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## **Judge Paul J. McCormick: The Prelude to Desegregation in the United States**

By Jose Luis Castro Padilla

*Abstract: Born into a Catholic family on April 23, 1879, in New York City, Paul J. McCormick became one of Los Angeles, California's most important federal judges. On March 21, 1946, Judge McCormick's judgment in favor of the Mendez v. Westminster case declared California schools must desegregate. Until that time, school segregation had relied on the 1896 court case, Plessy v. Ferguson, which justified it under racial segregation. McCormick's singular decision marked a watershed in the fight for civil rights in the United States. While Judge McCormick promoted justice, equality, and civil rights, his court decision desegregating schools on behalf of Mexican students would mark the beginning to the end of segregation throughout the United States.*

### **Introduction**

The case of *Mendez et al. v. Westminster School District of Orange County et al.*, 64 F. Supp. 544 (S.D. Cal. 1946) has been slighted by national historians and considered solely a local California historical event. By the late twentieth century, this case was studied by scholars such as Philippa Strum. In 2010, Philippa Strum published the first book on the case: *Mendez V. Westminster: School Desegregation and Mexican American Rights*. In the article "Our Children Are Americans," Philippa Strum noted, "Another possibility is that the orthodox narrative of civil rights in the United States portrayed the African American movement for legal equality as seminal, with other minority groups

supposedly piggybacking on the successes of that movement.”<sup>1</sup> In 2004, Joy C. Shaw concluded in the article, “Foreshadowing Brown v. Board: The 1946 Case of Mendez v. Westminster,” at *The California Supreme Historical Society Journal*, “Unlike *Brown*, the most celebrated court decision of the civil rights movement, *Mendez v. Westminster* faded into obscurity, left out of children’s history books and rarely mentioned by lawyers and judges.”<sup>2</sup> In the mid-twentieth century, civil rights activists focused on the American South and underestimated those Hispanics and other minorities who were also segregated and discriminated against. In the *Brown* proceeding, the case of *Mendez* was not cited, even though Judge Earl Warren read Judge Paul J. McCormick’s decision and mirrored his own decision after the *Mendez* case in the Supreme Court.<sup>3</sup> In 2003, Carlos Moreno noted, “*Mendez v. Westminster*, a decision that determined discrimination based on national origin violated the Equal Protection Clause of the Fourteenth Amendment, is more than just a legal opinion; it presaged the dismantling of de jure segregation in public schools across the country.”<sup>4</sup> In 2003, Sandra Robbie directed and produced *Mendez vs. Westminster: For All the Children/Para Todos los Niños*. The thirty-minute documentary helped show the *Mendez* case’s legacy in United States history. Most articles written about the *Mendez* case focused on the historical and legislative perspectives. This article draws attention to the social and personal perspectives of Judge McCormick, as

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<sup>1</sup> Philippa Strum, “Our Children Are Americans: Mendez V. Westminster and Mexican American Rights,” in *The Pursuit of Racial and Ethnic Equality in American Public Schools*, (Michigan State University Press, 2014), 9.

<sup>2</sup> Joy C. Shaw, “Foreshadowing Brown v. Board: The 1946 Case of Mendez v. Westminster,” in *The California Supreme Historical Society Journal* (2004), accessed December 8, 2022, <https://www.cschs.org/wp-content/uploads/2017/04/2004-Newsletter-Fall-Foreshadowing-Brown.pdf>.

<sup>3</sup> Shaw, “Foreshadowing Brown v. Board,” 1.

<sup>4</sup> Carlos R Moreno, *Unpublished Speeches*. California Legal History, (2019), 94, accessed December 8, 2022, <https://www.cschs.org/wp-content/uploads/2019/11/Legal-Hist-v.-14-Special-Section-Justice-Moreno-Speeches.pdf>.

well as the historical context of southern California, to provide new insights into the history of the Civil Rights Movement.

In Orange County, California, on March 2, 1945, a group of parents led by the Mendez family filed a lawsuit against four school districts within the county. One year later, on March 21, 1946, in the United States District Court for the Southern District of California, Los Angeles, Judge Paul J. McCormick announced his verdict, stating that even if the schools have the same facilities, they are not equal. In other words, “‘separate but equal’ was not equal at all.”<sup>5</sup> Judge McCormick decided in favor of the Mendez family and prohibited school segregation. This conclusion surprised the Orange County Board of Education, which unsuccessfully appealed this decision in the Ninth Circuit of the U.S. Court of Appeals. On April 14, 1947, backed by several groups, including the American Jewish Congress, American Civil Liberties Union (ACLU), National Lawyers Guild, Japanese American Citizens League, and National Association for the Advancement of Colored People (NAACP), the Ninth Circuit of U.S. Court of Appeals upheld the *Mendez* ruling in San Francisco. The seven judges sustained McCormick’s decision and even decided that school officials may be criminally prosecuted for violation of civil rights.<sup>6</sup>

Judge Paul J. McCormick’s opinion in the *Mendez v. Westminster* case stated, “A paramount requisite in the American system of public education is social equality.”<sup>7</sup> This decision was a watershed in the fight for civil rights in the United States that would end the school segregation that was supported by *Plessy v. Ferguson* (1896) which validated racial segregation. Judge McCormick would challenge the racial nativist rhetoric that began

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<sup>5</sup> Strum, “Our Children Are Americans,” 9.

<sup>6</sup> “Case History,” *Mendez et al v. Westminster et al*, accessed February 12, 2023, <https://mendezetalvwestminster.com>.

<sup>7</sup> Paul J. McCormick, *Mendez v. Westminster, Conclusion of the Court*, (United State District Court, Southern District of California, Central Division, February 18, 1946), 11, accessed February 12, 2023, <https://mendezetalvwestminster.com/family-home-pages/>.

in the 1890s in the United States. His background as a Catholic and member of the Knights of Columbus would guide his decision in 1946 as he became one of the most important federal judges in Los Angeles during the first half of the 20th century. At the end of the *Mendez* trial, Mendez's family attorney, David C. Marcus, declared to the Spanish newspaper *La Opinion*, "This has been one of the biggest judicial decisions in favor of democratic practices granted since the emancipation of the slaves."<sup>8</sup>

### ***The Respectable Life of Paul J. McCormick***

Paul J. McCormick's birth in 1879 came at a historically unprecedented time. European economic collapse contrasted with the surge in rapid industrialization occurring in the United States. Employment opportunities increased migration to America, drawing laborers to large cities like New York, America's most prominent immigration gateway. As the post-Civil War period receded, oil, steel, and railway industries marked the Gilded Age with expansion into the West. The United States attracted non-Protestant European immigrants like the Irish Catholics. By 1884, Judge McCormick's—Irish Catholic—family had emigrated to Colorado, where his father, Daniel Joseph McCormick, sought employment in the mines. The McCormicks had taken their place among the multitude of immigrants who envisioned the West as holding the promise of a better life.

