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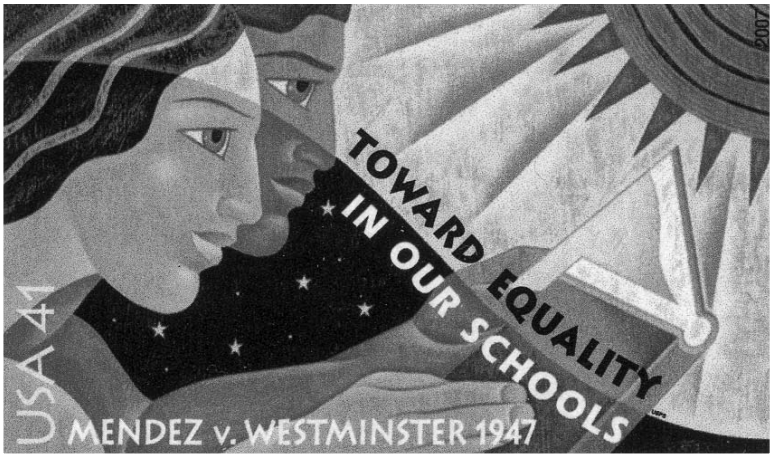

Top: Felícita Méndez on her farm. Santa Ana, California, mid-1940s.
Middle: Stamp issued by the U.S. Postal Service in September 2007 honoring the Méndez v. Westminster *case*
Bottom: Felícita Méndez, circa 1940s.
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Felícita "La Prieta" Méndez (1916–1998) and the end of Latino school segregation in California

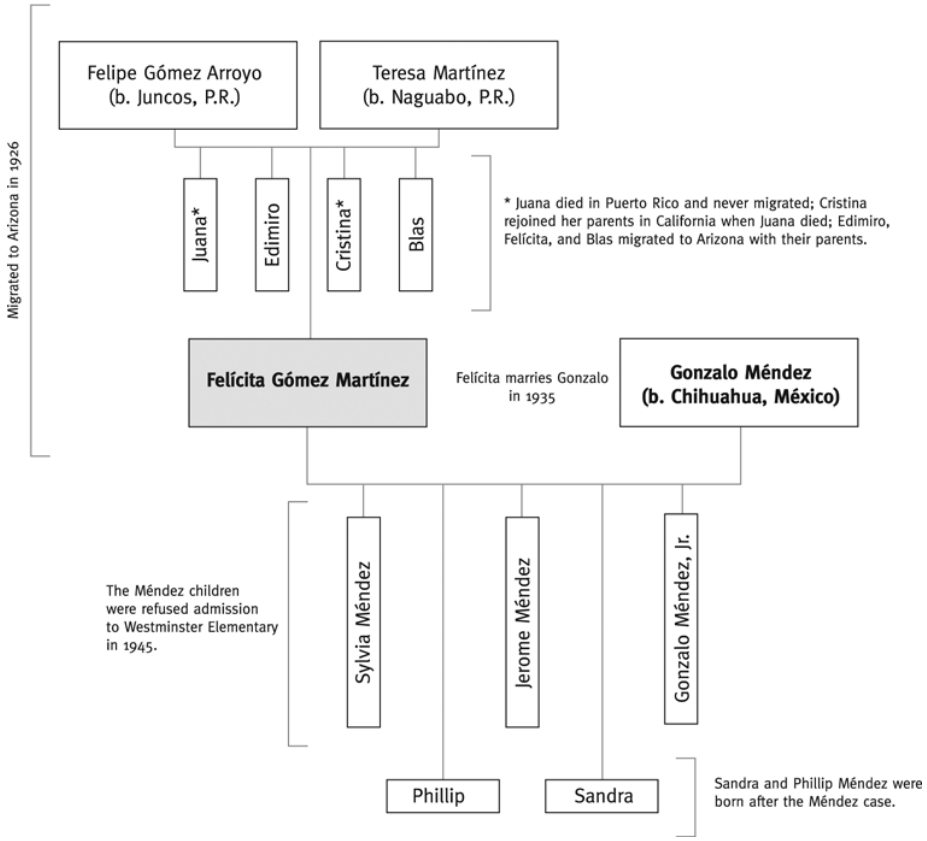
Jennifer McCormick and César J. Ayala

ABSTRACT

This paper reexamines the case of *Méndez v. Westminster,* a lawsuit filed by a Latino couple whose children were denied admission to a public school in Southern California in the 1940s. Felícita Méndez, born in Puerto Rico, and her husband, Gonzalo, a naturalized American citizen born in Chihuahua, Mexico, challenged the segregation of Latinos and won their cases in the courts of Southern California and in the Federal Ninth Circuit Court of Appeals of San Francisco, ending school segregation in California. The family sued the Board of Education of Westminster County after their children were refused admittance into the local school of the community where they lived, on account of being "too dark." Felícita's parents and siblings were racialized as "mulattos" in Puerto Rico, as "black" in Arizona, and as "Mexican" in California. Out of a lifelong struggle against exclusion, Felícita developed a universalistic anti-racism and a strong sense of citizen rights. We show that segregation was regionally differentiated in the United States and that the same individual could be racialized in different ways in different regions of the country and its colonies abroad. Thus, the larger architecture of the U.S. empire must be taken into account when examining cases such as that of Felícita Méndez. We challenge conventional notions of racial stratification as a binary structure and argue instead that a complex system of gradated exclusion best describes the racial/ethnic stratification system of the U.S. We call the practices of partial exclusion and partial enfranchisement, processes of "bordering." Through these processes, the empire determined who belonged in the polity and with what level of political and economic rights. [Key words: *Méndez v. Westminster*; Puerto Ricans, migration to Arizona; Puerto Ricans, segregation; Chicanos, segregation; Latino Education; Latino Segregation]

Felícita Méndez, circa 1960.

FELÍCTA MÉNDEZ AND HER FAMILY



Felícita Gómez and the Puerto Rican migration to Arizona

The migration of Puerto Ricans to Arizona in 1926 seems to be an isolated instance rather than part of a sustained flow. Labor agents went to recruit workers in Puerto Rico due to supposed "labor shortages" in the Southwest in the mid-1920s. The Immigration Act of 1924 had restricted the access of European immigrants to the U.S. and workers who were traditionally bound to agricultural tasks were being siphoned off by urban industries where they could earn better wages. Many Latino communities in industrial centers emerged during the 1920s in this context of relative closure of European migration. For the growers in the fields of the Southwest, competition from urban industries presented a problem. It would be henceforth necessary to import additional numbers of agricultural workers to replace the drain of labor power to urban industries. The recruitment of workers in Puerto Rico in 1926 thus occurred in response to the closure of European migration due to the Immigration Act of 1924 and a felt need to find alternate sources of workers for the Southwest in the face of urban competition for Mexican workers. At the time, employers also feared the introduction of a quota to restrict the number of immigrants from Mexico, in a fashion similar to the restriction placed on European migrants.

