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To cite this article: Ruben Donato, Gonzalo Guzmán & Jarrod Hanson (2017) *Francisco Maestas et al. v. George H. Shone et al.: Mexican American Resistance to School Segregation in the Hispano Homeland, 1912–1914*, Journal of Latinos and Education, 16:1, 3-17, DOI: [10.1080/15348431.2016.1179190](https://doi.org/10.1080/15348431.2016.1179190)

To link to this article: <https://doi.org/10.1080/15348431.2016.1179190>



Published online: 01 Jun 2016.



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Francisco Maestas et al. v. George H. Shone et al.: Mexican American Resistance to School Segregation in the Hispano Homeland, 1912–1914

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ABSTRACT

The authors in this article argue that the *Francisco Maestas et al. v. George H. Shone et al.* (1914) case is one of the earliest Mexican American challenges to school segregation in the United States. Unidentified for over a century, the lawsuit took place in southern Colorado, a region of the nation where Mexican Americans have deep historical roots. This case was unique because the racial background and linguistic needs of Mexican American children were contested. First, plaintiffs (Mexican Americans) argued their children were racially distinct as Mexicans and used the Colorado Constitution to challenge segregation because the state prohibited public schools from classifying and distinguishing children based on color and race. Defendants (school board members and the superintendent) countered that Mexican American children were Caucasian and claimed they were no different from other White children in the school district. Second, school district officials maintained that non-English speaking Mexican American children were placed in a separate school in order to serve their linguistic needs. The district court judge discovered that school officials had created a policy that sent all Mexican American children to the separate school. To the extent that many Mexican American children were English speaking, the district court judge ruled in favor of *Francisco Maestas* on the grounds that school officials could not prevent English-speaking Mexican American children from attending schools of their choice in general and schools that were closer to their homes in particular.

KEYWORDS

School segregation; educational history; Mexican Americans/Hispanos

This article chronicles a school desegregation lawsuit, *Francisco Maestas et al. v. George H. Shone et al.* (1914), filed by Mexican Americans in Alamosa, Colorado, against the Alamosa School District Superintendent and Board of Education in 1913.¹ The *Maestas* lawsuit provides a portrait of a community organizing to advocate for the education of their children. This case is important because it precedes other challenges to the segregation of Mexican children in public schools. The *Maestas* case was tried 16 years before *Del Rio ISD v. Salvatierra* (Texas, 1930) and 17 years before *Alvarez v. Lemon Grove* (California, 1931). Both of those cases became highly visible in the history of education literature, and *Alvarez* became known as the first successful Mexican American school

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¹Francisco Maestas, suing in his own behalf and in behalf of all others similarly situated, Plaintiff, v. Geo. H. Shone, C. L. Lahrmann, Joseph H. Darling as the Board of Education of School District No. 3 Conejos County; and Geo. O. Thompson, as superintendent of School District No. 3, Conejos County. Defendants. Petition by Raymond Sullivan, Attorney for Plaintiffs. Alamosa County. Combined Court. Alamosa, CO 81101. District Civil Roll #1.

desegregation case in the United States.² The *Maestas* case, however, is different from *Salvatierra* and *Alvarez* in three fundamental ways that are important to highlight prior to describing the case.

First, unlike *Salvatierra* in Del Rio and *Alvarez* in Lemon Grove—communities that were located along, or close to, the U.S.–Mexico border—the *Maestas* lawsuit was filed in Alamosa. Located in Colorado’s San Luis Valley, this is part of the country that historian Richard Nostrand called the “Hispano homeland.” Nostrand maintained that southern Colorado (and northern New Mexico) was a location where people of Mexican descent were isolated and culturally removed from Mexico. It was a place where unique “Mexican” identities (i.e., Spanish American or Hispanos Americano) evolved over time.³

Second, how race was used to challenge school segregation in the *Maestas* lawsuit differed from how it was used in *Salvatierra* and *Alvarez*. In *Salvatierra* the Mexican plaintiffs argued that Mexicans were part of the “other white race” and were exempt from legal segregation under the laws of Texas.⁴ Similarly, plaintiffs in *Alvarez* argued that California did not have a law that allowed for the segregation of Mexican children, whereas there were laws that explicitly permitted the segregation of other named races.⁵ In *Maestas*, Mexican American plaintiffs asserted that race was a driving force behind the school officials’ actions to segregate their children. Defendants responded that Mexican American students were White and therefore race could not have motivated their decisions.

Third, Mexican American plaintiffs in Alamosa did not receive legal assistance from the Mexican government. They were historically removed from Mexico and had deep roots in northern New Mexico and southern Colorado.⁶ Because of the longstanding roots of many Mexicans in the San Luis Valley and the plaintiffs’ status as American citizens, the Mexican Consulate was not used as a resource either politically or legally in the community’s fight against segregation.

In this article we argue that the *Maestas* lawsuit is one of the earliest Mexican American–led school desegregation lawsuits in the United States. In fact, the *Denver Catholic Register* noted in 1914 that the lawsuit “was the first time in the history of America that a court fight was made over an attempt to segregate Mexicans in school.”⁷ We further argue that this lawsuit is unique not only because of its geographical location and because Mexican Americans did not have support from the Mexican government but—most important—because a novel strategy was used at the time to challenge the segregation of their children. Mexican Americans rejected their legal White status, claimed that they were racially distinct, and used the Colorado State Constitution to challenge segregation because it was illegal for schools to distinguish and classify children in public schools according to color or race.⁸

²*Independent School District v. Salvatierra*, 33 S.W. 2d 790 (Tex.Civ.App.–San Antonio 1930); *Alvarez v. Lemon Grove*, Civil Action No. 66625 (Superior Court San Diego County, Cal. 1931). The *Maestas* case also preceded the *Romo v. Laird* case. See Laura K. Munoz, “Romo v. Laird: Mexican American Segregation and the Politics of Belonging in Arizona,” *Western Legal History* 26, nos. 1 & 2 (2013): 97–131.

³Richard Nostrand, *The Hispano Homeland* (Norman: University of Oklahoma Press, 1992). In this article, various sources refer to Mexican Americans in Alamosa as “Mexican,” “Spanish,” and “Spanish Americans.” We use the term *Mexican American* with the understanding that Nostrand was correct, that the Mexican American population is different from that of other states in the Southwest.

⁴*Independent School District v. Salvatierra*, p. 795.

⁵Robert R. Alvarez, Jr., “The Lemon Grove Incident: The Nation’s First Successful Desegregation Court Case,” *Journal of San Diego History* 32, no. 3 (1986): 10–11, <http://www.sandiegohistory.org/journal/86spring/lemongrove.htm>.

⁶Mexican Americans in Alamosa did not have Mexican Consul support because they were U.S. citizens. Hispanos, or Spanish Americans, had deep roots in the region. Thirteenth Census of the United States: 1910–Population. Department of Commerce and Labor—Bureau of the Census. Colorado, Conejos County. Alamosa. Precinct 12. The 1910 census noted that Francisco (Frank) had roots to New Mexico, not Mexico. *Maestas* was also categorized as White in the census.

⁷“Alamosa Mexicans Win School Court Fight,” *Denver Catholic Register*, 26 March 1914. The *Register* noted that it “was the first time in the history of America that a court fight was made over an attempt to segregate Mexicans in school.” The editor of the *Denver Catholic Register* understood that the *Maestas* lawsuit was unique. In another story, the *Register* noted that “never before has a question of school segregation arisen here. In some sections of the country court fights have been waged over colored, Chinese and Japanese children but never before have the Mexicans been mixed up in such a contest.” “Alamosa School Fight Unique in Court Annals of this State,” *Denver Catholic Register*, 4 December 1913.

