

YICK WO v. HOPKINS (1886)

Chinese immigrants continually challenged discriminatory legislation directed at them. One San Francisco ordinance became the basis for an important United States Supreme Court decision, *Yick Wo v. Hopkins*.

In this case, the Court found the type of government-sanctioned discrimination specifically prohibited by the Fourteenth Amendment. A San Francisco ordinance prohibited operating a laundry located in a wooden building without the consent of the Board of Supervisors; laundries in brick or stone buildings needed no comparable approval. By itself, the law seemed a valid exercise of police power, since the wooden buildings were vulnerable to fire. At the time, over 95 percent of the 320 laundries in San Francisco were located in wooden buildings, and of these, two-thirds had Chinese owners. The Board of Supervisors granted permits to operate laundries in wooden buildings to all but one of the non-Chinese owners, but none to any of the 200 Chinese applicants. Yick Wo, a Chinese alien who had operated a laundry in the city for many years, was refused a permit and, when he continued to operate his laundry, was convicted under the ordinance. The Supreme Court reversed the conviction.

As you read the court's opinion, think about how the Supreme Court interpreted the 14th Amendment in overturning the Yick Wo conviction.

Justice Matthews delivered the opinion of the court:

“The rights of the petitioners, as affected by the proceeding of which they complain, are not less because they are aliens and subjects of the Emperor of China.

The Fourteenth Amendment to the Constitution is not confined to the protection of citizens. It says: “Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” These provisions are universal in their application, to all persons within the territorial jurisdiction, without regard to any differences of race, of color, or of nationality; and the equal protection of the laws is a pledge of the protection of equal laws. It is accordingly enacted by 1977 of the Revised Statutes, that “all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.” The questions we have to consider and decide in these cases, therefore, are to be treated as involving the rights of every citizen of

the United States equally with those of the strangers and aliens who now invoke the jurisdiction of the court.

The facts shown establish an administration directed so exclusively against a particular class of persons as to warrant and require the conclusion that, whatever may have been the intent of the ordinances as adopted, they are applied with a mind so unequal and oppressive as to amount to a practical denial by the State of equal protection. Though the law itself be fair on its face and impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust an illegal discriminations between two persons in similar circumstances, material to their rights, the denial of equal justice is still within the prohibition of the Constitution...”