (p. 10)

Margolis' point is well-illustrated in this study. The photograph located below (Figure 18) depicts students from the 17th Street School in Westminster, who posed for a class picture shortly after the court's mandate to desegregate schools in California. As evident in the photograph, students of Mexican ancestry are clustered together to one side. How or why the students came to be group as such is unclear, but photographs like these raise questions about the school's desegregation practices and its commitment to racial unity. As supported by Margolis:

We may infer that class photographs were not randomly produced but were carefully fashioned using socially agreed upon conventions of representation. While photographs

cannot directly represent social relationships which are visible, they are frequently composed to symbolize social relations including: assimilation, order, discipline, purity equality, patriotism, community pride stability. (p. 10)

That being stated, Margolis went on to make the point that “we,” as social scientists, educators, and members of society, however, may also “interpret photographic interpretations.” Margolis explained that “we also can deconstruct these constructions, interpreting visible relationships as representations of social-relations-learned-about-elsewhere [for example] acculturation, segregation, oppression, hierarchy, gender socialization, and social class” (p. 10). Margolis’ thesis that the “hidden curriculum” can sometimes be exposed in class pictures allowed me to consider how photographs such as this (see Figure 19) were able to freeze in time that which is sometimes rendered invisible. Though the popular narrative would have us believe that the process of desegregation was without incident, photographs like these tell a different story.



Figure 19. Students from the 17th Street School in Westminster pose for a class photograph after the court's ruling on the *Mendez case*. Children of Mexican ancestry are grouped together in the lower left side of the photograph. Gonzalo Mendez Jr. (bottom row, 5th student from the left). Westminster, California, 1938. (Courtesy of Sylvia Mendez and the Mendez family archives).

It is further worth noting that the class picture depicted here was made available to me by the Mendez family. Seated fifth from the left on the front row is Gonzalo Mendez Jr., the eldest son of Gonzalo and Felicitas Mendez. This photograph's incorporation into the Mendez family's telling of the *Mendez case* in many ways visually documents that which they verbalized in the interviews, but also that which their parents' contested: the racial segregation of their children. Pictures such as this further support Margolis' theory of the "hidden curriculum" and may help to inform questions regarding the correlation between *de jure* and *de facto* segregation as posed in this study. Although the schools were mandated to desegregate, it is evident that "circumstances" continued to render them segregated.

The photographs gathered in this study served many purposes. In addition to aiding research participants in conveying their thoughts, expressing their feelings, and telling their stories, they greatly contributed to the research process and my analysis of the data. While some were obtained at local libraries, the national archives, or taken by me, the bulk of the

photographs came from participants themselves. Their inclusion in this study dates back to the pilot study I conducted in the mid-2000s. It was at that time that research participants began to share with me what may best be described as their “family archives.” In so doing, I came to realize the value of photography as a form of social science research. In hopes of further engaging participants, I created a photo book to share with them about the *Mendez case* and my research of it. Many were delighted to locate themselves in class pictures, view photos of their extended family and friends, their local communities and the schools they or their children attended in years past.

These photographs would later accompany me to numerous events regarding the *Mendez case*. For instance, at the stamp ceremony commemorating *Mendez v. Westminster* in 2007, Mrs. Ramirez (the wife of Lorenzo Ramirez, one of the main plaintiffs named in the lawsuit) posed in front of the photo panels I had put together for such occasions (see Figure 20).⁵² Most onlookers, like Mrs. Ramirez, cherished the opportunity to see photographs of themselves, the plaintiffs, legal documents, and other historical images of the 1940s. In many ways, the photo exhibit I had created provided its audience with an inside view of the *Mendez case*. It was even displayed at the Mendez School in Santa Ana for an extended period of time. The displaying of these images served to personalize the *Mendez case*, and the viewers’ understanding of it, but also to honor the memories of those involved, like Mrs. Ramirez.

⁵² It is worth noting that the use of the photo exhibit of the *Mendez case* was largely before PowerPoint presentations were readily available. Their incorporation into public forums, such as lectures, presentations, and ceremonies, proved to be welcomed and appreciated.



Figure 20. Josefina Ramirez seen standing in front of photograph panels in recognition of those involved in the *Mendez case* at the “First-day-of-issue” stamp ceremony, Westminster, California, September 14, 2007. (From the personal collection of Nadine Bermudez)

Profile. In efforts to triangulate the data collected from the interviews and documents, as well as the photographs, I further developed a profile of Virginia Guzman. The inclusion of this profile, a case study of sorts, was intended to highlight the significance of women’s participation in the *Mendez case*. As one who attended a segregated Mexican school, aided in desegregation efforts, testified during the trial, and participated in this study, Mrs. Guzman possesses a wealth of knowledge and experience about the *Mendez case* and efforts to desegregate “Mexican schools” in California. Her perceptions of the *Mendez case* proved vital to data collection and my efforts to tell the story from the angle of vision of those who lived it. With her help, I was better able to grasp the kinds of participation women engaged in and why and what motivated them to act.

The research sources outlined in the methodology section of this paper served to triangulate the data presented in this study of *Mendez v. Westminster*. Building upon the legal documents and the sworn testimonies of those involved in the trial are the counterstories of research participants and the numerous photographs attached to them. In addition to the methodologies, a discussion of the main units of analysis is necessary, as is a review of interview protocol. Following is a brief overview of each.

Main Units of Analyses

The main unit of analyses in this study remains the people surrounding the *Mendez case*,⁵³ specifically women of Mexican ancestry. My efforts to tell the story of the *Mendez case* from the standpoint of the women required a rethinking of their status in society and, in effect, a rethinking of their status in their homes, families, and communities. Influenced by the work of Chicana scholars Dolores Delgado Bernal, Dionne Espinoza, and Mary Pardo, I attempted to go “outside” the terrain of conventional scholarship and, in the words of Emma Perez (1997), hoped to “come back in with different kinds of inquiries” (p. xiii). The inquiries I encountered in my exploration of gender forced me to reconceptualize my understanding of the *Mendez case* and the data collected. By shifting women “from the margins to the center” (hooks, 1986) of my inquiry, I was able to explore new facets of the *Mendez case* from an “angle of vision” not yet considered (Collins, 1991).

The information obtained in my inquiry helped to raise new questions about the *Mendez case* and the role of women in the desegregation battle. These questions in turn raised other questions about grassroots organizing, Chicana resistance, gender politics, and the dynamics of Mexican/Chicano culture. Although I may not have initially set out to examine the specific involvement of women in the *Mendez case*, as previously indicated, it is important to note that early readings of the literature revealed their absence, and a preliminary study their significance. For instance, the documents surrounding the *Mendez case* easily depict a strong male presence. This is especially true since the overwhelming majority of the named plaintiffs were men. Yet, a simple tally of those who testified at the trial revealed most to be women. This is an important

⁵³ Initially I mailed out a letter inviting potential participants to partake in a pilot study of the *Mendez case*, and later, the actual study (see Appendix D and E). If it was a family member, however, I simply called him/her, and they in-turn communicated with other potential participants from my extended family and/or their local communities. It was upon meeting participants that I explained my interest in conducting a study of the *Mendez case*. If they agreed to participate, I then shared with them the consent form explaining the study (see Appendix F).

finding, considering that women were never formally named as lead plaintiffs and remain largely obscure from most historic accounts. Preliminary interviews also depicted a strong female presence in the early stages of desegregation efforts. Participants involved in this study told stories about their mothers, sisters, daughters, and such, and their experiences within their families, schools, and communities in regard to their involvement at various stages of the *Mendez case*. Examined separately, such stories may not seem noteworthy, but collectively they raised my curiosity about women's participation in the *Mendez case*. Despite the virtual absence of women from existing literature, the research gathered in this study suggests their importance.

Interview Protocol

Based on information gathered in a pilot study of the *Mendez case*, some initial thoughts and questions emerged that helped to shape the direction of my research. Consequentially, I developed some preliminary interview questions to guide me in the direction I hoped to take my study (see Appendices G, H, & I). These interview questions considered participants' involvement in the *Mendez case* as parents, students, plaintiffs, community members, and/or residents of the school districts named as defendants. Although I understood that the actual protocol required the input of the participants themselves, as previously explained, the inclusion of sample questions served to guide me through the initial stages of the research process; moreover, they gave the reader a sense of the information I hoped to gather. Depending on the participant's role in the *Mendez case* and the type of information he or she may possess, the interview questions ranged from being highly structured to less so. In addition, a couple of templates were fashioned to help me organize the data (see Appendices J & K). The implementation of these templates allowed the interviews to flow more easily and allowed me to determine follow-up questions and/or the need for additional interviews.

The research methods described here reflect my approach to data collection and my interest in conducting this study. Mindful of my efforts to tell the *Mendez* story from the standpoint of those who lived it, I sought to utilize methodologies that positioned those involved to be active participants, as opposed to passive subjects. Much of what constituted findings was based on that which participants deemed worthy of telling. Helping to triangulate the testimonies of participants were the photographs shared by them and the information gathered from the legal documents. Moreover, I found it useful to incorporate the voices of participants throughout the contents of the paper. The injection of participants' stories, photographs, testimonies, and comments into various aspects of the dissertation aided in my analysis of the data and helped to authenticate the findings. For instance, my explanation of counterstory-telling as a valuable source of methodology and theory was substantiated by the inclusion of such stories, as lived and told by research participants. This allowed a synthesizing to transpire between the design and direction of the study, and the data collected, namely the stories shared by research participants.

It is difficult to overstate the importance of the methodologies used to conduct this study. Had I not used the research methods I did, my research on the *Mendez case* may have led me on a more conventional path. By adhering to methods that were grounded in social justice, I was better able to design the kind of study I envisioned, that is, one that was thoughtful and respectful of those involved, particularly in regard to female participation. Because women's involvement in *Mendez v. Westminster* would eventually become the central theme of my analysis, further explanation of this process is required. Following is a review of the research methods used to identify women's participation in the *Mendez case* and those included in this study.

CHAPTER SIX

DETERMING WOMEN'S CONTRIBUTIONS TO THE *MENDEZ CASE*

Revisiting the Research Process

Prior to engaging in a gender analysis of the *Mendez case* is a discussion of the research process. Because *Mendez et al. v. Westminster School District et al.* was a class action lawsuit, essentially spanning a seven-year period (1940–1947; Phases I-V), I conducted an investigation into how and why people came to participate. Although much of this process was outlined in the data collection section of this study, a more detailed discussion of its significance to female participation in the *Mendez Case* is outlined here.

The information presented in this chapter of the study is based on archival and qualitative research. It includes data collected from the legal documents and court records, with special attention paid to the trial transcripts from July 5, 1945 to July, 11, 1945. These dates are of particular interest to a study of women's participation in the *Mendez case* in that they contain the testimonies of key plaintiffs named in the lawsuit, as well as those not named, specifically women of Mexican ancestry. Helping to triangulate the information located in these court documents are the testimonies of a number of research participants and a host of primary and secondary sources (e.g., letters, photographs, petitions, etc.). The data presented in this section is intended to inform the research questions at the heart of this study, namely: (a) why did women of Mexican ancestry oppose the segregation of Mexican origin children in California schools? That is, what informed their agency and actions, and (b) How did women of Mexican ancestry respond to de jure segregation in the 1946 *Mendez v. Westminster*?

Outlined below are the criteria used to determine the identity of women believed to have made significant contributions to the *Mendez case*. The outline is followed by a review of the findings, that is, an analysis of how and why Mexican American women participated in

desegregation efforts. The chapter then proceeded to a case study of Virginia Guzman that is intended to exemplify the significance of Mexican origin to the *Mendez case*.

Identifying Criteria

Prior to engaging in a study of women's involvement in the *Mendez case*, I first needed to determine their identity and how they came to be associated with it. The women presented in this section of the study were identified based on the following criteria: (a) their families were named in the legal documents, (b) they or members of their family testified during the trial, and/or (c) they were identified by research participants as key figures in the battle over school segregation. Among the criteria presented here, the third proved especially helpful in this study in that it revealed the names of women not readily identified in the legal documents or existing literature. Meeting the afore-mentioned criteria were a host of women, including representatives of all five families named as lead plaintiffs in the lawsuit (i.e., the Mendez, Guzman, Ramirez, Palomino, and Estrada families), of which the matriarchs (wives and mothers) of three participated in this study: Virginia Guzman, Josefina Ramirez, and Irene Palomino⁵⁴ (Figure 21).

⁵⁴ Please note that Mrs. Palomino passed away in the winter of 2006 and Mrs. Ramirez in the fall of 2012.



Figure 21. Women whose families were named as key plaintiffs in the *Mendez case* and who participated in this study. (Top row courtesy of the Guzman, Ramirez and Palomino families. Bottom row is from the personal collection of Nadine Bermudez)

Although Felicitas Mendez and Maria Luisa Estrada have long been deceased, I was able to speak extensively with members of the Mendez family about their mother’s involvement in the *Mendez case* and with Tomas Estrada about his wife’s participation.⁵⁵ Others who met the aforementioned criteria and likewise participated in this study were Isabel Ayala, Carol Torres, and

⁵⁵ To my knowledge, no other researcher had interviewed representatives of all five families at the time this dissertation was filed.

Catalina Vasquez. As older siblings and/or students at the time of the trial, these young women were in a position to offer a unique perspective of school segregation and the Mexican American community's reaction to it. Their testimonies helped to influence not only the direction of the *Mendez case*, but this investigation as well. Further listed are the names of other women who likewise met the outlined criteria, with the exception that they never testified during the trial. For instance, my great aunt Rosalinda Bermudez was identified by several participants involved in this study as an important member of the Westminster community and as a contributor to the *Mendez case* (see Figure 22).



Figure 22. Rosalia Bermudez, Westminster, California, 1944. (Courtesy of Robert Bermudez and the Bermudez family archives)

Based on the court documents and collaborated by the research, including the testimonies of her children and members of the Mendez family, Mrs. Bermudez participated in initial meetings with school officials, informed parents about their rights, helped to organize the community, and otherwise participated in early stages of the *Mendez case*. Additionally, she was personally named in the sworn testimony of Gonzalo Mendez (the lead plaintiff named in the lawsuit) as a key participant in early efforts to desegregate the Mexican school in Westminster. Some have even speculated that it was she who drafted the initial petition voicing the parents' grievances

regarding the segregation of their children, which would later be circulated among and signed by local residents before being presented to the Westminster School District at the onset of *Mendez v. Westminster*.⁵⁶ Although Mrs. Bermudez never testified in court, which her children attribute to their not being of school age at the time of the trial, her significance to the *Mendez case* is evident in the research and her story worthy of telling. It is women such as she that I sought to identify in this study, and their contributions I hoped to determine.

Identified Participants

Table 6.1 contains the names of women determined to have been involved in various nuances of the *Mendez case*. As previously noted, the participation of each is evident in either the court documents, the testimonies of the plaintiffs, the *testimonios* of research participants, and/or other collected data. Accompanying the names of these women are their residing districts at the time of the *Mendez case*, their age at the time of this study, the research source in which they came to be identified (i.e., court documents, family interviews, personal interviews, identified by participants), and their type of participation (e.g., attended meetings, testified in court, named in court documents, and/or otherwise aided the community and/or their families with the *Mendez case*). In all, I identified 15 women from all four districts (Westminster, Santa Ana, El Modena, and Garden Grove).⁵⁷ It should be noted that the data further depicts that additional women were also involved in the *Mendez case*, but their identities have yet to be fully determined and their contributions to be thoroughly investigated. This in no way diminishes their significance to the *Mendez case* or the long-standing battle for education justice; it simply means I was unable to determine their identity within the perimeters of this study.

⁵⁶ A transcription of this petition is available as an appendix. See Appendix A.

⁵⁷ Of the 15 women identified, five were deceased at the time of this study, four statuses were unknown, and seven participated in this study, of which three have passed away.

TABLE 6.1.

Women Whose Names and/or their Families' Names Appear in the Legal Documents Surrounding the Mendez Case

Name	District	Age	Resource	Participation
Isabel Ayala	Garden Grove	70	documents, personal interview	family, meetings, testified
Rosalia Bermudez	Westminster	deceased	documents, family interview	community, meetings
Maria Estrada*	Westminster	deceased	family interview	family
Felicitas Fuentes	Santa Ana	unknown	documents	testified
Virginia Guzman*	Santa Ana	88	documents, participants, personal and family interviews	community, family, filed a lawsuit, meetings, testified
Felicitas Mendez*	Westminster	deceased	documents, family interview	community, family, meetings, testified
Mabel Mendez	Santa Ana	unknown	documents	family, meetings, testified
Manuela Ochoa	Garden Grove	unknown	documents	community, family, meetings, testified
Irene Palomino*	Garden Grove	92	family and personal interviews, participants	community, family
Maple Pena	Westminster	deceased	documents, participants	community, family
Josefina Ramirez*	El Modena	deceased	documents, family and personal interviews, participants	family
Jane Sianez	Garden Grove	unknown	documents	testified
Carol Torres	El Modena	68	documents, personal interview, participants	student, testified
Catalina Vasquez	Westminster	69	family and personal interviews, participants	community, family, student
Soledad Vidaurri	Westminster	deceased	documents, family interview, participants	community, family, meetings

*The asterisk identifies the five women whose families were named as lead plaintiffs.

As described, the women identified in this section of the study are deemed to have made significant contributions to the *Mendez case*. Depending, however, on their individual circumstances (i.e., the marital, familial, cultural, and financial conditions of each), their reasons

for participating varied greatly, as did their level and type of involvement. Furthermore, given the long duration of the *Mendez case*, it is reasonable to assume that their motives and/or level of involvement may have shifted over time. Indeed, it is important to remember that the *Mendez case* was an ongoing struggle that essentially spanned a seven-year period (1940–1947). Over the course of years, it evolved from a grassroots movement (in four separate communities, in four separate school districts) to a class action lawsuit (representative of five lead families and filed on behalf of 5,000 people) and was appealed by defendants to the Ninth Circuit Court before eventually setting a precedent for the 1954 landmark case, *Brown v. Board of Education* (Arriola, 1995; Gonzalez, 1990; Strum, 2010; Valencia, 2008). Thus, an understanding of its progressive nature, that is, the manner in which the *Mendez case* emerged and evolved, proved essential to understanding the grassroots efforts of women of Mexican ancestry to it.

CHAPTER SEVEN

RESISTING INSTITUTIONALIZED RACE DISCRIMINATION

The Contributions of Mexican Origin Women to Desegregation Efforts

The research questions guiding this study specific to women's involvement asked: (a) why did women of Mexican ancestry oppose the segregation of Mexican origin students in California. That is, what informed their agency and actions, and (b) how did women of Mexican ancestry respond to *de jure* segregation in the 1946 *Mendez v. Westminster*? In response to these questions, the data suggest three important findings. The first considers racial identity and the effects of World War II on these women as members of the Mexican American community; the second considers notions of gender, specifically perceptions held about motherhood and their status as *comadres*; and the third, considers their heterogeneous status, that is, their individual and collective circumstances in regard to their level and type of involvement in the *Mendez case*. Together, these findings inform questions regarding the manner in which women responded to school segregation; separately, they inform questions regarding what motivated them to act. For organizational purposes, the data is presented in three separate, but interrelated sections: (a) race relations and Mexican American identity during World War II, (b) gender and ideals of motherhood and sisterhood, and (c) Mexican American heterogeneity.

