

## Equal Protection and the *Yick Wo v. Hopkins* Case

### **Overview and Background:**

Chinese immigration to the United States began in the early 1800s as a result of civil unrest and poverty in China, and increased with the discovery of gold in California in 1849. As the population and economy of California grew, so did the population of Chinese immigrants. By 1880, the Chinese immigrant population of 75,000 made up almost 10% of the total state population.<sup>1</sup> But as early as 1850, one year after the Gold Rush began, the state legislature passed laws targeting non-white foreigners and their ability to make a livelihood comparable to their white counterparts.<sup>2</sup> When economic depression set in and fears of economic competition increased, Chinese immigrants were targeted as scapegoats.

A range of primary sources and media conveyed anti-Chinese sentiment: newspaper reports of lynchings and massacres, political cartoons exploiting racial stereotypes, taxation (beginning with the Foreign Miner's Tax) and other legislation curbing rights provided in the Bill of Rights, and the virulent rhetoric of organized labor unions such as the Workingmen's Party, all of which are shared in detail in *Wherever There's a Fight*.

This lesson is a case study of Lee Yick, a Chinese immigrant laundry owner in San Francisco, who continued to operate his business in a wooden building without city approval to protest a San Francisco ordinance criminalizing the operation of laundries in wooden buildings without permission from the Board of Supervisors. After the sheriff arrested Lee Yick, his attorneys brought a lawsuit that reached the U.S. Supreme Court, which ruled that the San Francisco ordinance violated the equal protection clause of the 14<sup>th</sup> Amendment because it was discriminatorily enforced against Chinese immigrants.

In an activity that explores the historical sources, students will apply their understanding of the Constitution and the Reconstruction Amendments to a situation in which a person was unfairly discriminated against. By closely reading the sources, students will be able to analyze the case, draw conclusions about the constitutional process, and make connections to 20<sup>th</sup> and 21<sup>st</sup> century cases of discrimination.

### **Focus Question and Teaching Thesis:**

**Focus Question:** As anti-Chinese feelings grew in the late 1800s, how did city and federal laws and enforcement of those laws support or deny Chinese laborers' rights to "equal protection under the law"?

**Teaching Thesis:** Students will understand that city and federal laws did not uniformly support or deny Chinese laborers' rights to equal protection under the law. By examining one case study, students will see that enforcement of San Francisco's

---

<sup>1</sup> <http://usinfo.org/docs/democracy/64.htm>. Melvin Urofsky. Virginia Commonwealth University. July 29, 2010.

<sup>2</sup> See Foreign Miner's Tax, Ch.1, p.23 (WTAF)

wooden laundry ordinance denied equal protection to Chinese laundry owners. Students will also see that when the case was brought to the U.S. Supreme Court, the justices unanimously ruled that the city ordinance was unconstitutional because it violated the 14<sup>th</sup> Amendment, which forbids states from denying any person equal protection under the law. Moreover, the U.S. Supreme Court supported rights not only for Lee Yick, but also established the precedent that discriminatory enforcement of an otherwise neutral law is a violation of the equal protection clause of the 14<sup>th</sup> amendment. In addition, students will learn that although a law may seem impartial in its language, the use and analysis of context clues can help them to analyze laws for implied racial profiling. This lesson can be implemented in units on Immigration or Reconstruction.

### **History - Social Studies Standards:**

8.3: Students understand the foundation of the American political system and the ways in which citizens participate in it.

8.12: Students analyze the transformation of the American economy and the changing social and political conditions in the United States in response to the Industrial Revolution.

1. Examine the location and effects of urbanization, renewed immigration, and industrialization (e.g., the effects on social fabric of cities, wealth and economic opportunity, the conservation movement).

### **Learning Objectives:**

- Students will be able to do a careful reading of historical sources and use context clues to interpret and analyze a case study
- Students will be able to understand the concept of equal protection under the law and its significance through a case study of the wooden laundry ordinance in San Francisco

### **Duration:**

Two 45-minute periods

### **Materials:**

- Excerpt from *Wherever There's A Fight*, Ch.2, p.41-46
- [Graphic Organizer](#) (One for each student)
- [Historical Sources A-F](#) (One packet for each student)
- Signs for Four Corners
- Writing instrument
- Paper

### **Prior Knowledge/Context:**

- Understanding of federalism, especially city-specific terms such as ordinances, city councils, and police and how they relate to state and federal laws
- Basic knowledge of the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments (also known as the Reconstruction Amendments)
- Basic knowledge of the Gold Rush in California and the effects it had on immigration

