In 1944, Soledad Vidaurri went to the 17th Street Elementary School in Orange County, California to enroll her children and their cousins, the Méndezes, for the upcoming school year. While the administration accepted her two children into the so-called “American School,” they rejected her niece and nephews because of their darker skin and Spanish surname. When she was directed to enroll them in the “Mexican School,” Vidaurri removed all five children from the office, including her own, without registering them. While this type of segregation against Latino students was all too common in Southern California at that time, this particular occurrence would turn out to have an uncommon and far-reaching outcome. A coalition including the Méndez, Gomez, Palomino, Estrada, and Ramirez families successfully brought a court case against the Westminster School District with the support of civil rights organizations and activists from across California. In 1946, Judge Paul J. McCormick of the US District Court declared the arbitrary segregation of Latinos an unconstitutional violation of the 14th Amendment of the US Constitution. Mendez v. Westminster thus laid the foundation for broad changes in US civil rights history, including paving the way for the landmark Brown v. Board of Education, which desegregated schools throughout the United States. To this day, Mendez v. Westminster is remembered as a milestone in Latino history. And, perhaps somewhat unexpectedly, it also represents a significant instance of Jewish-Latino alliance in Southern California.
Thurgood Marshall, Carey McWilliams, and Loren Miller are among the most recognizable names in American civil rights legal history. A name not as familiar, but certainly just as significant, is David C. Marcus. In his fifty years practicing law in Southern California, Marcus litigated several of the most groundbreaking cases involving Mexican-American civil rights history, including *Mendez v. Westminster*. Yet, most descriptions of Marcus only refer to him in passing as a civil rights attorney from Los Angeles with little elaboration. In some accounts, the Jewish-American lawyer has even been erroneously described as African-American (Gross 286; Bernstein, “The Long 1950s”). Despite his involvement in high profile civil rights cases, there has been no in-depth inquiry into his biography or close look at the achievements of his legal career. As a result, we know little about the personal experiences, professional connections, and the legal context of his work. It is hoped that this article will begin to redress this oversight. Its aim is to trace the life and career of David C. Marcus with an emphasis on his impact on Latino legal history through a review of his most influential casework in the World War II era. By shining a light on the long neglected Marcus, high-profile cases such as *Mendez v. Westminster* will be seen in a more significant perspective. Rather than being viewed as isolated instances of individual community success, his cases are more properly taken as constituting a continuum, or, if you prefer, an arc of constant legal efforts that ultimately culminated in enduring progress in the legal struggle for civil rights in Southern California and beyond. More broadly, this inquiry offers one window into the ways Jewish and Latino alliances formed in Southern California and how, together, they attempted to shift the legal terrain of race and race-relations in the United States.

**BIOGRAPHY: DAVID CLARENCE MARCUS**

David Clarence Marcus has been described as a man of average height with olive skin and brown eyes. In photos, his trademark dark rimmed glasses and thin mustache make him distinctive and instantly recognizable. Like many Angelenos from this period, Marcus came to the Southland from somewhere else. The oldest of five sons, he was born in Iowa, probably in 1905 or 1906. His mother Mary and father Benjamin Marcus were Jewish immigrants from Poland and the former Soviet Republic of Georgia, respectively, who met and married in the US. His father made a living by peddling, and after living in
the US for a few years founded stores in Albuquerque and Los Angeles. While Marcus attended elementary school in Des Moines, he spent his teenage years in New Mexico. His family moved to the warmer, drier climate of Albuquerque after his mother was diagnosed with tuberculosis, an illness she eventually succumbed to. Upon graduating from high school, he attended the University of New Mexico, where he briefly but unsuccessfully pursued an engineering degree. Undeterred, in the 1920s, he moved with his family to Los Angeles where he continued his education at the University of California, Los Angeles, played football, and finished his bachelor's degree. His brothers followed in their father's footsteps and became businessmen, running a successful garment business together in Texas. Characteristically one to run against the tide, Marcus followed a markedly different trajectory. He decided to set down roots in Los Angeles and pursue a legal career by enrolling at the University of Southern California (USC) Law School (see fig. 1).

The 1920s were a particularly remarkable period for the USC Law School, and it is significant that Marcus attended during this time. The reputation of the Law School and its graduates was growing with the recruitment of new faculty, the erection of a new permanent building on the University Park campus, and the founding of a chapter of the legal honor society, the Order of the Coif. Pedagogically, professors began preparing students for real-world practice early by embracing the Socratic and case methods in their courses. Students were also encouraged to demonstrate broad knowledge of the legal field with the founding of the student-edited and managed Southern California Law Review in 1927. In the same year, USC Law made a commitment to public outreach, when the faculty founded the USC Law Clinic. The Clinic provided pro bono legal advice to the public, first-hand experience for law students, and served as a draw for students interested in public-interest law. That the training Marcus received was based on practical application and community outreach to the underserved serves to elucidate his later career trajectory. As a result, Marcus was also a contemporary with several of the most influential attorneys in the legal community specializing in civil rights. These included Chinese civil rights attorney You Chung Hong ('24), activist Carey McWilliams ('27), and Mexican-American civil rights attorney Manuel Ruiz, Jr. ('30). Marcus often crossed paths with his fellow graduates throughout his career. Sometimes they would sit on opposite sides of the courtroom, but more often than not, they worked as allies.

Several professional schools during this period rejected non-white, male applicants without compunction. Under the direction of Dean Frank M. Porter
Genevieve Carpio (1904–1927), however, USC had one of the most diverse law schools in the nation. Despite the relative ethnic, gender, and national diversity among the students at USC Law, their presence did not completely curb discrimination in the larger University culture. Marcus, for instance, described facing anti-Semitism while at USC, and there is a general sense that USC was subject to much anti-Semitism during its early history. While it is unclear whether Jewish students were subject to formal quota restrictions, it is believed that applications submitted by Jewish students to the medical and dental schools were routinely rejected. These tensions paralleled a general wave of anti-Semitism prominent in Los Angeles in the mid-twentieth century, where Jews were routinely subject to exclusion from elite clubs, leadership positions, and various housing developments. These personal experiences with discrimination would influence Marcus’s impact on the legacy of civil right’s legal struggles.

Figure 1: Marcus’s school portrait while attending the University of Southern California. (Reproduced from El Rodeo [1925]. Courtesy of the University of Southern California, on behalf of the USC Special Collections.)

Shortly upon passing the California Bar in his early twenties, Marcus began working on legal cases for the Mexican Consulate (Brilliant 63). It may seem surprising that the Consulate would hire a lawyer who was not Latino and had not grown up speaking Spanish to work with primarily Spanish-speaking, Mexican citizens. What might have motivated them to do so? For one, practicing lawyers in Mexico were unable to practice law without passing the California Bar Exam. This required an extensive knowledge of California’s legal terrain and the ability to express this knowledge under time constraint in English. The dearth of Mexican-American graduates from law schools in
the US further limited the applicant pool. This labor shortage would push the Consulate towards pursuing alternative labor pools.

