



THE UNHERALDED HISTORY OF THE LEMON GROVE DESEGREGATION CASE

E. Michael Madrid

“Some Mexicans are very bright, but you cannot compare their brightest with the average white children.”
—A superintendent of schools circa 1940

Mexican School Desegregation: A Different Racial Paradigm

An Unheralded Event

In 1931, the Southern California community of Lemon Grove served as the unlikely stage for a dramatic and significant civil rights court case. A group of courageous Mexican and Mexican-American parents and their children won a major victory in the battle against school segregation and the perfidious notion of separate but equal facilities.

The case, now commonly referred to as the Lemon Grove Incident, was the nation's first recognized court-ordered school desegregation case. The Lemon Grove parents' efforts and legal struggles involved more than 70 children of Mexican descent who were summarily directed by their school principal to attend a hastily constructed, two-room segregated school, the “caballeriza,” the barn, which was situated in the “Mexican side of town.”

The Lemon Grove case is not well known and one could surmise that its most distinguishing characteristic is its obscurity. Similar to the post World War II landmark *Méndez v. Westminster* case, the Lemon Grove matter could be deemed an item of “neglected” history not only

because of the public's ignorance of it, but also because of its absence from the public school curriculum (Madrid, 2007, p. 29).

As with *Lemon Grove* and *Mendez*, many important historical events pertaining to the Mexican-American experience are not taught in the public schools. For example, there were approximately 100 school desegregation and education-related cases that were heard during the 19th century (Bowman, 2001, p. 9), many of which pertained to Mexican-American civil rights and social justice, yet there is little mention of them in the history texts.

Many, if not most of the better known desegregation and civil rights issues have emerged from the Black experience. That is, events related to the Black civil rights movement generally are well known and rightfully are considered important aspects of U.S. history. In stark contrast to Black civil rights issues, many incidents pertaining to the Mexican-American struggle are neither familiar nor renowned. Why?

A Brown/White Paradigm

Matters of civil rights and school desegregation traditionally have been perceived within a Black/White context or paradigm, which is problematic because it tends to marginalize the history of intolerance and bigotry leveled at Latinos (Bowman, 2001, p.15). Unlike African-Americans, Latinos were not methodically enslaved. Blacks are presumed to be bona fide U.S. citizens, yet Mexican-Americans frequently are perceived within an immigrant context because of their historical, linguistic, and cultural ties with Mexico (Rosales, 2000, p. 22).

People of Mexican descent frequently

are viewed as foreigners, and the perception of the Mexican-American's *foreignness* is, in part, attributable to the great number of Latinos who are immigrants. The notion of foreignness often is intensified due to language issues, e.g., Spanish speakers who need to learn English or need to improve their English. Furthermore, the notion of foreignness is a prominent characteristic of the English-only movement as reflected in its attacks on bilingual education, which are indicative of the enmity directed at those who speak Spanish (Bowman, 2001, p.13).

People of Mexican descent frequently have been categorized as “White,” although there have been many occasions when politicians sought to categorize them as “Indian.” Yet the practice of classifying Mexican-Americans as “White” may have fostered the illusion that they have not been targets of discrimination and, indeed, have benefited as members of the dominant culture. Such is not the case. As Bowman (2001, p.15) indicates, “These interpretations . . . threaten Latinos' pursuit of equality by assuming the existence of a level playing field where none exists.”

As recent as the 2000 census, Latinos had the option to categorize themselves as “White” when disclosing racial information insofar as choices had been limited to “White,” “Black or African American,” “American Indian and Alaska Native,” “Asian,” “Native Hawaiian or Other Pacific Islander,” and “Some other race” (U.S. Census Bureau, 2004, p. 1). That is, according to census data, Mexican-Americans may be any race, but in actuality Mexican-Americans tend to be identified not by what they are, but what they are not (Bowman, 2001, p.15).

