

Process Paper

I decided to do *Mendez v. Westminster*, a court case dealing with segregation in schools. This is barely touched upon, as it is topped by its successor in terms of court cases involving segregation, *Brown v Board of education*. This case influenced brown v board of education because it showed the nation that it WAS possible for non-whites to “win” a court case.

In order to learn more about this topic, I had to gather research. I immediately went to Wikipedia, as it is a very good source of general information. I then went to the US courts website, to read about it. After that, I got a feel for the case, and was able to begin doing specific research. I began with slightly more specific research, by getting an opinion on how it was impactful, almost 60 years ago. I then went to a very reliable site, justia, which I discovered in my law class. There I had access to the official written reports about the case. It is going to be a very useful resource. I have now gathered more primary source pictures, as they help tell the story too. Some news articles, others just photographs, but they all help show the story and how everyone reacted and their thoughts through one way or another.

I don't know what I'm going to do yet, more focused with getting info. I realized that I needed to take a step back. I researched what exactly was the ninth appellate court and what its authority was, then I went back to *Plessy v. Ferguson* to see how that impacted this event. I then looked at the everlasting effects of this decision, from Sylvia Mendez' perspective, and then went back to gathering info directly related to the case itself.

What I have discovered so far, is that this is the first major court case that minorities have succeeded in breaking the barrier of a racist society, as justice was truly blind for once. In addition, this was the first example of a school being “forced” to integrate with other races, something that would cause great conflict later on in the country. This broke the race barrier; shattered it, as a matter of fact. This may not have truly done much, as it only really recognized Latinos as whites, but it set up the ability for the governor to outlaw segregation. The forced integration inspired and motivated many, while feeding the hatred of others.

At the end of the Civil War, the country had hoped that President Lincoln had finally broken the racial inequality barrier in society by abolishing slavery and implementing new Amendments to the Constitution. However, beginning in 1870, some southern states implemented laws known as the Jim Crow Laws, which segregated society greatly, rebuilding a racial inequality barrier. This barrier was later strengthened by the 'separate but equal' idea introduced by the Supreme Court in *Plessy v. Ferguson* as an interpretation of the Fourteenth Amendment, which had guaranteed equal protection under the law. After the ruling, there was very little opportunity left to oppose this civil injustice. In the United States, during the Jim Crow era, *Mendez v. Westminster* rejected the Supreme Court's interpretation of the Fourteenth Amendment and overturned 'separate but equal' school segregation in California. This created ripples that permitted *Brown v. Board of Education*, ending school segregation nation-wide. *Mendez* was instrumental in the outcome of *Brown* as it provided hope that school segregation could in fact be overturned, demonstrated a successful model of desegregation, and disproved many of the prejudices about minorities associated with this issue.

The Jim Crow Laws created racial barriers for whites and minorities through the establishment of separate bathrooms, schools, restaurants, and areas to sit using public transportation. On June 7th, 1892, a group of activists challenged the inequity of these laws. Homer Plessy, who was 1/8th black, and considered black by law, sat in a 'white person only' seat on a train in New Orleans, and was arrested. He sued the state of Louisiana for violating his Fourteenth Amendment Rights and the case went all the way to the Supreme Court as *Plessy v. Ferguson*. Plessy's intentions were to topple this

newfound segregation barrier. However, on May 18th, 1896, much to his surprise, the majority opinion of the Court was that the Jim Crow Laws and segregated society, were constitutional, as long as institutions were 'separate but equal.' The Court also described how 'social rights', such as voting and jury duty, were not protected under the Fourteenth Amendment. Many believe this ruling strengthened and protected segregation and racism under the law. After *Plessy*, the American South became almost as segregated as it was during the period of slavery. In addition, activists were now bound by the Supreme Court, and could not successfully challenge these regulations in a court of law.

Fifty years after the *Plessy* case, in 1946, *Mendez v. Westminster* began in Westminster County, California. There were two public schools for the towns in the county: one for white students, and one for the minority Mexican students, who were not considered white, and were thus discriminated against. Gonzalo Mendez had his sister take his and her children to be enrolled in the school for white students for a better education. His sister's children were accepted, but Mendez' were not, due to their darker shade of skin. Devastated by the rejection, Mendez proceeded to sue the school for violating the Fourteenth Amendment on the grounds that the school had violated the 'separate but equal' clause, as it was far superior to the school for minorities. The school then offered to accept his kids into the school, but Mendez declined, as he wanted justice for all Mexican families in the area, not just his. He had friends whose children were also denied enrollment and wanted to help them too, and all other families in their town.

