

The Chinese in America - Immigration and Legalized Discrimination 1785-1905

This series will examine the history of the Chinese in America. The first part will take us from 1785 to 1905, a period which saw mass immigration then growing racism against the Chinese. This ultimately culminates in racist violence and increasingly harsh legislative actions to restrict the civil rights and liberties of the Chinese with the ultimate goal of driving them from America.

Section 1: The Chinese Discover America

The first Chinese documented in the United States landed in Baltimore on August 9, 1785 aboard the *Pallas*, a ship that regularly sailed between the American East Coast and China. Captain John O'Donnell, who owned the ship, had neglected to tell the three Chinese and thirty two lascars (sailors recruited from Yemen in the Middle East, Gujarat, Assam, and Bengal, now states in India and Bangladesh) that this was his last voyage before his marriage and retirement leaving them all stranded. The three Chinese petitioned the Continental Congress for the money to return home but it is unknown what happened to them and the lascars. Given the chronic inability of the Continental Congress to pay its bills it is unlikely they ever got the money. Ironically, the estate that Captain O'Donnell bought in retirement, now a neighborhood of Baltimore, was and is named Canton, after the port in Southern China (now called Guangzhou) where he sailed from to make his fortune. One discerning shopper in Virginia was so excited by the arrival of the cargo from China that he wrote to a friend in Maryland with a shopping list of cups, jugs, saucers, dishes, silk handkerchiefs, and rough cloth for servant's clothing for his friend to purchase but cautioned, "You will readily perceive, My dear Sir, my purchasing, or not, depends entirely upon the prices. If *great bargains* are to be had, I would supply myself agreeably to the list. If the prices do not fall *below* a cheap *retail* Sale, I would decline them altogether, or take such articles only (if cheaper than common) as are marked in the Margin of the Invoice." George Washington, like many Americans today, apparently couldn't resist buying cheap goods from China.¹

A. Why did the Chinese come to America?

The real start of the Chinese Americans in the United States came in the 1850s when they began immigrating by the thousands. In US History textbooks this immigration is attributed to the California Gold Rush and then the later building of the Transcontinental Railroad. These are the "pulling" factors that encouraged immigration and from the American perspective these have been the only factors worth mentioning. However, there were other reasons that "pushed" Chinese to immigrate that haven't been covered by the textbooks.

Most Chinese immigrants of the 19th and early 20th Centuries came from Guangdong Province in Southern China, whose biggest city, then known as Canton, is today known as Guangzhou. Although the province is now the most industrialized and prosperous area of China today, the area was afflicted with great poverty in the 19th Century. Natural disasters such as drought, earthquakes, flooding, and outbreaks of diseases such as smallpox and bubonic plague were normal parts of Chinese life to which the government offered increasingly ineffective

¹ George Washington, Letter to Colonel Tench Tilghman, 17 August 1785, George Washington Papers at the Library of Congress, 1741-1799: Series 2 Letterbooks

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responses. The introduction of such New World crops as potatoes to China in the 18th Century had added greatly to Chinese prosperity but by the 19th Century had resulted in severe overpopulation problems. The lack of available farmland available for distribution to the population of extra sons, their mass unemployment, resulting starvation, and repeated cycle of social unrest helped lead to armed rebellions against the government as well as immigration. By the middle of the 19th Century, the Qing, the ruling house who were resented as foreign barbarians from Manchuria by many Chinese, were losing power due to their internal and external weaknesses.

The external weakness of the Qing had already been exposed in the First Opium War of 1839-1842. The background of this dishonorable event was simple. Throughout the 18th Century, China had been disinterested in conducting any foreign trade since it saw itself as self-sufficient and not needing the mechanical music boxes, clocks, and cheap cotton cloth that European nations such as Britain were offering. Given the fact that there was a European and American craze for Chinese goods such as silk, porcelain, and tea this Chinese attitude led to a severe shortage of silver in Western countries with which international trade was conducted. This was partly one of the reasons why the British were so eager to impose taxes on tea shipped to the American colonies with fateful results culminating in the American Revolution.

