

NATIONAL HISTORIC LANDMARK NOMINATION

NPS Form 10-900

USDI/NPS NRHP Registration Form (Rev. 8-86)

OMB No. 1024-0018

U.S. POST OFFICE AND COURT HOUSE (COURT HOUSE FOR THE CENTRAL DISTRICT OF CALIFORNIA) Page 1

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

1. NAME OF PROPERTY

Historic Name: United States Post Office and Court House (Court House for the Central District of California)

Other Name/Site Number: U.S. District Court House for the Southern District of California

2. LOCATION

Street & Number: 312 North Spring Street

Not for publication:

City/Town: Los Angeles

Vicinity:

State: California County: Los Angeles

Code: 037

Zip Code: 90012

3. CLASSIFICATION

Ownership of Property

Private: ___

Public-Local: ___

Public-State: ___

Public-Federal: X

Category of Property

Building(s): X

District: ___

Site: ___

Structure: ___

Object: ___

Number of Resources within Property

Contributing

1

1

Noncontributing

___ buildings

___ sites

___ structures

___ objects

___ Total

Number of Contributing Resources Previously Listed in the National Register: 1

Name of Related Multiple Property Listing:

4. STATE/FEDERAL AGENCY CERTIFICATION

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this ____ nomination ____ request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property ____ meets ____ does not meet the National Register Criteria.

Signature of Certifying Official

Date

State or Federal Agency and Bureau

In my opinion, the property ____ meets ____ does not meet the National Register criteria.

Signature of Commenting or Other Official

Date

State or Federal Agency and Bureau

5. NATIONAL PARK SERVICE CERTIFICATION

I hereby certify that this property is:

- Entered in the National Register
- Determined eligible for the National Register
- Determined not eligible for the National Register
- Removed from the National Register
- Other (explain): _____

Signature of Keeper

Date of Action

Summary

The United States Post Office and Court House (Court House for the Central District of California) is nationally significant under NHL Criterion 1 for its role in the court case, *Gonzalo Mendez et al v. Westminster School District of Orange County, et al* (1946).¹ Between 1945 and 1946, this U.S. court house became an exceptionally important site in the annals of postwar American school desegregation efforts and the civil rights history of Mexican and Mexican-American people in the Southwest. The decision in *Mendez et al v. Westminster*, a lawsuit filed by five Latino families whose children were denied admission to Anglo public schools in Southern California, forbade segregation on the grounds that separate was not equal. The decision by this Federal court—the first to declare that the doctrine of “separate but equal” ran counter to American law—marked a turning point in the legal struggle against segregation in primary education and served as precedence in striking down segregation for Mexican Americans in the Southwest.

Describe Present and Historic Physical Appearance.²

Built between 1937 and 1940, the United States Post Office and Court House in Los Angeles is an excellent example of a Depression-era Moderne style Federal courthouse and post office.³ Set on a large landscaped site on the northern edge of the Los Angeles Civic Center area, the building is composed of stepped rectangular volumes and an above seventeen-story tower. The steel-frame and concrete structure is clad in a light-colored ceramic veneer (with applied texture surfacing) and dark-colored polished granite. Windows are recessed and grouped into vertical banks. Exterior ornamentation includes fluted columns and piers, bas-relief terracotta eagles, and aluminum grilles over some windows. Inside, the building’s program combines embellished public spaces on the ground and first floors with generally unadorned office space on the upper stories. Interior features include extensive terrazzo floors, a variety of marbled lobby walls, ornamentally painted ceilings, and aluminum light fixtures.

The remainder of this section describes the physical features and public spaces essential to illustrating the building’s historical association with the *Mendez et al v. Westminster* case. These features and spaces include the site, the building exterior, the ground and first floor lobbies, the second floor corridor, and U.S. District Courtroom No. 8 where the case was heard. This section is further divided into four subsections. The first three subsections describe the present appearance of the site, the building exterior, and the building interior as well as alterations made to the historic physical appearance. The last subsection assesses how the alterations have impacted the building’s integrity.

The Site

The court house building occupies a double-sized block bounded by North Spring and North Main streets on the west and east, and Aliso and Temple streets on the north and south. The prominent ziggurat-like form of the

¹ At the time of the *Mendez* case, this courthouse was in the Southern District. However, as the region grew, the Central District broke off from the Southern District. This courthouse on Spring Street is located today in what is now the Central District of California. In this nomination, references to the building as it appears today uses the current name referencing the Central District. Because “Mendez” appears without the diacritical mark in court documents, this nomination withholds the accent when referring to the case, and includes it when referring to the Méndez family.

² This physical description is based primarily on text from Chris VerPlanck and Richard Sucré, “U.S. Court House and Post Office,” National Register of Historic Places Registration Form (Washington, DC: National Park Service, 2005), and supplemented by Page & Turnbull, “U.S. Federal Courthouse: Update of 1986 Historic Structure Report,” U.S. General Services Administration, September 19, 2011; U.S. General Services Administration, “U.S. Courthouse, Los Angeles, CA,” <http://www.gsa.gov/portal/ext/html/site/hb/method/post/category/25431>; and a field site visit conducted in December 2011.

³ The courthouse is listed on the National Register under Criterion A, for its significance in community planning, and Criterion C, for its architectural significance.

twenty-eight story Los Angeles City Hall (1926-1928) is on an axis across Temple Street and the fourteen-story Beaux Arts style Hall of Justice (1925) is located across Spring Street.⁴ The three buildings form part of the historic architectural core of the Civic Center. A large park and a modest, one-story modern building is located across Main Street, and a freeway is located across Aliso Street. The court house site has an approximate frontage of 490 feet on North Spring Street, 525 feet on North Main Street, 315 feet on Aliso Street, and 325 feet on Temple Street. The site slopes downward approximately 20 feet from North Spring Street to North Main Street.

The ground dimensions of the courthouse are 472 feet by 183 feet, with the major axis parallel to Spring Street and Main Street. The building sets back approximately 100 feet from North Spring Street and 30 feet from North Main Street. Temple Street's slight diagonal direction reduces the south side setback from approximately 50 feet to 25 feet on the Spring Street side. The attached courthouse garage fronts the sidewalk on Aliso Street.

Wide sidewalks paved in scored concrete lead to the entrance stairs on the Spring Street and Main Street facades. The stairs are flanked by ground-level light wells along the base of the building. Areas between the sidewalk and the building are landscaped with manicured lawn, low hedges, and trees. Mature magnolia trees are located near the garage entrance on Aliso Street. Cast-iron light standards with hanging double pendant fixtures line the sidewalks along Spring Street and Main Street. The light standards are composed of an octagonal base adorned with acanthus leaves and labyrinth frets, a fluted shaft, and a ball finial.

Dark gray Minnesota granite with pink veining unifies the courthouse and its site. Polished granite wraps around the base of the building at a uniform height and polished granite retaining walls extend along Temple and Aliso streets. Rubbed granite curbs border sidewalks and walkways where no retaining walls exist. Granite steps lead to granite platforms at the entrances. The steps are flanked by low cheek walls and flagpole pedestals of polished granite. The stone masonry is of very high quality, exhibiting precise joinery and careful detailing with rounded ends on retaining walls and entrance parapets. The twin flagpoles flanking the Spring and Main street entrances have flaring bronze bases, steel poles, and ball finials of gold-leafed copper. The bronze railings at these entrances have tufted tops and ends cast in a spiral pattern. A similar low railing caps the Aliso Street retaining wall.

Alterations: The landscaping on Spring Street was re-designed in the mid-1990s. This work included the installation of a wheelchair ramp, a new landscaped plaza with period lighting, and concrete bollards to protect occupants and the property from damage by vehicles and related activities.

Building Exterior

The court house building is of steel-frame and reinforced concrete construction. The structural bays measure approximately 25 feet by 25 feet. The reinforced-concrete walls are 9 to 12 inches thick. The 8-inch reinforced-concrete floors are overlaid with 4-inch filler covering pipes and conduit. The original interior partitions are metal lath and plaster on steel studs.

The court house rises seventeen stories above the ground floor on North Main Street. The building fuses the symmetrical formality of the Classical/Beaux Arts tradition and the stepped massing of the Moderne style. The plan is rectangular with opposite facades largely identical. The building steps back at the fourth story and again at the sixth story, above which rises a twelve-story tower. Six-story wings project from the ends of the building and correspond in elevation to the sixth-story setbacks on the long sides. The composition is terminated by a central two-story penthouse. Roofs are flat and hidden behind tall parapets.

⁴ Building dates obtained from U.S. General Services Administration, "U.S. Courthouse, Los Angeles, California," pamphlet, n.d.

Pale pink matte-glazed ceramic veneer, coated with a "Granitex" surface, clads the structure above its gleaming dark granite base. Minnesota granite is used for the parapet coping. The ceramic veneer is a material similar to terra cotta in composition; however it consists of large flat "tiles" set in a mortar bed applied directly against the building wall. The dense ceramic veneer is made of deaired clay molded under high pressure. Approximately 200,000 square feet of this material covers the upper portion of the building. Part of the penthouse is clad in steel coated in a paint that similarly imitates a granite finish.

Fenestration

A striking pattern of dark vertical fenestration marks each facade. Paired windows and spandrels are recessed and grouped in continuous vertical bands, broken only by the parapet at each setback. The windows are double-hung with aluminum sashes. Most of the spandrels are aluminum with a sandblasted finish. Those above the first-story windows are decorated with a single stylized flower in relief. Ceramic veneer spandrels (identical to the wall sheathing) appear beneath the top windows of the lower four-story mass of the building, beneath the top windows of the tower, and in the outer bays of the tower on the Spring and Main street facades. Light ceramic veneer spandrels punctuate the fenestration bands and create borders of dark squares that frame the facades.

North Spring Street Facade

The building's principal facade faces North Spring Street. A three-story, colonnaded recessed entry is flanked on each side by eleven bays of recessed windows that are separated by fluted piers, or pilasters. The entrance contains four engaged fluted columns. The piers and columns have identical capitals consisting of smooth narrow bands embossed with stars. The columns demarcate five similar entrance bays. Each bay has paired bronze doors set within bronze surrounds topped by a projecting curved hood adorned with a stylized eagle. The doors and surrounds are embossed with abstract geometric designs. Ornate aluminum grilles surmount each entry to the height of the bay. The grilles have borders of stylized flowers and cruciform grids bearing the seals of the U.S. Government departments originally housed in the building: State, Treasury, War, Justice, and Post Office. Two mirror-image bas-relief medallions of terra cotta flank the entrance colonnade. Each depicts an eagle in profile above the words "UNITED STATES COURT HOUSE" spelled in relief on ceramic veneer panels. The two-story recessed mass above the fourth story has twenty-four bays of windows. Widely spaced individual window bays differentiate the end bays of the tower from the rest of the fenestration.

Alterations: Between 1964 and 1966, the Post Office moved to another site, making way for new courtrooms. The twin entries to the Post Office lobbies, originally located in the recessed bays at either end of the Spring Street steps, were replaced with windows that match the adjacent original windows. The relief lettering beneath the eagle medallions that originally read: "UNITED STATES POST OFFICE AND COURT HOUSE" was modified as well; the words "POST OFFICE AND" were removed and the panels containing "COURT HOUSE" were moved up. New panels matching the original were installed where the "COURT HOUSE" panels used to be.

North Main Street Facade

The North Main Street facade is largely identical to the North Spring Street facade with an extra lower story made possible by the grade change between the two streets. This lower story is sheathed in polished dark granite. Rectangular windows are recessed into the wall on axis with the window bays of the upper stories. Also recessed into the wall are three rectangular doorways within the colonnade's central three bays. Paired

bronze doors within bronze surrounds are surmounted by glass transoms bearing stylized cast bronze eagles. Aluminum grilles behind the colonnade (from left to right) depict the seals of five additional Federal departments: Navy, Interior, Agriculture, Commerce, and Labor.

The polished Minnesota granite wall of the lower story extends to the north as a one-story garage with a drive-in entrance and roof-top parking lot. The wall of the garage turns up Aliso Street, abutting the sidewalk. Recessed rectangular windows feature aluminum grilles with abstract floral patterns. A loading dock with an aluminum canopy projects from the building's end wall at the roof-deck level of the garage.

