

## 7d – Equality Before the Law

The equal protection clause of the 14th Amendment, cited in the Harada ruling, has been used as a weapon in thousands of civil rights battles since its enactment in 1868. The clause holds that no state shall "deny to any person within its jurisdiction the equal protection of the laws." Like the amendment as a whole, this provision was written with ex-slaves in mind, but its language made the question inevitable: Was it broad enough to protect from discrimination other groups who had been pushed to the margins of American society?

Chinese immigrants - the targets of numerous patently discriminatory laws - were among the first minority groups to put the equal protection clause to the test. One such claim that reached the U.S. Supreme Court was brought by a Chinese business owner named Yick Wo who resided in San Francisco.

Not much is known about the life of Yick Wo. Even his name is the subject of some dispute. We do know that Yick Wo arrived in the United States from China in 1861. He may have been lured by the prospect of mining for gold, or he may have tried to find work on the railroads, like thousands of Chinese who immigrated in the 1800s. Once here, however, they encountered deep prejudice. Laws denied them citizenship and locked them out of certain types of employment. With limited economic opportunities, many Chinese laborers - including Yick Wo - turned to the laundry business.

There, too, they were bombarded with oppressive regulations. One example was a San Francisco ordinance, passed in 1880, that prohibited the operation of a laundry in a wooden building without the consent of the Board of Supervisors.

Yick Wo applied for the renewal of his license in 1885. Although his business had operated in the same location for more than 20 years, and had passed inspections by both the health and fire departments, the Board of Supervisors denied his application.

He may not have been overly surprised. The ordinance was ostensibly a public safety measure, but it became clear that the Board of Supervisors' attention was focused less on the structural composition of the buildings than on the racial composition of the ownership. About 310 of the 320 laundry businesses in the city were housed in wooden buildings. The board denied every one of the approximately 200 applications submitted by Chinese owners, and granted all but one of the approximately 80 submitted by nonChinese owners.

Despite the denial of his application, Yick Wo continued to operate his business. For doing so, he was arrested, convicted and, upon his nonpayment of the fine imposed, he was imprisoned. He refused to give up, however, and challenged his conviction as a violation of the equal protection clause of the 14th Amendment. His case ultimately came before the U.S. Supreme Court.

Without dissent, the court concluded quite simply that the protections of the 14th Amendment were not "confined to the protection of citizens." Its provisions, the court continued, "are universal in their application to all persons within the territorial jurisdiction, without regard to any differences of race, of color, or of nationality."

Finding no reason for the city's denial of Yick Wo's application other than "hostility to [his] race and nationality," the court ruled the ordinance unconstitutional as applied and Yick Wo's conviction unjustified. The court's broad reading of the applicability of the 14th Amendment would benefit not just Yick Wo, who was ordered released from prison, but others outside the White mainstream who were determined to be included in American society on an equal basis.

A Place at the Table.