Méndez V. Westminster: The Harbinger Of *Brown V. Board*

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"We have developed and practiced a theory of government which finds distinctions on racial grounds inimical to our best interests and contrary to our laws. Our Democracy is founded in an enlightened citizenry. It can only function when all of its citizens, whether of a dominant or of a minority group, are allowed to enjoy the privileges and benefits inherent in our Constitution. Moreover, they must enjoy these benefits together as free people without regard to race or color. It is clear, therefore, that segregation in our public schools must be invalidated as violative of the Constitution and laws of the United States."

– Thurgood Marshall, 1947[1]

In this statement, the African-American Thurgood Marshall denounced the evils of segregation. Renowned for his role as a lawyer and an Associate Justice of the Supreme Court, Marshall gained his eminent reputation through his brilliant performance in *Brown v. Board*(1954).[2] This landmark Supreme Court case overturned the 1896 *Plessy v. Ferguson*

[1] Thurgood Marshall and Robert L. Carter, "Brief for the National Association of Colored People as *amicus curiae*," Westminster v. Mendez, 161 F2d. 774 (9th Cir. 1947), 31.

[2] Frederick P. Aguirre, "Mendez v. Westminster School District: How It Affected Brown v. Board," *Journal of Hispanic Higher Education* 4 (October 2005): 326, accessed June 8, 2013, http://library.fullcoll.edu/friends/pdfs/aguirre-mendezvwestminster.pdf. Aguirre's approach to comparing the similarities of the cases is similar to my own, although I formulated my "Parallels" section independent of influence from his piece, which I reviewed subsequent to writing "Parallels." While constructing this aspect of my argument, I read through the entirety of both court cases looking for language in *Méndez* that was reflected in the decision of *Brown v. Board*.

decision, which established the principle of "separate but equal" and effectively legalized the practice of segregation for over half a century.[3] Yet, Marshall's eloquent epigraph did not originate in the oral arguments of *Brown v. Board*; rather, Marshall wrote this piece in the context of a previous case, the first federal court case to successfully contest *de jure* segregation.[4] This crucial, though relatively unknown suit, was *Méndez v. Westminster*.

Introduction

Méndez v. Westminster challenged public school segregation in Orange County, California. Five Mexican-American families, including those of Gonzalo Méndez, Thomas Estrada, William Guzman, Frank Palomino, and Lorenzo Ramirez, opposed the rampant exclusionary practices in the county's school districts.[5] They acted on behalf of their children and 5,000 Mexican-American minors, who constituted roughly twenty percent of the youth population in the region.[6] The plaintiffs sought to deter the Orange County school districts from "whatsoever barring, excluding or prohibiting petitioners from the use, and enjoyment and privileges of the Schools within their respective Districts."[7] In the past, the school districts had administered discriminatory tests to Mexican-Americans who had attempted to attend white schools in the area.[8] These prospective students were subsequently denied admission on the basis of ancestry and "language deficiency."[9] This segregation was not technically considered a result of racial discrimination because Mexican-Americans were legally classified as "part of the white race."[10] Nevertheless, the separation of Mexican-American students from those of European ancestry was inherently inequitable.

Méndez v. Westminster paved the way for *Brown v. Board* in that it directly criticized the concept of "separate but equal."The *Méndez* case

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[3] Plessy v. Ferguson, 163 U.S. 537 (1896).

[4] Charles Wollenberg, "Mendez v. Westminster: Race, Nationality and Segregation in California Schools," *California Historical Quarterly* 53, no. 4 (Winter, 1974): 317, accessed June 2, 2013, http://www.jstor.org/stable/25157525.

[5] "Mendez v. Westminster," in *American Law Reports: Annotated Second Series,* ed. by George Guick (San Francisco, CA: Bancroft-Whitney Company, 1950).

[6] Paul S. Taylor, *Mexican Labor in the United States*; *University of California Publications in Economics* (CA: University of California Press, 1930), 285.

[7] Méndez et. al., "El Modena School Board Minutes: September 17, 1946," 7.

[8] Ibid., 7.

[9] Ibid., 7.

[10] "Mendez v. Westminster," *Dialogue*, Woodrow Wilson Center, discussion with Philippa Strum, a scholar at the Center and expert on the *Méndez* case (2013), Television. This source was instrumental in developing my thesis.

also pioneered in the following ways: it focused on the education of minority children; it featured psychological and social studies; it provided a test case for the National Association for the Advancement of Colored People (NAACP); and it promoted the idea of elementary school integration, as well as encouraged integration in other sectors of society. As such a groundbreaking case, *Méndez v. Westminster* merits recognition as one of the most significant court cases of the twentieth century.