The McCormick family were devout Catholics who provided their children with a religious education from an early age. When Paul J. McCormick's family arrived in California, he received a public high school education in San Diego between 1887 to 1890. He then spent one year with the Marist Fathers at Hallows College in Salt Lake City, Utah, and continued his studies at St. Ignatius College in San Francisco. By 1900, he joined the California state bar after working as an assistant librarian at the Los Angeles County Law Library. At that time, McCormick

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<sup>8</sup> "Termina la Segregacion," *La Opinion*, Mar 22, 1947.

worked with his brother, Aloysius, in private practice. By 1905, his public service life began when he was appointed assistant district attorney in Los Angeles. Five years later, in 1910, Paul J. McCormick was appointed to the bench of the superior court by Republican Governor James Gillette (1860-1937).<sup>9</sup>

McCormick's private life reflected a religious devotion and humanity towards the most vulnerable in Los Angeles. In 1902, at the age of 23 years old, McCormick established the first chapter of the Knights of Columbus in Los Angeles. Originally founded by Father Michael J. McGivney (1852-1890) in 1882, the Knights of Columbus promoted social justice and defense of religious freedom in response to the rise of anti-Catholicism. Subsequently, the participation of Catholic laymen increased in this national fraternal organization throughout the United States. Active as a Fourth Degree Knight, McCormick supported the fraternity helping Catholics in the poorest neighborhoods of southern California. The Knights of Columbus fought the Progressive Era nativist and nationalist ideology embedded in the anti-Catholic rhetoric of the early twentieth century during the Progressive Era.<sup>10</sup>

By the 1900s, a Protestant majority replaced the Catholic population that lived in the city before 1848. Although the Our Lady Queen of Angels Church in the plaza was the most representative place of Catholicism and Mexican heritage, the Protestant Anglo immigrants began to arrive in the city with the need to celebrate their church services. By 1850, the Episcopalians were established in Los Angeles, and the first Protestant sermon

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<sup>9</sup> George Cosgrove, *Early California Justice: The History of the U.S. District Court for the Southern District of California* (San Francisco, 1958) 79-80; "Governor Names Two New Judges," *Los Angeles Herald* July 27, 1910; "Judge Paul J. McCormick," *The Tidings*, August 5, 1910, 12; St. Ignatius was a private Jesuit Academy. Today, it is the University of San Francisco.

<sup>10</sup> Peter T. Convy, *Seventy Years of Service, 1902-1972: History of Knights of Columbus in California* (Los Angeles:1972): 232-233. The Fourth Degree is the highest degree of the order. The primary purpose is to encourage active Catholic citizenship and leadership with other members.

ever was preached in the city.<sup>11</sup> The American expansion to the West not only created a racial change in the population of Los Angeles but a religious one as well. Catholic immigrants from Europe reached places like Chicago, New York, and Los Angeles, increasing the population in the United States by as many as twenty-five million between 1865 to 1915.<sup>12</sup> This alarmed Protestants who were looking for any scapegoat to blame Catholics for social or economic problems. By the 1890s, xenophobia, and anti-Catholicism increased due to malicious propaganda and rumors against immigrants, considering them soldiers of the Pope and Rome's emissaries who intended to conquer America and impose their religion. Race was not only an imposed category but also an embraced identity for new immigrants, including Catholics.<sup>13</sup> Historian David R. Roediger notes that "early in the twentieth century, it was by no means clear that those immigrants from southern and eastern Europe would escape the condemnations of white supremacists."<sup>14</sup> Certain Protestants believed the Catholic clergy was to blame for the Irish not adapting to American society and their reluctant hostility to public education. For middle-class Americans, the Irish were inferior because they were poor and rowdy; however, by the end of the 1800s, Irish immigrants were able to assimilate into American society, becoming a powerful political force in the United States.

In the city of Los Angeles, Catholics were a minority, and opening a chapter of the Knights of Columbus united the few

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<sup>11</sup> Boyle Workman, *The City That Grew*. Los Angeles: The Southland Publishing Co., (1936), 53; Michael E. Engh, S.J. *Frontier Faiths: Church, Temple, and Synagogue in Los Angeles, 1846-1888*, (Albuquerque: the University of New Mexico Press, 1992) 32; William D. Estrada, *The Los Angeles Plaza: Sacred and Contested Space*. (Austin, TX: University of Texas Press, 2008), 83.

<sup>12</sup> Jay P. Dolan, *In Search of an American Catholicism: A History of Religion and Culture in Tension*, (Oxford: Oxford University Press, 2003), 90.

<sup>13</sup> David R. Roediger, *Working Toward Whiteness: How America's Immigrants Became White: The Strange Journey from Ellis Island to the Suburbs*, (New York, NY: Basic Books, 2006), 53.

<sup>14</sup> Roediger, *Working Toward Whiteness*, 93.

Catholic men in the town. Paul J. McCormick, with his lifelong friend, attorney Joseph Scott (1867-1958), established Los Angeles Council 621 in order to defend religious freedom and discrimination against Catholics. By 1902, when the young lawyer Paul J. McCormick began his professional career, his social and religious work began within the Catholic fraternity.<sup>15</sup> In 1910, the Catholic magazine, *The Tidings*, highlighted, “There shall be no discrimination in political matters by reason of a man’s religious affiliation.”<sup>16</sup> After an outstanding career in private practice, McCormick was appointed the assistant district attorney for Los Angeles County in 1905. His reputation as a just and upright man gave him fame and prestige within the community and not only within the religious sphere but also the professional sphere. In 1910, at the age of thirty-one, his professional career improved when he was appointed to the Superior Court for Los Angeles County by the Republican governor of California, James Norris Gillett (1860-1937).<sup>17</sup> McCormick stressed how, as an openly religious man, he had obtained a position on the Superior Court. When he was appointed to the Superior Court in Los Angeles, *The Tidings* magazine noted, “We recognize that no man should expect political recognition simply because he is Catholic, but we believe it is equally true that no man should be discriminated against because he is Catholic”<sup>18</sup> Beyond being a member of the Knights of Columbus and devout Catholic, Judge McCormick had earned a reputation as a just and honorable judge.

Throughout his time as a Los Angeles attorney, Paul J. McCormick engaged in social activism with the Knights of Columbus and the Brownson Settlement House. Influenced by the progressive movement and Pope Leon XIII’s encyclical, *Rerum*

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<sup>15</sup> Peter T. Convy, *Seventy Years of Service, 1902-1972: History of Knights of Columbus in California* (Los Angeles:1972):232-233. Attorney Joseph Scott became one of the most important attorneys in California. He became president of the Los Angeles City Board of Education in 1904.

<sup>16</sup> *The Tiding*, August 5, 1910, 11.

<sup>17</sup> “Governor Names Two New Judges”, *Los Angeles Herald*, July 27, 1910, 2.

<sup>18</sup> *The Tiding*, August 5, 1910, 11.



*Novarum*, published in 1891, which aimed to establish societies that reach everyone insofar as it pursues the common good; and where everyone participates and calls parishioners to take a social attitude in the world.

