

Introduction

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guest editors

Seventy years ago, a key case in the battle for equality for Mexican Americans¹ was fought, forging a path for other court cases that challenged the legality of discriminatory practices in our public institutions such as *Hernandez v. Texas* and *Brown v. Board of Education*. In 1947, *Mendez et al v. Westminster School District of Orange County (Mendez)* desegregated California schools and was adjudicated in the federal courts. In the 1954 case, *Hernandez v. Texas*, the Supreme Court—in a unanimous ruling—held that Mexican Americans and all other nationalities in the United States were covered under the 14th Amendment of the Constitution. Followed in 1954 by *Brown v. Board of Education* and in 1956 by *Hernandez et al. v. Driscoll Consolidated Independent School District*, these cases decided the fate of Mexicans and Mexican Americans in the United States along with the fate of people of color from then onward. Given the political climate of our times, these cases become newly relevant.

As contemporary debates over immigration and educational equity proliferate under the Trump administration in Washington, DC, we hearken back to these cases and find surcease and comfort. In the 1940s and 50s the dire state of affairs for Mexican and Mexican American citizens made such legal battles necessary. In the post-WWII United States, it was legal to segregate Mexican American children; it was legal to have Mexican American children repeat first grade three times by sole virtue of having a Spanish surname. The latter was the basis for *Hernandez et al. v. Driscoll Consolidated Independent School District*

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and in 1956, the case ended the discriminatory practices that persisted even after *Brown v. Board of Education*.

In honor of those courageous and fierce souls who fought those battles, we shape this special issue of *American Studies*. On the 70th anniversary of the 1947 ruling in *Mendez et al v. Westminster School District of Orange County*, the case that desegregated California schools, we put out a call for papers and creative work that resonated with the spirit of such a case and of the struggle for social justice. In the 1947 ruling, US District Court Judge Paul J. McCormick stated, “The equal protection of the laws pertaining to the public school system in California is not provided by furnishing in separate schools the same technical facilities, textbooks and courses of instruction to children of Mexican ancestry that are available to the other public school children regardless of their ancestry. A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage.” It is this “paramount requisite . . . social equality” that we wish to highlight and that informs our selections.

We recognize and acknowledge Gonzalo Mendez, William Guzmán, Lorenzo Ramírez, Frank Palomino, and Tomas Estrada along with other parents who sued on behalf of their children challenging the practice of having separate “Mexican schools.” The verdict in favor of the plaintiffs was the first ruling at the federal level against segregation potentially affecting students and schools across the country. Thus, the Court of Appeals for the Ninth Circuit affirmed the district court’s ruling; however, it did so not on equal protection grounds—rather, it held that the segregation was not racially based. But the ground had been tilled and, indeed, the success of *Mendez* led directly to the more famous *Brown v. Board of Education* (1954) court case, as has been noted by various scholars. *Mendez* did not end segregation in schools and in public spaces; yet, it paved the way for future legislation that did. After *Mendez*, California Governor Earl Warren repealed the remaining segregationist provisions in the California statutes. He no doubt thought about *Mendez* and his experience in California when he as Chief Justice of the United States presided over the *Brown v. Board of Education* case.

In this special issues, we the co-editors, Dr. Norma E. Cantú and Dr. Valerie M. Mendoza, explore the legacy of *Mendez* by gathering traditional scholarly essays that examine Latinx social justice issues. We also sought to bring creative work that resonates with the social justice issues exemplified by *Mendez*.

For Mexicans and Mexican Americans, the post-1947 period marks the coming of age of second-generation immigrants whose parents came to the United States fleeing the Mexican Revolution, many of whom served in the military during WWII and nearly all of whom found their “American-ness” questioned. Just like veterans from WWI returned home to establish organizations like the League of United Latin American Citizens (LULAC) and became active in labor organizations to address issues of inequality, these veterans also engaged the issues of their time. They went to college under the GI Bill and entered the

legal and medical professions, often using their positions to champion social justice causes.²

As Juan Gonzalez notes in his book *Harvest of Empire*, the “harvest” that the United States reaps is directly tied to U.S. interventions in the political affairs of other countries in the Americas.³ Each of these 1947 concerns has its modern-day “descendants” as the authors of the essays collected in this Special Issue can attest. We chose Celeste De Luna’s “Breach Birth,” for our front cover because it evokes the controversy of immigration from Mexico, the border, and the Mexican American war. De Luna lives in the Rio Grande Valley of South Texas and is privy to the human rights abuses perpetrated against the undocumented seeking entry to the US, as well as against the US citizens who live in the border area. Norma E. Cantú eloquently treats the subject of immigration and discrimination in her poem “Still.” Brittany Henry thoughtfully provides us with a reading of twentieth and twenty-first century immigration from Mexico through the use of the radio and the voices of the immigrants themselves. Gabriela Cázares brings to the fore issues of gentrification in Latinx neighborhoods in New York city through literature as found in the play *In the Heights* and the novel *Bodega Dreams*. Finally, Grisel Acosta’s poem “Textbook on the Desegregation of an Afro-Latinx” exposes the racism inherent in many Latinx families while keeping with the education and desegregation theme of the *Mendez* case.

In order to highlight the significance of the case, we decided to publish the remainder of the works included in this issue as all four deal with the *Mendez* case specifically. Each sheds new light on issues directly surrounding *Mendez*. Poet John-Michael Rivera uses the trial transcript itself as a means of literally highlighting issues from the case that still resonate today. David-James Gonzales informs us of the ways in which the *Mendez* case was truly a community affair by bringing the *et al.* back in to its telling. Nadine Bermudez reinscribes the importance of women’s contributions to *Mendez* through her insightful analysis and use of oral histories forged by her insider status. Finally, Valerie M. Mendoza brings to the table the *testimonio* of Beverly Guzman Gallegos whose family served as one of the five named plaintiffs. Gallegos’s memories of her family’s involvement further flesh out the multidimensionality of the case. We begin the issue with these pieces.

Notes

1. What the community in the United States whose roots lie elsewhere in the Americas calls itself has long been a point of contention. In the 1940s, it was more than likely just Mexican or Latin American. We use Mexican-American, Chicano/a/x, or Latina/o/x according to the specific situation. Most references to the community prior to the Chicano movement is more than likely Mexican and Mexican American.

2. Dr. Hector Garcia met with about 700 Mexican-American veterans to form the American G.I. Forum on March 26, 1948. The civil-rights organization, established to secure equal rights for Mexican-Americans, battled on many fronts in fulfillment of its mission. They took action against the failure of the Veterans Administration to deliver earned benefits through the G.I. Bill of Rights of 1944. They drew from the veterans’ own concerns, such as hospital care and Mexican-American representation on draft boards to specific violations such as what has become known as the Longoria Affair. In 1949 when a funeral home in Three Rivers, Texas, Garcia and the Corpus Christi forum organized a widespread protest that gained national attention. Eventually, through the interven-

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tion of Lyndon B. Johnson, Longoria was buried in Arlington National Cemetery. The incident in Three Rivers established the forum as an effective civil-rights advocate for Hispanics and expanded the scope and nature of its activities

3. Juan Gonzalez, *Harvest of Empire: A History of Latinos in America* (New York: Penguin Books, 2011).