

1 DAVID C. MARCUS.
2 Attorney at Law.
3 213 Spring & Second Bldg.
4 Los Angeles 12, California.
5 VA. 6311

HILL

SEP 27 1946

EDMUND L. SMITH, Clerk

By *E. Menstrom Jr.*
Deputy Clerk

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 CENTRAL DIVISION
11 -----

12 GONZALO MENDEZ, et al.,
13 Petitioners.

14 -vs-

15 WESTMINSTER SCHOOL DISTRICT,
16 OF ORANGE COUNTY, et al.,
17 Respondents.

NO. 4292-M. Civil.

AFFIDAVIT FOR CITATION

19 STATE OF CALIFORNIA)
20) SS.
21 County of Los Angeles)

22 ALEXANDER M. LIEVANOS, being first duly sworn deposes
23 and says:

24
25 That he is an American citizen and has lived and resi-
26 ded in the El Modena School District, County of Orange, State of
27 California, for the past 25 years. That his wife JENNIE E. LIEVANOS,
28 is an American citizen, who likewise has lived and resided in the
29 El Modena School District for many years past. That he is an emplo-
30 yee of the United States Government, Department of Labor and Agricul-
31 ture. Your affiant and his wife are of Mexican descent. Your affiant
32 and his wife are the father and mother of JOHNNY LIEVANOS, 6 years

1 of age, an American citizen of Mexican descent, who lives and resi-
2 ces with your affiant and his wife at El Modena, California and
3 within the El Modena School District.

4 That on or about the 19th. day of September, 1946,
5 JOHNNY LIEVANO, the minor child of your affiant herein sought and
6 applied for permission to enroll and attend the Roosevelt School at
7 El Modena, California, a public school maintained and operated by
8 the defendants El Modena School District and through its Trustees,
9 defendants HENRY CAMPBELL, JOE IRWIN, and L. JEROME NEIGER, and
10 HAROLD HAMMANSTEN, Superintendent of said School District.

11 That at said time and place the said School District
12 through its Trustees, and Superintendent did wilfully and in direct
13 violation of the order and judgment of the above entitled Court made
14 and entered on the 21st. day of March 1946, providing as follows:

15 " It is further ordered, adjudged and decreed
16 that the regulations, customs, usages and
17 practices of defendants and each of them
18 segregating persons and pupils of Latin and
19 Mexican descent in separate schools within
20 the respective school districts of defendants
21 and each of them in the City of Santa Ana,
22 California, and elsewhere in the County of
23 Orange, State of California, are and each of
24 them is arbitrary and discriminatory and in
25 violation of plaintiffs' constitutional
26 rights and illegal and void.

27 And it is further ordered, adjudged and
28 decreed that the defendants and each of them
29 are hereby permanently restrained and enjoined
30 from segregating persons and pupils in the
31 elementary schools of the defendant school
32 districts, respectively, of Latin or Mexican

1 descent in separate schools within the
2 respective school districts of the defend-
3 ants and each of them within the City of
4 Santa Ana, California, and elsewhere in
5 the County of Orange, State of California."

6 did at said time and place as aforesaid wilfully refuse and bar
7 said minor child JOHANNY AL VAAOS, from attendance at said Roosevelt
8 Grammar School solely for the reason and upon the grounds that said
9 child is of Mexican descent and ordered and directed said child to
10 attend the Lincoln Grammar School, which school is being run by
11 said District, Trustees and Officials as aforesaid, which District,
12 Officials, Trustees and Superintendent, have and do now compel
13 attendance at said school by children of Latin or Mexican descent
14 and maintain said Roosevelt School exclusively for children of
15 Anglo-Saxon descent, and in violation of said judgment and mandatory
16 injunction of this Court as aforesaid.

17 That the defendants and each of them in said school
18 District have since the rendition of said judgment as aforesaid by
19 this Court wilfully and unlawfully continued to maintain separate
20 schools in said District and to compel the attendance at said
21 Lincoln school by children of Latin or Mexican descent all of which
22 has been and now is in direct violation of the judgment and injunc-
23 tion of this Court as aforesaid.