In looking around for a product that would interest the Chinese and get silver back from them the British settled on exporting opium grown in India. The Chinese government had already banned the domestic production of opium in 1729 after experiencing the social and financial costs of drug addiction so naturally they weren't about to allow a foreign nation to sell illegal drugs in their country. Their laws though failed to prevent the delivery of opium because of corrupt imperial officials, smugglers out to make money, and poor people looking for a temporary escape from their miserable lives, a situation with parallels to the modern struggle to control the drug trade in the US and in other countries.

In the 19th Century the idea of free trade dominated thoughts in the West and free trade meant trade in any products, including opium. This was the age in which drugs now banned such as opium and cocaine were commonly used in many ordinary products and households. The fastest commercial ships in the world, the famous American and British clipper ships, delivered tea and silk in record times on their return trips from China to Europe and American East Coast ports. This trade was the basis of many American and British fortunes that fueled the Industrial Revolution in Europe and the United States and is a proud part of official history textbooks. Deliberately brushed from history though is the opium that these ships carried to China to trade for those luxury products.

A government crackdown on opium and the destruction of many tons of opium provided a pretext for Britain to show the industrial power that produced mechanical clocks and toys could also produce armored steamships and mass produced weapons. One steamship of the British Royal Navy, the *Nemesis*, destroyed almost the entire Chinese navy in Southern China single-handedly. On land the superiority of British guns and cannons was fully demonstrated for the first time as they easily destroyed the Qing forces that were still mostly armed for medieval style warfare with swords and spears. When the Treaty of Nanking ended the war in 1842, the Chinese were forced to give up Hong Kong Island to the British, open up five major ports of Southern China to international trade, including Canton and Shanghai, pay 21 million ounces of silver in reparations for the opium that Chinese officials had destroyed, and gave Europeans "extraterritoriality" or immunity from Chinese laws and their justice system. In effect, this allowed foreigners to ignore any Chinese laws including trading in opium or

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murdering Chinese. The Chinese still call this war the beginning of their “Century of Humiliation” by the Western powers.

The obvious fragility of the Qing government exposed by the Opium War, the resentment felt towards the Qing as foreign invaders, and their clear internal weaknesses led to the most destructive civil war in human history. The Taiping Rebellion lasted from 1851 until 1864 and was fought mainly in the central regions of China. The Taiping movement was a bizarre amalgam of anti-Qing resistance, reformism, and Christianity. Hong Xiuquan, the founder of the Taiping, failed his civil service examinations multiple times and thus failed to gain any position with the Qing government. After his final test failure he collapsed with a fever and experienced many vivid hallucinations. While recovering he examined some Christian missionary pamphlets that he’d been given and became convinced that his fevered visions had shown him that his father was God and that his younger brother was Jesus Christ. It is estimated that the resulting fighting and mass starvation killed somewhere between 20 and 60 million Chinese making it either the second or third most bloody conflict behind World War II.²

The distraction of the Chinese government during this time led to conflicts breaking out across China between different factions and ethnic groups as well. The Hakka people had originally been refugees from Central and Northern China fleeing from the Manchurian invasion that became the Qing Dynasty. Their resettlement in Southern China, which had held out against the invaders for many decades, had led to tensions with the local residents who’d discriminated against and isolated the newcomers into more unproductive agricultural areas. By the mid-19th Century the Hakka had grown in population and coalesced into their own distinct group with their own customs and beliefs that began challenging the dominant locals for land and wealth. The resulting tensions had been ruthlessly suppressed by the Qing government but once these controls were weakened ethnic riots quickly led to campaigns of extermination by both sides. It is estimated that this period saw over a million deaths in Guangdong Province alone.

Although the Qing eventually won, the period of the Taiping Rebellion also saw new demands being made by the Europeans. The Second Opium War of 1856-1860 was fought by the British and the French to force the Chinese to grant further concessions. Their military forces easily marched all the way to Peking (now called Beijing) forcing the Qing Emperor to flee into the countryside and the Qing to agree to further humiliation. China was forced to pay 20 million ounces of silver, open up an additional 11 ports, allow Christian missionaries to operate freely, granted Britain more territory near Hong Kong Island, legalized the opium trade, and allow indentured Chinese to go overseas. All of these new privileges were extended to both Russia and the United States in addition to France and Britain.