⁸According to historian Danielle Olden, “It was not until the late 1960s that Mexican American civil rights attorneys began to abandon the ‘other white’ argument. After years of winning school desegregation cases on the basis of their other whiteness . . . Mexican American civil rights attorneys turned to a new argument that emphasized their racial distinctiveness,” Danielle R. Olden, “Shifting the Lens: Using Critical Race Theory and Latino Critical Theory to Re-Examine the History of School

The emergence of a lawsuit

The *Maestas* lawsuit was triggered when the school board and superintendent established a policy to send all Mexican children into the district's newly constructed Mexican School in 1912.⁹ The school was built in 1909, when the Alamosa School Board of Education purchased a piece of property on the "Mexican side" of town with the intent to build a school to serve non-English-speaking Mexican American children.¹⁰ When the school was constructed, it was a modest building with four classrooms, was staffed by three teachers, and served approximately 140 Mexican American children.¹¹ Once completed, the school attracted much local interest, with one newspaper editor from Creede, Colorado, reporting, "Back east and south they build separate schools for negro children. At Alamosa they have just built one exclusively for Spanish children."¹²

In 1912, not long after the school opened, a local newspaper reported that a group of Mexican Americans filed a complaint "to see if the school board has any authority to compel Mexican children to attend any particular school building when another one is more convenient."¹³ Mexican American parents viewed the policy change as a matter of racial discrimination. A visiting Jesuit priest during the same year reflected on the social environment, stating that "the Americans in that community had built a school where the Mexicans alone came together so that the American boys would not have to mingle with the Mexicans." The social conditions were so disconcerting that "Americans treated those poor Mexicans as the black sons of Africa."¹⁴ Another year and a half passed before the *Rocky Mountain News* in Denver reported that Mexican Americans in Alamosa had complained to the Colorado state superintendent of instruction, Mary C. C. Bradford, to see whether school officials in Alamosa had the authority to segregate their children in one school. The story described how Mexican children in the district were forced to attend one school in the community. State Superintendent Bradford told the press that she was going to ask the Colorado attorney general for an opinion about the complaint.¹⁵

The *Denver Catholic Register* further added that racial tension in Alamosa was escalating because Mexican American families believed school officials were segregating their children unjustly.¹⁶ Two days later, the *Denver Times* reported that the "State Board Cannot Stop Segregation of Mexicans" and that Mexican children in Alamosa "must continue to attend a school in which they are segregated from whites and blacks." The story was clear that after an investigation into its powers,

Desegregation," *Qualitative Inquiry* 21, no. 3 (2015): 235. Also see Richard Valencia, *Chicano Students and Courts: The Mexican American Legal Struggle for Educational Equality* (New York: New York University Press, 2008), 67.

⁹J. R. C. Ruybal, interview by Luther Bean, Nancy Denious, and Elinor Kingery, sound recording, Colorado Historical Society, Denver, Co., 20 November 1962, item ID: 33317710, call number OH 83. Also see *Alamosa Independent Journal*, 9 February 1912.

¹⁰Alamosa Clerk and County Recorder, Records Conejos Co., Warranty Deed Record, Book 72, p. 278. The Alamosa School District purchased the property from Samuel. B. Scholz on August 7, 1909. The property was used to build the Mexican School.

¹¹"Mexican Kiddies Prove They Are Able to Speak English," *Denver Catholic Register*, 15 January 1914. School enrollments at the Mexican School were provided by School District Superintendent George Thompson at the trial. He also noted that the school had the capacity to serve 200 students. It is important to note that the name of the school evolved, but most official and unofficial records made clear that the school was intended to serve Mexican American children. For example, a photograph of the school in the *Alamosa Manual and Course of Study* in 1911 was captioned as the "Spanish School." The "Spanish School" was featured in the manual and was photographed. It read that "teachers in this school must be persons who can use the Spanish language," *Manual and Course of Study for the Public Schools of Alamosa. Used by Order of, and Approved by, The Board of Education*, 1 May 1911, p. 59. In 1912, a map company illustrating the town of Alamosa listed the school as the "Mexican Public School" in its index. Sandborn Map Company (11 Broadway, New York), October, 1912. It read that Alamosa had a population of 4,000 and was situated in Conejos County. Moreover, the Colorado Educational Directory in 1913–1914 listed the school as "Mexican Preparatory." Finally, some members of the community referred to it as the "Willis School," and others simply called it the "Mexican School."

¹²"Southern Colorado: Items of Interest Gathered From Exchanges," *Creede (Co.) Candle*, 11 December 1909.

¹³*Alamosa Independent Journal*, 9 February 1912.

¹⁴Gerald McKeivitt, *Brokers of Culture: Italian Jesuits in the American West, 1848–1919* (Stanford: Stanford University Press, 2007), 257.

¹⁵"Mexicans in Alamosa Say the School Board Discriminates," *Rocky Mountain News*, 10 September 1913.

¹⁶"More Discrimination by School Board," *Denver Catholic Register*, 11 September 1913.

the “state board of education can do nothing in the matter.”¹⁷ Similarly, the *Alamosa Independent Journal* reported the same outcome and added that “Mexican children of Alamosa must continue to attend a special school in which they are segregated from whites and blacks [or] appeal to the county school board or take the case into the courts.”¹⁸

Seeing that the Alamosa School Board of Education, the school district superintendent, the Colorado State Board of Education, and the Colorado State Attorney General were unable or unwilling to address their complaint, Mexican Americans organized, pulled their children out of the Mexican School, staged a boycott, and filed a lawsuit in the District Court.¹⁹ As these actions unfolded, the *Denver Catholic Register* explained that Mexican American parents challenged school officials’ assertion that their children were being segregated because they lacked English language skills. Mexican American parents believed that language was being used as an excuse to segregate their children when race was the real issue behind school board and superintendent actions.²⁰ As a result, Mexican American parents staged a walkout in the fall of 1913 and refused to send their children to the Mexican School. The *Denver Post* reported that a “school strike, engineered by the Mexicans of Alamosa against the public school of the city, reached such a serious state yesterday that a court fight became the only solution.”²¹ The *Denver Catholic Register* also noted that “rather than retract from its stand,” school officials “let the children go without education.”²²

Grassroots activism

The lawsuit was a significant undertaking for the Mexican American community. Unlike in later lawsuits challenging the segregation of Mexican children, the Mexican American community in Alamosa did not have the assistance of the Mexican Consulate, as the plaintiffs were U.S. citizens. In this section, we investigate the organizing that led to the lawsuit, who the leaders were, how they acquired legal counsel, and how the lawsuit was funded. In 1962, Luther Bean, Nancy Denious, and Elinor Kingery interviewed a former teacher and activist who was involved with the case. J. R. C. Ruybal was not only an activist in the community but one of the first teachers to teach at the Mexican School.²³ Ruybal, born in 1879, was 83

¹⁷“State Board Cannot Stop Segregation of Mexicans,” *Denver Times*, 13 September 1913, p. 3. It was puzzling that the story in the *Rocky Mountain News* (September 10) noted that Colorado State Superintendent of Instruction Mary C. C. Bradford was going to seek advice (or an opinion) from Colorado Attorney General Fred Farrar in order to respond to the Mexican Americans’ complaint about the school segregation of their children in Alamosa. Apparently Attorney General Farrar must have informed State Superintendent Bradford that the State Board of Education could not intervene. We searched for correspondence between State Superintendent of Instruction Mary C. C. Bradford and Colorado Attorney General Fred Farrar and found no record of such correspondence. However, in the Biennial Report of the Attorney General in 1913–1914, Attorney General Farrar responded to a query about the segregation of Mexican American children in the Durango School District, specifically citing the Mexican American segregation controversy in Alamosa in his response. The Durango School District Superintendent, Florence Salabar, wanted to know “whether or not it is legal to separate the Mexican children in the public schools, particularly in the first, second and third grades, for the other children.” The Attorney General responded that school districts in the state had much discretion to operate their schools. However, he noted that as “a matter of law, if the children are excluded by reason of their race, there is no question that such exclusion is illegal.” However, he claimed that “if the test is one of language, then it is perfectly proper for it is an exercise of the right of school officials to prescribe the course of study for the best interest of the school.” Opinion, see *Biennial Report of the Attorney General of the State of Colorado, 1913–1914* (Denver, The Smith-Brooks Printing Co, State Printers, 1914), 124–125.

