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## Lopez v. Seccombe: The City of San Bernardino's Mexican American Defense Committee and Its Role in Regional and National Desegregation

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***Lopez v. Seccombe:***  
**The City of San Bernardino's Mexican American  
Defense Committee and Its Role in Regional and  
National Desegregation**

BY MARK OCEGUEDA

ABSTRACT: *This article examines Lopez v. Seccombe, one of the earliest successful desegregation court cases in United States history. The legal challenge was decided in 1944 in the City of San Bernardino, California and desegregated city parks and recreational facilities, specifically the Perris Hill "plunge" or pool. The decision of this case set precedent for other local desegregation challenges, including the much more celebrated Mendez v. Westminster decision in 1947, and eventually had influence on the landmark Supreme Court decision of Brown v. Board of Education in 1954. This study will focus on the Mexican American barrio in San Bernardino's Westside, the city's Mexican American Defense Committee, and the city's discriminatory policies against Mexican Americans that eventually led to the legal challenge. Such an examination contributes to historians' understanding of segregation and the eventual legal victories in desegregation by situating the social aspects that surrounded Lopez v. Seccombe. More attention should be paid not only to the cases that led to the landmark case of Brown v. Board, but also to the context in which these cases developed. Major Supreme Court decisions rarely come to pass suddenly; they usually arise through a long journey of precedents and legal challenges that force an evolution in legal philosophy. Mexican American communities played a unique role in desegregating their communities and contributed toward the national process of desegregation through legislative and judicial means.*

*Lopez vs. Seccombe*

On August 1, 1943, the Mexican American Defense Committee of San Bernardino held a meeting to discuss strategies to combat discriminatory practices Mexicans and Mexican Americans faced on a daily basis in the city of San Bernardino, California. During this period, Mexican children in San Bernardino could only attend segregated schools, and the Mexican population of San Bernardino could only use public pools on Sunday, the day before the pools were drained and cleaned. The Mexican American Defense Committee met at San Jose Hall on Fifth Street and Pico Avenue. Eugenio Noguerras, Mexican American Defense Committee organizer and editor for a local Spanish language newspaper, *El Sol de San Bernardino*, presided over the meeting.<sup>1</sup> The members at the meeting decided to confront the city about the explicit role it played in the inequitable and discriminatory treatment that Mexicans living in the Westside *barrio*, specifically along Mount Vernon Avenue, suffered due to the City's segregation policies. On August 19<sup>th</sup>, the Mexican American Defense Committee sent a letter to Mayor W.C. Seccombe and the City Council demanding that Mexicans be allowed to use the municipal pool at Perris Hill Park. The letter had local support, including that of Tommy Richardson, the City Recreation Supervisor for baseball games held on Mount Vernon Avenue. When the City rejected the Defense Committee's demands, Ignacio Lopez, editor of *El Espectador*, another local Spanish language newspaper, and members of the Mexican American Defense Committee filed a class action lawsuit against the Mayor and the City Council.<sup>2</sup>

The results of the ensuing court case, known as *Lopez v. Seccombe*, served as legal precedent for future court cases, especially the landmark *Mendez v. Westminster*, a school desegregation case that took place in Orange County in 1947. The San Bernardino case successfully desegregated local parks, pools, and recreational facilities in the City on grounds that segregation was unconstitutional under the Fifth and Fourteenth Amendments

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<sup>1</sup> Mario T. Garcia, *Mexican Americans: Leadership, Ideology, and Identity, 1930-1960* (London: Yale University Press, 1989), 88.

<sup>2</sup> Retired professor Manuel R. Delgado writes about growing up in his hometown of San Bernardino in *The Last Chicano*. Manuel Delgado, *The Last Chicano: A Mexican American Experience* (Bloomington, Indiana: Author House Press, 2009), 13.

– one of the first times that the argument was used to desegregate a public facility other than a school. Specifically, the *Lopez* case used the argument that the Mexican community paid taxes for public parks and recreational sites and should benefit equally from those publicly-funded facilities. Before analyzing the significance of these court cases in-depth, it is important first to examine the conditions that led to *Lopez v. Seccombe*.

*Looks Like Mexico's Moved In! The Westside barrio of San Bernardino*

During the 1880s, San Bernardino became a significant trading center with the establishment of railroads. By the early twentieth century, the Santa Fe railroad began to double-track its line as citrus groves and irrigation became more prominent in San Bernardino. As these industries grew, there was a greater need for unskilled labor that included ditch diggers, track workers, and fruit pickers. Since Anglos<sup>3</sup> filled the skilled labor positions, Mexicans were recruited to work menial labor jobs because they were seen by employers as “tractable, easily moved, and willing to work for low wages.”<sup>4</sup> San Bernardino’s Santa Fe Railroad Depot, the nearby city of Colton’s Southern Pacific Railroad operation, and the growing citrus industry, which had boomed throughout the towns of inland Southern California during the 1880s, all demanded an unskilled labor force. At the time, Mexicans, Italians, blacks, and Chinese mostly served as the unskilled labor force in San Bernardino. Chinese exclusion played a role in transforming the Westside into an almost exclusive Mexican

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<sup>3</sup> I will use the term Anglos throughout this work to refer to white Americans, specifically those of Anglo-Saxon descent. In the historiography of Mexican American history, the term Anglo has been used constantly to discern white Anglo-Saxon Americans from Irish or Eastern European immigrants, because “white” identity at the time was still being developed. Additionally, the terms of “Mexican” and “Mexican American” are used to differentiate Mexican immigrants and Mexican Americans, whose constitutional rights theoretically should have been protected. At times the term “Mexican” will just be used to refer to both Mexicans and Mexican Americans.

<sup>4</sup> Ruth Tuck, *Not With the Fist* (New York: Harcourt, Brace, and Company, 1946), 38.

*barrio*. As Chinese residents moved out of the Westside of San Bernardino, an influx of new Mexican immigrants filled vacant jobs that were left as the number of Chinese immigrant laborers declined. As a result of the shifting demographics of laboring populations, the segregated Westside of the city along Mount Vernon Avenue became home to a concentrated population of Mexicans.

