George I. Sanchez and the Civil Rights Movement: 1940-1960

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This article is a tribute to Dr. George I. Sanchez and examines the important contributions he made in establishing the American Council of Spanish-Speaking People (ACSSP) in 1951. The ACSSP funded dozens of civil rights cases in the Southwest during the early 1950’s and represented the first large-scale effort by Mexican Americans to establish a national civil rights organization. As such, ACSSP was a precursor of the Mexican American Legal Defense and Educational Fund (MALDEF) and other organizations concerned with protecting the legal rights of Mexican Americans in the Southwest. The period covered here extends from 1940 to 1960, two crucial decades when Mexican Americans made a concerted effort to challenge segregation in public schools, discrimination in housing and employment, and the denial of equal access to public places such as theaters, restaurants, and barber shops. Although Mexican Americans are still confronted today by de facto segregation and job discrimination, it is of historical and legal interest that Mexican American legal victories, in areas such as school desegregation, predated by many years the 1954 Supreme Court decision in Brown v. Board of Education and the civil rights movement of the 1960’s. Sanchez’ pioneering leadership and the activities of ACSSP merit examination if we are to fully comprehend the historical struggle of the Mexican American civil rights movement.

In a recent article, Karen O’Conner and Lee Epstein traced the origins of MALDEF to the 1960’s civil rights era.1 The authors argued that “Chicanos early on recognized their inability to seek rights through traditional political avenues and thus sporadically resorted to litigation . . . It was not until the 1960s, however, that the need for organized, sustained litigation activity on behalf of Chicanos became apparent.”2 They hypothesized that MALDEF’s success as a civil rights organization resulted largely from the recruitment of expert counsel, the use of a test case strategy, and effective cooperation with other groups.3

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2. Id. at 248.
3. Id. at 247.
The O'Conner and Epstein study, however, failed to consider the significance of the ACSSP's activities and its effect on the civil rights movement of the 1960's. Although the ACSSP was short-lived, its valuable contributions should not be ignored. A close historical examination reveals that MALDEF's emergence and early strategy had their roots in Sanchez' early efforts with the ACSSP.\(^4\) The three-fold nature of Sanchez' strategy included: (1) mobilizing the courage, talent, and energy of the Mexican American community in Texas to confront discriminatory policies; (2) impressing upon national civil rights leaders the significance of the Mexican American pursuit for equality and justice, thereby linking Southwest concerns with the national civil rights movement; and (3) extending the reach of the ACSSP, a Texas-based Mexican American organization, and allying it with other Southwest Latino civil rights organizations.

I.

SANCHEZ' EARLY BACKGROUND: THE EDUCATION OF A CIVIL RIGHTS LEADER

George I. Sanchez was born in a working-class neighborhood in Albuquerque, New Mexico in 1906. For a time, he lived in Jerome, Arizona, where his father labored as a hard-rock miner.\(^5\) In this small mining community, Sanchez attended an integrated school with a mixture of Anglo, Mexican, Slavic, Italian and other ethnic European children.\(^6\) From this experience, Sanchez gained, firsthand, a profound appreciation for both the immigrant child and the integrated school in the American setting. The Sanchez family moved back to Albuquerque in 1921 when the recession that year curtailed mining activity in Jerome. While in high school in Albuquerque, Sanchez was involved in numerous activities including being a dance promoter, a musician in a jazz orchestra, and boxing professionally as "Kid Feliz" in the 112-pound division.\(^7\)

Sanchez graduated from high school at sixteen and immediately be-

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4. George I. Sanchez taught at the University of Texas at Austin from 1940 to his death in 1972. His collected papers, which were left to the George I. Sanchez Collection of the Benson Latin American Collection (hereinafter, cited as GS Coll. BLAC) at University of Texas at Austin, were recently opened to scholars. I am grateful to Laura Gutierrez-Witt, Gilda Baeza, and Jane Garner of the BLAC for their help in my investigation of the Sanchez papers.


gan his professional career as teacher in a community forty miles from his parents' home in Albuquerque. During the weekdays he lived in a small adobe home near the school and on weekends he returned home by horseback. Sanchez learned of the inequities of the New Mexico school system from this teaching experience. He found rural schools received little funding and offered little in return to Spanish-speaking students. At age seventeen, Sanchez enrolled at the University of New Mexico at Albuquerque. Because of his teaching and administrative duties, Sanchez attended college only in the summer months, eventually graduating with honors in 1930. That year, he left New Mexico to attend graduate school at the University of Texas at Austin. His principal academic interests were educational testing and evaluation.

Sanchez arrived in Austin just as a state appellate court in Independent School District v. Salvatierra dissolved an injunction prohibiting the Del Rio School District from constructing a two-room building for the purpose of segregating children of Mexican ancestry. The appellate court agreed with the school district's argument that separate housing and educational instruction were a consequence of the "peculiarities" of the children of Mexican ancestry and not illegal action by the school district. According to the Salvatierra court, the Mexican American children were overaged in comparison with Anglo children. As school officials noted, these children came to school only part of the year because they came from migrant families, and therefore, "they are more greatly retarded" than Anglo children. In its analysis, however, the court failed to ascertain whether the children came from migrant families or the children had inadequate educational or language skills. Interestingly, while the school district superintendent argued that the district placed children in separate schools largely because of their language handicaps, he acknowledged, in cross examination, that "generally the best way to learn a language is to be associated with the people who speak that language."