Young Catholics, men, and women heeded the call of the Holy Father to attend to social justice among Catholics and non-Catholics. Society must be united with each other to constitute a nation or a community.<sup>19</sup> At the Brownson Settlement House, the first Catholic settlement house in California, McCormick assisted Mary J. Workman and a group of young Catholic women who provided social work, public health, education, and job training to poor immigrants in Los Angeles. McCormick noted, “I believe two greatest causes of crime are environment and maleducation.”<sup>20</sup>

The Brownson House had an open library with reading groups and activities that encouraged education in English and Spanish. The promotion of education and reading sought to create equality in education from which minorities were segregated. Public schools in Los Angeles separated Mexican students from other students and tried to demonstrate their inferiority by emphasizing manual labor and domestic training for low-paying jobs. Their classrooms were filled with underqualified teachers, and the schools were in poorly equipped, substandard facilities. Indeed, the schools’ physical and intellectual spaces became as segregated as the students. Mexican and Mexican American students could not climb economically in society, building a class of inequality due to reinforced, systematic racism that was found in the classroom. Language, hygiene, and special needs of Mexican students were mentioned as the main reasons for the practice of segregation. Once Mexican schools existed, advocates believed

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<sup>19</sup> Vatican, Pope Leo XIII, *Rerum Novarum: Encyclical Di Leone XIII Sulla Questione Operaia*. Lugano Edizione a cura dell’Organizzazione cristiano-sociale del canton Ticino per la celebrazione del LXX, 1961. accessed, July 2021, [https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf\\_l-xiii\\_enc\\_15051891\\_rerum-novarum.html](https://www.vatican.va/content/leo-xiii/en/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum.html)

<sup>20</sup> Paul J. McCormick, “The Adult Delinquency and the Judiciary System of California.” *The Recorder*, July 22, 1916, 5.

that traditional education was not possible for Mexicans. In their eyes, they lived in an environment of poverty, poor housing and sanitation, health problems, mental defects, and unemployment. Mexicans were educated to serve and work in factories.<sup>21</sup>

By the 1910s, the number of immigrants who reached the doors of Brownson Settlement House increased due to the Mexican Revolution. During the Progressive Era, the anti-immigrant surge increased along with the anti-Catholicism ideology from the nativist and eugenicist promoters. By 1913, Mexicans were blamed for the nation's economic crisis and unemployment in the city of Los Angeles. By 1917, with the First World War and the Russian and Mexican revolutions, the fear of foreigners increased with the spread of Anarchism and Socialism in the United States. Supporters of the Brownson Settlement House believed Mexicans were followers of the anarchist ideology propagated in the city by the *Partido Liberal Mexicano* (PLM) and the *Magonistas*. The U.S. increased the Americanization of immigrant communities. Paul J. McCormick supported the Brownson House by giving his approval to social work and giving conferences to raise funds. He emphasized the Americanization done at the Settlement House, noting, "Brownson House, in my opinion, has done more to make Mexican good citizens than any other agency in our community. Its Americanization work alone should appeal to all patriots."<sup>22</sup> McCormick believed, as Workman stated, "Americanization is a reciprocal process in both gives and takes. It can never be brought about by force, or by spasmodic effort." An example of mutual understanding of culture was published on August 29, 1919, in *The Tidings* newspaper about the indigenous Mexican festival held at Brownson House. The bilingual festivity of both Spanish and English highlighted the Mexican indigenous culture and tradition. Mary J. Workman noted, "Americanization is preeminently dependent upon the exemplification of American ideals by native-

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<sup>21</sup> David Torres-Rouff, "Becoming Mexican: Segregated Schools and Social Scientists in Southern California, 1913–1946." *Southern California Quarterly* 94, no. 1 (2012): 91–127.

<sup>22</sup> *The Tidings*, March 29, 1918.

born Americans, and upon conditions which he creates. After all, it is the native-born citizen who determines conditions of entrance into America, and conditions of life and labor in America.”<sup>23</sup> Judge McCormick witnessed social work taking place at the house, allowed learning from the foreigner, and provided them the education, health, and job training to succeed in the United States. In his endorsement, McCormick remarked, “Every true American will support Brownson House because it makes better Americans.”<sup>24</sup>

Mary J. Workman noticed that the failure to Americanize the parents of immigrant children was caused by the large number of families living in the same household. Their housing conditions reflected the racial inequality due to labor exploitation and lack of opportunities in the city. She wrote that,

The educational work it does consist in the upholding of the best standard of American living and citizenship in the preservation of the best traditions of the immigrant as foundation for the work of Americanization; in friendly interpretation, in encouragement, and where knowledge and skill are lacking and helplessness is manifest, in neighborly assistance toward the acquaint of needed information, skill and experience and in the securing protection against exploitation.<sup>25</sup>

The city began de facto segregation when restitutions in housing developed in the mid-1910s. Housing restrictions defined the social conditions that characterized the Eastside of Los Angeles as

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<sup>23</sup> Brownson House: A Centre of Americanization, *The Tidings*, 48.

<sup>24</sup> *The Tidings*, June 6, 1919.

<sup>25</sup> “Brownson House: a Social Service Center,” *The Tidings*, 1916. During the 1910s, the Flores Magon Brothers and the Mexican Liberal Party (PLM) were spreading anarchist ideology and revolutionary rhetoric within the Mexican community in Los Angeles. They tried to collect volunteers to invade Mexico and raise funds to keep their fight during the Mexican Revolution.

non-white territory<sup>26</sup> Their housing was in deplorable conditions. They lived in extreme poverty with a lack of jobs, health services, and education. Each house contained up to twenty people, and up to seven slept in one bedroom.<sup>27</sup>

In 1917, the new Bishop of Los Angeles, Joseph J. Cantwell (1874-1947), had a warm welcome to the Brownson House, along with progressive Catholics like Mary J. Workman, Paul J. McCormick, and San Francisco Archbishop Edward J. Hannah (1860-1944). Archbishop Edward Hannah's service in California as a mediator with workers and immigrants was much admired during his archbishopric from 1915 to 1935. Bishop Hannah believed that "immigrants would assimilate more rapidly and completely when attention was given to the needs of individuals."<sup>28</sup> At the reception for the new bishop replacing Bishop Hannah, Paul J. McCormick discussed the problem of juvenile delinquency on the streets of Los Angeles. As McCormick defined it, the social environment and the lack of education led young people toward criminality. In the Brownson Settlement House, they understood that the best way to keep young people

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<sup>26</sup> George J. Sanchez, *Boyle Heights: How a Los Angeles Neighborhood Became the Future of American Democracy*. (Berkeley: University of California Press, 2021),10.

<sup>27</sup> Immigrant Education Leaflet 3, Commission of Immigration and Housing of California, Series 2, Box 4, Folder 24, Workman Research Materials, CSLA-35, 232.

<sup>28</sup> Richard, Gribble, CSC, "Social Catholicism Engages the American State", *Journal of Church and State*; Autumn 2000; 42, 4; Academic Research Library pg. 737 Richard Gribble, "Advocate for Immigrants: The Church and State Career of Archbishop Edward J. Hanna." (Southern California Quarterly 83, no. 3, 2001): 295. In 1919, Hannah was chosen as the first chairman of the National Catholic Welfare Council (NCWC) by the United States bishops where he challenged immigration laws reuniting families and helping Catholic priests and religious nuns who sought to escape persecution during the Cristero War in Mexico.

away from crime was through social activities, education, and mutual understanding and respect for the culture of foreigners.<sup>29</sup>

The pinnacle of the Brownson House was in March of 1916 when Mary J. Workman opened the doors to organize the *Liga Mutualista Mexicana* (the Mexican Mutualist League). Fifteen Mexicans (eleven men and four women) approached Mary J. Workman for assistance and cooperation from the Brownson House Association to create a Mexican social association. Inspired by the teaching of the *Rerum Novarum* encyclical that encouraged the society to be united with each other to constitute a community, Workman and McCormick worked alongside the young Mexicans to organize *La Liga*. She noted, “He [McCormick] understands better than anyone here the larger aims of the work. He is the most prominent citizen as well as Catholic.”<sup>30</sup> One of the goals of the *Liga Mutualista* was to improve the living conditions of Mexicans, such as housing and child education. “Mexican representatives showed a keen knowledge of the handicaps which oppressed their people and made a thoughtful analysis of the public sentiment of the community in their regard.”<sup>31</sup>

By 1920, after nineteen years, Mary J. Workman left the Brownson Settlement Association presidency when Bishop Cantwell began centralizing Catholic charities in Los Angeles. Judge McCormick praised Workman’s leadership in the Brownson Settlement House, “There are hundreds and perhaps thousands of persons who have been made good citizens and practical Christians because of your personal zeal and Christian charity.”<sup>32</sup> In 1926, Pope Pius XI bestowed the *Pro Ecclesia et Pontifice* (For the Church and Pope) Medal upon Mary J. Workman for her charitable

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<sup>29</sup> “Mary’s Letter,” *Golden Friendship Letters of Friendship, Travel and General Interest*. Edited by Sister Mary Leopold, Sister of the Holy Names, New York, Louis Carrier Co., 1929. Serie 2, box 3 and folder 1, Workman Research Materials, CSLA-35, 251.