### **Sequence of Activities:**

1. Have students fold a piece of paper to create four squares, then label each square “Strongly Agree”, “Agree”, “Disagree”, and “Strongly Disagree.”
2. On the board, write the statement, “All laws are enforced equally no matter what.” Students should mark the square that represents their opinion on this statement, and think of 2-3 reasons to support their opinion.
3. When students are ready, have them go to the four different corners in the room that are labeled “Strongly Agree”, “Agree”, “Disagree”, and “Strongly Disagree” that match their opinion. Within each corner group, students should form pairs or trios to share the reasons for their opinion. Have a few members of each corner group share out some of the reasons discussed, and record on the board in a 4-square under the statement. Allow students to ask clarifying questions, change their minds, and challenge reasons before returning to their seats to transition.
4. Tell students that today’s lesson will examine this statement in the context of California in the 1880s. Have students share in small groups or as a whole class what they know of California during this time period. After students share, be sure to point out a few key time markers that you want them to keep in mind: (a) It is after the Gold Rush in 1849, (b) California has been a state in the union for about 30 years, (c) it is after the Civil War and Reconstruction, (d) and, it is after the passage of the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments.
5. Write the 14<sup>th</sup> Amendment on the board: “No State shall...deny to any person within its jurisdiction the equal protection of the laws”. Ask students to think about its meaning and put it in their own words. Have students verbally share.
6. As you pass out the [Graphic Organizer](#) and packet of [historical sources](#) to each student, tell students that they are going to look at a San Francisco case to investigate and judge for ourselves if there was equal protection under the law. We will begin with the actual law.
7. Review the materials with the students: the [Graphic Organizer](#) is for students to write down a brief summary, interpretation, opinion, and questions for each source. Each [historical source](#) reveals a different piece of the entire case study, so that is why there is a column in the [Graphic Organizer](#) for students to state if they think this source shows evidence of equal protection under the law. Note that this reading and analysis part of the lesson may also be done cooperatively in pairs or groups.

8. Using Sources A and B, model how you would like students to read and analyze the sources, before having students do so on their own or cooperatively with Sources C-F. Additional reading support may be needed here for vocabulary terms and syntax of legal language. Sources A and F contain complex legal language, and using translations of these primary sources can help facilitate students' understanding and interpretation of this ordinance and ruling.
9. Regroup as an entire class, and discuss the case with the given evidence.
  - Is the law fair and constitutional? Why or why not?
  - How did each source change your opinion on the law?
  - If you were in Lee Yick's shoes, what would you do?
  - Are there additional questions you have or evidence you need to make a decision whether or not this law is fair and constitutional?

Before analyzing the last source, have students predict the ruling in this case.

10. As a whole group, read and analyze the last source on the Supreme Court decision in *Yick Wo v. Hopkins* and respond to the two reading questions. Focus on what the ruling actually means, and have students share their interpretations in pairs to check for understanding.
11. Open up class discussion about the significance of equal protection under the law in this case ruling. Draw four concentric circles and write the ruling in the center. Use these circles to record student discussion around the following questions:
  - What did the ruling in *Yick Wo v. Hopkins* actually mean for Lee Yick?
  - Expand the questions to consider what this ruling meant for Chinese laundry owners in San Francisco?
  - What did this ruling mean for police and the San Francisco Board of Supervisors?
  - Lastly, ask them to think about what this ruling means for us in the present in terms of law-making, law enforcement, and equal protection under the law?
12. To reflect upon the lesson, return to the Four Corners activity that began the lesson. Have students reflect on the original statement, "All laws are enforced equally no matter what," by completing the following sentence frame on their four-square sheet, "Before I learned about the Yick Wo case, I thought that (fill in with their original opinion and reasons). But after learning about the case, I now think that..."

### **Assessment:**

- Successful completion of the graphic organizer demonstrates students' close reading and understanding of the historical sources.
- Participation in discussion and inclusion of equal protection under the law in the Four Corners reflection demonstrates students' understanding of the concept.

### **Modifications:**

- The sources may need to be edited or translated, as was done for Source A, in order to be accessible for all reading levels. Students can be encouraged to attempt reading the original sources, and use the edited and translated versions to support their understanding of the originals.
- Visual images of the actual ordinance and Supreme Court rulings can be shown as artifacts with the historical sources.
- For Sources C and D, tables and graphs may be used to visually demonstrate the number of Chinese laundry owners who were discriminated against.

### **Extension Ideas:**

- Create a timeline of significant court cases that relied on the equal protection clause.
- Compare and contrast other San Francisco ordinances to determine if they were enforced fairly towards Chinese immigrants.
- Apply students' understanding of equal protection under the law to a current ordinance or widely publicized cases of racial profiling or driving while black or brown (as described in *Wherever There's A Fight*, p. 413-416).
- Debate the issue of equal protection for all persons in the context of current immigration issues.

### **Additional Resources:**

- *Wherever There's a Fight*, Ch. 2, p.41-46
- <http://supreme.justia.com/us/118/356/case.html> - full text of the *Yick Wo v. Hopkins* case
- [http://www.oyez.org/cases/1851-1900/1886/1886\\_0](http://www.oyez.org/cases/1851-1900/1886/1886_0) - summary of the *Yick Wo v. Hopkins* case