

Equal Protection and the Yick Wo v. Hopkins Case

SOURCE A – What did the ordinance (law) say?

San Francisco, CA, Order No. 156, passed May 26, 1880, by the Board of Supervisors, stating the kind of buildings in which laundries must be located.

Original Text

"The people of the city and county of San Francisco do ordain as follows:"

"SEC. 1. It shall be unlawful...for any person or persons to establish, maintain, or carry on a laundry within the corporate limits of the city and county of San Francisco without having first obtained the consent of the board of supervisors, except the same be located in a building constructed either of brick or stone."

"SEC. 2. It shall be unlawful for any person to erect, build, or maintain, or cause to be erected, built, or maintained, over or upon the roof of any building now erected or which may hereafter be erected within the limits of said city and county, any scaffolding without first obtaining the written permission of the board of supervisors, which permit shall state fully for what purpose said scaffolding is to be erected and used, and such scaffolding shall not be used for any other purpose than that designated in such permit."

"SEC. 3. Any person who shall violate any of the provisions of this order shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment."

Translated Text

SEC.1. It is illegal for anyone to establish a laundry in San Francisco, unless it is in a brick or stone building, without having first obtained permission from the Board of Supervisors.

SEC.2. It is illegal for anyone to build scaffolding on the roof of any building without having first obtained a permit from the Board of Supervisors. The permit has to state the purpose of the scaffolding.

SEC.3. A person who violates any part of this law will be guilty of a misdemeanor. Upon conviction, he/she will be punished by a fine of not more than \$1000 or imprisonment in the county jail not more than six months or both the fine and jail time.

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SOURCE B – What was the hand laundry business like in the 1880s?

In the 1880s, laundry was done by hand.

One laundryman described his work like this:

“...A lifetime spent sorting, soaking, boiling, washing, scrubbing, rinsing, rubbing, starching, drying, ironing, pressing, folding, packaging, collecting and delivering could break the health of even the strongest laundry worker...”

A hand laundry business owner needed only \$75-200 dollars to start. The materials needed were:

- A stove and trough for washing
- Water
- Heated coals to dry wet clothes
- Partitions to separate the dry room and sleeping area
- A sign

In 1880, San Francisco had 320 laundries; 310 of them were in wooden buildings. City officials considered laundries in wooden buildings less safe than stone and brick buildings because of the fire hazard.



(Compiled from *Chinese Laundries: Tickets to Survival on Gold Mountain*, by John Jung, p. 126; *A Different Mirror*, by Ronald Takaki, p.201; *Freedom: A History of Us*, by Joy Hakim, <http://www.pbs.org/wnet/historyofus/web08/segment6.html>; Image from American Memory, Call # AAS ARC 2000/41: fol. 27: laundry)

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SOURCE C – Who did the laundry?

By 1870, about 1,300 Chinese Americans in San Francisco were in the laundry business.

In 1880, 240 of the 320 laundries in San Francisco were Chinese-owned.

Why were there so many Chinese in the laundry business? We have to go back to the reason why so many people immigrated to California – the Gold Rush. Most immigrants were male. Since laundry was considered domestic women's work, and there were fewer women than men, there was a need for clothes to be washed and cleaned. The Foreign Miner's Tax of 1850 made it more difficult for non-white immigrants to mine for gold. The tax pushed Chinese immigrants to explore other ways of making money. Recognizing a business opportunity, many Chinese immigrants opened laundry businesses during the Gold Rush years.

(Compiled from Wherever There's A Fight, p. 43; Freedom: A History of Us, by Joy Hakim, <http://www.pbs.org/wnet/historyofus/web08/segment6.html>)

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SOURCE D – Who petitioned the Board of Supervisors about this ordinance?

