

BACK STORY

FILM REVIEW

A CLASS APART: A MEXICAN AMERICAN CIVIL RIGHTS STORY – LAW ON FILM

BY MELINDA CATREN, NEVADA LAWYER, AND VERONICA ARECHEDERRA HALL, ESQ.¹

Not considered “black,” Mexican Americans in the 1950s were not protected by the same civil rights that African Americans were slowly gaining. At the same time, Mexican Americans were certainly not treated as white. They were, quite literally, *A Class Apart*. The PBS Home Video documentary of that name takes a look at the seminal U.S. Supreme Court case that ensured Mexican Americans’ rights were legally recognized.

The film uses a handful of black and white photos, scant archival footage and the soulful narration of actor Edward James Olmos to paint a picture of what life was like for Mexican Americans living in Texas in the 1950s. There aren’t many images but the ones we see have real power; one handmade sign in a café window reads “No dogs, Negroes, Mexicans.”

Eyewitness reports fill in the blanks in a seemingly random act of anger and violence: the murder of Joe Espinosa by Pete Hernandez in 1951 in Edna, Texas. At that time, there were few Mexican Americans practicing law, and one of them, Gus Garcia, saw a chance to gain some grievously denied rights for his entire race. He and his legal team objected to the seating of an all-white jury in Hernandez’s trial and took the fight all the way to the nation’s highest court.

The sparse footage and to-the-point storytelling set a pace designed to defy boredom. However, at times the film is almost too bare-boned. One wishes some of the players could have been more firmly fleshed out. This is not only true of the inadvertent history-maker and deliberate murderer Hernandez, but of attorney Gus Garcia himself. He is described as handsome and brilliant, a troubled genius and a heavy drinker – one who became so drunk the night before appearing in front of the Supreme Court that his teammates had to fling him into a cold shower and pump him full of coffee before heading out to court. This man’s story is worthy of further examination. Sadly, with a running time of only 60 minutes, this is not the film to tell that story. However, the story here is inspiring and important and educators would benefit from adding it to the ranks of other civil rights films in the classroom.

“A Class Apart” and the Law

*Hernandez v. State of Texas*² was the first U.S. Supreme Court case to hold that Latinos could sue for violations of their civil rights. The case was decided two weeks before *Brown v. Board of Education*.³ Although the former is not as well-known as *Brown*, the cases bear similarities and each are significant to American jurisprudence.

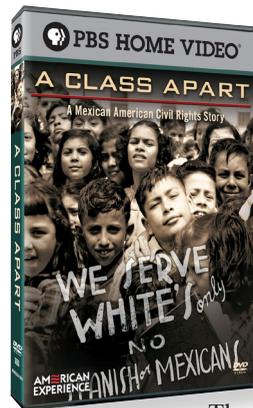
Hernandez is significant not because of the facts relating to Hernandez’s murder trial, but because of the challenge to the systemic exclusion of Mexican Americans from Texas juries. In other words, Hernandez objected that his fate would be decided by an all-white jury, which could not be a jury of his peers based on the Jim Crow-like discrimination that existed in his community.

At the pre-trial hearing, Hernandez’s attorney raised an objection to the entire proceeding on that basis. The objection was overruled and the trial proceeded. Hernandez was convicted after just four hours of deliberations and sentenced to life in prison. Hernandez’s attorneys appealed.

On appeal, the Hernandez attorneys continued to argue that although Mexican Americans were classified as white they were “a class apart” and subject to unequal treatment under the law. The lawyers argued, “We’re white, but we’re a class apart. We’re a distinct class that though white, is being treated as if we’re not white.” The Texas appellate courts were not persuaded, so the lawyers took the case to the Supreme Court, and a *writ of certiorari* was granted.

The State of Texas argued that Mexican Americans were white and therefore outside the protection of the Fourteenth Amendment. The Supreme Court recognized “The State of Texas would have us hold that there are only two classes – white and negro – within the contemplation of the Fourteenth Amendment.”⁴

The Hernandez lawyers, on the other hand, were tasked with educating the eastern-born justices about the plight of the Mexican American in the southwest. Ian Haney-Lopez, Professor of Law at University of California at Berkeley (Boalt Hall School of Law), comments that “The lawyers in Hernandez needed to argue that the 14th Amendment protected Mexican Americans to a court that had barely ever heard of Mexican Americans.” For example, the justices asked questions such as “Can Mexican Americans speak English?” and “Are they citizens?” After an eloquent oral argument, the justices were unanimously persuaded: “The exclusion of otherwise eligible persons from jury service solely because of their ancestry or national origin is discrimination prohibited by the Fourteenth Amendment.”⁵ The decision was the beginning of the breakdown of a rigid social code that relegated Mexican Americans to second-class citizenship. **NL**



1 Arechederra Hall is a shareholder with Littler Mendelson, P.C., and specializes in employment and labor law.
2 347 U.S. 475 (1954).

3 347 U.S. 483 (1954).
4 347 U.S. at 477.
5 Id. at 479.