It is unknown what motivated Marcus, a Jewish-American lawyer, to pursue a Consulate position that required working in a Spanish-speaking office with Mexican clients on issues pertaining to the Mexican and US governments. As a child of immigrants who had experienced the limits of US acceptance, himself, perhaps Marcus felt an affinity for his Latino clients. The social climate of 1920s Los Angeles also suggests that Marcus would have been excluded from the majority of legal positions. Strong anti-Semitism forced most Jewish lawyers into Jewish owned firms or private practice. Indeed, Marcus was among this cadre of lawyers, eventually opening a successful private practice in downtown Los Angeles where he specialized in criminal and immigration cases. That he routinely worked with Latino clients and hired Spanish-speaking secretaries and receptionists suggests his choice to work with the Mexican Consulate resulted from more than a lack of alternatives. Marcus was also among a growing cohort of notable Jewish, African-American, Asian-American, and Latino lawyers who found positions in organizations seeking to shift the legal terrain of California in an effort to secure equal rights and privileges for those who were socially marginalized. A few notable examples of those belonging to this legal Jewish liberal community with whom Marcus would often interact include A. L. Wirin of the American Civil Liberties Union (ACLU) and Ben Margolis of the National Lawyers Guild. The time Marcus spent working with the Consulate served as an entry point into this larger legal left and was responsible for his specialization in cases pertaining to Latinos, including but not limited to Mexicans and Mexican-Americans.

The Mexican Consulate was involved in a wide range of activities in the life of Mexican nationals in California—not least among which was providing legal services. Since “Mexican” was viewed as a distinct category in racially stratified California, Mexican nationals and Mexican-Americans were often subject to the same types of economic, social, and political abuses. As a result, Consulate cases such as those of Marcus deeply affected all Latinos living in the US. The Consulate routinely retained legal aid from individual attorneys or firms for Mexican nationals who were unable to afford their own attorney or did not speak English well enough to navigate the US legal system. As explained by historian Francisco Balderrama, “They prepared legal briefs, assessed the impact of American laws or proposed legislation on the colonia and Mexico, defended Mexican nationals who lacked funds, submitted petitions for pardons or paroles for Mexicanos serving jail sentences, reviewed
requests of victims or criminal offenses, and presented claims from industrial accidents to appropriate authorities” (Balderrama 9). Upon being hired, the attorney served as an official representative of the Mexican government. At times Consulate-retained attorneys, such as Marcus, were even accompanied by Consulate representatives in court proceedings. The symbolic weight of the Consulate increased in the World War II climate of Pan-Americanism which sought to increase cooperation between the US and Latin American countries. Franklin Roosevelt's Good Neighbor Policy is one such policy indicative of this relationship. In the context of the war, Marcus leveraged Pan-Americanism and his role with the Consulate to promote civil rights gains for his clients.

Whether working in partnership with the Consulate or in private practice, Marcus frequently represented clients in cases involving the crossing of legal lines between Mexico and the US. At times, this work even required that he travel to Mexico, during which time he likely gained a greater understanding of US-Mexico relations and policy. In general, these cases dealt with custody battles between Mexican and American nationals, inter-American property disputes, or Mexican nationals working in the US. In this capacity, he was involved in one of the most high profile labor disputes in California, one for which he received considerable notoriety. In 1933, Marcus became a key figure in the El Monte Berry Strike as the Mexican Consulate’s attorney and spokesperson. In this role, Marcus represented a new strike committee of agricultural workers (Mexican, Japanese, and Filipino) throughout the San Gabriel Valley who were renegotiating their labor contract with Japanese berry farm operators. Marcus explained that workers were seeking to increase the adult wage and to end child labor entirely. His involvement with the strike committee and chairman Armando Flores put him at odds with the Los Angeles Chamber of Commerce, whose members accused him of “using every effort possible to hold the Mexican people from accepting work” (Arnoll). He was seen as an agitator, unionist, and troublemaker. At a convention of the Confederación de Uniones Obreras Mexicanas/Confederation of Mexican Labor Unions (CUOM), twenty years after the El Monte Berry strike concluded, Marcus was still described as one of the most ardent defenders of the well-being of workers and welcomed with applause (Avila). On the other end of the spectrum, the Consulate’s involvement has been critiqued by Chicano historians for its tepid approach to unionizing the workers, as compared to the more radical approach of the efforts of Cannery and Agricultural Workers Industrial Union (CAWIU) organizers. The strike also represents one of many moments the work of Marcus paralleled that of Wirin who, as an ACLU attorney,
represented the strikers when they were charged with vagrancy and conspiracy (Rodriguez and Fennell). This foreshadowed a collaboration that was essential to the future legal success of Mendez.

Throughout his career, Marcus continued to work in partnership with the Mexican Consulate. Perhaps it is no coincidence, then, that it was at a Consulate sponsored dance that he met his second wife Maria Yrma Davila. Marcus and his first wife, Esther Rosenthal, were married briefly during the 1920s and, in an unusual move for that time, quickly divorced after having their only child, Marvin Marcus. David Marcus's second marriage was equally unconventional. Yrma Marcus, as she was most commonly called, was a recent immigrant and political refugee from Mexico. David and Yrma raised Marvin and their four children Maria (Gigi), Norma, Marilyn, and David Jr. together. An unexpected union perhaps, their inter-ethnic Mexican-Jewish marriage was not completely uncommon during this period. Anti-miscegenation laws in California prohibited interracial marriages from the 1850s to the 1940s. The shared white racial status of Mexicans and Jews, however, allowed for intermarriage. While affording them certain shared privileges, their inclusion into whiteness was nonetheless at best liminal. For instance, both Mexicans and Jews were regularly excluded from housing tracts by racially restrictive covenants. This shared form of discrimination resulted in the formation of multiracial neighborhoods in Los Angeles. Playing together in the streets, attending the same school, and the common experience of discrimination often brought Jews and Mexicans together into political, social, and legal alliances. Within this context, the marriage of David and Yrma Marcus was not so unusual. Rather, the conditions of early Los Angeles fostered exactly these types of personal relationships between Jews and Mexicans.

While the family life and career of David and Yrma Marcus are an example of everyday Mexican-Jewish interaction in Los Angeles, their story is not typical. Unlike the predominantly working-class, immigrant neighborhoods, where many Jews and Latinos lived alongside one another, the Marcus family lived in a largely middle-class, white section of the city. In 1936, David, Yrma, and the children lived in a three bedroom, Spanish Revival house on Virginia Road in west Los Angeles. At other times, they lived in Baldwin Park and outside of Los Angeles (Strum 40). Due to the success of Marcus's law practice, his family later left Los Angeles for Pasadena, an affluent, predominantly white community located approximately twenty miles away from their former residence. The new home included a tennis court, swimming pool, chauffeur, gardener, and a live-in Mexican staff. It is in this home that they would raise the
youngest of their children and it is here that their future grandchildren would visit. The transition to Pasadena was made possible by the economic success of the family, and it symbolically represents their ability to achieve upward mobility even within the harsh racial climate of Southern California in the mid-twentieth century.