Sanchez was not involved in the Salvatierra case, but in his writings in the mid-1930's, he expressed indignation that many Texas educators supported the separation of school children on the basis of intelligence quotient (I.Q.) scores. Moreover, Sanchez was disturbed by the assumption of many Texas educators that I.Q. tests objectively demon-
strated the inherent inferiority of Mexican students.15 In his 1931 masters thesis, “A Study of the Scores of Spanish-speaking Children on Repeated Tests,” Sanchez challenged the conventional wisdom of using I.Q. tests for the purpose of justifying separate instructional facilities for children with language deficiencies.16 His data demonstrated that tutoring Mexican American children raised their I.Q. scores significantly.17 He built on this finding, stressing the importance of teaching a child 400 to 600 English words before she/he started the first grade in order to facilitate their entrance into school. Through this work, Sanchez emerged as a strong and early proponent of both bilingual education and the Headstart concept of pre-school education. He was also one of the few educators of his day to challenge the notion of biological differences among racial groups.18

After completing his master’s degree at the University of Texas, Sanchez entered the graduate program in educational administration at the University of California, Berkeley. While at Berkeley, he took a special interest in language issues and wrote his dissertation on “The Education of Bilinguals in a State School System.”19 After finishing his studies at Berkeley, Sanchez traveled through Mexico for a year and worked on his book, Mexico: A Revolution By Education.20 He soon after accepted a position as head of the New Mexico State Education Research and Statistics Division. As chief of this division he had access to information concerning the large numbers of Spanish-speaking residents attending poorly funded schools. Using his office in the Department of Education, Sanchez began a pioneering effort to equalize the distribution of school funding in an attempt to see that districts received funding according to their educational needs and not on the availability of taxable resources. Sanchez’ efforts to address the controversial school finance equalization issue came long before others did so in the Southwest.21

17. Sanchez, 40 J. GENETIC PSYCHOLOGY at 229.
18. Sanchez argues in FORGOTTEN PEOPLE, supra note 8 at 32, that in counties with the largest proportions of Spanish-speaking people, school terms are shorter, teachers are less well prepared, their salaries are lower, and materials of instruction and school buildings are inferior to those found elsewhere in the state.
Sanchez left New Mexico in 1940 to accept a professorship at the University of Texas at Austin. The following year he was elected national president of the League of United Latin American Citizens (LULAC). During the war years, LULAC, along with other Mexican American organizations in Texas, documented civil rights violations suffered by Mexican Americans with greater accuracy than had been done before. LULAC later utilized this documentation to substantiate their claims before the courts. During this period Sanchez struggled simply to voice and publicize the complaints of the Mexican American community in the United States. The Mexican American community had not previously mounted a campaign against state apparatuses which fostered and encouraged civil rights violations and political and social inequality.

II. THE SEEDS OF CHANGE: THE WORLD WAR II YEARS

America's entry into World War II also marked the first time that Blacks, Hispanics, and other minorities joined together to address their mutual civil rights grievances. With their united efforts, minority leaders forced President Roosevelt and his "Brain Trust" to recognize that racial tension caused by discrimination was no longer just a problem of Southern bigotry; discrimination was a national problem demanding resolution. Sanchez became involved with the national race issue, along with Blacks, Jewish groups and labor organizations, through the efforts of Malcom S. MacLean, chairman of President Franklin Roosevelt's Committee on Fair Employment Practices (FEPC). Roosevelt called the


26. Letter from Lawrence W. Cramer, Executive Secretary to Malcolm S. MacLean, to George I. Sanchez at 1-2 (July 25, 1942) (available in GS Coll. BLAC).
leaders of those groups opposing discrimination in war employment to Washington on February 4, 1943 to consider a revision and strengthening of the Committee's "scope and powers." Sanchez' participation in the FEPC conference introduced him to the nation's civil liberties leadership, with whom Sanchez would maintain contact over the next two decades. More immediately, he learned the strategy Blacks employed during this early civil rights movement. 

During the war years the social and economic fabric of the Mexican American community strained under the pressure of racial intolerance and injustice. These conditions triggered the 1943 "Zoot Suit" riots in Los Angeles. When the Zoot Suit riots broke out, Sanchez was the only prominent Mexican American scholar attempting to analyze in depth the source of the discontent and unrest. While the national media condemned the Mexicans American victims of the "riots" and praised the sailors and marines who "cleaned up" the barrio, Sanchez examined the issue more comprehensively, citing other factors that he associated with the violence. Writing in the journal Common Ground in 1943, Sanchez addressed the issue of alienation and the consequences of discrimination in a democracy. "The seed for the pachuchos was sown a decade or more ago by unintelligent educational measures, by discriminatory, social and economic practices, by provincial smugness and self-assigned 'racial' superiority," according to Sanchez. He offered this explanation for the riots: "The segregatory attitudes and practices and the vicious economic exploitation directed against the Mexicans in California in the past—not the Zoot Suits—are responsible for the pachucos of today."

It was in the wake of the California riots that Sanchez began to take action in his state. With the support of Walter White of the National Association for the Advancement of Colored People (NACCP), Sanchez was able to have his colleague and friend, Dr. Carlos Castañeda, a profes-
Sanchez also worked diligently on having Castañeda appointed to the Texas Governor's Committee on School Segregation during July and August of 1943.

