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From California to the Nation: Rethinking the History of 20th Century U.S. Civil Rights Struggles Through a Mexican American and Multiracial Lens

Shana Bernstein*

This paper discusses Mexican American civil rights struggles in Los Angeles during the early Cold War era and its significance for Mexican Americans' quest for full citizenship. It explains the ways in which these mid-century campaigns were fundamentally cooperative. Significant beyond their local and regional communities, the struggles of the largest concentration of Mexican Americans in the United States in the middle of the twentieth century force a rethinking of the roots of national civil rights reform.

Scholars of Mexican American civil rights history mostly have overlooked the decade following World War II because its constricted early Cold War political culture supposedly stifled any serious reform attempts. But this time period is crucial for understanding the origins of Mexican American struggles for citizenship and equality. Well before the Chicano movement, and even before the African American civil rights movement of the mid 1950s and 1960s, Mexican Americans fought for fair housing and improved street lighting, and against police brutality and the segregation of public facilities like swimming pools, theaters, and schools.1

Even beyond this forgotten political activism, Mexican Americans' quest for citizenship during the mid-twentieth century was more multiracial than scholars recognize. Archival research into the kind of “behind the scenes” activism that does not appear in published legal or political documents reveals that many endeavors previously seen in mono-racial terms were in fact multiracial. As evidenced by the archival records of various minority groups’ civil rights organizations, mid-century citizenship campaigns involved coalitions among minority groups.

In one important example, Jewish, African, Mexican, Japanese, and progressive “Anglo” Americans came together to elect Edward Roybal to the Los Angeles City Council in 1949. Roybal became the first Mexican American L.A. city council member since 1881—and the council’s only non-white member—in a

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1. See SHANA BERNSTEIN, FORGOTTEN COALITION: INTERRACIAL CIVIL RIGHTS ACTIVISM IN WORLD WAR II AND COLD WAR LOS ANGELES (forthcoming, Oxford University Press). Other historians increasingly emphasize the importance of this era to Mexican-American civil rights struggles as well. See, e.g., Zaragoza Vargas, Fighters for Social Justice, Democracy, and Peace: Mexican American Industrial Unionists in the Cold War Years, paper presented at Organization of American Historians conference, April 21, 2006, in panel “No Calm Before the Storm: Mexican American Politics After 1940,” Washington D.C.; Zaragoza Vargas, In the Years of Darkness and Torment: The Early Mexican American Struggle for Civil Rights, 1945-1963, 76 N.M. HIST. REV. 383, 383-413 (2001). For more on Mexican American activism during the early Cold War, and especially for how it served as a bridge between the earlier and Chicano era, see BERNSTEIN, FORGOTTEN COALITION.
district in which fewer than one-fifth of voters were of Mexican-origin.\(^2\) The coalition also planted the seed for the Community Service Organization (CSO), one of the most important mid-twentieth century Mexican American civil rights organizations. The CSO’s main purpose was to encourage civic participation among eastside residents, who increasingly were of Mexican-origin (American-born and immigrant) but also Jewish, Japanese, Italian, Filipino, and African American, as well as white. The CSO concentrated on issues such as health care; neighborhood improvement projects like adding street lights to the area’s dark, often unpaved roads; housing, including fighting against restrictive covenants and for public housing; fair employment; voter education; voter registration; police brutality, and civil rights more generally. The organization played an instrumental role in achieving two particularly important Mexican American civil rights victories during its first decade. First, the CSO helped secure the conviction of five L.A. police officers and the dismissal or suspension of seventeen others who had severely beaten seven young men, five of whom were Mexican American, during a station Christmas party in the 1951 “Bloody Christmas” incident.\(^3\) Then in the 1956 Hidalgo case, the CSO helped convict two L.A. County deputy sheriffs for the unprovoked beating of a thirteen-year-old boy, which marked the first such police brutality verdict in L.A. history.\(^4\) Voter registration became a top CSO priority too. The CSO registered 15,000 Spanish-speaking people in the city’s ninth district alone by 1949 and launched the career of Roybal and other local Mexican Americans.\(^5\) The organization’s efforts were all part of what the *Los Angeles Daily News* characterized at the time as a “great upsurge of inter-group cooperation.”\(^6\)

This “great upsurge of inter-group cooperation” is crucial to understanding the CSO. Scholars usually recount the story of the CSO’s early years as a central episode in twentieth century Chicano history and debate whether the organization represents a form of accommodation or resistance to the surrounding culture.\(^7\) This

