

## The Legacy of Gus Garcia and *Hernandez v. Texas*

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### Part 1: Who is Gus Garcia?

**Directions:** Read the [life story of Gus Garcia](#) and answer the questions below.

1. How were Mexican Americans treated in Texas after the Mexican-American War?
2. When something is ironic, it means that it happens in a way that is the opposite of what you would expect. Why was it ironic that Gus was not allowed to use the “whites-only” bathroom in the Jackson County courthouse?
3. How did Gus Garcia’s work advance civil rights for Mexican Americans?

### Part 2: *Hernandez v. Texas*

**Directions:** Read the [case summary for \*Hernandez v. Texas\*](#) and answer the questions below.

1. What were the effects of the Treaty of Guadalupe-Hidalgo?
2. Why do you think Gus Garcia offered to take the *Hernandez* case pro bono?
3. Why was Gus Garcia concerned that Pete Hernandez did not receive a fair and impartial jury?
4. This case was settled two weeks prior to the *Brown v. Board of Education* decision. If this case had been heard and settled in a different year than Brown, do you think *Hernandez v. Texas* would be a more commonly known landmark case? Why or why not?
5. What was the significance of the new jury finding Hernandez guilty?

“Circumstances or chance may well dictate that no persons in a certain class will serve on a particular jury or during some particular period. But it taxes our credulity to say that mere chance resulted in there being no members of this class among the over six thousand jurors called in the past 25 years. The result bespeaks discrimination, whether or not it was a conscious decision on the part of any individual jury commissioner. The judgment of conviction must be reversed.”

Chief Justice Earl Warren

**Part 3: Analyzing Arguments**

Read your assigned documents and take notes in the chart below. Be prepared to share information with your partner.

	<b>Sourcing</b> <b>Before reading:</b> In the source information, look at the title of the document. Based on the title, what can you infer about the author’s argument?	<b>Argument</b> What is the author’s main argument?	<b>Evidence</b> What is one supporting detail the author uses to support their argument?
A			
B			

## Document A: Academic Journal (Modified)

*This article appeared in the Journal of Supreme Court History in 2023. Academic journals are written by scholars and peer-reviewed before they are published. They are written for an audience of other scholars in the field. In this journal article, the author critiques an argument made by a 1974 newspaper article.*

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A March 12, 1974, *San Antonio Express News* article by Jose Chacon referred to Garcia as a "premature hero." In the article, the author credited Garcia with a historic victory, but faulted the attorney for not "communicating the significance of the decision to his people." The article also described *Hernandez v. Texas*' proximity to ***Brown v. Board of Education (1954)*** as a positive, implying *Brown* should have spurred a civil rights revolution on the African and Mexican American fronts. Unfortunately, Garcia did not "receive the support of his own people." The cause of Mexican American equality was largely a localized effort, left to individual attorneys such as Garcia rather than a nationwide organized movement.

Chacon also cites **Thurgood Marshall's** appointment to the Supreme Court in 1967 and Garcia's descent into **obscurity** as further proof that *Hernandez* was failed by a lack of community support. This is a leap too far. Marshall was an establishment appellate **NAACP** (National Association for the Advancement of Colored People) attorney and a repeat player at the Supreme Court. Garcia was a local hero, but only argued at the nation's highest court once. Marshall's appointment was much more a product of his appellate attorney status, involvement with the Kennedy and Nixon administrations, and the civil rights movement's focus on African American status.

The failure of *Hernandez* to spark a nationwide movement cannot be tied to any one specific factor. The use of a **test case** where the **plaintiff** had clearly committed a **capital offense** would not create a lot of public sympathy. The case's proximity to *Brown* overshadowed *Hernandez*, as any national conversation on Mexican American rights was halted two weeks later when the Court announced *Brown*. Additionally, Garcia and Herrera did not have access to a well-funded, national organization like the NAACP to bring more test cases in federal court. They relied instead on local LULAC (League of United Latin American Citizens) chapters as they tried to apply *Hernandez*' promise to the state level. Finally, perhaps Garcia's descent into obscurity cost the cause its most convincing and dedicated voice, a loss it couldn't recover from.