Race Relations and Mexican American Identity during World War II

Social changes induced by World War II are easily located in a study of *Mendez*. As explained in the literature review, Mexican parents involved in the lawsuit were greatly influenced by wartime events. Many had children fighting overseas, were actively involved in efforts on the home front, and aided in the war in any way possible; Mexican American women were no exception. For instance, Virginia Guzman, the wife of William Guzman, one of the lead plaintiffs named in the lawsuit, participated in wartime efforts by volunteering for *REACT*, a

local organization dedicated to protecting America during such turbulent times (Figure 23). Her responsibilities included, among others, providing communication services to the public and aiding in the administration of healthcare. As described by Mrs. Guzman in an interview conducted for this study, “When they first came up with that injection [for polio], they used to have them in the schools. So we used to help them by radio, communication, by radio” (Virginia Guzman, personal communication, July 9, 2005). Mrs. Guzman’s volunteer efforts reflect her sense of civic duty as well as the sociopolitical climate of the war, but also her level of agency. Recalling her and her husband’s involvement in *REACT*, Mrs. Guzman stated, “We were the only *Mexicanos* in that group.” In being “the only *Mexicanos*” and within the realm of American patriotism, Mrs. Guzman recalled pondering her status as an American and notions of race in this country. “I couldn’t understand why there was separation. We were born here. *Por qué estaban segregado a los Mexicanos* [Why were the Mexicans segregated]?”



Figure 23. Virginia Guzman (right) with a co-member of *REACT*, 1943. (Courtesy of Virginia Guzman and the Guzman family archives)

The perplexity expressed by Mrs. Guzman was shared by many Mexican Americans during WWII. In his book *World War II and Mexican American Civil Rights* (2008), Griswold del Castillo described the dissent voiced by Mrs. Guzman and others as “double-consciousness,” that is, the state of “considering yourself a patriotic American while experiencing second-class citizenship” (p. 57). Although many had served in the war and sacrificed for the good of their country, they were, in Griswold del Castillo’s words, “treated as foreigners and outsiders who did not belong” (p. 57). The incongruity of “being a loyal American while being treated as an outcast” would cause many like Mrs. Guzman to question their affiliation as Americans (p. 62). As Griswold del Castillo (2008) explained, “Whatever identities Mexicans and Mexican Americans had constructed prior to the conflict were altered, if only by an increased awareness of the contradictions between the American promise and reality” (p. 71). Evidently for Mrs. Guzman, it was the “promise” of democracy that she worked to defend and the “realities” of racism that she struggled to comprehend that shifted her consciousness and inspired her to act.

Historian Elizabeth R. Escobedo (2013) made a similar observation in her study of Mexican American women and the effects of WWII. In her book *From Coveralls to Zoot Suits: The Lives of Mexican American Women on the World War II Home Front*, Escobedo examined the opportunities WWII afforded women of Mexican ancestry, juxtaposed with the racial barriers inhibiting their full participation in society. Despite their status as American citizens and their embracement of American ideals, many “remained all too aware of the contradictions in their social position” (p. 5). Escobedo explained:

[T]he unique racial climate of World War II offered opportunity for Mexican American women to embrace pluralistic rhetoric as a path to inclusion in the nation; their attentions

toward embracing a more “American” ethos, however, did not necessarily mean that Anglos would openly embrace them in any lasting way. (p. 12)

Though they may have identified as Americans and done their part for wartime efforts, theirs remained a peculiar status, one inscribed by notions of race. For women like Mrs. Guzman, this was particularly troubling:

I didn't understand. There was segregation.... They wouldn't serve you in all the restaurants, in the theatres, *y total estaban separado* [everything was separate]. I felt what was going on in the schools [segregation] was going on in other things, too.

Similar to Mrs. Guzman, others were likewise conflicted by their status as Americans and the racial discrepancies accentuated by the war. For example, Felicitas Fuentes, one of the 10 women who testified for the plaintiffs, expressed to the court her thoughts about WWII and its relationship to the segregation of her son. In her testimony before the court, Mrs. Fuentes relayed a conversation she had with the superintendent of the Santa Ana School District, in which she reasoned that “if our Mexican people were dirty,” as told to her by the superintendent, then why “did they [Americans] have all our boys fighting overseas ... why didn't they bring them back and let us have them home?” (*Mendez v. Westminster*, 1946). She further contended that “if they weren't qualified to have an education as all the American people,” adding that she too was “an American citizen” and wondering “if Joe [her oldest son] wasn't qualified ... why didn't they let me have him and not take him overseas, as he is right now?” Mrs. Fuentes makes a compelling argument. If indeed Mexicans were (in a sense) “American enough” to fight overseas and “American enough” to defend the US from tyranny abroad, then why were they not “American enough” to receive the same rights and privileges as other Americans, including the right to a quality education?

In response to the discrimination she and her children experienced, Mrs. Fuentes' understanding of the war impelled her to engage in act of resistance that struck at the core of American ideals. Indubitably on trial in wartime America was more than the practice of school segregation, but the very notion of democracy itself. As explained by Chicano historian Rudy Acuña (2004), "The shocks caused by the war exposed contradictions in the American paradigm of equal treatment and opportunity" (p. 241). Having subscribed to the American creed that "all men are created equal," the plaintiffs laid before the courts their ambiguous status as Americans in a racially politicized society. Forced to weigh the paradoxical relationship between democracy and *de jure* segregation, the courts deliberated in *Mendez* the very ideals that bound this country as a nation and the everyday practices that divided it as a people.

Swedish economist Gunnar Myrdal examined this contradiction in its day in his landmark book, *An American Dilemma: The Negro Problem and Modern Democracy* (1944). According to Myrdal, the biggest dilemma confronting America and its claims to democracy in the 1940s was what he described as the "negro problem," namely the perceptions of Negroes held by Whites, matched with the ethos of democracy endeared to the nation.⁵⁸ This co-existence created a predicament, which Myrdal dubbed the "American dilemma." As he explained,

On the one hand, enshrined in the American creed is the belief that people are created equal and have human rights; on the other hand, blacks ... were treated as an inferior race and were denied numerous civil and political rights.⁵⁹

⁵⁸ Retrieved from <https://archive.org/.../AmericanDilemmaTheNegroProblem>.

⁵⁹ As cited on [wikipedia.org/wiki/An_American_Dilemma](https://en.wikipedia.org/wiki/An_American_Dilemma).

Although Myrdal framed this dilemma solely in terms of the “negro problem,” the incongruity of living in a democratic nation while simultaneously being denied your democratic rights easily applies to a study of people of Mexican ancestry, such as those involved in the *Mendez case*.

Acutely familiar with the “American dilemma” and the social attitudes informing race and gender practices in the US, women like Mrs. Fuentes and Mrs. Guzman worked to navigate a sociopolitical terrain that inspired them in many respects, but repressed them in others. Griswold del Castillo (2008) attributed the kind of incongruity expressed by these women to the very practice of American patriotism:

[T]he war had the effect of stimulating patriotism through the common bond of suffering and sacrifice. Beyond that, Mexican Americans . . . felt more justified in asserting their rights as U.S. citizens who had fought and worked for the victory over totalitarianism and Fascism. (p. 66)

Griswold del Castillo (2008) added that “this demand for equal treatment and an end to discrimination gained force because of the common affirmation of loyalty to flag and country.”

The relationship between ideals of equality and American patriotism described by Griswold del Castillo is corroborated by the sworn testimony of Felicitas Mendez (see Figure 24). In her statement to the Judge, Mrs. Mendez expressed her feelings about the segregation of her children, noting that “we got kind of sore, especially me.” She went on to explain her motives for filing suit by saying, “We always tell our children they are Americans, and I feel I am American myself, and so is my husband, and we thought that they shouldn’t be segregated like that” (*Mendez v. Westminster*, 1946). Mrs. Mendez’s reasoning and her level of frustration, if not desperation, are evident in her words and tone. In regard to the segregation of Mexican children, she stated, “They shouldn’t be treated the way they are. So we thought we were doing the right thing . . . just asking for the right thing, to put our children together with the rest of the

children there [at the 17th Street (White) School].” Once again, the plaintiffs posited their identification as Americans as justification for racial equality. Mrs. Mendez made it clear in her testimony that she and her family were Americans, and thus entitled to the same “treatment” as other Americans. Grounded in democratic principles, the actions of women like Mrs. Mendez, Mrs. Guzman, and Mrs. Fuentes, who had contributed to wartime efforts, in many ways looked to fulfill the promise of America.



Figure 24. Felicitas Mendez, 1946. (Courtesy of Sylvia Mendez and the Mendez family archives)

It is evident that WWII forced a reconfiguration of race and gender relations in America, and consequently the Mexican American community. The racial and gender shifts that transpired at the time would undoubtedly have a lasting effect not only on the Mexican American community, but society at large. Over time, such shifts would inspire generations of women and lay the groundwork for changes to come. Griswold del Castillo (2008) succinctly explained that “these war time women were the mothers of those who participated in the women’s movement of the 1960s and 1970s and thus were their role models” (p. 62). Indeed, in order to truly appreciate the significance of these women’s actions in 1940s wartime America, and its impact on later generations, one must consider the sociopolitical context in which such actions emerged. That is

to say, the women involved in the *Mendez case* never identified as activists, feminists, Chicanas, or nationalists, but instead as Americans, mothers, wives, and *comadres*.⁶⁰ They believed in the fairness and goodness of America, and fought to protect it from enemies afar. They were motivated by love for their children and a strong commitment to their families and friends—and when their children were denied their constitutional rights, they asked why. But unlike subsequent generations, they did so within the context of the Second World War and the confines of political reform. Indeed, the women of *Mendez* never “walked-out” or “sat-in,” nor did they rally, demonstrate, or march. They did, however, organize and resist. In their efforts to ensure their children the best education possible, they engaged in a type of resistance that challenged social conventionality on one hand, yet adhered to it on the other. Measured by contemporary standards, such resistance might appear moderate or reserved, but in fact proved quite contentious in its day. Central to an analysis of women’s response to school segregation is an understanding of the sociopolitical climate in which they felt compelled to act.

Long before the 1960/1970s Civil Rights Movement, Feminist Movement, and Chicano Movement, the women involved in *Mendez* engaged in action that could be construed as radical, defiant, and even un-American. Notions such as these are supported in literature regarding Chicanos and WWII (Acuña, 2004; Camarillo, 1990; Griswold del Castillo, 2008; Ramirez, 2009), as well as the sworn testimony of defendants named in the suit and their legal counsel, but more informative to this study, among some within the Mexican American community (*Mendez v. Westminster*, 1946). In fact, my grandmother, Ysaura Bermudez, a longtime resident of Westminster (see Figure 25), at age 85 recalled those involved in the *Mendez case* as being thought of as “*metiches*” (nosy) (personal communication, June 24, 2003).

⁶⁰ Spanish for a trusted friend, family member, or god-mothers.



Figure 25. Ysaura Bermudez. 1950c. (Courtesy of Ysaura Bermudez and the Bermudez family archives)

My grandma’s memories of such acts as meddling are confirmed by Griswold del Castillo, when he described how “fighting for equal privileges constituted a social error, a simple case of bad manners—pushing yourself in where you weren’t wanted” (p. 197). The perception of Mexican American women’s actions as nosy, adverse, and, by some accounts, “undemocratic”⁶¹ makes for a particularly interesting discussion regarding the correlation between the *Mendez case*, racial identity, and the Second World War. It further serves to inform questions regarding the type of actions engaged in by the women identified in this study.

In a number of interviews I conducted, research participants recalled the unwillingness of some parents in the Mexican community to get involved in the *Mendez case*, even in terms of signing a petition or attending a meeting. When asked to explain such reluctance, participants attributed it a number of factors, such as fear, intimidation, ignorance, and loyalty. That is, they felt that some parents may have feared and/or been intimidated by school officials, employers,

⁶¹ Attorneys for the defendants argued that the actions of some plaintiffs were undemocratic because they failed to follow school protocol (*Mendez v. Westminster*, 1946).

the White community, and/or state and local officials, including the police; conversely, they might have refrained from participating out of respect, obligation, and/or a loyalty to these same figures and institutions. For instance, Virginia Guzman recalled her neighbors' aversion to participate in the *Mendez case* out of loyalty to the local school principal:

When we asked people to help us, to get involved in this case, they said "Oh, no. We cannot get involved in this because the principal, Mrs. Gilbert ... she helps the Mexican people out." ...If they needed food or something... "Oh no," they'd say. "She's so good. She helps us.

Other participants related such reluctance to one's personal circumstances, that is, the individual's financial or immigration status, and/or certain personality traits, such as feelings of complacency, timidity, or apathy. In a 2005 interview for this study, Josefina Ramirez, wife of Lorenzo Ramirez, a lead plaintiff named in the lawsuit, relayed her thoughts about the hesitation of some to further extend their support to her husband and his efforts to file suit:

La cuestión que lo que paso es que muchos señores que le ayudaban a él fueron a pedir permiso que los dejaran salir del trabajo y les dijeron que 'No.' Que si salían del trabajo los iban a correr por eso fue que ya no quisieron ayudarlo.⁶²

The issue was that what happened is that many [of the] men that were helping him [her husband, Lorenzo] went to ask for permission so that they'd be allowed to leave work, and they were told, "No," that if they left work, they were going to get fired. That's the

⁶² Mrs. Ramirez spoke Spanish, and as such the interview was conducted in Spanish. In order to preserve her words, and to protect the integrity of the interview, I have included the Spanish version here, along with the English translation.

reason why they didn't want to help him anymore. (Josefina Ramirez, personal communication, March 24, 2005)

Isabel Ayala, one of the young women who testified on behalf of the plaintiffs, attributed the reluctance displayed by members of the Mexican community to their jobs or economic status. As a witness for the plaintiffs and a participant in this study, Miss Ayala recalled her father's frustration with some to join in desegregation efforts:

[A] lot of the *Mexicanos* (Mexicans) themselves were afraid to do anything.... They were afraid. They had big families, so they didn't want to make any trouble. And you can't blame them because they needed the work. So, my dad was the trouble maker (Isabel Ayala Ruiz, personal communication, May 19, 2005).

It is also feasible that some may have viewed such efforts as futile. Carol Torres, a student of the Mexican school in El Modena and a witness for the plaintiffs, recalled her father's exasperation with the entire matter. When questioned in court as to why her father had not requested a school transfer for her and her siblings, she responded that "my father knew very well they wouldn't admit us over there [the Franklin (White) School]" (*Mendez v. Westminster*, 1946). She later recalled in an interview for this study (conducted on November 19, 2005) her father's attempt to enroll her in the Franklin School, "They told him there was no room." In his frustration, Miss Torres recalled her father's demand to see the classrooms. When it became apparent that space was indeed available, Miss Torres remembered that "then they told him there were no desks," to which her father exclaimed, "I'll buy her a desk!" In the case of Miss Torres, her father's apprehension to get involved in the *Mendez case* points more to his frustration with the bureaucracy of public education and its blatant disregard for Mexican children than to complacency or fear. Although Mr. Torres never testified in court, which his daughter attributed to his limited English, he did allow her to do so. In fact, in my opinion, Miss Torres goes on to

provide one of the most riveting testimonies during the trial, which she later expanded upon as a participant in this study. Although the topic of student activism and the students unique contributions to desegregation efforts is a theme well-examined later in this chapter, it is worth noting here that Miss Torres's words and actions illustrate the power of counterstory-telling and the benefits of engaging in a study of *Mendez* from the standpoint of those who lived it.

A study of the reluctance of some to get involved in the *Mendez case* proved quite telling and served to inform questions regarding how and why the Mexican American community responded to school segregation. As demonstrated, the hesitation, if not outright refusal, of some to get involved in various aspects of the *Mendez case* could be attributed to a number of determinants. Whatever explanation participants rendered—be it one's social, political, financial, or emotional stance—the underlying factor informing their conjecture seemed to be rooted in fear. Mrs. Guzman, for example, expressed the fear she observed from those in her community regarding a petition she and her husband had worked to circulate in support of the *Mendez case*. Remembering the apprehension of some of her neighbors to sign, Mrs. Guzman stated, “They were afraid that they [the authorities] were gonna do something to them.... They were timid. They didn't speak. They just said, no, no, no.” Mrs. Guzman's assessment is seemingly correct. The idea that “they were gonna do something to them” reflects not only the level of contention surrounding the *Mendez case*, especially at the height of WWII, but perhaps deep-seeded notions of race in this country. Afraid for their children, or perhaps having internalized racist attitudes directed at them, some may have accepted the segregation of their children as normal, and inadvertently their relegated place in society. In so doing, these parents may have made the calculated decision not to participate in the *Mendez case*.

In her study of Black women, Patricia Hill Collins (2000) posited that Black mothers sometimes teach their children to “fit into systems of oppression” as a tactical means of

surviving them. Based on their “unique angle of vision,” Collins asserted that Black mothers view such tactics as essential to the physical survival of their daughters (p. 198). A similar strategy may have been employed by these parents. In efforts to protect their children from the racist practices of a segregated school system, they may have opted not to get involved in the lawsuit. Hence, what appears to be complacency may in fact be a form of resistance. That is to say, the calculated decision not to act in itself may constitute an act. However, Collins cautioned against the dangers of teaching young people to be “willing participants in their own subordination” (p. 198). Collins stated, “Mothers may have ensured their daughter’s physical survival, but at the high cost of their emotional destruction” (p. 123). Collins went on to describe the delicate balance African American mothers face in trying to ensure their children’s survival, while simultaneously “instilling values that will encourage their children to reject their ‘place’ and strive for more” (p. 200). Collins identified this kind of paradox as “visionary pragmatism.” That is, the idea that Black children must remain “visionary about what is possible, yet pragmatic about what it might take to get there” (p. 199). If Mexican parents were cognizant of the risks involved in participating in the *Mendez case*, and then made the calculated decision not to participate in order to ensure their children’s survival, this could be construed as “visionary pragmatism.” However, if Mexican parents responded out of fear or compliance, with no vision of transcending their children’s lives, this would then most likely meet the criteria of conformist behavior, as set forth by Solorzano and Delgado Bernal (2001). In short, they may have operated without any critique of the systems of oppression responsible for the children’s subjugated status (a more detailed explanation of such behavior is detailed in the latter half of this chapter). Whatever their reasons, many in the Mexican American community were wary about the *Mendez case* and opted not to get involved.

Another possible explanation regarding the reluctance of some parents to participate in desegregation efforts is that they may have actually preferred separate schools for their children. A former student of the Hoover “Mexican school” recalled how, in the 1930s, her aunt and some of the other “ladies from the community” initially requested the Westminster School District to build a separate school in “old” Westminster (the Mexican side of town). In a preliminary interview conducted for this study, this long-time resident of Westminster recollected the concerns of these women for their children’s safety. Worth noting at this time is the location of the schools. Prior to the Hoover “Mexican school” being built in Westminster, Mexican children living in the *barrio* attended what was then the Westminster (integrated) School (Figure 26). Mexican children who attended this school were required to cross Hoover Boulevard, a busy intersection (Figure 27) at the corner of Main Street. They were further required to cross the railroad tracks that ran along Main Street and separated (Figure 28) “old” Westminster (the Mexican side of town) from “new” Westminster (the White side of town). Afraid for their children’s safety, these parents requested that a school be built in the Mexican community. Whether or not their intent was a segregated school for only Mexicans is unknown, but such actions point to the motivation of these women and why some were reluctant to get involved in the *Mendez case*.