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discussion affirms the CSO’s importance to Mexican Americans but obscures the significance of its multiracial foundation. While the organization served mostly Los Angeles residents of Mexican origin, it also worked for all of the Eastside’s diverse residents and, significantly, drew upon multiracial cooperation for its foundation and sustenance. The multiracial CSO formed when the diverse Roybal election coalition joined forces with Chicago’s prominent Jewish community activist Saul Alinsky. Alinsky helped locals gain organizational footing and tap funding sources, mostly from Hollywood and the Los Angeles Jewish community. Alinsky used part of this funding to hire an executive director for the CSO, an Anglo man named Fred Ross.

The CSO was a multiracial endeavor from its very beginning and well into the 1950s, though later it became more exclusively Mexican American. Early CSO organizers encouraged multiracial membership and were happy to note that 1948 meetings maintained and increased a racially diverse attendance. “Although the great majority of CSO members are Mexican Americans, we have gradually had members of other groups come in,” executive director Ross reported. “At the last meeting, for instance, we had 15 [sic] reps from the adjacent Jewish community, 4 [sic] Negroes and around 18 [sic] so called ‘Protestant Anglo.’” In 1949 Ross reported that “Orientals, Negroes, Jews and Christians” composed the approximately twelve percent of membership which was not Spanish-speaking. In the early to mid 1950s the CSO still had a diverse membership. According to the organization’s chairman Tony Rios, fifteen percent of its more than 3,500 members (approximately 3,000 from three LA County branches and 500 from San Jose) were from the “Negro, Jewish, and the so-called Anglo-American communities.” The CSO also appointed leaders of African-American organizations to its own committees. For

instance, the NAACP’s West Coast Legal Committee chairman Loren Miller also later chaired the CSO’s own Legal Aid Committee. The CSO emphasized the importance to the Mexican American community of cross-ethnic ties. For instance, it highlighted comments the NAACP’s field secretary Lester Bailey made at its national board meeting, where he encouraged joint Mexican and African American voter registration projects. The CSO especially noted Bailey’s observation that these ties were particularly significant in the West where, unlike the South, the African American was not “alone in his battle against discrimination” because of the large presence of groups like Mexican Americans in the region.

Even more than cooperation with other similarly socially and politically marginal groups like African Americans, the CSO’s initial success especially depended on collaboration with the Jewish community. Mexican Americans asked a Jewish American, Fred Herzberg, to become the only non-Mexican American member of its seven-person Advisory Committee. The CSO invited Jewish groups to attend its community civil rights meetings, where they discussed housing, police brutality, and other vital civil rights issues. Ralph Guzman, a CSO vice president, asked Jewish community representatives to help his organization gain tax-exempt status. Furthermore, from 1947 to 1950, the Jewish community gave the CSO critical financial contributions. Jewish community financial assistance continued, though in smaller amounts, for a few years after.

The kind of interracial collaboration embodied by the CSO in the years following World War II becomes apparent through Mendez v. Westminster, the 1946-1947 case against segregation. Gonzalo and Felicitas Mendez initiated the case after Westminster Elementary School denied admission to their children, Sylvia, Gerónimo, and Gonzalo, Jr., because of their dark skin color and Spanish surname. Four other Mexican American fathers joined Gonzalo in filing suit against four school districts in Orange County, California (just south of Los Angeles) on behalf of children of “Mexican and Latin descent.” The judge ruled in favor of the plaintiffs, and a federal court of appeals held that segregating Mexican Americans violated California’s Constitution. The appeals court affirmed that California law, which permitted the segregation of people of Asian descent (Chinese, Japanese, and “Mongolian”), forbade the segregation of Mexican Americans. Unlike the national desegregation victory later achieved in Brown v. the Board of Education, the Mendez court did not rule against segregation per se. It sidestepped the issue of race by