David Marcus, the attorney for the Mendez family, did not challenge the segregation of the schools, as he knew they would lose the case. Instead, in order to counter the Supreme Court's interpretation of the Fourteenth Amendment, he claimed that the schools were not equal, providing evidence of different budgets, supplies, and calling out racist superintendents with accusations. One such accusation was addressed to James Kent, the superintendent of the Garden Grove District School for whites, "[Kent] demonstrat[es] an attitude of racial superiority such as that of Hitler combined with and productive of the belief that, at least as to Mexican inferiors, the state . . . has the right and duty to determine whether the child should be allowed to exercise its constitutional rights to be treated as other American children are and to enjoy the same privileges,"(Carpio 22). Judge Paul McCormick felt conflicted about having to make a decision. He knew that the schools were unequal, and the discrimination was unconstitutional, but he was afraid of violating the Supreme Court. Since the case was becoming more known throughout California, McCormick decided to order the schools to integrate, but this only applied to Mexicans, and only in certain school districts. He stated "A paramount requisite in the American system of public education is social equality,"(<http://mendezetalvwestminster.com>). Shortly after the verdict, the governor of California, Earl Warren, who would go on to become the Chief Justice of the Supreme Court during *Brown v. Board*, decided to outlaw segregation state-wide, shattering the school segregation barrier in California. Earl Warren's decision to integrate all public schools as governor of California was very surprising at the time. Ironically, after the bombing of Pearl Harbour in 1941, Warren impulsively sent away all people of

Japanese descent living in his state to live in internment camps. Looking back, he was very ashamed and remorseful for that mistake, as he describes he was “wrong to react so impulsively, without positive evidence of disloyalty,”(Taken from White). Many historians believe this moment influenced his decision to integrate schools in California, and later on, across the country. Although never talking about the *Mendez* case, nor that much of his actions on the Supreme Court, a great deal of his memoirs focused on his wrongdoings to the Japanese-Americans. He had seen firsthand the horrors of his racist actions, and did not want to repeat them. During this historic period, the Westminster school system had appealed to the Ninth Circuit Court of Appeals. It looked at Warren’s brand-new laws and determined that McCormick’s decision was correct. This not only broke the segregation barrier in California, but also created a new barrier, one which protected integration in California, as it was backed by both state law and the federal court. This monumental ruling would set the stage for *Brown v. Board* and overturning school segregation nationally.

Mendez v. Westminster provided hope in the fight against school segregation through its defiance of the Supreme Court. Up until the decision, many minorities had little faith that a radical social change would ever occur and did not protest, or challenge the Jim Crow Laws. The ‘separate but equal’ clause had preemptively countered any attempts at reform. Judge McCormick put his entire career at risk by making his decision in *Mendez v. Westminster*, but it resulted in creating the hope necessary for change. This controversial decision contributed to breaking the school segregation barrier in California, and, in sticking with the metaphor of barriers, began to chisel away

at the foundation of the national segregation barrier, the 'separate but equal clause'. With this newfound weakness in the barrier, there was hope, for those who believed in equality, in finally toppling the barrier completely.

Almost immediately, news articles began praising McCormick and calling for change. One such article by *The Columbia's Law Review* urged the Supreme Court to overturn the decision made in the Plessy case, stating that a "modern sociological investigation would appear to have conclusively demonstrated," (Strum 147) that segregation implied inferiority. The National Association for the Advancement of Colored People, NAACP, sprang into action, organizing protests across the nation. NAACP lawyers studied the *Mendez* case, and then helped fellow minorities win court cases across the country, relating to similar issues. It compiled several of these cases together, which eventually became the hammer that demolished the national school segregation barrier: *Brown v. Board of Education*. NAACP attorney Robert Carter summed it up best when he said that "*Mendez* was its trial run for *Brown*." (Strum 151).

A big concern in *Brown v. Board* was the idea of how possible integration would work and the potential for extreme opposition to this by the public. However, the results of *Mendez v. Westminster* showed that it could be done peacefully. Following the *Mendez* case, many Mexican students, including the *Mendez* children, began attending the once white-only school. Met with extreme backlash against them, initially they pushed onward, and very quickly, people calmed down. Sylvia *Mendez*, daughter of Gonzalo *Mendez*, recalled being very happy and thankful that she was able to graduate from the public school, and that after the first few days, she had a pleasant experience there.