Figure 26. Original Westminster School. 1924. (Courtesy of Sylvia Mendez and the Mendez family archives)



Figure 27. Corner of Hoover Street and Main Street. Site of the 17th Street (White) School. Westminster, California, 2005. (From the personal collection of Nadine Bermudez)⁶³

⁶³ On a personal note, this is the corner where my grandparents resided until their dying days. Many members of my extended family still live in this area.



Figure 28. Railroad tracks running parallel to Main Street, the location of the 17th Street (White) School. Westminster, California (From the personal collection of Nadine Bermudez)

Further informing the reluctance of some to participate in desegregation efforts, another participant recalled a prominent family in Westminster wanting to remain segregated because, as she stated, “they didn’t trust White people,” adding that, “but they were like that.” My Aunt Terri likewise recalled a family in Westminster who favored segregated schools for Mexicans: “Around the block there was a family we grew up with, they weren’t for it. There were a few who didn’t want to integrate.” When asked why she thought this might be, she responded, “You know how people don’t like change. They didn’t feel hopeful that things would be better, so why change? What’s gonna be better? What’s gonna be different?” (Terri Salinas, personal communication, August 3, 2005)

The notion that some in the Mexican community might actually prefer segregated over desegregated schools appeared to be a delicate subject among some participants involved in this study. They either had no recollection of such reluctance, dismissed it as being a small group, or framed it in terms of one’s personal feelings. As surmised by my Aunt Terri, “Do you want to go where you’re not wanted?” It is also plausible that such explanations reflect the limitations of this study in that it centers on those who (in one way or another) were connected to the *Mendez*

case, and thus in favor of desegregation. Whether parents in the Mexican American community supported school segregation or not, the data is conclusive: they acted in what they perceived to be the best interest of their children.

The debate over racially separate or integrated schools raises questions regarding what motivated Mexican American women to act. In his book, *Silent Covenants: Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform*, Derrick Bell (2004) posited that desegregation efforts in the *Brown case* had less to do with the practice of segregation and more to do with ideals of equality. Referencing such legal scholars as Robert Carter and such social scientists as W.E.B. De Bois, as well as a number of historical legal cases,⁶⁴ Bell wrote that, “while *Brown* was fashioned on the theory that equal education and integration were one and the same thing, the goal was not integration but equal educational opportunity” (p. 115). The same logic is applicable to a study of the *Mendez case*. Long before they ever filed suit, Mexican parents worked to get their children out of the Mexican schools and into the White schools. This is evident in the legal documents. Indeed, the court transcripts surrounding the *Mendez case* are riddled with references to mothers requesting school transfers for their children. In accordance with Bell’s theory of *Brown*, the question is so raised in *Mendez*: did these mothers act because they favored the integration of their children with Whites or because they were unsatisfied with the quality of education at the Mexican schools? The data points to the latter.

Based on court transcripts, Mrs. Fuentes tried “every time the school was going to start in September” to get her son Bobbie enrolled in the Franklin “White” School. When questioned by attorneys as to why, she relayed a conversation she had with the superintendent of the Santa Ana School District:

⁶⁴See, for example, *Dred Scott v. Sandford* (1857), *Calhoun v. Cook* (1973), and *Milliken v. Bradley* (1974).

[H]e asked why was it that I wanted Bobbie to go to the Franklin School. I told him that in the Franklin School he had more privileges, he would learn more, and he would not be held behind, kept behind in his school. And I told him that Bobbie knew how to talk the English language, and I didn't think that they would hold him back at all.

(Mendez v. Westminster, 1946)

It is obvious that Mrs. Fuentes' repeated attempts to get her son transferred from the Fremont (Mexican) School was founded on the belief that he would be better educated at the Franklin (White) School.

Mrs. Fuentes' intentions are similar to those of Mabel Mendez, a mother from Santa Ana who also attested to the inferior quality of education at the Mexican schools. In regard to a letter she received from the Santa Ana School Board instructing her to enroll her child in the Fremont "Mexican school", the court inquired, "What was there about the letter that caused you to be concerned?" Mrs. Mendez replied:

I didn't want my little boy to go to the Fremont ... because he is well-advanced at the Franklin, and he has always attended that, and knowing they don't progress very much at the Fremont, I didn't want him to go back on his grades. *(Mendez v. Westminster, 1946)*

Mrs. Mabel Mendez's words, much like those of Mrs. Fuentes, speak to the harsh disparities between the Mexican and White schools. Nowhere in the testimonies of these women do they argue *per se* in support of school integration. Rather, their arguments are grounded in notions of equal access to quality education, hence marking *Mendez* a civil rights matter. Ladson-Billings (1994) came to a similar conclusion in her study of cultural relevant pedagogy. Reflecting on the *Brown case*, Ladson-Billings stated, "... forty years later, some African American educators and parents are asking themselves whether separate schools that put special emphasis on the needs of their children might be the most expedient way to ensure that they receive a quality education"

(p. 2). The matter of segregation and questions regarding the educational rights of Mexican children was a distinction also addressed by the courts. At the very onset of the *Mendez* trial, Judge McCormick explained:

There is no doubt but what there has been segregation. That seems to be conceded....

There is segregation, of course. That isn't the case. The case is discrimination, and segregation, in and of itself, doesn't indicate discrimination. (*Mendez v. Westminster*, 1946)

He went on to confirm, "But the question here is whether or not the constitutional rights of the parties have been infringed by the public school authorities" (p. 33). Under the mandate of *Plessy v. Ferguson* (1896), all parties agreed that segregation did exist; this remained undisputed by legal counsel on both sides. Hence, under scrutiny in *Mendez v. Westminster* was not the legality of segregation, but what can best be surmised as the longstanding doctrine of "separate but equal." That is, if "separate" was so agreed upon, as it was in *Mendez*, then what of "but equal?" This seemed to be the question before the court and that posed by women like Felicitas Fuentes and Mabel Mendez.

It is clear from the testimonies of these mothers that the battle over desegregation had less to do with integrating their children with Whites, and more to do with the attainment of what White children had at the time: access to better schools. Rendered as such, a distinction is drawn between school integration and race discrimination. The notation of such a distinction, at least in relationship to this study, is important to getting at that which informed women like Mrs. Fuentes and Mrs. Mendez to act, as well as what motivated them to lend their support to a class action lawsuit such as *Mendez v. Westminster*. In light of the fact that the plaintiffs grounded much of their argument in notions of equality, the practice of segregating students was posited by attorneys to be a violation of Mexican American children's constitutional rights. As described in

the plaintiffs' complaint, and later agreed upon by the courts, segregating Mexican children proved to be "a denial of the equal protection of the laws to such class of persons" (*Mendez v. Westminster*, 1946). Having found the defendants to be in violation of the students' Fourteenth Amendment Rights, the Courts concluded that, by separating Mexican children from Whites, the defendants were in fact "depriving them of liberty and property without due process of the law." For mothers like Mrs. Fuentes, the distinction between civil rights and school integration must have been particularly decisive in her reasons for acting. As previously noted, Mrs. Fuentes had one son, Joe, fighting to defend democracy in the war and another son, Bobbie, denied his democratic rights in the schools.

My effort to draw a distinction between school integration and race discrimination in regard to the *Mendez case* served to inform the research questions guiding this study, particularly those related to the agency of Mexican origin women. Beyond studies of *Mendez v. Westminster*, such findings may help to inform research regarding present-day practices of *de facto* segregation. Although such an inquiry is beyond the scope of this study, an understanding of *de jure* segregation in 1940s America might help to inform *de facto* segregation as it exists in the 21st century. If indeed the goal of desegregation in *Mendez v. Westminster* was integration, and in light of the fact that *Mendez* and *Brown* successfully dismantled legal segregation in the first half of the 20th century, then one is left to ponder: why after decades of desegregation are schools still segregated? Perhaps the answer lies in the motives of these mothers, and other mothers like them throughout history. Only in acting in the best interest of their children did mothers such as Virginia Guzman, Mabel Mendez, and Felicitas Fuentes challenge the legality of race discrimination and as such the constitutionality of "separate but equal." In acting in defense of their children, these women were truly acting in defense of democracy, just as the US at the height of WWII.

An inquiry into the distinctions between racial equality and school integration, along with a review of the unwillingness of some members of the Mexican community to participate in desegregation efforts, proved quite telling. Juxtaposing this inquiry against the willingness of others (i.e., the “trouble makers”) to participate served to inform the research questions guiding this study. In hopes of determining the motivating factors influencing Mexican American women’s participation, an analysis of the reluctance felt by some and not others suggests a strong correlation between one’s perception of the war and one’s perception of self. That is to say, those who strongly identified as Americans wholeheartedly believed in American democracy. They in turn supported the war and efforts to defeat tyranny abroad. Subject to *de jure* segregation, they became increasingly critical of prevailing race relations in the US. Unable to fathom the hypocrisy accentuated by the war, they became increasingly troubled by the existing social order and, as such, began questioning their status as Americans. Consequentially, they objected to the segregation of their children and thus organized against it. This does not suggest, however, that those reluctant to get involved in the *Mendez case* were any less American and/or committed to democratic ideals or the betterment of their children’s education; instead, it offers a window into the motives and actions of those who did.

For many Americans of Mexican ancestry, the glaring contradiction between being an American yet being denied the same rights as an American proved intolerable, and thus became a motivating factor in their decision to act. Inspired in part by a sense of patriotism and in part by a sense of identity, they acted not only in the best interest of their children, but the best interest of their country. Adding impetus to their status as Americans was their status as women.

Gender Identity and the Involvement of Women of Mexican Descent in the *Mendez Case*

To determine the significance of women to the *Mendez case*, we must first gain an understanding of what inspired them to act. In addition to the war and strong feelings of

patriotism, sentiments of motherhood and/or sisterhood proved to be motivating factors. With Mexican mothers largely responsible for childrearing and thus the task of raising good Americans (Ruiz, 1998), a study of their status as mothers is warranted. In addition, notions of sisterhood—that is, the relationships of these women as *comadres* (godmothers)—further appeared to have influenced their thinking and behavior. An analysis of this unique relationship proved essential to getting at what motivated women to act on behalf of their children, but also on behalf of other mothers’ children. Following is an analysis of gender and the implications of motherhood to the *Mendez case* as well as a discussion of gender and implications of “*comadrehood*.”⁶⁵

Motherhood and Female Activism

Oh, there were mothers! Mothers who had their sons on the frontline in the war.... We were segregated over here, and [they] were on the frontlines.

Virginia Guzman, 2005

Much like Mary Pardo’s study of the “Mothers of East L.A.” (MELA), a study of the “Mothers of Mendez” revealed a strong coalition between women’s agency and their maternal status. In her book, *Mexican American Women Activists: Identity and Resistance in Two Los Angeles Communities* (1998), Sociologist and Chicana scholar Mary Pardo examined ideals of gender as a form of political activism. This study of the *Mendez case* warrants a similar examination. Although the women involved in *Mendez* never emerged as a distinct political group, as did those involved in MELA, the characteristics informing each are nonetheless comparable and worthy of discussion.

⁶⁵Within the context of this study, *comadre* goes beyond its religious meaning as a godparent, and further encompasses a sense of sisterhood and/or “co-mothering.” As such, I will use the terms “*comadrehood*” and “*comadreship*” to reference this relationship and status.

The Mothers of East L.A.

Outlined in Pardo's analysis of MELA are the circumstances prompting their actions. As residents on the east side of L.A., many had long been exposed to environmental hazards commonly located in working class communities of color (e.g., factories, landfills, railroad yards, etc.). When faced with the possibility of yet another prison and later a toxic waste incinerator being built in their local neighborhoods, the Mexican American community responded.

Concerned for their children and the quality of life in their neighborhoods, residents of East L.A. came together, voiced their discontent, and organized to defend their communities. Under the initial guidance of Father John Moretta (a priest at Resurrection Catholic Parish in Boyle Heights), and with the support of local residents, political representatives, various clubs and organizations, the East L.A. community mobilized in opposition (Pardo, 1998). Emerging from this collective action was the "Mothers in East L.A." (Pardo, 1990).

The emergence of MELA as a prominent force in the battle for environmental justice is not surprising. Having experienced for years the building of factories, freeways, and other public projects deemed "detrimental to the quality of life in the central city," the prospect of yet another proved incomprehensible (1990, p. 2). United in efforts to defeat this initiative and hold those responsible for the initiate accountable, thousands mobilized in solidarity. Pardo (1990) described the chain of events as such:

By the summer 1986, the community was well aware of the prison site proposal. Over two thousand people, carrying placards proclaiming "No Prison in ELA," marched from Resurrection Church in Boyle Heights to the 3rd Street bridge linking East Los Angeles with the rapidly expanding downtown Los Angeles. (p. 2)

The culmination of this force would go on to define the resiliency of a people historically rooted in Los Angeles. In Pardo's (1990) words, "This march marked the beginning of one of the largest grassroots coalitions to emerge from the Latino community in the last decade" (p. 2). When the community's actions proved successful, plans to build the prison halted.

As a grassroots movement, dedicated to protecting its children from the hazardous effects of environmental racism, MELA engaged in a form of activism that was partially grounded in their political convictions, and partially grounded in Catholic beliefs, including perceptions of motherhood within the church. Although many of its founding members were mothers in the strictest sense of the word, and many were indeed parishioners of Resurrection Catholic Parish, perceptions of motherhood shifted over time and the identity of MELA broadened to include "anyone who 'does for' children" (Pardo, 1998, p. 140). As purported by Pardo, "the women in 'Mothers of East L.A.' (have) transformed the definition of 'mother' to include militant political opposition to state-proposed projects they see as adverse to the quality of life in the community" (1990, p. 4). It is evident in Pardo's description that it did not matter that some in MELA were not mothers *per se*, nor that some involved were males (i.e., fathers, husbands, and concerned citizens). What appeared to matter to MELA's members was that these individuals had a vested interest in the welfare of the Mexican American community. Pardo wrote, "The women also have expanded their boundaries of 'motherhood' to include social and political community activism and redefined the word to include women who are not biological 'mothers'" (Pardo, 1990, p. 4).

The re-conception of motherhood by members of MELA is significant for a number of reasons. First, it illustrated the resilience of a people faced with adversity, and how notions of gender informed their resiliency. Second, it challenged stereotypes of Mexican women as self-sacrificing maters, whose identity tends to be wrapped in traditional images of the *Virgin de*

Guadalupe (Arredondo, 2003). Third, it called into question cultural norms and traditions that dictate how and what Mexican origin women are “suppose[d] to be” (Castillo, 1994). Finally, and perhaps most relevant to this study of *Mendez*, the re-conception of motherhood in MELA demonstrated the kinds of activism Mexican women engage in, and their ability and willingness to evolve and adapt. Indeed, experiences like these surely call into question traditional notions about women. Moreover, such experiences served to free them from genderized norms that for too long have limited, if not extinguished altogether, the liberation and freedoms for which they are entitled.

The actions and motives of women involved in MELA are comparable to those involved in *Mendez*. Each was informed by a love for their children, and each borrowed from ideals of motherhood. Crucial to an analysis of both is an understanding of why and how. While the maternal status of these women may have informed their actions, it is important to establish that their activism likewise informed their motherhood. This was true for them, their families, and the Mexican culture. For the women involved in these historic events, the concept of “mother” went beyond its traditional meaning of caretaker and “keeper of the culture” (Ruiz, 1998), and was redefined to include activist and organizer, that is, one who was politically savvy and willing to engage in political battle.

By re-inscribing their status in MELA, members too re-inscribed their status in their homes and society. As a force to be reckoned with, MELA exemplified the kind of activism that *Mexicanas* and Chicanas are able and willing to engage in, not only for the sake of their children but for the good of humanity. One of MELA’s founders explained it as such, “The mother is the soul of the family; but the child is the heartbeat. . . . We must fight to keep the heartbeat of our community beating. Not just for our children, but for everyone’s children” (as cited in Ruiz, 1998, p. 143). The women involved in the *Mendez case* expressed a similar sentiment, which is

supported by Collin's theory of "othermothering" (as previously explained and later elaborated on in this chapter).

The emergence of gender-based activism in response to systems of oppressions is not new. Throughout history, we can find examples of coordinated efforts by women resisting the injustices in their lives (Dicker, 2008). This is true of women in general and, more precisely to this study, women of Mexican origin. From the *Soldaderas*⁶⁶ of the Mexican Revolution to Chicanas involved in the movements of the sixties, women of Mexican ancestry have long mobilized in defense of their rights and the rights of those dearest to them (Ruiz, 1998; Salas, 1990). Evidence of this is located in the *Mendez case* and MELA, as Pardo (1990) noted:

Mexican American women living east of downtown Los Angeles exemplify the tendency of women to enter into environmental struggles in defense of their community. Women have a rich historical legacy of community activism, partly reconstructed over the last two decades in social history of women who contested other "quality of life issues" from the price of bread to "Demon Rum." (p. 6)

Pardo's research on the Mothers of East L.A. served to delineate the connection between political activism and ideals of motherhood. In fact, Pardo explained that "the name of the organization, 'Mothers of East Los Angeles,' clearly communicates gender identity and the metaphor of mother as protector of the community" (1998, p. 144). Pardo went on to posit how the women involved in MELA "manipulated the boundaries of the role of mother to include social and political community activism" (1998, p. 115). Pardo's synopses of "mother as protector" and the link between motherhood and activism is both easily located in this study of

⁶⁶This term describes female soldiers of the Mexican Revolution, also known as *Adelitas* and *coronelas* (Salas, 1990).

the *Mendez case* and important to a gender analysis of it. A discussion of this important link follows.

The Mothers of the *Mendez case*

Well-documented in the court transcripts are numerous references to these women's maternal status and the manner in which this status informed their behavior. For instance, Felicitas Fuentes testified during the trial that she and "a lot of the other mothers" had gone repeatedly to talk with board members about the possibility of sending their children to the White schools. In her testimony, Mrs. Fuentes argued that Mexican children were entitled to the "same rights" as American children, that the schools had an obligation to "teach them the same," and that Mexican children should be allowed to "mingle with Americans" (*Mendez v. Westminster*, 1946). Despite her strong convictions, however, Mrs. Fuentes was unable to successfully obtain a school transfer for her son. Nevertheless, for three consecutive years she tried, and for three consecutive years she was denied. Consequentially, for three consecutive years, Mrs. Fuentes refused to send her son to the designated Mexican school. Mrs. Fuentes explained:

I told him [the President of the Board of Education] I would keep him [her son Bobbie] at home, that I wanted him to go to school ... [but] because they have the discrimination of the children ... I kept my boy home. (*Mendez v. Westminster*, 1946)

She added that "if he wasn't able to go to the school [she] wanted him to," she would keep him home "until they [made her] send him" (p. 164). Mrs. Fuentes' outright refusal to send her son to a designated Mexican school exemplifies the type of resistance that Mexican American women engaged in, and their reasons for doing so. The very notion that school officials would have to "make [her] send him" signifies her level of agency. So incensed was she at the idea of her son

attending a separate school for Mexicans that it was in the realm of “mother as protector” that Mrs. Fuentes acted and so defied school authorities, as did others.