The combination of various factors, such as geographical proximity of Mexico to the Southwest and San Bernardino, low-paying labor positions that were available to Mexicans, and volatile political conditions in Mexico all provided push and pull factors for Mexicans to continue migrating into the inland Southern California region. The Southwest's adjacency to Mexico made it convenient for employers to recruit Mexicans for temporary positions. Employers took advantage of existing cyclical migration patterns and reinforced them while at the same time ignoring the role that they played in perpetuating a lack of permanence among Mexican laboring populations. They both enjoyed the benefits of having access to a temporary labor pool and chided Mexicans for their lack of permanence. This sentiment proved to be prevalent among Anglos in San Bernardino where in the initial stages of the Mexican migration northward they, according to anthropologist Ruth Tuck, "cherished the illusion that its new Mexican population was not going to be very permanent. Some day when the work was all done, they would 'go home.'"<sup>5</sup> Moreover, the first half of the twentieth century witnessed the emergence of American employment agencies that would enter Mexico and recruit workers for U.S. labor purposes. Anglo labor recruiters would also be located in border towns, such as El Paso, where they provided Mexican workers with low-paying labor jobs on railroads, in factories, and on farms throughout the Southwest, including San Bernardino.<sup>6</sup>

Factors that pushed Mexican migration north included the unstable economic and political conditions in Mexico. Mexico

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<sup>5</sup> Tuck, *Not With the Fist*, 39.

<sup>6</sup> George J. Sanchez, *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900-1945* (New York: Oxford University Press 1993), 20.

during the nineteenth century had been ravaged by constant wars and political and ideological instability that failed to unite the nation and establish a stable economy. During President Porfirio Díaz's reign (1876-1911), agrarian reforms left thousands of Mexican peasants landless. The transition to exporting food crops also severely decreased the supply of Mexico's staple foods and inflated their prices, causing many peasants in Mexico to live on the brink of starvation. Landless and without food, thousands of Mexican peasants were compelled to join the migration northward in order to survive.<sup>7</sup> One of the major historical events that pushed Mexicans north was the 1910 Mexican Revolution. Many Mexicans fled the country to escape the chaos and violence of the revolution. Manuel Delgado, a native of San Bernardino, recalled his grandmother's journey to San Bernardino:

During... the revolution of 1910, Mexico was a dangerous place, especially for beautiful young women, so *Mama Lupe* was sent to live... with friends in the United States. She came first to Albuquerque, New Mexico... and, in 1921, moved to San Bernardino's Mt. Vernon district.<sup>8</sup>

Violence and political instability in Mexico remained on-going factors that caused Mexicans to emigrate north into the towns and cities of the Southwest including San Bernardino.

Although there had already been an established Mexican community in San Bernardino before large numbers of new migrants arrived, the continued influx of significant numbers of new Mexican immigrants contributed to the development of a well-established, self-contained Mexican *barrio*. Between 1890 and 1900, San Bernardino's census recorded 69 foreign-born Mexican residents; however, by 1910 the city had experienced exponential growth and recorded 888 foreign-born Mexicans in San Bernardino. By 1930, census figures continued to mark an increase of foreign-born Mexican residents and recorded nearly 2,500 Mexicans living in the City.<sup>9</sup> An Anglo resident living in

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<sup>7</sup> Sanchez, 20.

<sup>8</sup> Delgado, 2-3.

<sup>9</sup> Tuck, 38.

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San Bernardino during this period of growth stated the following about the growing Mexican population:

I was working near the depot on a grading job and I used to see them getting off the cars. I'd seen Mexicans all my life but these sure looked different. Half of 'em had blankets on and sandals on their feet. Some of 'em wore funny big hats and some wore funny little ones. There were women with their arms full of babies and bundles. They'd mill around and jabber all excited, for a while, and then they'd stand still and look scared... there were a lot of them! I said to my partner, '*Looks like Mexico's moved in!*'<sup>10</sup>

The influx of Mexican immigrants into the Southwest and their eventual establishment in the *barrios* would set the stage for segregation. As the description above makes clear, Anglo-Americans' attitudes toward the existing population of Mexican Americans were shaped by the large influxes of new Mexican migrants and their perceptions that these immigrants represented not only a non-white population but also a distinctly foreign class of people.

Throughout the decades from the end of the nineteenth century into the beginning of the twentieth, pseudo-scientific views and racial philosophies reinforced Anglo-American fears of 'the other' and validated the gradual construction of racial barriers in San Bernardino. Although racist ideas were not quite as menacing to the Mexican in the early 1900s, historian David Gutierrez explained that "by the mid-1920s many Americans were beginning to conclude that Mexicans were inferior even to the lowliest European immigrant."<sup>11</sup> In 1928, Congressman John Box called for exclusion of Mexican immigrants because they were "a mixture of Mediterranean-blooded Spanish peasant[s] with low-grade Indians

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<sup>10</sup> Tuck, 38.

<sup>11</sup> David G. Gutierrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley and Los Angeles: University of California Press, 1995), 53.

who did not fight to extinction but submitted and multiplied as serfs.”<sup>12</sup> Vanderbilt University economist Roy L. Garis also expressed similar views held by Americans during the time and noted that Mexicans were characterized as possessing “minds that run to nothing higher than the animal functions--- eat, sleep, and sexual debauchery” and that if immigration restriction did not materialize, Americans would risk “a lowering of our standards of morals and of our political and social ideals; the creation of a race problem that will dwarf the negro problem of the South; and the practical destruction, at least for centuries, of all that is worthwhile in our white civilization.”<sup>13</sup> These emerging racial ideologies the Anglos developed about Mexicans would become the foundation for justifying segregation on the local level in communities throughout the Southwest.