Aliso Street and Temple Street Facades

The Aliso Street and Temple Street facades are identical with minor exceptions. The primary distinctions are the two small, two-story pavilions flanking the loading dock and garage on the Aliso Street facade. The lower portion of each facade consists of a six-story tower flanked by four-story wings that project from the east and west facades. Fluted piers identical to those on the North Spring Street and North Main Street sides demarcate the window bays. The verticality of the relatively slender end of the twelve-story tower is accentuated by five, closely spaced window bays, creating in effect a small Moderne skyscraper on each facade.

Alterations: A walkway that originally served as a postal carriers' entrance at the northwest corner of the building has been abandoned and the door removed. Five pairs of swinging double-leaf doors with transoms and windows originally serving a ground-level mailing platform on Aliso Street have been infilled and replaced with two large doors for maintenance and security.

Building Interior

The court house building has a gross floor area of approximately 885,290 square feet. The ground floor (at Main Street), the mezzanine, the first floor (at Spring Street), and the second and third floors, all measure approximately 412 feet by 180 feet in plan. These floors encompass the majority of the building's major public spaces, including entrance lobbies on the ground and first floors, courtrooms on the first and second floors, and a system of escalators and ceremonial staircases tying the levels together. Elevator lobbies are located at the center of each floor throughout the entire building. Those on the first three levels are the most elaborately finished. Flanking the elevators up to the fifth floor are stairwells richly finished with marble from the ground to the second floor level. The Spring Street and Main Street lobbies are the building's most ornate spaces featuring polychrome terrazzo floors, ornamental painted plaster ceilings, marble walls, statuary, and ornate aluminum light fixtures.

North Main Street Lobby (Ground Floor)

The Main Street lobby is comprised of entry vestibules, the vestibule, and the oval-shaped public lobby. Three entry vestibules contain interior and exterior pairs of double doors to provide a weather lock. The vestibule space between the entrance vestibule and the public lobby has black and brown marble walls and a barrel-vaulted plaster ceiling illuminated by three, ornate cylindrical light fixtures with reeded prism-glass panes, polished aluminum fittings, clear plate-glass vertical fins and concentric pendant plate-glass circles of descending size. The ceiling has painted borders in an undulating pattern of tans and yellows. A short flight of black marble stairs is divided by ornamental bronze handrails.

The public lobby's walls are clad in a delicate brown Tennessee marble with highlights of golden Sienna Travertine from Montana. Flanking openings off the lobby are engaged columns of Montana black and gold marble. Two, freestanding marble-clad columns are centered in the lobby. The terrazzo floor features compass-like motifs rendered in yellow and red and joined by a serpentine border of green. Alternating diamonds of light and dark red terrazzo cover the remainder of the floor, with bands of light and dark green at the thresholds. Thin borders of alternating black and white tiles outline the different colors and patterns of terrazzo. The plaster ceiling has a painted perimeter of tan and yellow in an abstract floral design. Fourteen original light fixtures run along the ceiling's perimeter. These round lights have aluminum ceiling plates, milk-glass panes, and clear plate-glass fins. A painted stylized sunburst surrounds each light fixture.

Two carved limestone statues mounted on pedestals in niches at the north and south ends of the Main Street lobby are original to the building. "Law," sculpted by Archibald Garner, depicts a young woman holding a tablet. "Young Lincoln," sculpted by James Lee Hansen, represents Abraham Lincoln as a young man holding a book.

Directly behind the Main Street lobby is the elevator lobby with its red diamond terrazzo floor and a vaulted plaster ceiling. The ceiling's painted border and light fixtures are identical to those of the vestibule. The walls are clad in Montana black and gold marble. The lobby's ten elevators feature reeded aluminum doors. The elevator interiors are paneled in black walnut veneer bordered in ebony, embellished with what appears to be a sandblasted frieze of an abstract geometric pattern. Plexiglass sheathes were installed over the walnut paneling for protection of the veneer.

Ceremonial stairwells and escalators symmetrically flank the elevator lobby to either side. The stairwells have Tennessee brown marble wainscots and wall panels, brass handrails, and Vermont black marble steps and baseboards. In comparison to the rich masonry decor of the stairwells, the aluminum escalators are more explicitly Moderne in character, with extruded aluminum casings molded into a ribbed pattern. Escalators leading to the first floor (Spring Street level) have tunnel-like, vaulted, low suspended plaster ceilings and recessed incandescent light fixtures.

Alterations: A security checkpoint for people entering the building from Main Street is centered in the lobby. Each entrance vestibule originally had a circular recessed light fixture in the ceiling. The flight of stairs originally had recessed incandescent light fixtures.

North Spring Street Lobby (First Floor)

In comparison to the Main Street lobby, the Spring Street lobby has a larger floor area and higher ceilings, as well as a rectangular plan and cross-axial elevator lobby. Five small entry vestibules, with interior and exterior doors, project directly into the lobby. These doors are reeded aluminum and plate glass with cast-aluminum handles. Unlike the Main Street lobby, the Spring Street lobby has no intermediary vestibule. The walls of the Spring Street lobby are clad in Tennessee brown marble with swirls of white and gray, highlighted with Golden Sienna travertine from Montana. The floors feature a terrazzo pattern similar to the Main Street lobby. The plaster ceiling is flat and embellished with a painted frieze very similar to the Main Street lobby. Other features identical to the Main Street lobby are the aluminum light fixtures and the Moderne-style aluminum escalators that lead to the second floor.

Two murals created by the U.S. Treasury Department's Section of Fine Arts and located in the north and south ends of the Spring Street lobby convey historical themes. Edward Biberian's mural depicts the founding of the Pueblo of Los Angeles, while Lucien Labaudt's mural depicts an allegory of the State of California. Both

murals are original features of the building and, after a long period of absence, were restored and reinstalled in the Spring Street lobby. A third mural also by Lucien Labaudt, entitled "Aerodynamics," is mounted on the ceiling.

Alterations: Between 1964 and 1966, the original Post Office facilities that flanked both sides of the lobby were removed and replaced with eight courtrooms and judges' chambers. Two entrances to the Post Office, originally located on the north and south walls of the lobby, were walled off. Stairs to the second floor courtrooms that originally opened into the Post Office lobby were reoriented to the Spring Street lobby, requiring new portals near the escalators. In addition, a security checkpoint for people entering from North Spring Street is centrally located in the lobby.

Second Floor Corridor

The second floor contains the eight original courtrooms of the U.S. District Court. The central elevator lobby is flanked by stairwells and escalators and is bisected by a longitudinal corridor. Four courtrooms open off each arm of the longitudinal corridor. Each arm is terminated by a short cross-corridor that communicates with hearing rooms and judges' chambers.

The terrazzo floor of the elevator lobby and corridors is set in a pattern of yellow and gray diamonds, chosen to harmonize with the lustrous wainscot of Montana black and gold marble. The wainscot steps up to frame each courtroom entry. Courtroom doors are covered in red leather with aluminum studs, bases and side panels, the latter terminating in stylized handles with cast-aluminum rosettes. All other doors on the floor are aluminum with reeded finish.

Alterations: At the east end of the corridor, the former library was remodeled into an attorneys' lounge. At the opposite west end of the corridor, the former office of the U.S. District Court Clerk was remodeled into judges' chambers. A non-original suspended tile ceiling, installed to accommodate new HVAC ducts, obscures the original acoustic plaster and the decoratively-banded acoustic plaster ceiling. All of these alterations are reversible.

Courtroom No. 8⁵

Courtroom No. 8 opens off the second floor corridor via a double-door entry encompassing a small vestibule. The space is generally rectangular in plan and its double-height projects above the third floor level. The room is largely characterized by acoustic tile walls, a plaster ceiling, ornamentation, and walnut finishes and furnishings. A surround around the double-door entry features concentric, recessed American walnut panels that flank the flush, black walnut paneling. This paneling is surmounted by a fretwork plaster frieze. A similar backdrop adorns the judge's bench. An American walnut wainscot, with scalloped black walnut coping, extends five feet up the walls. A boxed parapet over the alcoves at the rear of the spectators' area is supported by pairs of fluted walnut columns with smooth plaster caps. Built-in furnishings, which include the judge's bench, clerk's bench, gallery bench, jury seating, press seating, and lecterns, are essentially intact and incorporate walnut veneer, black-stained walnut trim, aluminum fittings, Moderne-style moldings, and severe rectangular massing.

⁵ Judge Paul J. McCormick is identified with Courtroom No. 8 in the Notice of Motion to Dismiss Petition in *Mendez et al v. Westminster*, filed on April 4, 1945; and in "U.S. District Courts," *The Los Angeles Daily Journal*, Jan. 1, 1946, 8. McCormick made his ruling on Feb. 18, 1946.

Ornamentation exists elsewhere in the courtroom. A fretwork plaster frieze encircles the room as coping for the acoustic tile wall cladding. The ornamental plaster molding at ceiling height is embossed with an abstract wave pattern. The flat plaster ceiling has subtly recessed concentric panels. Bas-relief plaster medallions depict the Seal of the United States over both the entry doors and the judge's bench. Either side of the red leather entry doors has two large ornamental aluminum vent grilles designed to look like false doors.

Alterations: Some subtle alterations have occurred in the courtroom. Recessed ceiling lights have replaced the original aluminum pendant light fixtures. The original cork flooring has either been removed or covered with carpeting. The original concave acoustic tile, scheduled for the two side walls, does not exist and may have never been installed. Nonetheless, the walls are covered with textured acoustic tile in keeping with the original material.⁶ The original pivoting gates attached to the front row of the gallery benches have been replaced with non-matching gates. The jury seating and press seating are not typical of the original seating type.

Integrity

The court house building retains the majority of the essential physical features that made up its character and appearance between 1945 and 1946. The building maintains its original location, its urban setting within the Los Angeles Civic Center complex, its feeling as a mid-20th-century Federal courthouse, its overall design, and its association as the place where *Mendez* was heard. Constructed using the highest quality materials and techniques, the building has proven to be very durable. The remainder of this section describes the alterations made with regard to their impact on the integrity aspects of design, material, and workmanship.

Site

In 2006, the U.S. General Services Administration (GSA) introduced new elements into the Spring Street plaza entrance as part of its First Impressions Initiative undertaken to balance increased security needs with open space. These new elements include bollards along the sidewalk, period lighting, and a colored starburst pattern on the concrete plaza entry that carries the interior marble design outside. The plaza retains its wide open feel, materials, and design originally envisioned for this entryway.

A new one-story guardhouse built at the entrance to the parking area is modest in character. Its location at the corner of the original parking area abutting Spring Street is nonintrusive to the building's grand entrance as is the new black fence surrounding the parking area.

Exterior

The exterior has undergone few changes, and these changes have little negative impact on the building's integrity. The most significant exterior alteration is the 1960s removal of the bronze double-doors and projecting bronze vestibules that served the Post Office on either side of the Spring Street entry. The steel windows and aluminum spandrels installed in their place match the adjacent windows and spandrels. Removal of the words "POST OFFICE" from the original "UNITED STATES POST OFFICE AND COURT HOUSE" signage has not altered its original materials or workmanship.

⁶ According to the 2011 Historic Structure Report: "Two types of acoustic tile were originally scheduled for the original court rooms. The first type is flat with a lightly fissured surface and is specified in three different sizes. The second type was a special concave tile that has either been replaced or was never actually installed." Page & Turnbull, "U.S. Federal Courthouse," 123.

The 1992 Los Angeles Riots and increasing concerns over security in the wake of the destruction of the Oklahoma City Federal Building in 1995 produced additional minor exterior alterations including the installation of protective bullet-resistant glazing, forced entry-resistant grille gates and grille fences.⁷ Other alterations not considered essential to the building's design and feel include the installation of fan rooms at either end of the penthouse and the revisions at the Aliso Street postal facility, including the abandoned employee entrance, the replacement of five pairs of doors and windows, and the installation of two large doors for maintenance and security.

Interior

The most substantial interior alteration, the conversion of the Post Office facilities to modern courtrooms, has compromised the historic integrity of a portion of the building's interior. However, this area is not directly associated with the *Mendez* case since visitors to the 2nd floor courtroom would not have used this space. The remaining important public spaces—the Spring Street and Main Street lobbies, the second floor courtrooms, elevator lobbies, and the escalators and stairs—have undergone only a few significant changes that were undertaken with great sensitivity to materials, design, and workmanship.