Like Mrs. Fuentes, Mrs. Guzman too refused to send her son to a segregated school. In fact, Mrs. Guzman was one of the “other mothers” who routinely met with school board members in Santa Ana to discuss the segregation of her son, Billy. As indicated in the testimony of William Guzman (one of the lead plaintiffs in the lawsuit), it was his wife who initially questioned school officials about the district’s zoning policies and their refusal to transfer their son to the Franklin “White” School. During the trial, attorneys asked, “Did you at that time [prior to a 1942 school board meeting] have any conversation with any official of either the Fremont or Franklin School?” Mr. Guzman replied, “I guess my wife was the one that interviewed some of them at the Franklin School.” In said “interview,” Mrs. Guzman along with Mabel Mendez, one of the “other mothers” involved in the desegregation battle, met with school officials to discuss letters they had received from the district denying their children admittance to the White school. In her testimony, Mrs. Guzman challenged the arbitrary practice in which “those kids got a special permit, the White kids, as they call them” to attend the Franklin School and Mexican kids did not (*Mendez v. Westminster*, 1946).

For mothers like Mrs. Guzman and Mrs. Mendez, the skewed manner in which school zones were established and enforced proved to be particularly litigious (Gonzalez, 1990; Strum, 2010). Outraged by the school’s refusal to grant her son a “special permit” to attend the Franklin “White” School, while arbitrarily granting them to others including, as she described it, “our neighbors right next door and across the street,” Mrs. Guzman acted in defense of her son and rejected the school’s recommendation to enroll him in the Mexican school. Left with few options, Mrs. Guzman, made the acrimonious decision to withdraw her child from public school altogether. Although such actions might seem counterproductive, if not extreme, they in fact

speak to the resiliency of these women, as mothers acting in the best interest of their children. Like the Mothers of East LA, the mothers involved in the *Mendez case* defined their activism “in terms of family interest” (Pardo, 1998, p. 160). In their efforts to protect their children from institutionalized race discrimination, these mothers engaged in activism that was largely motivated by their sense of motherhood. Not limited to a study of *Mendez*, previous research has concurred that other mothers, in similar situations, engaged in similar tactics for similar reasons.

In his study of school segregation, Gonzalez (1990) reported that two mothers from Santa Ana, Mrs. Leonides Sanchez and Mrs. Frank Garcia,⁶⁷ strongly objected when the Santa Ana School Board denied their request to transfer their children to the Franklin “White” School. According to Chicano historian Gilbert Gonzalez, and based on school board minutes, the mothers tried to reason with the board that, if their children attended the Franklin “American School,” they would “have all the advantages of American children and learn to speak English as Americans do” (p. 148). Unable to convince the board to change its ruling, the mothers accused the district of discriminatory practices, asserting that “it was a matter of discrimination when Mexican children are forced to go to the Mexican School” (p. 148). The perception held by these mothers that American children had “advantages” over Mexican children—or more precisely, their children—explains in part their reasons for acting. In their desperation to get their children admitted to the Franklin “White” School, Gonzalez reported that these mothers went so far as to falsify their addresses. Successful in their endeavor, their children attended the Franklin “White” School for one year, at which time it was “discovered that false addresses were filled in order that the children could so enroll” (p. 148). As a result, their children were un-enrolled from the White school and re-enrolled in the Mexican school. The tactics employed by these mothers

⁶⁷ The first names of these women are not documented by Gonzalez or the Santa Ana School Board’s records.

points directly to the loathsomeness of the “Mexican school” that their children were expected to attend, and the lengths they would go to prevent this from happening. So deplorable were the conditions at the “Mexican schools” that one participant involved in this study recalled a school official actually being “paid off” by Mexican parents in efforts to ensure their child admittance to the White school. Upon reflection, this former student of the El Modena School District concluded, “I guess they did what they had to do.”

The actions exhibited by these mothers and others are twofold: first, they wanted their children to get a better education than that available to them at the Mexican schools; and second, they wanted to protect their children from institutionalized race discrimination. The practice of keeping their children home, falsifying records, or even “paying off” school officials underlines the grave disparities between White and Mexican schools in the age of *de jure* segregation, and that which informed these women’s agency.⁶⁸ Acting in their children’s best interest, these mothers refused to accept the secondary status of their children in a legally racialized school system. Further informing this contention are the actions of Mrs. Ochoa, yet “another mother” involved in the battle over school segregation.

As a primary witness for the plaintiffs and an important actor in the battle for educational justice, Mrs. Ochoa testified in court about the inferior education her children received and the endless discussions she had with district authorities about it. As indicated in the court records, Mrs. Ochoa conversed with numerous school officials over the course of several years, including two school principals, the coordinator for Child Welfare in Santa Ana, the superintendent of the Garden Grove School District, and a number of her children’s teachers regarding the quality of

⁶⁸ It should be noted that neither Mrs. Sanchez nor Mrs. Garcia’s actions appear in any of the legal documents surrounding the *Mendez* case, but are located in the Santa Ana School Board minutes, as cited by Gonzalez (1990).

their education. When questioned in court about the nature of these conversations and her relentless efforts to pursue a school transfer for her son, Mrs. Ochoa explained:

I wanted Oscar Rene ... to go to the Lincoln [White] School because it was closer and, so far as I was concerned, they knew better how to teach the children because when my boy, Hector, had attended there for a period of one year, he had been very much more advanced than when he was attending the Hoover [Mexican] School.... And Mr. Kent [the superintendent of Garden Grove School District] said that children of Mexican ancestry were not admitted there, that they had a school just as good, the Hoover School (*Mendez v. Westminster*, 1946).

She went on to convey a follow-up conversation she had with Mr. Kent about her request to the school board to reconsider its segregation policy and grant her son a school transfer to the designated White school. “He went to my home and told me that they had said, ‘No.’ The board had said, no, they would not admit children of Mexican ancestry over there [at the Lincoln School].”

Unsatisfied with the board’s response, Mrs. Ochoa questioned the superintendent about the capricious manner in which some Mexican children were granted school transfers and not others. In reference to children from the “17th Street ... Mexican colony,” she inquired as to why “there [were] some children of Mexican ancestry that attended the Lincoln School, although living close to the Hoover school.” When pressed for an answer, the superintendent reluctantly replied “they were probably from Spanish ancestry.” He then advised her to register her children as “Spanish,” as opposed to Mexican, so that they may be enrolled in the White school. Offended by the mere suggestion, Mrs. Ochoa responded, “My children cannot be registered as Spanish because their father is Mexican.” She later testified in court how her son was eventually expelled from the Lincoln School for being “Mexican.” When asked by the Judge to explain why he “left

Lincoln,” she replied, “They told me that I had to take him to the Hoover School because the Hoover School was for the Mexican children.”

Mrs. Ochoa’s testimony proved essential to the plaintiffs in many ways. Having conversed with numerous district and school officials about the race discrimination she and her children experienced, Mrs. Ochoa was in a position to testify to: (a) the arbitrary enforcement of school zones, (b) the discretionary granting of school transfers, (c) the racialization of Mexican children, and (d) the substandard quality of education in “Mexican schools.” Without the testimony of Mrs. Ochoa, and other mothers like her, it is reasonable to conclude that attorneys for the plaintiffs would have been hard-pressed to make their case. Indeed, Mrs. Ochoa’s contribution to the *Mendez case* is evident at every junction of it. Long before a lawsuit was ever filed, Mrs. Ochoa met with school officials, expressed her outrage over school segregation, questioned the quality of education in segregated schools, and petitioned for school transfers. In fact, the legal documents surrounding the *Mendez case* clearly illustrate that Mrs. Ochoa met with school officials as early as 1939 (Phase I), five years prior to the official filing of *Mendez v. Westminster*. This is an important finding considering women like Mrs. Ochoa were never named as lead plaintiffs, nor have their contributions been adequately reviewed in existing literature or, for that matter, sufficiently acknowledged in any public capacity.

Mrs. Ochoa’s actions, along with those of the “other mothers” involved in this case, support Pardo’s thesis of gender identity as a form of agency. Acting in the best interest of her children, Mrs. Ochoa and the other mothers drew strength from their notions of motherhood as a means of combating the racial injustices they and their children routinely suffered. Akin to Patricia Hill Collins’ theory of “othermothers,” which posited that Black women often manipulate their status as mothers as a means of protecting their children and other mothers’ children from social domination, the mothers involved in the *Mendez case* similarly utilized their

maternal status. As a means of protecting their children and other mothers' children from school segregation, these mothers employed what can best be described as their status as *comadres*. Literally translated to mean “co-mothers,” the religious practice of baptizing one another's children helps to explain the sense of shared guardianship exhibited by many of the women involved in the *Mendez case*. From the very onset of the desegregation struggle, the practice of “co-mothering” was apparent in the actions and motives of the women who participated. In Westminster, it was Soledad Vidaurri, Gonzalo Mendez's sister, who first utilized her status as a *comadre* as a means of challenging the district's segregation policies, not only in regard to her children's education but, more on point, her brother's children (see Figure 29).



Figure 29. Soledad Vidaurri. 1940c. (Courtesy of Sylvia Mendez and the Mendez family archives)

As described in the Introductory Chapter of this study, it was Soledad Vidaurri who initially rejected enrolling her niece and nephews in the designated Mexican school. Offended by the very prospect of her brother's children having to attend a separate school for Mexicans, Mrs. Vidaurri rejected enrolling her own children in the 17th Street “White” School. Although the Vidaurri children were also Mexican, school personnel were willing to exempt them from the

district's segregationist policies because of their fair skin and French surname (Alice Anaya Vidaurri, personal communication, April 19, 2005). Regardless of her children's "eligibility" for admittance to the White school, Mrs. Vidaurri steadfastly refused to enroll them. In an interview conducted for this study, her daughter, Alicia Vidaurri Ayala, recalled:

Because we were light complexioned we could go to it [the 17th Street "White" School]. We were told. But my cousins were dark, so they couldn't, so nobody went. You know, we were family. (see Figure 30)



Figure 30. Vidaurri and Mendez children. 1930c. Alicia, Virginia, and Frank Vidaurri (top row, left to right). Jerome and Gonzalo Mendez Jr. (bottom row, left to right) (Courtesy of Sylvia Mendez and the Mendez family archives)

Mrs. Vidaurri's actions reflect not only the love and respect she held for her niece and nephews, but her readiness to do right by them. In what can truly be described as a defining moment in *Mendez v. Westminster*, Mrs. Vidaurri's rejection of the school's offer to enroll her children in the designated White school—and thereby all the rights and privileges attached to being White—was in fact a rejection of the status quo and institutionalized notions of race in this country. Mrs. Vidaurri's daughter stated, "My mother had always been a, ah, I wouldn't say a rebel, but a pioneer. She never accepted the way things were. She was always for change and for

better. Always for *cambio y* (change and) for better.” Recalling her mother’s participation in the *Mendez case*, Anaya stated,

If my mother hadn’t spoke up, we would have just gone on with the norm. We would have gone on with the norm and just accepted it [segregation]. You know, we would have just accepted [it], but she spoke up, and she spoke out!

Mrs. Vidaurri’s commitment to social justice is evident in her words to her daughter. In an interview for the *Bakersfield Newspaper* (2005), Anaya recalled her mother’s advice, “My mom said, ‘*Mija*, keep talking as long as you have *vida* (life).’” Anaya went on to exclaim, “I don’t want my mother’s voice to die.”

On the contrary, Mrs. Vidaurri’s voice continues to echo in studies pertaining to the *Mendez case*, including this one. As previously noted, Mrs. Vidaurri’s actions marked a pivotal moment in *Mendez v. Westminster* and exemplify well the kind of resistance engaged in by women of Mexican ancestry. The fact that Anaya’s mother “spoke up and spoke out” supports Collin’s theory of othermothering. In speaking up and speaking out, Mrs. Vidaurri represented those who, as her daughter described it, “didn’t have a way of presenting.” In my opinion, Mrs. Vidaurri’s actions embody the spirit of many of the women involved in desegregation efforts. Acting in defense of her children and her brother’s children, Mrs. Vidaurri negotiated her status as a mother and her status as a *comadre*. Beyond a shared commitment to her and her brother’s children, however, the sense of *comadreship* expressed by Mrs. Vidaurri further reflects a bond she and the other women involved in the struggle shared for one another. Important to getting at that which motivated Mexican American women to act is an analysis of their relationship as *comadres*.

Comadre Relationships and Female Activism

Located throughout the testimonies of many research participants are numerous references to their *comadres* as beacons of strength and support, not only in regard to the *Mendez case*, but in their everyday existence. In her book, *Massacre of the Dreamers, Essays on Xicanisma*, (1994), Chicana scholar, Ana Castillo described the relationship of *comadres* as “a splendid source for companionship, spiritual uplifting, [and] positive affirmation. By *comadre*,” Castillo wrote, “I am not liming the definition to solely the woman who has baptized our child or vice versa, but to mean close friend” (p. 191).

Friendships such as those described by Castillo are apparent in the actions of the many women who participated in the *Mendez case*. For example the relationship between Mrs. Guzman and Mrs. Palomino partially contributed to their families’ joint effort to file suit. These women, whose husbands and children were named as lead plaintiffs in the lawsuit, negotiated their relationship as *comadres* in response to the unjust treatment of their children and one another’s children, but also the unjust treatment they themselves experienced as women of color in a highly racialized and genderized society. Subject to discrimination themselves, these women utilized their status as *comadres* as a viable source of agency. Collins described such circumstances as “mothering the mind,” that is, the development of a relationship that “seeks to move toward the mutuality of a shared sisterhood that binds African-American women as community othermothers” (2009, p. 131). The sisterhood these *comadres* shared served to inform their political activism. In addition to testifying in court, they moved desegregation efforts forward in other ways as well. As evident in the data, they organized fundraisers, sold raffle tickets, attended meetings, participated in neighborhood events, and worked to inform others in the community about their rights. By acting in the best interest of their children, they too acted in the best interest of one another.

The kind of “*comadreness*” expressed here is in no way limited to a study of *Mendez*. Castillo wrote that female relationships such as these have long aided Mexican women in times of adversity:

The *comadre* has often served as confidante and social ally. She is loyal to you in your ongoing struggles with lover, family, society.... Sometime[s] she is the only person in our lives who understands us because, in fact, she experiences many of the same struggles we do. (p. 191)

The struggles shared by Mrs. Guzman, Mrs. Palomino, Mrs. Vidaurri, and the countless other women involved in the *Mendez case* were grounded partially in notions of race, but also in notions of gender. For many, the struggles they endured because of their race were compounded by those related to their sex. This is true in terms of their status in society, but also their status in their homes, culture, and even their personal relationships. Indeed, among the many stories shared with me throughout the course of this study, those told “off the record” and in the strictest of confidence, entailed acts of sexism i.e., *machismo* (Spanish for sexism), including incidents of domestic violence, child abuse, sexual assault, labor exploitation, and gender discrimination. Thus, while race and racism remain a central theme in studies regarding *Mendez v. Westminster*, issues of sex and sexism have yet to be fully realized, as has the manner in which racism and sexism tend to intersect.

My efforts to identify that which informed women’s participation in the *Mendez case* suggest their shared sense of “*comadreness*” to be an important source of agency. Without the aide and support of their *comadres*, many of the women involved in desegregation efforts may have lacked the strength and courage to challenge those societal norms responsible for the racial subjugation of their children, but also the gender subjugation they themselves endured.

The significance of *comadreship* to the *Mendez case* is evident in the actions and sentiments of those involved. The love and respect these women had for their children, community, and country was unmistakable, but equally impressive was the love and respect they shared for one another. The best example of this assessment is the longstanding friendship between Mrs. Guzman and Mrs. Palomino. In fact, I had the great pleasure of reuniting these *comadres* in the fall of 2005 (see Figure 31).



Figure 31. Virginia Guzman and Irene Palomino, Tustin, California, 2005, (From the personal collection of Nadine Bermudez)

During their long-awaited reunion at the convalescent home in which Mrs. Palomino resided, these women reminisced about their families and friends, the times they shared, and their memories of desegregation efforts. Although their remembrance of the *Mendez case* and the details surrounding it appeared faded and sketchy (especially in regard to Mrs. Palomino), the emotions it evoked were undeniable. Like old war buddies, these women shared an experience that seemingly strengthened their relationship as *comadres*. Despite the passage of time and their advanced age, Mrs. Guzman and Mrs. Palomino shared a bond that was unmistakable, even to an outside observer like me.

It is evident from the stories and memories shared by these women and others that their actions were grounded in perceptions of kinship, friendship, and motherhood, as well as their status as *comadres*. United in their efforts to protect their children and other mothers' children from the harms of racism, the women involved in the *Mendez case* utilized their gender as a type of resistance. Described by Chicana historian Vicki Ruiz (1998) as “gendered strategies,” the kinship these women shared aided in their efforts to defeat *de jure* segregation, but also the kind of discrimination they experienced daily as women of color. Indeed, without such relationships, many may have struggled to survive. Ruiz explained:

Women’s kin and friend networks—their *comadres*—were indispensable for both personal and cultural survival. *Comadres* helping *comadres*, neighbors joining neighbors—such patterns of mutual assistance run through the histories of Mexican-American women. (p. xv)

Ruiz further explained how relationships of *comadres* had been necessary for “resisting political, economic, and cultural conquests” (p. xv), such as *de jure* segregation. In regard to Mrs. Guzman and Mrs. Palomino, their longstanding friendship illustrates the bond they shared and the significance of such a bond to the *Mendez case*. The simple fact that *Mendez v. Westminster* was filed as a class action lawsuit supports this contention.

In their grassroots effort to defeat school segregation, those involved in the lawsuit employed the help and support of their families and friends as trusted allies. As described in the theoretical section of this paper, the plaintiffs’ ability to file a class action lawsuit on behalf of 5,000 people of common ancestry is largely attributed to their familial values and communal ties e.g., *Chicanismo*. Although some, like Guzman and Mendez, were offered “special deals,” in which school officials were willing to exempt them from policies excluding Mexicans from White schools (but only after the lawsuit had been filed), these families categorically declined

(Gonzalez, 1990). It would appear that these “deals” were an attempt by district officials to silence these parents and deter them from pursuing any further legal action.

Supporting this contention is Virginia Guzman. In a follow-up interview conducted for this study, Mrs. Guzman recalled how representatives from the Santa Ana School District were willing to make an exception for her son, Billy, after the *Mendez case* had built some momentum: “They said, ‘Oh, your son can go to any school, any school you want him to go to’” (Virginia Guzman, personal communication, August 15, 2005). Offended by the mere prospect, the Guzmans rejected the district’s offer. Felicitas Mendez was documented making similar comments in a 1987 interview about the *Mendez case*. Grounded in her commitment to her children and other mothers’ children, Mrs. Mendez stated, “...it’s [the lawsuit] not just for our children, but for their children, and for all the children” (Robbie, 2002). The refusal of these mothers to accept the districts’ offers further supports Collins’ notion of othermothers and, more precisely, that which she defined as “community othermothers.” Collins explained:

Community othermothers have made important contributions in building a different type of community in often hostile and political and economic surroundings. Community othermothers’ actions demonstrate a clear rejection of separateness and individual interest as the basis of either community organization or individual self-actualization. (p. 131)

The very notion that desegregation was not for “just their children, but for all children” reflects the status of Mrs. Guzman and Mrs. Mendez as “community othermothers.” Though their children may have benefited from “special” access to the better White schools, it is clear from their actions that other mothers’ children in the community would not. With school authorities unwilling to grant all children the same access to a quality education, these women resisted racial prejudice by (in a sense) brokering their status as mothers.