Sanchez continued his involvement in civil liberties causes following the war. In 1947 the Board of Trustees of the Cuero Independent School District, a small south Texas district, wrote to Texas Attorney General Price Daniels inquiring whether they had the power "to construct and maintain a separate school building for instruction of Latin American students in the first three elementary grades after giving consideration to their individual needs and aptitudes." Daniels responded that Mexican or Latin American students could not be segregated if the classification was based "solely upon Latin-American or Mexican descent." Daniels was basing his opinion on a United States Ninth Circuit Court of Appeals decision in Mendez v. Westminster School District. According to the Mendez court, "[b]y enforcing the segregation of school children of Mexican descent against their will and contrary to the laws of California, respondents have violated the federal law as provided in the Fourteenth Amendment to the Federal Constitution by depriving them of liberty and property without due process of law and by denying to them the equal protection of the laws."

In analyzing the Mendez decision, Daniels observed that the "courts . . . had expressed doubt as to the constitutionality of separate schools for Mexicans in the elementary grades." Nonetheless, Daniels noted that under Mendez "the only tenable ground upon which segregation practices . . . can be defended lies in the English language deficiencies of some of the children of Mexican ancestry as they enter elementary public school life as beginners." But the Daniels' opinion also reasoned that Mendez seemed to overrule the appellate decision in Salvatierra by declaring that segregated practices do "not justify the general and continuous segregation in separate schools of the children of Mexican ancestry from the rest of the elementary school population as has been shown to

33. Letter from Carlos E. Castañeda to George I. Sanchez at 1 (Aug. 30, 1943) (available in GS Coll. BLAC).
34. Id. at 1.
37. Mendez, 161 F.2d at 781.
39. Id. at 2.
be the practice in the defendant school district."\textsuperscript{40}

The Daniels opinion gave Mexican American activists substantial hope for redress if they challenged school segregation practices by insisting upon application of the \textit{Mendez} doctrine. However, Texas officials were ignoring the \textit{Mendez} decision. Sanchez urged his friend Gus Garcia, an attorney in San Antonio, to file suit in the federal district court against the Bastrop County school district near Austin, which practiced school segregation. Sanchez requested a copy of the \textit{Mendez} decision, and assisted Garcia in preparing the factual portion of the brief. The application for injunction filed by Garcia in \textit{Delgado, v. Bastrop Independent School District}, indicated that the plaintiffs were prepared to make arguments before the courts similar to those in \textit{Mendez}.

Garcia argued that "segregation of school children of Mexican descent into separate schools and classes deprives them of equal protection of the law and of liberty and property without due process of law in violation of the 14th Amendment"; and that a federal district court had jurisdiction to enjoin such segregation. Garcia also maintained that "the cases upholding segregation of Negroes (upon the furnishing of equal accommodation) have no application because those cases uphold segregation of a different race: Mexican Americans are of the same race as Anglo-Americans."\textsuperscript{43}

In granting the injunction, Justice Ben Rice stated that the segregation practices of the district were "arbitrary and discriminatory and in violation of the 14th [A]mendment."\textsuperscript{44} Justice Rice instructed Texas school districts that classes for those with language deficiencies must be on the same campus with all other students. In response, Texas Superintendent, L.A. Woods, instructed Texas educators that they "could hold separate classes in the first grade for any students who have language difficulties... but [they] shall be formed only for instructional purposes." Thus, Texas educators lost on the racial issue but created a loophole for segregation on the basis of language.

\textsuperscript{40} \textit{Id.} at 2.


\textsuperscript{42} \textit{Id.} at 2.

\textsuperscript{43} \textit{Id.} at 3. Sanchez' view of minority rights under the Fourteenth Amendment was considerably more expansive than that of his peers. \textit{Cf.} United States v. Carolene Prod. Co., 304 U.S. 144, 152-53 n. 4 (1938) (suggesting that the Court will employ more exacting judicial scrutiny because "prejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities. ... ").

\textsuperscript{44} \textit{Delgado}, Civ. Act. No. 388 at 2.

\textsuperscript{45} Memorandum from L.A. Woods to All School Officers of County, City, Town, and School Districts at 2 (1948) (available in GS Coll. BLAC).
III.
THE TEXAS COUNCIL ON HUMAN RELATIONS

The year after the Delgado decision Sanchez focused attention upon the broader issue of segregation and discrimination in Texas. Sanchez helped persuade Governor Allan Shivers to create the Texas Council on Human Relations (hereinafter the Council) in 1950.46 Governor Shivers gave the Council the specific assignment of determining "ways and means of improving the relationship between the English-speaking and Spanish-speaking people of Texas."47 The Council was to focus on discrimination in education, health, employment, and public establishments. Governor Shivers was concerned not only with improving relationships between Mexican Americans and "Anglo-Texans" but also with presenting a better image of Texas to the Republic of Mexico, which in the past had been reluctant to send "Bracero" workers to the state because of the overt discrimination the workers faced there.48 Although the "Bracero" issue had been the concern of the Good Neighbor Commission for half a decade, Sanchez and other Mexican Americans leaders argued that a state agency was needed to look into the treatment of Texas residents of Mexican descent.