It was in this context that Felícita Gómez Martínez, born in Juncos, Puerto Rico, on February 5, 1916, migrated to Arizona with her parents, Felipe Gómez Arroyo, of Juncos, and Teresa Martínez López, of Naguabo.[1] Felícita and her family came originally to work as cotton pickers in Arizona with "hundreds of other Puerto Ricans" via Galveston, Texas, in 1926.[2] Her daughter Sylvia does not think she attended school in Arizona, but rather "played in the fields" as her father picked cotton.[3]

As the Gómez family crossed the continental United States, Felícita faced a series of disenfranchisements that began with attempts to lock down Puerto Ricans on the cotton fields of Arizona and continued in California where her children were ultimately segregated in run-down public schools on the basis of skin color and surname. The life of Felícita reflects a struggle to realize the promises implicit in U.S. citizenship, which in practice were denied to Puerto Ricans on both the island and in the Southwest.

Felipe Gómez Arroyo and Teresa Martínez López (parents of Felícita Méndez) with their grandchildren Victor and Jennie, California, ca. 1937.

Puerto Rican migration to Arizona: An inconvenient labor force

In 1926, the Arizona Cotton Growers Association arranged with the U.S. Bureau of Insular Affairs to import 1,500 Puerto Ricans (McWilliams 1967: 71).[4] Felícita Gómez's family was part of this group. The experience with the Puerto Ricans

was a disaster for the Arizona Cotton Growers, in that they were unable to secure a stable labor force, contrary to their expectations. As we shall see, the Puerto Rican workers who migrated to Arizona revolted against labor conditions and challenged the prevailing system of labor relations on the farms in several respects. Puerto Ricans left the farms massively and staged a protest in front of the Arizona Cotton Growers Association. They sought the assistance of the Arizona State Federation of Labor in securing subsistence. They protested to the legislature and governor of Arizona and, ultimately, abandoned the work in the plantations of Arizona and dispersed. The Puerto Ricans thus attempted to assert certain rights as citizens and as free workers and, in the process, sought allies in the local labor movement. Eventually, this assertion of rights made the growers realize that Puerto Ricans were an inconvenient labor force, and the recruiters stopped their activities in Puerto Rico.

In the process of this initial entry into Arizona, the Puerto Ricans tested the parameters of citizenship and the actual social "borders" of the empire. While they were in theory U.S. citizens, the society that received them was highly stratified along racial and ethnic lines in many ways, excluding entire categories of citizens from enjoyment of full rights (e.g., African-Americans, Mexican-Americans, Japanese-Americans, Chinese-Americans). In colonies directly governed by the U.S., the empire denied citizenship wholesale to Filipinos while granting it to Puerto Ricans, who were racialized into positions of lower status, limiting their life-chances and contradicting their expectations of citizenship.

Fed but rejected by Arizona labor

When they arrived in Arizona, the Puerto Ricans realized that wages and living conditions were not what had been promised by labor contractors in Puerto Rico. Whole families broke their contracts and left the farms. The Phoenix Central Labor Council, a coalition of skilled trade unions, investigated, and found that "about ninety men, women, and children in and around the Cotton Growers' Association headquarters and on the streets had left the farms because they had no place to sleep and in several cases they claimed that they had not had anything to eat for two or three days [...] many more had left the farms and had been arrested."[5] The Phoenix Central Labor Council invited the Puerto Ricans to their union hall, purchased two stoves and groceries, and fed the group.[6] According to an article of 1926 in the *Arizona Labor Journal*, "In an interview with several [Puerto Ricans] who could talk fairly good English they claimed that the Cotton Growers' Association was not living up to the contract agreed to before leaving Porto Rico, and their purpose in coming into Phoenix was to compel the cotton growers to live up to their contract."[7] Workers claimed that they had been promised wages of $2.00 daily, but were actually being paid $1.37 a day. They also said they had been told that they would be provided with drinking water and sanitary conditions.[8]

The labor scouts who represented these workers had grossly misrepresented conditions in Arizona. Workers were told that houses with "electric lights" were furnished, and that wages were high. When they discovered that they had been deceived, they staged a minor rebellion. Less than 50 percent remained in the fields; the others deserted the camps and marched into Phoenix (McWilliams 1967: 80).

Felícita, on her part, remembered that

> When everybody that volunteered to come from over there got here, and saw the conditions of living, everybody got mad, and they started rioting and throwing everything, and saying take us back, take us back, so everybody just asked to be taken back, to Puerto Rico, but my father he had a goal of coming to the United States and staying, so we stayed, we stayed with different farmers in Arizona (Felícita Méndez Interview, 1975).

Telegrams were sent to President William Green of the American Federation of Labor and to Santiago Iglesias, "President of the Porto Rico Federation of Labor."[9]

The revolt of the Puerto Ricans consisted of three stages: 1) a fight against their employers' attempt to lock them down; 2) a struggle for recognition from the American Federation of Labor; and 3) dispersion in search of better working conditions. In the second stage, and specifically in response to labor's demand that the Cotton Grower's Association uphold a voluntary contract, the growers proceeded to make two accusations against the Phoenix Labor Council. First, they argued that the Puerto Ricans were leaving the farms because the unions in Phoenix were feeding them. Secondly, the growers argued that a number of "Wobblies" among the Puerto Ricans were the ones causing unrest among the laborers, and that Phoenix unions were supporting these "outside agitators."

The unions defended themselves against the accusations of the cotton growers. From the beginning, the Phoenix Labor Council took a principled stand against the coercion of labor,[10] and more generally, it took pride in labor's history against slavery.[11] Answering the charge, the *Arizona Labor Journal* replied to Mr. Walker, the representative of the Growers, that

> To put it in plainer language English, if the police power of the state, county and city will assist the Cotton Growers Association in keeping the Porto Ricans in bondage on a voluntary contract, there will be no more trouble in keeping them on the ranches.
>
> Why not try putting a ball and chain on those pesky Puerto Ricans, Mr. Walker?[12]

Nevertheless, the Puerto Ricans were considered outsiders who did not belong in the polity and their organizers, who had a tradition of labor organization in Puerto Rico, were not recognized as legitimate members of the labor movement.

Organized labor was informed by government officials that the Puerto Ricans were American citizens. But even this recognition was couched in a way that proceeded to denigrate other Latino groups and by extension, the Puerto Ricans themselves. Both the Washington-based journal *Labor* and the *Arizona Labor Journal* quoted an investigation by an unnamed government official of "high standing" to the effect that "the Arizona cotton growers have learned that they have intelligent fellow Americans to deal with who must be helped to a living wage and to living conditions better than those demanded by Mexicans." Both journals repeated the government official's explanation that "another mistake was to under-rate the intelligence of those Porto Ricans. They were expected by their American employers to live as

Mexicans of the most primitive type."[13] This rhetoric denies the social realities of Puerto Ricans, many of whom married Mexicans on the grounds of cultural and linguistic affinity. The quote also illustrates how labor used rhetoric to reinforce class stratification along ethnic lines.

