

# Separate is Not Equal

The 14th Amendment to the U.S. Constitution, ratified in 1868, granted citizenship to all persons born or naturalized in the U.S. — including former enslaved people — and guaranteed all citizens “equal protection of the laws.”

Shortly after its ratification, however, state and local laws enforcing racial segregation, also known as Jim Crow laws, were created in many locations across the country. The following case, involving Mexican-American plaintiffs, was an important step toward ensuring equal protection.

## Mendez v. Westminster (1946)

By the 1940s, while not a law, it was a long-standing practice to segregate Mexican Americans from the Anglo population in southern California. This included Mexican American sections in movie theaters, “Mexican Mondays” at the public pools, and separate schools. The educational argument was that the children needed specialized English instruction. However, children were placed in the schools regardless of language ability.

These schools were supposed to be “separate but equal” — a measure first created in the 1896 landmark case of *Plessy v. Ferguson*. But this was not the case. The “Mexican schools” started sessions late and seasonally shortened the school day to allow for their student population to work alongside their parents to harvest fruits and nuts. Their school buildings, books and supplies, and equipment were second-rate.

Several fathers, including Gonzalo Mendez, represented by a civil rights attorney, David Marcus, took four school districts to court seeking equal treatment for their children and the other 5,000 children in the area of Mexican descent. The group won their case. In his ruling on Feb. 18, 1946, U.S. District Court Judge McCormick wrote that the segregation of Mexican students to separate schools was unenforceable under California law, and violated the equal protection clause of the 14th Amendment to the Constitution. The schools unsuccessfully appealed the case to the U.S. Court of Appeals for the Ninth Circuit.

In June 1947, Governor Earl Warren signed a bill ending school segregation in California. Later, as Chief Justice of the Supreme Court, Warren wrote the majority opinion in the landmark case *Brown v. Board* (1954), ending legalized school segregation throughout the United States.

**Newspaper Activity:** People make their voices known to government officials in a variety of direct ways, such as speaking at congressional hearings or town meetings or sending letters. People also attempt to sway others through newspapers and other media with a variety of methods, such as letters to the editor, political cartoons, press releases and even advertising. For this activity, each student should find examples in which the newspaper was used to sway opinions about a specific issue. Note the issue, how the arguments were made, and whether you found it credible and persuasive.

Next installment: **Equal Protection — A Jury of One’s Peers**

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