Sanchez played a key role in the creation of the Council, and his philosophy was reflected in the direction of its early activities.49 In a memorandum written in late 1950 to Nelville Penrose, chairman of the Texas Good Neighbor Commission, Sanchez further elaborated on the rationale for establishing the Council.50 Sanchez noted that the treatment of Texas minorities, particularly Mexicans and Blacks, constituted "a tremendous challenge to men of vision—to those who see that the progress of Texas is bound up with the welfare of all its citizens."51 Predicting the state would soon have a million and a half Mexicans and one million Blacks, and noting how these two groups had the greatest growing populations in the state, Sanchez argued that "Texas cannot be a

46. See letter from Neville G. Penrose, Chairman of the Good Neighbor Commission, to George I. Sanchez at 1 (Nov. 7, 1950) (available in GS Coll. BLAC). For a more complete discussion of the role of the Texas Good Neighbor Commission, see generally E. CLINCHY, EQUALITY OF OPPORTUNITY FOR LATIN-AMERICANS IN TEXAS 140-80 (1974); KIBBE, supra note 24, at 120-22, 252-55.
48. 61 Stat. 4106, 4107 (1947) (prohibiting "under the protection of existing conventions, persons of Mexican nationality [from being] contracted to work in states of the United States where there may exist discrimination against Mexicans").
49. Brooks, Isolate Problems First, Relations Group Advised, in AUSTIN AM. STATESMAN (June 1950) (available in GS Coll. BLAC).
50. Letter from George I. Sanchez to Neville G. Penrose at 1 (Dec. 15, 1950) (available in GS Coll. BLAC).
51. Id. at 3.
great state as long as one-third of its population (a third that is growing at a faster rate than the rest) is separated by a wide gulf from the others—in educational level, in health, in economic well-being, etc. That is to say, *enlightened self interest* demands that we raise the level of these minorities." 52 Sanchez went on to lament the fact there was not a "single national foundation that is specifically concerned with Spanish-speaking people or with the sort of situation which confronts us in Texas." 53 He ended his letter by affirming that if such an organization were founded, "I would be willing to devote the rest of my life to making it go." 54

In concept, the Council was a major step forward for Mexican Americans in Texas. Governor Shivers appointed R.E. Smith, an oilman from Houston, chairman of the eight-member Council and Sanchez was appointed as vice-chairman. Sanchez convinced T.S. Painter, president of the University of Texas, to provide staff support and offices for the new organization. 55 The governor issued broad instructions to the Council stating that "Spanish-Mexicans citizens are entitled to precisely the same consideration and treatment accorded to other citizens and residents of our State." 56 In other action, the governor urged all state department heads to "give the same consideration to applications for employment of persons of Spanish-Mexican descent as is accorded to all other applicants." 57 Governor Shivers also instructed the Texas State Board of Education members to "take cognizance of the fact that segregation in schools of children of Spanish-Mexican descent is in violation of the Constitution of the state of Texas... and in violation of decisions rendered by the State and Federal Courts [sic]." 58

Sanchez believed the Council would have broad authority to address racial inequality in Texas. In an interview in 1950 with an Austin correspondent, Sanchez commented on the agency's goals, stating that some of the "target" areas of the Council's concern were "the widespread non-attendance of Spanish-speaking children in the public schools; the handicaps which the Latin-American encounters in finding employment, even when he has received a college degree or specialized education; and particularly the lack of extensive participation by the Spanish-speaking people in public affairs and their lack of recognition in public office." 59

52. *Id.* at 3.
53. *Id.* at 2. For an example of Sanchez' philosophical orientation on segregation and discrimination, see *Sanchez, Concerning Segregation of Spanish-Speaking Children in the Public Schools* (1951).
56. *Id.* at 3.
57. *Id.* at 3.
58. Letter from George I. Sanchez to T.S. Painter, President of UT Austin, at 1 (Dec. 20, 1950) (available in GS Coll. BLAC).
However, because the governor had created the Council without legislative support it was soon clear to its members that it was merely an advisory agency to the governor on race relations. Even as an advisory council, the Council's effectiveness was threatened by the appointment of several members hostile to racial reform. For example, when the governor submitted a draft of proposed legislation on discrimination in public places to the Council for its suggestions, an acrimonious debate occurred among Council members. Henderson Coquat, an Anglo member from San Antonio, opposed the intent of the proposal, which read in part: "Legislation to this end should never limit such protection to a given class or group." Coquat wrote to members of the Council that such a law "might be unconstitutional because it would distinctly force the comingling of negroes with whites, contrary to existing Texas Law." Coquat further argued that "such a law would place control of private property at the mercy of the rabble ... and [would] be a fertile field for the Communistic effort to destroy the capitalistic system." Strong opposition came from other quarters as well, and as a result, the legislation failed. Defeat in the legislative process demonstrated to the two Mexican American representatives on the Council, Sanchez and Gus Garcia, that discriminatory laws would have to be challenged in the courts as well as in the political arena.

Because of its limited effectiveness in forcefully addressing problems of discrimination, the Council proved a great disappointment to Mexican American leaders throughout the state. Their frustration with the Council centered on Governor Shivers' failure to expend funds and provide sufficient support staff to make the Council an effective vehicle for change. Less than two years after the Council's creation, its shortcomings came to the attention of the American G.I. Forum, an organization of Mexican American World War II veterans founded in Corpus Christi, Texas, which sought to increase educational and economic opportunities for Mexican Americans. Ed Idar, state chairman of the American G.I. Forum, expressed the Mexican American community's disappointment with the Council in a letter to Governor Shivers on May 8, 1952: "[O]ur people" had expected the Council to undertake serious studies for concrete recommendation on the problems affecting Mexican Americans and


61. Id. at 1.
62. Id. at 1.
63. During its first year, the council operated largely on funds contributed by its chairman, R.E. Smith of Houston. See letter from T.S. Painter to R.E. Smith (Jan. 17, 1951) (available in GS Coll. BLAC).
had hoped that the Council would "be removed from the field of politics."  

