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A Class Apart

Monday, February 23, 2009 at 9pm on PBS (check local listings)
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In 1951 in the town of Edna, Texas, a field hand named Pedro Hernández murdered his employer after exchanging words at a gritty cantina. From this seemingly unremarkable small-town murder emerged a landmark civil rights case that would forever change the lives and legal standing of tens of millions of Americans. A team of unknown Mexican American lawyers took the case, *Hernández v. Texas*, all the way to the Supreme Court, where they successfully challenged Jim Crow-style discrimination against Mexican Americans.

On Monday, February 23, PBS's AMERICAN EXPERIENCE premieres *A Class Apart* from the award-winning producers Carlos Sandoval (*Farmingville*), and Peter Miller (*Sacco and Vanzetti*, *The Internationale*). The one-hour film dramatically interweaves the story of its central characters—activists and lawyers, returning veterans and ordinary citizens, murderer, and victim—within the broader story of a civil rights movement that is still very much alive today.

The film begins with the little known history of Mexican Americans in the United States. In 1848, The Mexican-American War came to an end. For the United States, the victory meant ownership of large swaths of Mexican territory. The tens of thousands of residents living on the newly annexed land were offered American citizenship as part of the treaty to end the war. But as time evolved it soon became apparent that legal citizenship for Mexican Americans was one thing, equal treatment would be quite another.

"Life in the 1950s was very difficult for Hispanics," Wanda Garcia, a native of Corpus Christi, explains in the film. "We were considered second-rate, we were not considered intelligent. We were considered invisible."

In the first 100 years after gaining US citizenship, many Mexican Americans in Texas lost their land to unfamiliar American laws, or to swindlers. With the loss of their land came a loss of status, and within just two generations, many wealthy ranch owners had become farm workers. After the Civil War, increasing numbers of Southern whites moved to south Texas, bringing with them the rigid, racial social code of the Deep South, which they began to apply not just to Blacks, but to Mexican Americans as well.

Widespread discrimination followed Latinos from schoolhouses and restaurants to courthouses and even to funeral parlors, many of which refused to prepare Mexican American bodies for burial. During World War II, more than 300,000 Mexican Americans served their country expecting to return home with the full citizenship rights they deserved. Instead, the returning veterans, many of them decorated war heroes, came back to face the same injustices they had experienced all their lives.

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Latino lawyers and activists were making progress at state levels, but they knew that real change could only be achieved if Mexican Americans were recognized by the 14th amendment of the US Constitution—something that could only be accomplished by bringing a case to the Supreme Court.

In his law office in San Antonio, a well-known attorney named Gus García listened to the desperate pleas of Pedro Hernández's mother, who traveled more than one-hundred-and-fifty miles to ask him to defend her son. García quickly realized that there was more to this case than murder; the real concern was not Hernández's guilt, but whether he could receive a fair trial with an all-Anglo jury deciding his fate.

García assembled a team of courageous attorneys who argued on behalf of Hernández from his first trial at the Jackson County Courthouse in Texas all the way to Washington, DC. It would be the first time a Mexican American appeared before the Supreme Court.

The Hernández lawyers decided on a daring but risky legal strategy, arguing that Mexican Americans were "a class apart" and did not neatly fit into a legal structure that recognized only black and white Americans. As legal skirmishes unfolded, the lawyers emerged as brilliant, dedicated, humorous, and at times, terribly flawed men.

"They took a gamble," says University of California-Berkeley professor of law Ian Haney-López in the film. "They knew, on the up side, that they could win national recognition for the equality of Mexican Americans, but they knew, on the down side, that if they lost, they would establish at a national level the proposition that Mexican Americans could be treated as second class citizens."

The Hernández case struck a chord with Latinos across the country. When funds to try the case ran out, the Mexican American community donated to the cause in any way they could, despite limited resources.

"They would come up to me and they would give you crumpled-up dollar bills and they'd give you coins. These were people who couldn't afford it, but couldn't afford not to," recalled attorney Carlos Cadena, Gus García's partner in the case.

On January 11, 1954, García and Cadena faced the nine justices of the US Supreme Court. Cadena opened the argument. "Can Mexican Americans speak English?" one justice asked. "Are they citizens?" asked another. The lack of knowledge stunned Gus García, who stood up and delivered the argument of his life. Chief Justice Earl Warren allowed him to continue a full sixteen minutes past the allotted time, a concession a witness to the argument noted that had not been afforded to any other civil rights lawyer before García, including the renowned NAACP attorney Thurgood Marshall.

On May 3, 1954, the US Supreme Court announced its ruling in the case of *Hernández v. Texas*. Pedro Hernández would receive a new trial – and would be judged by a true jury of his peers. The court's legal reasoning: Mexican Americans, as a group, were protected under the 14th Amendment, in keeping with the theory that they were indeed "a class apart."

"The *Hernández v. Texas* story is a powerful reminder of one of many unknown yet hard-fought moments in the Civil Rights Movement," says AMERICAN EXPERIENCE executive producer Mark Samels. "It's easy to forget how far the country has come in just fifty years, reshaping our democracy to include all Americans."

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AMERICAN EXPERIENCE

AMERICAN EXPERIENCE is a production of WGBH Boston
Senior producer Sharon Grimberg
Executive producer Mark Samels

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ACCESSIBILITY

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ABOUT AMERICAN EXPERIENCE

Television's most-watched history series, AMERICAN EXPERIENCE has been hailed as "peerless" (*Wall Street Journal*), "the most consistently enriching program on television" (*Chicago Tribune*), and "a beacon of intelligence and purpose" (*Houston Chronicle*). On air and online, the series brings to life the incredible characters and epic stories that have shaped America's past and present. Acclaimed by viewers and critics alike, AMERICAN EXPERIENCE documentaries have been honored with every major broadcast award, including twenty-four Emmy Awards, four duPont-Columbia Awards, and fourteen George Foster Peabody Awards, one most recently for *Two Days in October*.

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For more information about AMERICAN EXPERIENCE and *A Class Apart*, visit pbs.org/americanexperience

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PRESS CONTACTS

Patrick Ramirez, WGBH, 617.300.4251, patrick_ramirez@wgbh.org

Jen Holmes, WGBH, 617.300.5388, jen_holmes@wgbh.org

Laura Bowman, WGBH, 617.300.5332, laura_bowman@wgbh.org