¹⁸“State Board Cannot Stop Segregation of Mexicans,” *Alamosa Independent Journal*, 19 September 1913. In addition to the *Alamosa Independent Journal* story, a newspaper from Pine Bluffs, Wyoming, wrote a short blurb about the incident in its Colorado events section. In brief, it reported that Mexican American parents in Alamosa had complained to the “state superintendent of public instruction that the school board of Alamosa has shown class distinction in building a separate school house for the Mexican children.” “Colorado News: Gathered From All Parts of the State,” *Pine Bluffs (Wy.) Post*, 14 February 1907.

¹⁹“Trinidad Faces Race War Over Mexican Pupils: School Strike Against Foreigners Lands in Court,” *Denver Post*, 21 November 1913.

²⁰“School Battle in Alamosa to Enter Courts,” *Denver Catholic Register*, 20 November 1913.

²¹“Trinidad Faces Race War Over Mexican Pupils: School Strike Against Foreigners Lands in Court,” *Denver Post*, 21 November 1913. We interpreted the “strike” as parents refusing to send their children to the Mexican School. Other newspapers in the area did not seem to cover this story.

²²“School Battle in Alamosa to Enter Courts,” *Denver Catholic Register*, 20 November 1913.

²³J. R. C. Ruybal, interview by Luther Bean, Nancy Denious, and Elinor Kingery, sound recording, Colorado Historical Society, Denver, Co., 20 November 1962, item ID: 33317710, call number OH 83. Luther Bean was one of the first faculty members at Adams State College, Alamosa, Co. <http://www.museumtrail.org/luther-bean-museum.html>.

years old at the time of the interview and was 33 years old in 1913, the time when the lawsuit was being filed. By 1962, the time of the interview, 48 years had passed since the *Maestas* decision was handed down. In the interview, Ruybal explained that many Spanish Americans had moved to Alamosa from New Mexico to work on the railroads. As the Spanish American population in Alamosa began to grow, their children started to attend school. Teachers, he said, had problems in mixed classes. Ruybal explained that the Alamosa School Board and Superintendent Kendall decided to construct a Mexican School to serve non-English-speaking Mexican American children. At the time, Ruybal explained, he supported the Mexican School, which, he said, was a place where Mexican American children were taught in English but concepts were explained in Spanish.²⁴

The problem started, according to Ruybal, when the school board and new school district superintendent, George Thompson, established a policy to segregate all Spanish Americans in the school district. "On February 5, 1912," said Ruybal, "the school board made all Mexican children go to the Mexican school." This was a problem, said Ruybal, because half of the Spanish American children in the district were able to speak English. After school officials began to force all Mexican American children into the Mexican School, Mexican Americans started to inquire about the policy. A group was subsequently formed—the Spanish American Union. The group met, discussed the issue, drafted a resolution, and met with the Alamosa School Board of Education. "We presented those resolutions to the board," said Ruybal, "protesting the segregation. They did not pay attention to us."²⁵ Ruybal and the Spanish American Union were disappointed that their concerns about the segregation of their children fell on deaf ears.

Because the school board and superintendent would not listen to their concerns, the Spanish American Union tried something else. They went to the *Alamosa Journal* with the intent to publish their resolution, but the editor of the newspaper, said Ruybal, refused to publish the document. At this time, Ruybal was still employed at the Mexican School, but his tenure at the school did not last long. Ruybal explained that the school board would not communicate with him. However, the board asked Mr. French, another teacher at the Mexican School, to speak to him. Mr. French asked Ruybal, "How long are you going to stay with these people?" Ruybal responded that he was going to "stay with them to the last." Ruybal said that "[Mr. French told me that I would] 'not last very long.' It was true. They refused me a position." Based on the interview, Ruybal suggested that he was fired because he was part of a group that was challenging the segregation of all Mexican children in the Mexican School.

After Ruybal was dismissed from the Mexican School, he purchased an interest in a Spanish American newspaper in Antonito, a small town south of Alamosa. Ruybal used the newspaper as a means of challenging the Alamosa schools. When Ruybal joined the newspaper, he began to write about various issues in the area. At first, he said, he was not writing about the Alamosa schools. But that quickly changed. He started to write about the Alamosa schools because a Mr. Gallegos tried to enroll his children at a White school in Alamosa that was closer to his home. His children were denied admission to the school. Mr. Gallegos wanted to challenge the school board and even thought about filing a lawsuit, but after Gallegos spoke with an attorney, he was discouraged from going forward. He was told it was expensive and that he had "no chance to win. So he stopped."²⁶

²⁴J. R. C. Ruybal interview. Ruybal's interview coincided with what was described in the *1911 Manual and Course of Study for the Public Schools of Alamosa*. The *Manual* read that "teachers in this school must be persons who can use the Spanish language," p. 59. It should be noted that a Juan R. Borrego was hired by the Alamosa school board to teach all Spanish speaking children in the Alamosa schools in 1907, "Local Happenings Told in Short Paragraphs," *Saguache(Co.) Crescent*, 17 February 1907.

²⁵J. R. C. Ruybal interview. The press confirmed Ruybal's point that the Spanish American Union met with the board. It was noted that "the Spanish Americans of this city petitioned the school board for the admittance of their children to the nearest school to their homes. The petition cites that the laws of the U.S. or state of Colorado, do not justify a segregation of the scholars attending the public schools, and the practice in vogue in the city is therefore arbitrary. The school board will undoubtedly act upon the petition before the school opens next month." *Alamosa Independent Journal*, 8 August 1913. A week later the press noted that "a large delegation of Mexican residents in this city will meet with the school directors on Monday night, when the proposition of the segregation of the American and Spanish American scholars will be considered, and an endeavor made to have the former school board ruling annulled." *Alamosa Independent Journal*, 15 August 1913.