The *Arizona Labor Journal* pointed out that "organized labor has strenuously opposed the importation of these people [the Puerto Ricans] and that they have taken themselves the responsibility of feeding and sheltering the victims of the cotton growers' deception."[14] In 1921, the cotton growers had imported 16,000 Mexicans to work in the cotton fields, 6,000 of which had been left stranded after the season because the growers refused to pay for their return passage as agreed, on account of a slump in the price of cotton. The Phoenix Labor Council had felt the obligation to feed them. The Board of Supervisors of Maricopa County finally agreed to pay for their passage. According to the *Arizona Labor Journal*,

> Organized Labor then and now is of record as being opposed to the importation of labor which cannot be readily assimilated by the community, and which because of its nature has a tendency to reduce the established standard of American living. The farmers not only in the Salt River Valley, but of the entire Nation, concur with Organized Labor in this, because they have through legislation sought to prevent the incursion of agriculturists as land owners whose standards of living are not in conformity with American farm life, namely the Japanese. In this effort the farmers had the support and active co-operation of Organized Labor.[15]

While the Phoenix skilled trades stepped in to rescue Puerto Rican workers from starvation on humanitarian grounds because they were "strangers in a strange land,"[16] it was clear that the American Federation of Labor (A.F.L.) unions did not consider Mexicans, Mexican-Americans, Puerto Ricans or Japanese-Americans eligible candidates for joining the union or any organized community. Thus, even the organized labor movement did not treat the Puerto Ricans as fellow citizens with rights in the nation, but rather as strangers, to be fed in a time of need, for sure, but nevertheless as strangers who did not belong in the polity.

The accusation by the growers that there were Wobblies among the Puerto Ricans also demonstrated the parameters of inclusion that organized labor felt were acceptable. The term "Wobblies" referred to members of the Industrial Workers of the World (I.W.W.), a radical labor union founded in 1905 with a legendary history of militant struggle and anti-racist solidarity. The I.W.W. advocated for the organization of Mexican and U.S. workers in the same unions, in Colorado, for example. While they never had a branch in Puerto Rico, the accusation that there were Wobblies among the Puerto Ricans probably reflects the presence of workers with a history of participation in Puerto Rico's Federación Libre de Trabajadores (F.L.T.) a labor organization with a complex history that included many radical labor currents among its members. The F.L.T. was the Puerto Rican branch of the A.F.L.; therefore, its workers were in theory part of the same organization to which the Phoenix Labor Council belonged. In practice, the F.L.T. was a more radical organization than the Phoenix Labor Council. The F.L.T. had established a Socialist Party in 1916 that ran candidates for local office in Puerto Rico. Its "political" nature,

as evidenced by its organization of a political party of the working class, was an anomaly within the A.F.L. It reflected the attempt of local labor leaders to compensate for the weakness of the craft unions, and the difficulties of organizing a largely agricultural working class.[17] The F.L.T. was a multiracial labor union with many prominent Afro-Puerto Rican leaders.

To the representatives of "Organized Labor" in Arizona, the members of the Puerto Rican affiliate of the A.F.L. were "radical" outsiders along two dimensions: they were not Americans and they were not part of organized labor. To the Phoenix Labor Council, these two concepts were intimately entwined. "Organized Labor, as is well known, is opposed to the I.W.W. Organized labor is American in its aims and objects, and is pledged to the support of American ideals and American standards."[18] The Puerto Ricans were not recognized as citizens and their labor organizers, like the Wobblies, were labeled as "too radical." Neither was considered as part of the "legitimate" forces of organized labor and therefore both were considered un-American.

> It has been charged by certain members of the Cotton Growers' Association that certain "radicals" have been going from farm to farm spiriting the Porto Ricans away from their jobs. The only "radicals" or anyone else that has been engaged in this work, so far as we can discover, are certain members of the I.W.W. among the Porto Ricans themselves, who were brought over on the boat by the Arizona Cotton Growers' Association.[19]

Thus the Puerto Rican workers who migrated to Arizona in 1926 were treated as outsiders by the Cotton Growers Association, by the farmers and contractors who hired them, and by members of organized labor who treated the Federación Libre de Trabajadores as "radical outsiders," and not bona fide members of the U.S. labor movement.

When the protests of the Puerto Ricans continued, but without hope of gaining local allies, a third stage ensued, which we characterize as a process of dispersion.

Dispersion: "They scattered like clouds"

"On March 5, 1927, the encamped Puerto Ricans marched to the State Capitol and appealed to Governor Hunt for aid. When the governor called upon the cotton growers for an explanation, they suggested that the city and county adopt strict ordinances against 'loitering'" (McWilliams 1967: 80). Either county police or private security agents forcefully locked down Puerto Rican workers: "When they refused to work, they were arrested."[20] The Phoenix labor movement protested against using coercion to enforce voluntary contracts, as we have seen, and thus helped prevent a long-term lockdown of the Puerto Ricans in the cotton fields of Arizona. Control over geographical mobility of the workers was a feature of the system of economic coercion in the Southwest. Arizona's terrible labor conditions were partially responsible for making the state a "migrant way station" rather than a permanent place of settlement (McWilliams 1967: 71–90). Many whites, blacks, Mexicans, and the newly arrived Puerto Ricans workers who went there in 1926, quickly migrated to California. During the Dust Bowl years, thousands of migrants crossed the state

en route to California, while only some remained to work temporarily in the fields. It seems that most of the Puerto Ricans who migrated to Arizona in 1926 left that state within a year.

> By the following season, 90 percent of the Puerto Ricans had disappeared; they had "scattered like clouds." No one knows just where they went or what happened to them; but they were not returned to Puerto Rico (McWilliams 1967: 80).

The Gómezes, along with other Puerto Ricans who had been transported to the fields of Arizona, for the second time exercised their rights as citizens to move across the country in order to find better working conditions. According to Felícita,

> We only stayed about six months in Arizona, and then my father, he had a hot foot. He wanted to travel and see, so he came to California, to San Bernardino. We lived there for a while. He was working in the railroad, and then we moved to Lancaster with the railroad, and then we moved to Palm Springs, White Waters, with the railroad (Felícita Méndez Interview, 1975).

Movement and economic control were intricately linked in the Southwest. In addition to the lockdowns that occurred when workers were arrested and returned to the fields, employers relied on deportation to create a labor system tailored to their needs. The industrialized farms in the region preferred a temporary work force that did not reside year round. Permanent settlement entailed costs for local governments. Children of Mexican workers had to be schooled, and there are many other expenses related to the "reproduction" of labor power, both in the day-to-day sense and in the intergenerational sense, that can be externalized with migrant labor forces. Southwestern farmers and contractors preferred a temporary labor force subject to deportation at the end of the season, so that the costs of reproduction of labor power would be borne by Mexico. This signified an immense, and unaccounted for, subsidy to the U.S. economy, which received "finished workers" ready to pick the crops, but did not have to incur the expenses of bringing them up or educating them. In a famous study, sociologist Michael Burawoy likened the system of Mexican migrant labor in the Southwest of the U.S. to the system of labor reserves or Bantustans of South Africa before the end of Apartheid (Burawoy 1976).