<sup>30</sup> “Mary’s Letters,” 274

<sup>31</sup> Clementina De Forrest Griffin, *The Tidings*, March 1917.

<sup>32</sup> Paul J. McCormick to Mary J. Workman, February 27, 1920. Jose Castro, “Mary Julia Workman: Catholic Progressivism 1900-1920,” MA. Thesis in History, (California State University, San Bernardino, 2022), 188.

missionary and social work in Los Angeles.<sup>33</sup> Workman provided, as McCormick described it, “unselfish work to the community.” Their friendship and support lasted for years. Workman and McCormick had a progressive mindset, and their faith encouraged the pursuit of justice. During the most important case at the beginning of his career as a federal judge, he thanked Workman for her support, noting, “You will never know how much your encouragement has meant to me and mine especially through the long and sometimes discouraging days since Elk Hills case was decided.”<sup>34</sup>



*Figure 1: Judge Paul J. McCormick, Mendez, et al. v. Westminster, et al. Box 3, F.5. Chapman University, Frank Mt. Pleasant Library of Special Collections and Archives*

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<sup>33</sup> Pope Honors Holy Names Graduate for Welfare Work, *The Tidings*, November 23, 1926, Series 1: Mary Julia Workman Box 1, Folder 3, Workman Family Papers, CSLA-9, Department of Archives and Special Collections, William H. Hannon Library, Loyola Marymount University.

<sup>34</sup> Paul J. McCormick to Mary J. Workman, October 17, 1927.

### ***The Knights, the Klan, and Corruption In the United States***

The roaring twenties, the decade of jazz culture, and alcohol prohibition imposed by progressive conservatives went hand in hand with consumerism and capitalism. It was also the decade of the racist renaissance in the United States with the rise of the Ku Klux Klan, and the decade of a corrupt United States government. It was the 1920s when print media and radio began to reveal the most significant corruption case uncovered in United States politics that gave Judge Paul J. McCormick an essential role in the so-called Teapot Dome Scandal with the Elk Hills case in California.

On February 7, 1924, McCormick was nominated by Republican President Calvin Coolidge (1872-1933) as a judge on the Federal Court for the Southern District of California. By February 11, 1924, he was confirmed by the U.S. Senate.<sup>35</sup> The professional promotion of McCormick would be put to the test the following year. On May 25, 1925, Judge Paul J. McCormick favored the United States in the corruption case against Edward L. Doheny (1856-1935) and Albert B. Fall (1861-1944). He canceled the contracts at Elk Hills Naval Field in California with the Pan-American Petroleum company due to the \$100,000 transaction received by Fall from Doheny, which according to the court, “contain every element of bribe.”<sup>36</sup> Besides receiving money from Doheny, Albert Fall received money from Harry F. Sinclair (1876-1956). In this case, the Teapot Dome Scandal ended with a bribery charge of nine months of a one-year sentence against Albert B. Fall in 1929.<sup>37</sup>

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<sup>35</sup> *The Tidings*, 15 Feb 1924, Fri, 19

<sup>36</sup> *Arizona Republic*, May 29, 1925.

<sup>37</sup> Albert Fall was appointed Secretary of the Interior by President Warren G. Harding in March 1921. “The Bribery Trial Acquittal of Edward L. Doheny, December 1926,” *Homestead Museum Blog*, Paul R. Spitzzeri, December 29, 2018, accessed, January 29, 2023.

Being a close friend of Bishop Cantwell, Edward L. Doheny would be one of the benefactors of the Catholic Church in Los Angeles. However, Doheny's close relationship with the Catholic Church did not influence the decision from Judge McCormick, who was a member of the Knights of Columbus and Cantwell's friend. Surprisingly, in the middle of his corruption trial, in April 1925, Doheny and Cantwell dedicated Saint Vincent de Paul's church in Los Angeles. Doheny attempted to influence McCormick's decision with his altruism and charity to the church like a "religious shield." Doheny used the church to change the public's perspective toward him during his trial. Cantwell used Doheny's money to increase church assets in what would become the largest diocese in the United States. Regarding the influence within the Catholic Church and the friendship with Bishop Cantwell, Judge McCormick declared that Doheny bribed the Secretary of Interior Albert B. Fall with 100,000 dollars.<sup>38</sup> As a result, Judge McCormick gained prestige within the federal justice system for not becoming influenced by a false facade of religious altruism and not interposing his beliefs over the constitutional laws of the United States.

Meanwhile, during this same time, post-revolutionary religious persecution escalated in Mexico. As the leader of the Catholic Church in southern California, Bishop John J. Cantwell (1874-1947) actively harbored hundreds of Catholic refugees who came fleeing the violence in Mexico. Besides the social work with the Mexican Immigrants, Bishop Cantwell worked to expand both social work and evangelism by building churches and schools across southern California. This included fifteen churches in the Inland Empire, San Bernardino, and Riverside. In 1925, a church was built in the heart of the Mexican *colonia* or community. It became the people's meeting place, as a symbol of religious unity

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<https://homesteadmuseum.blog/2018/12/29/the-bribery-trial-acquittal-of-edward-l-doheny-december-1926/>

<sup>38</sup> Margaret Leslie Davis. *Dark Side of Fortune: Triumph and Scandal in the Life of Oil Tycoon Edward L. Doheny* (Berkeley: University of California Press, 1998), 184, 188, 215. Weber, 495.



among the Catholics, and the church was dedicated on the feast day of Our Lady of Guadalupe (December 12th) while they sheltered priests who were victims of religious persecution arriving from Mexico during the *Cristero War* like Father Jose Nunez who fled from Zacatecas. From this trench, they challenged the government of the president, Plutarco Elias Calles (1877-1945), and his anti-religious ideology by planning a religious procession in honor of Our Lady of Guadalupe to demonstrate to the Mexican consul the strength of the Mexicans in the United States. Priests like Father Jose Nunez communicated to parishioners about the social situation in Mexico and the United States, creating a social unit of mutual aid in the Mexican *colonia* that would be reflected in the pursuit of social equality and civil rights two decades later.<sup>39</sup> In the 1920s, the community began a relationship that helped to defend against systematic oppression and discrimination in the United States from all types of anti-immigrant and anti-Catholic groups, such as the Ku Klux Klan.

The success achieved by the Klan was found in propaganda and rallies, including misinformation and nationalist rhetoric in newspapers and pamphlets. In 1915, after the film *The Birth of a Nation*, the second Ku Klux Klan was founded in Atlanta, Georgia. This film was screened for Democratic president Woodrow Wilson (1856-1924) at the White House, giving a perception of acceptance in the highest sector of politics in the United States. The *Los Angeles Evening Post* newspaper featured a story about the Klan's plan to expand into California.<sup>40</sup> The Klan would significantly influence Southern California, taking over government sectors and

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<sup>39</sup> Mark Ocegueda, *Sol y Sombra: San Bernardino's Mexican Community, 1880-1960*, (Doctoral Dissertation, The University of California, Irvine, 2017), 103.