14. Id. at CSO, Memo (1955), available in Folder 10, Box 11; Roybal, supra note 13, at CSO, National CSO Executive Board Meeting Minutes (July 17, 1955), available in CSO Folder, Box 9.
15. Ross, supra note 10, at Ross, to Alinsky (Sept., 26 1947), available in Folder 1, Box 2.
16. Id. at Carmen Medina (CSO), to Ida A. Siegel (Aug. 19, 1949), available in Folder 12, Box 5.
17. CRC, supra note 11, at Ralph Guzman, to Rabbi Magnin, “Subcommittee: CSO, 1949-1950” (Feb. 25, 1950), available in Section All, Series III.
ruling that the California Constitution prohibited the segregation only of Mexican-origin children, not any racial group. *Mendez*, though, was unlike earlier desegregation cases because it was filed in federal court rather than in state or local courts. Because of this, supporters hoped that it might become the test case to overrule *Plessy v. Ferguson*, the 1896 Supreme Court case that had established segregation’s legality. Supporters hoped the school districts would appeal the decision to the Supreme Court so that it might rule on the constitutionality of segregation itself. But the school districts did not, and *Mendez* never became the test case for segregation. Nevertheless, *Mendez* was the first federal court decision and the first use of the Fourteenth Amendment to overturn the widespread segregation of a minority group. Legal scholars suggest that *Mendez* seems to have been the first step towards overturning the *Plessy v. Ferguson* doctrine of “separate but equal.”

Despite the case’s failure to achieve complete desegregation on a national or even statewide level, the *Mendez* case was a success in terms of collaborative multiracial activism. A Jewish American civil rights attorney from Los Angeles, David C. Marcus, represented the plaintiffs. Fred Ross, the Anglo American who played a key role helping to establish Mexican Americans’ Community Service Organization the following year, also helped achieve the *Mendez* victory. Ross, at the time a field worker for the American Council of Race Relations, joined representatives from the United League of Latin American Citizens and other Mexican Americans in late 1946 to protest the Santa Ana Board of Education’s lack of compliance with Judge McCormick’s initial ruling against desegregation.

Even more significant than Marcus’s and Ross’s involvement is the multiracial support *Mendez* received from groups who hoped that the school board’s challenge to California’s Ninth Circuit Court of Appeals’ decision would provide the Supreme Court an opportunity to review *Plessy v. Ferguson*’s long-standing precedent of “separate but equal.” The American Jewish Congress, National Association for the Advancement of Colored People (NAACP), Japanese American Citizens League (JACL), American Civil Liberties Union (ACLU), National

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22. GONZÁLEZ, supra note 21, at 28. See also Valencia, supra note 21; Johnson, supra note 21.

23. Previous scholarship has mistaken Marcus for an African American, but his parents were Russian Jewish immigrants. I thank Mark Brilliant for his insight here, and for sharing the following source with me: Fifteenth Census of the United States: 1930, Los Angeles City, Roll No. 36, Publication No. T626, Record Group No. 29, National Archives and Record Administration Pacific Region (Laguna Niguel).

24. Santa Ana Board of Education, Minutes (Sept. 12, 1946), in GONZÁLEZ, supra note 21, at 154. See also Ross, supra note 10, at untitled document, Fred Ross, date unclear (late 1946), available in Folder 1, Box 8.
Lawyers Guild, and California Attorney General Robert Kenny all filed amici curiae briefs in support of the Mendez plaintiffs. Advocates representing these organizations were active on both the local and national scenes. Home-grown white activist Carey McWilliams joined national representatives—Jewish American Will Maslow and African American Pauli Murray—to write the brief on behalf of the American Jewish Congress. Saburo Kido, a Japanese American activist from the local JACL, helped write the ACLU's brief. A local African American Loren Miller co-authored the NAACP's brief with African-American representatives of the national NAACP such as Robert Carter and Thurgood Marshall. While different amici briefs emphasized various anti-discrimination arguments, as a whole they argued that separate was not equal and that the court should overrule Plessy. The NAACP especially pursued this track.\(^{25}\)

Legal, educational, and historical scholars all have acknowledged the existence of such multiracial collaboration in Mendez, the CSO, and elsewhere.\(^{26}\) With few exceptions, however, they have not addressed the significance of such cross-racial alliances, in part because their usual approach focuses on either the legal aspect or a particular ethnic group's perspective. But using a comparative historical lens to approach citizenship and civil rights makes clear the overlap and parallels in the various groups' experiences.\(^{27}\)