The closeness of Hong Kong and the location of Canton and other treaty ports made the immigration of people from Guangdong Province particularly easy even while it made drug addiction common in the area. Ironically, the addiction of many Chinese to opium as a result of European colonialism (with American help) became a primary argument against Chinese immigration to the United States and a popular myth held against all Asians in the following years.

The gradually accelerating collapse of Qing authority resulted in increasing powers being seized by regional and local imperial officials and influential families as well as the continued seizure of Chinese territory by European powers including Germany, Russia, France, Britain,

² For a good overview of China in the 19th Century and the Taiping Rebellion please refer to: Jonathan Spence, **God’s Chinese Son: The Taiping Heavenly Kingdom of Hong Xiuquan** (1996) W. W. Norton & Company, ISBN 0393038440

and later Japan. This eventually led to the assumption of power by regional warlords and the collapse of the Qing Dynasty in 1911. Civil war, foreign military interventions, the ravages of the opium trade, famine, hyper-taxation by corrupt officials, were factors that pushed many more poor Chinese immigrants out of the country and to such odd places as Cuba, Mexico, Latin America, South America, Southeast Asia, and Europe, as well as the United States, well into the 20th Century.

Poor people, especially those of different racial, religious, and cultural backgrounds are usually not greeted with open arms by other nations, except when economic conditions are so good that they are needed for the labor they provide. The Chinese, much like the Mexicans during World War II, were greeted with eager arms by white Americans who needed their labor on the railroads, in the mines, and in the agricultural fields. Few white workers for example, were willing to do the backbreaking business of digging irrigation ditches and clearing the land for cultivation in California's Central Valley, now one of the richest agricultural areas of the world. These fields were first opened up by the labor of Chinese and later by Japanese farm workers who were already experts at irrigation from the need to keep annual rice crops flooded and then drained as part of their normal growing cycle. Labor shortages in many areas, especially in such physically intensive jobs, were acute in the American West during the boom years of the 1850s and 1860s. An example of this fact was that it was cheaper to send laundry by ship to China and wait many months for it to come back than to have it done in California because of the cost of labor.

B. Gender Issues of Chinese immigration

Chinese immigration came with features that were unimportant at first but later became major arguments against their continued immigration to America. In going to America, Chinese men expected to quickly return to China to rejoin their wives and children or to marry and live out their lives in luxury with the money they made. The Chinese custom was that a wife would stay at home to take care of the husband's parents while he was gone. Traditional Chinese women were also expected to stay at home instead of traveling about to strange places, so there was little incentive for most Chinese women to join their men in those early days. Those few women who did arrive here were oftentimes orphans, indentured servants, those sold into outright slavery, and those tricked by false promises of marriage. In short, these were the vulnerable and exploited women who have often been forced into prostitution in any country throughout history. The 1870 US Census counted 49,277 Chinese in California of which there were 3,536 Chinese women, making them 7% of the total immigrant population. Of those women, 2,157, or 61%, listed "prostitute" as their profession. That unfortunate aspect of the immigration of Chinese women early on became a mark against the reputation of all Asian women in the following years and an additional argument for keeping all Asians out as immoral people.

In 1875, Congress passed the Page Act entitled, "An Act to Prevent the Kidnapping and Importation of Mongolian, Chinese, and Japanese Females for Demoralizing Purposes." In effect this law decreed that all Asian women were to be automatically assumed to be prostitutes and that only those who successfully went through humiliating physical and documentary examinations would be allowed into the US. This had the effect of perpetuating the gender imbalance and the stereotype that all Asian women were prostitutes. By 1900, the US Census estimated that there were 1,887 Chinese males for every 100 Chinese females in the country, thus making women only 5% of the Chinese American population.