The class background of the Marcus family allowed them to avoid some forms of overt discrimination and to embrace certain aspects of Latino heritage. David and Yrma Marcus raised their children to be bilingual at a time when openly speaking Spanish in white neighborhoods was considered inappropriate, even deviant behavior. It is unknown exactly where Marcus picked up his Spanish—if it was while living in New Mexico, in a college course, with his wife, or while practicing law—but by the 1930s he spoke Spanish well enough to translate for his clients and to act as an intermediary between his Spanish speaking clients and the English-speaking press. Since Marcus's law practice required long hours at work that often extended into the weekend, care for the household was supervised by Yrma Marcus. Spanish became the primary means of communication. Similarly, although David Marcus was raised a practicing Jew, he and his second wife did not raise their children to be Jewish. Yrma was a practicing Catholic and their children were raised in the Catholic Church (Karen Marcus).

On a ceremonial level, their daughters Maria and Norma were introduced to Latin and American society at Las Damas Pan Americanas Debutantes Ball in 1952. The girls were dressed in white, wore white lace mantillas, and carried pink camellias when they took their ceremonial curtsy. In the setting of the ball, the participants were described as “attractive young women, members of prominent Latin-American families active in the diplomatic set” ("Invitations Out for Las Damas Debutante Ball"). The lavish benefit at the Beverly Hills Hotel alluded to the “daughters of the dons” and was described as harkening back to California’s Hispanic tradition (“Latin Society Buds to Be Presented”; Strum 41). David and Yrma Marcus thus embraced Mexican cultural expression according to the opportunities available to them in Southern California as a bi-cultural, professional-class couple.

Although his upward class mobility afforded him certain privileges, Marcus never forgot his cultural background. He was well aware that the inclusion of his family into society was tentative. As revealed in his legal work, Marcus experienced discrimination against Latinos, especially in regard to children, personally. Referencing the educational privilege accorded his own children in the pre-trial hearing for Mendez v. Westminster, he explained to
the Court that the presence of one or two “school pets” did not discount the prevalence of discrimination in the system as a whole (“Pre-Trial Hearing Transcript” 59). In another instance, he responded in anger to *Mendez v. Westminster* Judge McCormick, when the judge raised some doubt about the scholastic capacity of Spanish speaking students. When McCormick questioned this emotional outburst, in response, Marcus candidly explained, “It strikes home, your Honor” (Strum 77). Marcus’s commitment to Latino civil rights was intertwined with his role as a father to children of Mexican descent.

The household life of the Marcus family might seem more Mexican than Jewish, since Jewish cultural traditions were not commonly practiced in the household; still, rather than reflecting a rejection of Jewish heritage, his family life reflects a particular cultural and historical moment in which the trend among Los Angeles Jews was to work in collaboration with other groups, protect oneself from xenophobia, and to pursue upward social mobility. That is, as a non-practicing Jew in World War II Los Angeles, Marcus was pretty typically a Jewish-American Southern Californian. One humorous incident clarifies the ways Mexican and Jewish culture permeated the life of Marcus family. His granddaughter Melissa Marcus, daughter of his eldest son Marvin Marcus, remembers visiting his office as a young child. She commonly passed time with her grandfather at work and accompanied him on errands, such as one exhilarating visit to the county jail before heading home for dinner. To a young girl growing up in a Jewish-American household, he must have seemed a curious character. He was olive-skinned, spoke Spanish, and worked with mostly Latino clients. During one visit to his office, she noticed a painting of a Native American tribe. She remembers looking up at her grandfather and asking, “Grandpa, are you a Mexican-Indian?” He was likely busily engaged preparing a brief or writing a motion for court; however, the quick-witted Marcus set his work aside to answer his confused granddaughter’s question. He answered, “Yes, my name is Chief Potchentoches.” The young Melissa must have been puzzled when her father Marvin erupted in laughter upon hearing the story. David Marcus had swapped the popular “Pocahontas” with a Yiddish slang term meaning “spank your bottom” (Karen Marcus). The fusion of Jewish and Mexican culture by Marcus led to both a compelling legal career and a unique opportunity to tease his granddaughter.

While Marcus is most remembered for his work in *Mendez*, he worked in a broad range of civil and criminal law cases in private practice and for the Mexican Consulate. Draft-evasion charges, personal injury, grand theft auto, custody battles, armed robbery, assault, rape, and murder are just a few of the
types of cases he took on (fig. 2). In one of his more colorful legal outings, he won a case of gross negligence involving the circuses of Barnes and Ringling, a trapeze performer, and a poorly operated net in 1946. Among his broad dossier of cases, Marcus also handled several high profile romantic failures, including the divorce of independent film producer Edward Halperin and motion-picture actress Judith Barry and the divorce and custody case of Onorina Menjou and Harold Menjou, the son of screen actor Adolphe Menjou. The prominence of Jews in Hollywood likely served as a profitable counter-point to his work with a largely, working-class Latino clientele. There were notable exceptions. In one Consulate-retained case, Marcus filed charges against the son of the Consul General of Ecuador, Antonio Alomia Arcos, when he abandoned his Mexican-born wife, Lilian de la Vega de Alomia, during their honeymoon in the US. Conveniently, Mr. Arcos took the most expensive wedding presents with him.16 Also among Marcus’s most infamous cases were the deportation order and divorce claims against his personal friend, Argentinian singer Dick Haymes, husband of the well-known actress Rita Hayworth (Haymes v. Landon).17

Figure 2: David Marcus (far left) represented clients in a wide range of cases, including this murder investigation from Los Angeles in 1958. (Los Angeles Examiner Prints Collection, Late 1920’s–1961. Courtesy of the University of Southern California, on behalf of the USC Special Collections.)

While the breadth of Marcus’s legal work is impressive, his most significant work involved civil rights cases during wartime. The combination of Mexican-Americans serving in the war, US efforts to foster friendly relations
with Latin America, and the international eye turned towards the US created an opening for legal change in California during World War II. Legal precedent had created a virtual blockade against bringing successful racial discrimination charges through the courts. Within the parameters available to him, then, Marcus would chip away at discrimination against Mexicans and Mexican-Americans, taking particular advantage of their liminal racial status as white. In doing so, Marcus would test the limits of discrimination in the US in partnership with the larger legal liberal community and the Mexican and Mexican-American community. Two cases particularly stand out as a means to trace these efforts, which affected the trajectory of his civil rights career and culminated in the success of Mendez v. Westminster and are thus most worthy of closer examination.