Additionally, when Earl Warren made California the first state to integrate all public schools, there were no violent protests or incidents. Rather, it was a smooth and peaceful transition. As Chief Justice in *Brown v. Board*, Warren was able to assure his fellow justices of a peaceful transition to integration, partially based on the *Mendez* case in California.

In addition to its radiating optimism and resounding success of a positive transition to public school integration, *Mendez v. Westminster* also disproved many prejudices about minorities, which was used effectively in *Brown v. Board*. In California, the superintendents of the public schools had argued that the Mexican students were unable to attend their school due to a lack of knowledge and understanding of English. Marcus then proceeded to have the children take the stand, and have conversations with Judge McCormick, in English. In addition, Marcus had the parents speak some English too. The schools also claimed that the minorities were incapable of learning and reading and writing. Marcus rebutted this using examples of some of the students' work. This was important information that helped to win the case in California and was recorded and documented by the NAACP, and utilized by Thurgood Marshall when arguing, and winning, *Brown v. Board*. These arguments against racist beliefs were absolutely essential in destroying the segregation barrier.

In addition to striking down prejudicial beliefs about minorities, there were plenty of arguments in both *Mendez v. Westminster* and *Brown v. Board* about racial bias and its presence in public schools. The evidence of racism in the schools was critical to the success of both cases. In *Westminster* and *Brown*, an important question in each case

was 'why?' was this happening. Why were only non-whites segregated from the 'public' school? A similar case, in California at about the same time as *Westminster*, known as *Alvarez v. Lemon Grove School District* had the court asking the same question. The judge, Claude Chambers, asked why minorities were segregated. The school representatives then described that the minorities were segregated because of an intelligence differential, and said that minority students who were smart were allowed into the schools, which was not really accurate. Chambers then followed up by asking about the procedure for a less intelligent white student. School personnel explained how they would hold the student back, to which Judge Chambers replied by asking "You don't segregate them? Why not do the same with the other children?" (Strum 23). The only answer the defense had, was silence. This showed how much racism played a part in segregation. In addition, the school system in the *Mendez* and *Brown* cases held a prejudicial belief that the Mexican students, and minority students in general, were not proficient enough in the English language. For evidence of this, James L. Kent, superintendent of a public school in Westminster County, was called to the stand. He described how when he attempted to talk to a seven year old Mexican earlier that day, they did not reply. He then went on to say that at a Mexican family's house, he heard the mother speaking Spanish to the children, which, in his eyes, showed that the children could not attend his school, as they were constantly set back by speaking Spanish. McCormick then asked if it would be better for them to be around kids their own age who speak English to counter that problem. Kent then described how that would not be possible through other 'inefficiencies.' Marcus believed that Kent was

dancing around the real question being asked- did he think that the Mexican students should be segregated solely because they were Mexican-American? He attempted to cross-examine Kent and get him to disclose his racist opinions to the court. Marcus asked if he would consider a child to be 'retarded' if they spoke both English and Spanish. Kent's reply stunned the courtroom, as he said "that is one of the factors, yes," (Strum 107). Marcus then went on to prove the racial bias in everything that Kent had said. This examination of the superintendent openly addressed the presence of bigotry and its impact on segregation. In *Brown v. Board*, Thurgood Marshall actually planned to have Marcus appear before the court, but Marcus could not attend. To compensate, Marcus sent Marshall all of his notes relating to the Mendez case which Marshall used to secure a victory in the court session. In addition, Marcus worked very closely with Marshall prior to the case to ensure success.

Mendez v. Westminster overturned the school segregation barrier in California, and provided hope that this was possible, while also modeling successful integration, and exposing the prejudicial beliefs and biases behind segregation. This case provided the evidence, legal arguments and precedent necessary to pave the way for *Brown v. Board of Education*, which broke the national school segregation barrier. Gonzalo Mendez sought justice for his family and friends, and its ripple effects helped integrate schools throughout the nation. Sylvia Mendez once described "Mendez [the case] isn't just about Mexicans. It's about everyone coming together. If you start fighting for justice, then people of all ethnicities will become involved," (Kandil), just as they had, to topple the school segregation barrier.