Lobbies: Security checkpoints installed in both lobbies constrain the original open feeling of these spaces, but the space's original height and width, the artistic features on the ceiling and walls, and the marble floor pattern all contribute greatly to the aspects of design, feel, and materials. The stairs to the 2nd floor courtrooms, which were reoriented from the former Post Office lobby to the Spring Street lobby, required new portals near the escalators and feature marble material similar to other stairways.

Second Floor Corridor: The suspended ceiling system, although obscuring the original decoratively banded acoustic plaster ceiling, has left the original ceiling intact.

Courtroom 8: A number of minor alterations include changes to the room's lighting, flooring, pivoting gates, some seating, and possibly the acoustic tile walls. Removal of the original suspended aluminum light fixtures and the installation of recessed lighting has added a modern feel to the ceiling, however the ceiling's original material and design, with its concentric panels, is intact. The change in the flooring material from cork to red carpet does not overwhelm the courtroom's feel. The 2011 Historic Structure Report identifies the pivoting gates attached to the front row of the gallery benches as having been replaced with non-matching gates.⁸ How these gates differ from the original gates is not stated, nonetheless, the gates appear similar in material and feel to the spectator benches and do not distract from the overall character of the room. This same report also describes the jury and press seating as not typical to the original seating type, but since this seating is shielded behind a walnut veneer screen, the visual impact upon the court room is negligible or lessened. Lastly, the concave acoustic tile, originally scheduled for the two side walls, does not exist and may have never been installed. According to the 1986 Historic Structure Report prepared for the GSA, "the effect of these concave tiles stacked vertically would have been the creation of a series of vertical channels each about two feet wide echoing the fluting of the columns."⁹ The walls are, however, covered with textured acoustic tile, thus using the same material as originally envisioned. Otherwise, the courtroom's materials, design, workmanship, and feeling are intact in its dominant furnishings, woodworking elements and detailing, all of which give the appearance of a mid-twentieth century courtroom.

⁷ The National Register nomination identifies alterations made in 1993 in response to the 1992 Riots that heavily damaged the first floor. These items are not identified in Site History, Construction, and Alteration Chronology section of the 2011 Historic Structure Report.

⁸ *Ibid.*, 150.

⁹ As noted in Page & Turnbull, "U.S. Federal Courthouse," 123.

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United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

Overall, the building retains a high degree of integrity for this nomination as evidenced in its vastly dominant essential features including the site, marble, lighting, and artistic elements; the result being that visitors to the court house building today will have largely the same experience as visitors to the court house in 1945.

State Significance of Property, and Justify Criteria, Criteria Considerations, and Areas and Periods of Significance Noted Above.

Summary Statement of Significance

The United States Post Office and Court House (Court House for the Central District of California) is nationally significant under NHL Criterion 1 for its role in the court case, *Gonzalo Mendez, et al, v. Westminster School District of Orange County, et al* (1946).¹⁰ Between 1945 and 1946, the U.S. Court House for the Southern District, as it was known then, became an exceptionally important site in the annals of postwar American school desegregation efforts and the civil rights history of Mexicans and Mexican Americans in the Southwest. The decision in *Mendez v. Westminster*, a lawsuit filed by five Latino families whose children were denied admission to Anglo public schools in Southern California, forbade segregation on the grounds that separate was not equal. The decision by this Federal court—the first to declare that the doctrine of “separate but equal” ran counter to American law—marked a turning point in the legal struggle against segregation in primary education and served as precedence in striking down segregation for Mexican Americans in the Southwest.

Synopsis

In September 1943, Soledad Vidaurri arrived at the neighborhood schoolhouse in Westminster, California, to register her two children (Alice and Edward) and her brother’s three children (Sylvia, Jerome, and Gonzalo, Jr.). School authorities informed Mrs. Vidaurri that her children, who were fair skinned and whose last name sounded French, could be enrolled. However, her brother’s children, who were dark skinned and whose last name sounded very Mexican, would have to go to Hoover, the all-Mexican school located a few blocks away. Stunned, Mrs. Vidaurri left the school with all the children.

In the 1940s, the practice of racially segregating children in public schools had reigned for decades under the U.S. Supreme Court’s ruling in *Plessy v. Ferguson* (1896) that found state-enforced segregation of the races, in substantially equal facilities, did not violate the Constitution.¹¹ The separate-but-equal doctrine, that emerged from *Plessy*, allowed California law to segregate Chinese, Japanese, and Native American children from their white counterparts. However, the same statute could not be applied to Mexican Americans who were considered “white” under the 1940 U.S. census. Instead local school district officials within Orange County justified segregating Latino children based upon their “lack of American values, culture and proficiency in the English language.” As a result, “80 percent of the county’s Mexican and Mexican American students were clustered into 14 all-Mexican schools” in the 1940s.¹² Not only were these children isolated due to their ethnic background, they also received a different education. The curriculum in segregated schools differed from that of white schools as segregated schools emphasized industrial labor for the boys and homemaking for the girls.

After his children were turned away from the Westminster School, Gonzalo Méndez approached both the principal and the school board to admit his children. The subsequent rejections propelled Méndez into a grass roots community effort to desegregate local Orange County schools. This effort culminated when Méndez

¹⁰ At the time of the *Mendez* case, this courthouse was in the Southern District. However, as the region grew, the Central District broke off from the Southern District. This courthouse on Spring Street is located today in what is now the Central District of California. In this nomination, references to the building as it appears today uses the current name referencing the Central District. Because “Mendez” appears without the diacritical mark in court documents, this nomination withholds the accent when referring to the case, and includes it when referring to the Méndez family

¹¹ 163 U.S. 537.

¹² Brief of Latino Organizations as *Amici Curiae* in Support of Respondents, *Parents Involved in Community Schools v. Seattle School District No. 1, et al.*, No. 05-908, in the Supreme Court of the United States (551 U.S. 701 (2007)), 9, www.maldef.org/education/litigation/6.1.3_Latinoamicusbriefreschoolintegration.pdf.

joined four other Mexican-American fathers—William Guzmán, Frank Palomino, Thomas Estrada, and Lorenzo Ramirez—to file suit against the Westminster, Garden Grove, Santa Ana, and El Modena school districts “on behalf of their fifteen collective children and five thousand other minor children of ‘Mexican and Latin descent’.”¹³

Their lawyer, David Marcus, chose two bold approaches to the case. First, rather than challenging segregation based on unequal facilities, as the National Association for the Advancement of Colored People (NAACP) had done in its legal campaign, he chose to attack segregation itself. He would use social science testimony to bolster his argument “that segregated learning environments stigmatized Latino schoolchildren and caused psychological harm.”¹⁴ Second, Marcus avoided the issue of race consistently upheld in *Plessy* and allowed by California law. The fact that Mexican Americans had been deemed “white” in the 1940 census meant Marcus could instead base *Mendez* on national origin. On the opposing side, the school boards argued that the Federal court had no jurisdiction to hear the case, that *Plessy* allowed segregation, and that English language deficiencies required separate instruction. The decision the Mexican-American parents made to challenge the segregation of their children, the strategy employed by David Marcus, and the ruling issued by U.S. District Judge Paul J. McCormick would shape American civil rights history.

Barriers of Inequality Leading to School Segregation

The deliberate separation of Mexican-American and white students in public schools began in the decades following the 1848 Treaty of Guadalupe Hidalgo and the U.S. annexation of the current Southwest. Under the treaty, Mexicans who remained in territories annexed by the United States could declare themselves permanent resident aliens or, after one year, automatically become American citizens enjoying “all the rights of citizens.” Although Mexicans were “white by law,” most Anglos regarded them as racial inferiors. “The hostility and abuse against Mexicans at the close of the nineteenth century,” historian Matt Garcia states, “set the tone for race relations in the Southwest during the twentieth century.”¹⁵

As the Southwest’s agricultural economy boomed in the second half of the nineteenth century, Mexicans and other nationalities immigrated to fill the subsequent labor vacuum. Thereafter, the Mexican population grew as unrestricted immigration from Mexico in the 1920s became critical to the region’s economy. In 1910, Mexicans made up 4.2 percent of the five southwestern states, and by 1930 their numbers had more than doubled to 10 percent. “In one generation,” writes historian Gilbert Gonzalez, “Mexicans had become much more visible and, in a rapidly changing environment, much more identifiable.”¹⁶ Comparatively, Mexican migration to California was even higher. By 1930, ethnic Mexicans had become the state’s largest minority group. “By the 1940s, Mexicans and Mexican Americans constituted the entire picking force for California agriculture, which produced a major share of the state’s income.”¹⁷

¹³ Richard R. Valencia, *Chicano Students and the Courts: The Mexican American Legal Struggle for Educational Equality* (New York: New York University Press, 2008), 23.

¹⁴ Brief of Latino Organizations, *Parents Involved in Community Schools*, 10.

¹⁵ Susan Cianci Salvatore, Matt Garcia, Alton Hornsby, Jr.; Steven Lawson; and Theresa Mah, *Civil Rights in America: Racial Desegregation of Public Accommodations*, National Historic Landmarks Theme Study (Washington, DC: National Park Service, 2009), 89-90.

¹⁶ Gilbert G. Gonzalez, *Chicano Education in the Era of Segregation* (Philadelphia: Balch Institute Press), 17-18, available at www.utpa.edu/dept/curr_ins/faculty_folders/guadarrama_i/bi%20lingual/Gonzalez.pdf.

¹⁷ Philippa Strum, “Separate ≠ Equal: Mexican Americans before *Brown v. Board*,” *Poverty & Race* 19 (September/October 2010): 1, <http://prrac.org/newsletters/sepoc2010.pdf>. *Mendez*, without an accent, is used here as used in the article title, otherwise, *Mendez*, without an accent is used as the case name as it was actually recorded in court.

The rising Mexican-American population in the Southwest “created a strained and unequal relationship” with Anglos that led to discrimination. Although no statewide race-based legislation targeted Mexican Americans, “they were nonetheless forced to live in segregated districts and barrios, and were sometimes excluded by local ordinances or custom from public facilities.”¹⁸ Subsequently, public school segregation within communities of sizable Mexican populations became common practice.¹⁹

Educators and school psychologists believed Mexican and Mexican-American children were inferior and posed an “educational problem.” These professionals used English-language deficiencies as the most common rationale for segregating Mexican children and they resolved to assimilate, or “Americanize,” the children to Anglo American values and customs through “a controlled linguistic and cultural environment.”²⁰ In reality, school districts administered no language tests, segregated children based on Hispanic surnames, and provided only English-speaking teachers.²¹ “Americanization” also meant preparing Mexicans for those jobs considered most appropriate and open to them. Thus, “vocational and slow learner classes became institutionalized almost everywhere.”²² While vocational education was a central component of white education at this time, these schools offered white students both vocational and higher-level courses. In Mexican (or African American) schools, students were only offered vocational education. As the legal scholar Philippa Strum notes: “The children of the *colonias* were consigned to...schools that taught the boys gardening and woodworking and the girls sewing and housekeeping. The assumption of school authorities was that there was no point in grooming the students for anything other than low-paying jobs, and the curriculum followed in “Mexican” schools insured their being prepared for nothing else.”²³

The First Mexican-American School Desegregation Cases, 1925-1931

Prior to the *Mendez et al v. Westminster* case, Mexican Americans initiated three school desegregation cases: one each in Arizona, Texas, and California. All these cases were heard in state rather than Federal courts and were not class action suits, thus the cases had little impact beyond the local level. The cases and their outcomes illustrate how school boards segregated children of Mexican ancestry from white children based on language skills, as well as migratory labor schedules, and academic deficiencies.

Romo v. Laird (Arizona, 1925)²⁴

The first case, *Romo v. Laird*, emerged in Tempe, Arizona. Adolfo Romo, Jr., a Mexican-American rancher, sought the right for his four children, ages 7 to 15 years, to attend the new “white” Tenth Street School, rather than the “Spanish-Mexican” Eighth Street School, where the school district segregated Mexican-American children because they spoke Spanish. This practice was allowed under Arizona law based on pedagogical grounds, provided the education was equal.²⁵ However, children at the Eighth Street School received instruction from student teachers registered at the nearby Tempe State Teacher’s College, rather than directly from state certified teachers. The Maricopa County Superior Court found in Romo’s favor on the grounds that

¹⁸ Toni Robinson and Greg Robinson, “*Méndez v. Westminster*: Asian-Latino Coalition Triumphant?” 10 Asian Law Journal 161 (2003): 164.

