

HEADLINES & HEROES

Newspapers, Comics & More Fine Print

This Blog

Search



[Home](#) / Before Brown v. Board of Education, There was Tape v. Hurley

[MENU](#) ▼

[ABOUT THIS BLOG](#)

[CATEGORIES](#) ▼

[ARCHIVES](#) ▼



Before Brown v. Board of Education, There was Tape v. Hurley

May 5, 2021

Posted by: [Heather Thomas](#)

Share this post:



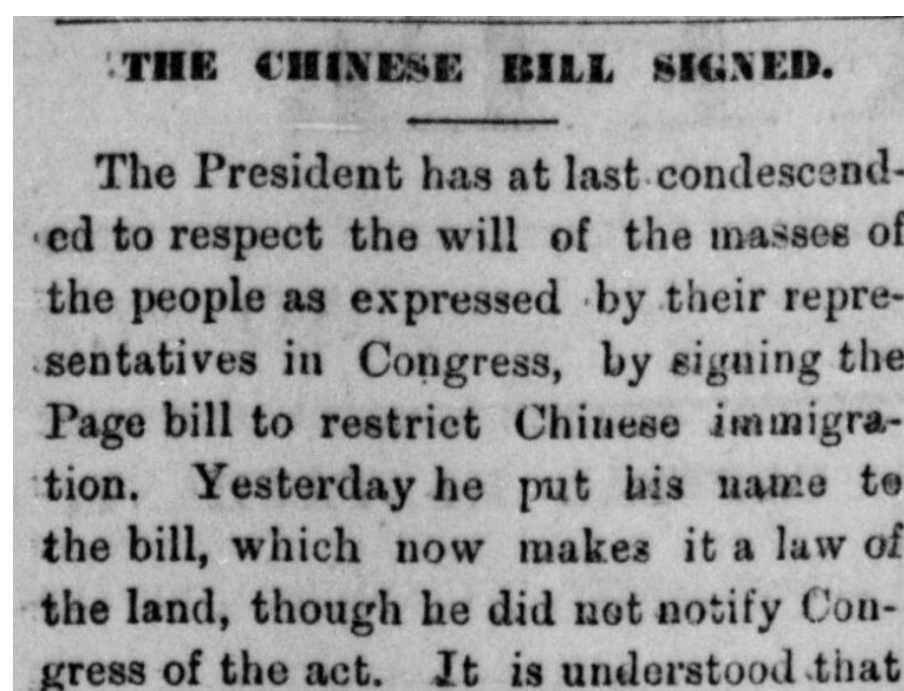
***Tape v. Hurley* (1885) is one the most important civil rights decisions that you've likely never heard of.** The parents of American-born Mamie Tape successfully challenged a principal's refusal to enroll their daughter and other children of Chinese heritage into the Spring Valley Primary School in San Francisco, California, seven decades before the landmark U.S. Supreme Court case [Brown v. Board of Education](#).



"The Tape Family," [Mamie in the middle]. *The Morning Call* (San Francisco, CA), November 23, 1892.

Joseph and Mary Tape had both emigrated from China to the United States as children. After marrying in 1875, Joseph established himself as a well-regarded businessman in both the white and Chinese communities. The prosperous middle-class Chinese American family settled in the Cow Hollow neighborhood of San Francisco, which at the time had few Chinese residents.

The Tapes' rise as young immigrants to the middle-class was at a time when anti-Chinese sentiment and even violence ran high in California and across the country. Many Americans, particularly those in West Coast states, blamed Chinese workers for lower wages and economic hardship. In 1882, Congress passed the [Chinese Exclusion Act](#) which prohibited Chinese immigration for a 10 year period and prevented all Chinese from becoming naturalized citizens.