Annotated Bibliography

Primary Sources

- Carpio, Genevieve. "Unexpected Allies: David C. Marcus and His Impact on the Advancement of Civil Rights in the Mexican-American Legal Landscape of Southern California." *Academia.edu - Share Research*, www.academia.edu/1478391/Unexpected_Allies_David_C._Marcus_and_His_Impact_on_the_Advancement_of_Civil_Rights_in_the_Mexican-American_Legal_Landscape_of_Southern_California. This source is important to my research, as it helps me answer my question as to what was Marcus thinking while arguing the case. Because this is the case, I labelled this as a primary source, as the information I used from this source was direct quotes and facts from David Marcus. These words provide the thought process of Marcus during the trial. I plan on incorporating this quote in my essay.
- "High Court Bans Segregation." *None. New York Times Learning Network*, movies2.nytimes.com/learning/general/onthisday/big/0517.html. Accessed 6 Oct. 2019. Originally published in *New York Times* [New York], 17 May 1964. The New York Times is a reliable source of news, with little bias. They describe the surprise and shock of the Supreme Court's ruling in *Brown v. Board*. They then detail what Chief Justice Warren had to say regarding the case, and how this decision completely nullifies the separate but equal clause. This is very important to my research, as it shows the end result of the everlasting effects of *Mendez v. Westminster*.
- Kandil, Caitlin Yoshiko. "Mendez vs. Segregation: 70 Years Later, Famed Case 'Isn't Just about Mexicans. It's about Everybody Coming Together.'" *Google*, Google, 17 Apr. 2016, 12 AM, www.google.com/amp/s/www.latimes.com/socal/daily-pilot/tn-wknd-et-0417-sylvia-mendez-70-anniversary-20160417-story.html%3f_amp=true. This is a very powerful quote from Sylvia Mendez, and what she thinks about her father's actions. This is a primary source as it is an encounter with her and contains quotes of what she said. I plan to use this quote to finish my essay.
- McCormick, Paul J. "Conclusion of the Court." 18 Feb. 1946, National Archives. Typescript. The national archives provide actual texts from old court cases, *Mendez v. Westminster* included. This source contains plenty of information on the case when it was argued at the district level. The most important part however, is the very end. For my research, I have to attempt to answer what the judge was thinking - and this is the best way to answer that question. He claims that there is overwhelming evidence that the schools are unequal, and then stated that the schools would have seven days to integrate, or face

further consequences. He only said this applies to Mexican students. This is important to my research because it details how he is thinking, and his thought process behind his ruling.

"Mendez Et Al v. Westminster Et Al Website." *Mendez v Westminster*, 2012, mendezetalvwestminster.com/. This is an absolutely amazing website that is dedicated to my thesis: how *Mendez* sparked *Brown*. This is a primary source as it mainly contains quotes from the cases, and photos as well. I plan on using the quotes to enrich my essay. These quotes will also help me answer the 'what were they thinking?' question.

Photo of a news article containing text and a photo of young Sylvia Mendez. 2013. *Glogster*, edu.glogster.com/glog/mendez-v-westminster/1gklwnhnhxh. Accessed 13 Oct. 2019. This is a primary source photograph of the article published in the news after the *Mendez v. Westminster* ruling. This contains a photo of young Sylvia Mendez sitting next to a "Whites only" style sign. The corresponding article on the right describes the ruling, and even quotes Judge McCormick. The article also describes which counties are affected by this, and the penalty for the Westminster school district. This is very important to my research because it is a primary source photograph of the news article. This helps to answer the "what were they thinking?" question for both McCormick and the general public. It quotes McCormick, and is styled in a way that seems to be describing this as a neutral event, not expressing happiness for the decision, but not complaining about it either, rather just stating the facts without leaning towards one side or the other.

Rees, Bill. E-mail interview. 1 Dec. 2019. I conducted my interview by asking my uncle, a soon-to-be retired lawyer, and expert in the area, as the NAACP's phone service was not working for over a week (at least for me). I inquired about his opinions of the two cases, specifically *Brown*, and what course of actions he would take. Unfortunately, his memory has become rather sluggish, so I did not receive as detailed explanations as I had liked. His responses are as follows:

Aram,

No, "separate but equal" has not been constitutional since *Brown v. Bd. of Ed.* in 1954.

