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Louise Ann Fisch. *All Rise: Reynaldo G. Garza, the First Mexican American Federal Judge*. College Station: Texas A&M University Press, 1996. xiii + 224 pp. \$32.95 (cloth), ISBN 978-0-89096-713-3.

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Mexican American Judges Make Their Biographical Debut

As the first Mexican American to become a federal judge, Reynaldo G. Garza appropriately is also the first Hispanic federal judge to be the subject of a full-length biography, in Louise Ann Fisch's *All Rise: Reynaldo G. Garza, The First Mexican American Federal Judge*.^[1] Following his 1961 appointment to the U.S. District Court for the Southern District of Texas, Garza also became the first Mexican American chief judge of a federal court. In 1979, he was the first Mexican American appointed to the U.S. Circuit Court of Appeals, and he still serves today as a senior judge on the Fifth Circuit.

All Rise is not a judicial biography in the sense that legal historians define the genre, but rather a biography of a leading Mexican American who happens to be a judge. According to the preface, Fisch's primary goal is "[c]apturing Garza's life story and consequently giving voice to his cultural struggles," and secondarily "to encourage research into the lives of other barrier-breaking Mexican Americans" (p. x). A theme that runs throughout *All Rise* is Garza's ability to succeed within the predominantly Anglo power elites at regional and national levels while maintaining his ethnic roots. Written in an admiring tone, *All Rise* also emphasizes Garza's importance as a role model to both his contemporaries and to the generations of Mexican Americans who followed him. Fisch thus throws her lot not with judicial biographers but rather with historians who have studied the rise of Mexican Americans to political power in the Southwest, such as David Montejano, Richard A. Garcia, and Arnolde de Leon. Her approach is also revealed

in the sources she cites, which include a large number of contemporary news accounts, oral history interviews, presidential library archives, regional histories, and studies of Mexican American political elites. Citations to legal sources, particularly Garza's published or unpublished opinions, are conspicuous by their scarcity.

As a native of the Texas-Mexico border region, Fisch demonstrates a good understanding of its unique cultural and social makeup, where social class has long counted for more than race in terms of social standing. Her treatment of Garza's early life is both thorough and enlightening, and makes good use of numerous oral history interviews with Garza, his family, and friends, supplemented by contemporary newspaper accounts. Reynaldo Garza was born in Brownsville, Texas in 1915, to middle-class Mexican immigrants who placed great importance on education and family life. In contrast with most of Texas at that time, overt discrimination against Mexican Americans was largely absent in border towns like Brownsville where they accounted for most of the population (p. 11). Mexican culture played a prominent role in civic life, although Anglos still dominated elected offices. Garza and other middle-class Mexican American children attended the same public schools as Anglos, and he was encouraged to excel by both his family and teachers. He was also a devout Catholic. Fisch argues that Garza's upbringing was the crucial factor in his ability to develop and maintain a bicultural identity.

Garza became interested in the law at an early age,

and his father would take him to the courthouse to observe trials. He did well in school and worked his way through the University of Texas, where he was one of only a dozen Mexican American graduates from the School of Law before World War II. It was at the University that Garza formed the alliances that later propelled him into politics and judicial appointments. He helped Lyndon Johnson win his first congressional election by campaigning in Austin's Mexican American community, and helped the future governor of Texas, John Connally, win a race for student body president. Garza also became active in efforts to promote civil rights for Mexican Americans.

With law degree in hand, Garza returned to Brownsville, began a law practice, got married, and became the first Mexican American elected to the Brownsville school board. After serving in the Army during World War II, he returned to Brownsville where he built up a thriving law practice and won election to the city commission. He was active in civic and Catholic organizations and worked through the League of United Latin American Citizens (LULAC) to improve civil rights for Mexican Americans in Texas. He actively campaigned for Lyndon Johnson and several other Texas Democrats, was appointed to several state commissions, and was one of the very few Mexican Americans to become accepted within the state's political elites. After Garza stumped for the Kennedy-Johnson ticket in South Texas, LBJ repaid the favor by recommending Garza as President Kennedy's first judicial appointment, to fill a vacancy in the Southern District of Texas.

The chapter on Garza's 1961 appointment and confirmation is one of the strongest in the book. It stands out in part because it conveys a sense of drama and struggle that is often absent elsewhere in the book, particularly in the later chapters. It is also the most thoroughly documented, using correspondence from the Kennedy and Johnson presidential libraries in addition to oral histories and newspaper accounts. Garza's supporters for the nomination had to overcome the competing candidacy of another Mexican American from South Texas. In addition, Senator Ralph Yarborough of Texas was at first reluctant to support Garza's nomination because Garza had once supported the senator's arch-rival, Governor Allan Shivers. In this chapter, unlike many others, Garza's opponents have names and voices.