The Case

Méndez v. Westminster was groundbreaking because it was the first instance in which the issue of segregation in schools was brought before federal court and declared unjust.[11] At the time, the Supreme Court had not explicitly ruled on the constitutionality of separate schools for various racial groups. *Plessy v. Ferguson* only affirmed the "separate but equal" principle in relation to public transportation, though the ruling was applied to all aspects of society in subsequent cases.[12] The complaints of the plaintiffs in *Méndez v. Westminster* relied on the Equal Protection Clause of the Fourteenth Amendment, which invalidated the discriminatory policy against school children of Mexican or Latin descent.[13] The *Mendez* plaintiffs claimed that "as members of the public and citizens of the United States," they were "entitled to the use and enjoyment of the Schools within their respective Districts and Systems and [were] privileged and entitled to the set of the respective Schools in their District without segregation and/or discrimination."[14] This segregation adversely impacted their "health, rights and privileges as citizens of the United States" guaranteed in the Fourteenth Amendment by causing them "injury" that was "great and irreparable."[15] The *Méndez* prosecution further contended that segregation itself was unconstitutional, and "separate but equal" would always be unequal, even outside of a schooling environment.[16] Thus, the prosecution in the

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[11] Will Maslow and Paul Murray, "Brief for the American Jewish Congress as *Amicus Curiae*."
Mendez v. Westminster (October 28, 1946)," Westminster v. Mendez, 161 F. 2d. 774 (9th Cir. 1947), 2.
[12] Marshall and Carter, "Brief for the National Association of Colored People as *amicus curiae*," 27.
[13] "Mendez v. Westminster," *American Law Reports: Annotated Second Series* ed. by George Guick.
[14] Méndez et. al., "El Modena School Board Minutes: September 17, 1946," 4.
[15] Ibid., 5.
[16] Will Maslow and Paul Murray, "Brief for the American Jewish Congress as *Amicus Curiae*."

Méndez case resurrected the previously inert Equal Protection Clause to argue in favor of integration.

The challenge to the doctrine of "separate but equal" as a violation of the Fourteenth Amendment's Equal Protection Clause by the *Méndez v. Westminster* prosecution was revolutionary and held immediate implications for the legal community. An edition of the 1949*California Law Review* reported that the Equal Protection Clause, "after eighty years of relative desuetude," was now "coming into its own."[17] The judicial restraint that had persisted since the Civil War gave way to a new breed of judicial activism. Those of activist sentiment now saw the Equal Protection Clause as a tool for social reform.[18] Although the ruling in *Méndez v. Westminster* was officially decided in favor of the plaintiffs on the grounds that the Educational Code of California prohibited the segregation of pupils of the white race, the case itself propagated the claim that any form of segregation was a violation of the "equal protection of the laws" of the Constitution. Indeed, the *Méndez* case fostered the idea that "equal but separate" would soon be disregarded by future generations.[19] The 1948 edition of the *Illinois Law Review* observed that the "*Mendez* case and its companion cases raise this precise problem which the Supreme Court must consider and determine in any re-examination of the 'equal but separate doctrine.'"[20] The 1947 *Yale Law Review* similarly predicted that *Méndez v. Westminster* "may portend a complete reversal of the doctrine."[21] This speculation became reality just seven years later with the refutation of "separate but equal" in *Brown v. Board*. Yet, this civil rights victory could not have been achieved without the adoption of various *Méndez* strategies by the prosecution of *Brown v. Board,* one of which was the cooperation between various activist organizations.

Méndez v. Westminster showed that many races could unite under one banner to battle segregation—an action that would reoccur during *Brown v. Board*. The American Civil Liberties Union (ACLU), the National Lawyers Guild (NLG), the Japanese American Citizens League, the

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Mendez v. Westminster (October 28, 1946)," Westminster v. Mendez, 161 F. 2d. 774 (9th Cir. 1947), 2.

[17] Joseph Tussman and Jacobus tenBroek, "The Equal Protection of the Laws," *California Law*
Review 37, no. 3 (September, 1949): 350.

[18] Tussman and tenBroek, "The Equal Protection of the Laws," 341.

[19] "Segregation of Races in Public Schools and Its Relation to the Fourteenth Amendment," *Illinois Law Review* 42 (1948): 545.