Since I was born in 1952, I can't tell you what my opinion was prior to *Brown* (when I think you said the *Mendez* case was decided), but I have always strongly agreed with the Supreme Court's *Brown* rationale: that "separate" is inherently "unequal" when it comes to race. White people had (and still have) most of the power, money and control, so the efforts they would make to ensure that black kids' schools (as in *Brown*) are "equal" to whites' are bound to be inadequate. Not surprisingly, I think white people will take care of their own kids first, and so the only way equality can be worked toward is to have kids of all races in the same schools. The same could apply to other state-provided facilities,

such as railway waiting rooms, water fountains, etc., where blacks and whites have to use different ones.

So, I guess my answers to 2 of your questions are pretty clear: I agree with Brown, and not with Plessy v. Ferguson (in which, as you know, the Supreme Court said, back in the 1890's I believe, that "separate but equal" is constitutional).

As far as what my approach to attacking Plessy would have been, it's easy to say in hindsight, but I think

1. I would have brought suit on behalf of some black children/families claiming that the quality of the public schools provided by the state to black kids was inferior to that of the white schools. (The same claim could be made about any state facility provided separately to blacks and whites--I don't recall what it was in Plessy, but I don't believe it was schools).

2. My legal claim would have been that this inferiority violates the "equal protection" clause of the 14th Amendment to the US Constitution. (This clause, ratified as part of the Amendment at the end of or right after the Civil War, guaranteed every person the "equal protection" of the laws.) Furthermore, I would have said (as I did above) that the state cannot use Plessy as a defense (to refute my claim of unconstitutionality) because separate is inherently unequal, and that therefore Plessy must be overruled. (The Supreme Court generally doesn't like to overrule its old cases if instead it can "distinguish" the new case--like Brown---from the old case--like Plessy--and justify coming to a different conclusion. In this situation, however, "separate but equal" either violates the equal protection clause or it doesn't, so there wasn't much room for "distinguishing.")

3. I would then have brought forth evidence of the inferiority of the black schools to support my argument. For example, there were probably evaluations made of how successful various schools and their students were, and these might be used to show that the white schools worked better for their students than the black schools did for theirs. I don't remember for certain, but I'm guessing that this is one of the things that the lawyers for the students in Brown did.

Incidentally, as you may have learned in your class, the primary lawyer for the students in Brown was Thurgood Marshall, who became the first black person to serve on the Supreme Court when he was appointed by Pres. Lyndon Johnson in the 1960's.

I hope this is helpful, Aram. If you have more questions, let me know.

Sylvia Mendez stamp. *Chapman University*, Chapman, news.chapman.edu/2017/09/26/70-years-school-desegregation-mendez-westminster/. Accessed 13 Oct. 2019. This is a photograph of the stamp of Sylvia Mendez made to commemorate her and her family's efforts in *Mendez v. Westminster*. The stamp has a white and a non white person reading a book. With the words "Towards Equality in Our Schools". This is a powerful phrase that sums up the whole goal of the court case, and what Sylvia Mendez does now for a living. In addition, there is a sun, representing happiness and a sense that everything is good in life. There is also space in the stamp, this represents dreams and shooting for the stars, as equal education can help you achieve those dreams. This stamp is important to my research because it shows the legacy of this case, as a stamp was dedicated to the event.

United States, Court of Appeals for the Ninth Circuit. *Mendez v. Westminster*. *Federal Reporter, Second Series*, vol. Unknown, 1947. *Justia*, law.justia.com/cases/federal/appellate-courts/F2/161/774/1566460/. Accessed 18 Sept. 2019. Justia is a reliable source, as it contains the actual text used in the case. It looks as though it appears as if the school system believes that the separate schools are equal, claiming that the Mexican kids need a different school in order to learn English. Mendez is arguing that this is a load of garbage, and that Mexicans should be admitted because it does in fact violate the fourteenth amendment. The lawyer for the plaintiff, Marcus, claims that the Mexican Americans are being discriminated against in the education system, and they are both considered white. He then went on to prove that the schools weren't equal. The court ends up agreeing with Mendez, not because of the fact that segregation is wrong, but because of the fact that the schools are not equal, violating the separate but equal clause. This is important to my research because all of this information was actually said, meaning I can pull direct quotes from the text and comprehend the exact words that they use, as it is not censored.