<sup>40</sup> Jack Carberry, "Ku Klux Klan to Invade the West," *Los Angeles Evening Post-Record*, 03 Dec 1920, 12. Ku Klux Klan Demonstration Witnessed by 5,000 Persons, *The Pomona Progress Bulletin*, 25 June 1924, 6. Their racial superiority over other minorities was evident in his propaganda and hate speeches attracting new members in the West. In a rally of 5000 persons dressed in their white-robed clothes at Ganesha Park in Pomona, California, the official Klan lecturer said, "The Ku Klux Klan is nothing more or less than a white, Anglo-Saxon, Protestant, native-born patriotic fraternity."

school districts. In Orange County, California, the most important chapter of the Klan attracted members with anti-Catholic propaganda and fear in society with anti-immigrant rhetoric.<sup>41</sup> Meanwhile, Paul J. McCormick worked with his friend Joseph Scott to add more members to the Knights of Columbus to fight against the Klan bigotry in Southern California.

As the leader of the Knights of Columbus, Joseph Scott did not hesitate to go to the southern states and tell the Klan “to get out of their nightshirts if they were 100 percent American!”<sup>42</sup> In Orange County, the main opponents of the Klan were united to fight against the Klan’s propaganda. The local chapter of the Knights of Columbus group, Father Patrick Browne of St. Boniface’s Catholic Church in Anaheim, and a coalition of citizens weakened the Ku Klux Klan movement. At a 5,000-person rally in Fullerton, the Klan lecturer stated, “the ‘alien influence’ as the primary cause of America’s difficulties.” The Klan wanted to limit immigration and public education provided by native-born Protestant teachers.<sup>43</sup> By 1921, the Ku Klux Klan infiltrated school districts, and the “Mexican School” was completed, with segregation of Mexican schoolchildren becoming the norm throughout Southern California.<sup>44</sup> Roy S. Horton, a Klan member, became a trustee of the Santa Ana Unified School District in the 1920s. He and Marshall Keeler, another Klan member, threatened Santa Ana teachers to join the Klan. Horton claimed that the Klan was gaining control of boards of education across the United States. Although segregation in schools began before the arrival of

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<sup>41</sup> *KKK Pamphlet*, Leo Friis Archives, 1948-04-05 - 2009-07-28, box: 33, Folder 1, CSUF University Archives & Special Collections.

<sup>42</sup> Anita Weyer, “Joseph Scott: A Life of Service” *Southern California Quarterly*, Vol. 48, No. 3 (September 1966), pp. 241-264

<sup>43</sup> Richard Melching, “The Activities of the Ku Klux Klan In Anaheim, California 1923-1925”, *Southern California Quarterly*, Vol. 56, No. 2 (1974), pp. 175-196

<sup>44</sup> Jesse La Tour, “A Brief History of the Ku Klux Klan in Orange County: Notes on the Banality of Evil,” *Fullerton Observer*, (January 7, 2019), accessed February 15, 2023, <https://fullertonobserver.com/2019/01/07/a-brief-history-of-the-ku-klux-klan-in-orange-county-notes-on-the-banality-of-evil/>

the Klan in Southern California, their ideology reinforced anti-Catholicism and discrimination against Mexicans.<sup>45</sup> One of the Klan's goals was to influence education and, above all, obtain seats on different Boards of Education. In their pamphlet, *The Public School Problem in America*, published in 1928, the Klan writes, "If this country continues to be flooded by inferior peoples whose assimilation is impossible, the task of enlightened advancement will be hopeless."<sup>46</sup> For the Klan, foreigners were illiterate and could not learn, adapt, and serve the country because they brought backwardness.

Meanwhile, in 1929, due to the stock market crash and the economic depression, President Herbert Hoover (1874-1964) had an urgency to solve the problems of the Great Depression and, with the creation of The National Commission on Law Observance and Enforcement—Wickersham Commission—to evaluate the prohibition of alcohol established in 1919 with the Eighteenth Amendment to the United States Constitution. Paul J. McCormick was a member of this commission.

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<sup>45</sup> Gustavo Arellano, "Ask a Mexican", *OC Weekly*, (March 8, 2011), accessed January 12, 2023, <https://www.ocweekly.com/category/newsask-a-mexican/page/32>. Beginning in 1922, The Klan successfully influenced education policy to create segregated schools and separate facilities in all three neighborhoods. The Klan's interest in directing many aspects of civil life reacted to the growing Mexican community influencing anti-Catholicism and promoting white supremacy. See Robert Clearly, *The Ku Klux Klan and their Influence on the Education of Mexicans in Kansas City, Kansas, 1922-1925*. (Syracuse University, 2021) 1. By the 1920s, several states tried to force Catholic schoolchildren out of parochial schools and into public ones. In Oregon, where Klan members were part of the board of education, they pushed the governor to pass the Oregon School Law requiring all children to attend public school through eighth grade. Parents could not choose where to send their children to school, and, with the help of the Knights, they sued the state of Oregon over this law in the Supreme Court. The law was overruled unanimously in 1925. See <https://www.kofc.org/en/news-room/columbia/2017/november/knights-vs-the-klan.html>

<sup>46</sup>*The Public School Problem in America*, Leo Friis Archives, 1948-04-05 - 2009-07-28, box: 33, Folder 1, CSUF University Archives & Special Collections. 5.

Contrary to the wealthy conservative Catholics who supported prohibition, in 1931, he wrote his conclusion criticizing the ban's effects on American society. He supported the repeal of prohibition due to the adverse effects, stating, "There has been developed such a widespread spirit of lawlessness and hypocrisy, unprecedented disrespect for authority that in fairness and candor."<sup>47</sup>



Figure 2: Left to Right- I. Henry Harris, Jr., I. Henry Harris, Sr., Francis D. Tappaan, Joseph Scott, Cuthbert Scott, Paul D. McCormick, A.I. McCormick, and United States District Judge Paul J. McCormick. Los Angeles, 1932, UCLA Charles E. Young Research Library Department of Special Collections, A1713 Young Research Library

### ***The Long Path to Desegregation in California.***

After the December 7, 1941, attack on Pearl Harbor, the United States government began detaining Japanese and Japanese Americans in relocation camps. One of the families detained and

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<sup>47</sup> National Commission on Law Observance and Enforcement, *Report, June 7, 1931*, 273. accessed Jan 7, 2023, <https://www.ojp.gov/pdffiles1/Digitization/44540NCJRS.pdf>

sent from Orange County was the Munemitsus, farmers in Westminster. Gonzalo and Felicitas Mendez owned a cafe in Santa Ana, California, and when they leased the Munemitsus farm, they moved their family. The Mendezes were American citizens; Gonzalo was from Michoacan, Mexico, and his wife, Felicitas, was from Puerto Rico.