**BATTLE FOR HOUSING IN ORANGE COUNTY: DOSS V. BERNAL**

When Alex and Esther Bernal moved to Fullerton, California with their two young daughters, Maria Theresa and Irene, their lives appeared to be on an upswing.18 Alex had started managing a truck garden and Esther had recently purchased their charming, white-stucco house in the Sunnyside Addition—a move up from their previous residence on the other side of the Santa Fe tracks. But shortly after moving into their new home in March, 1943, their neighbors organized a petition and demanded that the Bernal family vacate the district immediately. Because they were Mexicans, the neighbors argued, the Bernals’ presence violated a 1923 racially restrictive housing covenant applicable to all homes in Sunnyside. The covenant stated, “no portion of the said property shall at any time be used, leased, owned, or occupied by any Mexicans or person other than of the Caucasian race” (*Doss et al. v. Bernal et al.* 3). The petition further stated that the presence of Mexicans would cause declining property values, lower the neighborhood’s social standing, and be detrimental to the Caucasian race. After gathering forty-eight signatures out of the fifty property owners, Ashley and Anna Doss, Oliver and Virginia Schrunk, and Charles and Marjorie Hobson sued the Bernals on behalf of the community.19

In the spring of 1943, attorney Guss Hagenstein of Fullerton brought official legal charges against the Bernal family. On behalf of his plaintiffs, Hagenstein argued that the presence of the Bernals caused irreparable injury to current residents by:
lowering of the class of persons living in and residing . . . from a strictly Caucasian neighborhood and district, to that of other races, including Mexicans, and that the permitting of Mexicans and other races . . . would necessitate coming in contact with said other races, including Mexicans in a social and neighborhood manner, and that if . . . restriction in said tract of land is broken, other Mexicans and persons of other races will soon move in . . . and that the value of said residential property therein will thereby be greatly depreciated, and will be a continuing and irreparable injury to the Plaintiffs and . . . all other owners . . . (Hagenstein 6)

According to this claim, the mere presence of the Bernals not only violated the restrictive covenant, but caused “injury” to the plaintiffs by lowering the class of people living in the neighborhood, causing declining property values, forcing intermingling between the races, and opening the door to “other races.”

The Supreme Court declared racially restrictive covenants unenforceable in the landmark 1948 *Shelley v. Kraemer*, but when this case was brought against the Bernal family in the spring of 1943 racial restrictions in regard to property ownership had never before been struck down. It would take an innovative approach by Marcus to defend the Bernals successfully and to reaffirm their right to occupy their home in the previously racially restricted tract. Rather than challenging the claim that the presence of Mexicans resulted in lower property values, which was affirmed by local real estate brokers and state inheritance tax appraiser, Marcus strategically used the liminal racial status of Mexicans as “white” and wartime political attempts to cultivate a Good Neighbor Policy with Mexico to circumvent the plaintiffs’ claims of irreparable injury (Hagenstein, “Complaint for Injunction” 6). In a bold move with significance for broader civil rights legal history, Marcus declared the housing restriction a violation of Article 1 Section 13 of the California Constitution (due process) as well as the Fifth Amendment (due process), and Fourteenth Amendment (equal protection) of the US Constitution (David Marcus). The use of this strategy broadened the potential impact of the case beyond its obvious significance for Mexicans and Mexican-Americans and turned it into a legal tactic with the potential to support larger claims to fair housing.

The legal strategy employed by Marcus did not deny the Mexican ancestry of Alex Bernal who was born to Mexican immigrants in Corona, California, nor the Mexican nationality of Esther Bernal, who was born in Tepatitlán, Mexico. These facts were established early in the case (“Deposition Transcript”). But while Marcus freely admitted the idea of Mexican nationality,
he adamantly denied the existence of a Mexican race. He objected to any such claim as “incompetent, irrelevant and immaterial, not within the issues of this case,” further explaining, “there is no such thing as ‘Mexican’ ” (“Deposition Transcript” 22–23). Marcus staunchly stood by this definition throughout the case—indeed, his defense rested on it. In further support of his argument, Marcus relied on the novel approach of expert testimony. During the trial, he called upon anthropologist Dr. E. Bowdin. Bowdin testified that there are only three races—European, Mongoloid, and Negroid. According to this classification system, those of Mexican descent fell into the racial category of European and therefore, Marcus argued, cannot be considered a separate race. In fact, the status of Mexicans as white had allowed him to marry Yrma Marcus under the anti-miscegenation laws of California. However, the classification of race into three broad categories differed significantly from that popularly understood by Sunnyside residents, who considered Mexican a distinct racial group characterized by its mix of Indian, Black, and Spanish blood (“Deposition of Charles R. Hobson”; “Decision En Favor De Una Familia Mexicana”). For instance, plaintiff and neighbor Charles Hobson insisted the Bernals were not Caucasian but of the Mexican race. He explained that if Alex Bernal was born in California but of Mexican parentage, “he must be a Mexican” (“Deposition of Charles R. Hobson” 11). As for Esther Bernal, Hobson explained, “If there is a Germany, there are Germans, and if there is a Mexico, there must be Mexicans” (“Deposition of Charles R. Hobson” 13). For Hobson, race was a result of both biology and nationality.

At the conclusion of the four day trial, Judge Albert F. Ross ruled that restrictions against housing occupation by:

Mexicans, or Nationals of the Republic of Mexico, are null and void as in violation of public policy, in that said restriction has a tendency to be and is injurious to the public good and society; violative of the fundamental form and concepts of democratic principles and procedure and Government and inimical to the social and political policy of the Government of the State of California and the United States of America, and . . . the enforcement of said restriction against Mexicans, Mexican National Citizens or persons known as Mexicans, is violative of the V and XIV Amendment of the Constitution of the United States and Article I. Section 13 of the Constitution of the State of California . . . (Ross, “Judgment” 6).

In other words, residential restrictions against Mexican nationals and Mexican-Americans could not be enforced. While the Judge Ross’s decision
was primarily based on public policy and not racial status, he also declared Mexicans were part of the Caucasian race and, contrary to court evidence, that their presence did not lower property values. The plaintiff disagreed and immediately filed a motion to vacate the judgment. Attorney Hagenstein continued to argue on behalf of Sunnyside residents that the deed restrictions were neither against public policy, the California State Constitution, the 5th Amendment, nor the 14th Amendment of the US Constitution. As evidence, he cited numerous precedents for the legality of restrictions based on race, color, and religion. But, his motion was denied (Hagenstein, “Notice of Motion”; Ross, “Ruling”). However, these arguments proved to be of no avail since Marcus had successfully established in the eyes of the court that “Mexican” did not designate a distinct race. Hence, as the judgment affirmed, there was no legal basis for discriminating on nationality alone.