[20] "Segregation of Races in Public Schools and Its Relation to the Fourteenth Amendment," 549.

[21] "Segregation in Public Schools—A Violation of 'Equal Protection of the Laws.'" *The Yale Law Journal* 56, no. 6 (June, 1947): 1060.

American Jewish Congress, the NAACP, and the Attorney General of California all submitted *amicus curiae* briefs on behalf of the *Méndez* faction.[22] The American Jewish Congress sent an *amicus curiae* brief to the court, for its interests were "inseparable from those of justice and that the Jewish interests are threatened wherever persecution, discrimination, or humiliation is inflicted upon any human being because of his race, creed, color, language, and ancestry."[23] Furthermore, the American Jewish Congress asserted that segregation was merely politically sanctioned inequality, which could potentially lead to future holocausts, as recently witnessed in Europe.[24] The ACLU similarly utilized the slippery slope argument, as they acknowledged that if the defense could "justify discrimination on the basis of an ancestry only, then who can tell what minority group will be next on the road to persecution."[25] Even the attorney general of California entered the debate in order to condemn the segregation permissible by California's education codes.[26] The diversity of the courtroom was just as stunning as the variety of *Méndez* support groups. For instance, Judge Paul J. McCormick was Irish Catholic, prosecuting attorney David Marcus was Jewish, and Gonzalo Méndez was Puerto Rican.[27] Their organization and collaboration were a testament both to the feasibility of combating segregation and to the gradual assimilation of many different cultures into one American people.

The prosecution argued that the "Americanization" of Mexican-American students could not be accomplished without integration. The concept of "Americanization" had been prevalent in the Southwest since the massive influx of Mexican immigrants in the 1910s. By 1920s, educators had instituted a systematic program of Americanization in California. The purpose of this curriculum was to assimilate Mexican-Americans by forbidding them from speaking Spanish at school and by teaching them vital American values, such as citizenship, proper

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[22] Aguirre, "Mendez v. Westminster School District: How It Affected Brown v. Board," 326.

[23] American Jewish Congress, "Petition of the American Jewish National Congress as *amicus curiae*: In the United States Circuit Court of Appeals for the Ninth Circuit, No. 11,310,"
Westminster v. Mendez, 161 F. 2d. 774 (9th Cir. 1947), 1.

[24] American Jewish Congress, "Petition of the American Jewish National Congress as *amicus curiae*," 9.

[25] American Civil Liberties Union, "Petition of the American Civil Liberties Union as *amicus curiae*," Westminster v. Mendez, 161 F. 2d. 774 (9th Cir. 1947), 1.

[26] Robert W. Kenny, "Motion and Brief of the Attorney General of the State of California as
amicus curiae," Westminster v. Mendez, 161 F. 2d. 774 (9th Cir. 1947), 35.

[27] "Mendez v. Westminster," *Dialogue*, Woodrow Wilson Center.

sanitation, and work ethic.[28] A 1934 study conducted by the University of California in the Orange County school system affirmed the importance of this instruction, claiming that "the people of Mexican origin will be with us permanently; therefore Americanization and education must be brought to a high level of efficiency, in justice not only to them but to the nation."[29] This process would be aided, proponents of segregation argued, by separating the Mexican-Americans from the other white children.[30] However, the plaintiff's attorney, David Marcus, used the societal goal of Americanization to his advantage by arguing that segregation actually inhibited the assimilation of Mexican-American youth. *Amicus curiae* briefs, such as those provided by Thurgood Marshall, lamented the impediment that segregation posed to achieving an "enlightened citizenry."[31] Such rhetorical strategies proved to be highly effective in the courtroom.[32] Thus, the *Brown* prosecution emulated this mode of argumentation by utilizing the "Americanization" approach in 1954. In Chief Justice Earl Warren's *Brown* opinion, he called education the avenue to and "very foundation of good citizenship," as it instilled children with American cultural appreciation.[33] Just as *Méndez* had proved the relevance of instilling American ideals and institutions into the youth of America through integrated education, so too did *Brown v. Board.*

Likewise, the "inferiority complex" argument became an essential strategic device for the prosecution in *Brown v. Board*, as Marcus had successfully proved that psychological damage was a byproduct of segregation during *Méndez v. Westminster*. According to Marcus, the enhanced social prestige of one school affected the sociology and the psychology of the entire community. *Amicus curiae* briefs corroborated this theory. For example, Thurgood Marshall and Robert L. Carter's brief suggested that the "effect of segregation on the minority citizen sometimes results in the creation of just such an attitude—a feeling of 'second-class citizenship' which expresses itself in criminality and rebellion against constituted authority."[34] Thus, a segregated society was