Idar noted that "the dynamic leadership exemplified by Chairman R.E. Smith, . . . Dr. Sanchez and Mr. Garcia [had] been circumvented and subjected to the innocuous leadership of individuals [with an interest in] an unending series of banquets and social affairs."  

Idar also accused the Governor of failing to give Sanchez and Garcia an opportunity to implement their ideas or to conduct studies. He urged the Governor to remove from the Council those individuals who had demonstrated insensitivity to the plight of Mexican Americans in Texas.  

Mexican American leaders, according to Idar, were also disturbed the Council had not met once during 1952.  

Sanchez was equally disappointed with the Council's inability to use political and legislative devices to battle discrimination and looked to other methods for a remedy.

IV. THE FOUNDING OF THE AMERICAN COUNCIL OF SPANISH-SPEAKING PEOPLE

During his involvement with the Council, Sanchez began to conceptualize a national organization concerned with civil rights and civil liberties of the Mexican American community. Writing to Roger Baldwin, head of the American Civil Liberties Union (ACLU), in September of 1951, Sanchez outlined a broad strategy for how the Council could provide "valuable support to the cause of advancing civil liberties in Texas."  

The Council could, Sanchez reasoned, render support in investigating "such practices as differential insurance rates, unfair labor and employment practices, and denial of service by private establishments—with a view to remedial action through (a) legal action, (b) political action by local groups, and (c) educational activities."  

Sanchez also opined that through "encouragement and guidance" groups such as the American G.I. Forum, LULAC and Alianza, an organization from Arizona, could "serve as pressure groups to get a square deal for 'Mexicans' in such fields as public employment, public services, and civil participation."

In 1951, in a letter to Professor Lyle Saunders, a sociologist at the University of New Mexico, Sanchez spelled out how his concept of a

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66. Id. at 1.
67. Id. at 2.
68. Id. at 1.
70. Sanchez, supra note 69, at 1.
71. Id. at 1-2.
Mexican American civil liberties organization had evolved. Sanchez revealed that Baldwin had "been pestering" him for advice on how to go about establishing a national organization concerned with the civil liberties of the Spanish-speaking people.  

“I have been writing him at considerable length suggesting procedures,” noted Sanchez. When “[o]ut of a clear blue sky, he has gotten the Marshall Trust to appropriate $3,000 for me to spend in calling an initial meeting. While this puts an additional load on my shoulders, I am forced to agree to do it since it fits so well with what we have been working towards.”

Throughout April of 1951 Sanchez contacted organizations and individuals in California, Arizona, and New Mexico seeking their input and inviting the leadership to El Paso, Texas for an initial organizational meeting. From Los Angeles, Sanchez heard from Fred Ross, business manager for the Community Service Organization (CSO) and a disciple of Chicago populist community organizer Saul Alinsky. Ross well understood Sanchez’ objectives when he urged Sanchez to focus on two interrelated projects: (1) the prosecution of test litigation in the field of civil liberties and (2) the development of civic action organizations in strategic Southwest population centers, both to facilitate the processing of court cases and to ensure that favorable decisions were actually enforced. When the Mexican American leaders met in El Paso they chose Sanchez as executive director of the new foundation and selected for it the name American Council for Spanish-speaking People (ACSSP).

Following the El Paso conference, Sanchez forwarded copies of the group’s incorporation papers and reported his own plans for civil liberties action to Roger Baldwin. As noted, Sanchez saw a need to direct groups such as American G.I. Forum, LULAC, and the Arizona group Alianza in “obtaining legal remedy” for civil rights violations in school segregation, discrimination in housing and public places, exclusion from serving on juries, as well as combating police brutality. In addition, Sanchez envisioned cooperative endeavors with the NAACP and similar organizations “with a view toward attaining more of a united front on at least some of the more basic civil liberties issues.” By 1959, the ACSSP made important inroads in many of the areas Sanchez had outlined in his letter to Baldwin in 1951. During the 1950's the Marshall Fund, through Baldwin's influence, made grants to the ACSSP totalling nearly
a third of a million dollars to be used in the area of civil liberties.\textsuperscript{78} Marshall funds were utilized, in part, to support the concerns that Sanchez had envisioned.\textsuperscript{79}

However, Sanchez made clear in a letter to Tony Rios, head of CSO in Los Angeles, that the most efficient utilization of a national civil liberties group for Mexican Americans might involve leaving certain cases to be handled by local groups. Rios had wanted ACSSP to assist CSO in a police brutality case in which Rios had been personally involved.\textsuperscript{80} Sanchez thought CSO should fight the case strictly with local support. He told Rios: "It is only on the larger and (from the public's viewpoint) more 'academic' civil liberties questions (i.e. jury service, suffrage, housing, segregation) (sic) that we should seek outside help."\textsuperscript{81} Sanchez added, "This is not only good business, but sound education for our people—they've got to learn to 'pitch in' in their own behalf. Police brutality offers the local leadership a beautiful chance to arouse the people and to enlist local support."\textsuperscript{82}

