



Teacher Notes: *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?
Pete Hernandez was a 21-year-old Mexican American living in Edna, Texas who was kicked out of a bar for disruptive behavior. He returned with a gun and killed a man in front of multiple witnesses.
2. How quickly was he indicted for his crime and what was unique about the grand jury that indicted him?
Pete Hernandez was indicted within 24 hours by a grand jury that was made up of all Anglos in a county of Texas inhabited by a large number of Hispanics.
3. What did his attorneys argue in an attempt to quash the indictment and keep his case from going to trial?
They argued that Mexican Americans had been kept from serving on a jury in Jackson County. They also proved that even though Hispanics made up more than 14 percent of the population, no person with a Hispanic surname had served on any jury in the county in the past 25 years.

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?
Under the terms of the treaty, Mexicans living in the territory that was now part of the United States were given one year to decide if they wanted to stay and become naturalized American citizens. By law at this time, the only people that could be naturalized citizens were Anglo. Therefore, they would be classified as Anglo if they stayed.
5. What was the verdict at Pete Hernandez's trial?
He was found guilty and sentenced to life in prison.
6. On what grounds did Mr. Hernandez's attorneys decide to appeal the case to the Texas Court of Criminal Appeals?
They did not appeal the case claiming he was innocent, but rather that he had been denied equal protection of the laws due to the exclusion of Mexican Americans from the pool of potential jurors in his case.
7. How did the Texas Court of Criminal Appeals rule?
It upheld Hernandez's conviction and denied his challenge under the equal protection of the laws clause of the 14th Amendment.

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]

Is the equal protection of the laws clause of the 14th Amendment violated when a state tries a person of a particular race or ancestry before a jury in which all persons of that race or ancestry have been excluded from serving?

9. How did Hernandez's attorneys argue the issue in the Supreme Court?

Hernandez's attorneys continued to argue that Jackson County had deliberately attempted to discriminate and suppress a racial group from participating in the judicial system.

10. What proof did they continue to offer the justices for their argument?

They continued to offer the proof that no Hispanic surname could be found on the potential jurors rolls for the past 25 years even though 14 percent of the population was Hispanic.

11. What did the attorneys for Hernandez mean when they said that Hispanics were a "class apart"?

Even though Hispanics were legally considered as Anglo, they were treated as a minority group that was excluded not only from serving on a jury, but also from some restaurants and schools.

12. What had happened to one of Hernandez's attorneys in the Texas courthouse where Hernandez was tried that supported the "class apart" argument?

When the attorney had tried to go to the restroom in the courthouse, he found it was segregated for both African Americans and Hispanics.

13. What arguments did the state of Texas use in its response?

The state argued there was no attempt to discriminate and that it was just a coincidence that no Hispanics had served on a jury in Jackson County.

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?

The Supreme Court unanimously ruled in favor of Hernandez and his claim that he was denied equal protection of the laws.

15. What happened to Mr. Hernandez as a result of this decision?

He was retried before a jury consisting of 9 Anglos and 2 Hispanics. He was found guilty again and sentenced to 20 years at a state prison farm. He was paroled in 1960.

Impact of the Case (12:01-End)

16. What is the significance of this case?

Hernandez v. Texas was another case that helped to end racial discrimination in the judicial system and further provides equal protection of the laws for all Americans.

17. How did it change jury selection?

It prohibits racial discrimination in jury selection since states could no longer exclude citizens from jury service based on their race or ethnicity. It doesn't mean that the jury make up has to reflect the same ethnicity as the defendant. It also doesn't mean that the jury has to reflect the same racial percentage as the area where the trial is held.

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.