²⁶J. R. C. Ruybal interview. Most likely the "Spanish American Union" was associated with or was a Alamosa local chapter of La Sociedad de Protección Mutua de Trabajadores Unidos, a Mexican American mutual aid society based in Antonito, Colorado. See

Soon after, a Mr. Quintana contacted Ruybal and encouraged him to write about the segregation of Mexican American children in the Alamosa schools. But Quintana asked Ruybal to do more. He encouraged him to appeal to “Spanish Americans to raise money to fight the matter in court.” Ruybal began to reach out to the Spanish American communities in the San Luis Valley, pleaded for their support, and asked them to contribute to a fund to begin a lawsuit. “Raising money to go to court,” said Ruybal, “started to come in from the Spanish settlements.” Many Spanish Americans were supportive of the lawsuit, and they contributed what they could.²⁷ Once money was raised, a committee was formed. It had 10 members, and Ruybal was part of the group. Among the members, said Ruybal, was “Father Montell, a Catholic priest.” As the committee members started to strategize about how they were going to challenge the Alamosa School District, they knew it would be difficult to acquire legal counsel and that it would be expensive. But in one meeting, said Ruybal, “Father Montell said ‘I know a young man. He is a very bright man. I believe I can get him for a reasonable price.’ We told him to go ahead.” Father Montel went to Denver and spoke with an attorney named Raymond Sullivan, and an agreement was made. Sullivan agreed to represent Mexican Americans in Alamosa and charged the group \$200 plus expenses, Francisco Maestas was named plaintiff, and the lawsuit began.²⁸

A lawsuit is filed

In his petition to the District Court, Raymond Sullivan described the Alamosa context and the school board’s actions from the Mexican American parents’ perspective. At the time, there were approximately 800 Mexicans in the city, and 150 of them were between 6 and 21 years old. The district had three schools: the North Side or High School (it also included a primary or grammar school) in Ward 1 at Bell Avenue and Main Street; the South Side School, situated in Ward 4 at Eleventh Street and Hunt Avenue; and a third, “known as the Mexican school, in Ward Three at Ninth Street and Ross.”²⁹ Sullivan averred that

all the Mexican children or children of Mexican descent are and have been for more than two years last past, obligated by order of said Board of Education to attend said Mexican School up to the fifth grade thereof, where other children were and are permitted to attend the schools most convenient to their residence.

Sullivan pointed out that some schools were “convenient to the residence of the Mexican children and from which they are excluded on account of their race.”³⁰

Sullivan explained that the “plaintiff who is himself of the Mexican race” went to see School District Superintendent George O. Thompson to enroll his 11-year-old son, Miguel, in a school that was more convenient to his home, but on September 2, 1913, Superintendent Thompson “refused to admit said child as a pupil and directed him to attend the Mexican School.”³¹ Sullivan added that on August 25, 1913, a group of Mexican American parents contacted the Alamosa School Board of Education for permission to enroll their children at the North Side School because it was more convenient to their homes. School board officials informed Mexican American parents that “their children and all children of Mexican descent would be confined to the Mexican school up to the fifth grade.”³² Sullivan explained that Francisco Maestas’s son was “forced to cross and re-cross said tracks in his travel to and from the said Mexican School to his great danger and to plaintiff’s distress of mind.”³³

Jose A. Rivera, *La Sociedad: Guardians of Hispanic Culture Along the Rio Grande* (Albuquerque: University of New Mexico Press, 2010); “A Joke,” *The Alamosa(Co.) Leader*, 27 December 1913.

²⁷“Alamosa Mexicans Plan to Battle for Rights,” *Denver Catholic Register*, 23 October 1914. This article confirmed Ruybal’s point that he was raising money to fund the lawsuit in the area.

²⁸J. R. C. Ruybal interview. In addition to Ruybal’s interview, it made sense that Francisco Maestas would be named plaintiff because of where his family lived. There were 18 homes on Ross Avenue, and the Maestas family was the only Mexican American family. Maestas’s home was seven blocks from the Mexican School. See F. A. McKinney’s *San Luis Directory, 1913–1914*, p. 97.

²⁹*Maestas et al. v. Shone et al.*, Petition by Raymond Sullivan, Attorney for Plaintiffs, 1–2.

³⁰*Ibid.*, 2.

³¹*Ibid.*, 2.

³²*Ibid.*, 3.

³³*Ibid.*, 3.

Sullivan maintained that by denying the Maestas children access to the closest school and thereby forcing them to attend the Mexican School, school officials were making a “distinction and classification of pupils in the public schools on account of race or color contrary to the Constitution of the laws of the State of Colorado.” Article IX, Section 8 of the Colorado Constitution stated that “no sectarian tenets or doctrines shall ever be taught in the public schools, nor shall any distinction and classification of pupils be made on account of race or color.”³⁴

Sullivan asked for an alternative writ of mandamus to be issued by the court directing the school board and superintendent to

admit the said child of plaintiff to the North Side School or the most convenient of the public schools of said city to which he has the right of admission without any distinction or classification on account of his race or color, and pay the costs of this action, or to show cause why they should not do so.³⁵

As the news media covered the case, the *Alamosa Independent Journal* reported that the decision to segregate Mexican American children was “adopted several years ago by the directors, and it has been proven that it was the best system ever inaugurated in any school district” and that the “percentage of those Spanish American children who advance beyond the fourth grade has steadily increased.” The paper also reported that “last year’s advancement of scholars increased over 400 per cent over the number of those advanced before the system was inaugurated five years ago, with practically the same attendance.”³⁶ The *Alamosa Independent Journal* clearly supported the school board of education and school district superintendent. The paper claimed that school officials were “giving the children of the Spanish American families of this city advantages they have never enjoyed elsewhere” and also cautioned that “if the board is wrong they will simply have to go back to the old and far inferior system of educating the children of these citizens.”³⁷

In response to the Mexican Americans’ complaint, District Court Judge Charles Holbrook determined that the *Maestas* petition had made a sufficient case for admittance of the students that he issued an order to the school board and superintendent to either admit the children to the most convenient public school or file an answer arguing why they should not.³⁸

The answer

John T. Adams responded to Raymond Sullivan’s petition on behalf of the school board. In his answer, Adams specified what the Alamosa School Board of Education and the school district superintendent admitted and what they denied. Among other things, they admitted that Francisco Maestas was a U.S. citizen and a tax-paying resident of Alamosa. The answer also admitted that Francisco Maestas tried to enroll his son Miguel (i.e., Mike) at North Side High School on September 2, 1913, and that Superintendent Thompson refused to admit Miguel into the North Side School and ordered him to attend the preparatory school.³⁹

³⁴Ibid., 3–4. See also *The School Laws, Annotated, of the State of Colorado, as Amended to Date, 1 January 1912* (Denver: The Smith-Brooks Company, State Printers), 17.

³⁵*Maestas et al. v. Shone et al.*, Petition by Raymond Sullivan, Attorney for Plaintiffs, 2, 4.

³⁶“Directors Think They Are Right,” *Alamosa Independent Journal*, 28 November 1913. This story suggested that the number of Mexican American children who were in school beyond the fourth grade increased more than 400%. This issue was not clear. What was clear was that Mexican Americans were, for the most part, not making it to the local high school. Based on the *Sierra Blanca Journal* (high school yearbook), one Mexican American (Carlos Sanchez) graduated in 1913. Other than Carlos Sanchez, there were no Mexican Americans enrolled at Alamosa High School in 1913. In 1917, there were no Mexican Americans enrolled at Alamosa High School. See the *Annual Echo*, 1917. High school yearbooks can be retrieved from the Alamosa High School library.

³⁷“Directors Think They Are Right,” *Alamosa Independent Journal*, 28 November 1913. A story in the *Denver Catholic Register* noted that “some of the Alamosa papers are bitterly fighting the Mexicans.” See “Alamosa School Fight Unique in Court Annals of this State,” *Denver Catholic Register*, 4 December 1913.

³⁸*Maestas et al. v. Shone et al.*, Order, Chas. C. Holbrook, Judge.

³⁹*Maestas et al. v. Shone et al.*, Defendants, Answer, John T. Adams, 3.