Puerto Ricans did not fit well into this scheme because they could not be deported at the end of the season. In 1927, shortly after the experiment with Puerto Ricans in Arizona, the California Fruit Growers Association debated, and resolved against, the importation of Puerto Ricans precisely because they had U.S. citizenship and could not be sent "home" at the end of the season. It is important to note that the presence of border enforcement has always been much more than an "international" matter regulating the flow of citizens and foreigners across borders. Border enforcement reaches down into the labor process itself, and it serves as a "whip" that disciplines workers into compliance with unusually harsh conditions right in their workplaces and in their communities after work. The California Fruit Growers resolved in their convention that "We cannot handle them like Mexicans. A Porto Rican has as much right to stay as we have. He cannot be exported as can a Mexican

who becomes indigent" (cited in Anderson 1940: 296; Majka and Majka 1982: 64). This explains why the 1926 migration to Arizona in particular, given its agricultural labor regime, was a one-time occurrence that did not translate into a systematic labor flow from Puerto Rico. Sylvia Méndez, daughter of Felícita, gave the following account regarding her family's decision to leave the cotton fields:

> They were used to a different kind of climate. It's very hot in Arizona, but not a humid hot. And the work was horrible. My mother said it was terrible to pick cotton. Cotton has thorns on the outside, and when you pick it, your hands get all bloody. They only did it for a while. My grandfather hated it. Someone told him about more work in California and he migrated to California (Sylvia Méndez Interview, 2006).

The "whip" of extra-economic coercion could not reinforce the family's compliance, for, unlike South African or Mexican workers, who were literally held in place during the season and deported afterwards under the processes of apartheid or border enforcement, Puerto Ricans were free to move within the U.S.

Racialization in the empire: Black in Arizona, Mexican in California

Carey McWilliams (1967: 80) wrote about the incident of the Puerto Ricans in Arizona that "an improvised concentration camp was established at the State Fairgrounds in Phoenix into which the Negroes were herded as fast as they abandoned their 'contracts'." Robert McLean wrote in the *New Republic* in 1929 that

> Around Phoenix, Arizona...about four years ago, two thousand Porto Ricans were imported to pick cotton. The experiment was a failure. Practically all were negroes, who were ill adapted to the new environment, and could not be speeded up to the point where they could pick enough cotton to make a living. They soon became public charges, and the cotton growers regretted their experiment. But the prospect of the quota will tempt them to try again (McLean 1929: 336).

The agricultural workers who came to pick cotton in Arizona were thus interchangeably described as "Porto Ricans' and as "negroes." In Arizona, the Puerto Ricans *as a group* were categorized as "negroes."[21] This characterization did not necessarily hold in other places where the Puerto Ricans were individually affiliated to local Mexican communities, as we shall see. In California, the Gómez family joined the larger Mexican community and were racialized as Mexicans. Skin color, however, retained some autonomous weight in the outcomes individuals faced. The complexities of race would have consequences for the children of Felícita, who were denied entrance into a school that was willing to admit their cousins, who had lighter skin.

The initial racial categorization of the Puerto Rican migrants of 1926 as "negroes" stands in marked contrast to the process of racialization that the Gómez family experienced once they settled in California. There, they would be considered Mexicans, which meant that they would be segregated in Mexican schools,

excluded from public facilities and refused service in local stores.[22] This segregation was never legislated at the state level but rather occurred due to local ordinances and custom (Robinson and Robinson 2003: 163–4). Racialization as a "Mexican" in the 1920s and 1930s implied the threat of deportation, even for those of Mexican ancestry who were citizens of the U.S. Between 1929 and 1937, 458,023 documented repatriations to Mexico took place. Of the repatriated population, many were U.S. citizens.[23] Felícita Méndez experienced the trauma of deportation in her first marriage, which was broken when her first husband was deported and prevented from reentering the U.S.

> First I got married with a Mexican boy, that didn't have no immigration, and during the depression time... they took him to Mexico and they asked me if I wanted to go to Mexico but I didn't want to go, because I did not know the Mexican way of living, and my folks were here, and I was too young to start with, and I stayed here and he went to Mexico, and since he could not come back, then later on I married Mr. Méndez here, Gonzalo Méndez (Felícita Méndez Interview, 1975).

Racialization also occurred through a quarantine that was initiated at the U.S. Mexican border and reflected the belief that Mexicans were diseased and dirty. Practices reinforcing conceptions of quarantine originated during World War I when U.S. customs agents began a system of delousing Mexicans by spraying them with insecticides, gasoline, kerosene, and cyanide-based pesticides before they crossed the Santa Fe bridge in Texas to work in the U.S. (Dorado Romo 2005: 223–44).[24] The stigmatization was later bolstered by intellectual elites who worked at places such as the University of California, Berkeley and Stanford. For example, Stanford's Chancellor David Starr Jordan spoke of the need to prevent "the mongrelization of Saxon and Goth blood" (Dorado Romo 2005: 232). This image of contamination, fed by the perception that Mexicans would defile the "native" population, shaped immigration policy and fashioned segregation in southern California. It emerged in the Méndez case when the superintendent of Garden Grove public schools testified in Federal Court that he would never allow Mexican children to sit next to white children because they carried lice and were plagued by infectious disease: "Mexicans are inferior in personal hygiene, ability and economic outlook." Mexican-American children should be segregated, he reasoned, because they had "lice, impetigo, tuberculosis, generally dirty hands, face, neck and ears" (Ruiz 1998: 26).

The legal discourse in *Méndez* refers explicitly to the social practices and beliefs that underscored the quarantine of Mexican-Americans, specifically in this context, Mexican-American children. By referring directly to infectious disease in its opinion on *Méndez*, the Ninth Circuit Court of Appeals acknowledged the effect of such social beliefs on educational policy. In the third paragraph of the opinion, Justice Stephens wrote, "All petitioners are taxpayers of good moral habits, *not suffering from disability, infectious disease* [our emphasis], and are qualified to be admitted to the use of the schools and facilities within their respective districts and systems."[25] Years later, Felícita recalled the struggle for desegregation as a struggle for dignity, a struggle against the shame of segregation rationalized as a "health" quarantine.

"What I recall most vividly of that case is when we were told that we Mexicans were so dirty that we should not mix with the rest of the people and that we should be corralled like pigs in a place far from the rest of society, because we were not worthy of being with the other humans" (Arrítola 1995).[26]

Felipe Gómez, Teresa Martínez, and their children joined the ranks of agricultural migrant workers and started a new life in California. "They followed the railroads from El Centro to Cucamonga, and finally settled in Westminster" (Gurza 1997: 9),[27] where they worked with Mexicans, eventually settled in Mexican neighborhoods, and became integrated into the community. The Gómezes experienced "racialization" *as Mexicans* in California upon arrival. "My grandfather, I don't remember him speaking like a Puerto Rican. What he did was move into the Mexican community, so he spoke like a Mexican. The growers did not know he was Puerto Rican. He picked eggplant in Coachella valley, alongside Mexicans" (Sylvia Méndez Interview, 2006). Felícita, in her many interviews, emphasized her Puerto Rican roots, but when she spoke of "our children," she meant the children of the Mexican-American community, including her own. And when she spoke of Mexicans, she referred to "us."[28] Upon their arrival in California, the Gómez family joined the Mexican community and for all practical purposes, the lived experiences of Felícita and eventually of her children were the same as those of Mexicans. The racial barriers that she encountered in California had been erected explicitly for Mexicans, and it was the segregation of Mexicans in the school system that she helped overthrow. Felícita Méndez was a Puerto Rican who fought her life's fight in the Mexican-American community, to which she belonged, and of which she remained an honored member to the end of her life.