Regardless of why *Hernandez* failed to permanently enter the national conversation, what's beyond question is Garcia's contribution to the case. Through ingenuity, dedication, and peerless advocacy Garcia turned an open and shut murder case in a small Texas town into the country's first national legal reckoning on Mexican American rights. No matter how short lived the discussion, it was unquestionably thanks to Gus.

**Source:** Gabriel Valle. "A Hero Forgotten: Gus Garcia and the Litigation of *Hernandez v. Texas* (1954)." *Journal of Supreme Court History* 48 (2023).

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### Vocabulary

- ***Brown v. Board of Education (1954)*** – the landmark Supreme Court decision that declared school segregation to be unconstitutional.
- **Thurgood Marshall** – the founder of the NAACP's legal defense fund who argued *Brown v. Board of Education* (1954) and later became a Supreme Court Justice.
- **Obscurity** – the state of being unknown or unimportant
- **Test case** – legal actions brought with the intention of challenging a present law.
- **Plaintiff** – a person who brings a suit to court.
- **Capital offense** – a crime punishable by the death penalty.

**Document B: Podcast (Excerpt)**

*This is from a podcast by the State Bar of Texas, the administrative organization that oversees everyone who practices law in the state of Texas.*

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**Rocky Dhir (Host):** I understand at the time it was a first for many Mexican Americans to have a case like this before the US Supreme Court. Why bring this up now? It's 70 years later. Why is it still important for us to study it? What impact does it have on the way our legal landscape is today?

**Chief Justice Dori Contreras (13th Court of Appeals of Texas):** First of all, history is important of course. And as we talked about, so many people don't even know about this case. And so we took this project on to commemorate these lawyers, first of all to recognize the decision in its 70th anniversary. And so that people do recognize where we came from and the battles that were fought in order to be able to have the privileges that we have. And yes, we have come a long way, but we still have a ways to go and we can learn from history.

**Justice Gina M. Benavides (13th Court of Appeals of Texas)** And I think that's also the basis of this opinion—that we weren't two classes, we weren't white and Black in the United States, but that you can be discriminated against if you are treated “a class apart.” That's the word that the U.S. Supreme Court uses. So whether it applies to Mexican Americans or any other group that are treated differently, then that can be discrimination. It just isn't white and Black anymore. You can bring it forward to any type of ethnical, cultural, religious, sexual orientation now. And the same principles that are set out in *Hernandez v. Texas* apply to those cases. It was the first one that recognized “class apart” as being the basis of discrimination.

**Chief Justice Dori Contreras:** In fact, the decision led to knocking down barriers in the employment area and the housing area and the school area. I mean, it had a significant impact.

**Christopher D. Pineda (Assistant U.S. Attorney in the Southern District of Texas):** And I would just add too, it was not a foregone conclusion that this would happen. I mean, you had veterans coming back from World War II, decided that they were not going to take second class citizenship anymore. They were educated, they were lawyers... Organizations were now forming to provide the funding that they would need. And also the Court had just changed. Earl Warren had just been appointed the position of Chief Justice of the Supreme Court; two weeks after the *Hernandez* decision came the *Brown v. Board of Education* decision. So all these things had to come together, including this legal team, for this to happen. So it is important to take a moment like this to go back and look at the primary sources and tell those stories again, especially to young people.

**Rocky Dhir:** I want to ask what might be a controversial question, maybe an uncomfortable question, but why do you think *Hernandez v. Texas* has been largely, I guess, for lack of a better word, ignored? Why are we citing it more than cases like *Brown v. Board* or others that have come up since? Why is this case kind of put to the back burner in a sense, in legal citations?

**Justice Gina M. Benavides:** Well, I don't think it's controversial. I think that the *Brown v. Board of Education* was such a huge case that it stole the show from *Hernandez*...so it didn't get the recognition, nor has it gotten the recognition that it should. And so we would like that. Everybody knows *Herandez vs. Texas* just as much as they know *Brown vs. Board of Education*.

