

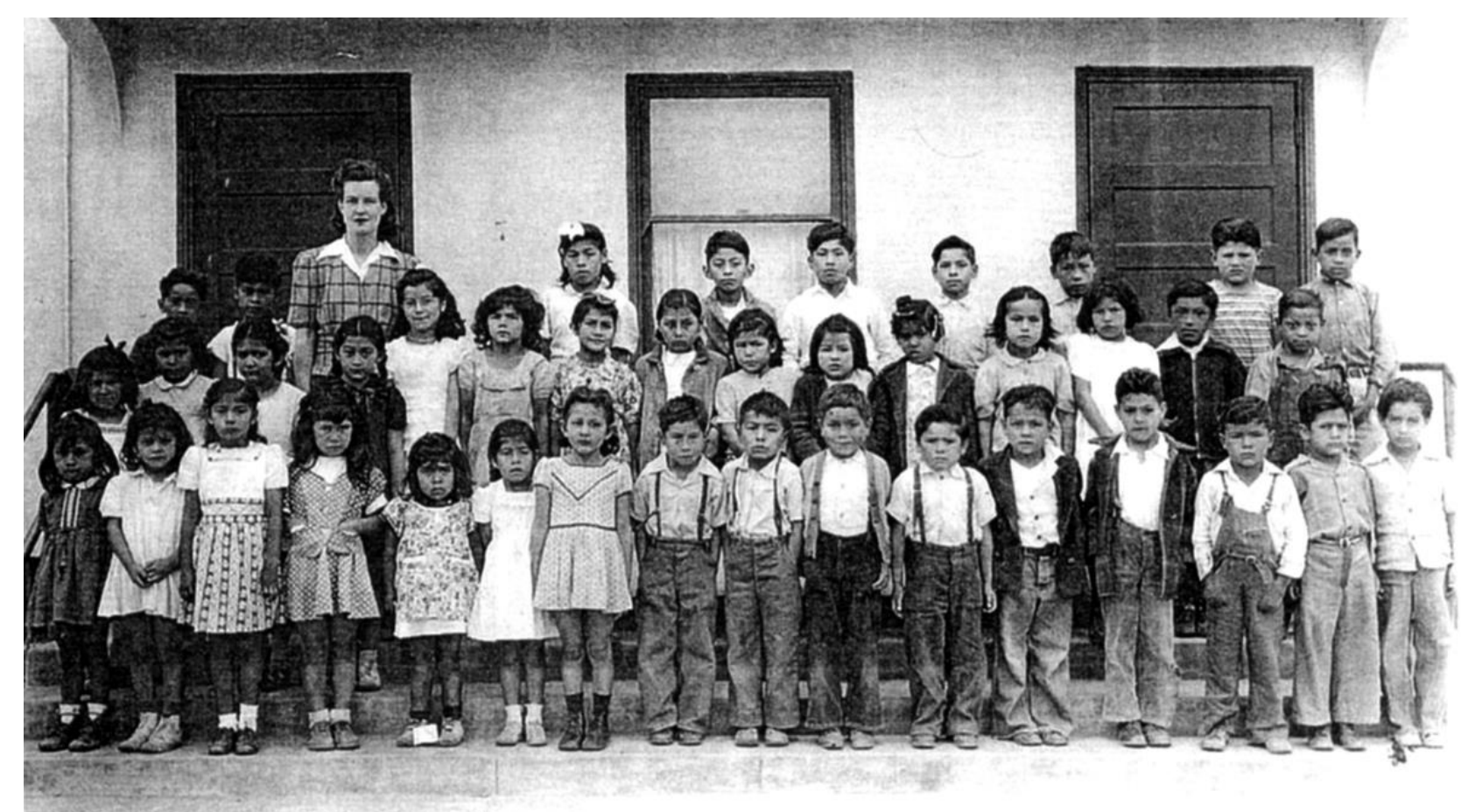
# A Legal Historical Exploration of Latinx Racialization within the United States Education System

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## Abstract

There are only five court cases that made it to federal court that dealt with school desegregation and Latinx children before the famed *Brown v. Board of Education* case in 1954. We can see discrimination and racism against Latinxs in each of these cases, and this segregation and discrimination occurred throughout the entire country. These acts of racism were incredibly common, and although some of the cases were won, effective change has not yet been achieved. We see the importance of racialization for Latinxs over time. The courts debate a lot about whether Latinxs should be considered white or not, although they are clearly not treated the same as Anglo-American folks in society. Though this research focuses on the United States education system, we must recognize the political, economic, and social systems that come into play. Many of these forces create harmful structures that oppress people of color, and perpetuate long-term domination in a racist and unjust environment.