As Mexicans established themselves in the San Bernardino *barrio*, they soon became targets for the pseudo-scientific views of white Americans at a period of time when racist philosophies were at their peak in American history. For example, anthropologist Ruth Tuck noted:

[San Bernardino]<sup>14</sup> was immediately convinced... that no immigrant group had ever been so ‘low’ or so ‘dumb... The [Mexicans] were uniformly low intelligence... (Poorly used testing devices, applied to bi-lingual school children were later to give this estimate a great air of ‘scientific’ validity, but it doubtless would have been made anyway.) They lived like animals, produced too many children,

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<sup>12</sup> John Box. “Congressman John Box Objects to Mexican Immigrants, 1928,” quoted in Jon Gjerde, ed.: *Major Problems in American Immigration and Ethnic History* (New York: Houghton Mifflin Company, 1998), 287.

<sup>13</sup> Gutierrez, 54-55.

<sup>14</sup> Note that in Ruth Tuck’s history of San Bernardino, *Not With The Fist*, she referred to the city as “*Descanso*” in order to fulfill a theoretical argument in which she asserted that a *descanso* “was a spot at which [Spanish] parties stopped to refresh themselves” in the days of Spanish exploration. For the Mexican American during the 1940s, the period in which Tuck’s work was written, “*Descanso*”, or San Bernardino, could therefore represent a “stop-over on the journey toward complete assimilation into and acculturation with American society.” Tuck, xviii.



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wasted their earnings on drink, and never took thought of the morrow.<sup>15</sup>

These racist views against Mexicans in San Bernardino further help to explain why segregated policies came into practice. Anglos would certainly want to distance themselves from Mexicans because of these social and racial anxieties.

The Westside of San Bernardino developed into a *barrio* by the late 1920s along Mount Vernon Avenue between Fifth and Ninth streets. During the 1920s, this rural area consisted of a mixed community of Mexicans, Italians, Chinese, and a few Anglos. As the decade rolled along and the Mexican population began to grow, they would further populate the Mount Vernon district. Anglo residents, in an effort to exclude Mexicans from settling permanently, began to call for restrictions against selling homes to Mexicans. Anglos living north of Ninth Street appealed to the City Council to restrict Mexican home ownership because “property owners on *both* sides of 9<sup>th</sup> street had agreed to restrict their property to whites only.” The City Council responded by introducing policies to increase the value of homes in order to prevent Mexicans from affording them by improving sewers, curbs, and sidewalks.<sup>16</sup> This provides an example of City efforts to racially segregate residents through methods less often recognized. The City made efforts not only to confine Mexicans to a particular area, but began a ghettoization process of the area by improving neighboring sections of the town to elevate property values of white residents and economically excluding others. This is a strong example of how segregation did not just hinder the inclusion of others but materially uplifted the white population.

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<sup>15</sup> Tuck, 38.

<sup>16</sup> Delgado, 7.



Figure 1. Mount Vernon Avenue facing North during the 1950s. San Bernardino, CA, (Courtesy of Manuel Delgado).

Once the influx of Mexican residents could not be prevented in the Mount Vernon district, city officials soon neglected the area. For example, in 1947, more than 650 residents signed a petition to add stop signs and appropriate traffic lights along Mount Vernon Avenue because of traffic incidents that had resulted in multiple deaths of residents in the Mount Vernon district.<sup>17</sup> This neglect to protect the security of residents could also be seen in 1944, when G.E. Carlson ran for city council in San Bernardino's Fifth Ward, which contained the Mount Vernon district. Carlson commented on the underdevelopment of the Mount Vernon district and lack of security provided by City officials:

The... district needs more police and fire protection. The merchants and responsible people of that area want it. Mt. Vernon is a main artery of transcontinental traffic [referring to Route 66 that ran along the district] and lacks adequate police protection. We have a problem of juvenile irresponsibility in this ward. Restrictive measures alone will not cure it. This problem deserves

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<sup>17</sup> Ignacio Lopez, *El Espectador*, 13, no. 18 (May 23, 1947), California Polytechnic University, Pomona Microfilm.

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solving at its source--- that is adequate recreational and other facilities to take care of excess energies of young people. Where is the plunge<sup>18</sup> that was promised this ward?<sup>19</sup>

The comments that G.E. Carlson provided about the Mount Vernon district suggested that city officials neglected the area through a variety of means: lack of development, refusal to provide adequate recreational facilities, and a lack of police and firefighters. The fact that Ignacio Lopez and the Mexican American Defense Committee chose segregation in recreational facilities as the focus of their lawsuit against the city is significant when placed in context of their overall battle for equitable treatment. In other words, the case of *Lopez v. Seccombe* was not only about desegregation but also about the fact that the City had completely neglected the Mount Vernon neighborhood in nearly every respect.

Another effort to exclude Mexicans in the Mount Vernon district from city development came in 1956 with the construction of Interstate 215. Two important off-ramps, according to Manuel Delgado, “at 5<sup>th</sup> Street and Baseline, [led] to Downtown, away from the *barrio*” and “effectively diverted all the traffic from Route 66 and the businesses along Mt. Vernon Avenue.”<sup>20</sup> The building of the freeway cut off economic opportunities for Mexicans in the Mount Vernon district by diverting potential consumers into the downtown area. In addition, Mexicans would also experience restricted economic mobility as the jobs available to them paid low wages. Low-paying positions at the Santa Fe Railroad, agricultural labor jobs, and other menial labor offered minimum wages to Mexicans with no benefits. As the *barrio* became increasingly Mexican, the city used various methods to further segregate Mexicans into the Mount Vernon district and eventually prevented any development in the area by funneling economic development into other sections of the City. A pattern of

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<sup>18</sup> Swimming pool.

<sup>19</sup> *San Bernardino Sun*, 1944. California State University, San Bernardino Microfilm.

<sup>20</sup> Delgado, 1.

economic neglect would contribute towards the Mexican American Defense Committee's demands for justice on behalf of San Bernardino's Mexican residents.