24 That there are now in attendance at said Lincoln
25 School some three hundred children of Mexican descent segregated
26 at Lincoln School and barred from attendance at the Roosevelt School
27 solely upon the grounds that they are children of Mexican descent
28 in violation of their constitutional rights and in willful viola-
29 tion of the Court order and judgment as aforesaid which acts defend-
30 ants have continued to practice since the rendition of the judg-
31 ment as aforesaid.

32 That your affiant and his child JOHANNY AL VAAOS, are

1 one of the persons on whose behalf the above entitled action was
2 brought as a representative class action and seeks a citation for
3 contempt against said defendants before mentioned on behalf of himself
4 and minor child and many others similarly situated within said
5 School District.

6 That your affiant's child and many others similarly si-
7 tuated have and now are refusing to permit their children to attend
8 the said Lincoln School, because of the continued wilfull segregation
9 of Mexican children in said District and the continued and wilfull
10 violation of the Courts judgment as aforesaid.

11 That there is an an urgent, compelling and immediate
12 necessity for the issuance of the citation prayed for, for the
13 reason that your affiant is informed and believes that the defendants
14 school officials, in direct violation of the order and judgment of
15 this Court intend to forcibly compel the attendance of said children
16 of Mexican descent at said Lincoln School and that your affiant and
17 others similarly situated intend to forcibly resist said action by
18 said Officials of said School, Board.

19 That the defendants and each of them since the rendition
20 of said judgment on March 21st. 1946, have been cognizant of and with
21 full knowledge of the contents of said judgment as aforesaid, have
22 wilfully continued the acts of segregation as complained of herein.

23 That this Affidavit is made on behalf of all those
24 similarly situated against whom the said School Board have illega-
25 lly violated their constitutional rights and guarantees.

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28 WHEREFORE your affiant prays that this Court issue
29 its order to show cause and citation against the defendants at a
30 time and place to be fixed by this Court and that said defendants
31 be ordered and directed to appear and show cause why they should
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8 not be punished for contempt, for their willful and continued
9 violation of the judgment of this Court.
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Alexander M. Levant

18 subscribed and sworn to before me
19 This 27th. day of September, 1946
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21 Joe O. Lopez
22 NOTARY PUBLIC in and for the County
23 of Los Angeles, State of California.
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RETURN ON SERVICE OF WRIT

United States of America,
San DISTRICT OF *Calif* ss:

I hereby certify and return that I served the annexed *Order to show cause*
and of Plaintiff in Re Contempt on the therein named *Henry Campbell*

by handing to and leaving a true and correct copy thereof with *Henry Campbell*
 personally
 at *El Modena Cal.* in said District on the *Sept* *15th* day of
~~*Sept*~~ *Oct.*, 19*46*

Robert B. Clark
 U.S. Marshal.
 By *Frank L. Besser*
 Deputy.

San District of Calif, ss.

I hereby certify and return, that on the 1st day of oct, 19 46

I received the within Writ and that after diligent search, I am unable

to find the within-named defendants Joe Luwin

unable to locate within my district.

on vac

Robert E. Clark
United States Marshal.

By Frank L. Besser
Deputy United States Marshal.

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RETURN ON SERVICE OF WRIT

United States of America,
San DISTRICT OF Calif } ss:
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I hereby certify and return that I served the annexed Order to show Cause and
affidavit In Re Contemps on the therein-named Harold Hammarsten

by handing to and leaving a true and correct copy thereof with Harold Hammarsten

personally
at El Modena Cal. in said District on the 2nd day of
Sept Oct, 1946

Robert E. Black
U.S. Marshal.

By Frank L. Benson
Deputy.

RETURN ON SERVICE OF WRIT

United States of America,
San DISTRICT OF *Calif* ss:

I hereby certify and return that I served the annexed *Order to show Cause and*
affidavit In Re Contempt the therein-named *L Jerome Neiger*

by handing to and leaving a true and correct copy thereof with *L Jerome Neiger*
 personally

at *El Modena Calif* in said District on the *2nd* day of
~~Oct~~ *Oct 7*, 19*46*

FILED

Robert E. Clark
 U.S. Marshal.

OCT 29 1946

U. S. GOVERNMENT PRINTING OFFICE 16-17777

EDMUND L. SMITH

By *Edw. Drew*
 Deputy

Marshal's Fees	6.00
Mileage	.21
Expenses	
Total	8.61

By *Frank L. Besser*
 Deputy.