As parents, education was important for their children. Since they were in a new neighborhood, they attempted to enroll their children in a school closer to their new home. The conflict began when the school district denied them admittance to Westminster Elementary School and sent them to Hoover Elementary School. The Mendezes realized that Mexicans were sent to schools in poor conditions and far away. All school districts in Orange County, such as Garden Grove, Santa Ana, Modena, and Westminster, were similar. The Mendezes met with several citizens affected by these school district policies. Together they hired a civil law attorney, David C. Marcus, to file a lawsuit in federal court in Los Angeles presided by Judge Paul J. McCormick.<sup>48</sup>

David C. Marcus was a son of immigrant Jews who had the opportunity to study at the University of Southern California (USC) law school. While other schools rejected applications from Jewish students, USC opened its doors to inclusion. Marcus experienced anti-Semitism on campus from other students. In Los Angeles during the early 20th century, Jews were subject to exclusion from elite clubs, government positions, and housing. The Mexican Consulate hired Marcus due to the lack of Mexican American lawyers. Private bar associations excluded Jewish lawyers, and for this reason, Marcus decided to work for the Consulate, where he met his wife, Yrma Maria Davila, a Mexican immigrant who had arrived in the late-1920s. They were regularly excluded from housing tracts as a multiracial family by racially restrictive covenants. Remarkably, as a young lawyer, David C.

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<sup>48</sup> Strum, "Our Children Are Americans," 9.

Marcus earned his first civil legal victory by winning the *Doss v. Bernal* case in the town of Fullerton, Orange County, in 1943.<sup>49</sup>

In the 1940s, Fullerton was a growing city in southern California. After being a KKK stronghold, most of the population were white protestant families who came to inhabit these suburban residences. During WWII, Alex and Esther Bernal had access to the down payment on their house without imagining they would be victims of discrimination by racially restrictive covenants. The Bernals hired civil law attorney David C. Marcus to prevent an eviction from their home and fight their neighbors' harassment. Marcus' first victory was on September 18, 1943, when Superior Court Judge Albert F. Ross ruled in favor of the Bernals and against the discrimination done by the covenants in Fullerton. In this case, Marcus called A. O. Bowden, a professor of anthropology at the University of Southern California, to prove his argument. Marcus argued that the restrictions were invalid because Mexicans were Caucasian and, therefore could not be segregated by race.<sup>50</sup>

That summer, three hundred people gathered at the church of Our Lady of Guadalupe in San Bernardino. Invited by Father Jose Nunez, Gonzalo Valles began to talk about his experience in the city's public pool. The crowded church listened attentively to how his son, Mike Valles, was restricted from swimming in the Perris Hill Plunge. Father Jose Nunez declared, "The Catholic Church would not tolerate any forms of discrimination toward Mexicans, especially during a war where so many Mexican

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<sup>49</sup> Genevieve Carpio, "Unexpected Allies: David C. Marcus and His Impact on the Advancement of Civil Rights in the Mexican-American Legal Landscape of Southern California." *In Beyond Alliances: The Jewish Role in Reshaping the Racial Landscape of Southern California*, edited by Bruce Zuckerman, George J. Sánchez, and Lisa Ansell, (Purdue University Press, 2012), 1-32.

<sup>50</sup> Robert Chao Romero and Luis Fernando Fernandez, "*Doss v. Bernal*: Ending Mexican Apartheid in Orange County," UCLA Chicano Studies Research Center Report, no. 14 (2012), accessed March 2, 2023, <http://www.chicano.ucla.edu/files/RR14.pdf>

American men had died in the fighting abroad.”<sup>51</sup> Previously, on June 2, 1943, the priest condemned the segregation of a war veteran, Juvenal Valles, which the Mountain View cemetery denied his burial because he was a Mexican descendant. With media pressure from the Spanish newspaper *El Espectador* and the Catholic Church’s support, including the intervention of U.S. Congressman Harry Sheppard (1885-1969), Juvenal’s family buried him in the cemetery. Father Jose Nunez used his church pulpit to express his political opinions to the parishioners and invited them to participate actively in their community. The Catholic Church’s social work, along with *Liga Mutualista* and civic groups such as *Confederación de Sociedades Mexicanas*, were crucial in supporting a formal complaint of discrimination against the city of San Bernardino. The Church of Our Lady of Guadalupe assemblies summoned hundreds of Mexican people looking for a solution to the injustice perpetrated against minorities. On September 17, the leaders, Father Nuñez, Eugenio Nogueras, Ignacio López, and their attorney, David C. Marcus, appeared before federal court Judge León R. Yankwich demanding the end of segregation in public pools in San Bernardino in the *Lopez v. Seccombe* case.

According to Mayor William Seccombe, the city restrained the admission of Mexicans due to insufficient hygiene. To prove the discrimination against Mexicans, Father Nunez took three clean and well-dressed children to the pool to witness how the authorities denied access to them. Father Nunez was a community leader in the plaintiffs’ committee, and from the pulpit of the church, Father Nunez gave the news to the parishioners about the case during mass.<sup>52</sup> Judge Yankwich, a Loyola Law School

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<sup>51</sup> Ocegueda, *Sol y Sombra: San Bernardino’s Mexican Community, 1880-1960*, 111

<sup>52</sup> Strum, “Our Children Are Americans,” 13., Mark Ocegueda, “Lopez v. Seccombe: The City of San Bernardino’s Mexican American Defense Committee and Its Role in Regional and National Desegregation,” (History in the Making: Vol. 3, 2010) 4,141 Available at: <https://scholarworks.lib.csusb.edu/history-in-the-making/vol3/iss1/4>

graduate, ruled in favor of the plaintiffs. David C. Marcus won his second civil rights victory in southern California when the Mendez family hired him in Orange County, where he would face the most decisive and crucial legal challenge against systemic racism and white supremacy.

On March 2, 1945, the trial against four Orange County school districts began in the Superior Court. This trial has been underestimated in the history of the United States; at the same time, it has been minimized to recognize how Mexicans suffered from racial segregation, oppression, and racism in the United States. The preamble to the civil rights fight began with the decision of Judge Paul J. McCormick in California. David C. Marcus's strategy was to find a loophole when *Plessy V. Ferguson* declared that separate but equal facilities were constitutional. He noticed that California education law allowed segregation of Native Americans and Asian students, but not Mexicans, since this minority group is considered white. As Phillipa Strum noted, "(Marcus) would claim that the Mendez case was not about race at all."<sup>53</sup> Almost a year after starting *Mendez v. Westminster*, on March 21, 1946, Judge McCormick declared the segregation of Mexican and Latino students in the Orange County school districts as unconstitutional. On December 10, 1946, Joel Ogle, the attorney for Orange County, appealed the decision in the U.S. Ninth Circuit Court of Appeals in San Francisco.

Although they refused to overrule *Plessy v. Ferguson*, on April 14, 1947, the Ninth Circuit Court of Appeals confirmed the McCormick decision. By June 14, 1947, the Republican Governor of California, Earl Warren, signed a law to repeal California's school segregation.

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<sup>53</sup> Strum, "Our Children Are Americans," 13.





Figure 3: David Marcus. *Mendez, et al. v. Westminster, et al.* Box 3, F.5. Chapman University, Frank Mt. Pleasant Library of Special Collections and Archives

Judge McCormick's decision began serious civil rights lawsuits in other states such as Texas and Arizona. In 1947, *Delgado v. Bastrop Independent School District* ended the state-mandated segregation of all Mexican American children in Texas, and, in 1951, in Arizona, a Federal Court judge, in the *Gonzales v. Sheely* lawsuit, ruled in favor of desegregation in schools. These civil lawsuits used what Judge McCormick emphasized, "if these children were retarded in English, it was because of the conditions under which they were taught"<sup>54</sup> The educational quality was lower in the Mexican communities creating a sense of inferiority in a society marked by systematic racism placing them below their Anglo counterparts.

