

# Northwest Asian Weekly

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This month marks the 50th anniversary of one of the most important decisions in the history of the United States Supreme Court: *Brown v. Board of Education*, the case that decided that racially segregated public schools are illegal. What many do not know is that African Americans were not the only people involved in this courtroom struggle for equal rights. Asian Americans also played a very important role.

Before the Civil War, race discrimination was common and slavery was legal in some states. After the Civil War, the Constitution was changed to forbid slavery everywhere in the United States. The change also forbids people in the country from treating each other differently because of their race or country of origin. Unfortunately, the government has not always lived up to the Constitution's promises. People of color have had to bring lawsuits to try to force the government to treat them fairly.

The first race discrimination lawsuit after the Civil War was brought in 1886 by Asian Americans. It was called *Yick Wo v. Hopkins*. The city of San Francisco had passed a law forbidding the operation of laundries in wooden buildings. The city claimed it was a safety law, but in reality it was intended to put Asian laundry owners out of business, because in those days most laundries in San Francisco were located in wooden buildings and were owned by Asians. *Yick Wo* sued and won. The Supreme Court said that this laundry regulation was unconstitutional because it was being used "to make unjust and illegal discriminations between persons in similar circumstances."

The next discrimination lawsuit did not go as well. Just 10 years later, in *Plessy v. Ferguson*, the majority of the Supreme Court said that railroad cars could be segregated by race, so long as



*The author of this piece, Andrea Darvas, points out the important role Asians played in America's most pivotal discrimination cases.*

the cars were equal in quality. Justice John Marshall Harlan did not agree. He wrote:

"In view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. ... Our Constitution is color-blind, and neither knows nor tolerates classes among its citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful."

Unfortunately, he was outvoted by the other judges. After the *Plessy* decision, many states passed discriminatory laws, including laws creating separate schools for "white" children and "colored" children.

The first case to challenge these segregated schools was brought by a Chinese American named *Gong Lum*. *Lum's* daughter *Martha* was forced out of the "white" school because the principal said she wasn't white. *Gong Lum* sued, but he lost. In 1927, the Supreme Court said *Martha* had to either stay home or go to the underfunded, overcrowded school for black children. She couldn't go to the white-only school because she wasn't white, the court ruled.

But the lawyers fighting against racially segregated schools never gave up. They just changed their strategy. After losing the *Lum* case, they decided to leave public schools alone and work on segregated law schools. Step by step they convinced the Supreme Court to limit, and then to end, race discrimination in law schools.

After winning the cases over segregated law schools, the lawyers knew that the time had come to attack racially segregated public schools, using the law school cases they had won as precedent. The lawyer who led this attack on segregation in public schools was *Thurgood Marshall*, who later became the first African American justice of the U.S. Supreme Court. *Marshall* presented expert testimony from psychologists, who showed how segregated schools were harming children, and *Marshall* argued that it could not be legal to harm children just because of their race. Finally, in 1954, in the case of *Brown v. Board of Education*, the Supreme Court agreed, holding that segregated schools were unconstitutional and illegal.

The *Brown* decision was a major turning point in American law. It led Congress and many states, including Washington, to pass civil rights laws that made it illegal to discriminate against people in schools, housing, jobs, transportation and restaurants.

Today, laws against discrimination protect people of every race. Everyone has the right to buy a house in any neighborhood, to eat in any restaurant, to shop in any store and to do business everywhere. Discrimination still happens, but it is illegal, and the courts will help stop it when it happens. All Americans must speak out against discrimination when we see it, and we must teach our children to do the same. As Justice Harlan wrote so long ago, "All citizens are equal before the law."



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