Adams, however, challenged Sullivan on several counts. Adams denied that school officials ordered all Mexican children to attend the preparatory school, denied that the school board and school district superintendent had distinguished or classified Mexican children based on color or race, and denied that Mexican children were excluded from any school that was convenient to their residence because of their race.⁴⁰

Adams argued that Miguel Maestas and other Mexican American children were not segregated on account of race because the Mexican American children were in fact “Caucasian.” He argued that “all of the children of said school district are of the same race and color, to-wit, white children of the Caucasian race, with the exception of a few negroes.”⁴¹ Adams was trying to make the case that school officials were not segregating Mexican children based on race because Mexican children were Caucasian.⁴²

Instead he argued that Miguel Maestas was denied admission to the North Side School because he lacked English skills and was academically unprepared. He pointed out that Miguel had failed an English exam and that he was “behind in all of his classes and studies, and ... unable to carry on the work thereof.” Miguel was also behind academically, said Adams, because his parents had “permitted” him to stay out of school for 3 months (because of the walkout).⁴³ Adams then maintained that Miguel was required to attend the preparatory school “where special facilities were and are provided for the use of all children who are deficient in a working knowledge of the English language.”⁴⁴

Building on the argument that language was the key issue, Adams argued that the school had employed teachers with special skills at the school and that it offered the “best and most efficient system of teaching pupils unfamiliar with English language and where a new language must be taught and learned.” Adams also argued that Mexican children received “more individual attention from the teachers in the use of English language; and the course of general (manual training) is the same for the children attending the school.”⁴⁵

Perhaps in a nod to *Plessy v. Ferguson*, Adams also made a case for the quality (and equality) of the facilities at the Mexican school. Adams argued that the school building was one of the best in the city, that it was sanitary, and that the “equipment is equal to, if not superior to any other school building.” Children at the school, Adams claimed, “receive equal educational advantages with all the children in the city.”

Adams also challenged the idea that distance and safety were serious issues. He averred that the preparatory school was not far from the Maestas home and argued that it was not a perilous walk to the preparatory school and that, given the seven-block distance, it was “within reasonable walking distance from plaintiff’s place of residence.” He also claimed that Miguel’s walk to the school was not dangerous because of passing trains, as railroad companies were required to protect pedestrians by using warning signs and signals and that walking across the tracks was no more dangerous than crossing any street in the city.⁴⁶

Finally, Adams argued that segregation was important for the education of all students in Alamosa. He claimed that it was “impossible to efficiently teach the non-English speaking children

⁴⁰*Maestas et al. v. Shone et al.*, Defendants, Answer, John T. Adams, 3.

⁴¹*Ibid.*

⁴²The *Denver Post* reported that Adams was trying to make the case that “Mexicans are not a distinct race, but are Caucasians, and therefore cannot be discriminated against as members of a distinct race by Americans.” The story was short. It did not challenge Adams’s argument about the racial background of Mexican American children, but it did ask its readers whether they thought Mexicans were “Caucasians.” The way the headline of the story was framed seemed to question the idea that Americans would believe that Mexicans were Caucasians and think that they were indistinguishable from White children. See “Mexican Children Demand Schooling With Americans. Conejos Parents Suit Brought by Parents Against Education Board. Are They Caucasians? Authorities Say Discrimination Is Made Because They Speak no English,” *Denver Post*, 14 January 1914.

⁴³Miguel Maestas was allowed to stay out of school by his father because it was part of the Mexican American parent protest in Alamosa to boycott the segregated Mexican School.

⁴⁴*Maestas et al. v. Shone et al.*, Answer, John T. Adams, 4.

⁴⁵*Ibid.*, 7.

⁴⁶*Ibid.*, 5.

in said school district, in English grammar, or any other subject, without seriously retarding and impairing the educational advancement and development of the school children of said city.”⁴⁷ Adams cautioned the court about allowing non-English-speaking Mexican American children to attend one of the other schools in the district where teachers did not understand Spanish and warned the court that

the graded system of schools in said city would be seriously injured and impaired if not altogether destroyed, and the advancement of educational development of the pupils of the said city would be thereby retarded, including not only those speaking the Spanish language but also those speaking only the English language.

Adams asserted that it was impossible “to provide for adequate teaching facilities for said pupils in more than one of the buildings in said city.” To “change the present system of instruction in said school district,” he concluded, “would result in great and irreparable injury and loss to said school district and tax payers thereof.”⁴⁸

Adams ended by putting forth the board’s perspective about who was behind the suit. He said that the defendants believed that the lawsuit was instigated by individuals who did not have children in the school district, individuals who did not pay taxes in the district, individuals who were of Mexican birth, and individuals who wanted to destroy and discredit the school and school officials for personal reasons. He said, in short, that it was individuals who wanted to embarrass and handicap the “principal and instructors in said schools, and the defendant directors of said School District.”⁴⁹

In the court

There is no transcript from the trial, but there are some court records and newspaper accounts. In the trial, race became an issue because it was key to the plaintiffs’ argument that Mexican Americans be understood as racially distinct. The *Alamosa Independent Journal*, however, reported how plaintiffs wanted to raise questions of race but that the “issue fell flat.” It did so, the story noted, because the “general impression among our citizens seems to be that the Spanish Americans ... are having their children take advantage of a system that is for the best interest of all concerned.” It also pointed out that “these Spanish American parents, of which there are several hundred families represented in this city, appear to sincerely believe that they are not being treated justly.”⁵⁰

For its part, the school district subpoenaed a professor from the Greeley Normal School to testify on its behalf. Professor W. B. Mooney praised the school board and superintendent for the “good work done in the Alamosa schools through the segregation of the Spanish American scholars and the competent teachers for their instruction, who understood the custom and language of these children.” Mooney declared that school officials were segregating Mexican children because it was pedagogically sound and praised them for hiring teachers with special skills at the school. The press described Professor Mooney as someone who was rational and stated that he was “very convincing to an unprejudiced mind.”⁵¹

But the coverage by the *Alamosa Independent Journal* was limited. The *Denver Catholic Register* had more to report. It provided brief accounts of testimony from school board members, the superintendent, a principal, two teachers, several parents, a number of schoolchildren, and other community members. School District Superintendent George O. Thompson testified that Mexican American children were “put in a school by themselves because of their deficiency in the English language.” He also told the court that no “American” children attended the school. When board member J. H. Darling took the stand, Sullivan asked him whether he thought there was racial

⁴⁷*Ibid.*, 6.

⁴⁸*Ibid.*, 8–9.

⁴⁹*Ibid.*, 10.

⁵⁰“School Board Trial,” *Alamosa Independent Journal*, 9 January 1914.

⁵¹“Happenings Epitomized,” *Alamosa Independent Journal*, 9 January 1914.

prejudice toward Mexicans in Alamosa and whether he believed that “public sentiment had not been in favor of segregating their children in the public schools.” Darling told Sullivan that he “would rather not answer the question.”⁵² Darling, however, not only admitted that he “would never permit his children to attend school with the Mexicans” but affirmed that “he was still of that mind.” In addition, he also told the court that “the school set aside for the Mexican children was at all times designated the Mexican School in the official records of the board.”⁵³

George Shone, president of the school board, told the court that they acted in the best interest of all children. In his testimony, C. L. Lahrmann, treasurer of the school board and a baker by trade, suggested that he was responsible for conceptualizing the establishment of the Mexican School. But when he was asked whether “certain American persons had not called upon him and asserted that if the Mexican children were allowed to attend the American schools they would withdraw their children,” Lahrmann told the court that he “could not remember—that he was not positive.”⁵⁴

Francisco Maestas and his son Miguel were also put on the stand. The *Register*, however, focused on Miguel. It reported how he “was timid and abashed by reason of the crowded court room.” However, Miguel “understood and answered the questions put him by counsel in English.” When defendants asked Miguel questions through an interpreter, “he responded in English before the interpreter could finish the questions.” Miguel told the court that he was “often made late for school by reason of waiting for trains to pass.” Other children were “put on the stand and answered readily in English the questions put to them by counsel.”⁵⁵