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<sup>54</sup> Carey McWilliams, "Is Your Name Gonzalez?" *The Nation*, April 8, 1947, 302. *Mendez, et al. v. Westminster, et al.* Archive, Robbie Records, 2009.067.r. Box 3, F.5. Chapman University, Frank Mt. Pleasant Library of Special Collections and Archives

The American Jewish Congress, the National Association for the Advancement of Colored People (NAACP) united with the Lawyers Guild, the American Civil Liberties Union (ACLU), and the Japanese American Citizens' League in writing briefs to the Ninth Circuit Court in San Francisco, California, to defend the appeal from the school districts of Orange County. In a letter written to NAACP lawyer Thurgood Marshall (1908-1993) from Carl Murphy (1889-1967), an African-American journalist and civil rights activist, Murphy recalled the point used by the American Jewish Congress in the *Mendez case*:

Whenever a group, considered as "inferior" by the prevailing standards of a community, is segregated by the official action from the socially dominant group, the very fact of official segregation, whether or not 'equal' physical facilities are being furnished to both groups, is a humiliating and discriminatory denial of equality to the group considered "inferior" and a violation of the Constitution of the United States of treaties duly entered into under its authority<sup>55</sup>

The governor of California was able to read the decision written by Judge McCormick and thus signed a law that ended segregation. Earl Warren was a Republican governor elected in 1942. By June 1947, Warren made school segregation illegal in California.<sup>56</sup> On September 30, 1953, amid the most important civil rights movement case, *Brown v. Board of Education*, President Dwight D. Eisenhower appointed Earl Warren Chief Justice of the United States Supreme Court. On May 17, 1954, Warren's ruling in the *Brown* case echoed Judge McCormick's decision in the *Mendez* case. "[Education] is required in the

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<sup>55</sup> Carl Murphy to Mr. Thurgood Marshall, December 5, 1946, Mendez, et al. v. Westminster, et al. Archive, Robbie Records, 2009.067.r. Box 3, F.5. Chapman University, Frank Mt. Pleasant Library of Special Collections and Archives

<sup>56</sup> Shaw, "Foreshadowing Brown v. Board," 12.

performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today, it is a principal instrument in awakening the child to cultural values.”<sup>57</sup>

With his experience from previous civil trials before *Mendez*, attorney David C. Marcus filed the lawsuit at the federal court, where Judge McCormick asked him to have sufficient evidence in this case. Paul J. McCormick was a fair judge and was honest in his verdicts. In 1923, when pronouncing his first death sentence, he felt the pain of sentencing a prisoner to death by hanging. Judge McCormick stated that he would not want such cases because his human and religious beliefs had to be set aside to practice law. He declared, “a man with any religion must feel awful, tremendous responsibility of such task.”<sup>58</sup> He wanted enough evidence to avoid the prisoner’s death penalty or some flaw in the law to use and change the sentence. McCormick’s fairness in court decisions expressed the need for sufficient evidence to render a favorable verdict. During the pre-trial, it is for that reason; he wanted to know if Marcus would present a reasonable argument for a strong case so he could render a verdict in his favor as he noted, “if children are segregated solely and exclusively because of their ancestry or lineage, that it is an unlawful discriminatory act on the part of the school authorities.”<sup>59</sup> Marcus argued, “We are prepared to show that they speak English and Spanish prior to attending school and that the only discriminatory practice is not because of any linguistic qualifications, but because they are of Spanish descent.”<sup>60</sup> Since it was a federal court, Judge McCormick emphasized in the pre-trial that since it was not a case about segregation based on race,

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<sup>57</sup> Frederick P. Aguirre. *Mendez V. Westminster School District: How It Affected Brown v. Board of Education.* Journal of Hispanic Higher Education 4, no. 4 (2005): 321–332.

<sup>58</sup> Alma Whitaker, “Death Penalty Brings Emotion”, *Los Angeles Times*, April 8, 1923, 11.

<sup>59</sup> *Mendez v. Westminster Pre-trial Transcripts*, (Los Angeles, June 26, 1945), 26

<sup>60</sup> *Pre-trial Transcripts*, 33

Marcus had to prove the segregation against Mexican descendants because of their language, culture, and social status. McCormick noted, “We have here a problem and the ultimate question would be what is meant by the same or equal facilities. That doesn’t simply mean the curriculum. It means social, in the sense that children are in a democratic environment, commingling with one another on an equal basis as far as nature has constituted individuals to be equal”<sup>61</sup> It was noticeable from the pre-trial McCormick knew it would be the starting point to overthrow the 1896 *Plessy v. Ferguson* court decision. The onset of the Progressive Era establishing segregation laws did not violate the U.S. Constitution as long as the facilities for each race were equal in quality, a doctrine that came to be known as “separate but equal.”

David C. Marcus developed the case by contacting parents and students who were victims of discrimination. Each gave their testimony in English, proving that Mexican children speak English perfectly and demonstrating fitness to study in school alongside white students. In the past, Judge McCormick had visited the Brownson Settlement House and understood how children read in English and Spanish. Their ability to read both languages did not make them more linguistically disabled, as the school district suggested. On July 11, 1946, Marcus called a professor from the University of California, Los Angeles (UCLA), to the stand to prove his statement. Dr. Ralph L. Beals was Chairman of the Department of Anthropology, and his studies on indigenous communities in Mexico and the United States served to provide a scientific and social argument in the case.”<sup>62</sup> Dr. Beals declared, “A feeling of antagonism is built up in children when they are segregated in this fashion. As a result of the segregation they become hostile to the whole culture of the surrounding majority group which appears to be, to them at least, discrimination.” Another important witness in the case was Marie H. Hughes, a

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<sup>61</sup> *Pre-trial Transcripts*, 108

<sup>62</sup> *Mendez v. Westminster’ Trial Transcripts*, (Los Angeles, July 11, 1945), 676 & 686.

specialist in the education of minority groups. As a University of Chicago graduate, Hughes stated, “Children learn a language through hearing it and through having a motive, a reason, for using it.”<sup>63</sup>

Since familiarizing himself with the Brownson Settlement House, McCormick believed the social environment was a determining factor in the educational development of children. Furthermore, he thought it was primarily harmful when segregated from the majority counterpart, which made them feel inferior. Mary J. Workman wrote that,

The educational work it does consist in the upholding of the best standard of American living and citizenship in the preservation of the best traditions of the immigrant as the foundation for the work of Americanization; in friendly interpretation, in encouragement, and where knowledge and skill are lacking and helplessness is manifest, in neighborly assistance toward the acquaint of needed information, skill, and experience and in the securing protection against exploitation.<sup>64</sup>

Dr. Beal stated that “(segregation) would definitely retard the assimilation of the child to American customs and ways.”<sup>65</sup> Hughes concluded, “Segregation, by its very nature, is a reminder constantly of inferiority, of not being wanted, of not being a part of the community. Such an experience cannot possibly build the best personality or the sort of person who is most at home in the world, and able to contribute and live well.”<sup>66</sup>

Apart from language, segregation was also due to stereotypes about Mexicans. Rhetoric promoted by the KKK, and the nativist ideas of the twenties defined Mexicans as filthy and

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<sup>63</sup> *Trial Transcripts*, July 11, 1945, 690.

<sup>64</sup> “Brownson House: a Social Service Center,” *The Tidings*, 1916.

<sup>65</sup> *Trial Transcripts*, July 11, 1945, 679.

