

AMENDED IN ASSEMBLY APRIL 7, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**Assembly Concurrent Resolution**

**No. 146**

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**Introduced by Assembly Member Weber**

(Principal coauthors: Senators Anderson, Block, and Hueso)

*(Coauthors: Assembly Members Achadjian, Alejo, Travis Allen, Atkins, Baker, Bigelow, Bloom, Bonilla, Bonta, Brough, Brown, Burke, Calderon, Chang, Chau, Chávez, Chiu, Chu, Cooley, Cooper, Dababneh, Dahle, Daly, Dodd, Eggman, Frazier, Gallagher, Cristina Garcia, Eduardo Garcia, Gatto, Gipson, Gomez, Gonzalez, Gordon, Grove, Hadley, Harper, Roger Hernández, Holden, Irwin, Jones, Jones-Sawyer, Kim, Lackey, Linder, Lopez, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Nazarian, Obernolte, O'Donnell, Olsen, Patterson, Quirk, Rendon, Ridley-Thomas, Rodriguez, Salas, Steinorth, Mark Stone, Thurmond, Ting, Wagner, Waldron, Wilk, Williams, and Wood)*

February 29, 2016

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Assembly Concurrent Resolution No. 146—Relative to commemorating the 85th anniversary of Roberto Alvarez v. Board of Trustees of the Lemon Grove School District.

LEGISLATIVE COUNSEL'S DIGEST

ACR 146, as amended, Weber. Civil rights: Roberto Alvarez v. Board of Trustees of the Lemon Grove School District.

This measure would commemorate March 30, 2016, as the 85th anniversary of the historic ruling in the case of Roberto Alvarez v. Board of Trustees of the Lemon Grove School District, which invalidated that district's attempt to restrict its pupils of Mexican heritage to an inferior, segregated educational experience.

Fiscal committee: no.

1 WHEREAS, The history of the struggle for school desegregation  
2 in the United States is not often associated with the Mexican  
3 community in southern California, and is usually thought to have  
4 begun with the landmark 1954 United States Supreme Court case  
5 of *Brown v. Board of Education of Topeka* (1954) 347 U.S. 483;  
6 and

7 WHEREAS, The earliest court cases concerning school  
8 desegregation actually occurred in the Southwest and California  
9 in the 1930s; and

10 WHEREAS, In these early school desegregation cases, Mexican  
11 immigrants and their communities were the groups targeted for  
12 segregated treatment by school officials; and

13 WHEREAS, A case of particular importance, which has begun  
14 to take a special place in the social history of civil rights, took  
15 place in San Diego County during the 1930s, in the then-rural  
16 community of Lemon Grove; and

17 WHEREAS, This important case is *Roberto Alvarez v. Board*  
18 *of Trustees of the Lemon Grove School District*, which was the  
19 first successful case challenging school segregation in the United  
20 States; and

21 WHEREAS, The Alvarez case is important because it was an  
22 historic first, and because it was an example of a community taking  
23 action and establishing the rights of their children to equal  
24 education, despite the local, regional, and national sentiment of  
25 that era that favored not just segregation, but the actual deportation  
26 from the United States of persons of Mexican heritage; and

27 WHEREAS, In January 1931, the principal of the Lemon Grove  
28 Grammar School, acting under instructions from the school district  
29 trustees, stood in the schoolhouse door and refused to admit  
30 Mexican pupils, who had previously constituted almost half of the  
31 school's student body; and many of the excluded children were  
32 American citizens by birth who came from families that had lived  
33 in Lemon Grove for many years; and

34 WHEREAS, The school district trustees directed the Mexican  
35 pupils to attend school in a substandard, two-room building; and

36 WHEREAS, The parents of the excluded pupils refused to accept  
37 this injustice, and organized themselves into the *Comite de Vecinos*  
38 *de Lemon Grove* (the Lemon Grove Neighbors Committee), sought

1 help from the local Mexican community at large, and eventually  
2 obtained the professional services of distinguished San Diego  
3 attorneys Fred C. Noon and A.C. Brinkely; and

4 WHEREAS, A petition for a writ of mandate was filed in the  
5 San Diego County Superior Court challenging the actions of the  
6 Lemon Grove School District in segregating the Mexican pupils,  
7 and a young pupil named Roberto Alvarez was chosen as the lead  
8 plaintiff because he was an outstanding student with excellent  
9 proficiency in English; and

10 WHEREAS, The actions of the Lemon Grove School District,  
11 and the policy of segregating Mexican and Mexican American  
12 pupils, had significant support in San Diego County as well as  
13 other parts of the state; and in January 1931, a bill was introduced  
14 in the State Assembly by a member from Santa Barbara County  
15 that would have legalized the segregation of Mexican and Mexican  
16 American pupils in California schools; and

17 WHEREAS, Ultimately, however, the Honorable Claude  
18 Chambers', Judge of the San Diego County Superior Court, issued  
19 a ruling granting the writ of mandate sought by the parents of the  
20 excluded pupils; and

21 WHEREAS, Judge Chambers' order, issued on March 30, 1931,  
22 deemed the separation of the children to be an illegal segregation  
23 that had no basis in California law, and he ordered the school  
24 district to immediately reinstate the pupils who had been excluded;  
25 and

26 WHEREAS, The Lemon Grove School District did not appeal  
27 Judge Chambers' order, and it duly readmitted the excluded pupils;  
28 now, therefore be it

29 *Resolved by the Assembly of the State of California, the Senate*  
30 *thereof concurring*, That the Legislature of the State of California  
31 recognizes and commemorates March 30, 2016, as the 85th  
32 anniversary of the historic ruling in the case of Roberto Alvarez  
33 v. Board of Trustees of the Lemon Grove School District, which  
34 invalidated that district's attempt to restrict its pupils of Mexican  
35 heritage to an inferior, segregated educational experience; and be  
36 it further

37 *Resolved*, That schools and community organizations throughout  
38 the state are encouraged to acknowledge this historic anniversary  
39 with appropriate activities; and be it further

