



THE MOST IMPORTANT SCHOOL DESEGREGATION CASE YOU'VE NEVER HEARD OF



As racial justice demonstrators have waged public battles to remove statues commemorating Confederate soldiers, slave owners and other symbols “honoring” America’s racist past, a very different effort has emerged to erect a new monument, this one commemorating a little known victory in the ongoing struggle against racial segregation in the nation’s schools.

On September 2, 1913, railroad foreman Francisco Maestas attempted to enroll his son Miguel in the closest public school to his home in Alamosa, Colorado. But the superintendent of schools refused to admit him, referring him instead to the “Mexican School” that the district had constructed four years earlier to house the city’s 150 children of Mexican descent. Soon thereafter, the elder Maestas became the plaintiff in a groundbreaking but often forgotten desegregation case.

Francisco Maestas et al v. George H. Shone et al (1914) is believed to be one of the earliest, if not the earliest, effort to use the courts to fight the segregation of Hispanic students in schools, according to an article by National Education Policy Center Fellow Ruben Donato, of the University of Colorado Boulder, Gonzalo Guzman of the University of Washington, and Jarrod Hanson of the University of Colorado Denver. The article was published in 2016 in the peer-reviewed *Journal of Latinos and Education*. Its publication helped call attention to the case, which Dr. Guzman first learned of when he encountered a passing reference in a Wyoming newspaper while doing research on a different topic.

Maestas is unique when compared to later desegregation cases filed by plaintiffs of Mexican descent in California and Texas. Unlike the communities where subsequent suits originated, Alamosa is substantially farther from what is now the Mexican border. Because of the isolated nature of the area, southern Colorado and northern New Mexico gave rise to a distinct

Spanish American/Hispano Americano racial identity. Unlike those involved in later, similar cases, the plaintiffs – who were not Mexican citizens – did not receive assistance from the Mexican government. The suit, which grew out of grassroots parent and community activism, was filed by a Denver attorney who agreed at the urging of a Catholic priest to take the case for \$200 (the equivalent of about \$5,180 in today's dollars).

Finally, unlike the plaintiffs in later cases involving the segregation of Mexican-American students, the *Maestas* plaintiffs did not try to argue that they should not be segregated from white students because they were white too. They argued that they were subject to racial discrimination, in violation of the Colorado state constitution. It was the defendants who thus argued that the “Mexican” plaintiffs were Caucasian, so racial segregation couldn't actually be occurring.

And according to the federal government, the plaintiffs *were* classified as white. Alamosa was part of the territory ceded from Mexico to the United States under the Treaty of Guadalupe Hidalgo in 1848. Mexicans who lived in the region were given all the rights of U.S. citizens and characterized by the federal government as white, since non-whites couldn't be citizens in 1848. The Mexican-Americans in Alamosa and elsewhere in the U.S. were nonetheless subject to discrimination, Donato, Guzman and Hanson note. And the plaintiffs contended that they *were* being discriminated on the basis of race. After all, the reason given for the segregated school was not valid: The superintendent claimed it was necessary because Spanish speakers needed to learn English “without seriously retarding and impairing the educational advancement and development” of all the students. However, the majority of the students in the Mexican school already spoke English.

Ultimately, this argument prevailed, especially after Mexican-American student after student testified in English at the trial, which Donato, Guzman and Hanson reconstructed from newspaper and other accounts (there was no trial transcript).

District Court Judge Charles Holbrook ruled in 1914 that all English-speaking students in Alamosa should be allowed to attend the schools closest to their homes. This was not a total victory. As the plaintiff's attorney Raymond Sullivan told a local newspaper, when students are segregated on the basis of language, “you are getting perilously close to separation on account of race.” However, he also noted that “the decree applies to practically all the Mexican children in Alamosa, as nearly all have the knowledge [of English] indicated.”

Although the case attracted coverage from multiple newspapers at the time, it did not receive the same level of attention as later lawsuits that wound their way through federal courts. However, in February of 2020, the Colorado General Assembly issued a resolution commemorating *Maestas*. *The Valley Courier* newspaper in Alamosa published an in-depth article about the lawsuit. And the effort continues to raise funds to build a memorial of the case in Alamosa.

“It's incredibly relevant to the sociopolitical environment we live in,” Gonzalo Guzmán told *Chalkbeat* this winter:

Particularly to show that the Latino community has been in a longstanding fight for educational justice and access. This did not just develop recently. It's been

going on for a long time. It also shows history as a sign of hope in action. It's worth the struggle.

NEPC Resources on History

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