Other Mexican American parents and their children were put on the stand. Parent after parent testified that “their children knew English.” One parent, Victor Gallegos, told the court that two of his children of school age “had been refused admission to the American school and that he had, rather than send them to the Mexican school, placed them in a convent in Denver.” He said that he and his wife had spoken English to them since they were born and were well acquainted with the English language. Another Mexican American parent, Efen Quintana, claimed the “majority of the children in the Mexican school spoke English as well as his children and that he could see no reason except that of race prejudice as to why they were segregated.” He maintained that the “great majority of the Mexican people wished to have their children attend the schools nearest to them without discrimination.” Quintana also told the court that he had “never been in favor of a separate school” and that he had been a “member of a committee of Mexicans who appeared before the school board with a petition signed by 180 Mexican heads of families asking for their ‘constitutional rights’ in the schools.” Quintana unabashedly told the court that the committee of Mexicans was “informed by Director Lahrmann that they had no rights.”⁵⁶

The principal of the South Side School in the district, Miss Carrie Body, testified, telling the court that she was ordered “to send all Mexican children to the Mexican School.” Teachers from the Mexican School also testified. Miss Mary Lister asserted that “most of the children in her grades had a sufficient knowledge of the English to carry on the work in those grades.” The other teacher at the Mexican School, Miss Loretta McGraw, stated that they spoke with “the children mostly in English and found that [was] the best way to teach them.” But she told the court that they were “required by the board to use Spanish in teaching them.” Miss McGraw concluded that “she was acquainted with all of the children in the school and that most of them spoke English.”⁵⁷ Overwhelming evidence seemed to suggest that Mexican American children at the Mexican School were able to speak and understand English.

⁵²“Mexican Kiddies Prove They Are Able to Speak English,” *Denver Catholic Register*, 15 January 1914.

⁵³*Ibid.*

⁵⁴*Ibid.*

⁵⁵*Ibid.*

⁵⁶*Ibid.*

⁵⁷*Ibid.*

The ruling

District Court Judge Charles Holbrook ruled in favor of Francisco Maestas and other Mexican American children in the Alamosa School District in March 1914. Judge Holbrook was convinced that school officials had used the English language deficiency and the academic unpreparedness of some Mexican American children as a rationale to send all Mexican American children to the Mexican School up to the fifth grade.⁵⁸ He explained that English-speaking Mexican American children had the right to attend public schools near their homes, or schools of their choice, in the Alamosa School District. In his decision, Holbrook ordered the school district to “admit Miguel Maestas, plaintiff’s son, and the children of other Mexican people to attend the school or school nearest them respectively.”⁵⁹

In his decision, Judge Holbrook showed that he understood the school board’s arguments about the educational purposes of the school. He noted that the “school was built for their [the Mexican students] benefit, and supplied with teachers especially selected, because of their ability to speak both English and Spanish.” Judge Holbrook believed that the Mexican School served a valuable service because “children sitting in a room wherein the instruction given is in a language which they do not understand, however, bright the child may be, cannot make progress, and must necessarily fall behind their classes.”

However, he ultimately rejected those arguments and decided in favor of Maestas. He noted that some of the Mexican American children “in the lower grades may be able, and doubtless are able, to speak English.”⁶⁰ He also understood why “Spanish speaking people believe that their children are excluded from the two English speaking schools, upon account of race.” Rejecting the school board’s argument, he believed that this “feeling must be eradicated before the school can reach its greatest efficiency.” He did not think it was just to send English-speaking Mexican children to the Mexican School because he saw “evidence [that showed there were] children in different grades in the Mexican Primary School, who know enough English to understand instruction in the same grades in the other schools.” Thus, Holbrook stated that “in the opinion of the court ... the only way to destroy this feeling of discontent and bitterness which has recently grown up, is to allow all children so prepared, to attend the school nearest them.”⁶¹

Holbrook explained that

Miguel Maestas, convinced the court that he is entitled to the privilege of attending the school nearest his home: and, the court is of the opinion that others in the primary school should be allowed to attend the schools nearest their respective places of residence.

Holbrook, however, stipulated that if there were any errors about the English language proficiency of children, the children themselves would know and would “soon ask to be returned to the primary school.” In other words, Holbrook’s ruling also meant that school officials were able to keep the non-English-speaking students at the Mexican School.⁶²

The media reports the decision

When Judge Holbrook delivered his decision in March 1914, a number of newspapers in Colorado and from neighboring states reported the outcome of the case. *The Rocky Mountain News* described how school officials in Alamosa had to admit “Mexican children as pupils and must give them the same instruction as is given the American children of the city.” The press reported that school board

⁵⁸We acknowledge that sources in the *Maestas* case conflicted, as some claimed that Mexican American children were segregated up to the fourth grade. Others said it was the fifth grade.

⁵⁹*Maestas et al. v. Shone et al.*, Holbrook ruling. This story also has the entire ruling in “Mexican Patrons of Public Schools Win Court Decision,” *Hooper-Mosca (Co.) Tribune*, 21 March 1914.

⁶⁰*Ibid.*

⁶¹*Ibid.*

⁶²See Holbrook’s ruling in “Mexican Patrons of Public Schools Win Court Decision,” *Hooper-Mosca (Co.) Tribune*, 21 March 1914.

members had “arbitrarily fixed a rule that Spanish-speaking pupils could not enter any of the other schools until after having completed the fourth grade in the Mexican school.”⁶³

On the following day, the *Denver Post* reported how “Mexican children have the same rights in the public schools in the state and cannot be lawfully segregated.” The story explained that Judge Holbrook understood that the school in Alamosa was built for the benefit of children who could not speak English. But it was clear to Holbrook that Mexican American parents believed that their children were “excluded from the two English-Speaking schools on account of race.” The press also explained that Holbrook understood that “the only way to destroy this feeling of discontent and bitterness that has grown up is to allow all the children so prepared to attend the schools nearest them.”⁶⁴

The *Denver Catholic Register* reported not only that the school segregation of Mexican American children had to stop in Alamosa but that the lawsuit was historic—that it “was the first time in the history of America that a court fight was made over an attempt to segregate Mexicans in school.”⁶⁵ The front page of the *Alamosa Courier* read that Mexican Americans had won the court decision. The paper published Holbrook’s entire decision and explained that the segregation was not because the Mexican children could not speak English “but because of race prejudice the school board and the city superintendent held against his people.”⁶⁶

In Akron, Colorado, a small community located in the northeastern part of the state, the newspaper reported that school officials in Alamosa had to admit Mexican children into their schools and “give them the same instruction as is given the American children of the city.” The story in Akron reported that the school was built to serve non-English-speaking Mexican American children but that the “board arbitrarily fixed a rule that Spanish-Speaking pupils could not enter any of the other schools until after having completed the fourth grade in the Mexican school.”⁶⁷

Because the lawsuit was tried in the Hispano homeland, a Spanish-language newspaper, *La Revista de Taos* from Taos, New Mexico—a community located about 90 miles south of Alamosa—reported that Hispanos in Alamosa were victorious, that school officials in Alamosa had to admit Mexican American children into White schools, and that school officials had to provide them with the same instruction as American youth. In Spanish, the editor of *La Revista* told its readers, “*Congratulamos a los hispanos americanos residentes de Alamosa, estado de Colorado, por su valor y firmeza en defender sus garantias civicas como ciudadanos Americanos ...*” Translated into English, the words congratulate the Hispanos Americanos of Alamosa for their courage and for defending their rights as American citizens.⁶⁸

Legal loose ends

Although Holbrook’s decision was public and many newspapers had reported his ruling, the lawsuit was not entirely over. John Adams filed a motion to vacate judgment and to dismiss action.⁶⁹ Judge

⁶³“Alamosa Must Give Mexicans Free Schooling: Court Grants Mandamus Prohibiting Segregation of Spanish Speaking Children,” *Rocky Mountain News*, 22 March 1914, p. 6.