City officials also segregated the African American residents of San Bernardino. Most African Americans were located in the southern section of San Bernardino off of Waterman Avenue known as the Valley Truck Farms area. When accusations of deliberate residential exclusion of blacks arose, real estate developers responded by stating that the sale of lots had no restrictions on the homes and that any race could buy; however, according to Ruth Tuck, they "were fully aware that without the restriction, whites would not risk buying a lot for fear of having a black neighbor."<sup>21</sup> Tuck also noted that the housing segregation for African Americans was severe; blacks were confined to certain areas in southern San Bernardino and many would never consider buying or renting a home in the northern part of town where whites primarily lived. In addition, employment was also severely restricted as blacks were channeled into menial service trades, such as porters, elevator operators, dish washers, and other cheap labor positions.<sup>22</sup> By the late 1920s, the City of San Bernardino had established a racially divided city. Mexicans lived in the Westside *barrio* along Mount Vernon Avenue, African Americans were living in the Southern section known as the Truck Valley Farms area, and Anglos lived primarily in the northern part of the city. The plight of the African Americans in San Bernardino is useful for comprehending the injustices the City committed against ethnic minorities and helps to explain why opposition to those injustices emerged.

It should also be noted that many Mexicans preferred to live in the *barrio*. According to historian Albert Camarillo, the *barrio* allowed the Mexican American communities of the Southwest to function "within a closed Mexican social universe. Faced with their new-found status as a segregated minority and confronted by a hostile outside world, the Mexican community entered a phase of social change and adaptation... [that] ensured

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<sup>21</sup> Delgado, 7.

<sup>22</sup> Tuck, 46.

the continuity of Mexican society” in California.<sup>23</sup> This positive aspect of the segregated *barrio*, as David Gutierrez has persuasively argued, allowed Mexican Americans to:

Transform Anglo Americans’ efforts to stigmatize them as racial inferiors into a positive strategy of self-affirmation as Mexicans in American society. At the same time, Mexican Americans’ success in generating such new bases for solidarity went a long way toward guaranteeing the survival and growth of a distinct, if syncretic, variant of Mexican culture in what had become part of the United States. This was the last thing the proponents of Manifest Destiny had in mind when they had predicted the eventual fading away of the region’s ethnic population... Americans planted the seeds of continuing ethnic discord in the region.<sup>24</sup>

If the *barrio* allowed for the survival and growth of the Mexicans and for a strategy of self-affirmation as Gutierrez contends, then it would almost certainly lead to a path of resistance against discriminatory Anglo policies. As racial hostilities increased, Mexican Americans found power in solidarity and through the maintenance of their own communities. The persistence and even the growth of *barrios* throughout the Southwest was not merely a function of white racism against Mexicans but a strategic defense on the part of Mexican Americans. This helped give rise to the Mexican American Defense Committee in San Bernardino and to leaders like Eugenio Noguera and Ignacio Lopez who pushed the legal envelope in an effort to overturn discriminatory practices.

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<sup>23</sup> Albert M. Camarillo, *Chicanos in a Changing Society: From Mexican Pueblos to American Barrios in Santa Barbara and Southern California, 1848-1930* (Cambridge: Harvard University Press, 1979), 53-54, quoted in Gutierrez, *Walls and Mirrors*, 22.

<sup>24</sup> Gutierrez, *Walls and Mirrors*, 37-38.

*School Segregation in San Bernardino and Early Resistance by the Mexican American Community*

In addition to being economically excluded and residentially segregated, Mexicans living in San Bernardino and other towns in the inland region of Southern California suffered from typical forms of segregation as well, such as segregation in schools. In 1874, newly arriving Anglos in Riverside, a town in inland Southern California, created the Trujillo School District to serve the Mexican community of La Placita. The Riverside City School Board maintained that all children must attend the school in the attendance precinct in which they lived. The school board's ruling was a response to the increasing Mexican immigrant families that worked the line crews of the Santa Fe and Southern Pacific Railroad and the subsequent increased enrollment of immigrant children within Riverside schools.<sup>25</sup> The Riverside City School board would reaffirm this decision again in 1906. The Casa Blanca School of Riverside provides evidence of early educational discriminatory policies against Mexicans and an example of segregation through means of residential exclusion. The Trujillo school district in Riverside was not alone in inland Southern California and the Southwest with its discriminatory educational policies. By the mid -1930s, roughly 85 percent of school districts in the Southwest were segregated.<sup>26</sup>

Another example of school segregation in the inland region of Southern California can be seen in Ontario. In 1921, Chaffee Union High School Superintendant, Merton Hill, recommended that a new school site be built for Mexican children in the

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<sup>25</sup> National Park Service, "Five Views: An Ethnic Historic Site Survey for California (Mexican Americans): A History of Mexican Americans in California: Casa Blanca School," [http://www.nps.gov/history/history/online\\_books/5views/5views5h10.htm](http://www.nps.gov/history/history/online_books/5views/5views5h10.htm) (accessed June 11, 2009).

<sup>26</sup> Gilbert G. Gonzalez, "The System of Public Education and Its Function Within the Chicano Communities, 1910-1930" (Ph.D. diss., University of California, Los Angeles, 1974), quoted in Gilbert G. Gonzalez, *Chicano Education in the Era of Segregation* (Philadelphia: The Balch Institute Press, 1990), 20-21.

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southeastern part of Ontario.<sup>27</sup> In addition, the *San Bernardino Sun* reported in 1922 that

Children living west of Euclid Avenue and north of Fifth Avenue should attend school at San Antonio building. Children living east of Euclid Avenue and north of Southern Pacific Railroad should attend school at Central building. All other children, except Mexicans, in the Ontario School district, should attend school at South Euclid building. Mexican pupils in the first three grades will report to Sultana school.<sup>28</sup>

These examples show clearly that during the early twentieth century, segregation was intrinsically linked to residential segregation in the inland region of Southern California. Historian Gilbert G. Gonzalez has further commented on the issue and stated that:

As the pattern of Mexican residential segregation into *colonias* developed, school segregation followed... segregation reflected and recreated the social divisions within the larger society formed by residential segregation, labor and wage rate differentials, political inequality, socioeconomic disparities, and racial oppression... Education for the Mexican community therefore meant change as well as the preservation of their subordination.<sup>29</sup>

Mexicans in inland Southern California and San Bernardino had thus been structurally separated into a group of people who had been cut off geographically, excluded from city services, and

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<sup>27</sup> Mary M. Peters, *The Segregation of Mexican American Children in the Elementary Schools of California: Its Legal and Administrative Aspects* (Master's thesis, University of California, Los Angeles, 1948), 37, quoted in Gonzalez, *Chicano Education*, 21.