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By bringing to light the unheralded histories pertaining to Mexicans and Mexican-Americans such as *Méndez v. Westminster* and *Roberto Alvarez v. the Board of Trustees of the Lemon Grove School District*, the general public, educators, and the chroniclers of history would realize school desegregation did not begin in Topeka, Kansas in 1954. As evidenced in *Méndez v. Westminster*, many of the legal arguments used by Thurgood Marshall and Earl Warren in *Brown* emanated from the judicial skirmishes and experiences of Mexican-Americans who lived in the Southwest. It could be argued that much of the progress of school desegregation emerged from a Brown/White paradigm that includes the Lemon Grove incident, a case which is extremely

Important in . . . U.S. history, not solely because it occurred but because the community took court action and won the case they established the rights of their children to equal education, despite local, regional and national sentiment that favored not only segregation, but the actual deportation of the Mexican population in the United States. The case is a testimony of the . . . Mexican community's rights and their actions towards equality in education . . . for the Mexican population in California and the United States. (Alvarez, 1986, p. 116)

The Education of Children of Mexican Descent in the 1930s

During the early stages of the 20th century, Mexicans and people of Mexican descent comprised the dominant U.S. workforce in agriculture, mining, transportation, and construction. With respect to Lemon Grove, California, many of the families had emigrated from Baja California to Lemon Grove and the general San Diego area, which offered jobs in agriculture, mining, and in packing houses.

Despite the substantial Mexican presence in the local and national labor force, some of the White residents of Lemon Grove regarded Mexicans as indolent, underdeveloped, and slow. In other words, there would have been no value in educating the Mexicans because they were inferior and because it was thought and hoped some of them eventually would return to Mexico.

In the early part of the 20th century, the brown-skinned Mexican immigrant frequently was perceived differently than his light-skinned European counterpart. As an illustration, Kenneth L. Roberts, a journalist who had written favorably of the European immigrant, composed a less than complimentary depiction of Mexicans in a *Saturday Evening Post*

article. According to Robert J. Alvarez (1986, p. 119), the *Post* article characterized Mexicans as "half-breeds" and the streets of Mexican immigrant communities being overcrowded with "shacks" belonging to people who were "illiterate," "diseased," and who possessed the "reckless prodigality of rabbits."

Due to the Mexican's alleged substandard nature, the practice of segregating Mexican children and children of Mexican descent was viewed as a practical, legitimate, and accepted practice. Notwithstanding an opinion expressed by the California Attorney General in 1929 that indicated segregation of Latinos could not be defended under California law, segregative practices continued to flourish (Bowman, 2001, p 10).

In California, the establishment of "Mexican" schools was commonplace. Cities such as Pasadena, Santa Ana, Ontario, and Riverside, as well as Los Angeles, featured separate educational facilities for Mexican children and children of Mexican descent. Furthermore, in 1931 more than 80 percent of California school districts with significant Latino populations were segregated and many of the remaining 20 percent maintained segregative practices, some of which endured into the 1950s (Bowman, 2001, p. 9).

A traditional and common discriminatory practice was the establishment of Americanization schools. The Americanization projects were initiated in reaction to the influx of immigrants during the period that began at the turn of the century and continued into the 1930s. The limited Americanization curriculum featured cooking, hygiene, English, and civics.

In addition to the substandard course of study, the Americanization and Mexican schools were characterized by inadequate equipment and resources, squalid buildings, and teaching staffs whose rate of compensation was substantially lower in comparison to the teachers of the White schools. Teaching in a Mexican or Americanization school was not a highly prized career goal insofar as a transfer to a White school would have been deemed a promotion (Bowman, 2001, p. 8).

The teaching staffs of the Americanization schools often held the opinion the Mexican student had limited ability and essentially only needed training for agriculture and domestic work. That is, the Americanization program generally prepared Mexican children and adolescents for jobs with low pay and low status (Ruiz, 2001, pp. 22-23).