The men who came over were generally young, mostly ranging between their teens and thirties, living without women accompanying them. As a result there was an immense amount of gambling, prostitution, opium smoking, and much to the repelled bemusement and fascination of East Coast American newspapers, a few intermarriages with white women from Ireland. The simple fact was that in the 1850s more Irish women than Irish men were coming to the United States, thus creating a gender imbalance that mirrored the one in the Chinese community.

C. Legal restrictions

Restrictive laws were passed against the Chinese, especially in California, that imposed taxes and other onerous conditions on the Chinese. In the notorious case of *People v. Hall* in 1854, the California Supreme Court decided that the testimony of Chinese witnesses in a case where George Hall, a white man, murdered Ling Sing, a Chinese miner in Nevada County, was worthless and that Hall should be freed basing this on their interpretation of two California laws.

The 394th section of the Act Concerning Civil Cases provides that no Indian or Negro shall be allowed to testify as a witness in any action or a proceeding in which a white person is a party.

The 14th section of the Act of April 16th, 1850, regulating Criminal Proceedings, provides that "No black or mulatto person, or Indian, shall be allowed to give evidence in favor of, or against a white man."

The tortured legal reasoning that the court followed was that the California State Legislature in making these discriminatory laws had meant to be prejudiced against all racial minorities. The term "Indian" included "Mongoloids" such as the Chinese, and if that didn't work then "Negro" was held by the court to be a generic phrase for all non-whites, not just African Americans.

The anomalous spectacle of a distinct people, living in our community, recognizing no laws of this State, except through necessity, bringing with them their prejudices and national feuds, in which they indulge in open violation of law; whose mendacity is proverbial; a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point, as their history has shown; differing in language, opinions, color, and physical conformation; between whom and ourselves nature has placed an impassable difference, is now presented, and for them is claims, not only the right to swear away the life of a citizen, but the further privilege of participating with us in administering the affairs of our Government.

Mobs of white men took such rulings as a license to kill and rob and Chinese were lynched and robbed all over the American West. Los Angeles in 1871 saw over 20 Chinese being hanged including what eyewitnesses described as "a boy not much more than twelve." The hostility towards the Chinese can't be overemphasized even when it manifested itself against other whites. A San Francisco Chronicle editorial of 1876 even argued that one presidential candidate didn't deserve to be elected because a single elector hired Chinese on his California ranch. There were 349 electors in the Electoral College in 1876.

Not all Americans were hostile towards the Chinese though. Like the Americans who helped the Japanese Americans during World War II, some people spoke out publicly against

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the persecution such as Mark Twain, but his was a lonely voice during that time. In his book, "Roughing It" he wrote,

Of course there was a large Chinese population in Virginia (City)--it is the case with every town and city on the Pacific coast. They are a harmless race when white men either let them alone or treat them no worse than dogs; in fact they are almost entirely harmless anyhow, for they seldom think of resenting the vilest insults or the cruelest injuries. They are quiet, peaceable, tractable, free from drunkenness, and they are as industrious as the day is long. A disorderly

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Chinaman is rare, and a lazy one does not exist. So long as a Chinaman has strength to use his hands he needs no support from anybody; white men often complain of want of work, but a Chinaman offers no such complaint; he always manages to find something to do. He is a great convenience to everybody--even to the worst class of white men, for he bears the most of their sins, suffering fines for their petty thefts, imprisonment for their robberies, and death for their murders. Any white man can swear a Chinaman's life away in the courts, but no Chinaman can testify against a white man. Ours is the "land of the free"--nobody denies that--nobody challenges it. [Maybe it is because we won't let other people testify.] As I write, news comes that in broad daylight in San Francisco, some boys have stoned an inoffensive Chinaman to death, and that although a large crowd witnessed the shameful deed, no one interfered.

