

## MENDEZ V. WESTMINSTER RE-ENACTMENT

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In 1946 federal courts decided *Mendez v. Westminster*. The ruling established equal access to public schools for nine-year-old Sylvia Mendez and generations of Hispanic and other children.

This activity is a re-enactment of *Mendez v. Westminster* and draws a line from this case to the victory in *Brown v. Board of Education*. Both involved two school girls and the same committed lawyer -- Thurgood Marshall.

### About These Resources

- [Mendez v. Westminster Background](#) - Learn about the case and Sylvia Mendez.
- [Re-enactment Script](#) - Use this script for the *Mendez v. Westminster* re-enactment.

### How to Use These Resources

While *Brown v. Board of Education* is a widely known landmark Supreme Court case, few can trace its origins to the case of nine-year-old Sylvia Mendez in *Mendez v. Westminster*. Sylvia's case, which was decided in the federal courts in California, preceded *Brown* by about eight years. Thurgood Marshall represented Sylvia Mendez and Linda Brown. Marshall used some of the same arguments from *Mendez* to win *Brown v. Board of Education*.

### Speakers

- Speaker #1: Student Greeter
- Speaker #2: Student Narrator
- Speaker #3: Sylvia's Young Mom Mrs. Mendez
- Speaker #4: Young Sylvia Mendez
- Speaker #5: Sylvia's Young Father Mr. Mendez
- Speaker #6: Attorney David Marcus
- Speaker #7: Federal Judge Paul J. McCormick
- Speaker #8: Attorney Thurgood Marshall
- Speaker #9: Linda Brown, of *Brown v. Board of Education*
- Speaker #10: California Governor Earl Warren
- Speaker #11: 2nd (Older) Mrs. Mendez (*different student*)
- Speaker #12: 2nd (Grown Up) Sylvia Mendez (*different student*)
- Speaker #13: 2nd (Older) Justice Thurgood Marshall (*different student*)
- Speaker #14: 2nd (Older) Chief Justice Earl Warren (*different student*)

### Instructions

**In Advance:** Photos of the historic figures in this script can be found on the Internet.

**Performance Parts:** Twenty-eight students – 14 readers and 14 picture holders re-enact the story. Students in the audience also speak out when their teacher cues them.

**Readers:** In advance, teachers assign 14 students to each read their scripted part. **Note:** Each reader holds a tent card with the name of his/her character. Speakers should be comfortable reading in front of a group and should be able to project their voice loudly.

**Picture Holders:** Teachers assign one student to each reader. This student holds a picture that represents the speaker's character.

**Audience:** The students in the audience sit during the reenactment. They say hello to the speaking characters as each character says his/her name. **Note:** At the re-enactment, a teacher cues the students when it is time for the audience to greet each character.

**Where They Stand:** The readers and picture holders sit in the front row of the audience. A teacher gives each speaker and picture holder a cue when it is their turn to stand in front of the audience. After the reader finishes, the reader and the picture holder return to their seats in the audience. Readers face the audience and use a

microphone, if one is available. If not, they stand close enough to the audience so that everyone can hear them.

## MENDEZ V. WESTMINSTER BACKGROUND

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While *Brown v. Board of Education* is a widely known landmark Supreme Court case, few can trace its origins to the case of nine-year-old Sylvia Mendez in *Mendez v. Westminster*.

Sylvia's case, which was decided in the federal courts in California, preceded *Brown* by about eight years. Thurgood Marshall represented Sylvia Mendez and Linda Brown. Marshall used some of the same arguments from *Mendez* to win *Brown v. Board of Education*.



Image credit: [U.S. Army Corps of Engineers Los Angeles District](#)

### **About *Mendez v. Westminster***

Sylvia Mendez, who received the [Presidential Medal of Freedom](#) at a 2011 White House ceremony, was a child when she was turned away from a California public school for "whites only." That rejection fueled her father's determined journey through school, civic, and legal channels. Gonzalo Mendez, represented by a civil rights attorney, took four Los Angeles-area school districts to court and won a class action lawsuit at the trial and appellate levels of the federal court system.

Ms. Mendez carries on the legacy of *Mendez v. Westminster* when she explains that her parents taught her:

"That we are all individuals; that we are all human beings; that we are all connected together; and that we all have the same rights, the same freedom."

### **Unusual Trial Evidence**

During a two-week trial, the Mendez family's attorney David Marcus took the then-unusual approach of presenting social science evidence to support his argument that segregation resulted in feelings of inferiority among Mexican-American children that could undermine their ability to be productive Americans. U.S. District Court Judge Paul J. McCormick agreed with the plaintiffs and ordered that the school districts cease their "discriminatory practices against the pupils of Mexican descent in the public schools."

### **U.S District Court Decision**

In his decision Judge McCormick wrote: "[t]he equal protection of the laws pertaining to the public school system in California is not provided by furnishing in separate schools the same technical facilities, textbooks and courses of instruction to children of Mexican ancestry that are available to the other public school children regardless of their ancestry. A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage."