White, G. Edward, et al. "The Unacknowledged Lesson: Earl Warren and the Japanese Relocation Controversy." *The Unacknowledged Lesson: Earl Warren and the Japanese Relocation Controversy* | *VQR Online*, 12 Dec. 2003, www.vqronline.org/essay/unacknowledged-lesson-earl-warren-and-japanese-relocation-controversy. This source is of someone who worked for Earl Warren, and it describes Earl Warren, and tells a story Warren's memoirs. As such, this is a primary source as it contains an event, firsthand while also providing quotes and explanations for the described events in Warren's past. I plan to use this to quote his memoirs about being governor, describing his thought process when outlawing school segregation.

Secondary Sources

- Brilliant, Mark. "Review." Review of *Mendez v. Westminster School Desegregation and Mexican-American Rights*. This is a review of the book that I read. This reviewer praises the book greatly as they claim that this book is useful for both students and scholars, as there is not much primary source information for this topic. He then describes how it is an interesting read and a very information one as well, to which I concur.
- Charles Wollenberg *California Historical Quarterly* Vol. 53, No. 4 (Winter, 1974), pp. 317-332
This is a very detailed book describing the events of *Mendez v. Westminster*. They describe everything about Warren's decision to integrate the schools. They also detail the judges' ruling on every level, and their reasoning and the reactions. They also describe how Gonzalo Mendez had to go about suing, and his support, and the attempts to stop his lawsuit. This is critical to my research because it is an extremely in-depth description of the case and the people's thought process during.
- Editors, History.com. "Plessy v. Ferguson." *History.com*, A&E Television Networks, 29 Oct. 2009, www.history.com/topics/black-history/plessy-v-ferguson. This is an article from History.com, a very credible source, about *Plessy v. Ferguson*. I plan to use this to help better my understanding of the case. More specifically, how it impacted and influenced American society. And to use that information as context for my essay.
- Editors, Biography.com. "Earl Warren Biography." *Biography.com*, 2 Apr. 2014, www.biography.com/political-figure/earl-warren. Accessed 13 Oct. 2019.
Biography.com is a well known website for biographies of famous people. One such biography is that of Earl Warren, the governor of California who integrated the schools, and Chief Justice of the United States Supreme Court, who helped decide the notorious *Brown v. Board* decision. It details his early life, his rise to governorship, and reasons he became the Chief Justice. President Dwight Eisenhower nominated Warren for the position, as his actions of tax reforms, social welfare, and integration policies in California, made him ideal for the court in Eisenhower's eyes. This is important to my research, as Earl Warren took the court case, and integrated all schools in California, the first state to do so, and he was responsible for the *Brown v. Board* decision.
- "In Pursuit of Equality." *Smithsonian*, Behring Center, americanhistory.si.edu/brown/history/2-battleground/pursuit-equality-2.html. Accessed 26 Sept. 2019. Smithsonian is a very well known organization known for their collections of historical information. They have published this as part of a story on how we got to *Brown v. Board*. This also contains a part about *Mendez v. Westminster*. It describes California state law before the case as having all nationalities segregated, even though state law only allowed the segregation of Indians and Africans. The Latinos were segregated by town. Mendez was upset that his children were not admitted to the white school, and he sued the school. His lawyer claimed that it was unconstitutional to

separate based on nationality, not race, meaning that Latinos and whites should be treated equally. He won the case, and the governor of California, Earl Warren, later desegregated the whole state. California became the first desegregated state, beginning to break the barrier of segregation in the public school system, helping to pave the way for *Brown v. Board*.

