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"Colored Men and Hombres Aquí": Hernandez v. Texas and the Rise of Mexican American Lawyering (review)

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personal struggles of some of the individuals and their families brings an all too familiar but all too forgotten truth to the fore. And even though modern media has portrayed police work as dangerous and wildly exciting at times, it is in reality usually mundane and tedious. But it is in tedium that we find Terrell County sheriff Bill Cooksey's best efforts at capturing the man who shot and very nearly killed the sheriff out in the Chihuahuan Desert. It was in Cooksey's tenacity, coupled with a certain stick-to-itiveness, and aided by many other determined lawmen that the years-long career of the Caveman Bandit was finally ended.

But even the Caveman Bandit, a man named Alfredo Hernandez, at the time a thirty-one-year-old illegal Mexican national whose repeated nighttime border crossings were fraught with crimes ranging from tidy, nearly victimless break-ins to attempted murder, was given an air of respect in *The Gun That Wasn't There*. Hernandez was treated as both reticent and remorseful about his crimes and vengeful to the Mexican police who took him back to his home country, where he was to serve a lengthy jail sentence.

Writing in novelistic fashion, Smith is able to give the reader a patchwork of people, their lives, beliefs, and apparent intents; well blended to bring out the story and catapult it above the typical newspaper or magazine crime story. Chapter thirteen, titled simply "Thursday Afternoon," is one of the most energizing, fast-paced, palm-sweating, and downright emotional passages appearing in nonfiction in a long, long time. This is the chapter immediately following the one dealing with the shooting of Sheriff Cooksey. In this chapter the reader is strapped in for a ride on an emotional tilt-a-whirl seemingly so furiously spun that the reader's eyes blur from the effort of keeping pace with the pages. The quick thinking of the two men who were with Cooksey when he was shot to free themselves from their bindings; the frenzy of motion as one of the men smashes a pickup truck's taillight so he can rip wires from it to hotwire the ignition; the speeding to a point where a passing locomotive could be flagged down and thus radio ahead for help; the rallying of nearby citizens from restaurant cashiers to ranchers and barbers in the manhunt for Hernandez. The reader may come away feeling as if he or she has vicariously participated in something truly heroic after reading "Thursday Afternoon."

After downing a tall, cool glass of cold water, the reader should be rested enough to take up the hunt for Hernandez once again. *The Gun That Wasn't There* rivals many similar efforts in works of fiction in the crime genre.

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DAN ANDERSON

"Colored Men and Hombres Aquí": Hernandez v. Texas and the Rise of Mexican American Lawyering. By Michael A. Olivas. (Houston: Arte Público Press, 2006. Pp. 395. Notes, appendices. ISBN: 1-55885-476-2. \$49.95, cloth.)

In 1951 Pedro Hernandez, a service-station attendant, murdered Joe Espinosa, a tenant farmer, in an Edna tavern and was sentenced to 99 years in prison by an all-white jury. It was not an unusual case, nor were the results extraordinary. Attorneys for Pedro "Pete" Hernandez questioned whether a Mexican-American defendant

was really being tried by a jury of his peers when Mexican Americans were not allowed to serve on juries in Texas. The *Hernandez* decision challenged the practice common in Texas and other Southwestern states of excluding Mexican Americans from sitting on juries. The United States Supreme Court reversed the conviction, and in doing so, expanded the narrow interpretation of the 14th Amendment that held that civil rights applied only to African Americans. The Supreme Court handed down the *Hernandez* decision on May 3, 1954. Just two weeks later, on May 17, Chief Justice Earl Warren read the Court's ruling on *Brown v. Board of Education*. In the half-century since those two rulings, the *Brown* decision has overshadowed the Court's earlier decision.

Michael Olivas, of the University of Houston Law School, sheds light on this frequently overlooked civil rights case. He has assembled a collection of essays from legal analysts and historians reflecting on the *Hernandez* case. The book is not a traditional narrative history, instead it is a collection of papers presented in 2004 at the University of Houston Law Center entitled, "*Hernandez* at 50." The authors seek to answer important questions, such as: What was the significance of the *Hernandez* decision? What is the case's significance today? How did Mexican Americans come to understand and interpret their legal definition of "whiteness"? How did Texans discriminate against Mexican Americans who were technically considered "white"? And, what role did John J. Herrera, Gus Garcia, James De Anda, and others play in the struggle against Mexican American discrimination? An earlier collection of these presentations appeared in the Spring 2005 edition of UCLA's *Chicano-Latino Law Review*. In the present volume, Olivas adds additional essays and includes almost 150 pages of appendices, which include court transcripts, the full text of the *Hernandez* Supreme Court decision, as well as other primary source documents.