⁶⁴“Alamosa Schools Ordered to Admit Mexican Children: Bar Lifted by Court Order of Judge Holbrook, in Suit for Boy. ‘Pupils Should Be Taken Out of Spanish Classes When They Speak English,’” *Denver Post*, 23 March 1914.

⁶⁵“Alamosa Mexicans Win School Court Fight: Segregation of Spanish Must Cease,” *Denver Catholic Register*, 26 March 1914.

⁶⁶“Mexican Patrons of Public Schools Win Court Decision,” *Alamosa Courier*, 21 March 1914.

⁶⁷“Must Admit Mexicans, to Have Free Schooling Same as American Children. Judge of District Court Grants Mandamus Prohibiting Segregation of the Spanish Speaking-Children,” *Akron (Co.) Weekly Pioneer Press*, 27 March 1914.

⁶⁸“Los Ninos Mexicanos Victoriosos: La Corte Concede un ‘Mandamus’ Prohibiendo la Segregacion de los Niños de Habla Español,” *La Revista de Taos*, 17 April 1914.

⁶⁹*Maestas et al. v. Shone et al.*, Defendants, Motion to Vacate Judgment and Decree and to Dismiss Action, Order, Chas. C. Holbrook. 17 April 1914, Judge. In the motion, Adams argued that Sullivan’s amended petition was not sufficient enough to constitute a cause of action, that the court assumed it had jurisdiction over the lawsuit, and that the order had no support to issue a peremptory mandamus. Adams also argued that the judgment and decree failed to specify which Spanish-speaking children in the district—other than Miguel Maestas—possessed an understanding of English sufficient for admission to other schools.

Holbrook denied the motion to vacate on April 17, 1914. Adams filed a notice that the school board planned to appeal to the state supreme court; however, we could not find evidence of an appeal having been filed at or heard by the Colorado Supreme Court.⁷⁰

Shortly after the trial, there was a handwritten order from Judge Holbrook regarding whether two additional students in the preparatory school could select another school in the district. It appears that Judge Holbrook examined the students' English abilities and determined that Juan Ortega was "qualified to receive instruction in English without retarding the class," and Judge Holbrook ordered that he be allowed to attend the school nearest his residence. However, he also determined that "Juan Maestas should acquire a little better knowledge of the English language, both for his own good and for the progress of the class to which he would be assigned" and ordered that he not be transferred until he was "able to pass a better examination in English."⁷¹ This highlights the challenges the Mexican American community faced after the decision. Judge Holbrook made the determination about the language abilities of these two additional students, but the prospect of appealing the school district's determination about the language abilities of each Mexican student was impractical.

Discussion

The *Maestas v. Shone* case needs to be understood as one of the earliest Mexican American challenges to school segregation in the United States. The decision meant that the Alamosa School District was required to admit English-speaking Mexican American children to White schools near their homes, but those who did not have a command of English were kept at the Mexican School. It is instructive to read how different newspapers interpreted the outcome of the case. The editor of the *Alamosa Leader*, for example, was partially correct. He reported that "the decision, in effect, is that the Mexican children can go to any school in Alamosa, nearest their homes, provided they are proficient to do so by having a knowledge of the English language." He also believed that "the decision was very fair." However, unlike other newspaper accounts, the editor distorted the recent past and discounted why Mexican Americans filed the lawsuit in the first place. He claimed the "Alamosa school board never contended that the Mexican children in this district should be barred from the north side school." The *Leader* was incorrect. Other newspapers were accurate about how the lawsuit came about. As the *Hooper-Mosca Tribune* noted, it was not about Miguel Maestas's inability to understand English but "because of race prejudice the school board and city superintendent held against his people."⁷²

What also became clear in this case was how Judge Holbrook showed confidence in his decision when he discussed the language deficiency of Mexican children. As we saw, he argued in his ruling that it made pedagogical sense to provide non-English-speaking children with teachers who understood their language. He believed that bright Mexican American children were unable to learn in an environment in which they did not understand the language. At the same time, Judge Holbrook appeared ambiguous, hesitant, and uncomfortable when race was concerned. Given Holbrook's hesitation on race, his ruling needs to be understood within that space and time. Racial politics in America were intense. It had only been 18 years since the 1896 landmark U.S. Supreme Court decision *Plessy v. Ferguson* upheld the constitutionality of state laws allowing racial segregation in public facilities under the "separate but equal" doctrine.⁷³ Moreover, the Colorado State Constitution prohibited schools from classifying and distinguishing children based on color or race.⁷⁴

⁷⁰*Maestas et al. v. Shone et al.*, Defendants, Motion to Vacate Judgment and Decree and to Dismiss Action, Order, Chas. C. Holbrook, 17 April 1914. Judge. J. R. C. Ruybal did not mention in his oral interview that the case was appealed to the Colorado State Supreme Court.

⁷¹Order dated 24 April 1914, in the case of *Maestas v. Shone*.

⁷²"Mexican Patrons of Public Schools Win Court Decision: Judge Holbrook Finds Against Discrimination in Education," *Hooper-Mosca (Co.) Tribune*, 21 March 1914.

⁷³*Plessy v. Ferguson*, 163 U.S. 537 (1896).

⁷⁴Colorado Constitution, Section 427, Article 9.

Judge Holbrook was astute. He most likely developed certain sensibilities about race because he was raised in the South. He was born in Virginia in 1848, was a former schoolteacher in Kentucky, was admitted to the Kentucky Bar in 1876, came to Colorado in 1877, and was elected a district attorney in District 12 in Colorado in 1881. Holbrook was so well regarded as a magistrate in Alamosa that he was put on the primary ballot to run for the Colorado State Supreme Court before he died in August 1914. As a judge, he was described as ruling on decisions “always as near fair as he could possibly render them, and he made it a rule to give no attorney the best or the worst of it.”⁷⁵ Given Holbrook’s ruling, school officials did not pursue an appeal, and it did not go to the Colorado Supreme Court.⁷⁶

To the extent that Judge Holbrook was from the South, it is not certain how much he knew about the legal construction of race as it applied to Mexican Americans. The racial category of Mexican Americans had a complicated history. It was complicated because the federal government made the decision to grant American citizenship to Mexicans living in the territory newly ceded after the U.S.–Mexican War in 1848, an area that included Alamosa. The “Treaty of Guadalupe Hidalgo,” said K. L. Bowman, “stipulated that former Mexican citizens were to be given ‘all the rights of citizens of the United States.’”⁷⁷ Because people of color were ineligible for U.S. citizenship during the mid-19th century, the federal government categorized Mexicans as White.⁷⁸ Classifying Mexicans as White became a political act because most were racially mixed. Most were *mestizos*, a combination of Spanish and Indian.⁷⁹ But because the federal government was forced to make a decision about how to incorporate Mexicans into the newly ceded territory, the treaty, said George Martinez, turned Mexicans “into whites.”⁸⁰

Classifying Mexicans as White during the mid-19th century was not a simple narrative in which Mexicans became White U.S. citizens who were accepted in American society. Laura Gomez argued that for “many Americans, it was the fact of Mexicans’ ‘mongrel’ status that most strongly signaled their racial inferiority.” And because naturalization was restricted to White persons, Gomez maintained that the “Mexicans’ collective naturalization in 1848 prompted a *legal* definition of Mexicans as ‘White.’”⁸¹ Legal scholar Ariela Gross argued that “while a small elite of Mexican-American landholders who could prove that they were ‘Spanish’ maintained white status, the majority of ‘Mexicans’ were viewed and treated by Anglos as a separate race.”⁸²

It is not surprising, then, that Judge Holbrook did not know how to respond to Raymond Sullivan’s claim that Mexican children were racially distinct or John Adams’s position that Mexican Americans were Caucasian and no different than other White children in the school district. Judge Holbrook did not respond to these issues in his decision. Given that Mexican Americans were legally White in the United States, Holbrook could have, in principle, agreed with Adams and ruled that Mexican American children were White and thus were not being segregated in the Mexican School.⁸³ But he did not. Holbrook did not seem to be convinced that Mexican

⁷⁵“Judge Holbrook Dies,” *The Alamosa Leader*, 29 August 1914.