<sup>28</sup> *San Bernardino Daily Sun*, Friday, September 15, 1922, 10. "Assignment for Schools Given: Full Roster Obtained for Opening of Grammar Grades Monday." California State University, San Bernardino Microfilm.

<sup>29</sup> Gonzalez, 21.

separated in public schools. This amounted to total segregation for Mexicans and depicts the depth of discrimination that Mexicans experienced in San Bernardino and the Southwest.

In San Bernardino, events surrounding Ramona Elementary in the Mount Vernon *barrio* provide early examples of resistance by the Mexican community towards discriminatory educational policies. In 1926, a new site was built for Ramona Elementary school. The fifth grade students that attended the old Ramona Elementary school building were excited about the prospect of attending Sturgis Junior High School in downtown San Bernardino after completing the sixth grade. They had been particularly excited about attending school with Anglo students for the first time. After graduating from Ramona Elementary, school officials notified their parents that the district planned to hold back the students of Ramona Elementary for one more year because of supposed overcrowding at Sturgis Junior High School, forcing them to repeat the sixth grade. The parents, students, and some teachers protested before the school board to let the sixth grade students enter Sturgis Junior High School; however, the sixth grade students would have to repeat the same grade at Ramona Elementary the following year.<sup>30</sup> Although the Mexican community of San Bernardino did not succeed in getting their children reassigned from Ramona Elementary to Sturgis Junior High School, they would prove to be the first Mexican Americans to resist unequal policies in the city.

Additionally, when the new Ramona Elementary site was built in 1926, school officials built it to serve as a vocational training site for Mexican students that would “lead to habits of thrift and industry, and to the ability to make necessary contacts with the industrial world.”<sup>31</sup> Vocational education would be offered to Mexican children through fourth and sixth grades. This educational experiment remained in practice through the 1931-1932 school year. School officials believed that vocational training benefitted Mexican school children because Mexican pupils were, according to school officials, “becoming retarded in academic

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<sup>30</sup> Delgado, 14.

<sup>31</sup> Annie Reynolds, *The Education of Spanish-Speaking Children In Five Southwestern States* quoted in Carlos E. Cortes, ed.: *Education and the Mexican American* (New York: The Arno Press, 1974), 53.



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subjects” and “vocational opportunities [might] open [them to] become interested in remaining in school in order to make furniture or cook and sew.”<sup>32</sup> Gilbert Gonzales has also noted that educators who advocated segregation supported vocational training that could Americanize the children in a controlled cultural and linguistic atmosphere and train them for occupations that Anglos considered best suited for them.<sup>33</sup> Ramona Elementary offers an example of the effort to provide vocational training in a segregated environment.



Figure 2. Ramona Elementary Class photo, 1947. San Bernardino, CA, (Courtesy of Manuel Delgado).

One justification for segregating Mexican students in San Bernardino dealt specifically with language. As Mexicans became demographic minorities to Anglos in the decades following the end of the U.S.-Mexico War in 1848, English became the primary language used in the political, economic, and educational realms. In 1923, the *San Bernardino Sun* reported that County Superintendent Ida M. Collins would give “the study of English...

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<sup>32</sup> Reynolds, 53.

<sup>33</sup> Gonzalez, 22.

special emphasis during the 1923-24 scholastic year.”<sup>34</sup> Collins justified segregation of Mexican children on the grounds that the Spanish-English language barrier impeded their learning capabilities and separation was necessary in order to help the children learn English. In 1929, students, parents, and the Mexican consulate protested unsuccessfully to Collins concerning the school board’s efforts to segregate Mexican and black children at De Olivera Elementary School.<sup>35</sup> Just as in 1926, when students and parents protested against holding the sixth grade Mexican students back a year, the Mexican community once again responded in a unified effort to prevent further discriminatory policies from being implemented.

The reasons for the segregation of Mexican students had deeper underlying causes than just an English-Spanish language barrier. One of the prominent writers on Mexican American education, George I. Sanchez, concluded that Anglos believed “that a foreign home language is a handicap, that somehow children with Spanish as a mother tongue were doomed to failure-- in fact, they were, *ipso facto*, less than normally intelligent.”<sup>36</sup> Indeed, one of the reasons Anglos segregated Mexican children had to do with racial stereotypes that cast Mexicans as inferior and less intelligent. In 1920, a San Bernardino school teacher stated that segregation of Mexican children resulted from public opinions within the Anglo community that was “based largely on the theory that the Mexican is a menace to the health and morals of the rest of the community.”<sup>37</sup> In addition, Chaffee Union Superintendent Merton Hill justified segregation on grounds “that Mexican children advance more rapidly when grouped by themselves,” and thus profited “most by the instruction offered in such classes.”<sup>38</sup>

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<sup>34</sup> *San Bernardino Sun*, March 25, 1923. California State University, San Bernardino Microfilm.

<sup>35</sup> Francisco A. Rosales, *Chicano! The History of the Mexican American Civil Rights Movement* (Houston: Arte Público Press, 1996), 70.

<sup>36</sup> George I. Sanchez, *History Culture and Education* quoted in Julian Samora, ed.: *La Raza: Forgotten Americans*, (South Bend: University of Notre Dame Press, 1966), 15.

<sup>37</sup> Gracey C. Stanley, “Special Schools for Mexicans.” *The Survey* 44 (September 15, 1920), 714 quoted in Gonzalez, *Chicano Education*, 24.

<sup>38</sup> Merton E. Hill, *Development of An Americanization Program* (Ontario, Calif.: Union High School District, 1928) quoted in Gonzalez, *Chicano Education*, 24.