Felícita and her husband Gonzalo Méndez, ca. 1947.

Felícita and Gonzalo: Confronting School Segregation

Felícita married Gonzalo Méndez in 1935. Gonzalo was a native of Chihuahua, Mexico, who had naturalized as an American citizen. He was a co-worker in the fields of Orange Country with Felipe Gómez, Felícita's father. According to Felícita's daughter Sylvia, Felícita met Gonzalo when he came to the home to talk to Felícita's father, Felipe. When Gonzalo and Felícita married, they started a neighborhood café in the Mexican barrio of Santa Ana. The café was called Arizona Café, and it earned them a decent living.[29]

The incident leading to the famous Méndez case began when Gonzalo's sister, Soledad Vidaurri, took her niece Sylvia (interviewed for this article) and her nephews Gerónimo and Gonzalo to enroll them in Westminster Elementary School. At the time, Felícita, mother of the children, was too busy tending to the family business to

take the children herself.[30] But the Méndezes were no longer running a café, they now ran a prosperous farm which they leased from a Japanese-American family that had been sent to a concentration camp during World War II. "They raised asparagus, tomatoes, cabbage, green beans, peppers, and lettuce. Their tenure proved moderately successful, and by the mid-forties, they had a workforce of thirty people during peak season" (González 1990: 149). This business subsidized the Méndez case, as wartime prices for agricultural goods were strong and the Méndez farm was earning a solid income.

Soledad Vidaurri recalled her exchange with a teacher who was in charge of admitting the children to school. Soledad was particularly indignant that the school wanted to differentiate between her children and those of her brother Gonzalo Méndez.

SOLEDAD VIDAURRI: When I went to take my children and the children of my brother Gonzalo Méndez, how awful I felt!

INTERVIEWER: What happened in this incident that you are talking about?

SOLEDAD VIDAURRI: As soon as she told me that she accepted mine because they were Belgians, or Americans, or whatever they were, or from another race, I said no way! She told me, I am going to report you. I said, you? You are not going to report me. I am going to report you!

[...] No. I refused, that was right away. Don't you think that I had to go to the ranch to tell my brother. I refused what the teacher offered, and I told her, my kids, they will not go to your school, if those of my brother cannot go, mine will not go! We have that character, and I am like that. Then I left. And I returned to the ranch.[31]

Felícita's recollection is similar:

She [Soledad] was my sister-in-law and she had three children and I had three children. So it was time to go to school, so we figured, well, we live out here in the range on the east side of 17th street, so, they belong to this school on 17th street, so she went to take them over there. When she went over there, we said take them, because I think we belong over there. When she went over there to take them, my three and her three, they told her they would take her three, but not mine because mine were dark.... and Méndez, you know, and hers was Vidaurri, her husband was Mexican and French, but her name was Vidaurri so that was alright, and then she said, well, if you can't take them I can't leave mine either, so she came back to the ranch.[32]

Felícita Méndez sitting on a tractor on her farm. Santa Ana, California, mid-1940s.

The situation of the Mexican-American community, in the meantime, had evolved during the war. By 1940, the majority of Mexicans in the United States were U.S. citizens. Nationwide, as many as 350,000 Mexican-Americans served in the armed forces, many of them from California. Wartime labor shortages opened the doors to industrial jobs. Up to 17,000 Mexicans were hired in the Los Angeles shipyards alone. The Mexican population was swelling due to the arrival of *braceros* from Mexico, which in 1946 alone numbered 120,000 (Robinson and Robinson 2003: 163–4).

By 1940, a generation of Mexican-Americans had come of age. With the beginning of World War II in 1941, a war fought in the name of "democracy" against the racist German state, this new generation began to mobilize for their civil rights at home. In Los Angeles, the Coordinating Council for Latin American Youth began to organize in 1942 to solve the problem of idle youth in their communities, and to provide vocational education especially in aircraft-related trades, with a view of securing employment for Mexican-Americans in the war production industries. The council challenged Section 8003 of the Education Code, which stated that the governing board of any school district may segregate children of "Chinese, Japanese, or Mongolian parentage."

Attorney Manuel Ruiz, a principal organizer of these efforts, also pressed the federal War Production Board to permit the employment of non-citizens from allied countries to work in war industries, with a view toward including Mexicans in the hiring taking place for the war. President Franklin D. Roosevelt redefined policy toward the employment of "alien labor" in 1942. Thus, the war effort signaled increasing opportunities for Mexican-Americans to struggle for inclusion in the American political and economic system, and even a degree of openness for Mexicans who were not citizens of the U.S. (García 1984: 278–89). Felícita recalled that "nobody could work for the county, the young boys, until the war, when they went and fought, and they came back with that feeling, that if they were good

enough to fight for their country they were good enough to do everything else here" (Felícita Méndez Interview, 1975).[33]

In 1943, returning Santa Ana veterans organized themselves into the Latin American Organization, specifically to combat school segregation. The L.A.O. began confronting the Santa Ana Board of Education with requests for transfers (González 1990: 147). The League of United Latin American Citizens, an organization born in Texas in the 1920s, established its first California chapter precisely in Santa Ana, in 1945 (Robinson and Robinson 2003: 169).

The refusal of Westminster Elementary to admit Sylvia, Gerónimo, and Gonzalo, Jr. shocked Soledad Vidaurri. She was married to a Mexican of French ancestry and her own children, that is, the first cousins of the Méndez children, were enrolled in Westminster Elementary. Soledad later discovered that her own children were admitted because of their light complexions and French name (González 1990: 150). Discrimination because of phenotype and surname would be one of the key issues of the Méndez case (Valencia 2005: 399). Soledad, outraged by the disparity of treatment between her children and her niece and nephews, withdrew her own children from Westminster Elementary. Felícita was outraged that her children, who were "igual de prietos que yo" ("as dark as myself"), were not allowed to enroll (Arrítola 1995: 3).[34]

The Mexican schools in Santa Ana, as elsewhere in California, were dilapidated, lacked resources, and only provided vocational training. Years later, Sylvia described her memories of Hoover, the Mexican school in Westminster: "It was near a ranch and at that time ranchers electrified the fences that surrounded their property to keep their cattle from leaving. I remember a girl touched that fence. The shock did not kill her, but she did not get up until adults came to help her" (Sylvia Méndez Interview, 2006). The Méndezes tried to negotiate with the educational authorities of Westminster County to allow the children to attend their local school, without success.

Sylvia Méndez with classmates at the Westminister Elementary School, 1946.

Gonzalo dedicated the next year to a lawsuit against Westminster County, filed together with four other Mexican American fathers: William Guzmán, Frank Palomino, Thomas Estrada, and Lorenzo Ramírez. With her husband absorbed by the lawsuit, Felícita ran the farm and organized committees to support the legal challenge to segregation. During the period of the trial, according to historian Gilbert González, "Gonzalo threw himself so completely into the cause that he left the farm for Felícitas to administer for over one year. She not only ran the farm well, but it became more prosperous than ever. Thus, both dedicated themselves to a long struggle" (González 1990: 151). In addition to running the family business, Felícita organized parents in the community, and helped to create the Asociación de Padres y Niños México-Americanos, which served as a support for the case (González 1990: 152).