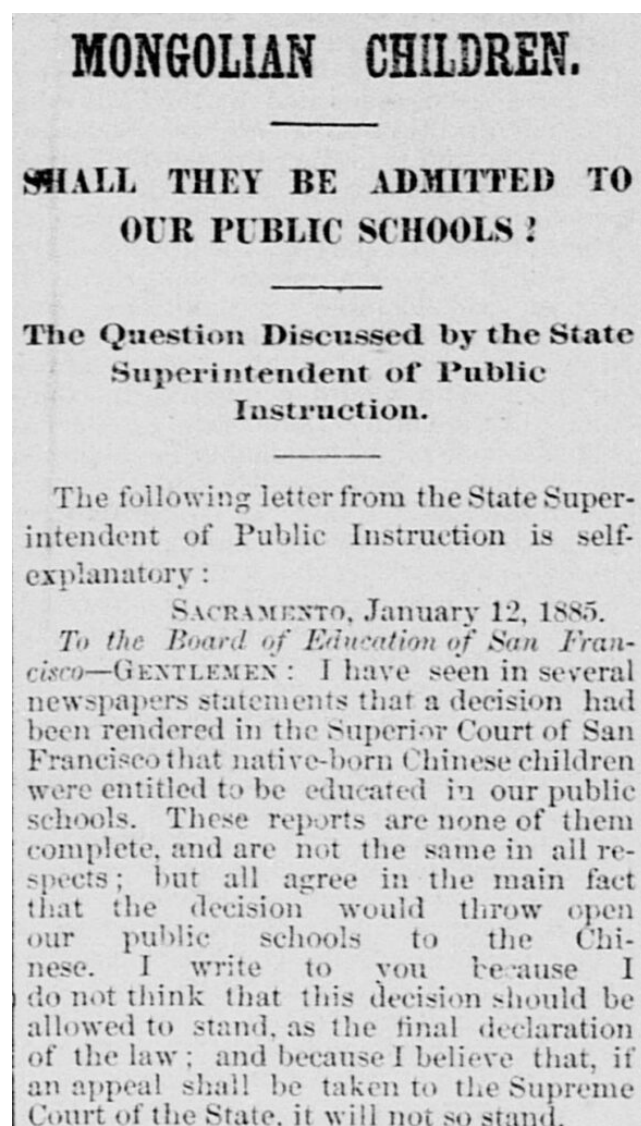


"The Chinese Bill Signed," *The Silver State* (Unionville, NV), May 9 1882.

In the fall of 1884, the Tapes attempted to enroll their eldest daughter, Mamie, in the Spring Valley Primary School, which was in their neighborhood. Principal Jennie Hurley refused to admit her, citing existing school board policy against admitting a child of Chinese descent.

Although a law passed by the California State Legislature in 1880 ([California Code 1662](#)) entitled all children in the state admission to public schools, social custom and local school board policy in San Francisco at the time had excluded Chinese children from attending white public schools.

The Tapes sued the San Francisco Board of Education and Principal Hurley, taking the issue to the California Supreme Court. They argued that the school's decision to keep Mamie from attending Spring Valley Primary School violated the state school law. On January 9, 1885, Superior Court Judge McGuire [decided in favor of Mamie](#), writing "To deny a child, born of Chinese parents in this State, entrance to the public schools would be a violation of the law of the State and the Constitution of the United States."



Excerpt from the letter by the Superintendent of Public Schools in San Francisco, stating the School Board's position of appeal following the California Supreme Court decision. *Sacramento Daily Record-Union* (Sacramento, CA), January 16, 1885.

The Tape case determined that all children, including immigrants, were entitled to public education. However, the same year as the court's decision, the California State Assembly enacted Bill 268 to establish [separate schools](#) for children of "Mongolian or Chinese" descent and once those schools were established, those children would not be admitted into any other schools.

On April 8, 1885, Mamie Tape was again denied admission to Spring Valley Primary School, this time told that she had no certificate of vaccination and that classes were at capacity. Mary Tape wrote an impassioned letter to the School Board, first published in the April 16, 1885 [Daily Alta California](#) [↗](#), and later reprinted in different newspapers across the country, defending the right of her daughter to attend her neighborhood school instead of a segregated school for Chinese children.



