

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

**FILED**

SEP 27 1946

EDMUND L. SMITH, Clerk

By *E. M. Menstrom, Jr.*  
Deputy Clerk

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

12 GONZALO MENDEZ, et al.,  
13 Petitioners.

14 -vs-

15 WESTMINISTER 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 )

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

25 That he is an American citizen and has lived and resi-  
26 ded in the El Modeno 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 Modeno School District for many years past. That he is an employ-  
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 ues with your affiant and his wife at El Modeno, California and  
3 within the El Modeno School District.

4 That on or about the 19th. day of September, 1946,  
5 JOHNNY LISVABOS, the minor child of your affiant herein sought and  
6 applied for permission to enroll and attend the Roosevelt School at  
7 El Modeno, California, a public school maintained and operated by  
8 the defendants El Modeno School District and through its Trustees,  
9 defendants HENRY CAMPBELL, JOE IRWIN, and L. JEROME NEIGER, and  
10 HAROLD HANMARSTEN, 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 defen-  
3 dants 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 DE VAAGS, 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 maintained 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 defen-  
30 dants have continued to practice since the rendition of the judg-  
31 ment as aforesaid.

32 That your affiant and his child JOHANNY DE VAAGS, 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 rily violated their constitutional rights and guarantees.

26  
27  
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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not be punished for contempt, for their willful and continued violation of the judgment of this Court.

Alexander M. Levant

Subscribed and sworn to before me  
This 27th. day of September, 1946

Joe O. Lopez  
NOTARY PUBLIC in and for the County  
of Los Angeles, State of California.

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 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 12<sup>th</sup> day of  
Oct., 1946

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. Reese*  
Deputy United States Marshal.

Case No. 2/146

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 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. Besser  
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 Neigen*

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

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

**FILED**

*Robert E. Clark*  
U.S. Marshal.

OCT 29 1946

By *Frank L Besser*  
Deputy.

U. S. GOVERNMENT PRINTING OFFICE 16-17777

EDMUND L. SMITH

By *Edw Drew*  
Deputy

Marshal's Fees	6 00
Mileage	26 1
Expenses	
Total	86 1