Historical research also reinforces that many of these struggles by Mexican Americans and their allies were significant beyond their own communities and region. In this respect this historical scholarship integrates insights from other fields, namely law and education.\(^{28}\) Legal and educational scholars recently have shown how Mexican Americans' fight against school segregation in some ways provided an important foundation for Brown v. Board of Education of Topeka. The Mendez decision, which built on a long history of Mexican- and Asian-origin parents' desegregation challenges in the Golden State, shaped legal and political understandings of segregation in California and nationwide even if it did not succeed in reaching the Supreme Court. The case also set an important precedent for similar cases involving Mexican Americans elsewhere, particularly Arizona and Texas.\(^{29}\)

Mendez provided a training ground for lawyers active in Brown less than a decade later, some of whom worked on both cases. The American Jewish Congress, NAACP, and others who first tested their strategies, tactics, and abilities in Mendez also argued on behalf of the Brown plaintiffs seven years later. Individuals who argued both cases included Robert Carter and Thurgood Marshall, who became two

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25. See Arriola, supra note 21, at 194-96.
28. On legal insights and approaches, see Arriola, supra note 21; Johnson, supra note 21. In the field of education, see González, supra note 21; Valencia, supra note 21.
29. Mendez built, for instance, on The Lemon Grove case of 1931. Scholars label Lemon Grove "the nation's first successful desegregation court case," even though it only applied to the local schools, and did not overturn the principle of separate but equal—it ruled only that Mexican children could not be segregated. See Robert R. Alvarez, Jr., The Lemon Grove Incident: The Nation's First Successful Desegregation Court Case, 2 J. S. D. Hist. 32 (1990); González, supra note 21, at 28. For a fuller discussion of the history of Mexican Americans' segregation and challenges, see id.
of the most prominent attorneys in the *Brown* case. Local NAACP activist Loren Miller also assisted in filing the *amici curiae* briefs in both the *Mendez* and *Brown* cases, as did the JACL's Saburo Kido and the American Jewish Congress's Will Maslow.  

*Brown* lawyers followed the lead of *Mendez* lawyers who set a precedent by using social scientists to offer “expert” testimony against segregation. Robert Carter, Thurgood Marshall, and others who later argued *Brown* relied upon the same arguments articulated by experts testifying in the *Mendez* case. Carter was so impressed by how social science knowledge had been used to criticize segregation in the *Mendez* case that he suggested to Marshall that the “social science approach would be the only way to overturn segregation in the United States.” Carter explained that the *amicus curiae* brief he and Marshall filed in the appellate court in support of *Mendez* was a “dry run for the future.” The fact that David Marcus, the attorney for the *Mendez* plaintiffs, provided Marshall with all the briefs and notes he had compiled during the case further reinforces the link between the state and national desegregation cases.  

*Mendez* clearly prepared activists for a national stage.  

Other contemporaries, including legal scholars nationwide, recognized the historical and national significance of this struggle for full citizenship by Mexican Americans and their multiracial allies. Such venerable legal journals as the *Columbia Law Review* and the *Yale Law Journal* in 1947 reported on its significance. The *Columbia Law Review* discussed the case as breaking sharply with the past approach that authorized the existence of separate but equal facilities as “not in itself indicative of discrimination.” In *Mendez*, the journal argued, the court instead “finds that the 14th Amendment requires ‘social equality’ rather than equal facilities.” The *Yale Law Journal* reported that *Mendez* “has questioned the basic assumption of the *Plessy* case and may portend a complete reversal of the doctrine.” It wrote, “Modern sociological and psychological studies lend much support to the District court’s views. A dual system even if ‘equal facilities’ were ever in fact provided does imply social inferiority.” The *Yale Law Journal* article concluded by predicting, “There is little doubt that the Supreme Court will be presented with a case involving segregation in schools within the next year or two.” Such nationwide legal attention indicates that many observers recognized the national

30. For a discussion of these people and their activities in both cases, see Arriola, supra note 21, at 194-96; Brilliant, supra note 26, at 88-89; The Brown Foundation for Educational Equity website, http://brownvboard.org/research/opinions/347us483.htm (last visited July 7, 2008); and Valencia, supra note 21, at 407.

31. The *Mendez* experts included Ralph Beals, the Chair of UC Berkeley’s Sociology and Anthropology Department, and Marie Hughes, a former principal who worked at the time for the Los Angeles County Public Schools. Beals and Hughes argued that segregation retards rather than helps the assimilation process. It also, they asserted, fosters feelings of inferiority among Mexican-American children and consequently breeds their hostility towards the majority group. GONZALEZ, supra note 21, at 28; Valencia, supra note 21, at 402. On Carter's interest in the *Mendez* arguments, see Stan Oflelie, Murder Trial Obscured 1946 O.C. Integration Landmark, SANTA ANA REGISTER, Aug. 22, 1976, in GONZALEZ, supra note 21, at 28. On the *Mendez* arguments’ influence on the *Brown* attorneys, see GONZALEZ, supra note 21, at 417.