¹⁹ Gonzalez, *Chicano Education*, 21. “In the mid-1930s one study found that 85 percent of surveyed districts in the Southwest were segregated in one form or another, some through high school, others only through the fifth grade.” Ibid., 21-22.

²⁰ Gonzalez, *Chicano Education*, 22.

²¹ Strum, “Separate ≠ Equal,” 2.

²² Gonzalez, *Chicano Education*, 22-23.

²³ Strum, “Separate ≠ Equal,” 2.

²⁴ No. 21617, Maricopa County Superior Court.

²⁵ Laura K. Muñoz, “Separate But Equal? A Case Study of *Romo v. Laird* and Mexican American Education,” *OAH Magazine of History* 15 (Winter 2001), <http://maghis.oxfordjournals.org/content/15/2/28>.

state code required school districts to provide equal education, including equally trained teachers.²⁶ However, school officials quickly found a way to skirt the outcome. Soon after the decision, school authorities “decided that only certified teachers would be hired to instruct students at the Eighth Street School, (student teachers could observe but not instruct).” As a result, Mexican-American children would remain segregated in the Eighth Street School until the early 1950s.²⁷

Salvatierra v. Del Rio Independent School District (Texas, 1930-1931)²⁸

In Texas, the newly formed advocacy organization, the League of United Latin American Citizens (LULAC), used *Salvatierra* as a test case to end discrimination on the same grounds that Marcus would use in *Mendez*, that segregation itself was illegal. Plans by the school district to add five rooms and an auditorium to the school it maintained for Mexican-American children in grades one through three alarmed their parents. They contended that “the Board of Trustees exclusively and illegally maintained the West End school,” and that the new construction would segregate their children beyond the third grade.²⁹ The superintendent justified segregating the Mexican American children based on their work schedules and their language. As migrant farm workers, they joined the school year late and if they attended the white school they would be disadvantaged in both their language deficiencies and in having to catch up in their coursework. The school district did however admit that it did not segregate the “relatively few Anglo migrant students who began the school year later.” Because of this fact, District Court Judge Joseph Jones ruled that the Mexican children had the right to attend school with the Anglo children.³⁰ Once again, the victory was short-lived as the Texas Court of Civil Appeals overturned Judge Jones’s ruling, finding that segregation based on educational factors, and not on race, was legal.³¹

Alvarez v. Lemon Grove School District (California, 1931)³²

The issue of needing to “Americanize” Mexican-American students surfaced again in Lemon Grove, California, a small community eight miles east of San Diego. On January 5, 1931, all 169 children in the community arrived at the Lemon Grove Grammar School where the 75 children of Mexican origin unexpectedly learned that they would have to go to a new school. The school board had previously voted “to build a new two-room school,” due to overcrowding, “for Mexican pupils across the tracks in the barrio.”³³ The “new” barn-like building, dubbed *La Caballeriza* (the stable) by the students, had been hastily furnished with second-hand equipment, supplies, and books.³⁴ Angry parents formed *El Comité de Vecinos de Lemon Grove* (the Lemon Grove Neighborhood Committee) and, with the assistance of the Mexican Consul in San Diego, hired attorneys on behalf of the children affected and filed suit. The petitioners claimed no California statute allowed the segregation of Mexican American children based on race. The school board members cited “English language development, and a focus on basic instruction due to children’s academic deficiencies” as grounds for a separate facility.³⁵

²⁶ Ibid., 28; Valencia, *Chicano Students*, 14.

²⁷ Valencia, *Chicano Students*, 14.

²⁸ 33 S.W.2d 790 (Tex. Civ. App. 1930), cert. denied, 284 U.S. 580 (1931).

²⁹ Valencia, *Chicano Students*, 15, 16; Philippa Strum, *Mendez v. Westminster: School Desegregation and Mexican-American Rights* (Lawrence: University Press of Kansas, 2010), 24. The Mexican American school was located at the west end of the lot containing the district’s four schools.

³⁰ Strum, *Mendez v. Westminster*, 25.

³¹ The Supreme Court denied hearing the case for lack of jurisdiction. Valencia, *Chicano Students*, 17, 18.

³² Civil Action No. 66625 (Superior Court, San Diego, California, March 30, 1931).

³³ Valencia, *Chicano Students*, 19.

³⁴ Susan Cianci Salvatore, Waldo E. Martin, Jr.; Vicki L. Ruiz; Patricia Sullivan; and Harvard Sitkoff, *Racial Desegregation in Public Education in the United States*, National Historic Landmarks Theme Study (Washington, DC: National Park Service, August 2000), 54.

³⁵ Valencia, *Chicano Students*, 20.

On March 30, 1931, Judge Claude Chambers of the San Diego Superior Court found not only that the “defendants had no statutory right under California law to segregate Mexican American children,” but that “the education of these children in a separate facility retarded their Americanization and the English language development of the Spanish-speaking children.” He ordered the school board to admit the children and to provide them with instruction equal to that of their white peers. *Alvarez* became the nation’s first successful class action school desegregation court case. However, being heard in a local state trial court meant that the case set no precedent for the state of California or beyond.³⁶

Without a regionally precedent-setting school desegregation case, “the segregation of Mexican American students in the Southwest was entrenched by the early 1930s.”³⁷ Over another decade would pass before the next Mexican-American-initiated desegregation lawsuit, *Mendez v. Westminster*, emerged in 1945 within the context of a changing democratic philosophy of the war years and racial unrest in Orange County.

The War Years and Unrest at Home

The war years brought Mexican Americans some measure of prosperity and economic wellbeing. Their distinguished war record also produced a “feeling of ethnic pride,” and an acute awareness of unfair treatment at home. “A new generation of Mexican American young people,” states historian Charles Wollenberg, “was coming of age and demanding equal rights.”³⁸ At the same time, outbreaks of wartime bigotry and “anti-Mexican hysteria” crept into urban areas.³⁹ Two events in particular garnered national attention. On the outskirts of Los Angeles, near a swimming hole called Sleepy Lagoon, a young José Díaz was found mortally wounded in August 1942. Police instituted the mass arrests of “zoot-suiters,” (young Mexican-American men wearing balloon pants, long coats, and sporting ducktail hair) who had been in a fight with other party guests. “Twenty of these arrestees were subsequently brought to trial in an atmosphere marked by baseless newspaper stories of a ‘Mexican’ crime wave and a presiding judge who was later found by a higher court to have been biased against the defendants. Although proof was never presented that Díaz had been murdered, let alone by any of those charged, twelve of the defendants were found guilty of murder and of eight lesser offenses by an all-Anglo jury.”⁴⁰

Despite the bias and dubious trial proceedings, in 1943, city newspapers encouraged a movement against zoot-suit hoodlums. U.S. military personnel responded. For two weeks in June they clashed with Mexican-American youths in East Los Angeles while the police did nothing. “Servicemen attacked and stripped clothes from young Mexicans, . . . dragging them out of movie theaters and chopping off their hair. . . . The Zoot Suit Riots, as they were dubbed by the media, became so violent and generated so much negative international coverage during wartime that the American government felt compelled to declare Los Angeles off-limits to soldiers and sailors.” As Philippa Strum notes, “The Sleepy Lagoon case and the Zoot Suit Riots demonstrated both the new ideas about justice that were circulating during World War II and the great distance that remained between Mexican Americans and equality.”⁴¹ It was in this atmosphere that the *Mendez* case began to evolve.

³⁶ *Ibid.*, 21.

³⁷ *Ibid.*

³⁸ Charles Wollenberg, *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975* (Berkeley: University of California Press, 1976), 124. Just prior to the war, in 1940, more than half of the “Mexicans in the United States were U.S. citizens.” Jennifer McCormick and César J. Ayala, “Felicitá “La Prieta” Méndez (1961-1998) and the End of Latino School Segregation in California,” *CENTRO Journal* 19 (Fall 2007): 25, <http://www.scneta.ucla.edu/soc/faculty/ayala/ayalares/mccormickayala.pdf>.

³⁹ Gonzalez, *Chicano Education*, 27

⁴⁰ *People v. Samora* (1943-44); Robinson, *Méndez v. Westminster*, 168. A court of appeals overturned the convictions in October 1944.

⁴¹ Strum, *Mendez v. Westminster*, 29-30.

Prelude to *Mendez v. Westminster*

The period between the 1930s and 1950s was shaped by the emergence of what Mario Garcia has called the “Mexican American Generation.” Members of this generation, many of whom fought in World War II, renewed previous generations’ struggles for social justice and first-class citizenship. Seen within this context, *Mendez* was a part of a wider push for equality among Mexican Americans in the United States. In Santa Ana, returning war veterans formed the Latin American Organization (LAO), a civil rights group created in 1943 specifically to fight school segregation. In this city of over forty thousand and the county seat of Orange County, approximately fifteen percent of the population was Mexican American. Segregation of the children of these Mexican-American families was standard policy, beginning in at least 1913. The LAO began immediately to confront the Board of Education with requests to transfer students.⁴²

In October 1943, the Sánchez and García families appeared before the Santa Ana school board to formally protest the school board’s refusal to allow their children to transfer from the “Mexican” Fremont School to the primarily Anglo Franklin School. When the board refused to grant their request, the families, using fake addresses, enrolled their children in the Franklin school. When the subterfuge was discovered a year later, the board decided “that as soon as facts have been verified, the children will again be enrolled in their rightful district.” A year later, on October 23, 1944, an attorney, Charles Martin appeared before the Santa Ana board. Martin represented several families from the segregated school, including the Guzmáns, parents of Billy Guzmán, who wanted to transfer their son from the Fremont to the Franklin School. The school board asked for ninety days to consider district boundary problems and eventually took no action whatsoever. It had now become clear that the “struggle had escalated from that of individual parents with the support of the LAO protesting before the board, to that of a legal representation prepared to carry forward a struggle on the basis of law.”⁴³

In 1943, Gonzalo Méndez, a naturalized American citizen born in Chihuahua, Mexico, and his wife, Felicitas, born in Puerto Rico, were living in Santa Ana, California, just thirty-five miles south of Los Angeles. Gonzalo owned a Latino café in Santa Ana, but yearned to be a farmer. His banker told him about a forty-acre asparagus farm owned by a Japanese American family, the Munemitsus, which was available for lease in Westminster. Unfortunately, the Munemitsu family had been consigned to an internment camp under Executive Order 9066.⁴⁴ The banker negotiated a lease and the Méndez family turned to farming the land. Not only did this turn of events help Gonzalo realize a dream and keep the property in the Munemitsus name, it would also aid in making the case financially feasible.⁴⁵

The Méndezes, along with the Vidaurris, were the only Mexican-American families in their neighborhood. Since all the other children in their neighborhood went to Westminster, the Méndezes fully expected to send their three children: Sylvia, Gonzalo Jr., and Jerome, to the Westminster Main School also known as the 17th Street School. In fact, as a child, Gonzalo Méndez had attended this school until the fifth grade when he had to leave and work to help support the family. After Gonzalo and Felicitas lost their fight with the school board to admit their children, they turned to attorney David C. Marcus who had recently won the high-profile 1944

⁴² Mario T. Garcia, “Working for the Union,” *Mexican Studies/Estudios Mexicanos*, Vol. 9, No. 2 (Summer, 1993), 242. Gilbert Gonzalez, “Segregation of Mexican Children in a Southern California City: The Legacy of Expansionism and the American Southwest,” *The Western Historical Quarterly*, Vol. 16, No. 1 (Jan., 1985), 69; Gonzalez, *Chicano Education*, 147.

⁴³ Gonzalez, *Chicano Education*, 149.

⁴⁴ Executive Order 9066 held that “every possible protection against espionage and against sabotage to national defense material, national defense premises and national defense utilities” should be taken to protect America during World War II. Obviously, this measure, which led to the internment of Japanese Americans, reflected the racism of the day.

⁴⁵ Sylvia Méndez interview, “The 60th Anniversary of *Mendez vs. Westminster*,” September 12, 2007, rough transcript, Up Rising Radio, <http://uprisingradio.org/home/2007/09/12/the-60th-anniversary-of-Mendez-vs-westminster/>.