- Jiménez, Jessica. "Civil rights activist Sylvia Mendez speaks in Berkeley on integration." *Daily Californian*, 16 Apr. 2017. *Daily Californian*, www.dailycal.org/2017/04/16/civil-rights-activist-sylvia-mendez-speaks-berkeley-integration/. Accessed 29 Sept. 2019. The Daily Californian is a non-profit student run newsroom, which makes them unbiased, and, reliable. For the 70th anniversary of her dad's successful court session, President Obama rewarded her with the Presidential Medal of Freedom. She believes that today still, schools are very segregated. She claims that minorities make up many poorer communities while whites make up richer communities. The richer schools provide better education than the poorer ones, making them very unequal. Mendez recalled her school having no electricity, no playground, and they were taught how to play sports and sew, etc. This is important because it shows how the segregation was back then, compared to how it is nowadays, different, but present.
- Kelly, Brigid. Weblog post. *70 Years ago , California ended a type of segregation*, 22 Feb. 2016, www.kcrw.com/news/articles/70-years-ago-california-ended-a-type-of-segregation. Accessed 27 Sept. 2019. KCRW is an independent news media organization, meaning it is not backed or supported by a party, making it an unbiased source. They write about the lawyer, David Marcus, and his barrier-breaking argument in *Mendez v. Westminster*. He attempted to make the argument that his Latino clients were being discriminated against. It was NOT to prove that segregation was particularly a bad thing, as *Plessy v. Ferguson* had established that segregation was okay. His claim was that the Latinos should be treated as whites, but they were not. Many experts testified how this segregation hurt the Latino students' morale by constantly being told they were inferior, and making it harder for them to embrace American culture. Marcus also pointed out that the schools for the Mexican-Americans had smaller budgets, less academic programs for post-graduates, and ended too early. Since under the law the Mexican-Americans and white Americans were equal, and the schools were not, the court ruled that it was against the 14th amendment to discriminate based on race. The extreme public attention caused Judge Paul McCormick to have this ruling apply only to Mexican-Americans, and only in certain districts. This exhibits the beginnings of the breaking of the race barrier, as the court was extremely close to defying the Supreme Court and desegregating the schools.
- Macías, Francisco. "Before *Brown v. Board of Education* There Was *Méndez v. Westminster*." *Library of Congress*, 16 May 2014, blogs.loc.gov/law/2014/05/before-brown-v-board-of-education-there-was-mendez-v-west

minster/. Accessed 29 Sept. 2019. The Library of Congress is a government website and is very accurate and unbiased. The article explains how it is hard to pinpoint exactly what broke the segregation barrier, Mendez v. Westminster, or Brown v. Board. The Mendez case ended 100 years of segregation, dating back to the U.S.-Mexico War in 1848. The war created many anti-Mexican sentiments. This led to extra precautions to keep separate from these people. The superintendents were extremely vulgar and racist when asked to explain their reasoning for the segregation of the schools, claiming they could not speak English. The Mendez' attorney, Marcus, called a student, Carol Torres, to the stand to speak English. In addition, Mrs. Mendez said one thing in English, "We always tell our children they are Americans." This is important to my research as it describes some of the actions during the court sessions, and background knowledge on how the Mendez' were able to break this barrier in history.

Norwood, Robyn. "Sylvia Mendez: De facto segregation still exists in public schools." *Chapman University*, 26 Sept. 2017. *Chapman University*, news.chapman.edu/2017/09/26/sylvia-mendez-segregation-still-exists-public-schools/#. Accessed 30 Sept. 2019. Chapman University is a university, meaning it is a scholarly source. This article's sole purpose is to show how schools are still segregated today. Many schools range from 90 percent or higher minority ratings in poorer economies in California alone. Mendez claims that we are more segregated now than we were back then. She claims that we won the desegregation argument, not the integration argument. De facto segregation is segregation by poverty, district, politics, and school locations. She says that this is what we have nowadays and claims it's worse than it was when she went to school. She wants our generation to fix the poverty gap and integrate schools. This is beyond important for my research, because many, including myself, think that this was the start to integration in schools, while the daughter of the man who made it happen, claims the opposite practically.

"Plessy v. Ferguson." Oyez, www.oyez.org/cases/1850-1900/163us537. Accessed 26 Sep. 2019. Oyez.org is a very reliable source for anything related to the Supreme Court. They are a non-profit organization containing everything from the case background, to the facts of the case, to the case itself, to who voted for which side, even to the effects and actual audio dialogue from the cases, if possible. Instead of using this source to show how the race barrier was broken, I intend to use it as a way to show how the segregation barrier was strengthened, and why it was a lot harder than many people think to actually achieve integration. In 1892, Homer Plessy, 7/8ths white, agreed to a test to challenge the Separate Car Act. Since Plessy was technically black under the Louisiana law, when asked to leave the whites only car, he refused and got arrested, taking the case to court. The local court sided with the state, claiming that this act did not violate the 13th and 14th amendments. The Supreme Court ruled in favor of the state, with a 7-1 vote,

claiming segregation itself was not unconstitutional, but unequal facilities would violate the 13th and 14th amendments. This is important to my research because it biggest defense for the barrier - the Supreme Court. They interpret the law of the land, the Constitution, and what they say goes, and it is very rare for the Supreme Court to reverse a decision they've made already.