During the Depression, in addition to substandard educational programs, Mexi-

can and Mexican-American students had to contend with a pervasive anti-Mexican, anti-immigrant sentiment, which fostered the development of separate educational facilities for children of Mexican descent, despite many of them being U.S. citizens and proficient speakers of English.

It should come as no surprise that there were racist and anti-Mexican sentiments in Lemon Grove, too. For example, a Lemon Grove citizen who promoted the separation of the Mexican students from White children said if the Mexicans were to prevail in Lemon Grove, they would "slip" a bill through the legislature so they might be able to segregate the "greasers" (Alvarez, 1986, p. 123).

As previously indicated, the attempt to segregate Mexican children in California was supported by some politicians in the California legislature. As an illustration, in 1931 Assemblyman Bliss of Carpinteria introduced a bill that would have legalized the segregation of Mexican and Mexican-American students. The bill sought to classify Mexicans and Mexican-Americans as "Indian," a racial category for which separate schools could be established under the auspices of the Education Code.

The California Education Code, which was changed soon after the *Méndez* appeal in the late 1940s, allowed for the establishment of segregated schools for Japanese, Indian, Chinese, and Mongolian students. Fortunately, the Bliss bill failed and its demise perhaps was due in part to the racist nature of the Lemon Grove case.

Although the Bliss legislation was not successful, the racist and anti-Mexican sentiment prevailed throughout the Southwest during the 1930s. The matriculation of Mexican children as well as Mexican-American children into separate and unequal schools persisted. Furthermore, many immigrant families, Mexican and otherwise, lived under the very real threat of deportation, an underhanded tactic that was used in Lemon Grove with some parents who refused to send their children to the Mexican school. In general, approximately 170,000 Latinos living in the U.S. were repatriated, that is they were deported to Mexico between 1931 and 1934 (Ruiz, 2003, p. 22). Many of those who were deported were U.S. citizens.

Case History and Trial

Case Background

In July of 1930, trustees of the Lemon Grove School District developed a plan to build a "special school for the Mexican children," which received the support of the Chamber of Commerce as well as the

PTA (Alvarez, 1986, p. 118). In August of 1930, the trustees held a special meeting because the "situation had reached emergency conditions," which according to the trustees included overcrowding as well as purported "sanitary and moral" disorders that were engendered by Mexican children (Sanchez, 2004, p. 3).

There was no attempt to apprise the parents of the children who would be affected by the board's decision. It was apparent the board wished to delay a confrontation with the parents and avoid a controversy and, therefore, they used the element of surprise. According to Robert Alvarez, Jr. (1986, p.118), the son of the plaintiff, the members of the board "decided against any official notice so as not to commit themselves in writing."

On the 5th of January, 1931, the day when the Lemon Grove students returned to class following the Christmas break, Principal Jerome T. Green placed himself at the front doorway of the school to greet and admit the White students, and to inform the Mexican children they could not enter. He told the Mexican children their desks and personal effects had been transported to a new two-room school, which became to be known as the "caballeriza," literally a place for horses.

The parents, of course, were angered and wanted their children to remain at their former school site, but had little power to do anything about it. The parents were without a voice. They had no way of countering the Chamber of Commerce's support of the segregation plan because they held no influential positions in the Chamber; when the matter was discussed at a PTA meeting, none of the parents of the Mexican children were present because the PTA essentially was a White organization.

Although the parents seemingly were operating from a position of weakness, they were neither lacking in courage nor ignorant of their rights; they adamantly refused to send their children, numbering 70, to a school that resembled a barn and was characterized by an inferior instructional program. Only three children attended class at the new Mexican school.

The parents quickly organized neighborhood meetings. At one of the meetings they formed *El Comité de Vecinos de Lemon Grove* (the Lemon Grove Neighbors Committee) and solicited support from the community as well as legal assistance. Initially, the leaders of *El Comité* sought guidance from Enrique Ferreira, the Mexican Counsel. Ferreira, whose power to intervene legally was quite limited, did arrange, however, for a pair of San Diego attorneys, Fred C. Noon and A.C. Brinkley, to serve as counsel.