### **U.S. Court of Appeals Decision**

The school districts appealed the case to the U.S. Court of Appeals for the Ninth Circuit. The Court of Appeals affirmed Judge McCormick's ruling. Two months later, California's Governor Earl Warren signed a bill ending school segregation in California, making it the first state to officially desegregate its public schools.

### **Setting the Stage for *Brown v. Board of Education***

While the case was pending before the U.S. Court of Appeals for the Ninth Circuit, several organizations, including the National Association for the Advancement of Colored People (NAACP) filed amicus (friend of the court) briefs. Writing for the NAACP was Thurgood Marshall who, five years later, used similar reasoning before the Supreme Court in *Brown v. Board of Education of Topeka*. The Supreme Court adopted many of Marshall's arguments and, in 1954, issued an opinion ending school segregation throughout the United States. The opinion was written by Chief Justice Earl Warren.

### **About Sylvia Mendez**

Sylvia Mendez went on to earn degrees in nursing and became the Assistant Nursing Director of the Pediatric Pavilion at the Los Angeles University of Southern California Medical Center. Since her retirement, she has dedicated her time to educating students about the *Mendez* case and encouraging young people to stay in school. In 2007, the [United States Post Office issued a stamp](#) commemorating *Mendez v. Westminster*. In 2009, the Los Angeles Unified School District dedicated a new East Los Angeles high school, Felicitas and Gonzalo Mendez Learning Center.

# RE-ENACTMENT SCRIPT

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Follow this script for the re-enactment of *Mendez v. Westminster*.

**Speaker #1: Student Greeter**

**Picture Holder:** (Picture of Linda Brown and her mother on Supreme Court steps)

**Student Greeter:** One of the U.S. Supreme Court landmark cases that affects us at school is *Brown versus Board of Education*. It opened the doors to public schools for all students, regardless of their race or ethnicity. *Brown versus Board of Education* is a very well-known case. Raise your hand if you have heard of *Brown versus Board of Education*.

(Note to Greeter: Pause for a show of hands)

*Brown versus Board of Education* is famous. But not many people know that eight years earlier the federal courts in California decided another important case called *Mendez versus Westminster*. The decision in that case allowed Mexican children to go to public school with Caucasian children.

**Speaker #2: Student Narrator**

**Picture Holder:** (Picture of crowd of children)

**Student Narrator:** Two girls about our age made history in the fight for school desegregation. One was nine-year-old Sylvia Mendez. She helped set the stage for Linda Brown's victory at the Supreme Court of the United States in Washington, D.C. Linda's case was the famous *Brown versus Board of Education*.

Sylvia Mendez lived in California and Linda Brown lived in Kansas. Raise your hand, Sylvia. Raise your hand, Linda. They never met, but they changed history.

We are here to learn about *Mendez versus Westminster*. It is an important case that was decided in the federal courts. It is the case of Sylvia Mendez and many other Mexican children who were not allowed to go to public schools with Caucasian children in California.

**Speaker #3: Sylvia's Young Mom Mrs. Mendez:**

**Picture Holder:** (Picture of Mr. and Mrs. Mendez)

**Mrs. Mendez:** Hello, my name is Mrs. Mendez.

**Audience:** Hello, Mrs. Mendez.

**Mrs. Mendez:** My daughter Sylvia was only nine when our case began. My husband and I fought for three years so that our children could go to public schools with the Anglo children. I always told my children that "we are all individuals; that we are all human beings; that we are all connected together; and that we all have the same rights, the same freedom."

**Speaker #4: Young Sylvia Mendez**

**Picture Holder:** (Picture of little Sylvia at a piano)

**Sylvia Mendez:** Hi, I'm Sylvia Mendez.

**Audience:** Hi, Sylvia.

When I was in third grade, the school closest to our house did not let my brothers and me register there. We were only allowed to go to schools for Mexican students. But those schools were farther away from home and they weren't as good.

**Speaker #5: Sylvia's Young Father Mr. Mendez**

**Picture Holder:** (Picture of Mr. and Mrs. Mendez)

**Mr. Mendez:** Hello, I am Mr. Mendez.

**Audience:** Hello, Mr. Mendez.

**Mr. Mendez:** I'm Sylvia's Poppy. I got some other parents together and we sued our school districts to break up the segregation in the schools. Three years later, we won our case in federal court in California and Mexican children could finally go to school with everybody else. We fought hard for our children's education – and for yours, too.

What was frustrating about our situation was that my wife and I were both American citizens and our kids still were discriminated against. I became a citizen long before the case began. And my wife was born in this country. I even attended integrated schools in California as a child. All of my children were born here and, of course, they spoke English. When the neighborhood school turned away my children, I was furious and contacted Mr. David Marcus. He was a civil rights attorney and a good man who cared a lot about our case.