Black Feminist scholar, Stanlie M. James, identified this kind of strategizing as an essential part of othermothering in communities such as those named in the *Mendez case*. According to James, the role of community othermothers is to protect those in the community from those oppressive elements that could potentially harm its members. James (1993) explained:

Based upon her knowledge and her respected position, a community othermother is also in a position to provide analyses and/or critiques of conditions or situations that may affect the well-being of her community. Whenever necessary, she serves as a catalyst in the development and implementation of strategies designed to remedy these harmful conditions. (p. 48)

In regard to the *Mendez case*, it is evident that mothers like Mrs. Vidaurri, Mrs. Guzman, and Mrs. Mendez clearly understood the districts' intentions. By refusing their offer, these mothers sought to protect their children, other mothers' children, and the entire Mexican American community from the "harmful conditions" of institutionalized racism.

Needless to say, the social, cultural, and ancestral perceptions of these mothers served the *Mendez case* well. Able to draw from their ideals of gender, they renegotiated their status as mothers, but also their status as *comadres*. By acting in defense of their children, these *comadres* were in fact acting in defense of themselves and one another. Thus, efforts to re-inscribe their children's place in society supported the re-inscription of their own status. Ruiz (1998) surmised, "Through mutual assistance and collective action, Mexican women have sought to exercise control over their lives at home, work, and neighborhood" (p. xv). The findings of this study supports this contention.

Pardo's examination of gender in the struggle for environmental justice provided a useful framework from which to consider gender in the struggle for educational justice. Similar to

Pardo's findings, an investigation into the role of women's involvement in *Mendez* revealed gender identity, specifically that of motherhood, to be a key source of agency, and thus imperative to the *Mendez case*, its succession, and its success. In each situation, the women involved "transformed the definition of 'mother' to include a militant political opposition to state-proposed projects they see as adverse to the quality of life in the community" (Pardo, 1990, p.4). But while these women may have shared a common goal and a collective experience as mothers, *comadres*, and women of color, it is important to acknowledge their differences as well and the impact these differences may have had on the *Mendez case*. Helping to inform this analysis of women's participation in the *Mendez case* is an understanding of not only their collective actions, but their individual actions as well.

The following section presents a study of the heterogeneous status of women associated with the desegregation battle and its significance to the *Mendez case*. Although many acted in a coordinated effort, others were left to their own devices. In order to understand what informed the level and type of behavior women of Mexican ancestry may have engaged in, I present a study of these devices and how they may have impacted the *Mendez case*.

Heterogeneity and Women of Mexican Ancestry

By engaging in a study of women's involvement in the *Mendez case*, I looked to identify what informed their actions, what determined their level and type of involvement, and their overall contributions to desegregation efforts. Although many of the women connected to the *Mendez case* shared similar thoughts and feelings about the segregation of Mexican origin children, the research indicates that their level and type of involvement varied greatly. For organizational purposes, the following research is divided into two parts. The first examines diversity among the women involved in the *Mendez case*. The second examines diversity among the teenage girls attending the Mexican schools.

Diversity among Women Involved in the *Mendez Case*

Depending on the social, cultural, economic, and/or familial circumstances of those involved in the desegregation struggle, the data indicates that some were directly involved in the *Mendez case*, while others participated in other ways. Josefina Ramirez, for example, whose children and husband were named as lead plaintiffs, was greatly offended by the segregation of her children into Mexican schools (see Figure 32). But, while she shared the same outrage as other mothers involved in the *Mendez case*, Mrs. Ramirez played what could be construed as a supporting or secondary role in desegregation efforts. According to her children, Mrs. Ramirez's limited participation in the *Mendez case* could be attributed to her traditional role as mother and wife, her limited English speaking skills, and her limited experience with the "outside world." In an interview for this study, her daughter explained, "My father always handled stuff outside the family" (Teresita Ramirez, personal communication, March 24, 2005). Consequentially, Mrs. Ramirez's contribution to the *Mendez case* involved her assuming the bulk of family responsibilities, which in effect allowed her husband to pursue the *Mendez case* more vigorously. Mrs. Ramirez noted, "All he would tell me is, 'You take care of our little chicks; I'll take care of everything else'" (Arellano, 2008).



Figure 32. Josefina Ramirez and her son. 1930c. (Courtesy of Josefina Ramirez and the Ramirez family archives)

Conversely, Mrs. Guzman, whose child and husband were also named as lead plaintiffs, played what could be described as a primary role in desegregation efforts (see Figure 33).

Similar to Mrs. Ramirez, Mrs. Guzman was equally indignant at the thought of her son attending a segregated Mexican school. However, Mrs. Guzman's personal circumstances, her relationship with her husband, and her level of agency positioned her to be at the forefront of the desegregation battle. Her involvement included organizing parents, fundraising, attending district meetings, filing a separate lawsuit, and, eventually, testifying in court. Therefore, while Mrs. Guzman and Mrs. Ramirez shared similar reactions to the segregation of their children, their roles as mothers and wives varied and, as such, so did their participation in the *Mendez case*.



Figure 33. Virginia Guzman and her son. 1937. (Courtesy of Virginia Guzman and the Guzman family archives)

The level and type of involvement expressed by both Mrs. Ramirez and Mrs. Guzman illustrates the range of women's participation in desegregation efforts. While these women may have shared a common experience because of their race and gender, their personal circumstances varied greatly, as did their participation. The diversity they exhibited informs questions regarding the type and level of women's involvement in the *Mendez case*, as well as their diverse status within their respective families and communities. Such findings are important not only to this study, but to research regarding notions of gender within the Chicano/Latino community.

Understanding that the narrow and often oppositional defining of gender within the Mexican culture has long been associated with Mexican passivity (Baca Zinn, 1995; Del Castillo, 1996; Sanchez, 1993), a discussion of its significance to *Mendez* is warranted. Although somewhat dated, Chicano scholar Alfredo Mirande provided an interesting interpretation of this dichotomy.

Mirande (1981) outlined the framing of Mexican men and women as the *hembra* (women) and the *macho* (men). He described the *hembra* as being "weak, docile, and submissive" and the *macho* as being "powerful, assertive and dominant" (p. 116). He further

contended that the rigid defining of Chicano/Mexican males and females has served to perpetuate “myths” about the Mexican people that are then used to “blam[e] the problems and oppression of Chicanos on themselves and their culture rather than on prejudice, discrimination, colonization or the dominant Anglo society” (p. 116). Informed by models of deficit thinking that typically “blame the victims” for their oppressive conditions in which they find themselves, such “myths” are often used to justify social disparities between people of Mexican ancestry and the dominant group (Valencia, 1997). Chicano historian George Sanchez (1993) made a similar argument in his study of Chicanos in historic Los Angeles.

Critical of historians and social scientists who have typically portrayed the Mexican family as “pathological,” Sanchez asserted that scholars “must examine critically assumptions regarding family life in turn-of-the-century Mexico in regions that contributed migrants to the United States” (p. 131). In regard to the genderization of Mexicans and the economic challenges faced by Mexican families in the early part of the 20th century, Sanchez explained how:

Rigid gender roles could hardly be maintained under these circumstances. The Mexican family showed that it was capable of flexibility and adaptability, even under the most distressing circumstances.... Families found themselves caught in a cycle of economic uncertainty, necessitating the flexibility of “traditional” roles and norms for survival. (p. 132)

The diversity exhibited by the families in this study likewise reflects their flexibility and adaptability in adverse times. The women and men involved in the *Mendez case* willingly (or not) partook in a shift in their maternal, paternal, and marital roles, and did so for the sake of their children and/or the *Mendez case*. Felicitas and Gonzalo Mendez, for instance, needed to reconfigure their relationship due to the overwhelming demands of the *Mendez case*. According to Gonzalez (1990), Felicitas assumed the family business so that her husband could pursue the

Mendez case fulltime. As described by Gonzalez, “Gonzalo threw himself so completely into the cause that he left the farm for Felicitas to administer for over one year” (p. 151). Although Mrs. Mendez had always been involved in the family businesses, the fact that she solely administered the farm for a year marked a significant shift in her familial responsibilities and prescribed gender role.

Oddly enough, scholars have often pointed to Mrs. Mendez’s ability to assume the bulk of her husband’s duties on the farm as evidence of women’s involvement in the *Mendez case* (Arriola, 1995; Gonzalez, 1990; Harders & Gomez, 1998). In fact, such statements have tended to be the only mention of women in existing literature. Largely missing from historical accounts is a comprehensive review of the many women involved in the *Mendez case* and their varied contributions. Moreover, the tendency to frame Mrs. Mendez’s actions in relationship to her husband’s accomplishments has the effect of minimizing her involvement and/or casting her in a secondary or supportive role, that is, what Chicana scholar Emma Perez (1999) described as “a backdrop to men’s social and political activities” (p. 7). In her book, *The Decolonial Imaginary: Writing Chicanas Into History*, Perez argued that the traditional telling of history, including *Mendez* and other Chicano historical accounts, have largely been genderized and thus offer at best a distorted recollections of the past. Perez (1999) wrote that “the writings of Chicano history have focused on social change, but the discourse has been shaped so that gender/sex does not have to be part of the paradigm” (p. 11). For Mrs. Mendez and others, the genderization of the *Mendez case* has served to limit our understanding of it. Thus, the surrounding narratives fail to consider the countless women involved in it and the “kinds” of resistance in which they engaged. With the exception of a few recent publications (McCormick & Ayala, 2007; Strum, 2010), little attention has been paid to the fact that, in addition to running the farm, Mrs. Mendez testified in court, participated in meetings with parents, talked with schools officials, helped to organize the

community, and aided in educating her family and friends about their children's rights. Mrs. Mendez's willingness and capacity to step outside her prescribed gender role and take on the role of *la patrona* (the boss) signifies her level of commitment to her children and the *Mendez case*, but also her level of agency as a woman.

Baca Zinn's (1996) study of Latino families further helped to explain the shift in parenting that took place and how gender may have impacted such action. In her book, *Diversity in Families*, Baca Zinn wrote that "Mexican American families exhibited different patterns of marital decision making, including a patriarchal, role-segregated pattern and egalitarian patterns, with many combinations in between" (p. 182). The families examined in this study similarly displayed "different patterns of marital decision making." As previously discussed, Mrs. Guzman and Mrs. Ramirez both contributed to desegregation efforts, but their individual participation was largely based on their unique status in their homes, families, and communities. While they both wanted the best for their children, were equally offended by school segregation, and were angered by the racism they and their families endured, the participation of each woman is reflective of her personal circumstances.

Although Mrs. Guzman's contributions to the *Mendez case* are significant and easily supported by the data, Mrs. Ramirez's contributions are equally significant and should not be minimized. Acting on her family's behalf and within her maternal and marital status, Mrs. Ramirez, along with the many unidentified women involved in the struggle, worked to protect her family from *de jure* segregation and the everyday practices of race discrimination. Although she never testified in court, attended a meeting, or composed a petition, her personal contributions to the *Mendez case* were considerable. In an interview conducted for this study, Mrs. Ramirez shared with me her dismay upon learning that her children would have to attend a separate school for Mexicans after they had moved to El Modena in the 1940s:

Era verdad lo que estaban diciendo. Porque en Whittier no era así. Todos estaban juntos, Mejicanos and Americanos. No había separación.

It wasn't true what they [school officials] were saying. Because in Whittier, it was not like this [segregated]. Everyone was together, Mexicans and Americans. There was no separation.

Statements such as these reflect Mrs. Ramirez's level of consciousness about the racial disparities that existed in the schools her children were expected to attend as well as her need to act against them, in whatever capacity she could. Had Mrs. Ramirez not resumed the role of caretaker in her family, her family's participation in the *Mendez case* might have been compromised and, in turn, her children's education. While her actions may have been less visible than those who appeared in court and were officially documented, Mrs. Ramirez's actions are equally important and contributed greatly to desegregation efforts.

Helping to support this position is Chicana historian Martha Menchaca (1995). In her study of segregation in Santa Paula, California, Menchaca posited that:

Failure to include information about racial minorities results in their depiction as passive community members and not as significant agents of social production and change. This characterization has served to perpetuate the myth that if they are not included within their community's history they must not have merited attention. (p. xiii)

In accordance with Menchaca, Mrs. Ramirez's involvement in the *Mendez case* marks a level of participation different from those traditionally recognized by history (Delgado Bernal, 1997; Espinoza, 2001; Pardo, 1998; Perez, 1999; Ruiz, 1998; Salas, 1990), including Chicano accounts and the *Mendez case*. Because the telling of history has largely been denoted by important dates, heroic deeds, and stories about great leadership that, while important, they serve to minimize, if

not ignore altogether the contributions of women like Mrs. Ramirez to such monumental events. Perez (1999) explained the omission of Chicanas from history as such:

History books become copies of each other, mimicking style, organization, and content. That which is different, fragmented, imagined, non-linear, non-teleological, has no place in the stories we construct about Chicanas. (p. xiv)

Further informing Mrs. Ramirez's "type" of contributions to the *Mendez case* is the work of Delgado Bernal (1998) in her study of Chicana leadership and the East LA Blowouts. As described in the theoretical section of this study, Delgado Bernal offered an alternative approach to how we think about leadership and women's participation in grassroots organizing. By placing women at the center of her analysis, Delgado Bernal called for a shift in how we conceptualize leadership in relationship to Chicana activism. Delgado Bernal (1998) stated, "I propose that a paradigmatic shift in the way we view grassroots leadership not only provides an alternative history to the Blowouts, but it also acknowledges Chicanas as important leaders in past and present grassroots movements" (p. 114).

Outlined in her study (1998) of the 1960s Blowouts are five types of leadership that may serve useful in this study of *Mendez*, namely: networking, organizing, developing consciousness, holding an elected or appointed office, and acting as an official or unofficial spokesperson. Delgado Bernal made it clear in her analysis that these activities are neither fixed, impermeable, nor inclusive, but are intended to offer a framework from which to understand the kind of leadership in which Chicanas sometime engage. The application of Delgado Bernal's model to a study of women's participation in *Mendez* served to differentiate between the kinds of activity employed by women involved. In so doing, I was better able to "explore how women offered leadership and that leadership, while different in form and substance from traditional interpretations, was indeed meaningful and essential" (1998, p. 114).

Easily detected in the actions of women involved in the *Mendez case* and events leading up to it are the types of leadership outlined by Delgado Bernal. As indicated in the data, numerous women lent their leadership to the *Mendez case*, women like Manuela Ochoa, Jane Sianez, Felicitas Fuentes, Mabel Mendez, Virginia Guzman, Carol Torres, Felicitas Mendez, Isabel Ayala, Soledad Vidaurri, and Rosalia Bermudez (as listed in the court transcripts). Corresponding to Delgado Bernal's leadership model, Mrs. Guzman's actions included developing consciousness, networking, organizing, and acting as a spokesperson, in that she met with attorneys, attended and spoke at school board meetings, organized fundraisers, talked to neighbors and friends, and testified in court. Carol Torres' involvement also met much of the leadership criteria laid out by Delgado Bernal. In response to the subjugated conditions in which she and her classmates found themselves, Miss Torres acted as a spokesperson for her classmates, developed consciousness in regard to her questioning racial identity and Americanization, and organized a meeting with school representatives to voice her and her classmates' complaints, which involved her networking with classmates, school personnel, and parents.

In regard to Mrs. Ramirez, however, as well as Irene Palomino and the many other women whose actions are not "officially" documented, I am left wondering if perhaps a sixth type of leadership exists, one that considers the role of these women as leaders in their families and homes, and how their particular type of leadership might have contributed to the desegregation battle. While I am less familiar with Mrs. Palomino's actions, those of Mrs. Ramirez appear to lend themselves, in one way or another, to the types of leadership outlined by Delgado Bernal. As a leader in her home, Mrs. Ramirez's participation also involved developing consciousness, organizing, networking, and acting as a spokesperson, but only to the extent that it applied to her family and household. For instance, Mrs. Ramirez's particular type of leadership

as the caretaker in the family encompassed her conversing with her husband and children about their education and the schools they attended (developing consciousness and networking), taking charge of the household so that her husband could dedicate more time to the *Mendez case* (organizing), interacting with her family in the caring of one another (networking), and aiding her children in their efforts to resist the type of discrimination they encountered in segregated schools (developing consciousness and organizing). Despite the absence of Mrs. Ramirez's actions from any official records, it is important to note that her intentions and motives were the same as those whose do appear in such records. As a wife, mother, and caretaker of the family, Mrs. Ramirez too acted toward the nullification of *de jure* segregation, the educational betterment of her children, and racial equality. In so doing, it is my contention that Mrs. Ramirez is due her rightful place in history, as are the many women who remain unsung heroes of the *Mendez case*.

An investigation into the level and type of Mexican American women's involvement in *Mendez v. Westminster* reflects a range of contributions and actions. While some have been well-documented and explored, others remain virtually invisible. By engaging in a study of Mexican American women's participation in the *Mendez case*, I was able to determine the many ways in which women contributed to the battle over racial equality. Not limited to a study of the mothers and wives of named plaintiffs, however, a study of students' participation in the *Mendez case* is also warranted, as is an investigation into the many ways in which they contributed to desegregation efforts.

The Participation of Female Students in the *Mendez Case*

In addition to the afore-mentioned women, a number of teenage girls also participated in the battle for racial equality. Similar to the mothers and wives involved in the *Mendez case*, some acted based on gender, that is, within their perceived roles as daughters and sisters, while others

acted on their own accord, that is, as individuals and/or students of the Mexican schools. A review of the individual and collective actions of these young women further signifies the range of female involvement in the *Mendez case*.

As previously noted, Isabel Ayala and Carol Torres each testified in court about their knowledge of and experiences with segregated schooling. Where the two differ, however, is in the type of knowledge and experience they possessed. While Miss Ayala, age 18 and a recent high school graduate at the time of lawsuit, acted on behalf of her parents and siblings, Miss Torres, age 14, acted on behalf of herself and her classmates.⁶⁹

Beginning with Miss Ayala's testimony (see Figure 34), attorneys for the plaintiffs asked her to convey a conversation she had with Mr. Kent (superintendent of the Garden Grove School District) about his refusal to admit her younger sisters to the White school.⁷⁰ When informed by Mr. Kent that "all children of Mexican ancestry have to go over to the Hoover [Mexican] School," Miss Ayala protested. Acting in the best interest of her siblings, and on her parents' behalf, Miss Ayala questioned the superintendent about the school's segregation practices. In response, Mr. Kent referenced what he presumed was the children's limited English skills: "Well, in the first place," he argued, "they don't speak very good English. They don't speak English, and we want them over there to teach them English." (p. 642). Perplexed by his response, in that her siblings did in fact speak English, Miss Ayala replied "...but my little sisters speak English. They speak very good English, all the time." Although she was unable to convince the superintendent to change his decision and grant her sisters admission to the White school, she nevertheless questioned his authority and expressed her objection. In a 2005

⁶⁹ For the purposes of this research paper, the students' maiden names were used in reference to the *Mendez case*. At times, however, I used both their maiden and married names to reference them in a more contemporary contents.