*Lopez v. Secombe*⁴⁶ case in which he cited the Equal Protection Clause to gain Mexican Americans access to San Bernardino, California's public park and swimming pool. The son of Jewish immigrants, Marcus "specialized in immigration and civil liberties law and was himself married to a Mexican American."⁴⁷

The growing push for reform in Mexican-American communities extended to nearby El Modena and Garden Grove. In El Modena, the school superintendent denied Lorenzo Ramirez the right to enroll his three sons in the Roosevelt School rather than the "Mexican" Lincoln School.

In Garden Grove, complaints from parents of Mexican-American children that had started in 1941, prompted the school board to pass a related motion at its September 13, 1944 meeting. Thereafter, segregation would not be based on race, non-English speaking pupils would attend schools where they could receive special instruction not needed for English-speaking pupils, and "due regard [would] be given to the proximity of the pupils' residence to the nearest school. In other words, Mexican-American children would be kept within the carefully drawn school district where they lived, and all would be assumed to be deficient in English."⁴⁸

In the meantime, the Méndezes, who initially had decided the children would not go to school at all if they had to attend a segregated school, relented and sent the children to Hoover, but frequently kept them out of school. When the school superintendent asked why, Gonzalo, as recounted during the trial, complained how the school bus driver sometimes forgot to drop his children at Hoover and continued on to Westminster where his children then had to walk to Hoover regardless of the weather. He also noted how Belgians living nearby, "who spoke mostly Belgian," sent their children to Westminster. Superintendent Harris referred Méndez to the school board.⁴⁹ In August 1944, members of the newly formed Santa Ana Latin-American League of Voters, with Gonzalo, Soledad Vidaurri, and Mr. and Mrs. Peña as representatives, met with the board, but to no avail. In the following month, upon the advice of David Marcus, "the Westminster parents formed an association with Méndez as its head. The Méndezes and a number of other association members promptly went to see Ray Atkinson, the county superintendent of schools in Santa Ana, and presented him with a petition" to end to school segregation in Westminster.⁵⁰ Atkinson countered that Mexican children belonged in a Mexican school, however he would make an exception for the Mendez children. Gonzalo and Felicitas declined; they wanted their children to be regularly enrolled in Westminster only when the board allowed all children to enroll.

This determination dictated the Méndezes' decision to go to court. Marcus believed the case would be more persuasive if it could be documented that other school districts in Orange County maintained separate Mexican schools. Following this strategy, the Méndezes joined their friends, the Guzmán family of Santa Ana, and parents from the El Modena and Garden Grove school districts to file suit.⁵¹

District Court

On March 2, 1945, Gonzalo Méndez and his children Sylvia, Gonzalo, and Geronimo; William Guzmán and his son Billy; Frank Palomino and his children Arthur and Sally; Thomas Estrada and his children Clara, Roberto, Francisco, Syria, Daniel, and Evelina; and Lorenzo Ramirez and his children Ignacio, Silverio, and José filed suit against the four school districts and superintendents "for excluding Mexican children from Anglo schools

⁴⁶ 71 F. Supp. 769 (S.D. Cal. 1944).

⁴⁷ Strum, "Separate ≠ Equal," 2, including quoted phrase; Valencia, *Chicano Students*, 25.

⁴⁸ Strum, *Mendez v. Westminster*, 45.

⁴⁹ *Ibid.*, 38, 47.

⁵⁰ *Ibid.*, 48.

⁵¹ Gonzalez, *Chicano Education*, 151; Frederick P. Aguirre, "Mendez v. Westminster School District: How It Affected Brown v. Board of Education," *Journal of Hispanic Higher Education* 4 (Oct. 2005): 324, <http://library.fullcoll.edu/friends/pdfs/Aguirre-MendezvWestminster.pdf>.

‘solely for the reason that said children or child are of Mexican or Latin descent’.⁵² Unlike the Arizona, Texas, and California Mexican-American cases decided between 1925 and 1931, Marcus filed *Mendez* in the Federal court system where the plaintiffs could contend that the state of California violated the U.S. Constitution. Thus, *Mendez* became the first case to argue “that separate was *not* equal in K-12 public schools because such segregation violated their rights under the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. This argument,” states professor of educational psychology Richard R. Valencia, “is what makes *Mendez* so distinct.”⁵³ Until then, the NAACP had launched a legal assault at the professional and graduate school level on the grounds of unequal facilities. Costs for colleges to provide duplicate facilities at this educational level, the NAACP surmised, would be unattainable. The organization had yet to broach segregation at the primary school level, nor had it challenged the constitutionality of segregation itself.

Filing amicus curiae briefs (friend of the court) on behalf of the plaintiffs were two important organizations: the American Civil Liberties Union (ACLU), “the country’s premier civil liberties organization,” and the National Lawyers Guild, “the nation’s first racially integrated bar association.” Writing for the ACLU were Fred Okrand and A. L. Wirin who had worked on the Sleepy Lagoon case.⁵⁴ Preparing the Guild’s brief were Charles F. Christopher, Ben Margolia, and Loren Miller, all members of the Racial Committee of the organization’s Los Angeles Chapter.⁵⁵ Representing the schools were Orange County counsel Joel E. Ogle and deputy county counsel George F. Holden.

Pretrial Hearing

The attorneys presented their arguments and agreed-upon points at a pretrial hearing designed to expedite the trial. Marcus pointed out that the “[d]efendant school districts segregated children of Mexican and Latin descent via ‘rules, regulations, custom, and usage’.” Because Section 8003 of the Education Code, which permitted the segregation of Japanese, Chinese, Mongolian and Native American children, did not mention Mexican children, “the districts were segregating Mexican-origin students ‘under color of law’.”⁵⁶ His second main point was that discrimination of Mexican school children by the school districts resulted in the denial of the equal protection clause of the Fourteenth Amendment. The defense countered with three points. First, the Federal court “had no jurisdiction in the case since education was a matter governed by state law.” Second, “the districts were not segregating children on the arbitrary basis of race or nationality, but for the reasonable purpose of providing special instruction to students not fluent in English and not familiar with American values and customs.” Lastly, segregation was not discrimination and the principle of “separate but equal” had been endorsed by *Plessy*.⁵⁷ The parties did agree that national origin, and not race, was the factor at issue in the case since Mexicans and Mexican Americans had been deemed white in the 1940 Census.

⁵² Christopher Arriola, “Knocking on the Schoolhouse Door: *Mendez v. Westminster*, Equal Protection, Public Education, and Mexican Americans in the 1940’s,” 8 *La Raza Law Journal* 166 (1995): 185. The petitioner complaint records “Jerome” Méndez as “Geronimo.” *Gonzalo Mendez, et al v. Westminster School et al*, Petition No. 4292-M.

⁵³ Valencia, *Chicano Students*, 24.

⁵⁴ Strum, *Mendez v. Westminster*, 60-61.

⁵⁵ These lawyers’ names appear on *Gonzalo Mendez, Plaintiffs v. Westminster School District of Orange County*, Defendants; No. 4292-M, Application for Leave to Appear Amicus Curiae, filed July 5, 1945.

⁵⁶ Valenica, *Chicano Students*, 25.

⁵⁷ Wollenberg, *All Deliberate Speed*, 126-27. In regard to jurisdiction, Holden contended that the state had not denied the plaintiffs of any rights “protected by the Constitution and laws of the United States.” Strum, *Mendez v. Westminster*, 69.

The Trial⁵⁸

On Thursday, July 5, 1945, the five day trial began before Judge Paul J. McCormick, “a prominent Los Angeles Irish Catholic Republican who had been appointed to the bench by President Calvin Coolidge in 1924.”⁵⁹ Each day members of the Mexican-American community arrived in court to show their support even if it meant missing a day of work. Because the Méndez farm operation had prospered, Gonzalo could provide lost wages to laborers who did not have enough money to miss a day of work.⁶⁰

The court case followed a district-by-district basis. For the Garden Grove district, Frank Palomino recalled how Superintendent Harvey Emley told him in 1941 that Mexican-American children could not attend Lincoln. Another parent, Manuela Ochoa, spoke of her experience later in September 1944, when she asked then Superintendent James L. Kent permission for her seven-year-old son, Rogelio, to attend Lincoln School, a better school than the Mexican Hoover School and only five blocks from her home as compared to Hoover to which Rogelo would have to be bussed. Kent said “her children could not attend Lincoln because, as she recalled his words, ‘children of Mexican ancestry were not admitted there.’” Jane Sianez stated that her “three school-age children were forced to attend Hoover, although the family home was half a mile from the ‘white’ Bolsa School and three miles away from Hoover.” None of the children had been tested for language proficiency.⁶¹ Superintendent Kent was placed on the witness stand as Marcus was particularly interested in highlighting his master’s thesis that had claimed Mexicans “were an alien race that should be segregated socially.”⁶² Kent testified that he viewed Mexican-American children as inferior to white children “in personal hygiene, ability, and their economic outlook,” which prompted Marcus to compare him to Hitler. Kent also testified that ‘he would never allow a Latino child to attend an all-White school even if that child met all the qualifications to attend such a school’.⁶³

When discussing the situation at the Santa Ana school district, Felicitas Fuentes stated that a teacher had brought her eight-year-old son Roberto home from kindergarten after only a week at the white Franklin School. Her son, whom the teacher acknowledged as bright and English-speaking, would need Assistant Superintendent Reinhard’s permission to stay at Franklin. Reinhard denied the transfer. Despite the fact that the Fuentes family lived only a block and a half away from Franklin, Roberto had to attend the Mexican Fremont School.⁶⁴ On July 6, William Guzmán and Mable Méndez told the court similar stories of denial.

Testimony regarding the El Modena district highlighted how Mexican children of higher intellectual attainment remained in the Mexican Lincoln school rather than transferring to the white Roosevelt school. Fourteen-year-old Carol Torres had a very high IQ and spoke English as she demonstrated on the witness stand. Yet, she attended Lincoln and had never been offered the opportunity to transfer to Roosevelt. The family had made no such request, Superintendent Harold Hammarsten explained. Furthermore, by staying at Lincoln, students of higher standing like Carol had the opportunity to “display leadership” and to serve as “initiative for those who are left’.” Hammarsten also acknowledged that no language test was given to students assigned to Lincoln, stating “it is highly impossible to test a child that can’t speak the English language.”⁶⁵

⁵⁸ For a comprehensive description of the pretrial and trial, see Strum, *Mendez v. Westminster*, Chapters 4-7.

⁵⁹ Strum, “Separate ≠ Equal,” 6. No trial was held because an injunction was demanded whereby the judge ruled on all matters. Aguirre, “*Mendez v. Westminster*,” 324.

⁶⁰ Strum, *Mendez v. Westminster*, 79-80; Méndez interview, “60th Anniversary,” Up Rising Radio. Sylvia also notes how the farm income also paid for legal fees.

⁶¹ Strum, *Mendez v. Westminster*, 80, 82.

⁶² Strum, “Separate ≠ Equal,” 7.

⁶³ Aguirre, “*Mendez v. Westminster*,” 325.

⁶⁴ Strum, *Mendez v. Westminster*, 90. Schools at issue were the “Mexican” Delhi, Fremont, Logan schools, and the white Franklin school.

⁶⁵ *Ibid.*, 94-7.