They are a kindly disposed, well-meaning race, and are respected and well treated by the upper classes, all over the Pacific coast. No Californian *gentleman or lady* ever abuses or oppresses a Chinaman, under any circumstances, an explanation that seems to be much needed in the East. Only the scum of the population do it--they and their children; they, and, naturally and consistently, the policemen and politicians, likewise, for these are the dust-licking pimps and slaves of the scum, there as well as elsewhere in America.³

By 1879, the California Constitution banned Chinese from taking part in elections and made it a law that "No Chinese shall be employed on any state, county, municipal, or other public work, except in punishment for crime." The Constitution also made it a law that the state legislature would "delegate all necessary power to the incorporated cities and towns of this state for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits." San Francisco Chinatown and other now picturesque Chinatowns throughout California were the result of limiting Chinese to living in overcrowded ethnic ghettos.

The reasons for these laws became clear with the explanation in the State Constitution that Chinese immigrants had been shown "to be dangerous to the well-being of the state, and the legislature shall discourage their immigration by all means within its power." Legislation first directed against the Chinese was subsequently amended to include a whole list of other unwanted races prohibited from doing various things to include, "Negroes, mulattoes, Mongoloids" and later "Malays" once Americans suddenly realized that annexing The

³ Mark Twain , **Roughing It**, Chapter 54, p. 391, 397, California As I Saw It: First-Person Narratives of California's Early Years, 1849-1900, Library of Congress

[http://lcweb2.loc.gov/cgi-bin/query/r?ammem/calbk:@field\(DOCID+@lit\(calbk197div57\)\)](http://lcweb2.loc.gov/cgi-bin/query/r?ammem/calbk:@field(DOCID+@lit(calbk197div57)))

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Philippines as an American colony in the Spanish-American War not only included the land but also the people living there already.

“Mongoloid” thus became the catchall phrase that discriminated against all Asians including the Chinese and Japanese. The most outrageous expression of this came in 1905 in *United States v. Ju Toy*, 198 U.S. 253, where a lower federal district court had found that Ju Toy was a United States citizen but he was ordered deported anyway by the Secretary of Commerce and Labor (then in charge of US immigration matters.) Such immigration decisions about Chinese, even if they were US citizens, were not eligible for judicial review according to Justice Oliver Wendell Holmes because Congress had legalized discrimination against Chinese with the Chinese Exclusion and other subsequent legislative acts. In dissent, Justice David Brewer wrote, “I cannot believe that Congress intended to provide that a citizen, simply because he belongs to an obnoxious race, can be deprived of all the liberty and protection which the Constitution guarantees, and if it did so intend, I do not believe that it has the power to do so.”

Surprisingly enough the discrimination didn't apply to Asian Indians because scientifically Northern Indians were classified as Caucasians. It took until 1923 for the US Supreme Court case of *United States v. Bhagat Singh Thind*, 261 U.S. 204, to decide that while Asian Indians were scientifically Caucasians they were ineligible for citizenship because they should be seen as Asians as popular culture view them. “It may be true that the blond Scandinavian and the brown Hindu have a common ancestor in the dim reaches of antiquity, but the average man knows perfectly well that there are unmistakable and profound differences between them today.” This kind of senseless legal reasoning was common in all discriminatory laws. Bhagat Singh Thind had the last laugh though as he was naturalized in 1936 for his service during World War I in the US Army.

D. Political and Economic Dimensions of Racism

The same “coolie wages” that white Americans complained they couldn't live on were great fortunes in China. The remittances sent from America enabled whole families to live for years in luxury, just as many Asian and other immigrant families today survive on the remittances of relatives working overseas. Unfortunately there was little understanding in China about the backbreaking labor involved in making money in America, the poverty in which the men lived, or the poor way in which they were being treated. Letters from home oftentimes contained insensitive complaints about how little money was being sent and asked for more. Many young men came to America and supported their families in China but grew old and died without ever making enough money to return home.

The economic depression of the 1870s that threw many white Americans out of work led to the explosive growth of xenophobic organizations that pushed for the exclusion of Chinese from the United States as well as the strengthening of groups such as the Ku Klux Klan that pushed even harder to limit the gains of African Americans in the South.