With the organization of the ACSSP underway, Sanchez began raising funds for a suit challenging the exclusion of Mexican Americans from Texas juries. Sanchez noted, in a letter to the Robert Marshall Civil Liberties Trust (the Marshall Trust) in January of 1952, that jury exclusion was a major civil liberties issue in Texas because in some Texas counties with substantial Mexican American populations a person of Mexican descent had never served on a jury.\textsuperscript{83} "At various times we have tried to test this practice, but for one reason or another, have never appealed beyond the state court," Sanchez confirmed.\textsuperscript{84} He further noted that state court denied jury exclusion arguments, claiming that "Mexicans being legally white, the rights of Mexicans are fully protected."\textsuperscript{85} Sanchez also explained to the Marshall Trust that "we have been giving encouragement by another test of this practice, and the case has already gone through the Court of Criminal Appeals."\textsuperscript{86} Sanchez was referring to \textit{Hernandez v. State}, which the Texas Court of Criminal

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\item \textsuperscript{78} Memorandum from Roger N. Baldwin to Board Members of Marshall Trust at 1 (Mar. 17, 1959) (available in GS Coll. BLAC).
\item \textsuperscript{79} Id. at 1.
\item \textsuperscript{80} Letter from George I. Sanchez to Tony Rios at 1 (May 5, 1952) (available in GS Coll. BLAC).
\item \textsuperscript{81} Id. at 1.
\item \textsuperscript{82} Id. at 1.
\item \textsuperscript{83} Letter from George I. Sanchez to the Marshall Trust at 1 (Jan. 9, 1952) (available in GS Coll. BLAC) (Sanchez noted, "the lawyers in this case (Mr. Gus Garcia and Mr. Carlos Cadena) have asked us for financial aid to take the case to the U.S. Supreme Court.").
\item \textsuperscript{84} Id. at 1.
\item \textsuperscript{85} Id. at 1.
\item \textsuperscript{86} Id. at 1.
\end{itemize}
Appeals heard in 1952.87

In *Hernandez*, the state court rejected the appellant's contention that Mexican Americans represented a specific group separate from whites and deserved separate recognition in the assembling of juries.88 *Hernandez* involved the murder conviction of Pete Hernandez, a Mexican American, in Jackson County, Texas by an all white jury.89 LULAC and the American G.I. Forum decided to make this a test case challenging the jury exclusion of Mexican Americans from Texas juries.90 In the factual brief Sanchez prepared, he argued that in fact Mexican Americans in Texas "were recognized as a separate class—by the U.S. Bureau of the Census, by the public schools, and by state government."91 The Texas Criminal Court of Appeals' denial of separate class status for Mexican Americans was based on the assumption that if it accepted the appellant's contention that "Mexicans [are] a special class within the white race" then they would be "entitled to special privileges in the organization of grand and petit juries in this state."92 The court stated that such recognition "would be extending to members of a class special privileges not accorded to all other of that class similarly situated."93 After receiving an unfavorable decision Hernandez' attorneys decided to appeal to the United States Supreme Court.

*Hernandez v. Texas* was argued before the Supreme Court in the spring of 1954, two weeks before the Court handed down its decision in *Brown v. Board of Education*. Chief Justice Earl Warren delivered the opinion the Court. He wrote that "[i]n numerous decisions this Court has held that it is a denial of the equal protection of the laws to try a defendant of a particular race or color under an indictment issued by a grand jury, or before a petit jury, from which all person of his race or color have, solely because of that race or color, been excluded."94 The Chief Justice noted that the petitioner's initial burden in substantiating his charge of group discrimination was to prove that persons of Mexican descent constituted a separate class in Jackson County distinct from whites.95 The proof included: (1) the admission of responsible officials and citizens that residents of the community distinguished between whites and Mexicans; (2) the low or slight participation of persons of

88. *Id.* at 535.
89. *Id.* at 532.
91. Brief for Appellant at 7, *Hernandez* *supra* note 87 (available in GS Coll. BLAC).
92. *Hernandez*, 251 S.W.2d at 535.
93. *Id.* at 535.
95. *Id.* at 479.
Mexican descent in business and community groups; (3) until recent
time, the segregation of Mexican children in schools; (4) the segregation
of Mexicans in public places; (5) the presence in the courtyard of two
men's toilets, one unmarked and the other marked "Colored Men" and
"Hombres Aqui." The Court also found that the absence of a Mexican
American juror for twenty-five years in a county where this ethnic group
comprised fourteen percent of the population "bespeaks discrimination,
whether or not it was a conscious decision on the part of any individual
jury commissioner."

Chief Justice Warren set an important legal precedent for the Mexi-
can American community by asserting that "[w]hen the existence of a
distinct class is demonstrated, and it is further shown that the laws, as
written or as applied, single out that class for different treatment not
based on some reasonable classification, the guarantees of the Constitu-
tion have been violated."

The Supreme Court's rationale in *Hernandez* verified the "class
apart" theory which Sanchez had long been advocating. Carlos Cadena,
the attorney who wrote the Supreme Court brief in *Hernandez*, had at-
tended Sanchez' education seminars following his graduation from the
University of Texas Law School and prior to joining the law faculty at
Saint Mary's University in San Antonio, Texas. At these seminars
Sanchez and Cadena first discussed the "class apart" theory. Sanchez
argued that the "Fourteenth Amendment protected against discrimina-
tion not only on the basis of race-creed-color but also on the basis of
class." Sanchez recalled that he and Cadena "had long discussions" in
his seminar and "at my home, about the class apart theory."