"An Indignant Mother," *The New North-West* (Deer Lodge, MT), May 22, 1885.

Mr. Moulder has a grudge against this
Eight-year-old Mamie Tape. I know they is
no other child I mean Chinese child! care to
go to your public Chinese school. May you
Mr. Moulder, never be persecuted like the
way you have persecuted little Mamie Tape.
Mamie Tape will never attend any of the
Chinese schools of your making! Never!!!
I will let the world see sir What justice there
is When it is govern by the Race prejudice
men! Just because she is of the Chinese
decend, not because she don't dress like you
because she does. Just because she is de-
cended of Chinese parent: I guess she is more
of a American than a good many of you
that is going to prevent her being Educated.
MRS. M. TAPE.

Excerpt from the letter written by Mrs. Tape to the
San Francisco Board of Education after Mamie was
again rejected from admittance to Spring Valley
Primary School following the decision in Mamie's
favor. *The New North-West* (Deer Lodge, MT), May 22,
1885.

Despite Mary Tape's vow in her letter that Mamie would never attend Chinese-only schools, Mamie and her younger brother Frank were the [first students to attend the Chinese Primary School](#) when it opened in Chinatown on April 13, 1885.

Although Mamie Tape never attended Spring Valley Primary School, Chinese children increasingly began attending white schools in San Francisco after *Tape v. Hurley*, even as the law sanctioning separate public schools was in effect. The law would finally be repealed in 1947, seven years before the U.S. Supreme Court ruled in [Brown v. Board of Education](#) that school segregation was unconstitutional.

Discover more:

- Search [Chronicling America](#)* to find more historical newspaper coverage of Asian Americans and more!
- Learn more about the [Chinese Exclusion Act](#) through newspapers using this Topics in Chronicling America research guide.
- Find information and resources about [Brown v. Board of Education](#) using this Library of Congress research guide.

* The [Chronicling America](#) historic newspapers online collection is a product of the [National Digital Newspaper Program](#) and jointly sponsored by the Library and the [National Endowment for the Humanities](#).

CATEGORIES

[Asian American History](#) • [Digitized Newspapers](#) • [Newspapers](#)

ADD A COMMENT

Your email address will not be published. Required fields are marked *

Name (no commercial URLs) *

Email (will not be published) *

Comment:

Post Comment



[Blog Home](#)



DISCLAIMER & POLICIES

These blogs are governed by the general rules of respectful civil discourse. By commenting on our blogs, you are fully responsible for everything that you post. The content of all comments is released into the public domain unless clearly stated otherwise. The Library of Congress does not control the content posted. Nevertheless, the Library of Congress may monitor any user-generated content as it chooses and reserves the right to remove content for any reason whatever, without consent. Gratuitous links to sites are viewed as spam and may result in removed comments. We further reserve the right, in our sole discretion, to remove a user's privilege to post content on the Library site. [Read our Comment and Posting Policy.](#)

Links to external Internet sites on Library of Congress Web pages do not constitute the Library's endorsement of the content of their Web sites or of their policies or products. Please read our Standard Disclaimer.

[Please read our Standard Disclaimer.](#)
[Please read our Comment & Posting Policy.](#)

CONNECT WITH THE LIBRARY

[Visit the Library of Congress Website](#)

FIND US ON



SUBSCRIBE & COMMENT

[RSS & E-Mail](#)
[Blogs](#)

DOWNLOAD & PLAY

[Podcasts](#)
[Webcasts](#)
[iTunesU](#)

QUESTIONS

[Ask a Librarian](#)
[Contact Us](#)

[About](#) | [Press](#) | [Careers](#) | [Donate](#) | [Inspector General](#) | [Legal](#) | [Accessibility](#) | [External Link Disclaimer](#) | [USA.gov](#)