**Notes on *A Class Apart* (documentary about Hernandez v. Texas**

**Additional reference:** [**https://tshaonline.org/handbook/online/articles/jrh01**](https://tshaonline.org/handbook/online/articles/jrh01)

As part of the treaty in 1848 that ended the Mexican-American War, Mexican-Americans living in Texas were granted U.S. citizenship. Though they were of mixed Spanish and Indian ancestry, in Texas they were considered white by law.

By the 1950s, Mexican-Americans in Texas continued to live a segregated and almost “invisible” (to whites) existence. Segregation for Mexican-American was by social practice, not by law as it was in the South for African-Americans. Even funeral parlors refused to perform burials for Mexican-American citizens. Mexican Americans suffered from separate-but-unequal status in education, as well, with their children attending dilapidated schools, many without indoor plumbing.

When World War II ended, many of the 300,000 Mexican-American veterans of the War returned home expecting equality as a reward for their service to their country. They were disappointed. A low point for the Mexican-American community in Texas was when veteran Felix Longoria’s body was refused services and burial by the funeral home in Three Rivers, TX.

The League of Latin American Citizens (LULAC) and the Mexican-American GI Forum were two organization that worked to achieve equal rights for Mexican Americans in Texas.

Gus Garcia and Carlos Cardenas were two attorneys who had won victories in local courts that advanced the civil rights of Mexican-Americans. In cities and towns across Texas the local majority white power structure treated Mexican-Americans as second-class citizens. What was needed for the Mexican-American community was Constitutional protection under the 14th Amendment guarantees of equal protection, though at the time the Amendment was thought to refer to equal protection for two groups: whites and blacks. Mexican-Americans were, by law, considered white.

To mount a case that would challenge protection of Mexican-Americans under the 14th Amendment, Gus Garcia knew a test case was needed. He found one with the murder trial of Pedro “Pete” Hernandez who had shot and killed and acquaintance following a dispute in a bar in Edna Texas. There were witnesses to the shooting and it was apparent that Hernandez was “guilty as sin.” Garcia took on Hernandez as a client, but on the first day of trial, Garcia raised an objections: Hernandez was to be tried before an all-white jury. Garcia presented evidence that no Mexican-American had been allowed on a jury in Edna in at least 25 years, and that in 70 counties in Texas there was a systematic exclusion of Mexican-Americans from service on juries.

Garcia’s objection was raised to make the point that being denied a jury of his peers was fundamentally unfair to the defendant.

In Texas, it was an unwritten rule that to place Mexican-Americans on juries would allow them to sit in judgment on white citizens which would have implied equality and would challenge the existing social order.

To show a pattern of discrimination, Garcia presented evidence from a local Mexican-America mother whose children had been denied admittance to the white school.

Edna, TX in Jackson County also was among the so-called “sundown” cities in Texas: communities where minorities had to be out of the city limits by sundown under threat of violence. Garcia and his legal team had to return each night to Houston for their own safety.

Also, Garcia and his legal team were not allowed to use the men’s room in the courthouse building, but were directed to another restroom, located out on the courthouse grounds that was for persons of color. There was unmistakable irony that the state of Texas insisted that Mexican-Americans were legally white but required them to use restrooms, “for colored.”

The judge denied Garcia’s objection, stating that Hernandez was being tried by a jury of whites and that as a Mexican-American he WAS white. Hernandez was found guilty and sentenced to life in prison.

Garcia and his team appealed Hernandez’ case to the Texas Court of Criminal Appeals. The Texas Court of Criminal Appeals denied to hear the appeal and upheld Hernandez’ conviction.

Next step: the U.S. Supreme Court.

The case got off to an inauspicious start when the justices showed a shocking lack of knowledge about Mexican-Americans in Texas. Their questions to Garcia and his team included: “Can they speak English?” “Are they citizens?” Justice Felix Frankfurter went so far as to exclaim, “They call them greasers down there, don’t they? Gus Garcia gave the Court a crash course on the history of Mexican-Americans in Texas.

Arguing for the State of Texas, the Texas Attorney General argued that Mexican-Americans are white and outside the protection of the 14th Amendment.

The Hernandez team argued that Mexican-Americans may legally be considered white, but in fact, they were “a class apart,” and thus should have protection of the 14th amendment guarantees of due process and equal protection

The Court’s decision came on May 3, 1954, reversing the lower court’s decision as Pete Hernandez’ due process rights were violated when he was denied a jury of his peers. (At retrial, Hernandez was tried by jury of his peers and found guilty).

Garcia’s team won the right for Mexican-American’s to be seated on juries. But beyond that victory, *Hernandez v. Texas* established that Mexican-Americans were indeed a class apart and protected under the provisions of the 14th amendment.

Garcia and his team were celebrated throughout the Southwest. Mexican Americans were no longer second-class citizens under the law. The *Hernandez* decision established a precedent for subsequent legal victories for Mexican-Americans in the areas of employment, education, housing, voting rights, and electoral politics.