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The 8-Year-Old Chinese American Girl Who Helped Desegregate Schools—in 1885

Mamie Tape's bid to desegregate San Francisco schools went to the California Supreme Court seven decades before *Brown v. Board*.

BY: SARAH PRUITT

UPDATED: APRIL 23, 2024 | ORIGINAL: MAY 13, 2019

Nearly 70 years before Topeka's [Linda Brown](#) and others challenged restrictive school laws on behalf of African Americans, sparking the legal battle that resulted in the landmark Supreme Court decision [Brown v. Board of Education](#), 8-year-old Mamie Tape of San Francisco, and her persistent parents, did the same for Chinese American students.

Their case, [Tape v. Hurley](#), resulted in one of the most important civil rights decisions you've likely never heard of.

When Joseph and Mary Tape, a prosperous middle-class Chinese American couple, tried to enroll their eldest daughter, Mamie, at the all-white Spring Valley Primary School in September 1884, Principal Jennie Hurley refused to admit her, citing the existing school-board policy against admitting Chinese children.

At the time, anti-Chinese sentiment ran high in California, as many white Americans blamed Chinese immigrants for taking their jobs during tough economic times. Due

to their appearance, customs and religious beliefs, people of Chinese descent were assumed at the time to be incapable of assimilating to mainstream American culture.

Faced with this stubborn prejudice, Mamie's parents, who had come to the United States as children and thoroughly Westernized themselves in language, dress and lifestyle, decided to fight back. They filed a lawsuit on behalf of their daughter against both Hurley and the San Francisco Board of Education—and they won.

A Tale of Two Immigrants

Born Jiu Dip in Guangdong Province in southern China, Joe Tape had come to San Francisco around 1864, at the age of 12. By that time, 20 years after the Gold Rush began, jobs in the mining industry were hard to find, according to Mae Ngai, author of [*The Lucky Ones: One Family and the Extraordinary Invention of Chinese America*](#), which chronicles the Tape family story. So Jiu Dip got a job working as a house servant for a dairy rancher, and later graduated to driving the milk delivery wagon.

In 1875, Jiu Dip married Mary McGladery, a young woman who had immigrated from the Shanghai region in 1868, when she was 11. After a few months in Chinatown, during which she may have been forced to work in a brothel, she had been taken in by the Ladies' Protection and Relief Society and raised in a home for destitute girls. Renamed after the matron of the home, she had been thoroughly schooled in English and Westernized manners. Mary and Jiu Dip were married in a Christian ceremony; he took the English name Joseph, and they both adopted the German surname Tape.

By the late 1870s, Joseph was operating a successful delivery business, along with other ventures, and had become a well-regarded businessman in both the white and Chinese communities. He and Mary settled in the Cow Hollow neighborhood of San Francisco (then called Black Point), an area with few other Chinese residents. Mamie was born in 1876, followed by two more children, Frank and Emily.

The Era of Chinese Exclusion

The Tapes' rise from young immigrants to prosperous middle-class San Franciscans took place against a backdrop of growing anti-Chinese sentiment, and even violence. In 1882, Congress passed the [Chinese Exclusion Act](#), which banned Chinese

immigration for a period of 10 years and prevented all Chinese from becoming naturalized citizens.

In San Francisco, Chinese children (even American-born) had long been [denied access](#) to public schools. Despite a law passed by the California state legislature in 1880 that entitled all children in the state to public education, social custom and local school-board policy still kept Chinese youngsters from attending the city's white schools.

Battling for the Right to Public Education

Having lived among white neighbors for so long, it seemed natural to Mary and Joseph Tape to send their eldest daughter to the primary school in their neighborhood, rather than to the mission-run schools in Chinatown. After Hurley barred Mamie's admission to Spring Valley, the couple turned to the Chinese consulate, which lodged a protest with the school board. The board (despite opposition from some of its members) ruled that the exclusion was lawful, and the Tapes retained a lawyer, William Gibson, to sue Hurley and the San Francisco Board of Education on their daughter's behalf.

Barring Mamie Tape from Spring Valley not only violated the 1880 California school law, Gibson argued—it also violated Mamie's right to equal protection under the [14th Amendment](#) to the [U.S. Constitution](#). *Tape v. Hurley* first went to Superior Court, which agreed with Gibson's interpretation of the constitution, and went further to say that "it would be unjust to levy a [forced tax](#) upon Chinese residents to help maintain our schools, and yet prohibit their children born here from education in those schools." The case advanced to the California State Supreme Court, which in March 1885 affirmed the Superior Court decision and ruled that state law required public education to be open to "all children."

But as the court had said nothing to threaten the prevailing "separate but equal" doctrine that justified segregation, the San Francisco school board successfully pushed for the quick passage of a new state law authorizing separate schools for "children of Chinese and Mongolian descent." In a telegram to the state assembly, Superintendent Andrew Jackson Moulder [warned](#) that, without the law, "I have every reason to believe that some of our classes will be inundated with Mongolians. Trouble will follow."

‘Is It a Disgrace to be Born Chinese?’

As the Chinese-only school was not yet open as of early April 1885, the Tapes again sought to enroll Mamie at Spring Valley. This time, Hurley told them the classroom was already too crowded, and Mamie didn't have proper certifications of her vaccinations.

In response to this new slight, Mary Tape wrote a furious letter to the *Alta California* newspaper. “Dear sirs,” she wrote. “Will you please to tell me! Is it a disgrace to be born a Chinese? Didn't God make us all!!!” Arguing that her children were no different in dress or manner than their Caucasian friends, she railed against the persecution of her eight-year-old child, “just because she is of the Chinese descend...I guess she is more of an American than a good many of you...”

Slow Road to Desegregation

On April 13, five days after Mary's letter, the new Chinese Primary School opened in [Chinatown](#). Though Mary had vowed in her letter that Mamie would never attend any Chinese-only schools, Mamie and her brother Frank enrolled there, along with several other children who had previously attended mission schools. A decade later, the Tape family would [move across the bay to Berkeley](#), where their younger children could attend non-segregated public schools.

In the years to come, the U.S. Supreme Court's ruling in [Plessy v. Ferguson](#) formally established the constitutionality of the separate-but-equal doctrine, and two separate cases—[Wong Him v. Callahan](#) (1902) and [Gong Lum v. Rice](#) (1927)—specifically upheld states' rights to segregate Chinese Americans in public schools. In the latter case, which [involved another highly Americanized Chinese family in Mississippi](#), the Court set a powerful precedent that made it even more difficult for civil-rights lawyers to combat segregation.

Meanwhile, though Mamie Tape would never attend Spring Valley Primary School, more and more Chinese children began attending white schools in San Francisco after *Tape v. Hurley*, even as the California law sanctioning separate public schools remained on the books. It would finally be repealed in 1947, seven years before the

U.S. Supreme Court's unanimous ruling in *Brown v. Board of Education* that school segregation was unconstitutional.



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Citation Information

Article Title The 8-Year-Old Chinese American Girl Who Helped Desegregate Schools—in 1885

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Website Name HISTORY

URL <https://www.history.com/news/chinese-american-segregation-san-francisco-mamie-tape-case>

Date Accessed January 2, 2025

Publisher A&E Television Networks

Last Updated April 23, 2024

Original Published Date May 13, 2019

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