⁷⁰ It should be noted that Miss Ayala, as the oldest sibling, was asked by her parents to enroll her sisters in the "White" school because of her knowledge of English and experience with the White community.

interview, Miss Ayala explained, “He got a little rattled. I think he got mad because I was questioning him” (see Figure 34 and 35). Still bewildered by it all, Mrs. Ayala reasoned:

We were so close [to the White school] and I couldn’t understand why we were gonna have to walk all the way over to Seventeenth when we had a school right there... [so] I asked him and he says, ‘Well, because all the Mexican children go there and it will be easier for you. It’ll be easier for your sisters.’ (Isabel Ayala Ruiz, personal communication, July 21, 2005)



Figure 34. Isabel Ayala. 1937. (Courtesy of Isabel Ayala-Ruiz)



Figure 35. Isabel Ayala-Ruiz with her sister Coral (Ayala) Oviedo. Symposium on the *Mendez case*, University of California, Los Angeles, May 21, 2004.⁷¹ (From the personal collection of Nadine Bermudez)⁷²

Recollecting her conversation with the superintendent, she once again exclaimed, “But my sisters spoke English!” Like many in this study, Miss Ayala’s dismay regarding the segregation of her family is still apparent after all these years. Upon reflection, she recalled Mr. Kent’s final words: “I remember him saying, ‘I’m sorry, but we can’t accept them. You’re just going to have to make other arrangements’.... I remember he just got up and walked away.” The sentiment expressed by Miss Ayala is echoed in the actions of others involved in the struggle.

In an interview for this study, Carol Torres conveyed similar feelings about her experiences with segregated schooling. As a sixth grade student at the time of the trial, Miss Torres’ testimony offered an interesting perspective of school segregation and female resistance. While attending a school in the El Modena School District, Miss Torres and her classmates met

⁷¹ In the spring of 2004, I had the distinct pleasure of co-organizing a symposium on the *Mendez case* with Dr. Carlos Haro, former Assistant Director of the Chicano Studies Research Center, University of California Los Angeles. The symposium was sponsored by the Chicano Studies Research Center.

⁷² This picture was taken upon viewing a play about the *Mendez case* in which Isabel and Coral Anaya participated. The play was written and directed by Erika Bennett, and was performed by students from the University of California, Los Angeles at a symposium honoring the *Mendez Case* in 2004 (see references for more details).

with school personnel to discuss the purpose of Mexican schools and their rights as Americans.

As expressed by Miss Torres in court:

We wanted to know why we were separated, the American people, the American children and the Mexican children. We were all American citizens, and we didn't see why they had us separated.

Like many involved in the desegregation struggle, these young people were also influenced by the sociopolitical effects of the war. But, unlike most of their parents, they had grown up in the US and thus viewed it as home. Strum (2010) explained:

Born and raised in the United States, and becoming adults in the late 1930s and early 1940s, they [Mexican American students] had gone to American public schools, learned American values, and watched the struggles of Mexicans and Mexican-Americans in the field of labor. They were ready to assert their rights as Americans. (p. 28)

Of particular interest in Miss Torres' testimony and her efforts to understand her segregation and that of her friends was the proximity of the Mexican and White schools. As depicted in Figure 36, the two schools were separated by a mere baseball diamond.

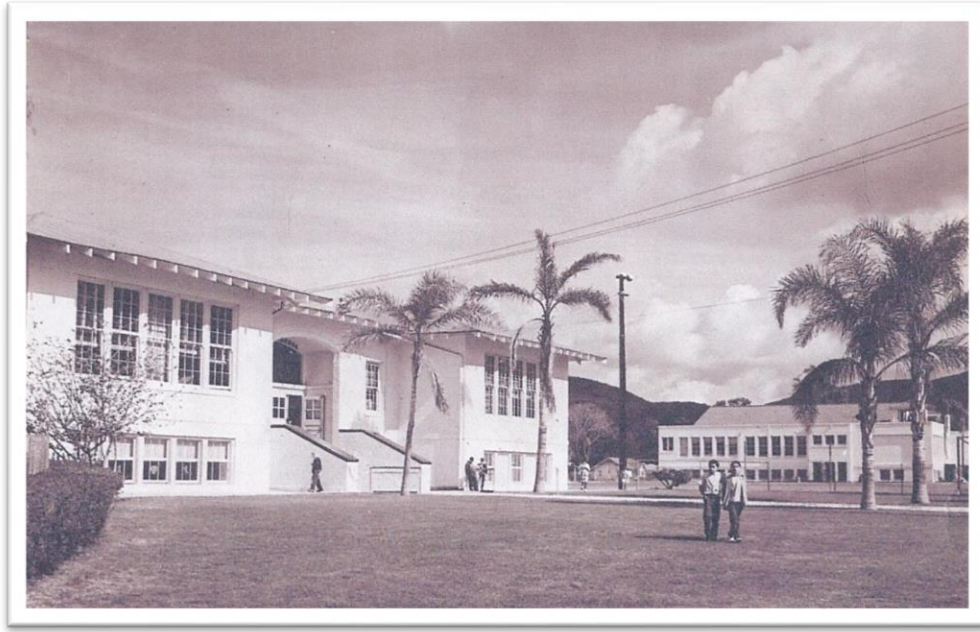


Figure 36. El Modena Schools: Fremont School (Left) and Franklin School (Right), El Modena School District, El Modena, California, 1940s. (Courtesy of Teresa Ramirez and the Ramirez Family Archives)

In her testimony, Miss Torres attested to the lack of “association” Mexicans and Americans had “with one another,” the school’s efforts to minimize “their social contact” (as described by attorneys for the plaintiffs), and the manner in which the two groups were placed on staggered schedules (i.e., separate start, recess, lunch, and dismissal times). Menchaca (1995) asserted that “one of the main reasons [that] school segregation was institutionalized was to ensure that racial minority groups would not come into contact with Anglo Americans” (p. 59). This appears to be the point in El Modena. Successful in its intent, the two groups had very limited contact with one another. When asked to express her feelings about the separation of Whites and Mexicans, particularly since they shared the same school grounds, Miss Torres replied:

We told him we didn’t like that, because pupils of Mexican descent went over to the Roosevelt [White] School [and they] considered themselves superior to us, and sometimes they wouldn’t even talk to us because they were attending the Roosevelt School.

Because of her status as a Mexican student at a Mexican school, Miss Torres' testimony offers a different take on school segregation than those of her parents or school officials. As an "insider" (of sorts), Miss Torres was in a position to best assess the implications of race-based policies. The very thought of her not "liking" segregation because students at "the Roosevelt School considered themselves superior to us" points to the underlining premise informing the schools' segregation policy: notions of White superiority. As supported by Bell (2004) in his study of the *Brown case*, "The purpose of these policies was not simply to exclude or segregate but to subordinate those who, based on their color ... were presumed to be inferior to White" (p. 12). Miss Torres' assessment of segregated schools speaks directly to notions of White supremacy and its effects on Mexican students. Regardless of her young age, Miss Torres' testimony struck at the core of racial identity and the glaring contradiction between democracy and *de jure* segregation.

The feelings expressed by Miss Torres were similarly expressed by Catalina (Ramirez) Vasquez⁷³ in a series of interviews conducted for this study (Figure 37). Although Miss Vasquez never testified in court, her participation in this study offers a unique take on the type of racial discrimination she and her classmates endured as well as their particular form of resistance.

⁷³ In order to avoid confusion with Josefina Ramirez (one of the lead families named in the lawsuit), Catalina (Ramirez) Vasquez's married name will be used in this dissertation. This is the name she provided during the interviews and the name she approved for this research project prior to her passing in 2011.



Figure 37. Catalina (Ramirez) Vasquez, Westminster, California, 1942. (left), 2005 (right). (Left photo courtesy of Catalina Vasquez. Right photo from the personal collection of Nadine Bermudez)

By all accounts, Miss Vasquez was a leader at the Hoover “Mexican school” and in the Westminster community (she also contributed greatly to this study). As an upper grade student at the time of the trial, Miss Vasquez recalled her relief at not having to attend a “mixed” school. “I really didn’t want to go. I just didn’t. . . . I think it was in part because of the way they behaved, you know, with us.” When asked to elaborate on “the way they behaved,” Miss Vasquez articulated a number of incidences of mistreatment and abuse. In one interview, she recalled how Mexican students were often “herded like cattle” to the White school for district events:

Whenever we walked into the auditorium, all the [White] kids got together, turned this way [she turns her back to face what would be the entrance of the auditorium], and they’d go like this [she plugs her nose to indicate a foul odor] . . . and here we were walking in, and everybody’s like that. (Catalina Vasquez, personal communication, May 5, 2004)

Recollecting her actions, she laughed:

But they would pay later ’cause we would wait for them on the Boulevard. I would say, “We don’t go home for lunch today. We go down to the Boulevard and do our thing.” So, they’d walk to the hamburger stand over on the Boulevard, and we’d be waiting.



Figure 38. Mrs. Stacy's 7th and 8th Grade Class, Hoover (Mexican) School, Westminster, California, 1944. Catalina (Ramirez) Vasquez (bottom row, first from the right) (Courtesy of Catalina Vasquez)

In directing her friends to “do their thing” (see Figure 38), Miss Vasquez illustrated the manner in which she felt compelled to respond, and that which motivated her and her classmates to act. Different from Carol Torres or Isabel Ayala, who challenged district officials about the schools’ segregation policies, Catalina Vasquez challenged head on the direct implications of such policies. Insulted by the White students’ conduct (in that they plugged their noses), Miss Vasquez and her friends responded in a way that they best deemed fit. Although the behavior exhibited by both the White and Mexican children could be contributed to their young age or naivety, it nonetheless speaks to the racial tension created by the district’s separatist policies and the affect it had on students on both sides of the segregation debate.

This premise is further supported in a follow-up interview with Miss Vasquez in which she recalled “how the female upper grade teacher” at the school would often hit the young girls.

She noted:

She’d pull our dress up and make sure all the class was there and spank you on the bottom ... or else with a ruler on our knuckles.... I remember her as being a good one for hitting everybody on the knuckles for any little thing.... She was famous for that.

In comparison, she explained how “the upper grade male teacher” would “hit some of the boys” with what she described as “2 by 4 with holes in it,” noting that she “was the only girl there that he ever hit.” When asked why, Miss Vasquez explained, “I did a fire alarm thing.” Outraged by the severe punishment she endured, Miss Vasquez recalled “yanking the telephone off the wall.”

While some might argue that the “yanking” of a phone may not be the most constructive response from a student being reprimanded, it nevertheless constitutes a response. Miss Vasquez’s reaction to the humiliation and corporal punishment she and other Mexican students endured in the Mexican schools warrants a discussion of Resistance Theory (as outlined in the Theories Chapter) and the kinds of behavior in which students in similar conditions sometimes engage.

Solorzano and Delgado Bernal’s (2001) study of transformative resistance and the educational experiences of Chicana and Chicano students provides a useful framework from which to determine the behavior of students surrounding the *Mendez case*. As described in the Chapter Four (The Theoretical Framework) of this study, resistance theories in education “draw upon an understanding of the complexities of culture to explain the relationship between schools and the dominant culture” (p. 5). Different from theories that tend to limit the role of human agency in their conceptualization of oppression, theories of resistance assert that “individuals are

not simply acted upon by structures,” but rather they “negotiate and struggle with structures and create meanings of their own from these interactions” (p. 5). To better understand how Chicana and Chicano students responded to the oppressive conditions in the schools they largely attended, Solórzano and Delgado Bernal outlined four distinctive types of behavior: (a) reactionary behavior, (b) self-defeating resistance, (c) conformist resistance, and (d) transformational resistance. A review of these behavior types may help to inform the behavior of Mexican students who attended segregated schools in the 1940s.

Beginning with reactionary behavior, Solorzano and Delgado Bernal posited that students who react to domination by “acting out,” behaving poorly, or challenging authority are not truly engaged in resistance behavior. Void of a critical understanding of the oppressive conditions that exist, such behavior fails to be motivated by social justice and, as such, fails to be transformative in its approach. The second type of resistance behavior outlined by Solorzano and Delgado Bernal is self-defeating resistance, which is considered to be a more traditional form of resistance. Students who engage in self-defeating behavior in schools “may have some critique of their oppressive social conditions, but are not motivated by an interest in social justice” (p. 7). As such, it also fails to be transformative in its approach. The third type of resistance behavior Solorzano and Delgado Bernal posited is conformist behavior. Students engaged in this form of behavior may be motivated by a need for social justice, yet they “hold no critique of the systems of oppression” (p. 7). Solorzano and Delgado Bernal contended that such behavior lends itself to the liberal model of education and thus tends to “blame the victim” for the oppressive conditions in which students often find themselves. The last type of resistance behavior put forth by the authors is transformational resistance. Students who engage in this form of behavior exhibit “both a critique of oppression and a desire for social justice” (p. 7). Because students engaged in this kind of behavior possess a higher level of consciousness and a better understanding of the

oppressive conditions impeding their education, they are more likely to be motivated by social justice. Solorzano and Delgado Bernal asserted that such behavior is indeed transformative and as such “offers the greatest possibility for social change” (p. 7).

In regard to the *Mendez case* and the actions of students involved in this study, the behavior they exhibited seemed to run the gamut. In Miss Ayala’s case, her situation proved a bit different in that she acted on behalf of her parents.⁷⁴ As a recent graduate of the Mexican schools, however, Miss Ayala (at age 18) was able to draw from her personal experiences and offer the courts an interesting perspective of school segregation. As previously described, Miss Ayala’s response to the superintendent’s refusal to admit her brother and sisters to the Lincoln “White” School could be construed as transformative, in that she challenged the superintendent and his authority. In all likelihood, however, Miss Ayala’s actions fall under the rubric of conformist. Understanding that her request was denied based on the assumption that her siblings spoke limited English, Miss Ayala felt compelled to respond in a manner that asserted their English fluency. In so doing, Miss Ayala reasoned that her siblings met the language criteria set forth by the district and thus should be admitted to the segregated White school.⁷⁵ Thus, her intent was to get her siblings into the White school, knowing they would receive a better education.

In relationship to the motives informing Miss Torres’ actions, the battle over segregated schooling was indeed a battle over racial equality. Based on Miss Torres’ sworn testimony and confirmed in an interview for this study, I would argue that Miss Torres’ behavior truly meets

⁷⁴ Miss Ayala was chosen to act as the eldest daughter and because of her English fluency.

⁷⁵ It should be noted that Miss Ayala’s attempt to enroll her siblings into the White school is different from those who looked to transfer their children from the “Mexican” to the “White” schools. As indicated by Miss Ayala, her family had just relocated, and the Lincoln “White” School was closest to their home.

the criteria of transformative. As a student of the Mexican school in El Modena, Miss Torres experienced firsthand the everyday practices of racialized schooling and the harmful effects it had on her and her classmates. In her efforts to make sense of the school's segregation practices, Miss Torres arranged meetings with parents and school officials, organized her classmates, and questioned the policies informing separate schools for Mexicans and Whites. To reiterate Miss Torres' testimony in court:

We wanted to know why we were separated, the American people, the American children and the Mexican children. We were all American citizens, and we didn't see why they had us separated.

Evident in Miss Torres' words is a level of consciousness that challenges not only the schools' segregation policies, but notions of race informing such policies. Different from those who sought to access (i.e., transfer to) the better White schools, Miss Torres questioned the very existence of such schools. Motivated by a sense of fairness and equality, Miss Torre's critique of separate schools for Americans, regardless of their ancestry, reflects her understanding of social equality and her desire for social justice, thus meeting the criteria of transformative behavior.

Lastly, I will review Miss Vasquez's behavior, motives, and actions. In regard to the type of behavior Miss Vasquez exhibited, her actions could be construed as reactionary, in that she retaliated with violence (by instructing her friends to "do their thing"), or self-defeating, in that her behavior led to further reproof (yanking the phone off the wall). However, I would contend that, in order to get an accurate read of Miss Vasquez's behavior, as well as those of her classmates (doing their "thing"), such behavior must be considered in the context in which it transpired. As previously noted, Miss Torres and Miss Ayala responded to the segregation of Mexican students in a manner they deemed appropriate given in circumstances in which they found themselves; the same could be said about Miss Vasquez and her friends. In her book, *The*

Color of Privilege: Three Blasphemies on Race and Feminism, Hurtado (1996) argued that, if scholars hope to truly understand the “constraints that many Chicana women have to negotiate,” they must be examined “within what boundaries these variations occur” (p. 48). Hurtado further contended that “to fully understand Chicanas’ resistance, it is necessary to view their strategies within the context of their oppression–resistance under this frame gains its full significance and non-resistance also becomes much more understandable” (p. 48). This holds true for students attending Mexican schools and those involved in the *Mendez case*. Given the severity of Miss Ramirez’s situation, her reaction to the humiliation and physical violence she endured is understandable, if not justified. The stories told by Miss Vasquez and others in similar situations, are important to understanding the types of resistance that students sometimes engaged in and, more particular to this study, that which informed female agency in the *Mendez case*.

Located throughout the testimonies of former students involved in this study are numerous references to the corporal punishment they endured. Oddly enough, the legal documents surrounding the *Mendez case* make no reference to the violence inflicted on Mexican children in Mexican schools. Such a finding supports the methodology utilized in this study, specifically that of counterstory-telling, which provided a space for these former students to share their memories and articulate their thoughts about the harsh realities of *de jure* segregation. Different from their parents, attorneys, school officials, or anyone else related to the *Mendez case*, the students attending these Mexican schools were in a position to offer a perspective of school segregation reserved only for Mexican students.

The sentiment and outrage expressed by these young women illuminates their struggle to understand, navigate, and survive the structures of oppression that rendered them segregated. The agency and resilience they displayed helped to inform the research questions guiding this

study. Important to engaging in a gender analysis of the *Mendez case* is an understanding of not only the commonalities these women and teenage girls may have shared, but their differences as well. In fact, identifying the commonalities and differences between and among research participants proved to be a vital part of the research process. Cognizant of the risk of essentializing their experiences, I purposely utilized research methods (i.e., counterstory-telling, participatory action, and Chicana/o epistemology) that considered both the collective and individual experiences of participants. In order to substantiate my findings, I triangulated the information gathered from the court documents and trial testimonies with a number of personal interviews. I further worked to develop a composite that delineated the memories of these women. Following is a profile of Virginia Guzman. As a survivor of segregated schooling and the mother of William Guzman Jr., a lead plaintiff named in the lawsuit, as well as a participant in this study, Mrs. Guzman's testimony provides a comprehensive view of the experiences and mindset of the women involved in the *Mendez case*.

