The Anti-Chinese Cubic Air Ordinance

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**AS CALIFORNIA’S ECONOMY**

slowed in the late 1860s and job opportunities dwindled. White laborers in San Francisco actively created an environment hostile for Chinese immigrants, who were seen as the source of their inability to find work. Organized labor groups used, among other strategies, public health measures to create an environment so hostile as to “persuade” Chinese immigrants to return to China. One such law was the Cubic Air Ordinance, a city ordinance requiring 500 cubic feet of space for every person residing in a lodging. This illustration from *The Wasp*, a popular San Francisco magazine of the time, shows a caricature of the enforcement of the Cubic Air Ordinance: a White official removing Chinese men from their sleeping quarters into the even more crowded county jail by order of the Cubic Air Ordinance. Published in 1878, the Cubic Air Ordinance had its origins in the anti-Chinese agitation earlier in the decade.

In June of 1870, after a labor dispute between White laborers and San Francisco’s local government, Thomas Mooney and Hugh Murray—President and Vice President, respectively, of the Anti-Coolie Association—seized upon the dissatisfaction of White workers and submitted a request to the county board of supervisors for a sanitary measure against the Chinese. Their request for the measure was based upon the health officer’s report on Chinatown. In his annual report to the board of supervisors in 1870, the health officer wrote of the Chinese that “their mode of life is the most abject which it is possible for human beings to exist.” They “live crowded together in rickety, filthy, and dilapidated tenement houses, like so many cattle or hogs.” In Chinatown, “the most absolute squalid-ness and misery meets one at every turn.” Recognizing that “the Anti-Coolie feeling is rapidly growing,” San Francisco’s board of supervisors passed an order regulating lodging houses on July 25, 1870. Order 939, *Regulating Lodging Houses*, popularly known as the Cubic Air Ordinance, was approved on July 29, 1870. The ordinance required every house, room, or apartment used for lodging within the limits of San Francisco, except public prisons and hospitals, to contain 500 cubic feet for each person residing in the lodging. Owners of lodgings would also be held responsible under the order. Violating the order was considered a misdemeanor, punishable by a fine of between $10 and $500, 5 days to 3 months in prison, or both.

County police records show that arrests for violation of the Cubic Air Ordinance began in May 1873, and hundreds of arrests were made under the ordinance during the rest of the year until the county court found in favor of a Chinese hotel owner who challenged the ordinance, essentially rendering the county ordinance unenforceable. Arrests resumed in 1876, however, after the state adopted its own Cubic Air Ordinance. In all, thousands of Chinese in San Francisco were jailed from 1873 to 1886 under a public health law driven by anti-Chinese sentiment. “Anti-coolie” groups would eventually be successful in passing the Chinese Exclusion Act of 1882, the first restrictive immigration law in US history, quieting the nativist clamor around Chinese immigration that would, in short order, be redirected at other Asian and European immigrants.

**Out of the frying pan into the fire. Courtesy of the Bancroft Library.**

**About the Author**

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**References**