On Monday, July 9, the court's attention turned to the Westminster school district with its Mexican Hoover school and white Westminster school. As to the English speaking capabilities of the Mexican-American children, Superintendent Richard F. Harris informed the court that forty percent could not speak English, while the remaining sixty percent spoke a level of English below that of the first grade at Westminster. He also explained that even when their English improved, they still "do not progress along as the others [at the Westminster school], due to the fact perhaps of their cultural background or language heritage." When McCormick asked whether children of Mexican-American parents born and educated in the United States would be suited to Westminster because of their exposure to American culture, Harris replied negatively. Their "language and cultural deficiencies meant they would still have to be in separate groups and separate rooms."⁶⁶

One of the court's compelling moments came when Marcus questioned Felicitas Méndez about her experience attending a school board meeting. "We always tell our children they are Americans," Felicitas stated, "and I feel I am American myself, and so is my husband, and we thought that they shouldn't be segregated like that, they shouldn't be treated the way they are. So we thought we were doing the right thing and just asking for the right thing, to put our children together with the rest of the children there."⁶⁷

By the conclusion of the district-by-district testimony, Marcus had demonstrated that "the school districts were systemically segregating the students on the basis of ethnicity, without reference to their language or other academic abilities." He had destroyed "the districts' claim of language facility as the basis for the separation" since the schools provided no language tests to students. Thus, in his direct attack on segregation itself, Marcus had proven his first argument.⁶⁸

Expert Testimony

In his second argument, which required that he prove discrimination, Marcus had to demonstrate that the segregated Mexican American children received an inferior education. "Given the Supreme Court precedents, this was a radical claim: that 'separate but equal' was not, in fact, equal."⁶⁹ He turned to two expert witnesses to support his primary argument. The first expert, Dr. Ralph L. Beals, head of the Department of Anthropology and Sociology at the University of California, Berkeley, addressed how segregation impacted self-esteem. "Separating Mexican American children from White children would stamp the Mexican-American children with a badge of inferiority and the White children with a badge of superiority and...such practice would lead to unproductive Mexican-American citizens. He also testified that Nazi Germany had recently labeled as inferior such people as Jews and Gypsies but that America should not follow such attitudes and practices."⁷⁰

The second expert, Marie H. Hughes, was the former principal and Curricula Director in New Mexico. At the time of the trial, Hughes held a master's degree and served as Curriculum Coordinator and Specialist in Education of Minority Groups, Public Schools, Los Angeles County. She had also completed her residence and academic work for a Ph.D. from Stanford University. Hughes testified that "[s]egregation, by its very nature, is a reminder constantly of inferiority, of not being wanted, of not being a part of the community. Such an experience cannot possibly build the best personality or the sort of person who is at most home in the world, and able to contribute and live well."⁷¹ She then elaborated on the educational value of teaching Spanish-speaking Mexican-descent children in the same schools and classes as their white peers:

⁶⁶ Strum, *Mendez v. Westminster*, 98-9. Westminster then claimed it was in the process of desegregating, but Marcus questioned whether this would actually take place absent a court order. *Ibid.*, 98.

⁶⁷ *Ibid.*, 102.

⁶⁸ *Ibid.*, 81.

⁶⁹ *Ibid.*

⁷⁰ Aguirre, "*Mendez v. Westminster*," 325.

⁷¹ Valencia, *Chicano Students*, 26-7

The best way to teach English is to give many opportunities to speak English, to hear it spoken correctly, and have reasons for speaking it, and to enlarge the experiences which demand English. That is, with any language you tend to learn the words of a given experience, and if your experiences are limited, your vocabulary will be limited. As the experiences are increased, as you meet more people from different kinds of homes and from different classes, different occupational classes, and so forth, then your language is naturally increased.⁷²

At the trial's end, Judge McCormick directed the attorneys to submit briefs that addressed specific issues and provided draft language for the findings of fact and conclusion of law. In his brief, Marcus turned his attention to international relations, a subject close to the Truman Administration in the wake of the Cold War and concerns over the country's image. Marcus wrote: "The decision of this court is of tremendous importance. The burden cast upon this Court involves the lives, future happiness of uncounted thousands of American citizens. Eager eyes and attentive ears North and South of our borders await the result. We cannot fail them."⁷³

McCormick's Decision

Seven months later, on February 18, 1946, Judge McCormick handed down his decision. First on the issue of jurisdiction, he found that actions by the school boards and administrative authorities to segregate school children of Mexican ancestry from other school children defied the State's education code and therefore "invaded the personal right which every public school pupil has to the equal protection provision of the Fourteenth Amendment to obtain the means of education."⁷⁴ McCormick then turned his attention to *Plessy*. His concept on social equality versus equal facilities is what Valencia calls "the singularly most important aspect emanating from *Mendez*."

'The equal protection of the laws' pertaining to the public school system in California is not provided by furnishing in separate schools the same technical facilities, textbooks and courses of instruction to children of Mexican ancestry that are available to the 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.⁷⁵

Third, McCormick addressed the social science testimony and the stigmatizing effect segregation created: "It is also established by the record that the methods of segregation prevalent in the defendant school districts foster antagonisms in the children and suggest inferiority among them where none exists."⁷⁶

McCormick's fourth highlight addressed the justification, used by the school districts, of segregating students based on language needs and not race. He recognized that schools either gave no test or used tests "shown to have been generally hasty, superficial and not reliable," and furthermore, that some schools separated children solely based on a child's Latinized or Mexican name. McCormick referred to this method as "illusory" and "not conducive to the inculcation and enjoyment of civil rights which are of primary importance in the public

⁷² Ibid., 27-8.

⁷³ Strum, "Separate ≠ Equal," 8; Strum, *Mendez v. Westminster*, 120.

⁷⁴ 64 F. Supp. 544 at 547. For precedence Judge McCormick relied on "A violation by a State of a personal right or privilege protected by the Fourteenth Amendment in the exercise of the State's duty to provide for the education of its citizens and inhabitants would justify the Federal Court to intervene." Ibid at 546.

⁷⁵ Ibid., at 549. Constance Baker Motley, a prominent NAACP attorney in the legal fight for school desegregation and later a Federal district court judge, called this portion of the ruling "unequivocally strong language" that was "radically new at the time the decision was issued." Valencia, *Chicano Students*, 29.

⁷⁶ 64 F. Supp. at 549.

school system of education in the United States.”⁷⁷ Turning once again to the social science testimony, McCormick stated “the evidence clearly shows that Spanish-speaking children are retarded in learning English by lack of exposure to its use because of segregation, and that commingling of the entire student body instills and develops a common cultural attitude among the school children which is imperative for the perpetuation of American institutions and ideals.”⁷⁸

In his closing, Judge McCormick wrote that the “defendants discriminated against the Mexican-origin students and violated their rights under the Fourteenth Amendment.... We conclude by holding that the allegations of the complaint (petition) have been established sufficiently to justify injunctive relief against all defendants, restraining further discriminatory practices against the pupils of Mexican descent in the public schools of defendant school districts.”⁷⁹

National attention to the decision came quickly from both individual lawyers and organizations. Among the organizations requesting copies of Judge McCormick’s decision were the Council for Civic Unity in San Francisco, the American Jewish Congress in New York, and the historically black Fisk University in Nashville.⁸⁰ Additional organizations became directly involved with the case after the defendant school boards appealed to the Ninth Circuit Court of Appeals sitting in San Francisco, California.

Circuit Court of Appeals

The separate-but-equal doctrine was now at stake, and, as *New York Times* reporter Lawrence Davies observed, *Mendez* became “a guinea pig case.”⁸¹ If the court upheld Judge McCormick’s ruling, it would apply to the nine states under the court’s jurisdiction and, if appealed to the U.S. Supreme Court, an opportunity existed to overturn *Plessy*.⁸² The *Mendez* attorneys repeated their arguments at the appellate hearing on December 9, 1946. Of new interest at the appellate court were the briefs, the ruling, and the aftermath.

The Briefs

Joining the ACLU and the National Lawyers Guild in filing amicus briefs were three new organizations: the Japanese American Citizens League (JACL), the American Jewish Congress (AJC), and the NAACP. The Attorney General of California joined the case as well on behalf of the Méndez, Guzmán, Palomino, Estrada and Ramirez families. According to lawyer Christopher Arriola, who has extensively researched *Mendez*, each brief “was planned as a piece of a puzzle, which would eventually give the court a clear picture of the wrongs of segregation, both in precedent and policy.” Additionally, he contends that “the briefs, as a whole essentially argued that separate was not equal and that the court should overrule *Plessy* and its progeny based on legal precedent, as well as on legitimate social science data and a larger perspective on human rights.”⁸³

⁷⁷ *Ibid.*, at 550.

⁷⁸ *Ibid.*, at 549.

⁷⁹ *Ibid.*, at 551.

⁸⁰ Charles R. Lawrence, Jr., Fisk University to Clerk of the United States District Court, March 19, 1946; Leo Pfeffer, American Jewish Congress to Clerk, U.S. District Court, March 12, 1946; and Edward W. Howden, Council for Civic Unity to Clerk of the U.S. District Court, March 14, 1946 on file with the U.S. District Court, Los Angeles. Students from Fisk University later became involved with desegregating a lunch counter in Nashville and leading the Student Nonviolent Coordinating Committee, a leading 1960s civil rights organization.

⁸¹ Valencia, *Chicano Students*, 31; Strum, *Mendez v. Westminster*, 141.

⁸² The nine states are Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington.

⁸³ Arriola, “Knocking on the Schoolhouse Door,” 188, 194. Arriola’s collection related to *Mendez* is archived at Stanford University.

A joint brief from the ACLU, the National Lawyers Guild, and the JACL focused primarily on the jurisdictional issue and supported the appellant's contention that the case belonged in Federal court. The Attorney General's short brief argued that the segregation of Mexican-American children contradicted state policy and "that all existing or prior segregation practices are in violation of the Constitution."⁸⁴ The AJC's brief, Arriola explains, stands out as the most "cutting edge" and makes three pertinent points: "1) when a 'dominant' group segregates an 'inferior' group it can never be equal, 2) any racial distinction is immediately suspect by the courts and 3) segregation by the state of immigrants or children of immigrants is contrary to the Federal Immigration 'Americanization' policies of the INS and therefore preempted."⁸⁵ The brief's powerful conclusion reflected what this group had suffered during the war: "All discrimination is bad and humiliation of any human being because of his creed or language is unworthy of a free country. But none is so vicious as the humiliation of innocent, trusting children."⁸⁶

Most significantly, the case provided the NAACP with its first chance to pursue the sociological argument. McCormick's ruling had come as a surprise to the NAACP and "when the staff learned of it they understood the opportunities it gave them."⁸⁷ The organization had spent "a decade... whittling away at state-mandated segregation" and now their lead counsel, Thurgood Marshall "was ready to strike at the heart of Jim Crow."⁸⁸ However, Marshall was ill. Temporarily in charge was Marshall's second-in-command, Assistant Special Counsel Robert Carter, a strong believer in the relevancy of social equality to desegregation.⁸⁹ Carter prepared the amicus curiae brief and turned it over to both Thurgood Marshall and Loren Miller, who was a member of the NAACP's National Legal Committee. Carter described Miller as "a major intellect." Miller also had some knowledge of the case from participating in the National Lawyers Guild brief for the district court hearing. Neither Miller nor Marshall made changes to the amicus brief.⁹⁰

Patricia Sullivan describes Carter's brief as "a tightly argued treatise holding that 'the equality demanded by the Constitution and under the laws of the United States cannot be realized under a system of segregation'." The brief combined a review of constitutional law with a distillation of sociological studies documenting the harmful effects of school segregation on children as well as on the nation's civic culture. It also referenced America's international commitments, claiming that the United Nation's charter "obligated our government to promote uniform respect for... human rights and fundamental freedoms for all without distinction as to race."⁹¹

⁸⁴ Ibid., Valencia, *Chicano Students*, 34.

⁸⁵ Arriola, "Knocking on the Schoolhouse Door," 196. See Robinson, "*Méndez v. Westminster*," for another view on the divergent and contradictory goals of groups involved in *Mendez*.

⁸⁶ Valencia, *Chicano Students*, 33-34.

⁸⁷ Mark V. Tushnet, *The NAACP's Legal Strategy against Segregated Education, 1925-1950* (Chapel Hill: The University of North Carolina Press, 1987), 119.

⁸⁸ Patricia Sullivan, *Lift Every Voice: The NAACP and the Making of the Civil Rights Movement* (New York: New Press, 2009), 333-34.

⁸⁹ Strum, "Separate ≠ Equal," 7. Due to a respiratory infection, Marshall was recuperating away from the office for five or six weeks. Robert L. Carter, *A Matter of Law: A Memoir of Struggle in the Cause of Equal Rights* (New York: New Press, 2005), 65.

⁹⁰ Carter, *Matter of Law*, 65-66. Carter states that Miller "liked what was presented to him," and that Marshall let it go as written. "The first name on the NAACP's brief was Thurgood Marshall, although Marshall's illness prevented him from having much to do with the case beyond looking over Carter's first brief." Strum, *Mendez v. Westminster*, 134. Miller's name appears on the Application for Leave to Appear Amicus Curiae filed July 5, 1945, but does not appear on the brief itself. *Mendez v. Westminster*, No. 4292-M, Brief of National Lawyers Guild, and American Civil Liberties Union, Amici Curiae, filed Oct. 1, 1945.

⁹¹ Sullivan, *Lift Every Voice*, 333-34.