The Santa Ana city attorney defended the segregation policies of the Board of Education in the *Méndez v. Westminster* case. California law permitted separate schools for "Indians, Chinese, and people of Mongolian descent," but was silent on Mexicans. However, the Santa Ana attorney sustained that it was legal to segregate Mexicans on the grounds of language, age, or regularity of attendance. Therefore, from the legal standpoint, segregation of Mexican-American children was "fully supported by the law" (quoted in González 1990: 141). Educators and political officials justified segregation on the basis of the educational needs. The "needs" discourse masked racialized policy.

In this local struggle against segregation, the Méndez family paid the bulk of the legal fees. Since the Asociación de Padres y Niños México-Americanos was composed mostly of farm workers without the funds to cover travel plus loss of work, "Gonzalo and Felicítas agreed not only to cover their transportation costs, but also to reimburse them for their loss of pay. The Méndezes thus carried the burden of the lawyer's fee, compensation for their backers, and time and effort devoted to manage the legal battle. Their effort, to a large extent, represented an individual struggle, yet they not only did it themselves. They also acted in the interests of the entire Mexican community" (González 1990: 152).

Gonzalo and Felícita were offered a "compromise" solution that would allow only their children, but not all Mexican children, to attend Westminster Elementary, but they refused. Gonzalo was inspired, according to a contemporary observer, and by historian Gilbert González, by two principles: "One is that the purpose of the lawsuit is to benefit the whole Mexican community, not a mere handful of fortunate ones; and the other is that his little Sylvia, Gonzalo and Gerónimo... can never be good Americans if this insulting and painful segregation continues" (González 1990: 152).[35] Felícita, on her part, had an equally broad social commitment, which she generalized to children of all colors. Perhaps her manifold life experience as a Puerto Rican migrant, a "negro" in the cotton fields of Arizona, a "Mexican" in California, all depending on the place and the context, made her sensitive to racialization in multiple ways. "We had to do it. Our children, all of our children, brown, black, and white ["bronceados, negros y blancos"] must have the opportunity to be whatever they want to be, and education gives them that opportunity" (translated from the Spanish, as quoted in Ruiz 1998).[36]

Méndez v. Westminster was filed in March of 1945, and the ruling of the court was handed down on February 18, 1946, after the testimony of many witnesses and the innovative introduction of scholarly testimony from sociologists and psychologists. Attorney David Marcus, who argued the Méndez case, had

previously won a lawsuit by Mexicans and Puerto Ricans who had been segregated in the public parks and pools of San Bernardino. *Méndez* was initially argued on a narrow basis, challenging only the segregation of Mexicans, who were not explicitly mentioned in the California educational code as the object of segregation policies. Implicit in this argument was the notion that Mexicans should be treated as whites. Thus, from the point of view of Felícita Méndez, this was yet one more form of racialization in the U.S. As a Puerto Rican, she belonged to a group that was racialized in Arizona as black, in California as Mexican, and now, in court, her children figured as white.

In his ruling, Judge Paul McCormick stated that the rights of the plaintiffs under the Fourteenth Amendment had been denied. "The equal protection of the laws pertaining to the public schools system in California is not provided by furnishing in separate schools the same technical facilities, text books and courses of instruction to children of Mexican ancestry that are available to other public school children regardless of their ancestry. A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage."[37] The ruling was sustained at the Ninth Circuit Court of Appeals in San Francisco on April 14, 1947, in a unanimous 7–0 decision.

The impact of *Méndez v. Westminster*

Two months after the Ninth Circuit affirmed Judge McCormick's ruling in *Méndez v. Westminster*, the legislature of California passed Assembly Bill 1375, which eliminated all segregation in California schools, including the segregation of Indian, Chinese, and Japanese children, and of children of "Mongolian" ancestry. Governor Earl Warren signed the bill into law on June 14, 1947. Thus, the era of *de jure* segregation in the schools of California came to an end. In Texas, in 1948, the case of *Delgado v. Bastrop Independent School District*[38] utilized the precedent of *Méndez v. Westminster* to strike down segregation. In 1951, in *González v. Sheely*,[39] an Arizona desegregation case, the principles established in *Méndez v. Westminster* were extended to that state, and the opinion of Judge Dave W. Ling of Arizona quoted Judge McCormick word by word: "A paramount requisite in the American system of public education is social equality."[40] Overall, *Méndez v. Westminster* had a favorable impact on desegregation cases in the Southwest. But most importantly, the case set important precedents that would later surface in the historic *Brown v. Board of Education of Topeka*,[41] the case that ended legal segregation in schools in the United States in 1954.[42]

Earl Warren, the California governor who signed the law that ended segregation on the heels of *Méndez*, was Chief Justice of the U.S. Supreme Court when *Brown v. Board of Education of Topeka* was heard, and he delivered the opinion. The National Association for the Advancement of Color People (NAACP) had been involved in the Méndez case, and submitted a friend of the court brief, authored, among others, by Thurgood Marshall and Robert L. Carter, the two attorneys that served as counsel for the plaintiffs in *Brown v. Board of Education of Topeka*. The NAACP and others had hoped that *Méndez* would be one of the cases that would challenge the legacy of legal segregation and *Plessy v. Ferguson*.[43] Carey McWilliams, in *The Nation*, argued that "if it finally reaches the United States Supreme Court, the decision may sound the death knell of Jim Crow in education" (McWilliams 1947: 302). Westminster County, however, decided not to appeal the case to the Supreme Court (Valencia 2005: 410).

The times were favorable to anti-racist challenges in the courts, as the recent memory of the Nazi atrocities against racial minorities forced federal authorities to distance themselves from racist discourses and practices. While America challenged Europe to dismantle its empires and open its colonies to American trade in the name of self-determination and pre-emption of communist revolutions, internal racial contradictions were thrown into sharp relief for all to see. In the context of emergent world hegemony, it was difficult for the U.S. to promote decolonization and to challenge European colonial empires while restraining the rights of some of its citizens along racial lines. Indeed, the friend of the court brief submitted by the American Jewish Congress argued that Article 55–c of the United Nations Charter, ratified as a treaty by the U.S. Senate, provided that "the United Nations shall promote...universal respect for, and observance of, human rights, and fundamental freedoms for all without distinction to race, sex, language, and religion." The Ninth Circuit Court of Appeals recoiled from ruling on these issues arguing that it was not an interventionist court intent on taking over the functions of the legislative branch of government. Nevertheless, the changing climate of opinion did have an influence on the California law that abolished segregation in its schools in the wake of *Méndez v. Westminster.*

Discussion: The bordering of America

The United States empire has historically granted rights to the different peoples it has ruled over in a differential way. It has made many determinations concerning what level of "rights" populations and individuals enjoy, often on the basis of notions about "race." In the first half of the twentieth century, within the larger legal framework of the republic and its notion of "citizenship," which is abstract, the empire *actually* granted differentially gradated rights to diverse populations. At the time the Méndez family raised their challenge to segregation, blacks in the South were disenfranchised, Mexican-Americans in the Southwest and the populations of such colonial possessions as Puerto Rico and the Virgin Islands were partially enfranchised, and Filipinos, both in the Philippine archipelago and in the continental U.S., were not only disenfranchised as non-citizens, but subject to exclusion laws.