- Rosenberg, Jeremy. "'No Dogs or Mexicans Allowed': Mendez v. Westminster and its Legacy." *KCET*, 1 Apr. 2013. *KCET*, www.kcet.org/history-society/no-dogs-or-mexicans-allowed-mendez-v-westminster-and-its-legacy. Accessed 30 Sept. 2019. KCET is an organization that tries to spread the knowledge of the history of the area around California. He begins stating how Orange County has history of civil rights activism. He then describes the Mendez v Westminster case. He describes the case as "blurs the boundaries between counties", meaning that they are move unified and integrated. And how this stopped the segregation, which threatened core American beliefs and principles. This is important to my research because it shows how a person in today's world views this barrier-breaking event with a site that all should see mentality.
- Strum, Philippa. *Mendez v. Westminster: School Desegregation and Mexican-American Rights*. University Press of Kansas, 2010. This is a great source, as it is a book relating *Mendez* to *Brown*. This source contained quotes from the cases, as well as a background and outside perspective. I plan on using this to help guide my essay, as it contains quite a bit of information.
- Strum, Philippa. "Op-Ed: How Mexican Immigrants Ended 'Separate but Equal' in California." *Unknown*. *L.A. Times*, www.latimes.com/opinion/op-ed/la-oe-0302-strum-mendez-case-20160302-story.html. Accessed 18 Sept. 2019. Originally published in *Los Angeles Times*, 2 Mar. 2016. The LA times is a newspaper, meaning they provide the news. This could be bias, but it is an opinion article, and it is not about wether the court made the right decision, but rather how to author views how this case contributed to the breaking of the segregation barrier. The court at the federal level said that the separate but equal schools were unconstitutional. Thurgood Marshall, head of NAACP's legal Defense Fund, was against arguing about segregation in the courts, but later believed that if more and more segregation cases took place, the states would be so broke they would have to segregate schools. This is important because it helped me understand who else besides Mendez and his lawyer helped break the segregation barrier.
- "Sylvia Mendez." *Wikipedia*, en.m.wikipedia.org/wiki/Sylvia_Mendez. Accessed 29 Sept. 2019. Wikipedia is a reliable online encyclopedia. I plan to use it to learn more about the Sylvia Mendez. She is a civil rights activist. At age eight she was one of the students that were the cause of the case. They moved from Puerto Rico to a farm they had rented. She was

not permitted to the school but her cousins were. She attended the school on January's 19, 1948. White peers were racist towards her. Her father motivated her to keep pushing on in the tough environment. Now, Mendez is a nurse and retired after thirty years, meaning she is highly intellectual, educated, and pursued further knowledge after school, going against the claims of the school district. She now travels around lecturing and educating people on her father's achievement. This is important to my research because Sylvia Mendez has lived through the whole thing, and she was actually the one to break the segregation barrier by going to the school, and how she benefitted from the school.

United States, Court of Appeals for the Ninth Circuit. *Mendez v. Westminster. Administration Office of the U.S. Courts*, vol. Unavailable, 1947. *United States Courts*, www.uscourts.gov/educational-resources/educational-activities/background-mendez-v-westminster-re-enactment. Accessed 18 Sept. 2019. The United States Courts is a reliable website, as it is run and managed by the government. I used this site to gather research for my thesis. The Mendez kids weren't accepted into the public school. The parents took the case to court as a result, it was ruled that this was not "separate but equal". This led to the eventual desegregation of schools in California This broke huge barriers, the race barriers. This was a first for the nation, for a non white citizen to actually win a court case involving race. This helped inspire the Brown v. Board of education. And, this also was chisel that was needed to begin to destroy the barrier, only not required Brown v. Board to act as a hammer, and destroy the barrier.

"U.S. Courts of Appeals and Their Impact on Your Life." Pdf file. The government is very accurate and reliable, especially when describing how the government works. I needed to gather information specifically on the authority of the appellate courts, to know what their authority was, so I can judge how much influence their decision in Mendez v. Westminster had on the nation. There are thirteen of these appeals courts, dividing the country. They have the lay over the land just like the Supreme Court. The only difference is that one can appeal their case to the Supreme Court, and what the Supreme Court says, goes, and the appellate courts cannot change that. California is under the jurisdiction of the ninth court, the court where this case was held. This is useful to know, as the appellate courts are the second highest judicial authority, meaning that this was a fairly significant court that almost defied the infamous separate but equal clause.