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[28] Wollenberg, "Mendez v. Westminster: Race, Nationality and Segregation in California
Schools," 317.
[29] Simon Ludwig Treff, *The Education of Mexican Children in Orange County* (Master's Thesis,) University of Southern California, 1934), 1.
[30] Wollenberg, "Mendez v. Westminster: Race, Nationality and Segregation in California Schools," 317.
[31] Marshall and Carter, "Brief for the National Association of Colored People as *amicus curiae*," 31.
[32] Ibid., 318.
[33] Brown v. Board of Education, 347 U.S. 483 (1954), 493.
[34] Marshall and Carter, "Brief for the National Association of Colored People as *amicus curiae*," 19.

undermining itself by creating individuals who behaved to the detriment of the law.[35] Moreover, it perpetuated the belief amongst white pupils that Chicano students were mentally inferior and provided the pretext for the oppression of the Mexican-American population.[36] Some supporters of school segregation argued that separation was necessary in consideration of linguistic and cultural differences between races, but their primary motivation was the desire to maintain a cheap, uneducated labor force.[37] Such groups discouraged Mexican-Americans from attending school, ensuring the continuation of the cycle of inferiority and subordination.[38] This separation and lack of "commingling" promoted "antagonism in the children and suggest inferiority where none exist."[39] Marcus reinforced this psychological and social theory through oral testimonies and studies. This strategy proved so effective that the prosecution replicated it during *Brown v. Board*, when it established that the segregation of black and white children had a detrimental impact on the former group's psyche. The result of this segregation was "greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group."[40] Therefore, the practice of segregation itself became inherently unequal. Lastly, the physical quality and equality of the school materials was not sufficient to account for the social and psychological cost of segregation—an argument originally stated in *Méndez* by David Marcus that the *Brown* lawyer Thurgood Marshall subsequently adopted and communicated with great efficacy.

Thurgood Marshall's participation in the *Mendez* case provided him with a venue to hone his argument against segregation in public schools, allowing him to prepare for *Brown v. Board*. During the course of the *Méndez* case, he submitted an *amicus curiae* brief to the court. In his brief, he described many of the principal arguments that would later appear in the *Brown v. Board* case, such as his rejection of the "separate but equal" doctrine. Additionally, *Méndez* revealed many exploitable rhetorical strategies and tactics for the NAACP to employ in future

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[35] "Segregation in Public Schools—A violation of 'Equal Protection of the Laws,'" 1062.

[36] Gilbert G. Gonzalez, *Chicano Education in the Era of Segregation* (Philadelphia, PA: The Balch Institute Presses, 1990), 13.

[37] Gonzalez, *Chicano Education in the Era of Segregation*, 22.

[38] Christopher Arriola, "Knocking on the Schoolhouse Door: *Mendez v. Westminster*, Equal
Protection, Public Education, and Mexican Americans in the 1940's," *La Raza Law Journal* 8, no. 2 (1995): 169.

[39] Westminster v. Mendez, 161 F. 2d. 774 (9th Cir. 1947) 64.

[40] Brown v. Board of Education, 494.

school segregation cases. Thus, *Méndez v. Westminster* served as a sort of test case that enabled future success in *Brown v. Board*.[41] Still, the style and content of the prosecution's argument in the *Méndez* case is most evident in the Earl Warren's *Brown* Supreme Court majority opinion.

Parallels

The language of the *Brown v. Board* decision is reflective, if not identical, to that of *Méndez v. Westminster*, suggesting that Chief Justice Warren drew his inspiration for the *Brown* opinion from the earlier *Méndez* decision. As a prominent lawyer and as governor of California during the *Méndez v. Westminster*, Warren was surely familiar with the proceedings of the case. Although he does not directly quote *Mendez v. Westminster* in his *Brown* opinion or in his later autobiography, he did request that the Attorney General of California intercede on behalf of the plaintiffs in *Méndez v. Westminster*.[42] Furthermore, he readily approved of statewide integration after the *Méndez* decision, thus showing his respect for the message of *Méndez*.[43] One instance of accordance between the *Méndez* opinion and the Warren opinion regards the divesting nature of segregation. For instance, the *Méndez* decision read:

> The ultimate question for decision may this be stated: Does such official action [segregation] of defendant district school agencies and the usages and practices pursued by the respective school authorities as shown by the evidence operate to deny or deprive the so-called non-English-speaking children of Mexican ancestry or descent within such school districts of the equal protection of the laws?[44]

Seven years later, Warren wrote:

> We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.[45]

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[41] Lisa Y. Ramos, "Dismantling Segregation Together: Interconnections between *Méndez v.Westminster* (1946) and *Brown v. Board* (1954) School Segregation Cases," *Equity &Excellence in Education* 37, no. 3 (2004), 250.
[42] "Mendez v. Westminster," *Dialogue*, Woodrow Wilson Center.
[43] Ramos, "Dismantling Segregation Together," 250.
[44] U.S. District Court, "Conclusions of the Court, (02/18/1946-02/18/1946)," 5, *The National Archives*, accessed June 1, 2013, http://research.archives.gov/description/294945.
[45] Brown v. Board of Education, 493.

From the usage of interrogatives, to the word choice, to the central theme of the opinion, these two passages demonstrate undeniable parallels. Both opinions targeted segregation in schools as an inequitable and depriving factor, as well as a detriment to the general wellbeing of the minority students.

Both cases also focused on the educational backwardness engendered by policies of segregation. In the *Méndez* opinion, Justice McCormick claimed that the "evidence shows that Spanish-speaking children are retarded in learning English by lack of exposure to its use because of segregation."[46] Warren likewise noted a "sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, had a tendency to retard the educational and mental development of Negro children."[47] Consequentially, both men vilified segregation due to its devastating educational implications. Though they focused on different demographic groups, their message is the same: segregation "retards" the scholastic trajectory of the student. This interference in the intellectual development of minority students violated their constitutional rights as citizens of the United States.

Finally, both opinions cited the Fourteenth Amendment and its equal protection clause as the legal and ultimate vindicator of desegregation. The *Méndez* decision read:

> By 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.[48]

In one of his most famous paragraphs, Warren penned:

> Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.[49]

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[46] U.S. District Court, "Conclusions of the Court, (02/18/1946-02/18/1946)," 11.
[47] Brown v. Board of Education, 494.
[48] Mendez v. Westminster, 781.
[49] Brown v. Board of Education, 495.

Warren extended the language of the *Méndez* opinion by incorporating the phrase "inherently unequal." Nevertheless, both opinions insist upon the application of the Fourteenth Amendment to the case.

While a myriad of other similarities exist between the 1947 *Méndez* opinion and the 1954 *Brown* opinion, these three examples illustrate the understated connection between the two court cases. If Warren's opinion did not intentionally mirror the *Méndez* opinion, then their resemblance is indicative of the rapid paradigm shift in the seven years following the trailblazing *Méndez v. Westminster*. However, if Warren truly did model his majority opinion off the aforementioned case, then the logical reasoning behind *Brown v. Board*—one of the most famous Supreme Court cases of all time— had its precedent in *Méndez v. Westminster*.

Consequences

Méndez v. Westminster did produce immediate reforms, thus further solidifying its historical significance. Judge Paul J. McCormick was the first judge to write the opinion that "separate is never equal." In a radical departure from tradition, he concurred that separate facilities were not legal based on the Fourteenth Amendment.[50] The decision of the Circuit Court was that "the appellant school districts have clearly deviated from the State policy by requiring separate classes for children of Mexican and Latin origin."[51] On June 12, 1947, the Board of Trustees instructed the County Counsel's office to drop the appeal to the *Méndez* case and abide by the decision of the Ninth Circuit Court of Appeals.[52] On September 15, 1948, the unification of the school district was announced.[53] Directly following the decision of the Ninth Circuit Court of Appeals, the California legislature passed the Anderson Bill. This momentous bill terminated the *de jure* segregation of all minority groups in the state.[54] It dismantled segregated housing, restaurants, and

[50] U.S. District Court," "Conclusions of the Court, (02/18/1946-02/18/1946)," 17.
[51] Kenny, 7.
[52] Gonzalo Méndez et. al, "El Modena School Board Minutes: June 12, 1947," in *Mendez v. Westminster*: research materials, M0938, Dept. of Special Collections, Stanford University Libraries, Stanford, CA.
[53] Gonzalo Méndez et. al, "El Modena School Board Minutes: September 15, 1948," in *Mendez v. Westminster*: research materials, M0938, Dept. of Special Collections, Stanford University Libraries, Stanford, CA.
[54] Ramos, "Dismantling Segregation Together," 250.

swimming pools for Mexican, Asian, and Native Americans.[55] Governor Earl Warren signed the bill into law in 1947, signaling his approbation for the spirit of *Méndez*.[56] Additionally, a slew of court cases emerged in the Southwest, particularly in Arizona and Texas, pertaining to the eradication of segregation in schools.[57] However, the problems posed by segregation were by no means solved.