The ruling of Judge Ross received wide media attention on the national level, including an article and photo in *Time* magazine’s “U. S. at War Section,” a radio broadcast on *March of Time*, coverage in the Spanish Press, and individual letters of support from labor organizations, US veterans, and school children (“Decision En Favor De Una Familia Mexicana”; “California Across the Tracks”; Nguyen). What was considered a broad victory for Mexicans and Mexican-Americans in Orange County was considered at the national level a victory for Roosevelt’s Good Neighbor Policy and a display of American democratic principles of equality. The courtroom victory was appropriately described by the Mexican Consulate in Los Angeles as an advancement in the development of the Good Neighbor Policy, since it upheld and affirmed justice for a Mexican family. As stated by Vicente Peralta of the Consulate, it “proved that an Inter-American alliance was not only a utopic idea, but a reality.” The final ruling, itself, explicitly characterized the housing restrictions as a violation of Pan-American ideals, stressing intercultural cooperation and understanding. As stated by Ross,

> The court still feels that it would be against the public policy of the United States and of the State of California to enforce a restriction on occupancy based solely on nationality of the person against whom the restriction is sought. This is especially true when the nationality affected is that of a friendly neighbor, and when one particular nationality is named such a restriction against all aliens would not be objectionable, nor the fictitious restrictions which were mentioned in argument, such as restriction against any but red-haired persons, etc. (Ross, “Ruling” 1, emphasis added).
According to the judge, an act of restriction targeting a single nationality, and particularly a “friendly neighbor,” was as arbitrary as restrictions based on one’s hair color. More importantly, in his eyes it was contrary to national policy.

In the wake of attempts to foster the Good Neighbor Policy and critiques of Hitler’s final solution, the suit brought against a Mexican-American family by German-Americans and argued by a Jewish attorney implicitly had significant symbolic value. As a Consulate retained attorney, Marcus symbolically represented the presence of the Mexican government. Both Judge Ross and David Marcus would connect the actions of the plaintiffs to Hitler’s regime in Europe. According to Judge Ross, “I would rather have people of the type of the Bernals living next door to me than Germans of the paranoiac type now living in Germany” (“California Judge Jolts Nation” 7). The California Eagle, a left-leaning African-American owned newspaper based in Los Angeles, described his comment as “an obvious dig at the complainants, some of whom were of German extraction and all of whom had swallowed Hitler’s theories of race superiority” (“California Judge Jolts Nation” 7). Marcus described the plaintiffs’ actions against the Bernal family similarly, stating, “In my mind, it was taken from Hitler’s Mein Kampf,” a particularly strong comparison coming from an American Jew.

The Sunnyside residents’ exercise of racial privilege as German-Americans and their defense of racial and religious segregation likely struck a personal cord in Marcus. There were eerie parallels between the Bernal and Marcus families—Esther Bernal was a Mexican national just like Yrma Maria; both had young daughters; both Jews and Mexicans were commonly restricted from housing tracts; and the Bernals’ white stucco red-tiled roof home even resembled that of the Marcus family’s Virginia Road home. The relationship between the Bernal family and Marcus was more than legal; it was personal. Alex Bernal would keep in touch with Marcus well beyond the conclusion of the case, even naming a son, David Bernal, after him. The Bernal family recalls their father would always carry Marcus’s card in his wallet, passing it on to those in need. He was remembered by Alex Bernal’s daughter as “a man who fought for Mexicans” and therefore someone worthy of great admiration (Nguyen).

Doss v. Bernal was an obvious advancement for Mexicans and Mexicans-Americans. Marcus strategically used both the liminal racial status of Mexicans as white and US attempts to foster Pan-Americanism to defend the right of a Mexican-American and Mexican national to occupy a home in an otherwise racially restricted district in Orange County. Their victory also marked a
significant moment when the tide began to change in civil rights and housing case law. In this respect, it is important to note that this is the earliest successful application of the Fifth Amendment, and Fourteenth Amendment of the US Constitution and Article 1 Section 13 of the California Constitution to housing restrictions known to date. Whereas earlier cases brought against African-American clients were dismissed based on “changing conditions” (that is the idea that the neighborhood was already predominantly non-white), the Bernal case was won based on the idea that the segregation of a family based on descent was contradictory to the very principles of the American government. Furthermore, it successfully defended the idea that the US and California State Constitutions applied to foreign nationals, such as Esther Bernal, who had Mexican citizenship. Because it was only a local case, the ruling did not carry the weight of a broad precedent in law. Nevertheless, the decision served as an important test for the overall legal strategy. It represented a ray of hope to a broad group of liberal lawyers and housing rights activists. As noted in the California Eagle, “This decision may be an important instrument in helping to solve the serious wartime housing situation in the Los Angeles area as it applies to Mexicans and especially to Negro people” (“California Judge Jolts Nation” 7). Indeed, it would help inform the legal strategies of civil rights cases to come.

**BATTLE FOR PUBLIC SPACE: LOPEZ V. SECCOMBE**

In *Lopez v. Seccombe*, on behalf of a coalition of Latinos from San Bernardino County, Marcus moved from the defense to the offense. When one summer afternoon in 1943 the young Mike Valles was restricted from swimming in the Perris Hill Plunge, pool segregation shifted from a discursive battle on the pages of the Spanish Press into a legal battle for public space. Segregation at the Plunge was common, but the rhetoric of the Good Neighbor Policy and national claims to democracy created a political opening for redress of Mexican and Mexican-American grievances in regard to this form of discrimination. In August, 1943, a coalition of organizations involved with the Mexican and Mexican-American community called the Confederation of Mexican Societies convened a meeting to address the problem. An estimated three hundred people overflowed the church hall. Attendees stood in the doorways and listened at windows. The appeal of Gonzalo Valles, Mike Valles’s father, elicited sobs and even fainting from the attendees. To provide protection for Mexican-
Americans, those in attendance approved the formation of the Mexican Defense Committee and the Valles Initiative to fight discrimination through legal cases and electoral activism. The Mexican Defense Committee began organizing a fund to be used in test court cases—the first of which would be aimed at challenging the segregation of the Perris Plunge.

African-Americans, Latinos, and Asian-Americans had long been segregated from pools under *Plessy v. Ferguson*, which allowed for “separate but equal” public recreation facilities. Most commonly, people of color were allowed to swim once per week before a given pool was drained for cleaning, often known as “International Day” (Delgado 10–14). In some towns, such as neighboring Redlands, they were segregated into separate pools altogether. Public pools held a particularly contentious position in legal battles to desegregate public space. When African-Americans successfully sued the city of Pasadena (*Stone v. Board of Directors of Pasadena*) for segregation two years earlier, the City declared the pool closed (Shorr 528). Public pools were “contentious waters” which served as flash-points for social conflict, sites of visual consumption, spots for potential physical intimacy, and a location where the public was compelled to interact.