## Timeline of the Court Cases

In 1930, 75 Mexican Children were instructed to be turned away from entering the school and ordered to attend school at a two-room building instead. The children and parents refused and instead formed *Comite De Vecinos* and took the case to court. The Board of Trustees claimed the children required special attention and that the school was built for Americanization, not to segregate the Mexican students. The court concluded this segregation infringed the laws of California and the judgment passed in favor of the Mexican Community. March 30, 1931 the case was the first successful school desegregation court decision in the history of the United States.



1930 - Del Rio Independent School District v. Salvatierra

In September 1944, September 1944 Sylvia Mendez and her siblings were rejected from a white public school. Her father Gonzalo Mendez, was told his children had to attend a "Mexican" School. After setting up test cases in every district he took legal action in the U.S. District Court against four LA area school districts. The Mendez family attorney argued that segregation caused feelings of inferiority in the Mexican-American children which could have affected their work ethic. The District Court ruled in favor of Mendez, and the school districts appealed to the United States Court of Appeals for the Ninth Circuit. The court ruled that this segregation violated the fourteenth amendment and two months later, California's Governor signed a bill ending segregation in California.



1948 - Delgado v. Bastrop Independent School District

Latinx parents living in Arizona pleaded with the Tolleson Elementary School board to desegregate their schools and allow their children to attend the white schools instead of the singular segregated school. Porfirio Gonzales sued the school district in the name of his own children and the Latinx community. The school's defense that the students did not speak English well was shut down by demonstrations that the children were more than able to speak the language. The Court ruled that excluding the Mexican-American students and putting them in one school violated their 14th amendment rights and that segregation of Mexican American students in a singular "Mexican School" was unconstitutional.



Latinx 1957 - Hernandez v. Driscoll

1930-The Lemongrove Incident



1947 - Westminster v. Mendez



1951 - Gonzales v. Sheely



On February 1, 1930, the Board of Trustees of the Independent School District of the City of Del Rio held an election to expand the school facilities to include the "Mexican" or "West End" of the school. On March 31, Jesus Salvatierra and others took legal action to prevent the District and Superintendent from constructing the new section which when completed would segregate the Mexican children from the White children. The superintendent argued many students would move with their families in the fall for farm work while the terms advanced and many struggled with English, both resulting in educational delay so the new section would be beneficial. District Judge Joseph Jones took the Case to Texas Court of Civil Appeals and the court ruled in favor of the Superintendents power to classify students. The judgment was reversed, and the District won.

June 15, 1948, Mexican-American parents filed suit against the Bastrop Independent School District because of the segregation of Mexican Children from other white races as well as accusing the district of depriving Mexican American children of equal facilities, services, and educational instruction. The judge of the United States District Court ordered the suspension of segregation by September 1949. Separate classes on the same campus were still allowed for language-deficient or non-English speaking students. In 1957, the decision in *Hernandez v Driscoll Consolidated Independent School District*, de jure segregation in the Texas public school system would end.

The federal court case *Hernandez et al. v. Driscoll Consolidated Independent School District* occurred in Texas, and the decision in the case completely changed education throughout the Southwest. A Latina student named Lupe was nine years old and only in second grade was forced to remain in first grade for three years. Not because of her academic performance, but solely because she was Mexican-American.

## Educational Implications

All student are influenced by encouragement provided by their teachers via the teacher feedback loop. This circle is very important when we look at the case of *Hernandez v. Driscoll*. This circle begins with teachers as they develop expectations for their students' academic achievement. In accordance with these expectations, teachers behave differently toward students through the way they group students for instruction. This can have very negative effects, because differential treatment communicates the teacher's expectations to students and alters the student's self-concept and motivation to achieve academically. Although the final court decision prohibited the segregation of Mexican-American students in public schools, the school system did not radically change. In the late 1960s, LULAC and G.I. Forum, and the political and economic climate, brought more lawsuits about the lack of equal educational opportunities for Latinx children. In the case of *Hernandez et al. v. Driscoll*, the Latinx students won in court, but social change was imminent.



## Conclusion

The quality of the schooling received by Latinx children is significantly lower than that available to the average American student. Partly, this is associated with the low income and high poverty of the school districts where many Latinx families reside. It is compounded by the high degree of segregation of Latinx students in schools. By any indicator, Latinx children suffer from the highest rate of segregation of all racial and ethnic groups. In 2005, a total of 76.3 percent of all Latinx children were enrolled in schools with 50 to 100 percent minority children, compared to 10.8 percent among whites and 71.6 percent among Blacks/African Americans. Our research concludes with possible policy recommendations intended to bridge the existing shortfalls in the educational status of Latinxs. From investments in pre-schooling to the design of school-to-work programs, there is so much work to be done.