Puerto Ricans migrated from a colony that in theory "belongs to but is not part of" the U.S. to this day (see Burnett and Marshall 2001). Like the Philippines, Puerto Rico was acquired after the Spanish-American War of 1898. But while the Philippines and Puerto Rico shared the same status as U.S. "non-incorporated territories,"[44] the bill that gave Puerto Ricans citizenship in 1917 did not apply to Filipinos, largely for racist reasons on the part of U.S. Congressmen (see Cabranes 1979; Baldoz 2004). Filipinos and Puerto Ricans had had the same legal status before 1917, but after that date, Filipinos remained "U.S. Nationals," whereas Puerto Ricans were henceforth declared citizens. Furthermore, Filipinos were the specific target of California statecraft; the legislature of the state in 1930 banned, and retroactively dissolved, all marriages between Filipinos and whites, and imposed many other restrictions.

By contrast, Puerto Ricans were, in theory, better off. After 1917, those on the mainland could theoretically vote in any of the states of the union and help elect members of Congress and the President of the United States, but to this day, they cannot do so from their own island, because it is not a state (Ayala and Bernabe 2007). Thus, the federal system and Puerto Rico's status as a U.S. territory imply one set of rules for Puerto Ricans in Puerto Rico, and another for those resident in any

of the fifty states. Ironically, the Gómez family migrated in search of better opportunities from the island to the mainland, where presumably their rights as citizens could be enjoyed fully, only to find that these supposed rights mattered little due to racialization along different lines ("Negro," "Mexican"). Felícita expressed the gap between her expectations as a citizen, and her lived experience, as follows: "I married a Mexican, so I fought for the Mexicans. [...] Everybody that was minority was treated the same. I was a citizen, born a citizen in Puerto Rico. I could not even go to a theater and sit with the other people" (Felícita Méndez Interview, 1987).

As mentioned above, Sylvia Méndez recalled that her mother did not go to school in Arizona, but rather played in the cotton fields. Felícita's neglected schooling forms a poignant background to her effort to secure her children's right to an equal education and to her support of Judge McCormick's broader ruling. In short, we can describe the significance of *Méndez v. Westminster*, from the point of view of Felícita, as a struggle to realize the promise implicit in the decision to grant citizenship to Puerto Ricans in 1917.

We consider the specific obstacles placed on diverse ethnic populations in the U.S. as processes of "bordering." Formal legal structures, as well as established practices of a more informal character, have determined the differential access to political and economic rights. Populations and individuals have been incorporated into the polity "partially." These processes generating partial enfranchisement, or partial citizenship as it were, have determined *the bordering of America*, that is, a series of determinations about who belongs in the polity and with what level of rights. In California, formal structures of segregation designed for the Japanese, Chinese, people of the "Mongolian" race and Filipinos combined with informal, *de facto* structures of segregation that affected African-Americans and Mexicans. The struggle of Felícita Méndez has to be understood within this larger architecture of empire, where the promise of citizenship was thwarted by the reality of "bordering." Thus, the significance of her particular story can be regarded in the narrow sense as a specifically Chicano achievement, because *Méndez v. Westminster* addressed the segregation of children of Mexican ancestry. Yet the Méndez victory had broader repercussions, in which case one can regard the case of Felícita Méndez as having a more universal import, as it was cited as a precedent in future civil rights cases. Felícita herself experienced several forms of "bordering" in her own lifetime: as a colonial subject in the island of Puerto Rico, as a disenfranchised "black" in Arizona, and as a "Mexican" with partial rights in California, where her first husband was deported. Her own conclusion was that the struggle had to be for "all of our children, *bronceados, negros y blancos*." Her memory can thus be honored in many ways and under different rubrics: as a Puerto Rican, as a Chicana, as a woman of color. Given her origins in Barrio Gurabo Abajo in Juncos, Puerto Rico, and her multiple subsequent experiences leading to a kind of universalist anti-racism, we feel she can also be honored with a term from Puerto Rican popular music of the 1970s: *boricua del mundo entero.*[45]

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NOTES

1 Throughout this article, we use the name Felícita, the one used on her birth certificate (Estado Libre Asociado de Puerto Rico, *Certificado de Acta de Nacimiento de Felícita Gómez Martínez*, issued 28 May 1970). "Felicitas" is also used in articles about the Méndez case, and we respect that spelling when directly quoting sources that use it. The Gómez household is listed in the 1920 census intake forms for Barrio Gurabo Abajo, Juncos, Puerto Rico. It included Felipe Gómez Arroyo (age 36), his wife, Teresa Martínez López (age 35), and their children Juana (8), Edimiro (6), Felícita ("Rafaela," 5), Cristina (3), and Blas (1 year, 2 months old). The misnaming of Felícita as "Rafaela" is probably due to the fact that her nickname was "Fela."

2 Interview with Felícita Méndez, 10 September 1975. Archives of Prof. Gilbert González. Hereafter cited as Felícita Méndez Interview, 1975.

3 Interview by the authors with Sylvia Méndez, Fullerton, California, 18 December 2006. Hereafter cited as Sylvia Méndez Interview, 2006.

4 The Bureau of Insular Affairs supervised the colonial government of Puerto Rico, the Customs Receivership over the Dominican Republic, the colonial administration of the Philippines, and several other smaller insular matters.

5 "Local Labor Men Caring for Porto Ricans. Cotton Growers Long on Promises but Short on Performances: Bread Lines Save Victims from Starving," *Arizona Labor Journal*, 26 September 1926.

6 "Phoenix Central Labor Council," *Arizona Labor Journal*, 20 November 1926, reported that "The Porto Rican Committee [of the Phoenix Labor Council] recommended that all outstanding bills contracted for during the time they were taking care of the Porto Ricans be paid by the Council. Motion carried."

7 "Local Labor Men...."

8 "Local Labor Men...."

9 "Local Labor Men...." The correct name of the Puerto Rican affiliate to the A.F.L. was Federación Libre de Trabajadores (Free Federation of Workers). Santiago Iglesias was, additionally, the president of the Panamerican Federation of Labor.

10 "Local Labor Men...."

11 See, for example, "Labor Recalls Part Played by White Workers in Freeing Negro Slaves 100 Years Ago," *Arizona Labor Journal*, 2 July 1927.

12 "The Imported Porto Rican Farm Laborers Still Discontented," *Arizona Labor Journal,* 5 March 1927.

13 "Arizona Workers Assist Porto Ricans in Distress: Government Official Warmly Commends Rescue Activities of Labor Unions After Experiment of Importing Cotton Pickers Had Been Bungled by Planters and State Officials," *Labor* (Journal of Associated Recognized Railroad Labor Organizations, Washington, D.C.), 27 November 1926. This article was reprinted in the *Arizona Labor Journal* with an introduction, and retitled "Government Official Warmly Commends Rescue

Activities of Labor Unions After Experiment of Imported Cotton Pickers Had Been Bungled," 4 December 1926.