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These examples illustrate that many Anglo educators considered separate education beneficial to the Mexican community; however, according to Gilbert Gonzalez, “these shallow arguments masked the same prejudices that motivated the overt racists.”<sup>39</sup> Arguments, such as language barriers and the underlying racist reasons all intertwined to create the segregation policies in San Bernardino that would meet resistance from the Mexican American community.

The resistance to Ramona’s sixth grade students’ injustice and the incident between Superintendent Ida Collins and the Mexican parents in San Bernardino served as early examples of community resistance against discriminatory policies. Another example of resistance would occur again in 1940, when the registrar at Mount Vernon Elementary refused to enroll children at the school on the basis of language and race. Manuel Delgado recalled a confrontation between his *tía* Agapita and the registrar at Mount Vernon Elementary when her niece’s children had been denied enrollment into the school:

*Tía* Agapita: I want to enroll my niece in this school.

Registrar: I can’t accept them here because Mexican children have to go to Ramona Elementary.

*Tía* Agapita: But I see some Mexican kids out there.

Registrar: They speak English already. Besides, they live in this district.

*Tía* Agapita: Well, my niece speaks English too and we also live in this district.

Registrar: I’m sorry.

After this discussion, Agapita asked to see the Principal and the registrar eventually acquiesced and stated that Agapita’s niece could be enrolled only if she was to be helped with her studies in order to keep up with the other children.<sup>40</sup> These types of occurrences that surrounded Ramona Elementary School from the 1920s into the 1940s would eventually contribute to the formation

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<sup>39</sup> Gonzalez, 24.

<sup>40</sup> Delgado, 8-9.

of Mexican American self-help organizations that would seek to achieve civil rights for the Mexican community in San Bernardino.

*Ignacio Lopez and San Bernardino's Legal Challenge for Civil Rights, Lopez v. Seccombe (1944)*

The movement to desegregate parks and recreational facilities in San Bernardino began in 1943 when John H. Milor, Principal of Alessandro Junior High School, stated that racial prejudice against Mexicans by whites was a real problem in the city. He blamed segregated parks and pools for the recent outbreak of San Bernardino's own Zoot Suit gangs, similar to those that emerged in Los Angeles. Milor also advocated the building of another pool for Mexicans in the Mount Vernon *barrio* because of their non-admittance into the Perris Hill Park Pool.<sup>41</sup> Mexicans at this time were only allowed to swim in city pools on Sundays, the day before the pool was drained and cleaned. Shortly after Milor's statements, Eugenio Noguera held the Mexican American Defense Committee meeting on August 1, 1943, that would send a letter to the City Council demanding Mexicans' admittance into the pool at Perris Hill Park. The letter was supported by various members of the Mexican community including Father Joseph Nuñez and Ignacio Lopez, editor of *El Espectador*.

Father Joseph Nuñez had crossed into the United States in 1926 from Zacatecas, Mexico, a place from which many Mexicans in the San Bernardino *barrio* had also emigrated. Nuñez took over Our Lady of Guadalupe Catholic Church on Pico and Spruce Street in 1937 and quickly became an outspoken leader for Mexican American struggles against injustices in San Bernardino.<sup>42</sup> A specific incident with Father Nuñez contributed toward the Mexican American Defense Committee's demand to desegregate parks and recreational facilities in the city. Ignacio Lopez wrote: "Last Tuesday afternoon Reverend J.R. Nuñez and three of the Mexican children of his parish were refused admittance to the San Bernardino Municipal Plunge because they were Mexicans... They were refused the use of a swimming pool which displays a bronze

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<sup>41</sup> Delgado, 13.

<sup>42</sup> Delgado, 11.

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plaque that says ‘no one is to be refused admittance because of race or color,’ and which was built with WPA [Works Progress Administration] money.”<sup>43</sup> When the city council rejected the Mexican American Defense Committee’s demands, Ignacio Lopez and other leaders of San Bernardino’s Mexican community filed a class action lawsuit against the city of San Bernardino.



Figure 3. Ignacio Lopez and *El Espectador*<sup>44</sup>

Ignacio Lopez was born in Guadalajara, Mexico in 1908 and raised in the United States. Lopez, from 1933 until 1961, ran *El Espectador*, his weekly Spanish language newspaper that served the Mexican residents of inland Southern California towns. *El Espectador* assisted Mexicans in fighting for greater civil rights on many fronts, such as: political integration, housing equality, school desegregation, and police brutality against Mexican Americans. Lopez would also help form the Unity Leagues in Southern California and vigorously encouraged civic participation by Mexican Americans because, as Mario García has noted:

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<sup>43</sup> Ignacio Lopez, *Wooing in the Dark* (undated column) quoted in Garcia, *Mexican Americans*, 88.

<sup>44</sup> *Pomona College Magazine*. 45, no. 3.

López spoke more for the attainment of the fruits of the American Revolution than the Mexican Revolution. Hence the concept or sense of permanency [among Mexican Americans]--- the United States being the home country--- and the recognition that one was an American citizen with all the rights pertaining to such citizenship strongly influenced the political ideology and activism of Mexican Americans.<sup>45</sup>



Figure 4. Ignacio Lopez, September 16, 1945<sup>46</sup>

Ignacio Lopez also helped to mobilize the Mexican American community by calling them to action. When a case of police brutality occurred in San Bernardino in the late 1940s, Lopez publicized the case against police officer John Epps for his role in the wrongful death of San Bernardino resident Ramon Rios. When talking about the death of Ramon Rios, Ignacio Lopez declared that “Johnnie Epps is not to blame,” but that the “guilty ones are all of us, who permit the police to become executioners of those they are supposed to serve.... We are the criminals.”<sup>47</sup>

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<sup>45</sup> Garcia, 85.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid., 92.

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Constant calls to action by Lopez helped mobilize Mexican Americans in San Bernardino and other Mexican communities in Southern California.

