

A Case of Discrimination

In the 1890s, San Diegans believed the finest theater west of Chicago could be found in the opulent Fisher Opera House on Fourth Street. Glittering productions drew sellout crowds to the 1,400-seat Romanesque style building. But not everyone was permitted to enjoy the local theater. In 1897, the popular playhouse was the scene of an ugly incident of racial prejudice.

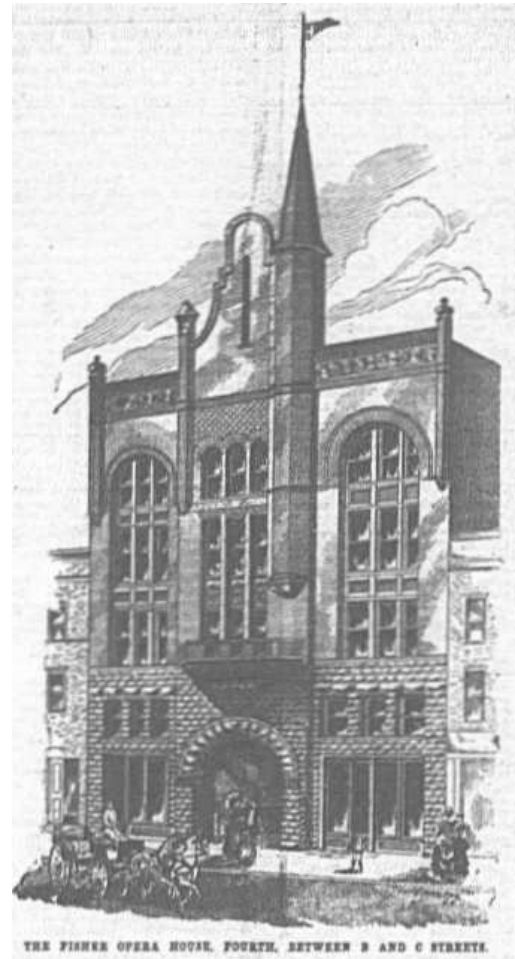
On May 17, a 25-year-old black businessman named Edward W. Anderson bought two tickets to the Fisher presentation of “Around the World in Eighty Days.” Anderson, the owner of the successful IXL (“I excel”) Laundry at 540 Seventh Street, chose orchestra circle seats on the playhouse floor.

That evening Anderson and his wife Mary presented their tickets at the theater and were admitted into the foyer. But before an usher could show the couple to their seats, the doorman hesitated. Duplicate tickets seemed to have been issued by mistake, he explained, and the seats were already occupied. Would the Andersons care to stand in the balcony instead?

John C. Fisher, the theater’s builder and manager, stepped forward and pointed to a disclaimer printed on the back of the Anderson’s tickets: “The right reserved to refuse admission to holder of this ticket by the return of money.” Fisher told the Andersons, “I do not allow colored people on that floor.” They could have seats in the balcony, or their money back. Reluctantly, the couple accepted the money and left the theater.

The following week Edward and Mary Anderson filed suit for \$299 in damages. John C. Fisher would not be easy to defeat in court. The ambitious promoter, entrepreneur, and former president of the Chamber of Commerce, was respected in the community and popular as the man who had brought large-scale entertainment to San Diego.

But the law clearly addressed the Anderson’s cause. Only two months earlier, California legislators had approved “An Act to protect all citizens in their civil and legal rights.” Authored by Republican assemblyman Henry C. Dibble of San Francisco, the bill mandated “full and equal accommodation” in restaurants, hotels, theaters, barber shops, skating rinks, and all other places of public amusement. Any case of discrimination on the basis of color or race was liable for damages to not less than fifty dollars.



San Diego newspapers immediately recognized the significance of the “color line” test case. When a *San Diego Union* reporter questioned Fisher he defended his actions: “We have never encouraged colored people to occupy the orchestra circle, on account of objections by many patrons. To cause as little trouble as possible, we have sold them seats upstairs.”

Claiming at first that the tickets had been purchased earlier in the day by a white man, Fisher said there had been confusion “when the colored man and his wife appeared and presented the tickets . . . I did not wish to cause needless trouble or embarrassment, and told the party he could have seats in the balcony or have his money back.”

“Anderson v. Fisher” went to trial in late summer. For justice court judge Solon Bryan, it was an open and shut case. Respecting the recently passed civil rights law, Bryan found for Anderson and fined Fisher \$150. The theater owner was unperturbed by the decision. “Do you intend to appeal the case?” a reporter asked. “Why, certainly. Do you think we would stand that judgment? No sir, we shall appeal immediately to the higher court.”

In Superior Court, the Anderson’s case foundered. Judge E. Swift Torrance held that the plaintiffs had not been damaged to a degree sufficient to give his court jurisdiction. He ordered the case dismissed.

The Anderson’s successfully appealed for another hearing. In a new Superior Court test Fisher argued that his theater was not a public entertainment house but a “private enterprise” and therefore not liable under the civil rights act. Without commenting on this surprising assertion, Judge Torrance again rejected the case—adding this time, an order for the Andersons to pay full costs for the suit.

In the fall of 1899, the state Supreme Court declined to listen to another appeal. After more than two years of fruitless litigation, the Andersons had exhausted their legal avenues and a case of overt racial discrimination had been upheld in the courts of California.

San Diegans would quickly forget “Anderson v. Fisher.” The case was barely a minor interruption to the rising career John C. Fisher, who would soon prosper as the importer to America of the British musical comedy hit “Floradora.” He sold his opera house in 1902 to Madame Katherine Tingley of the Theosophical Society. It would run until 1921 as the Isis Theatre.

Edward and Mary Anderson continued to succeed in business. The IXL Laundry operated until 1909. A ranching business would follow, and in 1943 the Anderson Mortuary opened, which continues today as Anderson-Ragsdale. Edward W. Anderson would pass away in August 1953 at age 81.

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