That September, the San Bernardino coalition challenged the right of city employees to deny Latinos access to the Plunge. Marcus filed the case and strategically listed Ignacio Lopez as the leading plaintiff. Lopez was the former coordinator for the Office of Inter-American Affairs, a federal agency promoting Inter-American cooperation, and editor of *El Espectador*, a Spanish weekly distributed in Latino neighborhoods throughout the region. Other plaintiffs were drawn from the most respected among the community, including Reverend José Nuñez of Guadalupe Church, Eugenio Nogueras, a Puerto Rican newspaper editor and veteran, and two students, Virginia Prado and Rafael Muñoz. When *Lopez v. Seccombe* is analyzed alongside *Doss v. Bernal*, several differences become apparent. Whereas *Doss* dealt exclusively with the rights of a single Mexican family, *Lopez* was filed on behalf of 8,000 Latinos (including but not limited to Mexicans) living in San Bernardino. While *Doss* dealt with expanding the rights of Mexicans in regard to private space, *Lopez* dealt exclusively with the rights of Latinos to have open access to public space (“Amparo en El Case de La Alberca”; *Doss v. Bernal*). Furthermore, while the *Doss* victory rested upon the illegality of discrimination against Mexican nationals, *Lopez* rested upon the rights of Latinos as American citizens. Moreover, while *Doss* was argued at the local level, *Lopez* was filed at the district level, where it had the potential to create legal precedent. Despite these differences,
there was one core similarity that makes the cases especially worth analyzing alongside one another. As in Doss, Marcus argued that the civil rights of Latinos living in San Bernardino had been violated under the 5th and 14th amendments of the US Constitution, thus violating equal treatment and equal protection under the law and due process. This, he argued, caused irreparable injury, affecting both their health and rights as citizens. In other words, Lopez was a class-action lawsuit, argued on the basis of American nationality, in a higher court, concerning constitutional rights, in pursuit of expanding pan-Latino (rather than exclusively Mexican) access to privileges that all Americans should possess.

From a legal standpoint, whether or not Mexicans were white was not the issue for debate, as it had been in Doss v. Bernal. To prove that an act of segregation had occurred based on Latin descent, rather than race, was enough to establish discrimination. Therefore the defense of H. R. Griffin, the defendants’ attorney and Marcus’s fellow USC Law School alumnus, rested on altogether denying the presence of a formal policy against Latino pool use. As evidence, Griffin alleged that the Plunge had “been used upon many and numerous occasions during the Summer Season by citizens of Mexican or Latin descent” and that there was no city ordinance, order, or resolution denying usage (“Answer,” Lopez v. Seccombe 5). Similarly, defendant Mayor W. C. Seccombe denied any general racial ban, arguing instead that the city had a color-blind policy of cleanliness. He explained, “In some cases the City has felt that it should demand a medical certificate from prospective plunge users. Actually members of the Spanish or Mexican race have been using the plunge . . . and I suppose it is equally true that some have been refused but as far as the city is concerned our policy is impartial” (“Mexicans Claim Use of Plunge Denied by City”; Tuck 198). In other words, the city and county of San Bernardino argued that, since some Latinos were allowed to swim, it was not segregation. This, they contended, created a legal gray area. They raised this legal point: Since there was no overt city policy to deny use by a group and certain members of this same group were even allowed to enter the pool at given times, was this then truly an issue of segregation?

Some residents believed the case against San Bernardino was without merit. The mayor suggested Mexicans were retaliating against the city for postponing the construction of a pool in the predominantly Mexican west-side neighborhood. Anglo residents, who benefited from nearly exclusive pool usage, described Latino efforts as plain rude (Tuck 198). The liberal legal community felt differently. Lopez once again brought Marcus into contact
with attorneys from the Southern California legal left, including Margolis, who attended USC as a pre-law undergraduate, and Wirin, the USC alumnus with whom he partnered during the El Monte Berry Strike. The Race Relations Committee of the National Lawyer’s Guild and ACLU, respectively, directed Margolis and Wirin to file *amicus curie* to appear as a “friend of the court” (American Civil Liberties Union; “Race Discrimination Resisted in San Bernardino”). Liberal lawyers followed the case closely. According to *Open Forum*, a leftist law weekly, the ruling would determine whether discrimination based on custom rather than ordinance was subject to federal court authority as a state violation of federal law (“Race Discrimination Resisted in San Bernardino”). As legally white and with no written law against admission, Mexicans faced a special challenge in legal battles of this nature. Marcus would face a similar legal conflict in *Mendez*, where the segregation of Latino children was neither exhaustive nor a part of official district policy. As eloquently described by anthropologist Ruth Tuck, “Rather than having the job of battering down a wall, the Mexican-American finds himself entangled in a spider web, whose outlines are difficult to see but whose clinging silken strands hold tight” (198). A ruling in favor of *Lopez* would represent a huge step in redressing cases of discrimination involving Latinos, whereas a ruling in favor of *Seccombe* would be devastating to future cases by providing a legal sanction for Latino segregation—even where no explicit city policy against Latinos existed.

This issue was resolved when in February of 1944, Federal Judge Leon Yankwich issued an injunction mandating equal access to the Plunge for all Latino residents. The case received wide coverage in the news.²⁹ In the Spanish press, in particular, the ruling made the front pages. In the context of the post-war era, many linked the case to the Double Victory Campaign—a minority led movement that advocated victory over fascism abroad, and victory over discrimination at home (“Lift Ban on Mexicans”). More than an individual victory for residents of San Bernardino, *Lopez v. Seccombe* was characterized regionally as a collective “triumph of democracy” and “a triumph of our community.”³⁰ The Spanish press reported widely on Judge Yankwich, who commented openly on his personal intolerance for racial discrimination. He described the injunction as a chance to correct a “*mal hablada*,” that is a malicious defamation or slander, in the community (“Amparo en El Case de La Alberca”). He also encouraged Mexicans to defend their rights within the constitutional frame of the US. The Spanish press concurred, reflecting a sense of accomplishment, a feeling of incorporation in the US, and faith that, through organizing, Mexicans could undo injustices through democratic
Legal action had become a promising strategy for achieving social justice. As stated by Marcus, “The mayor, chief of police and members of the city council knew of this discrimination but needed some action of this kind to bring the matter to a head” (Daily News Oct. 1, 1943). Others saw it as a gateway to broader action. As explained in El Espectador, edited by leading plaintiff Ignacio Lopez, the ruling was a mandate for broadened civic action in the electorate that originated in the Latino community itself (“Triunfo de la Democracia”).

Lopez was a major victory for the desegregation of public spaces, but it was not exhaustive. As a resident of Pasadena at the time and given its wide local news coverage, Marcus surely knew about the high profile case, Stone v. Board of Directors of Pasadena, noted above. Like the plaintiffs’ attorney in Stone, Marcus made his appeals based on the 14th Amendment and claimed the plaintiffs were entitled to access based on their status as tax payers, city residents, and people in good health. Yet, while the Stone case was a legal victory, it did not ensure the public inclusion of African-Americans in Pasadena. City officials quickly declared the pool closed, reportedly, because it was no longer economically feasible “to keep [it] open to all races.” Even in light of the Lopez victory, the Stone case in Pasadena reflects the limits of the legal system for ensuring broader public inclusion where extreme racism, lack of governmental mandate, and fear of miscegenation outweighed the desire for public good. As stated by Lopez, a few years after the legal victory in San Bernardino, “There are places where there is no prejudice against the Mexican American. . . . But they would find that there was prejudice against Americans—of Jewish, or Chinese, or Negro, or Polish, or Italian extraction. They would still be living in a cracked, split, flawed society” (Tuck ix). The court served as an effective means of achieving civil rights advances for Latinos during World War II, but its potential for creating broad social change was incomplete and imperfect.