The Decision

On April 14, 1947, the Ninth Circuit Court of Appeals handed down its decision.⁹² Writing for a unanimous (7-0) court, Justice Albert Lee Stephens upheld the trial court's decision, but "narrowly construed the decision on the grounds that the segregation constituted unequal application of the law." In other words, because no California law permitted the segregation of Mexican-American school children, "such segregation violated the plaintiff's Fourteenth Amendment right to the equal protection of the laws."⁹³ As for the separate-but-equal doctrine, the court pronounced it would not distinguish *Plessy*. "We are not tempted by the siren who calls to us that the sometimes slow and tedious ways of democratic legislation is no longer respected in a progressive society. For reasons presently to be stated, we are of the opinion that the segregation cases do not rule the instant case and that is reason enough for not responding to the argument that we should consider them in light of the amicus curiae briefs."⁹⁴

While Stevens declined "to venture very far into the realm of educational and social theory," Justice Denman, "being greatly exorcised," vigorously viewed the case as "plain racial discrimination."⁹⁵ In a concurring opinion, he stated: 1) that the court should have taken into account the importance of *Lopez v. Secombe* (the Mexican-American discrimination case that Marcus had won in 1944), 2) that "the segregative actions of Orange County officials," if left unchecked, could have extended to "other national-origin groups in California, and 3) that the actions of defendant districts were so discriminatory that they should be criminally liable."⁹⁶

The Aftermath of *Mendez*

Although *Mendez* did not overturn *Plessy*, it directly impacted school segregation for all children in California. Two months after the Ninth Circuit's ruling, the California legislature passed a bill ending "all segregation in California schools, including the segregation of Indian, Chinese, and Japanese children, and of children of 'Mongolian' ancestry."⁹⁷ California's Governor Earl Warren, who as Chief Justice would write the Court's opinion in *Brown v. Board of Education*, signed the bill into law on June 14, 1947.

Beyond California, the Southwest felt the immediate effects of the *Méndez* case. A renewed campaign by Mexican parents and civil rights organizations such as LULAC and the GI Forum to terminate segregation proved more successful than earlier efforts.⁹⁸ Using *Mendez* as a precedent, LULAC activists in Texas successfully brought forth *Delgado v. Bastrop Independent School District* (1948) in Federal court to end state-mandated segregation. In Arizona, U.S. District Judge Dave W. Ling's decision ending school desegregation in *González v. Sheely* (1951) quoted Judge McCormick word-for-word: "A paramount requisite in the American system of public education is social equality."⁹⁹ In 1954, just weeks before *Brown v. Board of Education*, the U.S. Supreme Court, in *Hernandez v. State of Texas*, declared segregation of Mexican Americans based on their ancestry to be unconstitutional under the Fourteenth Amendment. "Thus, almost eight years later," as Toni Robinson and Greg Robinson observe, "the Supreme Court finally endorsed the

⁹² *Westminster v. Mendez*, 161 F.2d 774 (9th Cir. 1947).

⁹³ Aguirre, "*Mendez v. Westminster*," 327; "*Open Forum*," published by the Southern California branch of the ACLU, attacked Judge Stevens' opinion as 'devoid of social imagination.'" Wollenberg, *All Deliberate Speed*, 131.

⁹⁴ Arriola, "Knocking on the Schoolhouse Door," 198.

⁹⁵ Wollenberg, *All Deliberate Speed*, 130; Lester H. Phillips, "Segregation in Education: A California Case Study," *Phylon*, vol. 10 (4th Qtr., 1949), 410, <http://www.jstor.org/stable/272128>.

⁹⁶ Valencia, *Chicano Students*, 330n84.

⁹⁷ McCormick, "Felicitá," 28. Assembly Bill 1375.

⁹⁸ Gonzalez, *Chicano Education*, 15, 28-29.

⁹⁹ McCormick, "Felicitá," 28. "Eventually, de jure segregation in schools ended throughout the Southwest, but not before an educational policy reinforcing socioeconomic inequality severely victimized generations of Mexican children." Gonzalez, *Chicano Education*, 29.

doctrine initially enunciated by Judge McCormick and passed over by the Ninth Circuit Court of Appeals in the *Mendez* case.”¹⁰⁰ Although not overturning *Plessy*, *Mendez* “did become the Mexican American’s *Brown*, ending legal segregation for Mexican Americans throughout the Southwest.”¹⁰¹

As for *Plessy*, the NAACP’s brief became, according to Robert Carter, “an initial trial run of what was to come. While we had not yet become involved in attacking grade- and secondary-school segregation, we knew that soon that issue had to be faced.”¹⁰² In his epic telling of the *Brown v. Board of Education* story, Richard Kluger explained that Carter’s brief “tested the temper of the courts without putting the NAACP itself directly in the field and, as important, it drew added attention to the case in a number of the leading law reviews across the country.”¹⁰³ In June 1947, the *Yale Law Journal* wrote that the district court’s decision “has questioned the basic assumption of the *Plessy* case and may portend a complete reversal of the doctrine.”¹⁰⁴ The *Michigan Law Review* called the *Mendez* decision ‘a radical departure from the tacit assumption of the legality of racial segregation’ and predicted that it, in concert with the education cases the NAACP had won in the Supreme Court, ‘may well force a reconsideration of the whole problem.’ The *Columbia Law Review* urged the Supreme Court to overturn *Plessy*, agreeing that ‘modern sociological investigation would appear to have conclusively demonstrated’ that segregation implies inferiority. The *Southern California Law Review* called segregated education ‘anomalous’ in ‘a nation priding itself on its solid foundation of basic tolerance and equality of opportunity’.¹⁰⁵

Ironically, income from the lease of Japanese-American land enabled the Méndez family to finance their own participation in a landmark case against segregation. The extent to which the Méndez family depended on the oppression of a third group in America, Japanese Americans, indicates that rather than being a melting pot, America was, in the words of Philippa Strum “a kaleidoscope.” Ultimately, Chief Justice Earl Warren would echo Judge McCormick’s language in *Brown v. Board*. Nevertheless, it was the plaintiffs in *Mendez* “who first got a Federal court to declare that the doctrine of ‘separate but equal’ ran counter to American law and American values.”¹⁰⁶

¹⁰⁰ Robinson, “*Méndez v. Westminster*,” 182.

¹⁰¹ Arriola, “Knocking on the Schoolhouse Door,” 207.

¹⁰² Carter, *Matter*, 66. “Because the NAACP was not a party to the California case, it was able to experiment with the sociological argument at no cost whatever.” Tushnet, *NAACP’s Legal Strategy*, 120. In a public television documentary, Carter, then a district court judge himself, stated that the *Mendez* brief served as a model for the brief in *Brown v. Board of Education*. “*Mendez vs. Westminster: For All the Children/Para Todos Los Niños*,” a Sandra Robbie Film, 2003, DVD revision, Nov. 6, 2006.

¹⁰³ Richard Kluger, *Simple Justice* (New York: Alfred A. Knopf, 1977), 400.

¹⁰⁴ Notes, “Segregation in Public Schools—A Violation of ‘Equal Protection of the Laws’,” 59 *Yale Law Journal* 1058, 1946-1947, 1060.

¹⁰⁵ Strum, “Separate ≠ Equal,” 8.

¹⁰⁶ Strum, *Mendez v. Westminster*, 2; *Ibid*.

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Previous documentation on file (NPS):

- Preliminary Determination of Individual Listing (36 CFR 67) has been requested.
- Previously Listed in the National Register.
- Previously Determined Eligible by the National Register.
- Designated a National Historic Landmark.
- Recorded by Historic American Buildings Survey: #
- Recorded by Historic American Engineering Record: #

Primary Location of Additional Data:

- State Historic Preservation Office
- Other State Agency
- Federal Agency
- Local Government
- University
- Other (Specify Repository):

10. GEOGRAPHICAL DATA

Acreage of Property: 2.4

UTM References: **Zone Easting Northing**
 10 385550 3768730

Verbal Boundary Description:

The United States Post Office and Court House (Court House for the Central District of California) is located in the city of Los Angeles block bordered by North Main, North Spring, Aliso, and Temple Streets.

Boundary Justification:

The boundary includes the building historically known as the United States Post Office and Court House (and which functioned as the Court House for the Southern District of California) which maintains its historic integrity and the block in which the Court House is located.

11. FORM PREPARED BY

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NATIONAL HISTORIC LANDMARKS PROGRAM

March 24, 2015

U.S. COURT HOUSE AND POST OFFICE (Court House for the Southern District of California) Photos

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

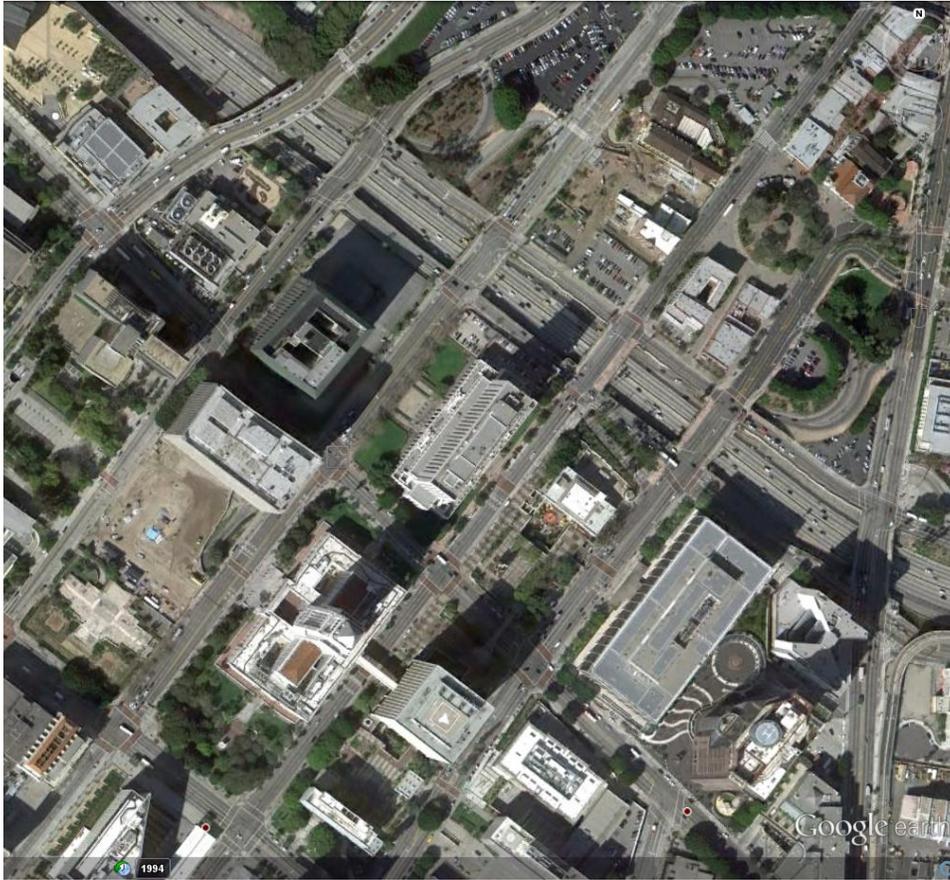


Photo #2. Current aerial view of U.S. Court House in center. Source: Google earth



Photo #5. Spring Street (right) & Aliso Street (left) facades. Photograph by Susan C. Salvatore, December 2011.

U.S. COURT HOUSE AND POST OFFICE (Court House for the Southern District of California) Photos

United States Department of the Interior, National Park Service

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Photo #6. Main Street Façade. Photograph by Susan C. Salvatore, December, 2011.



Photo #7. Aliso Street Façade. Photograph by Susan C. Salvatore, December 2011.

U.S. COURT HOUSE AND POST OFFICE (Court House for the Southern District of California) Photos

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Photo #8. Temple façade on right and Spring Street façade on left. Photograph by Susan C. Salvatore, December 2011.



Photo #9. Spring Street Plaza showing new period lighting and concrete motif. Photograph by Susan C. Salvatore, December 2011.

U.S. COURT HOUSE AND POST OFFICE (Court House for the Southern District of California) Photos

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form



Photo #10. Spring Street Plaza showing new bollards and former postal doors replaced by windows flanking the entrance doors. Photograph by Susan C. Salvatore, December 2011.



Photo #12. Main Street Elevator Lobby. Photograph by Susan C. Salvatore, December 2011.