**Source:** “Remembering *Hernandez v. Texas* (State Bar of Texas Annual Meeting 2024).” *State Bar of Texas Podcast*. July 1, 2024.

<https://legaltalknetwork.com/podcasts/state-bar-texas/2024/07/remembering-hernandez-v-texas-state-bar-of-texas-annual-meeting-2024/>.

**Assessment: Gus Garcia & Hernandez v. Texas**

**Directions:** Create a proposal for a three-episode docuseries about Gus Garcia and the impact of *Hernandez v. Texas*. For each episode, write a 3-4 sentence summary. Be sure to include:

- The historical background of *Hernandez*
- Who Gus Garcia is and why he was important to *Hernandez*
- The short-term impact(s) of *Hernandez*
- The long-term impacts(s) of *Hernandez*
- Episode titles that reflect the summary of each episode

**Episode 1:** \_\_\_\_\_

**Summary:**

**Episode 2:** \_\_\_\_\_

**Summary:**

**Episode 3:** \_\_\_\_\_

**Summary:**

### Treaty of Guadalupe Hidalgo (Modified Excerpt)

The **annexation** of Texas, whose land once belonged to Mexico, sparked a war between Mexico and the United States in 1846. This treaty ended the war in 1848 and **ceded** a significant amount of Mexican territory to the United States..

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Mexicans now living in territories previously belonging to Mexico, and which are now within the limits of the United States, as defined by this treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic...

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the **ratification** of this treaty. Those who shall remain in the said territories after the expiration of that year, without having declared their intention to remain Mexican citizens, shall be considered to have elected to become citizens of the United States.

**Source:** Treaty of Guadalupe Hidalgo. February 2, 1848.

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#### Vocabulary

- **Annexation** – the addition of territory
- **Ceded** – gave up territory
- **Ratification** – the official signing of a treaty

#### Discussion Questions

1. Why did the United States and Mexico go to war?
2. What choice did this treaty give to Mexicans living in the territory ceded to the United States?
3. How did this treaty impact the legal citizenship status of Mexicans living in the ceded territory?

### Supreme Court Opinion: *Hernandez v. Texas* (Excerpt)

*In 1951, an all-white jury in Jackson County, Texas convicted Pete Hernandez, a Mexican-American man, of murdering Caetano “Joe” Espinoza. Hernandez appealed his case because no one of Mexican descent was included in the pool of potential jurors for his trial. In fact, not a single person of Mexican descent was included in a jury pool in Jackson County for the past 25 years. Hernandez’s legal team, including prominent attorney Gus Garcia, argued that Jackson County’s systematic exclusion of Mexican Americans from jury service deprived him of the equal protection guaranteed by the **Fourteenth Amendment** to the Constitution. The Supreme Court handed down its **unanimous** opinion in favor of Hernandez on May 3, 1954.*

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Circumstances or chance may well dictate that no persons in a certain **class** will serve on a particular jury or during some particular period. But it taxes our **credulity** to say that mere chance resulted in there being no members of this class among the over six thousand jurors called in the past 25 years. The result **bespeaks** discrimination, whether or not it was a conscious decision on the part of any individual jury commissioner. The judgment of conviction must be reversed.

**Source:** *Hernandez v. Texas* (1954).

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#### Vocabulary

- **Fourteenth Amendment** – ratified in 1868, granted citizenship to all persons born or naturalized in the United States—including formerly enslaved people—and guaranteed all persons “equal protection of the laws.”
- **Unanimous** – fully in agreement
- **Class** – a group of people sharing certain characteristics such as gender or race
- **Credulity** – the willingness to believe someone
- **Bespeaks** – suggests

#### Discussion Questions

1. Why did Pete Hernandez appeal his case?
2. Why do you think it is important that the Supreme Court’s decision was unanimous?
3. Why did the Supreme Court believe there was discrimination in this case?
4. How did the Supreme Court’s judgement impact Pete Hernandez’ case?