One of the hidden aspects of the American labor union movement of the 19th Century, rarely talked about today, was the racist sentiment of many of the leaders and workers who made it clear in speeches and in their union rules that only white men needed to apply for jobs. Samuel Gompers, the famous labor activist, Jewish immigrant from London, and founder of the American Federation of Labor (AFL) said, “The superior whites had to exclude the inferior Asiatics, by law, or, if necessary, by force of arms.” A pamphlet printed and distributed by the AFL circa 1901 was entitled, “Some Reasons for Chinese Exclusion – Meat vs. Rice – American

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Manhood vs. Chinese Coolieism – Which Shall Survive?” Among other things it said, “...the Chinese is like the growth of a child with a malignant tumor upon his back. At the time of manhood death comes of the malignity.” Viewing the Chinese as a cancer to be eradicated mercilessly was again emphasized in the enthusiasm shown towards the massacre of tens of thousands of Chinese immigrants by Spanish colonial authorities in the Philippines before the Americans took over.⁴

In this effort the labor movement was oftentimes allied with the Democratic Party, which was then seen as the party that had supported slavery and the Confederacy, and for many decades promoted Jim Crow laws that enforced white supremacy against African Americans and other minorities. The Republican Party, still proudly proclaiming itself as the “Party of Lincoln” was no better, supporting Chinese immigration on behalf of big businesses solely as a form of cheap labor to be used wherever needed (to replace the former slaves in the South for example) and as strikebreakers when the labor unions tried to organize. Even the threat of bringing in the Chinese to replace them would oftentimes force striking factory and farm workers back to work.

The willingness of the Chinese to initially work for lower wages than white workers was also a source of great anger. The hatred which had until then been limited to the West Coast became especially acute when 75 Chinese were employed as strike breakers in a shoe factory in North Adams, Massachusetts in 1870. This single event turned many of the white working class on the East Coast against the Chinese. Once Chinese workers proved to be less than willing to work for lower wages and poor working conditions, even daring to go on strike or walking away from their jobs, factory owners soon turned against them as well and joined the workers in pressing for restrictions on Chinese immigration as a cheap way to win favor with their white workers.

So why didn't the labor unions help to organize the Chinese and integrate them into their labor unions so that all the workers would be united against the companies that exploited them all? Until well into the 20th Century many American labor unions were for white men only and were very proud to say so publicly, much to the distress and anger of racial minorities and white women.

The efforts of both political parties to divide and rule the badly divided country after the Civil War and the economic crisis that struck the US in the 1870s led many Irish immigrants to take the same discriminatory and violent attitudes towards the Chinese that they had originally suffered from when they first arrived in the United States en masse in the 1840s and 50s.

Like many major immigrant groups in American history, the Irish had been rejected as being too foreign because they were described as too violent, too drunk, too dirty, and in their particular case, too Roman Catholic, to ever be assimilated into American society. Help wanted signs often contained the notation, “NINA” standing for “No Irish Need Apply.” Interestingly enough the same types of arguments were used to justify discrimination against German immigrants to America in the 18th Century. In all these cases, the ruling elites vehemently denied the newer immigrants had an ability to become “real” Americans. This rejection of the Irish as “real Americans” explained the generally mild reaction shown towards intermarriage between the Chinese men and Irish women in the popular press of the 1850s.

⁴ American Federation of Labor, **Some Reasons for Chinese Exclusion – Meat vs. Rice – American Manhood vs. Chinese Coolieism – Which Shall Survive?**, p.5, 11-12, The Bancroft Library, University of California, Berkeley, Call No: xF870.C5.C51 v.1:1

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By the 1870s though, it was argued that the Chinese were far worse than the Germans or the Irish for some of the same and new reasons. Opium had replaced alcohol as the demon drug in the popular imagination. Overcrowded and dirty Chinatowns that mob violence and racist legislation had forced the Chinese to live in were used as examples of immediate threats to public health that justified the expulsion of the Chinese from America. It was argued that while the Irish followed a despised form of Christianity, namely Roman Catholicism, the Chinese were either heathens or outright devil worshippers, ignoring the fact that Christianity had been known about, if not practiced widely in China for nearly a millennium.