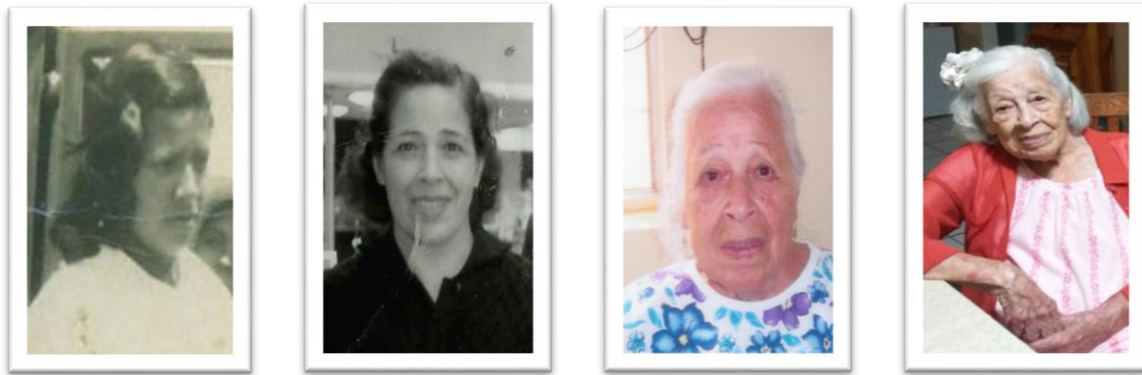
CHAPTER EIGHT

PROFILING WOMEN'S INVOLVEMENT IN THE MENDEZ CASE

The Story of Virginia Guzman

There is an effort to remember that is expressive of the need to create spaces where one is able to redeem and reclaim the past, legacies of pain, suffering, and triumph in ways that transform present day reality.

bell hooks, 1990



1930s

1946

2005

2014

As the wife of William Guzman and the mother of Billy Guzman, both lead plaintiffs named in the lawsuit, Virginia Guzman (see Figures above)⁷⁶ played an important role in her family and in the overall struggle for desegregation. According to court documents and confirmed in a series of interviews with Mrs. Guzman, it was she who first met with school personnel to discuss her son's education and the possibility of transferring him to one of Santa Ana's designated White schools. When her requests were repeatedly denied, Mrs. Guzman, like

⁷⁶ Figures 39, 40, 41, and 42 (in sequence from right to left) profile Virginia Guzman over the course of her life. The black and white photographs were courtesy of the Guzman family. The colored photographs were taken and provided by Nadine Bermudez.

so many, was forced to pursue other means. Together with her husband, William Guzman, Mrs. Guzman organized parents, attended board meetings, circulated petitions, participated in fundraisers, and even hired a private attorney to represent them before the Santa Ana School Board. Met with little avail, Mrs. Guzman took what could be construed as drastic measures. As previously discussed, in opposition to the segregation of her son, Billy, Mrs. Guzman opted to keep him home rather than enrolling him in an all-Mexican school. Mrs. Guzman recalled:

I kept him home. When they didn't want to admit him to that school that was near our house, and they wanted me to send him to Freemont School, which was an all-Mexican school, I said, "No! He's not going! He's not going! I'm gonna keep him home until they open St. Ann's [a local Catholic School]." (Virginia Guzman, personal communication, July 9, 2005)

Mrs. Guzman's comments reflect the strong sentiment held by many Mexican parents at the time. In response to the districts' segregation practices, several families involved the lawsuit (e.g., Fuentes, Marvels, Palominos, and Mendozas) elected to enroll their children in private school or to postpone enrolling them in school altogether, at least until the *Mendez case* was settled or other options were available.

The delaying of their children's education reflects the parents' level of frustration and indignation. For many, including Mrs. Guzman, the mere thought of separate schools for Mexicans was offensive. She wondered: "Did they think they were better than us or what? That was my son. My son! I couldn't send him there [to a segregated Mexican school]!" Thus, rather than subject her son to a discriminatory school system, Mrs. Guzman opted out of the system altogether. Different from the other parents, however, Mrs. Guzman's refusal to enroll her son in a segregated all-Mexican school went beyond parental concern for her son and was rooted in her own educational experiences.

As a child growing up, Mrs. Guzman attended a segregated school herself. In fact, she attended the very same Mexican school her son Billy was directed to attend some 15 years later. Having been born and raised in Santa Ana, Mrs. Guzman lived in the district's Mexican zone and thus attended the Fremont "Mexican school". While attending the Fremont School, Mrs. Guzman personally experienced the transgressions of a racialized school system. Vividly recalling the harsh treatment she and her classmates endured, Mrs. Guzman explained, "Mrs. Gilbert, the principal, she had a special room, a rubber hose and *les pegaba* (she would hit them)... She didn't want us speaking Spanish." She further recalled the inequities she observed as a child in a racially stratified society:

Habia (there was) so much discrimination.... If I would have had a chance ... if I would have gone to Franklin [the White school] or the other schools maybe I would have gotten more. All I needed was a chance! (Virginia Guzman, personal communication, August 15, 2005)

The notion of Mrs. Guzman simply needing a "chance" as a child is one expressed by others involved in the *Mendez case*, including Frank Palomino, a lead plaintiff named in the lawsuit and *copadre* to the Guzmans. Similar to Mrs. Guzman, Mr. Palomino testified in court: "Being in this country, as I am, I want to live, and I want to raise them [his children] as a good American, if they give us a chance" (*Mendez v. Westminster*, 1946). The framing of racial equality as "a chance" speaks to the motives of those involved in desegregation efforts, particularly in regard to Mrs. Guzman.

Although several plaintiffs attended the same schools as their children, including Gonzalo Mendez and Lorenzo Ramirez, they did so at a time prior to the schools' being designated officially segregated (*Mendez v. Westminster*, 1946). Understandably, these parents were outraged by the thought of their children being refused admittance to the same schools they

themselves attended. Unique to Mrs. Guzman, however, was the fact that she attended the very school her son was ordered to attend at a time after it had been legally deemed a “Mexican school” by the Santa Ana School Board. In his study of Santa Ana schools, Stromberg (1970) reported that the district had three Mexican schools in place as early as the 1920s: Logan, Delhi, and Fremont. Twenty years later, at the time of the trial, all three schools were identified as being “100% Mexican” and were actively attended by several of the children named in the lawsuit. Given Mrs. Guzman’s young age,⁷⁷ the fact that her oldest child was barely of school age at the time of the *Mendez case*, and the high percentage of Mexicans residing in Santa Ana at the time, Mrs. Guzman’s and her son’s enrollment at the same mandated “Mexican school” is quite unique. This unique situation is significant in that it contributed greatly to her anti-segregation stance, as well as her strong sense of agency. Having attended a legally segregated school herself, Mrs. Guzman understood well the glaring disparities between White and Mexican schools. She noted simply, “The White schools were better.” She also understood well the prejudicial attitudes commonly held towards Mexicans: “They didn’t care *porque somos Mexicanos* (because we were Mexicans).... The Whites, they didn’t care. They didn’t care at all.”

Afraid for her son’s wellbeing and based on her personal experiences as a former student of a Mexican school, Mrs. Guzman defied authorities and kept her child home. She explained:

That’s why I didn’t want my son to go there [the Fremont (Mexican) school]. I wanted my son to get a better education than what I got there. I knew what was going on, and I knew what I went through, so I said “No!”

⁷⁷ Mrs. Guzman was the youngest of the parents whose children were named as plaintiffs in the *Mendez case*, and at age 98 (2014), she is the only parent of the five key families still living.

Mrs. Guzman's refusal to send her son to school is significant to questions informing women's agency and resistance. When asked to elaborate, Mrs. Guzman stated, "I wanted him to get a good education, *hablando* (speaking) English. *Porque si saben, sí crecen bien y todo está bien* (Because if you know it, you're raised fine and everything's fine)." Remarks like these reflect the general attitudes held by Mexican origin parents at the time regarding the segregation of their children, as well as their understanding of the Americanization process. In hopes of ensuring their children the best education possible and thereby full participation in American society, they wholeheartedly believed in American ideals and eagerly engaged in American customs, including speaking English.

Similar to Mrs. Guzman, those involved in the desegregation struggle were largely fluent in English and made every effort to ensure their children were as well. This situation is evident in a number of interviews conducted for this study. For example, Sylvia Mendez recalled her father making "reading cards" for her as a young girl because, she said, "he wanted me to practice my English." Isabel Ayala had similar memories of her father: "He made us learn how to speak Spanish correctly, and he made us read the newspaper in Spanish, and then translate it.... Then he'd do the same thing in English." Such activities represent the parents' perception of American culture and social mobility, but also their high regard for their children's education. It further informs questions regarding the motives of Mrs. Guzman, and why she and others felt it necessary to pursue legal action. The perception of "everything (as) fine" because her son spoke English says much about the Americanization of Mexican children and the longstanding effects of school segregation. This assertion was supported by Mrs. Guzman's daughter, Beverly Gallegos, in an interview conducted with her and her mother (see Figure 43).



Figure 43. Virginia Guzman and her daughter, Beverly Guzman Gallegos. 2014. (Courtesy of Beverly Guzman Gallegos and the Guzman family archives).

In regard to her own education, Beverly stated, “I always thought they [Whites] were better than me. I just thought I couldn’t fit in” (personal communication, July 9, 2005).

Interestingly enough, Beverly was not yet of school age at the time the *Mendez case* went to trial, but would later attend a predominately Mexican school and then later an integrated junior high school, both located in Santa Ana. “I was in school with Mexicans,” she noted, “and then they put me in a junior high school with all White people. . . . I just didn’t feel like I belonged there.” Beverly’s recollection of her school days was significant to the interview process in that her memories evoked a strong reaction from her mother. Upon hearing her daughter’s comments, Mrs. Guzman profoundly responded, “That’s what it does to you, you know. When you’re in segregated schools, that’s what it does to you.” The sentiment expressed by Mrs. Guzman and her daughter could be described as “segregation stress syndrome.” According to sociologists Ruth Thompson-Miller, Joe R. Feagin and Leslie H. Picca (2015), segregation stress syndrome occurs when an individual or group witness, experience or hear about a racially traumatic event.

In their book (2015), *Jim Crow's Legacy: The Lasting Impact of Segregation*, the authors examined the lived experiences of African American elders who were profoundly impacted by Jim Crow. Their research led them to conclude that there exist a type of syndrome directly associated with racial segregation. As described by the authors, segregation stress syndrome is the “primary trauma that stems from a person directly experiencing the racist actions of whites, individually or collectively, as well as the secondary trauma that comes from seeing or hearing about the racist actions endured by others” (p. 17). The impact of segregation stress syndrome may result in a “loss of trust, discomfort, being fearful and being nervous around whites, the dominant group that caused the racial trauma” (p. 16). Such a description seems fitting to some involved in the *Mendez case* and this study, including Mrs. Guzman. As a one who personally experienced the racist transgressions of a segregated school system, Mrs. Guzman worked vigorously to protect her children from it.

Mrs. Guzman's sentiments as a survivor of institutionalized race discrimination was further substantiated by the courts. In his ruling, Judge McCormick concluded that segregation “foster[s] antagonisms in the children and suggest[s] inferiority among them where none exists” (*Mendez v. Westminster*, 1946). The antagonism felt by both Mrs. Guzman and her daughter was evident in their reaction. Moreover, the suggestion of “inferiority,” as expressed by the Judge, supports theories of cultural deprivation, internalization racism, and the lasting effects of school segregation (Spring, 1997; Valencia, 1997, 2011). Evident in many of the interviews I conducted, as well as in the testimonies of school officials throughout the trial, are the prejudicial attitudes held by Whites towards Mexicans and the pages of unrelenting remarks regarding their “inferior status.” Further supporting this contention was Mrs. Guzman, who said, “Because you're segregated, you feel like you don't want to mix. You feel maybe they don't want nothing to do with [you], because [you're] Mexican.”

Because of her personal experiences with school segregation and her strong objection to it, Mrs. Guzman proved to be a vital participant in the desegregation battle and an important participant in this study. As both a victim of and witness to institutionalized race discrimination, Mrs. Guzman's expertise contributed greatly to questions regarding the effects of segregated schooling and the motives and manner in which she and other women resisted. Able to draw from a multitude of experiences, as a student, mother, wife, plaintiff, and community leader and liaison, Mrs. Guzman stands as "an authority of personal experiences." Her unique experiences as a student and mother positioned her to inform this study about school segregation and the *Mendez case*, but also about Chicana activism. Mrs. Guzman's involvement in the *Mendez case* exemplifies, in my opinion, one of the highest level of female involvement. Not only did she participate in various stages of the *Mendez case*, but she was also a survivor of legally sanctioned racism. The knowledge and wisdom she possesses is significant to the research informing this study of *Mendez* and my efforts to determine the role of women in it. Indeed, Mrs. Guzman, like many other Mexican and Mexican American women, mothers, and daughters, and students, remains the unsung hero of the *Mendez case* and the continued pursuit for gender and race equality.

In addition to Mrs. Guzman and the other women involved in the *Mendez case*, countless others aided in the Mexican community's efforts to desegregate the schools. Although these women never testified in court and were never named as plaintiffs, they were equally committed to the desegregation struggle and the pursuit of educational equality. A case study of Mrs. Guzman is intended to portray the experiences of these women and honor their contributions to the case, *Mendez et al. v. Westminster School District et al.*, 1946.

CONCLUSION

Mendez et al. v. Westminster School District et al. (1946, 1947) ended *de jure* segregation in California, and *Brown et al. v. Board of Education of Topeka et al.* (1954) ended *de jure* segregation in the United States. Despite these two landmark cases, students of color remain largely segregated (Arriola, 1995; Bell, 2004; Orfield & Yun, 1999; Valencia, Menchaca, & Donato, 2002). It is my hope that this study of the *Mendez case* will help to impact scholarship in several ways. First, by strategically placing issues of race and racism at the center of discourse, it may help to bring attention to racial inequality in our nation's school systems. Second, by examining theories of deficit thinking, it may help to dispel notions of cultural deprivation that allege the inferiority of people of Mexican ancestry, while supporting those of Anglo superiority. Third, this study embodies ethos common to the field of Chicana/o and Ethnic Studies with the hope of educating young people about the histories of people of color in general, and women of Mexican origin in particular. Lastly, it is my hope that this study of the *Mendez case* will impact scholarship that values the experiential knowledge of those on the margins, that recognizes the individual and collective experiences of those long omitted from historical accounts, and that identifies the important contributions that people of color have made to the democratic formation of this nation. Largely overlooked, if not erased by conventional scholarship, are the stories and memories of people of color, as told and remembered by the individuals themselves. This study of the *Mendez case* is intended to honor this memory, to tell their stories, and to reclaim a history largely forgotten.

Oddly enough, as I sit here writing these words, pondering the completion of this project, I am left to wonder: have I achieved my goal? Have I indeed honored the memories of participants involved in the *Mendez case*? Have I told their stories as they wished to tell them? And, have I in fact "reclaimed" a history largely forgotten? My answer to these questions is: I

hope so. But, truthfully, I do not know. Wisdom tells us that “history belongs to the victors,” but my journey through *Mendez* leads me to think otherwise. Though the plaintiffs were victorious in their defeat of legal segregation, their victory remains a triumph known to few. How am I to make sense of this? Reason dictates that, as the victors in this story, the Mexican American community helped to advance a nation, right a wrong, and as such have earned their rightful place in history. Yet, I find myself wondering, why does the *Mendez case* remain relatively unknown, and did I accomplish what I sent out to do? As a scholar, educator, Chicana, and a concerned citizen, the truth of the matter is I simply do not know. However, as a scholar and such, I feel I am obligated to find out. I have an obligation to pursue scholarship, earn my paycheck, exercise my rights, and yell “Victory!” from the highest of plains.

The case of *Mendez v. Westminster* was no doubt a victory. In every sense of the word, the 5,000 plaintiffs were victorious. So, why, after all these years, are students of color still segregated, and why does the *Mendez case* remain largely obscure? Perhaps where the *Mendez case* “failed,” where it may have fallen short, is not with those who challenged racial segregation almost 70 years ago, but with those of us entrusted to follow suit—the educators, storytellers, policymakers, and concerned citizens who, by virtue of our status, have an obligation to continue the efforts of those decades passed. There is no refuting that *Mendez* marked an important era in history—the end of legal segregation. But, it inadvertently marked the beginning of another—the era of *de facto* segregation. How are we as a nation to reckon with this?

The story of *Mendez* is more than a history lesson or a “feel good” story; it is a lesson in democracy, one that warrants teaching and learning. So, until it finds its way into classrooms, textbooks, curricula, credential programs, history books, library shelves, and the like, the case of *Mendez v. Westminster* will remain an unfinished story. What I am speaking to here is epistemology. I always ask my students: how do you know what you know? How do you make

sense of the world? And, how is the world making sense of you (and your “kind”)? In short, what I am asking them is: how do you do theory? Freire tells us that, in order for a people to be free, we must learn to read the world.

Clearly, *Mendez et al.* read their world. In 1940s war-torn America, those involved read the world and came to the conclusion that, in many ways, it was unjust. It was unjust that Jews were subject to genocide, it was unjust that Japanese were placed in internment camps, it was unjust that democracy was under attack, and it was unjust that their children were racially targeted. Thus, *Mendez et al.* read their world and, in doing so, found their agency and the need to act. They enlisted in the service, pledged their allegiance to this country, and organized against institutionalized racism. In sum, they resisted. It is in this resistance where knowledge resides. It is where the lessons of *Mendez* are to be found, and where we—the descendants of desegregated schooling—have an obligation to finish their story. *Mendez* is more than the sum of its parts; it is an obligation—not to those who lived it, or even those who survived it, but to those of us who succeed it. It is this sense of obligation that continues to haunt me. The uncertainty I feel is not for me, or my research participants, or even the 5,000 people who filed suit long ago, but for my students, our youth, and future generations. As I sit here and ponder my completion of this project, I am left to wonder if these feelings of uncertainty were shared by those who resisted *de jure* segregation in the past, and what they might feel about segregation in its present. If they read the world today, what might they think and how might they resist?

Ours is a heavy burden, but no heavier than that of those who came before us. Though the legal act of segregating exist no more, ours remains a nation divided by race. For those of us devoting our lives to such matters, we are obliged to find out why. What kind of reasoning has rendered this true, and what kind of taken-for-granted knowledge allows it to persist? Until we answer these questions, push paradigms, and challenge such “truths,” we are left with the current

arrangement of *de facto* segregation. Though I have attempted to address such matters, much remained beyond the scope of this study, and thus demands further inquiry. For instance, studies dedicated to an analysis of class and labor in relation to the *Mendez case* are necessary. Many of the participants involved in desegregation efforts were union members (i.e., Isabel Ayala, William Guzman, and Frank Palomino) and seemingly utilized their union membership as a form of social networking. An investigation into this aspect of the *Mendez case* may inform questions regarding grassroots organizing and the economic factors informing segregation. This is particularly significant considering the contention surrounding organized labor at the time. Additionally, a study of the visual aspects of the *Mendez case* is also warranted. Although numerous photographs are integrated throughout this text, a more thorough analysis of their worth is required, particularly in regard to counterstory-telling. Lastly, questions regarding the role of the Catholic Church, as a fixture in the Mexican American community, and various civil rights organizations, most notably the League of United Latin American Citizens (LULAC), remain unanswered.⁷⁸ An investigation into these matters and others may help to move discourse along, inform social science research, and advance scholarship relevant to a study of the *Mendez case*. They may further contribute to the educational betterment of students of color. In retrospect, it was a desire to do just this that drove this study and guided me in my journey through the *Mendez case*.