⁷⁶The authors conducted the search of the Colorado State Archives. We also asked the librarian at the Colorado State Supreme Court Library to aid in finding record of the case. We found no record of the *Maestas et al. v. Shone et al.* (1914) case.

⁷⁷K. L. Bowman, “The New Face of School Desegregation,” *Duke Law Journal* 50 (2001): 1751–1808. *Brown v. Board of Educ.*, 374 U.S. 483 (1954), p. 1763. See also Ariela J. Gross, “The Caucasian Cloak: Mexican Americans and the Politics of Whiteness in the 20th-Century Southwest,” *Georgetown Law Journal* 95 (2006): 338–392. USC Law Legal Studies Paper No. 06–20. Available at SSRN: <http://ssrn.com/abstract=934574>. http://heinonline.org/HOL/Page?handle=hein.journals/glj95&div=17&g_sent=1-404.

⁷⁸Gross, “The Caucasian Cloak,” p. 347. See also G. A. Martinez, “The Legal Construction of Race: Mexican Americans and Whiteness,” *Harvard Latino Law Review* 2 (1997), 321–348. Clare Sheridan, “Another White Race: Mexican Americans and the Paradox of Whiteness in Jury Selection,” *Law and History Review* 21, no. 1 (Spring, 2003): 1. <http://www.jstor.org/stable/3595070>.

⁷⁹S. H. Wilson, “Brown Over ‘Other White’: Mexican Americans’ Legal Arguments and Litigation Strategy in School Desegregation Lawsuits,” *Law and History Review* 21, no. 1 (2003): 145–194. Neil Foley, *The White Scourge: Blacks, Mexicans, and Poor Whites in Texas Cotton Culture* (Berkeley: University of California Press, 1997), 61. On this point, Foley noted that in 1920, the population in Mexico was about 14 million. Of that number, 10% were White, 30% Indian, and 60% mixed (*mestizo*).

⁸⁰Martinez, “The Legal Construction of Race,” 327.

⁸¹Laura E. Gomez, *Manifest Destinies: The Making of the Mexican American Race* (New York: New York University Press, 2007), 83.

⁸²Gross, “The Caucasian Cloak,” 341.

⁸³Thirteenth Census of the United States: 1910–Population. Department of Commerce and Labor—Bureau of the Census, Colorado, Conejos County, Precinct 12, Alamosa, Sheet No. 22 B. The racial classification of Francisco Maestas and his family in 1910 Census was “W” for White.

American children were White, but he was also careful not to state that they were racially distinct.⁸⁴

In his ruling, Holbrook suggested that school board members and the previous superintendent were well intentioned and that they had constructed the school to serve non-English-speaking children. But he also believed that the school board and superintendent had strayed from the original goal and implemented a policy that forced all Mexican American children into the Mexican School. Without officially stating that school board members had established a policy that was based on race, Holbrook forced school officials to admit English-speaking Mexican children to White schools near their homes.

After the decision was delivered, Raymond Sullivan was interviewed by the *Denver Catholic Register* and was asked to respond to the ruling. Sullivan told the *Denver Catholic Register* that the peremptory writ of mandamus granted by Judge Holbrook forced school board members to permit all children who understood English to attend schools near their homes. Sullivan was lukewarm about the decision but was satisfied because, he said, “the decree applies to practically all the Mexican children in Alamosa, as nearly all have the knowledge indicated.” In other words, Sullivan seemed content with the ruling because very few Mexican American children were going to be relegated to the Mexican School. Nevertheless, he was bothered with the idea of segregated schooling based on language. In fact, he told the *Denver Catholic Register* that “it is still our contention that even though totally deficient in a knowledge of the English language, children cannot be placed in a separate race school in Colorado on that ground.”⁸⁵ Sullivan understood the importance of local control and that school districts were given power to operate and govern their schools. But he told the *Denver Catholic Register* that “nowhere in the statute of Colorado are school boards authorized to segregate school children on account of language.” He argued that when one segregates based on language, “you are getting perilously close to separation on account of race.” Sullivan hypothesized that under “this theory you have to have separate schools for Germans, French, Italians, Greeks, Bulgarians and so on until every race is isolated and reared in a separate school.” This separation, said Sullivan, was counterproductive to the spirit of the Colorado Constitution and went against the America ideal of being a nation “composed of many races and many peoples.” Sullivan believed that racial diversity made America a “strong and united commonwealth.” Separate schooling, he believed, “would tend toward race consciousness, dissolution and disintegration.”⁸⁶

We are not suggesting that with this victory, race relations in Alamosa were ameliorated. They were not. The Mexican American struggle for racial justice was far from over. Two years after the *Maestas* ruling, Raymond Sullivan returned to Alamosa. This time he came to assist the district attorney on a lawsuit brought on by a Mexican American against the owners of a bowling alley. The suit was filed under the Civil Rights Act of Colorado, which prohibited “the exclusion of any person from a public place of amusement on account of race or color.” The owners of the bowling alley posted signs that read “Mexican trade not wanted.” In this case, the jury found overwhelming evidence that Mexican Americans were being barred from that establishment. One of the owners was found guilty and the other was acquitted.⁸⁷ Our point here is that even though Mexican Americans were allowed to attend schools of their choice with White children after 1914, and although the district attorney forced some business owners to take Jim Crow signs down in 1916, racial discrimination continued for decades.⁸⁸ Like other Mexican American communities in the United States, *Hispanos Americanos* in Alamosa understood that they lived on the margins of American life, but they slowly started to move from the margins to the center of the struggle for racial equality.

⁸⁴*Maestas et al. v. Shone et al.*, Petition by Raymond Sullivan, Attorney for Plaintiffs, p. 2.

⁸⁵“Alamosa Mexicans Win School Court Fight,” *Denver Catholic Register*, 26 March 1914.

⁸⁶*Ibid.*

⁸⁷“Suit That Alleges Discrimination Won by Alamosa Mexican,” *Denver Catholic Register*, 23 March 1916. Also see *The People of the State of Colorado v. Henry H. Hamilton and James H. Williams*, Reference #32, Alamosa District Court, Alamosa, Colorado, Term: March 3–15, 1916.

⁸⁸As was noted in *United States v. Alamosa County*, Colo., 306 F. Supp. 2d 1016 (D. Colo. 2004), “Discriminatory practices existed in Alamosa County, particularly during the first half of the twentieth century. These practices created or exacerbated socioeconomic disparities between Hispanic and Anglo residents. Official action and social activism, particularly during the last fifty years, however, have reduced the discriminatory climate in the county. This has improved educational and socioeconomic conditions for Hispanic residents and contributed to increasing diversity within the Hispanic population.”