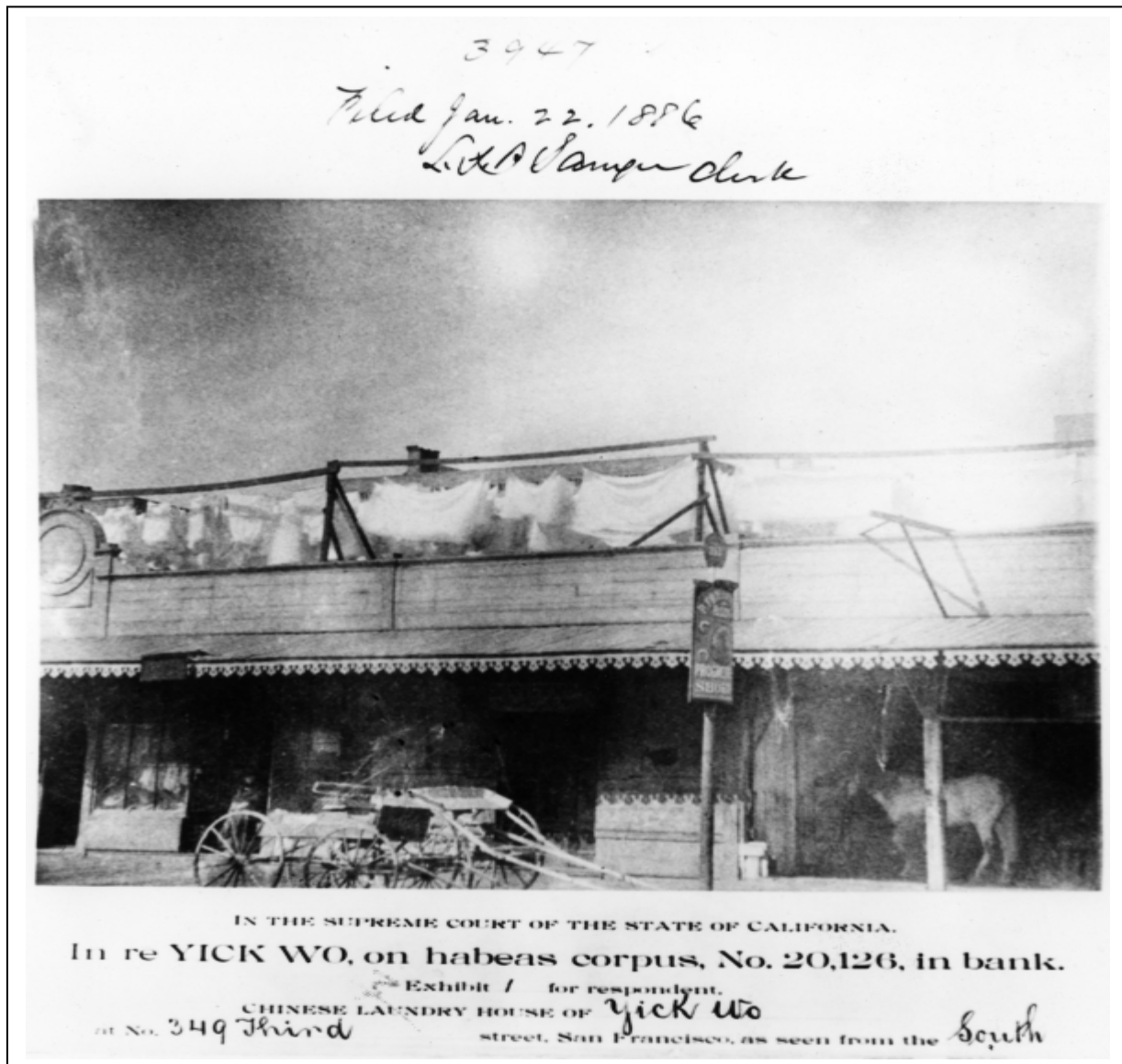
Two hundred and one Chinese laundry owners asked the Board of Supervisors for permission to continue operating their businesses in the wooden buildings that many of them had worked in for more than 20 years. The Board of Supervisors denied all 201 requests by the Chinese laundry owners, but granted 79 of the 80 petitions from non-Chinese laundry owners.

(Compiled from Wherever There's A Fight, p. 44; Freedom: A History of Us, by Joy Hakim, <http://www.pbs.org/wnet/historyofus/web08/segment6.html>)

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SOURCE E – Who is Lee Yick?

Lee Yick was one of the 201 laundry owners whose requests the Board of Supervisors denied. He immigrated to California from China in 1861 and opened the Yick Wo laundry business on Third Street in San Francisco. For 22 years he operated his business. His business passed fire inspections by the San Francisco Board of Fire Wardens that his laundry was fire safe and health inspections by the city health officer that his laundry was properly drained. After the Board of Supervisors denied his petition, Lee Yick protested the law by continuing to work in his wooden laundry building. On August, 22, 1885, a San Francisco sheriff arrested Lee Yick for breaking the law.



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SOURCE F – Yick Wo v. Hopkins case

Lee Yick took his case to court saying that the Board of Supervisors did not base its decisions on any fair standards. The law was being unfairly enforced.

The California State Supreme Court said the ordinance was a valid public safety law and was not discriminatorily enforced.

Lee Yick appealed to the U.S. Supreme Court, the highest court in the nation. The judges delivered their unanimous decision on May 10, 1886.

Representing the court, Justice Stanley Matthews wrote:

“Even if a law looks to be fair and impartial, if it is applied and administered by a public authority with an evil eye and an unequal hand, so as to make unjust and illegal discriminations between people in similar circumstances, it is still prohibited by the Constitution.

It seems that both petitioners [Lee Yick and another Chinese laundry owner] have complied with every requirement of the law and the public enforcement officers for the protection of neighboring property from fire or as a precaution against injury to the public health. No reason, whatever, except the will of the supervisors, is [given] why they should not be permitted to carry on, in the accustomed manner, their harmless and useful occupation, on which they depend for a livelihood. The fact of this discrimination is admitted. No reason for it is shown, and the only reason it exists is because of hostility to the race and nationality to which the petitioners belong. In the eye of the law, it is not justified. The discrimination is illegal. The public administration which enforces it is a denial of the equal protection of the laws and a violation of the 14th Amendment of the Constitution.”

*(Compiled from Wherever There's A Fight, p.44-46 and
http://www.law.cornell.edu/supct/html/historics/USSC_CR_0118_0356_ZO.html)*