To counter the parents' boycott of the caballeriza, the Lemon Grove School Board expelled students whose absences exceeded 20 days. A social worker also was quickly dispatched to meet with some of the parents who were receiving assistance from the county. The social worker's deployment was a blatant attempt to intimidate through bullying tactics and unveiled threats of deportation. Unfortunately, in keeping with the anti-Mexican and anti-immigrant sentiments of the times, some Lemon Grove parents actually were "repatriated" (deported) to Mexico (Mancilla, 2004, p. 6).

The Lawsuit

With the assistance of the attorneys Noon and Brinkley, the parents filed a suit, a Writ of Mandate, which characterized the board's action as an explicit attempt to segregate children on the basis of race. The Writ indicated 95 percent of the children who were segregated were born in the United States and, therefore, were entitled to the rights and privileges afforded to all citizens. Furthermore, the parents demanded a quick resolution to the matter to "prevent serious embarrassment and to determine the legal right under the laws of California, of children of Mexican parentage, nationality and or descent to attend the public schools of California on the basis of equality with other Americans" (Alvarez, 1986, p. 124).

The lawsuit was listed under the name of Roberto Alvarez, Jr., an exemplary student who spoke English quite well. At the time of the case, Roberto was ten years old. One of Roberto's classmates jokingly indicated in the mid 1980s during the production of Paul Espinosa's award-winning dramatic semi-documentary, *The Lemon Grove Incident*, that Roberto was selected to carry the lawsuit not so much for his English-speaking competence, but for his good looks!

The suit was filed in the Superior Court of California in San Diego. The suit disputed the Lemon Grove trustees' authority to build and maintain a separate, segregated school for Mexican children and children of Mexican descent. Prior to the building of the new school, some children had been enrolled in special classes because of their lack of English proficiency, but the creation of the segregated facility was regarded by the parents as illegal and detrimental to the children as well as a danger to the welfare of the Mexican community.

In addition to the battle that would take place in court, the parents opened a new front in the media seeking to enlighten the public and garner support. Newspa-

per articles appeared in Los Angeles as well as in Tijuana, Mexico. *La Opinión*, a prominent Spanish-language paper, featured a page-long article, "No Admiten los Niños Mexicanos" (Mexican Children Denied Admission). The article included a letter from *El Comité* indicating the Lemon Grove board's action was not only racist, but also illegal insofar as the board members sought to distinguish Mexican children from children of other nationalities and send them to a separate, inferior school (Sanchez, 2004, p. 3).

The Trial and Decision

The case of the *caballeriza* was heard in the Superior Court of San Diego County on February 24, 1931. The presiding judge was Claude Chambers and he quickly and boldly indicted each member of the Lemon Grove board for illegally segregating the children. Needless to add, the board members denied the allegations. The rationale for the board's action was based on the pretense of improving educational opportunities for the Mexican children and the children of Mexican descent. They indicated the facility was an Americanization school in which the "deficiencies," linguistic and otherwise, would be corrected. The board felt by sending the children to the segregated facility, the *caballeriza*, the "deterioration" of the White children would be lessened if not reversed. Furthermore, through the teaching of American customs, the repute of the Mexican children invariably would rise to the alleged level of superiority of the White students (Alvarez, 1986, p. 124).

The board members described the school as a new facility, certainly not barn-like, with a fully equipped playground that could accommodate nearly 80 pupils. They also indicated the school's locale was selected for reasons of safety. The *caballeriza* had been situated in the barrio, the Mexican area of Lemon Grove, allegedly for the well being of the children who no longer would be required to cross the busy main boulevard as they did while attending their former school, Lemon Grove Grammar School.

The board members also indicated that the great majority of Mexican students, many of whom were older than their White counterparts in corresponding grades, had been deemed as lacking English proficiency and, therefore, required special attention. The defendants argued the Mexican students' language, Spanish, was a tremendous handicap and a segregated school for Mexican children would protect them from unnecessary competition with the White students, thereby mitigating feelings of inferiority (Mancilla, 2004, p. 5).