On September 1, 1943, Ignacio Lopez announced that he had contacted the nationally known civil rights lawyer and former United States Presidential candidate Wendell Willkie to represent the Mexican American Defense Committee.<sup>48</sup> Willkie, however, refused to take the case. Instead, Los Angeles based attorney David C. Marcus agreed to represent San Bernardino's Mexican community. On September 17, 1943, Marcus filed a class action lawsuit against San Bernardino Mayor W.C. Seccombe and the city council. The petitioners in the *Lopez v. Seccombe* case included Ignacio Lopez, Eugenio Noguerras, Father Nuñez, Virginia Prado, and Rafael Muñoz. Marcus made the argument that as tax payers and United States citizens, the Mexican Americans of San Bernardino were entitled to use parks and recreational facilities within the city and that non-admittance was unconstitutional under the Fifth and Fourteenth Amendments.<sup>49</sup> Mayor Seccombe denied the allegations and stated that under the city charter, the Mayor and City Council had the legislative "authority to acquire, own and maintain public libraries, common museums, gymnasiums, parks and baths."<sup>50</sup> Presiding Judge Leon Yanckwich ruled on behalf of San Bernardino's Mexican American Defense Committee and declared that segregation of swimming pools and other recreational facilities was unconstitutional under the Fifth and Fourteenth amendments. On February 5, 1944 Judge Yanckwich concluded:

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<sup>48</sup> Delgado, 14.

<sup>49</sup> *Lopez v. Seccombe*. Records of the District Court of the United States for the Southern District of California, RG 21. Southern California Central Division (Los Angeles). Civil Case Files 1938-1969. National Archives and Records Administration Pacific Region (Laguna Niguel), box 578, folder 3158.

<sup>50</sup> *Lopez v. Seccombe*, Defense, paragraphs I-III, 3. Records of the District Court of the United States for the Southern District of California, RG 21. Southern California Central Division (Los Angeles). Civil Case Files 1938-1969. National Archives and Records Administration Pacific Region (Laguna Niguel), box 578, folder 3158.

That respondents' conduct is illegal and is in violation of petitioners' rights and privileges as guaranteed by the Constitution of the United States... as particularly provided under the Fifth and Fourteenth Amendments. That petitioners are entitled to such equal accommodations, advantages, and privileges and to equal rights and treatment with other persons as citizens of the United States, in the use and enjoyment of the facilities of said park.<sup>51</sup>

At last, the organizing and resistance against discrimination paid off when Judge Yanckwich ruled in favor of the San Bernardino Mexican American Defense Committee. This was only the second case where a judge ruled against the segregation of Mexican Americans and the first case in which a judge did so with regards to public facilities other than schools. The *Lopez v. Seccombe* case thus marked a significant victory for San Bernardino and for all Mexican Americans fighting for similar rights throughout the Southwest.

After the case, an article in *El Espectador* stated that the legal victory resulted from the San Bernardino Mexican American Defense Committee's efforts to eliminate discriminatory policies. The article also noted that the City Council decided shortly thereafter to have San Bernardino merchants remove signs from their windows that stated "White Trade Only."<sup>52</sup> The *Lopez* decision marked the first time in history that the equal protection clause of the Fourteenth Amendment was used to uphold the rights of Mexican Americans.<sup>53</sup> This court case was a landmark decision for Mexican residents in San Bernardino and would later be used in the judgment of *Mendez v. Westminster*, one of the most significant court cases leading up to the Supreme Court's *Brown v. Board of Education* (1954), which ended de jure racial segregation in public schools.

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<sup>51</sup> Judgment, paragraph I. *Lopez v. Seccombe*, 71 F. Supp. 769.

<sup>52</sup> Garcia, 88.

<sup>53</sup> Richard R. Valencia, *Chicano Students and the Courts: The Mexican American Legal Struggle for Educational Equality* (New York: New York University Press, 2008), 25.



*Lopez v. Seccombe's Influence on Mendez v. Westminster (1947) and National Desegregation*

On March 2, 1945, attorney David C. Marcus filed a lawsuit on behalf of Gonzalo and Felicitas Mendez against the Westminster School District in Orange County, California. Gonzalo, born in Mexico, had become a U.S. citizen and had resided in California since the age of six. His wife, Felicitas, was born in Puerto Rico and therefore entitled to U.S. citizenship as well. The Mendez family experienced a similar incident to that of Agapita when she tried to enroll her niece's children into Mount Vernon Elementary in 1940. When the Mendez family attempted to enroll their three children into a local school, school authorities denied them admission because of their dark skin and Mexican last name. Gonzalo's sister, however, was able to gain admission for her children because they were fairer skinned and had the less evident Mexican surname of "Vidaurri." School officials informed the Mendez family that the children would have to attend the school established for Mexicans in another part of town.<sup>54</sup>

Soon after the incident, an outraged Gonzalo Mendez consulted attorney David C. Marcus, who had just won the *Lopez v. Seccombe* case in 1944. Marcus accepted the Orange County legal challenge because of its similarities to *Lopez*. He believed he could win using the same type of Fourteenth Amendment argument used in San Bernardino. The following is a discussion from the *Mendez v. Westminster* pre-trial between David C. Marcus and Federal Court Judge Paul J. McCormick, which brought the San Bernardino case into question:

*The Court:* I have been thinking a good deal about the procedure in this case. The case seems to be, as far as I can discover, sui generis. I don't believe

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<sup>54</sup> The Honorable Frederick P. Aguirre is a Superior Court Judge in the Lamoreaux Justice Center in Orange County, California and writes an excellent analysis on the *Mendez v. Westminster* trial and its affect at the national desegregation process. Frederick P. Aguirre, "Mendez v. Westminster School District: How It Affected Brown v. Board of Education," *Journal of Hispanic Higher Education* 4, no.4 (October 2005): 321, <http://jhh.sagepub.com/cgi/reprint/4/4/321> (accessed June 11, 2009).

there is any case in the books that parallels this case... I was hopeful that there might be some appeal to the State court primarily instead of bringing the case to the Federal Court ab initio. Counsel doesn't seem disposed to do that. The complaint did state a case, I think, under the modernized method of pleading in civil actions in the Federal Court. For that reason I thought that the motion to dismiss was not well taken. I will think that is true, but I was hopeful when I permitted the amicus curiae to come into the case that they would help us some. Instead of being friends of the Court, they seem to be onlookers. We have been trying to formulate some method whereby the time of everybody could be conserved in a case of this kind.