34. Id. at 1059-67.
significance of the Mendez decision.

The career of then-California Governor and soon-to-be Supreme Court Chief Justice Earl Warren further illustrates the national significance of Mexican Americans’ citizenship struggles in postwar California. Soon after Mendez, on June 14, 1947, Warren signed a bill repealing the law that provided for the legal segregation of Native American and Asian-origin students. In other words, seven years before Warren presided over Brown, and only two months after Mendez overturned the legality of segregating Mexican Americans, Warren eliminated legal school segregation in the Golden State.³⁵ The new law and the forces that led to its passage undoubtedly shaped Warren’s thinking when similar issues faced him on the Supreme Court. As Chief Justice, Warren wrote the Court’s opinion both in Brown and in another important anti-discrimination case that preceded it by two weeks, Hernandez v. Texas.³⁶ The Hernandez court ruled that systematically excluding Mexican Americans from juries in Jackson County, Texas, violated the U.S. Constitution. Hernandez represented an important step in the process of extending to Mexican Americans the Equal Protection Clause of the Fourteenth Amendment, which judicial experts previously had considered applicable only to African Americans. Warren’s experience in the diverse state of California during a period when Mexican Americans’ issues such as the Zoot Suit Riots and Sleepy Lagoon trial attracted more attention than they did at almost any other time in the twentieth century “undoubtedly contributed to the timing of the Court’s decision in Hernandez v. Texas,” as theorized by legal scholar Kevin Johnson.³⁸ Warren himself reinforced that he understood the multiracial context of discrimination by explaining in his memoirs that his court’s rulings applied to “all racial groups that were discriminated against.”³⁹

These insights, which materialize by merging historical, legal, and educational scholarship, suggest a need to rethink the story of the origins of civil rights battles and gains in three ways. First, the early Cold War did not derail Mexican Americans’ quest for full citizenship. Second, mid-century Mexican American citizenship struggles in Los Angeles were fundamentally collaborative with other ethnic groups.⁴⁰ When conservative forces blocked civil rights progress at the national level during the early Cold War, western cities like Los Angeles acted as multiracial laboratories that nurtured the development of new civil rights ideas and

³⁵. On Warren’s action making illegal all California school segregation, see CHARLES WOLLENBERG, ALL DELIBERATE SPEED: SEGREGATION AND EXCLUSION IN CALIFORNIA SCHOOLS, 1855-1975, at 132 (1976). See also Valencia, supra note 21, at 411; Johnson, supra note 21, at 26. California’s Supreme Court had already ruled, in 1890, that California public schools may not establish separate schools for children of African descent or exclude them from public schools established for white children. See Wysinger v. Crookshank, 82 Cal. 588 (1890).
³⁷. See Johnson, supra note 21.
³⁸. Id. at 7.
⁴⁰. While my colleague Nancy MacLean’s work illustrates that at the national level and in southern locations like Texas collaboration between Mexican Americans and other communities was rare until the legislation of the 1960s, it is clear that in western cities like Los Angeles (and Denver, as Tom Romero’s work reveals) collaboration was key to activism of the 1940s and 1950s. See NANCY MACLEAN, FREEDOM IS NOT ENOUGH: THE OPENING OF THE AMERICAN WORKPLACE (2006); Romero, supra note 27.
collaborative grass roots activism.  

Third, Mexican American contributions to national African American civil rights reform efforts show that local incidents on the multiracial West Coast influenced the shape of national reforms. What many scholars generally have assumed to be black and white initiatives rooted in an eastern/southern context are much more racially and geographically diverse. In other words, activism by and on behalf of Los Angeles’ Mexican Americans provided an important foundation for American citizenship struggles. The roots of civil rights were more Mexican American, more collaborative, and more west-coast than scholarship has heretofore revealed.

41. I credit this idea of western cities as multiracial laboratories to a discussion between Nancy MacLean, Tom Romero, and myself on the panel at the Western History Association conference in St. Louis in October 2006 for which this paper was prepared.