The board members contended the purpose of the building of the new school was not a racist attempt to segregate children, but to provide the “backward and deficient” students a better instructional program than they had received at their former school (Alvarez, 1986, p. 124).

During the course of the trial many witnesses took the stand. Ten witnesses for the plaintiffs decried the false generalizations regarding the students’ academic skills, and much of the testimony dealt with the actions, comments, and attitudes of the school staff and board. The list of those who testified at the trial included the school’s principal, Jerome T. Green, the president of the Chamber of Commerce, as well as the caballeriza’s teachers.

When Judge Chambers asked if allowing Mexican children to mingle with White students would facilitate the acquisition of English, the board and members of the instructional staff failed to respond. When the plaintiff’s counsel, Fred C. Noon, queried one of the teachers as to why the Mexican children were separated from the White children, the defendant stated segregation was not only preferred, but truly necessary for a program of personalized instruction.

Furthermore, it was revealed during the course of the trial that some of the Mexican children lived in the White neighborhood and some of the White children lived near the barrio. Therefore, the board’s action had little to do with the children’s welfare and safety insofar as the school’s locale placed White as well as Mexican children at risk because members of both groups had to cross the busy main boulevard to attend their respective schools.

On the 30th of March, 1931, Judge Chambers rendered his monumental decision. He ruled in favor of the plaintiffs and refuted each claim made by the members of the Lemon Grove School Board. According to Leonel Sanchez (2004, p. 3), a writer for *The San Diego News Tribune*, Judge Chamber’s ruling indicated the board could undeniably “separate a few children to offer special instruction,” but “to separate all the Mexicans in one group can only be done by infringing the laws of the State of California.”

The judge demanded an immediate reinstatement of the Mexican children in the main school, Lemon Grove Grammar School. Judge Chambers declared the separation of the Mexican children was a blatant act of segregation and, moreover, the Mexican children legally were entitled to attend Lemon Grove Grammar School on the basis of being equal to the White children (Alvarez, 1986, p. 122).

The Significance of the Lemon Grove Decision

The case was not appealed. The members of the Lemon Grove PTA and the Chamber of Commerce considered supporting an appeal, but did not. A considerable amount of money had been spent not only on the court case, but also on the development and construction of the school building and, therefore, there was general reluctance to risk further financial loss. Furthermore, the members of the Chamber of Commerce wanted to reestablish a respectable image of Lemon Grove and feared additional negative publicity (Mancilla, 2004, p.7).

The case was never recorded in the minutes of the school board and the only reference to the incident appeared in the minutes of a board meeting that took place after the trial. The reference indicated everything would continue as it had prior to the 5th of January, the infamous day Principal Green stood in the doorway of Lemon Grove Grammar School and told the Mexican children they would have to attend class in the caballeriza. The school eventually was demolished; the site has become a parking lot and Lemon Grove Grammar School has been transformed into a middle school.

The case received little or no attention after Judge Chambers ruled in favor of the plaintiffs. Higher courts never had an opportunity to review Chambers’ decision. Unfortunately, beyond the city limits of Lemon Grove, California, the segregation of Mexican children and children of Mexican descent persisted. Americanization schools flourished throughout the Southwest until they were abolished by significant court decisions rendered in the 1940s and, therefore, one could readily categorize the Lemon Grove case as another item of unheralded or neglected Latino history that had no impact on California’s lawmakers or school desegregation. It also is somewhat surprising if not alarming other Mexican communities did not regard the case as a precedent for eradicating Americanization and segregated schools.

Notwithstanding the case’s low historical profile, the Lemon Grove matter, indeed, was and is significant. According to Alvarez in his article “The Lemon Grove Incident: The Nation’s First Successful Desegregation Court Case” (1986, p. 127), the case serves as testimony to the Lemon Grove Mexican community who successfully used the legal system to protect the rights of their children, the great majority of whom were U.S. citizens. The case also serves as testimony to the courageous

Latino parents who doggedly safeguarded their children’s right to a proper education in a desegregated environment. Due to the parents’ diligence, tenacity, and courage, they prevailed in a prominent civil rights case and overturned a blatant, pernicious discriminatory practice.