**Speaker #6: Attorney David Marcus**

**Picture Holder:** *(Picture of man in suit and hat)*

**Mr. Marcus:** My name is David Marcus.

**Audience:** Hello, Mr. Marcus.

**Mr. Marcus:** As a civil rights attorney, I took unpopular cases to fight for equal rights for all Americans. I represented the Mendez family and other families in their lawsuit. How would you feel if you could not go to a school because of your last name or how you look?

*(Note to Speaker: Pause to let students respond)*

A lot of the evidence I used in the *Mendez* case showed how segregated schools made Mexican students feel inferior and, ultimately, hurt our society. When we won the case at the trial level, the school districts did not like the decision and appealed it to the Ninth Circuit Court of Appeals.

We didn't have to go all the way to the Supreme Court of the United States to get justice because we won our appeal in California. As a result, California slowly started to integrate its schools.

**Speaker #7: Federal Judge Paul J. McCormick**

**Picture Holder:** *(Picture of clock and gavel)*

**Judge:** I am Federal Judge Paul McCormick.

**Audience:** Hello, Judge McCormick.

**Judge:** I was the trial judge in the California federal court who presided over the *Mendez* case before it was appealed. Based on the evidence presented, I decided that separate schools in California were not protected by the law. My decision prohibited the schools from segregating students by race or ethnic group. This case didn't have to go all the way to the Supreme Court because the parties accepted my decision as the final resolution.

**Speaker #8: Attorney Thurgood Marshall**

**Picture Holder:** *(Picture of Thurgood Marshall in a suit)*

**Mr. Marshall:** Hello, my name is Thurgood Marshall.

**Audience:** Hello, Mr. Marshall.

**Mr. Marshall:** Raise your hand if you have heard of me.

*(Note to Speaker: Pause to let students respond.)*

I was the first African American to be a Justice on the Supreme Court of the United States. Many years before that, I was involved in the *Mendez* case. As an attorney for the NAACP, I wrote an official, legal letter to the federal court in California where Sylvia's case was being heard. I urged the Court to remember that the Bill of Rights applies to everyone. Access to education is one of these basic rights.

**Speaker #9: Linda Brown, of *Brown v. Board of Education***

**Picture Holder:** *(Picture of little Linda in pigtails)*

**Linda:** Hi, everybody. I'm Linda Brown.

**Audience:** Hello, Linda.

**Linda:** Several years after Sylvia's case, Mr. Thurgood Marshall represented me and my family in the landmark case *Brown versus Board of Education*. Mr. Marshall used many of the same arguments from Sylvia's case. As you know, in the *Brown* case, the Supreme Court declared that "separate educational facilities are inherently unequal." That made them unconstitutional. Mr. Marshall's participation in the *Mendez* case helped us win our case, too.

**Speaker #10: California Governor Earl Warren**

**Picture Holder:** *(Picture of Governor Warren in a suit)*

**Earl Warren:** I am California Governor Earl Warren.

**Audience:** Hello, Governor Warren.

**Earl Warren:** I was the Governor of California when Sylvia Mendez won her case. I signed legislation that prohibited schools from segregating children based on their race or ethnic heritage. This law made California the first state to prohibit segregation in public schools.

**Speaker #11: 2nd (Older) Mrs. Mendez (different student)**

**Picture Holder:** *(Same picture of Mr. and Mrs. Mendez)*

**Mrs. Mendez:** I'm Sylvia's mom. I have a few gray hairs now, but my family and I are very grateful to people like civil rights attorneys David Marcus and Thurgood Marshall. They helped our children get the education we dreamed of for them. Sylvia grew up and went on to become a nurse. She still travels around the country, encouraging young people like you. And President Obama gave her the Presidential Medal of Freedom for her work.

**Speaker #12: 2nd (Grown Up) Sylvia Mendez (different student)**

**Picture Holder:** *(Picture of Sylvia with President Obama)*

**Sylvia Mendez:** Here I am, again -- Sylvia Mendez -- all grown up now. This is a picture of me receiving the Medal of Freedom from President Obama. I am very grateful to my parents, who never stopped fighting for me. I am also happy that Linda Brown went to court to gain equal access to education, too. Although we never met, we were part of the same journey toward justice and we helped integrate education for all students. It is a journey that continues today.

**Speaker #13: 2nd (Older) Justice Thurgood Marshall (different student)**

**Picture Holder:** *(Picture of Justice Marshall wearing robe)*

**Justice Thurgood Marshall:** Yes, that's right. I pursued a 20-year journey to make things right before I was named to the Supreme Court. I continued to work for just decisions while I served on the Court. Now it is your turn to take up the journey.

**Speaker #14: 2nd (Older) Chief Justice Earl Warren (different student)**

**Picture Holder:** *(Picture of Chief Justice Warren wearing robe)*

**Chief Justice Earl Warren:** Eventually, I became the Chief Justice of the United States. That's why you see me wearing a robe in this picture. I wrote the majority opinion in *Brown versus Board of Education*. I worked with the other justices to make it a unanimous decision because this issue is so important to the success of our country. The Mendez family and the other families were very courageous for blazing the trail to desegregating public schools. Now it is up to you to continue this important work.