Mendez et al. v. Westminster School District et al. is a part of me. It is in my blood, spirit, gender, race, and profession, and it will always remain in my consciousness. As a woman, a Chicana, an educator, and a Bermudez, it is how I “read the world.” I am very grateful to have been invited on this journey, one that began long before I was ever born. The people I have met

⁷⁸ Several participants involved in this study raised questions regarding the level, type, and/or timing of LULAC’s involvement in the *Mendez case*.

along the way will forever remain with me. Those most enduring have been the remarkable women who shared their lives with me, whether I had the privilege to meet them or not. They were the participants involved in this study, the scholars who work towards the advancement of research, and the countless women involved in desegregation efforts. Though many are long deceased, their actions will continue to impact me and others for years to come. It is to these women that I dedicate this dissertation.

My efforts to determine the type and level of women's participation in the *Mendez case* reflect in part my efforts to honor the participation of women to this landmark event, and in part my efforts to inform that body of knowledge that gives voice to those who have been silenced by conventional research. Such a telling of the *Mendez case* is in no way intended to minimize the contributions of males to this historical lawsuit, but instead to shine a light on women and the manner and ways in which contributed to it. Although some might argue that the *Mendez case* is finally getting the just attention it is due; particularly because, it was honored as a commemorative stamp by the federal government in 2007 (see Figure 44) and the Medal of Freedom was awarded to Sylvia Mendez in 2010 (see Figure 45). I would contend, however, that the issuing of a stamp and the granting of an award, as prestigious as they might be, cannot delineate the omission of the *Mendez case* from history or those spaces where knowledge is produced and legitimized. Such an assertion is in no way intended to minimize the significance of these grand accomplishments. They are indeed spectacular. Rather, I argue for the inclusion of *Mendez* (and the many stories like it) into classrooms and curricula across the globe. Only in doing so can we hope to empower generations of young people who have been denied the right to know. Indeed, only in rewriting history can we hope to re-inscribe our place in the past, claim our place in the present, and guarantee our place in the future. In my humble opinion, this is the lesson of the *Mendez case* and the legacy of it that will endure.



Figure 44. Virginia Guzman and Josefina Ramirez. The unveiling of the commemorative stamp honoring Mendez v. Westminster, Chapman College, April 16, 2007. (From the personal collection of Nadine Bermudez)



Figure 45. Sylvia Mendez receiving the Medal of Freedom Award from President Obama, Washington, D.C., February 16, 2010.⁷⁹

⁷⁹source: [www.http://www.bing.com/images/search/sylviamendez](http://www.bing.com/images/search/sylviamendez)

APPENDIX A
Transcribed Copy of the Original Petition Written to the
Westminster School District by the Mexican American Community
Requesting an Investigation into the Matter of School Segregation
September 8, 1944

Dear Sir,

We the undersigned parents of whom about one-half are American born, respectfully call to your attention to the fact of the segregation of American children of Mexican descent is being made at Westminster in that the American children of non-Mexican descent are made to attend Westminster Grammar School on W. 17th Street at Westminster and the American children of Mexican extraction are made to attend Hoover School on Olive Street and Maple Street. Children from one district are made to attend the school in the other district and we believe that this situation is not conducive to the best interests of the children nor friendliness either among the children or their parents involved nor the eventual thorough Americanization of our children. It would appear that there is racial discrimination and we do not believe that there is any necessity for it and would respectfully request that you make an investigation of this matter and bring about an adjustment, doing away with the segregation above referred to. Some of our children are soldiers in the war, all are American born and it does not appear fair nor just that our children should be segregated as a class.

APPENDIX B
Amici Curiae Brief, 1948
Presented by the National Association for the Advancement of Colored People

3

No. 11,310

UNITED STATES
United States Circuit Court of Appeals
For the Ninth Circuit

WESTMINSTER SCHOOL DISTRICT OF
ORANGE COUNTY, et al.,
Appellants,

vs.

GONZALO MORALES, et al.,
Appellees.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

**MOTION AND BRIEF FOR THE NATIONAL
ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE AS AMICUS CURIAE**

THEODORE MARSHALL,
ROBERT L. CARTER,
20 West 40th Street, New York, N. Y.,
LOREN MILLER,
1106 East Vernon Avenue,
Los Angeles, California,
*Counsel for the National Association
for the Advancement of
Colored People.*

FILED

OCT 2 - 1948

Copies of this and all of the "Friend of the Court" briefs are available at the National Archives of San Francisco

APPENDIX C

List of reasons why Mexican children were segregated according to school and district officials as cited in *Mendez v. Westminster*, 64 F. Supp.544. S. D. Cal. 1946

1. language “handicap”
2. lack of English
3. inability to ‘speak American”
4. low IQ
5. inferior mental ability
6. low morals
7. district policy
8. district zoning
9. school bonds
10. unqualified teachers
11. overcrowded schools
12. lack of transportation
13. lack of space
14. lack of desk
15. lack of books
16. poor motivation
17. poor attitude
18. poor work habits
19. poor hygiene
20. poor clothing
21. poor sanitation
22. poor health
23. poor manners
24. poor parenting
25. the failure of Mexican parents to
26. inability to academically compete
27. failure of Mexican parents to complain school authorities
28. failure of Mexican parents to follow district policies
29. inferior culture
30. unfamiliarity with American culture
31. unfamiliarity with the democratic process
32. unfamiliarity with the school system
33. district funding
34. a practice preferred by many Mexicans
35. as being “out of the hands” of school officials
36. Mexican children’s minority status
37. Mexican children’s low class status
38. to save Mexican children from embarrassment
39. to protect Mexican children from “feelings of inferiority”
40. as being for “the good of the children”
41. as being in “the children’s best interest”
42. WWII

APPENDIX D
Participant Research
Pilot Study Consent Form

Dissertation Title:

Mendez et al. v. Westminster School District et al.:
The Story of a Mexican American Community's Struggle to End
Race Discrimination in Their Neighborhood Schools

Primary Investigator

Nadine Bermudez
Ph.D. Candidate,
University of California, Los Angeles
Graduate School of Education and Information Studies

I, the undersigned, hereby authorize Nadine Bermudez, a graduate student in the Graduate School of Education and Informational Studies at the University of California, Los Angeles, to use my testimony and/or any information gathered in either a personal interview and/or a focus group for pilot studies of the historic desegregation case, Mendez v. Westminster. Such information may include but is not limited to audio recordings, photographs and videotapes which have been used with my permission. I understand that any and/or all information gathered may be used for educational purposes and future publications. My participation in her research of the Mendez case is strictly voluntary and thus I willingly offer my consent.

Name of Participant (Please print)

Signature of Participant

Date

APPENDIX E

Sample of the letter written to potential participants in this study. Letter describes my interest in conducting the study.

September 20, 2003

Nadine Bermudez
2960 Champion Way #609
Tustin, CA 92782

To Participants Involved in the *Mendez Case* Study:

This letter is to explain my interest in conducting a study of the California desegregation case, *Mendez v. Westminster School District (1946, 1947)*. This study is intended to examine the educational experiences of those students who attended Hoover Elementary, the Westminster School District's designated "Mexican School" in the 1940s. It is further intended to examine the experiences of the parents, residents and/or community members who organized to challenge school segregation in their neighborhood.

As previously mentioned, I am a doctoral student at the University of California, Los Angeles (UCLA) in the Graduate School of Education & Informational Studies, in the Division of Social Science and Comparative Education, specializing in Race and Ethnic Studies. My research and educational interests focus on the educational experiences of people of Mexican/Latin descent with the hopes of improving the academic status of Mexican Americans and Chicano/a Studies.

As you probably know, students of Mexican/Latin descent have traditionally not fared well in American schools. As such, studies that examine past patterns of educational neglect may help educators and researchers to understand the current educational experiences of Mexican Americans and Latinos/as. Moreover, such a study may help students, educators, researcher and policymakers better understand such issues as school segregation, grassroots organizing, and the Americanization of students of ethnic, racial and cultural "minorities."

The main unit of study in this research project will be the students who attended Westminster's Hoover Elementary in the 1940s. The second unit of study will be the parents, residents and community members who organized to challenge school segregation in their community. I also plan to interview district personnel, a Westminster historian and/or others involved in the *Mendez case* and/or knowledgeable about it. In addition, I plan to review a number of related documents, records and photographs (i.e., court briefs, testimonies, letters, district information, etc.). These items may help me to understand the significance of the *Mendez case* and the educational experiences of Mexican Americans in the era of segregation.

In conducting such research, I hope to provide those involved with the study a space to examine their "lived experiences." That is, a forum to explore their memories, to tell their stories and to voice their opinions about school segregation, their community, their education, and the *Mendez case* in general. Please be advised that participation in this study is completely voluntary, and if desired, your identity shall remain anonymous and/or confidential. Furthermore, I would greatly

appreciate the chance to review any documents, records and/or photographs you may have related to this study.

As participants in the study, you will have the opportunity to contribute to the overall design of the study. Indeed, I welcome your opinions about how research is conducted, the direction it takes and any thoughts you may have pertaining to it. You will further have the opportunity to review the information gathered, the materials collected, your testimony, as well as the final analysis and write up of the study. Such an approach to conducting research is intended to respect the thoughts and opinions of those involved in a study; to ensure that the story gets told “right,” that is, as you experienced and remember it; and to recognize the important contributions that people of color have made to this society. Upon completion of this research project, a copy of the study will be made available to you.

My interests in conducting this study stems from both my personal and professional experiences. As a doctoral student, Chicano/a Studies college instructor and former elementary school teacher, I greatly appreciate the significance of the *Mendez case* and its important contributions to the field of education and Chicano/a Studies. As a Bermudez, it takes on personal meaning because of my family’s direct involvement in it. Hence, my immediate aim in conducting this study is to tell the story of a Mexican American community’s struggle to end school segregation. It is intended to record the experiences of the adults who challenged it and the children who lived it.

I would be happy to meet with you to discuss any questions or concerns you may have. Please feel free to contact me at (714) 573-1227 or email me at bermudez_nadine@rscsd.org if I can be of service. Thank you for your time and consideration. I truly appreciate your interest in participating in this important study of California desegregation case, *Mendez v. Westminster School District (1946, 1947)* and will be in contact with you at a later date.

Respectfully,

Nadine Bermudez
University of California, Los Angeles
Graduate School of Education & Information Studies
Division of Social Science and Comparative Education,
Race and Ethnic Studies Specialization

APPENDIX F

Copy of the consent form signed by participants as approved by the Office for Protection of Research Subjects, University of California, Los Angeles

CONCENT TO PARTICIPATE IN RESEARCH: INDIVIDUAL INTERVIEWS

Dissertation Title:

*Mendez v. The Westminster School District:
The Story of a Mexican American Community's Struggle to End
Race Discrimination in Their Neighborhood Schools*

Primary Investigator:

Nadine Bermudez
Ph. D. Candidate
University of California, Los Angeles
Graduate School of Education and Information Studies

You are invited to participate in a research study conducted by Nadine Bermudez, a graduate student at the Graduate School of Education at the University of California, Los Angeles. You were selected as a participant in this study because you may possess knowledge and/or experiences about the California desegregation case, *Mendez v. Westminster School District*.

Purpose of the Study. This study is designed with several key objectives in mind. First, it is intended to inform students and the public and the *Mendez case*; second, to honor the memory and efforts of the many Mexicans/Chicanas/os involved in the *Mendez* lawsuit and the struggle over desegregation in the mid-1940s; third, to generate dialogue about race discrimination in California public schools; fourth, to educate people about the important contributions that people of Mexican descent have made to education and the quest for educational equality; fifth, to impact ethnic studies and educational scholarship that recognizes the experiential knowledge of people of color. Lastly, this study is intended to inform participants about research regarding past practices of *de jure* segregation with the hopes of informing present day practices of *de facto* segregation.

Procedures Involved in Participating in the Individual Interviews. If you volunteer to participate, I will interview you for about two hours. I will conduct the interview at a place that is convenient for you. Interviews may be taped-recorded or video-recorded to make sure that I remember everything you say. If you want me to turn the tape/video recorder off during our conversation, just let me know. You can also review/edit the tape with me afterwards. A transcribed copy of the interview will be made available to you at your request.

Potential Risks and Discomforts. I foresee no potential risks as a result of participating in this study.

Potential Benefits to Subjects. This research project will provide you with a space to reflect upon your educational experiences, to tell your story and voice your opinion about such things as school segregation, the *Mendez case* and/or the Westminster community. You might enjoy reflection on your life experiences. With the consent of those involved, I will share with you information I gather throughout the various stages of the research process, which may include public copies of documents, records, photographs, etc. You may enjoy viewing and discussing such articles.

Potential Benefits to Society. This study seeks to illustrate to educators, academics, and others the impact of school segregation and to record the historical experiences of Mexican Americans in education. The information gathered in this study is intended to inform research regarding the educational experiences of people of Mexican/Latin descent. It is my hope that such information will help to improve the academic status of Chicanos/as and Latinos/as.

Payment of Participation. You will not be paid for participating in this study. But I will share with you information gathered from other participants with their consent.

Confidentiality. Any information obtained with this study that can be identified with you will remain confidential and will be disclosed only with your written permission as required by law. Confidentiality of responses will be

maintained and only made available to others and/or in documents with your written consent. Information gathered will be kept in my personal files, and only I will have access to it. However, because this is also a historical document, you may want me to use your real name, initials or first name in the documents produced. But if you prefer, I can also provide you with a pseudonym, alias or some other means of keeping your identity private or anonymous.

Photographic and video documentations. With your permission, I would like to photograph or video tape our interviews, interactions and meetings. I will use the photos of you or photos with you in them only with your permission. Please indicate below whether or not I have permission to use such images. You have the option of reviewing them, prior to me using them if you so wish.

Participation and Withdrawal. You can participate in this study if you would like to do so voluntarily. If you volunteer to be in this study, you may withdraw at any time without any consequences. You may refuse to answer any questions you do not want to answer and still remain in the study.

Identification of Investigator. If you have any questions or concerns about the research, please feel free to contact me at the numbers listed below or my advisor/chair Daniel G. Solorzano, Ph. D.:

Principal Investigator
Nadine Bermudez
Graduate Student
UCLA GSEIS
Phone: (714) 573-1226
E-mail: nadineb@ucla.edu

Academic/Research Advisor
Dr. Daniel G. Solorzano
UCLA Department of Education
Moore Hall, Box 951521
Los Angeles, CA 90095-1521
solorzano@gseis.ucla.edu

Rights of Research Subjects. You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in this research study. If you have questions regarding your rights as a researcher subject, contact the Office for Protection of Research Subjects, UCLA, Box 951694, Los Angeles, CA 90095-1694, (310) 825-5344 or 825-7122.

_____ I agree to allow photographs and/or video documentation recorded as part of the research to be used for publication, public display and/or archival records.

_____ I do NOT agree to allow photographs and/or video documentation recorded as part of the research to be used for publication, public display and/or archival records.

SIGNATURE OF RESEARCH SUBJECT. I understand the procedures described above. My questions have been answered to my satisfaction, and I agree to participate in this study. I have been given a copy of this form.

Signature of Participant

Date

Name of Participant (Print)

Mailing address:

APPENDIX G
Interview Protocol
Former Students of Hoover Elementary (Mexican School)

- Where did you reside as a child?
- What are your childhood memories about the neighborhood/community you grow up in?
- What year(s) and/or grades did you attend the Westminster School District?
- What do you remember about your experiences at Hoover Elementary (the Mexican School)?
- In your opinion, what was the relationship between the Westminster School District and the Mexican American community? Between Hoover Elementary and the Mexican Community?
- In your opinion, what were the general attitudes towards students of Mexican descent at the Mexican School by teachers, administrators and school personnel?
- What do you remember about your parents, family and/or community's involvement in the lawsuit, if any?
- What were your educational experiences before and after the lawsuit, that is, before segregation and after desegregation?
- Do you feel that the *Mendez case* has impacted your life? If so, how?
- In general, how have your experiences as a student of Hoover Elementary impacted your life? As a resident of Westminster?
- Do you feel that your school experiences differed from others? Explain.
- What are your general thoughts regarding school segregation?
- What are your thoughts regarding the educational experiences of Mexican Americans and Latinos/as both then and now?
- How do you define yourself in terms of your ethnicity?

APPENDIX H
Interview Protocol
Parents, Residents and/or Community Organizers

- Where did you reside in the 1940s?
- What was your involvement in the Westminster community?
- What are your memories about the neighborhood/community you lived in?
- What was your connection to Hoover Elementary and the Westminster School District?
- In your opinion, what was the relationship between the Westminster School District and the Mexican American community? Between Hoover Elementary and the Mexican Community?
- In your opinion, what were the general attitudes towards students of Mexican descent at the Mexican School by teachers, administrators and school personnel?
- What was your involvement in the *Mendez case*, if any?
- In your opinion, what were the educational experiences of students of Mexican descent before and after the lawsuit, that is, before segregation and after desegregation?
- Do you feel that the *Mendez case* has impacted your life? If so, how?
- Do you feel that the school experiences of the students who attended Hoover Elementary differed from others?
- What are your general thoughts regarding school segregation?
- In general, how have your experiences in the Westminster School District and community impacted your life?
- What are your thoughts regarding the educational experiences of Mexican Americans and Latinos/as both then and now?
- How do you define yourself in terms of your ethnicity?

APPENDIX I
Interview Protocol
District Personnel, Historian and Others Involved and/or
Knowledgeable About the *Mendez Case*

- Explain your relationship to the Westminster community, district and/or the *Mendez case*?
- What are your memories about the Westminster School District and/or community?
- In your opinion, what was the relationship between the Westminster School District and the Mexican community? Between Hoover Elementary and the Mexican Community?
- In your opinion, what were the general attitudes towards students of Mexican descent at the Mexican School by teachers, administrators and school personnel?
- What do you know about the lawsuit that may be helpful to this study?
- In your opinion, what were the educational experiences of the Mexican American students who attended Hoover Elementary both before and after the lawsuit, that is, before segregation and after desegregation?
- Do you feel that the educational experiences of students of Mexican descent differed from other students? Explain.
- Do you feel that the *Mendez case* has impacted your life? If so, how?
- In general, how has your experiences in the Westminster School District and/or community impacted your life?
- What are your general thoughts regarding school segregation?
- What are your thoughts regarding the educational experiences of Mexican Americans and Latinos/as both then and now?
- How do you define yourself in terms of your ethnicity?

APPENDIX J
Participant Summary Form⁸⁰

Participant's name: _____ Status: S P C O⁸¹

Location of interview: _____ date: _____

1. Main issues or themes:

2. Summary of information in response to questions:

<u>Question</u>	<u>Response</u>
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3. Worth noting (interesting, illuminating or important remarks):

4. New target questions (for next interview):

⁸⁰ Adopted from M.B. Miles and A.M. Huuberman, (1994). Qualitative Data Analysis, Thousand Oaks: Sage.

⁸¹ S=Student, P=Parent/Family, C=Community/Organizer, O=Other (including District Personnel and the Historian)

APPENDIX K
Document Summary Form⁸²

Document Title/Name:
published: _____

Date

received: _____

Date

Type of document:

Significance of document:

Brief summary of contents:

Persons related to document (contacts):

Main theme:

⁸² Adopted from, M.B. Miles and A.M. Huberman's Qualitative Data Analysis, Thousand Oaks: Sage Publications, 1994.

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