CONCLUSION
This brings us back to Marcus’s most renowned case, Mendez v. Westminster. Over the past fifteen years, Mendez has received increasing attention in the public eye. However, it has often been divorced from its legal precedents and told without significant attention to the many players, and in particular Marcus, who decisively contributed to its success. By reading Mendez alongside Doss
and _Lopez_, the trajectory of its legal strategy becomes increasingly clear. More importantly, _Mendez_ becomes a story that is tied to a larger, ongoing legal process that ultimately led to the successful culmination of the civil rights legal struggle against discrimination due to race. What Marcus and his allies accomplished was far more than simply a series of individual legal rulings within local communities. These cases and the decisions they produced were connected to one another and crucial in laying the groundwork for more far-reaching decisions soon to come.

When defense attorney George F. Holden attempted to justify school segregation on pedagogical standards, language proficiency, and residential zoning, Marcus was able to draw from his experience in _Doss_ and _Lopez_ to prove otherwise. He already knew he could not make a case based on the grounds of racial discrimination. What he could prove, in a strategic legal maneuver, was that the school district was arbitrarily segregating students based on ancestry and that this resulted in an inferior education that stunted their language skills and knowledge of the larger society in which they lived. As Marcus himself explained, “I feel the proof of the pudding is in the eating, and we come here to espouse these principles to the court” (“Pre-Trial Hearing Transcript” 76).

Marcus drew from several strategies previously employed in _Lopez_, which overlapped in time frame as well as in matter. Similar to _Lopez_, _Mendez_ was generalized to the broader Latino community because it included both Mexican and Puerto Rican plaintiffs. And, since both cases dealt symbolically with the rights of children, Marcus and his allies were able to draw together broad community support into a class-action lawsuit. They also benefited from the momentum generated by the _Lopez_ victory—_Lopez_ even served as a guest speaker at a fundraiser to raise money for underwriting court costs for _Mendez_ and, more generally, to encourage Latino support (Strum 131). Drawing from his experience with _Lopez_, Marcus filed _Mendez_ in federal court and drew from his network of allies in the liberal legal community. Wirin sat beside him as _amici_, as did J. B. Tietz also of the ACLU and C. F. Christopher of the National Lawyers Guild. Yet, _Mendez_ differed from _Doss_ and _Lopez_, since it was appealed and sent to a higher court, dealt with a service that was not being denied (as pool use had been in _Lopez_), and required proving that discrimination was based on ethnicity rather than pedagogy.

As he had in _Doss_ and _Lopez_, Marcus also explicitly emphasized that he represented the Mexican government. Representatives of the Mexican Consulates in Los Angeles and Santa Ana sat alongside him in the spaces reserved for lawyers; he made references to Mexican-American servicemen,
President Roosevelt’s Four Freedoms (that is, Freedom of speech and expression; Freedom of worship; Freedom from want; Freedom from fear), and he reminded the court that the eyes and ears of the North and South were watching. As in Doss, Marcus also referenced Hitler’s ideas of racial superiority and juxtaposed them with American ideas of equality and democracy (Strum 79, 118–20). In particular, he accused James Kent, the Superintendent of the Garden Grove School District, of “demonstrat[ing] an attitude of racial superiority such as that of Hitler combined with and productive of the belief that, as least as to Mexican inferiors, the state . . . has the right and duty to determine whether the child should be allowed to exercise its constitution-al rights to be treated as other American children are and to enjoy the same privileges” (“Petitioners’ Opening Brief” 16). Although he stressed the support of the Mexican government, he also convinced the Court that the action was coming out of the community itself and not, as the judge warned, an action by the Mexican government intent on “stirring up a situation which isn’t from any point of view the happiest solution in a community” (“Pre-Trial Hearing Transcript” 91).

As a lawyer, Marcus strategically balanced his role as an American in the legal field by making claims to equality and democracy, as a representative of the Mexican Consulate by keeping the courts accountable to Inter-American claims of solidarity, and as a Jewish lawyer whose critiques of the doctrine of racial superiority espoused by Hitler held particular weight in the war-time context of California. Marcus successfully used the liminal racial status of Mexicans and Roosevelt’s Good Neighbor Policy to gain civil rights victories for Mexican nationals and Latinos living in the US. His own experiences with anti-Semitism, personal ties to the Mexican community, stakes in preserving the rights of his own family, and connections to liberal lawyers through school and professional ties all contributed to these efforts.

Doss v. Bernal, Lopez v. Seccombe, and Mendez v. Westminster reveal inti-mate collaborations between Mexican-American activists and David Marcus. During his tenure with the Mexican Consulate and fifty years practicing law, Marcus was responsible for hundreds of cases involving Mexican and Mexican-American plaintiffs. These cases served as fundamental legal companions to civil rights cases such as Shelley v. Kraemer, Stone v. Pasadena, and Brown v. the Board of Education, which declared racially restrictive covenants unconsti-tutional, desegregated public pools, and integrated schools for all American residents, respectively. Before the wave of political and social activism most associated with the civil rights movement, Marcus and his contemporaries
strategically used the courts as a means to attain civil rights advances. His career represents just one part of a larger legal discourse among liberal Jews in California, one apparent through publications and organizations such as *Open Forum*, the National Lawyers Guild, the ACLU, the Robert Marshall Fund, and the Community Relations Council. Marcus maintained his private practice up until a few years before he passed away in 1982. The combination of old age, family tragedy, and health trouble ended his fifty-three years of practicing law even when his commitment to the legal tradition remained unimpaired. It is greatly to be lamented that many of his personal papers were destroyed following his death, and as a result we have been deprived of a more intimate knowledge of the man behind the lawyer (Carpio). Nonetheless, the conclusion of his career and the passing of time do not erase his legacy or diminish his lasting legal impact. Through an appreciation of David Marcus and a recognition of his legal accomplishments, we can better come to understand the legal terrain of race and the ways determined people—in particular, Jews and Latinos, who might seem to many to be unexpected allies—worked together in Southern California to shift both the local and the national communities toward an active pursuit of a more equitable society.
Notes

1. For some of the leading resources on *Mendez v. Westminster* see Arriola; *Mendez v. Westminster*; Brilliant; Bedolla; and Strum.

2. I use the term “Mexican” to signify Mexican nationals, “Mexican-American” to signify US nationals of Mexican descent, and “Latino” to signify a broader community that includes anyone of Latin American descent. These terms are used in intentional ways throughout the text and are significant for understanding the legal strategies at play in each case.

3. See Strum, and Brilliant for two exceptions. They are the most comprehensive descriptions and analyses of Marcus to date.