After the *Hernandez* victory, Sanchez involved the ACSSP in school
segregation litigation when he learned that Driscoll, Texas, school au-
thorities customarily required a majority of Mexican American children
to spend three years in the first grade before promoting them to the sec-
ond grade. Following the *Delgado* decision, Driscoll abandoned the
use of separate facilities for Anglos and Mexican Americans. However,
relying on *Salvatierra* and *Delgado*, the Driscoll School District deter-
dined composition of language deficiency classes on a racial rather than
on a merit basis. Seventy percent of the students in the school district

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96. *Id.* at 479-80.
97. *Id.* at 482.
98. *Id.* at 478.
100. *Id.* at 3.
were of Mexican descent, and they were all separated from whites in the same school building through the separate language class system.\footnote{Hernandez, 2 RACE REL. L. REP. at 330.}

Suit was filed against the Driscoll School District’s practice by the American G.I. Forum, headed at the time by Hector P. Garcia. The attorney for the American G.I. Forum was James De Anda, who wrote Sanchez in 1956 seeking his comments on the suit.\footnote{Letter from James De Anda to George I. Sanchez at 1 (Apr. 26, 1956) (available in GS Coll. BLAC). De Anda also sent Sanchez the school district’s reply to Hernandez’ claims.} Sanchez responded that the entire Driscoll School District’s argument was based on the assumption that it was educationally proper to base the grouping and promotion of children on “whether they understand the English language (whatever that means!).”\footnote{Letter from George I. Sanchez to George De Anda at 1 (May 1, 1956) (available in GS Coll. BLAC).} Sanchez questioned whether the school district had tested “that understanding” scientifically. Sanchez explained to De Anda that even if school district authorities had properly tested language differences among children, it was “still wrong to classify them on that basis.”\footnote{Id. at 1.} He emphasized that “[t]he practice is wrong on many counts,” especially because all experts concerned with school integration “say that such grouping may be done only intra-class and on a very temporary basis” and because “[o]ne of the fundamental principles in American education is that the school must be a ‘unitary’ one (that is, all normal children are treated alike. . . .”).\footnote{Id. at 1.} Sanchez observed that “we would be in a hell of a mess if we had segregated all the foreign-language groups that have come to the U.S.—the Italians, Poles, Germans, French, etc.”\footnote{Id. at 1.} Sanchez added: “We did not segregate them for not knowing English—rather, we put them into the American school (that does not tolerate grouping on the basis of class, nationality, language, etc.) and they became Americans.”\footnote{Id. at 1.} Although Driscoll School District officials argued that they had pursued grouping, according to Sanchez, because of a good faith decision by them as to where the line should be drawn because of language handicap, it was apparent they had drawn the line for beginners and first and second graders not on a basis of individual aptitudes or attainment, but against all children of Latin American extraction as a class.\footnote{See id.}

Subsequently, a federal district court found in Hernandez v. Driscoll Consolidated Independent School District “[t]hat the line is drawn on a racial rather than a merit basis is evidenced by the overall facts and the
refusal in September 1955, to place a beginning Latin child, Linda Perez, who could speak no Spanish, in the Anglo section."'111 Indeed, it was admitted that no tests were given or contemplated beyond the beginner's test to determine whether an individual child was capable of going into the regular first or second English-speaking grade. The court ruled that Driscoll School District's practice of creating separate grouping of students of Mexican extraction was "arbitrary and unreasonable because it [was] directed at them as a class and [was] not based on individual capacities."'112

However, school segregation court battles such as Driscoll took their toll on the ACSSP in part because it proved a simple matter for the Texas school district to find ways to circumvent the law.113 ACSSP legal experts found that a precedential victory such as Mendez did not end their problems with recalcitrant educators.114

Sanchez addressed the difficulties of fighting civil rights battles in an era of apathy and frustration in an August 8, 1958 letter to his friend, Roger Baldwin of the ACLU:

In the Southwest, currently there is a complacency or an indifference that could become dangerous—the notion that 'time will take care of it,' and ideas to the same effect. I am afraid that this will dull the leadership to a blindness to the fact that there is a widening gap between the status of the 'Mexican' and that of the dominant group.115

It was not simply a matter of making the ACSSP a more powerful organization. Sanchez, who was a member of the NAACP, the National Council on Naturalization and Citizenship, and the National Council of Agricultural Life and Labor, argued instead that progress in the civil rights field would come only when these organizations realized "that the 'Mexican' is an important part of their program."116

The late 1950's were difficult years for the ACSSP. Sanchez' activism was impeded by illness and his increasingly demanding duties at the University of Texas, where he served as chairman of the Department of Education.117 Numerous attorneys who had assisted the ACSSP, such as Al Wim of Los Angeles and Ralph Estrada of Tucson, likewise found greater demands on their time; and little by little they drifted away from

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112.  
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114.  
115.  
116.  
117.  

See letter from George I. Sanchez to Alan Exelrod, staff attorney for MALD at 1 (June 27, 1969) (available in GS Coll. BLAC). The Mexican American Legal Defense organization later added "Educational Fund" to its name.

Id. at 1.

Letter from George I. Sanchez to Roger Baldwin at 1 (Aug. 8, 1958) (available in GS Coll. BLAC).

Id. at 2.

See also letter from George I. Sanchez to Sen. Ralph W. Yarborough (June 9, 1966) (available in GS Coll. BLAC).
the ACSSP's legal activities. However, a more pressing reason for the ACSSP's difficulties involved their funding source.