<sup>66</sup> *Trial Transcripts*, July 11, 1945, 691.

with possible diseases, and that was the cause for extraordinary and random medical tests given for diseases like tuberculosis. These statements offended Marcus, who had children of Mexican-Jewish descent. His wife was a housewife of Mexican descent who followed Mexican traditions, spoke Spanish, and remained faithful to Catholicism. The Garden Grove School District superintendent, James L. Kent, demonstrated discrimination against Mexicans. Discrimination rooted in the mentality of white supremacy sought to oppress a minority because of physical appearance, language, culture, and/or religion. As Kent stated, “Mexican students were inferior to the white students.”<sup>67</sup> Kent’s thesis at the University of Oregon reflected his ideology against Mexicans, where he described a stereotype that contrasted with McCormick’s experience at Brownson House. It was notable in the trial; Judge McCormick suggested, “Wouldn’t his (Mexican) assimilation efficiency be improved by putting him with children who speak English rather than with those who had the bilingual disqualification.”<sup>68</sup> Kent believed that bilingual students were academically retarded. The Brownson House education was bilingual, and children better understood American ideals thirty years earlier. In the *Mendez* trial, Marcus demonstrated how academic intolerance of Mexicans extended beyond their language and culture. In Kent’s thesis, he inferred that Mexicans were inferior and should be segregated due to their inability to assimilate.

Judge McCormick was aware of the existing prejudice of school district officials. His earlier work at Brownson Settlement House contrasted the systemic racism in the United States used to subjugate and oppress minorities due to their race, religion, culture, and/or language. Brownson House was a place of education and recreation that helped children avoid crime. For example, in 1943, Father Nunez of San Bernardino created a baseball team to help young people not join criminal gangs. Judge McCormick

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<sup>67</sup> *Mendez v. Westminster*, Trial Transcripts, (Los Angeles, July 5, 1945), 122.

<sup>68</sup> *Mendez v. Westminster*, Trial Transcripts, (Los Angeles, July 10, 1945), 521.

suggested that children must have mutual education and recreation in our society to help provide them with a secure environment.

In the historical context of the end of World War II, the United States was proclaimed as a world leader in democracy and the free world. However, within the country's boundaries, repression of non-white minorities and the lack of social justice existed in society. The paradigm of the American dream vanishes with unjust laws that subjugate minorities. Since his childhood, Paul J. McCormick experienced discrimination for his religious beliefs and nationality. As an Irishman, he was not considered as white as his Protestant counterparts. As a judge and lawyer in the city of Los Angeles, he dedicated himself to helping those unprotected minorities like Eastern Europeans, Russians, Jews, Mexicans, and Japanese who lived in the poor slums of east Los Angeles. Immigrants found safety and asylum in the Brownson House. In the Knights of Columbus, he used the fraternity to fight against the Ku Klux Klan and their hate speech against non-whites and Catholics. When Mendez's case reached his court, it was the opportunity to fight bigotry and repression with the law in one hand and humanity in the other.

Judge McCormick's opinion determined segregation prevented children of Mexican descent from "deriving a common cultural attitude." He issued an injunction to the school districts in Orange County to halt discriminatory practices. His experience with the children of Brownson House, where the aim was the cultural integration of American ideals and social justice, helped him appreciate the need for integration for all children in a school setting. U.S. Supreme Court Justice Earl Warren's opinion in the *Brown* case called education the pathway to the "very foundation of good citizenship." Judge Paul J. McCormick wrote in his conclusion, "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"<sup>69</sup>

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<sup>69</sup> Paul J. McCormick, *Mendez v. Westminster*, Conclusion of the Court, (United State District Court, Southern District of California, Central Division, February

Sandra Robbie concluded, “When we learn about Mendez, we break the stereotypes, and we break the attitudes of what people think Mexican children, or children of any color, are capable of.”<sup>70</sup> At Brownson Settlement House, McCormick intervened to provide education and public health to Mexican children knowing the social disadvantage they lived with due to the racial rhetoric of white supremacy during the Progressive Era. As a Knight of Columbus, he fought against the *Klan*’s racist and anti-Catholic ideology. As a Catholic, he believed social justice and human rights helped strengthen our society. With Mendez’s final decision, Judge Paule fought against racial segregation in the United States.

Today, although there is no segregation, there are children who remain disadvantaged in opportunities in the United States. As a result of their immigration status, children and teenagers are considered Dreamers. Due to the lack of empathy and humanism of federal judge Andrew Hanen in Texas, thousands of children and young people are in legal immigration limbo. They are second-class children who will not be able to aspire to higher education and the accompanying opportunities in the future. These children have adopted the United States as their country and do not know any other place of origin than this nation. These immigrants do not have the same opportunities to succeed, and the fear of being deported segregates them within their communities.<sup>71</sup> McCormick proved that to achieve the assimilation of immigrants, the United States must provide social justice that protects them and helps them pursue the American dream.

After twenty-seven years as Chief U.S. District Judge for the Southern District of California, McCormick retired in 1951.

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18, 1946), 11, accessed February 12, 2023,

<https://mendezetalvwestminster.com/family-home-pages/>

<sup>70</sup> Sandra Robbie, *Mendez v. Westminster: A Living History*, Michigan State Law Review, 2014, 7.

<sup>71</sup> Uriel J. Garcia, “Texas judge orders federal government to stop granting new DACA applications,” *The Texas Tribune*, July 16, 2021, accessed, March 23, 2023, <https://www.texastribune.org/2021/07/16/new-article-1626468650daca-texas-judge>. Dreamers are undocumented immigrants who came to the United States as children, lived and attended school here, and identify as Americans.



Two years later, on April 11, 1953, Pope Pius XII conferred the pontifical decoration of Knights Commanders of St. Gregory upon Judge Paul J. McCormick.<sup>72</sup> According to a 1945 report, the Federal Bureau of Investigation (FBI) noted, “Judge McCormick is recognized as a capable, efficient, fair, high-minded judge”<sup>73</sup> Today, federal judges in U.S. courts should carefully study Judge McCormick’s life and court decisions. He put aside his political affiliation to practice social justice fairly. McCormick spent his last days with his wife, Mary J McCormick, and on December 3, 1960, at 81 years old, he died in Los Angeles. His funeral was held at St. Vibiana’s Cathedral. Historians must remember Judge McCormick’s legacy for his social and judicial work. As Judge Paul J. McCormick did, Catholics who are in political power should not forget to help the unprotected and helpless immigrants, refugees, children, and oppressed citizens in the United States.

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<sup>72</sup> “Pontiff Pays Honor to Five Southlanders,” *Los Angeles Times*, April 11, 1953. The Pontifical Equestrian Order of St. Gregory the Great was established on September 1, 1831, by Pope Gregory XVI. The order is one of the five orders of knighthood of the Holy See. The honor is bestowed upon Catholic men and women in recognition of their personal service to the Catholic Church, through their unusual labors, and the examples they set in their communities and their countries.

<sup>73</sup> Memorandum for the Directors, *Federal Bureau of Investigation*, Los Angeles, August 16, 1945. Memorandum to Director, *Research Matter*, April 4, 1939. The FBI released a report when McCormick was a candidate to be in the Supreme Court.



*Figure 4: "Retires from Federal Bench," 31 August 1951. Paul J. McCormick (Federal Judge). Los Angeles Examiner Negatives Collection, 1950-1961, USC Digital Library. Los Angeles Examiner Collection*

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