14 "Further Entry of Porto Ricans Protested: Phoenix Labor Men Who Feed Imported Laborers Protest to Washington," *Arizona Labor Journal*, 2 October 1926.

15 "Phoenix Labor Council Answers Attack of Cotton Growers: Charges that Politics and Desire to Shift Responsibility for Bringing in I.W.W. Agitators to Organized Labor Basis for Accusations Made in the Arizona Republican by Anonymous Committee," *Arizona Labor Journal*, 30 October 1926.

16 "Further Entry of Porto Ricans...."

17 "The Puerto Rican labor movement had almost from its inception adopted a policy of backing candidates from its own ranks for the insular legislature, a phenomenon—given the affiliation with the AFL and the intimate relation with Gompers—that has long perplexed observers at a loss to understand the AFL's tolerance for this apparent deviation from its nonpartisan, seemingly apolitical norms." (Galvin 1979: 65).

18 "Phoenix Labor Council...," 1926.

19 "Phoenix Labor Council Answers Ariz. Primacotton Growers Ass'n.," *Arizona Labor Journal*, 9 October 1926.

20 "Arizona Workers Assist Porto Ricans...."

21 We have not found references to the Puerto Ricans as "negroes" in the *Arizona Labor Journal*. McWilliams' characterization is perhaps borrowed from the article by McLean. The U.S. government classified Puerto Ricans in Puerto Rico according to race. In the census of 1920, Felipe Gómez, his wife, Teresa Martínez, and their five children, were all classified as "mulattos." *Censo Decimocuarto de los Estados Unidos, 1920, Juncos, Barrio Gurabo Abajo, Distrito de Enumeración 865, Hoja 5–0001* (census taker, Dámaso Maldonado).

22 Arrítola (1995) quoted Felícita's recollection about not being served in cafés in Santa Ana. In interviews in 1975 and 1987, Felícita mentioned being refused service in a restaurant called La Palma in Long Beach.

23 "A prevailing view among Los Angeles county officials in the case of Mexican American children was that culture rather than birthplace determined nationality — admittedly a most controversial position but one that for them simplified the problem of returning a family in which the parents were aliens and the children citizens." (Hoffman 1972: 402).

24 During World War I, U.S. customs agents began mandatory delousing of Mexican border crossers at the El Paso-Juárez international bridge. Immigrants from the interior of Mexico and "second-class" residents of Juárez were required to strip completely, turn in their clothes to be sterilized in a steam dryer, and fumigated with hydrocyanic acid. The procedures required standing naked before a customs inspector who would check "hairy parts" scalp, armpits, chest, genital area for lice. Zyklon B. was used in non-lethal concentrations to kill lice.

25 *Westminster School Dist. v. Mendez*, 161 F.2d 774, 775 (Ninth Circuit 1947).

26 "Lo que más se me quedó grabado de ese caso fue cuando nos dijeron que los mexicanos éramos tan puercos que no debiéramos estar entremezclados con la demás gente y que debíamos estar acorralados como los marranos en una parte lejos de los demás de la sociedad, por que no éramos dignos de estar con los demás humanos."

27 "Siguieron los ferrocarriles desde El Centro hasta Cucamonga, y finalmente se quedaron en Westminster."

28 For example, Arrítola (1995) quotes Felícita saying "los mexicanos *éramos*..." [our emphasis].

29 Gurza (1997: 9) reported that "ella y Gonzalo invirtieron en un café de barrio en

Santa Ana. Le pusieron La Prieta, el apodo cariñoso de Felícitas. Ella se encargaba de la cocina, y aunque dormían poco, el negocio les dejaba bastante." However, the name of this business was actually Arizona Café. "La Prieta" was the name of a café that Felícita owned in Los Angeles between 1956 and 1970. Felícita Méndez Interview, 1975.

30 Sylvia Méndez Interview, 2006.

31 Soledad Vidaurri: "Cuando yo fui a llevar a mis hijos y a los hijos de mi hermano Gonzalo Méndez, ¡que mal me sentí!"
Interviewer: "¿Y qué pasó en este incidente que platica usted?"
Soledad Vidaurri: "Tan pronto como me dijo ella que ella aceptaba a los míos por que eran belchis [Belgians, C.A. & J.M.] o Americanos, o qué eran, o de otra raza, le dije yo ¡que no! Me dijo yo te puedo reportar. Le dije ¿Tú? Tú no me vas a reportar a mi, ¡yo te voy a reportar a ti!"
"[...] No. Yo rehusé, eso fue lueguito, no crea usted que yo tuve que ir al rancho a decirle a mi hermano. Inmediatamente rehusé yo a la maestra y le dije, my kids, no van a tu escuela, si los de mi hermano no van, los míos no van, somos de ese carácter, y soy así. Entonces ya me fui. Y yo me regresé pal rancho." Interview with Soledad Vidaurri, 21 December 1974. Archives of Prof. Gilbert González. Hereafter cited as Soledad Vidaurri Interview, 1974.

32 Gilbert González interview with Felícita Méndez, 1987. Hereafter cited as Felícita Méndez Interview, 1987.

33 Soledad Vidaurri (Interview, 1974), for her part, reported that her nephew Julio Méndez testified in the trial to the effect that when he was fighting in Germany, "Mexicans" were not segregated, and on those grounds questioned school segregation in the U.S.

34 "La directora del plantel dijo hace 50 años a la señora Vidaurri, cuyos hijos son hispanos blancos, de cabello claro, que no había problema en matricular en la escuela a sus tres hijos, pero a los niños Méndez 'igual de prietos que yo,' recuerda señalando la piel doña Felícitas, 'no podía inscribirlos,' pues ellos tendrían que matricularse en la escuela Hoover 'la escuela mexicana,' a donde se enviaba a los niños latinos del pueblo de Westminster en esos años."

35 González, quoting Gertrude Stoughton, "In California's Orange County Mexican-Americans Sue to End Bias in School Systems," *People's World*, 16 March 1945.

36 "Teníamos que hacerlo. Nuestros niños, todos nuestros niños bronceados, negros y blancos tienen que tener la oportunidad de ser lo que deseen, y la educación les da esa oportunidad."

37 *Méndez v. Westminster School Dist*., 64 F. Supp. 544, 549 (C.D.Cal.1946).

38 Civil Action No. 388 (W.D.Tex.1948) (unreported).

39 96 F.Supp. 1004 (D.Ariz.1951).

40 96 F.Supp. 1009 (D.Ariz.1951).

41 349 U.S. 294 (1955).

42 *De facto* segregation continues to this day due to segregated residential patterns and tracking, a practice that slots black and Latino children into non-academic classes. In 2000, on the 46th anniversary of *Brown v. Board of Education*, black and Latino parents sued the state of California for not providing the essential tools of education. The case was grounded in the principle that education is a fundamental right that should be provided to all on equal terms. See Oaks and Rogers 2006.

43 163 U.S. 537 (1896).

44 For the larger history of Puerto Rico as a "non–incorporated territory," see Ayala and Bernabe (2007).

45 From Bobby Valentín's album, *Soy Boricua* (1972); lead vocals, Marvin Santiago.

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