As unheralded as the Lemon Grove case was, the decision played a significant role in the defeat of the Bliss Bill. The Bliss legislation would have classified Mexicans as Indians, which, in turn, would have allowed Mexicans and their children to be segregated. Had the Bliss Bill been enacted, it may have facilitated the perpetuation of separate but equal facilities in California. Furthermore, the passage of the Bliss legislation may have precipitated a victory for those in favor of segregation in *Mendez v. Westminster*, the 1945 case that in many ways established the legal basis for the arguments heard in the landmark *Brown v. Board* decision that occurred nine years later.

The Lemon Grove victory is a significant incident in the history and experience of Latinos in general and the Mexican American in particular. It is a Brown victory. It is a civil rights victory. There are those who would argue that maintaining a focus on specific racial, ethnic-based incidents only serves to perpetuate prejudice, bias, and racist attitudes, but according to Bowman (2001, p. 20), “Racism will not cease to exist merely because we ignore it.”

For the foreseeable future, incidents that comprise the Mexican-American experience probably will remain unheralded and their mention in the classrooms will be imperceptible, yet incidents such as the Lemon Grove case do, indeed, merit attention because they commemorate and dignify the Mexican-American experience. Matters of Mexican-American social justice and civil rights tend to be unheralded because they lack the acclaim that is characteristic of many African-American achievements and because they do not fit into the Black/White paradigm (Bowman, 2001, p. 21).

The Lemon Grove incident should be viewed within a Brown/White context because to perceive it in any other manner summarily ignores the unique nature of the Mexican-American experience and also perpetuates the marginalization of Mexican-Americans and renders their experiences as insignificant, unheralded, and unimportant.

The Lemon Grove case does matter. The parents’ victory in Judge Chambers’ court should be regarded as a significant victory against segregative, racist practices foisted on U.S. citizens of Mexican descent

and all people of color. The Lemon Grove case is a victory against separate school facilities, equal or otherwise, and it speaks volumes of the courage and tenacity of the parents who fought for their children's education.

Moreover, the Lemon Grove case, albeit an item of unheralded history that has yet to be incorporated into the school curriculum, is a momentous and symbolic historical civil rights event that is one of countless and unique historical, political, and sociological elements that constitute the Mexican-American experience.

References

Alvarez, R. (1986, Spring). The Lemon Grove incident: The nation's first successful deseg-

regation court case. *The Journal of San Diego History*, 32(2), 116-135.

Bowman, K. (2001). The new face of school desegregation. *Duke Law Journal*, 50 (1751) [Electronic version]. Retrieved February 1, 2007, from <http://www.law.duke.edu/journals/dlj/jctrl.htm>.

Madrid, M. (2007, March). Neglected history: The Mendez Desegregation Case. *Multilingual Educator*, 29-35.

Mancilla, G. (2004, Winter/Spring). Against all odds: The Lemon Grove incident. *Conciencizacion: A Journal of Chicana & Latina Experience and Thought*, 1 & 2 [Electronic version]. Retrieved March 26, 2007, from <http://www.wooster.edu/psychology/apa-crib.html>.

Rosales, R. (2000). *The illusion of inclusion*. Austin, TX: University of Texas Press.

Ruiz, V. (2003, Fall). "We always tell our children they are Americans." *The College Board Re-*

view, 200, 21-27.

Sanchez, L. (2004, May 18). Before Brown. *The San Diego Union-Tribune* [Electronic version]. Retrieved March 26, 2007, from http://signonsandiego.com/uniontrib/20050518news_1n18grove.html.

U.S. Census. Bureau. (2004). We the people: Hispanics in the United States. Washington DC: Author, 1-3.

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