4. As there is no personal archive available on the career or life of David Marcus, I am indebted to Karen Melissa Marcus for sharing her family history with me in an interview. I also used “Attorney Search” by the State Bar of California, *El Rodeo* yearbooks, Strum, and Brilliant to attain general information on Marcus. There is some discrepancy regarding his reported birth year.

5. For a general background on USC Law see University of Southern California, *El Rodeo*; the “Timeline” for the USC Law School; and the inaugural issue of the *Southern California Law Review* (1927). Strum (40) reports Marcus faced anti-Semitism in law school. See Silverstein and an oral history with Ben Margolis at the University of California, Los Angeles’ Oral History Program (1984) for more about Jewish life at USC.

6. Historian Mike Davis notes that by the early 1900s professional Jews in Los Angeles were being pushed out of law firms they had helped establish as a result of growing anti-Semitism (116, 146). See also Bernstein (57).

7. See González, *Mexican Consuls and Labor Organizing*, and Balderrama for more about the role of the Mexican Consulate in Los Angeles.

8. “Colonia” is a common term used to signify a Mexican/Mexican-American community living in the US. See Garcia, and González, *Labor and Community*, for more on these Mexican settlements.

9. The following articles provide information about the role of the Consulate in Mexican legal life: “Farm Strikers to Start Drive”; “Widow Sues in Trap-Gun Case”; “Grand Jury to Get Bomb Case Monday”; “Bomb Trail Leads to Subway Blasts; Action by Mexico.”

10. Also referred to as the Los Angeles County Strike. See González, *Mexican Consuls and Labor Organizing*.

11. Yrma, fled with her parents and siblings from Mexico because her father had served as the personal physician of the assassinated President of Mexico. See Strum (40) and Brilliant (63).

12. By virtue of the Treaty of Guadalupe-Hidalgo between Mexico and the US, Mexicans were legally categorized as white. Anti-miscegenation laws were later
deemed unconstitutional in *Perez v. Sharp* in 1948. See Orenstein for more about miscegenation laws and the racial liminality of Mexican-Americans.


14. Information about Marcus’s early home in Los Angeles was gathered from a 1936 news article giving his address and a Zillow inquiry into home details. I was able to combine this information with research by Bernstein. She notes the Jewish community of East LA was largely working-class and immigrant, whereas Jews living in central and Western LA were more likely to be middle-class and white (“From Civic Defense to Civil Rights” 58).

15. His granddaughter, Melissa Marcus, notes that David Marcus spoke fluent Spanish in his home and work-life. He also commonly interpreted for the English Press, such as in the article, “Child Cries for Father When He Loses Custody.”

16. For a sampling of his case history, see “Man Held as Evader Learns We’re at War”; “Hitchhiker Seeks Damages from Helen Walker”; *Oliva v. Goleta Lemon Association*; *AL G. Barnes Amusement Co. et al. v. Olvera*; “Woman’s Dying Words Told at Murder Trial”; “Film Producer Halperin Sues Actress Wife”; “Wife Divorces Adopted Son of Adolphe Menjou”; “Deserted on Honeymoon, Mexican Beauty Says.”

17. Marcus later sued Haymes for failure to pay his legal fees. See “Dick Haymes and Rita Sued by His Counsel.”

18. The most complete work on *Doss v. Bernal* to date is an editorial by Arellano in the *OC Weekly*. It was written in collaboration with Luis Fernandez, MA, a history graduate from California State Univ., Fullerton.

19. Petition information comes from court transcripts and “Decision En Favor De Una Familia Mexicana.”

20. Both Article 1 Section 13 of the CA Constitution and Fifth Amendment pertain to infringements on due process. They are distinct in that the first pertains to state jurisdiction and the second to federal jurisdiction.

21. Some sources refer to a Dr. Bowdin, while others refer to a Dr. Bowden (“Decision En Favor De Una Familia Mexicana”; *Doss et al. v. Bernal et al.*).

22. See Orenstein for more on anti-miscegenation laws in California and the racial liminality of those of Mexican descent.

23. Original text reads “se prueba que la politica de acercamiento interamericano no es una utopia, sino una realidad” (“Decision En Favor De Una Familia Mexicana”).

24. Since little information is available regarding *Doss v. Bernal* following the conclusion of the case, I am indebted to oral historian Luis Fernandez for speaking with me about David Marcus and his personal connections to the Bernal family.

25. I am indebted to Monica Sugimoto at the National Archives, Perris for aid in viewing the court documents for *Lopez v. Seccombe* and *Mendez v. Westminster*.

26. According to Tuck, the Confederation of Mexican Societies included La Alianza Hispano-Americano, La Sociedad de Beneficio Mutuo de Ignacio Saragosa, La Union
Benefica Patriotic Mexicana Independente, and La Sociedad de Nomb Santo.

27. See Ocegueda and Tuck for the most comprehensive coverage of Lopez v. Seccombe and the Mexican Defense Committee to date.

28. For more on pools and public space see McKay; Wiltse. For more on the intersection of public space and citizenship see Irazabal; Low and Smith; Mitchell.

29. For a sampling of articles see “Court Action Brings Racial Issue to Head”; “Ban on Mexicans at City Pool Ruled Out”; “Seek to Lift Ban on Latins”; “Order Injunction in Racial Ban”; “Pool Equality Writ Granted”; “Mexican-Americans Protest Park Ban”; “Mexicans File Suit for Use of Park”; “Mexicans Win in Plunge Suit”; “Injunction Covers Gate City Parks”; “Race Issue at San Bernardino.” Many of these can be found in a scrapbook organized by Judge Leon Yankwich, which is kept in the Yankwich Collection at the Young Research Library, Univ. of California, Los Angeles.


32. The most comprehensive coverage of Stone is by Shorr. See also a comprehensive vertical file on the case in Special Collections at the Pasadena Public Library.

33. For examples of this larger discourse see Memorandum for Mr. Heist; Baldwin, Letter to Fred Ross; Baldwin, Letter to James Marshall; Sánchez, Letter to Roger Baldwin. See also Bernstein, “From Civic Defense to Civil Rights,” and Sánchez, “‘What’s Good for Boyle Heights.’”

34. Marcus was disbarred in 1980 for failing to file a substitution, failure to appear in the criminal court case of his client Francisco Reveles, and for failing to perfect title to a property for Jessie Rosales Arias and Enriqueta Rosales Cervantes. He had recently been disciplined for twelve separate acts of misconduct on similar charges and suspended three times. And, at the time of his trial, he was currently on suspension for a 1977 charge for failure to pass the Professional Responsibility Examination. Less than a month after his wife passed away he was disbarred. In recognition of his lifetime of practicing law, Supreme Court Judge Newman dissented from the court’s official decision. In a separate published opinion, he explained that through suspension Marcus had been punished enough. He stated, “To disbar him now seems needlessly harsh, even draconian.” Conflicting accounts suggest Marcus suffered from dementia or Alzheimer’s during the last years of his life, which may account for these infractions (Marcus v. The State Bar of California).
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