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May 20, 1969

Senator Joe Bernal
Capitol Building
Austin, Texas

Dear Senator:

Sometime ago we discussed some research you were doing concerning discrimination.

I was reviewing an old file and came across a brief which I filed in the case of Aniceto Sanchez vs. State of Texas (1951). To my knowledge, this was the first case that raised the question of jury discrimination against Mexican-Americans based on ethnic back ground.

In order to affirm the conviction, the Court of Criminal Appeals gave little consideration to accuracy and simply misstated the facts. I have attached to the back of the brief the opinion of the Court of Criminal Appeals which may be found at 243 S.W.2d 700 (1951). The part of the opinion to which I particularly refer is that portion which reads as follows:

"Appellant has filed quite an exhaustive brief on the subject in which he discusses decisions of other jurisdictions which, either intentionally or loosely, refer to Mexican people as a different race. They are not a separate race but are white people of Spanish descent, as has often been said by this court. We find no ground for discussing the question further and the complaint raised by this bill will not be sustained."

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Our brief will show that:

1. The decisions cited were not those of "other jurisdictions" but rather those of the Court of Criminal Appeals of Texas.

2. The decisions did not loosely refer to Mexican people as a different race but very intentionally and directly so referred to Mexican people.

3. The brief never contended that Mexican people were people of a different race, but it simply pointed out that the Court of Criminal Appeals so considered Mexican people; the brief quite clearly, at least in my opinion, pointed out that the jury discrimination cases applied to situations other than racially defined differences.

The Sanchez case was overruled by the United States Supreme Court in the Hernandez case, a couple of years later. Had we had the funds to appeal Sanchez to the U. S. Supreme Court, there is no question in my mind but what the Hernandez case would never have been necessary. Be that as it may, Sanchez was my first venture in the civil rights, only a few months after I had started practicing law, so there.

I believe you also requested a copy of the judgment of the Federal Court in the Odem School case. I am enclosing the temporary order entered by the Court as well as the supporting brief that I filed. The statistics attached to the brief may be of interest to you.

I also enclose for your information a copy of a pre-trial order prepared in an equal employment case pending in Federal Court which was settled when the Defendant offered to, and did, pay all damages resulting to the Plaintiff.

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If you need any further information on any of these cases, please let me know. Best wishes.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Jim".

James DeAnda

JD/go
Encls.

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Discrimination
Hector Garcia Case
1951 vs State of Texas
1 yr case of



Historical Case
Against Sen. Wright

vs
State of Texas
1951

1 yr case of

by my Discrimination Against Max America

Deanda
Personal
cc: Ed Sp
to file

Dr. Hector Garcia

1315 Bright Street

Corpus Christi, Texas

MAY 21 1969