The ACSSP lost its major source of funding in 1958 when the Marshall Trust decided to discontinue its support of their civil liberties projects. Marshall trustees had expressed some interest in continued funding; indeed, they even raised the issue of leaving a substantial amount of financial support to the ACSSP in the event they liquidated the trust fund. In hopes of securing funding for the ACSSP from the Marshall Trust once again, Roger Baldwin of the ACLU attempted to address the Trust’s concern that the ACSSP’s regional base was too narrow. Baldwin's comments, which he later shared with Sanchez, addressed the Marshall Trust’s concern that the ACSSP’s major efforts had been “localized in the communities where the Spanish-speaking population is largely concentrated.” According to Baldwin, in the ACSSP’s estimation covering the entire community “did not yield the results hoped for and in the last few years this over-all effort has lapsed.”

Sanchez, however, took exception to Baldwin’s argument that the ACSSP’s activities might have been more successful if they had been less localized. Sanchez responded by noting that:

The Delgado case, (school segregation), the Hernandez case (juries), the Hernandez case (assignment in schools), etc.—all federal cases—while locally sponsored, were national in consequence. While they were “local” in interest, they had a tremendous significance in the broad field of civil liberties. The Trust money we spent on those cases was matched many times over by the Mexican-Americans themselves, and the combined investment bought results worth infinitely more. I venture to say that civil liberties principle was not bought so cheaply (in dollars) in any other major operations. The gains made in cases settled out of court are as important as those made in court some of these out-of-court cases were on Negro-Mexican-“white” school segregation in El Centro, California; Indian-Mexican-“white” segregation in the public swimming pool in Winslow, Arizona; school assignment segregation case in Mathis, Texas; and so on.

During the years that Sanchez organized and implemented the defense of civil liberties through the work of the ACSSP, the Mexican American community in the Southwest grew from 2.29 million to 3.46 million, an increase of more than fifty percent from 1950 to 1960. During that time Puerto Ricans in the East Coast and other Latino groups
also registered enormous demographic growth. The Marshall Trust viewed the diversification and growth of the Latino community from a perspective which sought to broaden their funding base for Latinos. When asked to consider the possibilities of broadening the ACSSP's range, Sanchez replied that the idea of a Spanish-speaking national organization (other than those already in existence such as LULAC, American G.I. Forum, and Alianza) was impractical. He argued instead for the creation of a "central body which can, opportunistically, stimulate with small sums the civil liberties interests of all of the so-called local or indigenous organizations." Such an organization never materialized, and the Marshall Trust finalized its plans to terminate funding for the ACSSP. In late 1959, the ACSSP ceased to function as a civil liberties organization; however, its director, George I. Sanchez, continued to challenge civil liberties violations and educate the Mexican American community of its right to be free of discrimination.

CONCLUSION

The ACSSP was founded during an important era in American civil rights history. Throughout the 1950's, civil rights organizations were flexing their muscles in the courts. At Sanchez' own university, Heman Marion Sweatt, with assistance of Thurgood Marshall of the NAACP, sued the University of Texas Law School for refusing to admit black students. On June 5, 1950, the Supreme Court handed down a landmark decision ordering the University of Texas to admit Mr. Sweatt to classes. No doubt, Sanchez and the ACSSP organized during an era of intolerance and bigotry. While white America was preoccupied with North Koreans, the Cold War and Senator Joseph McCarthy, it was also uncomfortable with what it perceived to be the quickened pace of racial integration. The Sweatt decision took many Americans by surprise, and even more were clearly shocked by the Brown v. Board of Education mandate. Yet, despite the Supreme Court's liberal interpretations of civil liberties, activists in the field found continuing and substantial resistance to their efforts to assist those traditionally deprived of their civil liberties. Activists ventured forth at substantial risk of their own safety and livelihood. Sanchez himself had a pipe bomb explode in the front lawn of his home during the middle of one desegregation case.

An admiring journalist once described George I. Sanchez as a "Don

123. Sanchez, supra note 69, at 1.
124. Id. at 1.
126. Interview with Dr. Luisa Sanchez, wife of George I. Sanchez (Nov. 20, 1984).
Quixote" of the Southwest. Indeed, he fought the windmills of racial bigotry and won some battles. Still, the tides of intolerance and prejudice were too strong for a handful of men and women to stem. If Sanchez was a Cervantes-like hero, it was not, however, because he fought harmless windmills with Sancho at his side, but because he engaged in a lifelong struggle against injustice and inequality. Carey McWilliams, the noted journalist and attorney for the Mexican American youths in the Sleepy Lagoon case in Los Angeles, stated that Sanchez was a "man of rare courage and infectious high spirits who never hesitated to say what he thought about bigotry and prejudice and institutional stupidities; he was never in awe of the high and mighty." Sanchez dreamed of creating an ACLU for Mexican Americans; he proved that such an organization could exist and be effective in challenging discrimination and segregation. In the nearly ten years of its existence, the ACSSP established an important precedent for the Mexican American community and served as a model for other civil rights organizations. It would be yet another decade before other Mexican American activists would attempt to match these early efforts.

127. Barrera, Dr. George J. Sanchez: Don Quixote of the Texas Range. 65 THE TEX. OBSERVER No. 12 at 16 (June 29, 1973).

128. McWilliams, George Sanchez: Teacher, Scholar, Activist, in HUMANIDAD, supra note 5, at 119.