Méndez was not perfect but neither was *Brown*. The dearth of guidelines regarding the elimination of school segregation greatly decelerated the process of integration, as it did later after *Brown v. Board*, as well. *Méndez* also did not make *de facto* segregation illegal.[58] The patterns of segregation that were abrogated by *Mendez v. Westminster* and *Brown v. Board* endured for the following two decades.

Yet, in the Great Society era into the mid 1970s, when political conservatism resurfaced, there was a renewed enthusiasm of reform. Chicano activists undertook massive changes to the school system. Such programs as bilingual and bicultural education, affirmative action, curriculum overhaul, financial aid, and integration became a welcome addition to the educational scene.[59] Thus, the spirit of *Méndez* survived and was alive in modern society. Paradoxically, few Americans are aware of this crucial case.

Conclusion

Despite its indisputable significance, *Méndez v. Westminster* traditionally has been relegated to the realm of forgotten history. Constitutional law books and textbooks hail the momentous *Brown v. Board* as groundbreaking while they fail to even reference the *Méndez* decision.[60] The black and white binary that has existed in the discipline of American history has obscured the *Méndez* case and broader Chicano history from our national memory. In the future, we must make a concerted effort to remedy this historiographic imbalance.

Certainly, *Méndez* was the Mexican-American *Brown*, yet it was even more noteworthy for its trailblazing impact.[61] The mobilization efforts of those who participated in *Méndez* provided an exemplary model

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[55] *Mendez v. Westminster: For All the Children/Para Todos los Niños,* directed by Sandra Robbie (United States: Sandra Robbie Productions, 2003).
[56] Ramos, "Dismantling Segregation Together," 250.
[57] Ibid., 250.
[58] Ramos, "Dismantling Segregation Together," 248.
[59] Gonzalez, *Chicano Education in the Era of Segregation*, 14.
[60] "Mendez v. Westminster," *Dialogue*, Woodrow Wilson Center.
[61] *Mendez v. Westminster: For all the Children/Para todos los Niños.*

to those involved in the battle against segregation. Historian Frederick P. Aguirre deemed the case the "key link in the evolutionary chain" of desegregation.[62] Although Charles Wollenberg, author of *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975*, commented that *Méndez* was not a forerunner of *Brown*; he admitted that the 1947 case did reinvigorate interests in the issues of segregation and education.[63] According to Gilbert Gonzalez, who wrote the definitive history of Chicano education, a "key consequence of the *Mendez v. Westminster* was the inspiration it provided for a renewed campaign to terminate segregation."[64] However, given the substantial ties between the *Méndez* and *Brown* cases, we must conclude that *Méndez v. Westminster* was more than simply a stimulus for civil rights movements: it was the harbinger of *Brown v. Board*.

Would Earl Warren have been able to write the *Brown v. Board* majority opinion without the example of *Méndez v. Westminster*? Would Thurgood Marshall have had the background he needed to fight and triumph in *Brown v. Board* without his involvement in the *Méndez* case? Would the prosecution's arguments in *Brown* have been so effective without the NAACP's testing in the *Méndez* courtroom? These queries are hypothetical, but what is certain is that Earl Warren was familiar and supported the outcome of the *Méndez* case. Thurgood Marshall gained experience and developed rhetorical strategies during *Méndez* that he later implemented in *Brown*. Furthermore, the prosecution in *Brown v. Board* reiterated many of the arguments employed by the prosecution in *Méndez v. Westminster*, especially with regards to the equal protection clause and the social and psychological costs of segregation. Indeed, *Méndez* was the initial catalyst for the breakdown of the barriers to desegregation and was a milestone case on the road to integration. Thus, we must acknowledge that this court case is, in a sense, perhaps more revolutionary and more deserving of our attention than even the celebrated *Brown v. Board*.

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[62] Aguirre, "Mendez v. Westminster School District: How It Affected Brown v. Board," 321-322.

[63] Ramos, "Dismantling Segregation Together," 247.

[64] Gonzalez, *Chicano Education in the Era of Segregation*, 15.

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