U.S. COURT HOUSE AND POST OFFICE (Court House for the Southern District of California) Photos

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

National Historic Landmarks**Property Name:** U.S. Court House and Post Office (Court House for the Southern District of California)

PAGE REMOVED**Image Numbers:** 11, 13-14**Page:****REASON:** Security

The location of this property is restricted information under law:
National Historic Preservation Act of 1966, as amended, section 304, 16 U.S.C. 470w-3(a)
- *Confidentiality of the location of sensitive historic resources*

Section 304*[16 U.S.C. 470w-3(a) – Confidentiality of the location of sensitive historic resources]*

(a) The head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may –

- (1) cause a significant invasion of privacy;
- (2) risk harm to the historic resources; or
- (3) impede the use of a traditional religious site by practitioners.

[16 U.S.C. 470w-3(b) – Access Determination]

(b) When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to subsection (a) of this section, the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this Act.

[16 U.S.C. 470w-3(c) – Consultation with the Advisory Council]

(c) When the information in question has been developed in the course of an agency's compliance with section 106 or 110(f) of this Act, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b) of this section.

A redacted version was included with the series, from the state and year for this property that was sent to the Federal Records Center and from there to the National Archives.

A full version was sent in the address restricted series to the Federal Records Center and from there to the National Archives.

U.S. COURT HOUSE AND POST OFFICE (Court House for the Southern District of California) Photos

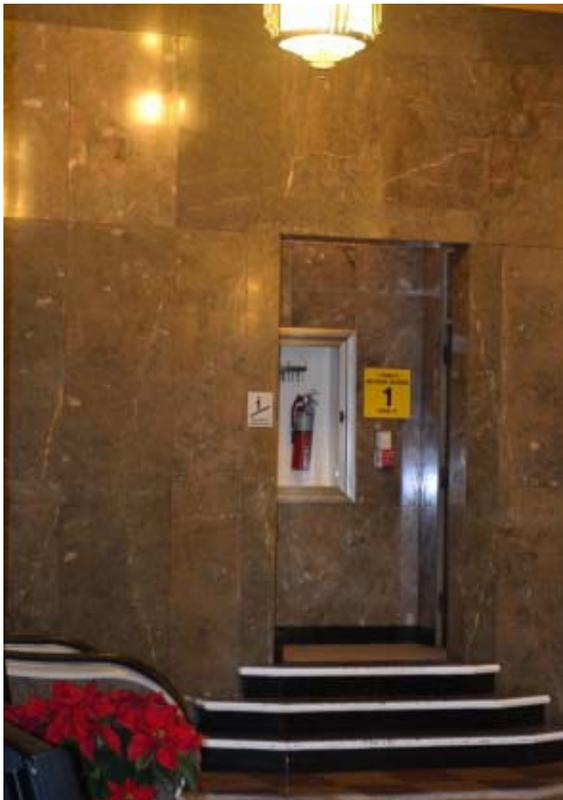


Photo #15. Spring Street lobby, stairway reoriented from former Post Office lobby. Photograph by Susan C. Salvatore, December 2011.



Photo #16. Second floor lobby, Courtroom #8 on the right. Photograph by Susan C. Salvatore, December 2011.

U.S. COURT HOUSE AND POST OFFICE (Court House for the Southern District of California) Photos

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form



Photo #17. Courtroom No. 8 view to judge's bench with press seating on the right and jury seating on the left. Photograph by Susan C. Salvatore, December 2011.



Photo #18. Courtroom No.8, view to rear. Photograph by Susan C. Salvatore, December 2011.

U.S. COURT HOUSE AND POST OFFICE (Court House for the Southern District of California) Figures

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

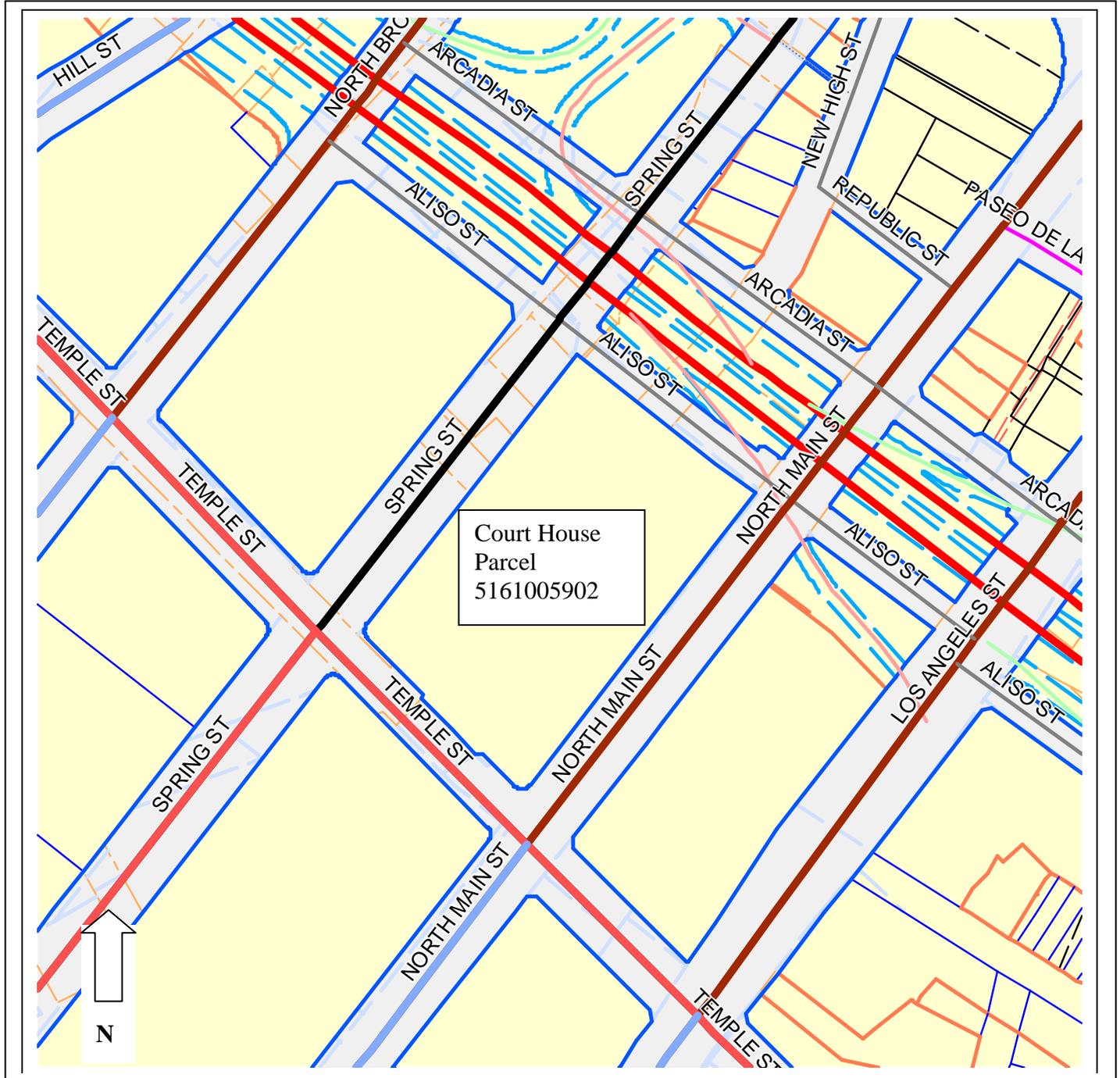


Figure 1. Parcel Map for 312 N. Spring Street. Source: City of Los Angeles, <http://navigatela.lacity.org/index1.htm>

U.S. COURT HOUSE AND POST OFFICE (Court House for the Southern District of California) Figures

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

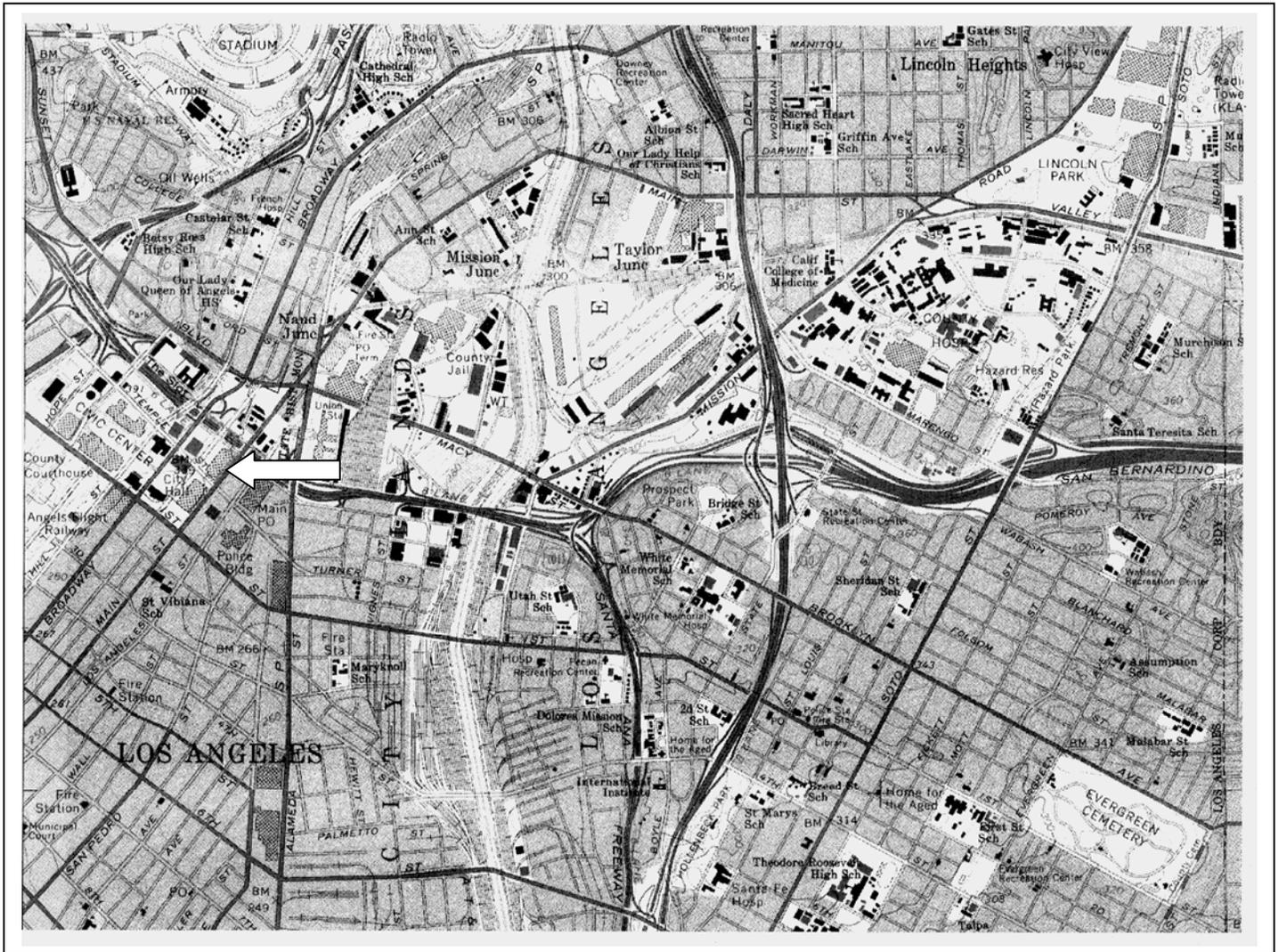


Figure 2. USGS Los Angeles Quadrangle

Zone	Easting	Northing
10	385550	3768730

U.S. COURT HOUSE AND POST OFFICE (Court House for the Southern District of California) Figures

United States Department of the Interior, National Park Service

National Register of Historic Places Registration Form

National Historic Landmarks**Property Name:** U.S. Court House and Post Office (Court House for the Southern District of California)**PAGE REMOVED****Figure Numbers:** 3-12**Page:** Floor Plans/Elevations**REASON:** Security

The location of this property is restricted information under law:

National Historic Preservation Act of 1966, as amended, section 304, 16 U.S.C. 470w-3(a)

- *Confidentiality of the location of sensitive historic resources*

Section 304

[16 U.S.C. 470w-3(a) – Confidentiality of the location of sensitive historic resources]

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[16 U.S.C. 470w-3(b) – Access Determination]

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[16 U.S.C. 470w-3(c) – Consultation with the Advisory Council]

(c) When the information in question has been developed in the course of an agency's compliance with section 106 or 110(f) of this Act, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b) of this section.

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