Besides those who will be disappointed looking for a traditional historical account, the book's subtitle is also somewhat misleading. There is little about the "Emergence of Mexican-American Lawyering." Although the essays provide some insight into the legal strategies employed by attorneys who often took active roles in LULAC and American G.I. Forum cases, at the heart of "*Colored Men and Hombres Aqui*" is the question of Mexican American racial identity. In the Treaty of Guadalupe Hidalgo, Mexicans living in the land the United States acquired were promised full citizenship with Anglo citizens. As many historians of the Mexican-American experience have demonstrated, however, Mexican Americans in the United States often suffered discrimination, Jim Crow discrimination, and were the victims of violence at the hands of Anglos. The Supreme Court's decision ironically came at the same time the federal government implemented "Operation Wetback," which resulted in the deportation of over a half-million Mexicans and Mexican Americans. Indeed, the preponderance of evidence revealed to the high court the extent of discrimination Mexican Americans daily faced. The title of the book, taken from a sign above a segregated men's room in the Jackson County courthouse, is one example. It led the justices to issue a unanimous decision stating that Pete Hernandez's "only claim is the right to be indicted and tried by juries from which all members of his class are not systematically excluded . . . to this much he is entitled by the Constitution" (p. 250). Despite the minor criticisms, students of Texas history, Mexican

American history, civil rights, and legal history will find a treasure of information in this collection.

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Aryan Cowboys: White Supremacists and the Search for a New Frontier, 1970–2000. By Evelyn A. Schlatter. (Austin: University of Texas Press, 2006. Pp. 268. Illustrations, map, notes, bibliography, index. ISBN 978-0-29271-471-7. \$19.95, paper.)

In *Aryan Cowboys*, Evelyn Schlatter makes two important and somewhat unsettling assertions. First, she argues that the extreme Right cannot and should not be written off as “simply” a lunatic fringe. To underemphasize their power ignores the reality of their growing presence and increases the threat they pose to the American government and way of life. Secondly, the extreme Right, Schlatter contends, is not an aberration of modern American life but a natural, if distorted, result of certain traits apparent throughout American history. In the end, although she uses her research to validate her concerns about the danger posed by extremists and to raise interesting questions about the connections between rightist groups and the West, she does not completely succeed in making her point.

As shocking as some academics may find it, Schlatter offers ample evidence that a growing number of Americans believe some variation of the theory that an international Jewish conspiracy threatens to eliminate the white race and install women and nonwhite men as a New World Order. Many of these believers maintain that the best way to prevent this nightmare is for true Americans (white Protestant men and their families) to begin an intensive program of preparation, moving away from the increasingly dark urban areas to the wide open spaces of the West where they can stockpile food and weapons, engage in military training, and plan for the new millennium. Relying on the existing literature as well as her own internet research and numerous interviews, Schlatter uses the modern Ku Klux Klan, the Aryan Nation, Posse Comitatus, and a number of prominent individuals as examples of the modern extremism. She includes discussions of several important confrontations between the Right and the federal government which resulted in winning new adherents for some of the extremist groups.

Schlatter attempts to connect the rise of extremism to at least two traditional American symbols. First, she discusses the ways extremists have manipulated the mythology of the West as a land of manly men who embodied the American ideal to work to the advantage of rightists. Second, she expands her analysis to include the image of the American farmer. Harkening back to the Jeffersonian ideal of the yeoman farmer, extremists, Schlatter explains, emphasize the importance of the agricultural life to modern America. Some groups and individuals utilized the economic disasters small farmers faced during the 1980s to build up their memberships. Farmers’ frustration and anger at their situation provided a fertile ground in which extremists could plant their seeds of antigovernment conspiracy theories.

Schlatter is at her best when describing and deciphering her examples. She treats her subjects with respect even as it is obvious that she strongly disagrees with