

# Equal Protection – A Jury of One’s Peers

The U.S. Constitution was ratified in 1788 and first amended in 1791 with the adoption of 10 amendments known as The Bill of Rights. The 6th Amendment in the Bill of Rights guarantees that anyone accused of a crime, “shall enjoy the right to a speedy and public trial, by an impartial jury.” This concept dates back to 1215 in England’s Magna Carta, which refers to a jury trial with a “judgment of his peers.” The following case was taken to the U.S. Supreme Court not to prove guilt or innocence but to ensure due process of and equal treatment under the law.

## Hernandez v. Texas (1954)

Peter Hernandez, a Mexican American agricultural worker, was indicted, convicted and given a sentence of life in prison for murder. In both cases, Hernandez was tried before an all-Anglo (white) jury. His defense attorneys attempted to stop the proceedings because persons of Mexican descent were excluded from jury service. Hernandez’s legal team claimed that Mexican Americans, although white, were treated as a class apart and subject to social discrimination. An example of this discrimination was found in the Jackson County (Texas) Courthouse where there were two men’s restrooms, one unmarked and one with a sign reading “Colored Men and Hombres Aqui.”

Hernandez’s attorneys appealed his conviction arguing that without a jury of his peers Hernandez was denied equal protection under the 14th Amendment. They showed evidence that Mexican Americans made up 14 percent of the population, yet no one with a Hispanic surname had served on any jury in the county in the prior 25 years. The Texas Court of Criminal Appeals denied their claim stating that, “Mexicans are ... members of and within the classification of the white race as distinguished from members of the Negro Race,” indicating their belief that the 14th Amendment applied only to Black and white populations.

Hernandez’s pro-bono legal team didn’t stop there and appealed to the U.S. Supreme Court. Writing in the unanimous decision, Chief Justice Earl Warren wrote that the 14th Amendment “is not directed solely against discrimination due to a ‘two-class theory’” but extends to cover any national or ethnic groups for which discrimination could be proved. The Court required Hernandez to be retried by a jury composed without discrimination against Mexican Americans.

Hernandez was retried with a jury including two members of Mexican descent. He was found guilty and given a 20-year sentence.

**Newspaper Activity:** In print or online, look for examples of people fighting for the equality of others. What group of people are they working for? How and why are they doing it?

Next installment: **Equal Opportunity to Vote**

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