*Mr. Marcus:* Your Honor, there was a like suit in this court before Judge Yankwich<sup>55</sup>. The case involved - -

*The Court:* Well, that was the case that you called the Court's attention to. That was a consent judgment, as I recall it, wasn't it?

*Mr. Marcus:* That was after a hearing on the motion, your Honor.

*The Court:* Well, I have ruled on the motion. I have denied the motion.

*Mr. Marcus:* But the motion went to the respective capacities to sue. The same position as counsel has taken here was taken in that. That suit was brought by some four people on behalf of all the Mexican people of Mexican descent in San Bernardino County.

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<sup>55</sup> The Honorable Judge Yankwich ruled in the case the San Bernardino Case *Lopez v. Seccombe* (1944).

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*The Court:* That case wasn't analogous to this case.<sup>56</sup>

Despite the motion being denied during pre-trial to use the *Lopez* decision as a precedent for the *Mendez* case, Judge McCormick would eventually use it to justify the decision.

The final decision in *Mendez* came in 1946 and was the first federal court case in the country to state that separate schools for children of color was unconstitutional because they violated constitutional rights provided by the Fourteenth Amendment.<sup>57</sup> *Mendez* would eventually lead to the desegregation of public schools in California. On June 14, 1947, Governor of California, Earl Warren signed the bill to desegregate public schools. In the concurring majority decision of the *Mendez* case, the *Lopez* decision was mentioned to have a considerable influence on the outcome of the Orange County case. Circuit Judge Denman wrote:

I concur in what is said in the court's opinion but cannot agree with the omission of the consideration of *Lopez v. Seccombe*, so widely discussed in the profession... What our decision here does is to follow the precedent of Judge Yankwich's decision in the *Lopez* case... the priest and the two editors, suing for themselves as American citizens and eight thousand (8,000) other San Bernardino persons of Latin descent, sought an injunction against the mayor, councilmen, chief of police and park superintendent for such discriminatory exclusion. The case was tried by Judge Yankwich who ruled, as in the instant case, that such discriminatory barring of the class of Latin descended people

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<sup>56</sup> *Mendez v. Westminster* Pretrial. Records of the District Court of the United States for the Southern District of California, 21. Central Division (Los Angeles). Civil Case Files 4292-4305. National Archives and Records Administration Pacific Region (Laguna Niguel), box 3811, folder CV 4292-M [1/4].

<sup>57</sup> Aguirre, *Mendez v. Westminster School District*, 322.

violated the due process and equal protection clause of the Fourteenth Amendment.<sup>58</sup>

San Bernardino's Mexican American Defense Committee's efforts three years prior to the final decision in *Mendez* thus had a major influence on one of the most significant test cases in United States history in regards to desegregating public schools.

Gilbert Gonzalez commented on *Mendez*'s significance and stated that the case would be the first stage of overturning the "separate but equal" doctrine as outlined in *Plessy v. Ferguson* (1896). The effects of the decision, according to Gonzalez, "were widespread... Mexican parents and civil rights organizations such as LULAC and the GI Forum in Arizona, Colorado, New Mexico, and Texas, entered the campaign against school segregation shortly thereafter." Gonzalez also mentioned that attorneys for the plaintiffs in *Brown v. Board of Education* would use similar strategies to those used by Marcus in *Mendez*.<sup>59</sup> Frederick Aguirre noted *Mendez*'s national significance leading into *Brown v. Board of Education* by stating that Chief Justice Earl Warren clearly read and understood Judge McCormick's decision in *Mendez*. According to Aguirre, *Mendez* helped shape Warren's "sense of fairness and equity that manifested itself in the *Brown* case."<sup>60</sup>

*Mendez v. Westminster* has only recently become recognized for its legal significance as a test case leading into national desegregation. Although the *Lopez v. Seccombe* case does not carry the legal ramifications that *Mendez* had, historians should not neglect the legacy of the *Lopez* court case. Attorney David C. Marcus first utilized the Fourteenth Amendment argument that won the *Mendez* case in the San Bernardino decision. Therefore, the *Lopez* case helped set a precedent, even if not formally recognized in *Mendez v. Westminster*, that helped pave the way towards the *Mendez* decision and the eventual landmark 1954 Supreme Court decision *Brown v. Board of Education*. The

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<sup>58</sup> Concurring decision by Circuit Judge Denman. *Mendez v. Westminster*, 161 F.2d 774.

<sup>59</sup> Gilbert G. Gonzalez, *Chicano Education in the Era of Segregation* (Philadelphia: The Balch Institute Press, 1990), 28-29.

<sup>60</sup> Aguirre, *Mendez v. Westminster School District: How it Affected Brown v. Board of Education*, 331.

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Mexican American Defense Committee's legal challenge in 1944 deserves a higher degree of recognition and a closer analysis by historians as it is one of the integral test cases that led towards national desegregation and greater attainment of civil rights for Mexican Americans. Furthermore, San Bernardino's Mexican American Defense Committee should also be recognized as one of the groups that advanced the civil rights struggle for Mexican Americans. Their courageous resistance led towards a fairer and greater U.S. legal system and consequently a more equal and just United States.

In addition, since the City Council mandated that 'White Trade Only' signs be removed from businesses soon after the decision, the aftermath of the *Lopez* case assisted in further eliminating discrimination beyond just parks and recreational facilities. The Mexican American Defense Committee fought against wide scale structural exclusion that included economic exclusion, residential covenants, and school segregation. As recently as 2009, the City is still working to eliminate the institutional discrimination that Mexicans in San Bernardino experienced by correcting the effects of the 215 freeway by redesigning off ramps that will finally lead into the Westside. The 1944 case thus was not just about segregation of parks and recreational facilities but part of a larger effort to expose discrimination on a broad and interconnected scale.

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