In the following chapters on Garza the jurist, Fisch quite rightly pays the greatest attention to his record in civil rights cases, given his place as the first Mexican

American on the federal bench. She reveals a strong conservative streak in Garza, a reluctance to be a judicial activist despite his genuine concern for the rights of the little folks and his record as a private citizen of advocating for the civil rights of Mexican Americans. Regarding civil rights litigation in the 1960s-70s, "Garza was not totally comfortable with his extended judicial powers," says Fisch (p. 119). In a 1971 case, for instance, Garza ruled that the racially segregated locals of the International Longshoremen's Association violated the Civil Rights Act, but instead of ordering a merger of the locals, he urged an appeal to finally settle the case. When a Mexican American defendant challenged the grand jury system in Texas (*Partida v. Castaneda*, 1974), Garza ruled that the state's evidence rebutted a prima facie case of discrimination against Mexican Americans in grand jury selection (his decision was overturned by the Fifth Circuit and the U.S. Supreme Court). "Although Garza was concerned about discrimination," Fisch writes, "in this case, he balanced his allegiance to his Mexican roots with his loyalty to American law, with the latter winning out" (p. 138). Even in his most celebrated civil rights decision (*Medrano v. Allee*, 1972, striking down laws used by Texas Rangers to break up United Farm Workers strikes), Fisch argues that the ideology behind Garza's decision was basically conservative:

Garza took pride in the impact of the *Medrano* case. Since his law school years...Garza had voiced his concerns for the plight of Mexican Americans. The *Medrano* case allowed his rhetoric to turn into what he perceived as the best possible action, a legal mandate for change. Thus Garza...believed that the conditions of Mexican Americans could improve not only through educational advancements but through legal victories. Ironically, this conservative ideology was in stark contrast to the liberal teachings of organized labor from which the *Medrano* case evolved. (p. 132, citing an interview with Garza)

Fisch explains Judge Garza's conservative bent as a product of his class consciousness. "Shielded from discrimination" in his upbringing, "he acclimated to a dual cultural society whose members came from the upper social and economic strata of the community. He became acutely aware of these defined divisions in his city and eventually developed a world view that sought to maintain this economic status quo" (p. 11). He firmly believed that education, hard work, and legal victories were the keys to remedying discrimination. "He preferred no minority representation at all unless the individual was of superior qualifications and performance," says Fisch. "Thus, he abhorred tokenism" (pp. 117-18). He is typi-

cal of the generation of fervently patriotic, civic-minded, hard-working Mexican Americans of South Texas who became the first of their ethnic group to attain prominence in Texas politics.

Fisch's account of Garza's judicial career is not confined to his civil rights record. Illegal immigration and drug trafficking kept his district court docket full, and he made several innovations to lighten the load, such as selecting multiple juries from a single pool, and "jail delivery days" where he would try hundreds of illegal immigrants en masse to clear dockets and relieve jail overcrowding. And then there was the curious case of *Turner v. American Bar Association* (1974), in which a tax evasion group sued the ABA and every federal judge in the country (alleging judicial conspiracy) except Garza. The group sought the right to be represented by an unlicensed lay attorney, and Garza ruled against them. Unfortunately, there is no explanation as to why Garza was chosen in this particularly blatant example of forum shopping.

Following Garza's elevation to the Fifth Circuit Court of Appeals by President Carter in 1979, civil rights cases seem to have made up even less of his case load, judging from the handful of cases that Fisch mentions. She summarizes, "In most areas, Garza wrote moderate to liberal opinions. He invariably sided with employees in labor cases and against business in antitrust cases.... On issues such as religion, he worked to fashion a responsible yet conservative position" (p. 167).

As an archivist at an academic law library, I have dwelt, in this review, on Garza's judicial work because it is what most interests me and the researchers I usually serve. However, this is not an accurate reflection of the scope of *All Rise*. Although Garza's judicial career spans close to half of the book, there is not much in-depth discussion of Garza's judicial opinions or his influence on the law, other than a few paragraphs on the cases mentioned above and a few others. Even courtroom anecdotes, of which we are told there were many (p. 121), are few and far between.

In fairness to Louise Fisch, she did not set out to write a "judicial biography." However, I cannot help feeling that the lack of analysis of Judge Garza's actions on the bench is a drawback. After taking a seat on the federal bench, a judge's public activities become quite circumscribed by the canons of judicial ethics, which keep most judges from the political stump and from speaking out on many public policy issues outside the narrow field of judicial administration. The bench itself is

a federal judge's primary bully pulpit. Without a thorough study of Garza's contributions and statements as a judge, we are left with only an account of his social life, family matters, civic activities, and current events that coincided with his tenure. This gap looms particularly large in Garza's case, in light of his thirty-seven years' service as a federal judge, the capstone of his career and the very achievement which makes him famous. Likewise, his service on state commissions receives only passing mention, and the reader learns little of Garza's contributions to their work.

Perhaps another reason Fisch avoided a lengthy discussion of Garza's judicial work is her apparent inexperience with the complex world of the federal courts, which is revealed in a few mis-steps in the text. At one point she refers to U.S. Magistrates as "expediting appellate procedure" (p. 130). Institutional loyalty obliges me to point out a couple of minor errors on page 29: the University of Texas School of Law was not on the northwest corner of campus when Garza attended in the late 1930s, but rather on the south side; and the Law School adopted a three-year curriculum in 1903, well before Garza arrived.

Nevertheless, Fisch succeeds admirably in her efforts to present a broad view of Garza's life and culture, and to document his development as a leader and his success in maintaining an unself-conscious ethnic identity while breaking down barriers for Mexican Americans. *All Rise* is valuable as a case study of how one Mexican American rose to regional and national leadership in a time of widespread discrimination. It will provide rich source material and a point of departure for others who wish to dig deeper into Garza's judicial career and the apparent paradoxes it presents, as Richard Delgado has already done in his review of *All Rise*.^[2]

[1]. Not counting Harold R. Medina, appointed in 1947 as judge of the Southern District of New York, who was the son of a Mexican father and an English mother. Medina, however, was brought up in isolation from Mexican culture and was not commonly perceived as a Mexican American.

[2]. Richard Delgado, "Rodrigo's Fifteenth Chronicle: Racial Mixture, Latino-Critical Scholarship, and the Black-White Binary," *Texas Law Review* 75:5 (Apr. 1997), 1181-1201.

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