



**Viewing Guide:**  
***Hernandez v. Texas (1954)***

**The Background of the Case (00:00-6:45)**

1. Who was Pete Hernandez and what did he do that caused him to be arrested?
2. How quickly was he indicted for his crime and what was unique about the grand jury that indicted him?
3. What did his attorneys argue in an attempt to quash the indictment and keep his case from going to trial?

**Stop and Think:** Explain your opinion about the argument that it is important for the potential jurors to reflect the ethnicity of the area in which a defendant lives?

4. How was the Treaty of Guadalupe Hidalgo used to designate the race of Mexican citizens who decided to stay in the United States after Mexico's defeat in the Mexican American War?
5. What was the verdict at Pete Hernandez's trial?
6. On what grounds did Mr. Hernandez's attorneys decide to appeal the case to the Texas Court of Criminal Appeals?
7. How did the Texas Court of Criminal Appeals rule?

**Stop and Think:** Since there is no argument that Pete Hernandez committed the crime, what is your opinion of the attorneys' decision to appeal the verdict to the Supreme Court using the same argument as they had in attempting to quash the indictment?

**Question Brought to the U.S. Supreme Court (6:46-11:05)**

8. What is the issue that was brought to the Supreme Court in this case?  
[Formula for issue=Yes/No question + facts of the case + part of the U.S. Constitution in question]
9. How did Hernandez's attorneys argue the issue in the Supreme Court?
10. What proof did they continue to offer the justices for their argument?
11. What did the attorneys for Hernandez mean when said that Hispanics were a "class apart?"
12. What had happened to one of Hernandez's attorneys in the Texas courthouse where Hernandez was tried that supported the "class apart" argument?
13. What arguments did the state of Texas use in its response?

**Stop and Think:** With whose arguments do you agree? Why do you feel this way?

**The Ruling (11:06-12:00)**

14. What did the Supreme Court decide?
15. What happened to Mr. Hernandez as a result of this decision?

**Impact of the Case (12:01-End)**

16. What is the significance of this case?
17. How did it change jury selection?

**Conclusion:** *“When the existence of a distinct class is demonstrated, and it is further shown that the laws, as written or applied, single out that class for different treatment not based on some reasonable classification, the guarantees of the Constitution have been violated. The Fourteenth Amendment is not directed solely against discrimination due to a ‘two-class theory’—that is, based upon differences between ‘white’ and Negro.”*

—Chief Justice Earl Warren

18. Paraphrase what Chief Justice Earl Warren meant in the quote above.

19. Summarize the role this case played in helping to achieve more equality for the Hispanic race in the judicial system.