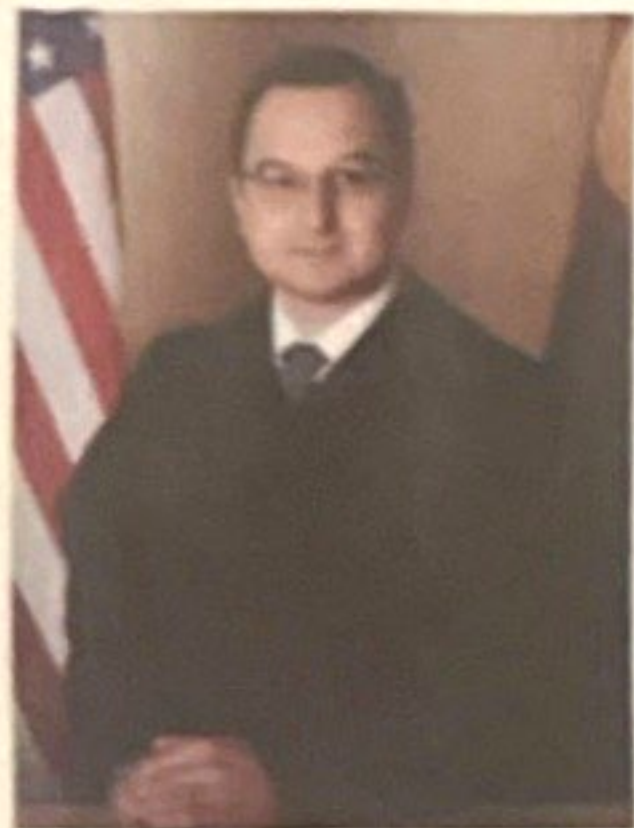


# Latinos in the Courtroom

A Celebration of Hispanic Heritage Month

BY AMBER GONZALES (GUEST AUTHOR)

## Introduction



As CBA president, I consider it my duty to provide you with insight into our great state, and I believe it's essential for voices from across Colorado to be heard. Indeed, one of the greatest

strengths of the CBA is our ability to bring people together, share ideas, and find success through one another. As such, I've invited leaders from around the state to serve as guest authors for my monthly presidential columns, to share their messages in the spirit of belonging and progress. My hope is that by listening to each other and considering each other's perspectives, we can begin to define our collective pathway to success—where our knowledge and insights can lead us to a better tomorrow. In this vein, I'm pleased to introduce this month's guest author, Colorado Hispanic Bar Association President Amber Gonzales, who will share some important legal victories in Latino history.

—Judge Nathaniel Baca

**L**atinos—the fastest growing demographic in the United States—have played a pivotal role in American history. But our contributions to critical jurisprudence in the fight for equality are not widely known. This October, in celebration of Hispanic Heritage Month (September 15 to October 15), please join me in recognizing the many ways in which the Latino community has used the courtroom to change the face of our nation.

## Latinos Then and Now

Latinos have been part of the fabric of Colorado history since before America became a nation in 1776. Families like mine are common in the Southwest—we can trace our roots back to this region for dozens of generations. Long before political boundaries separated nations, people lived on and moved across this land. Yet longevity has not begotten equality. Only a few decades ago, it was common to see signs throughout Denver reading “No dogs or Mexicans allowed.” My grandparents were hit with a ruler for speaking Spanish at school. And school segregation was alive and well in Colorado.

Today, there over 63.6 million Latinos in the United States, and nearly one in five Americans is Latino.<sup>1</sup> And, as the country's largest racial or ethnic minority, we have a collective buying power that's estimated to hit over \$2.6 trillion in the next year.<sup>2</sup> Despite our size and economic impact, however, we're still not being invited to the table. Less than 5% of C-suite positions or seats on Fortune 500 boards are occupied by Latinos.<sup>3</sup> And when you look at Latina women in particular, those numbers dwindle to only 1%. Latinos do not fare much better in the legal profession overall. Only 5.8% of attorneys are Latino, and only 2% are Latina women.<sup>4</sup>

## The Fight for Equality in the Courtroom

In modern-day America, Latinos are widely considered a distinct ethnic group—but that wasn't always the case. Throughout most of our country's history, anti-Latino segregation was not codified but existed nonetheless. Latinos often fell into a grey area: they suffered discrimination and segregation but were considered racially “white.” It wasn't until the 1950s that Latinos were

legally recognized as a distinct ethnic group. But Latinos have been fighting for equality and equity in the courtroom for far longer. A few of the most impactful cases are highlighted below.

### 1914: *Maestas v. Shone*

Here in Colorado, some 40 years before the landmark 1954 Supreme Court of *Brown v. Board of Education*, a local family challenged school segregation in the courts—and won.

In *Maestas v. Shone*,<sup>5</sup> the plaintiff, Francisco Maestas, attempted to enroll his son Miguel in a school near the family's home in Alamosa. He was denied. The reason? The school was for whites only, and Miguel was Mexican American. Francisco was told Miguel would have to attend the “Mexican school,” despite Miguel being an English-speaking, US-born citizen and the “Mexican school” being farther away. Francisco and other members of the community filed a discrimination suit against the Alamosa School District superintendent and Board of Education. In March 1914, a ruling of unlawful race prejudice was delivered by the court, and the school board was ordered to allow the children to attend the school nearest their homes.

Though *Maestas* did not have precedential value, it is recognized as likely the first successful school segregation challenge.

### 1954: *Hernandez v. Texas*

A mere two weeks before it handed down *Brown*, the US Supreme Court issued another landmark case—though this one hardly has the same name recognition. In *Hernandez v. Texas*,<sup>6</sup> the Court recognized that “[t]he constitutional guarantee of equal protection of the laws is not directed solely against discrimination between whites and Negroes.”<sup>7</sup>

The case dates back to 1950, when Pete Hernandez, a migrant agricultural worker, was indicted for murder by an all-white grand jury in Jackson County, Texas. Before his murder trial, Hernandez tried to quash both the indictment and the petit jury panel, challenging the county's systemic exclusion of persons of Mexican descent from jury service. The trial court denied the motions, and Hernandez was found guilty by the all-white jury and sentenced to life in