The gambling and prostitution that 19th Century Americans were prone to were assigned to the Chinese as racial characteristics; a situation that was exaggerated by the number of young Chinese men and the lack of Chinese women for those men to marry and settle down with. As some observers noted, the Wild West wasn't very wild at all once all the women moved in and forced men to go to church and stop drinking, gambling, and visiting prostitutes so openly.

Another new argument that also enjoyed widespread support and was widely disseminated in the popular press and scientific journals was Social Darwinism, based upon the idea that Chinese were simply an inferior race that could not and should not associate with whites.

One Irish American agitator, Denis Kearney, blamed the railroad barons and the Chinese they'd hired for his misfortunes, which included losing his investment in mining ventures, so he organized the Workingman's Party in California. Throughout the state he led mass meetings involving up to ten thousand people with fevered calls to kill all the Chinese in the United States 'and the stirring slogan of, "The Chinese Must Go!" The slogan became so popular that it was seen in advertisements across the United States even for products that had no obvious relation to the subject. With this popular idea Kearney gained electoral clout that was important in the disputed presidential election of 1876.

The United States was badly divided politically after the Civil War and every vote bought or sold was important to each political party from 1876 through the rest of the century. In 1876, four states of the South were in dispute after the presidential election (the closest election in American history until the 2000 presidential elections) so deals to secure Electoral College votes were made with state delegations both before and after the popular vote. Rutherford B. Hayes and the Republicans not only agreed to withdraw federal troops from the South to end Reconstruction but also helped the Democrats pass increasingly restrictive laws against racial minorities, especially the African Americans and the Chinese.

This process of political pandering culminated in the passage of the Chinese Exclusion Act of 1882 under President James A. Garfield, which banned any further Chinese immigration and any Chinese from ever becoming a naturalized American citizen. Although this 1882 legislation ran for ten years it was periodically renewed until 1943, becoming the only example of a specific nationality being barred from immigrating to the United States by name in any legislation.

The Chinese Exclusion Act and other discriminatory acts against them were finally repealed when it became an acute embarrassment to the United States to be allied with China against Japan during World War II and have these laws still in effect; a fact that Japanese propaganda broadcasts continually used throughout occupied Asia to win support. Even then the revised rules still allowed only 105 Chinese yearly to immigrate to the US. These restrictions on Chinese immigration only ended in 1965.

E. Chinese Resistance to Discrimination

This depressing litany of discrimination didn't mean that the Chinese hadn't been vigorously fighting for their rights all this time. In fact, one of the reasons why Chinese immigration was stopped after 1882 was that businesses had found out that the Chinese weren't the docile workers who would put up with any abuse and poor pay. Former Southern slave owners eager to replace uppity African American freedmen after the Civil War were surprised when physically abused Chinese workers simply walked away and disappeared from the cotton fields.

The railroad bosses were also unpleasantly surprised when their failure to treat the Chinese as equals to the white workers led to sit-down strikes. In 1867, the Central Pacific Railroad had just raised wages from \$30 per month to \$35 due to increased competition for labor from the mines. As one of the railroad directors, Charles Crocker said, "We have proved their value as laborers & everybody is trying Chinese & now we can't get them." On June 25th with the value of their work proved by the raise, thousands of Chinese workers simply stopped work on the railroad and returned to their tents, making it one of the largest strikes of the 19th Century. The Chinese demanded shorter working hours due to dangerous conditions, \$40 a month instead of \$35, and an end to punishment whippings for not completing sections of rail on schedule. White workers were paid \$10 more than the Chinese per month, worked shorter hours, weren't whipped, and weren't placed in the same dangerous jobs as the Chinese either. The management of the Central Pacific took a hard line and refused to negotiate whereupon the Chinese demanded \$45 a month. One of the railroad directors, Mark Hopkins, then advocated recruiting former slaves from the South saying, "A Negro labor force would tend to keep the Chinese steady, as the Chinese have kept the Irishmen quiet." Only the fact that the bosses stopped delivering food to the remote area in the Sierra Nevada Mountains where the railroad was being built and the appearance of armed guards hired by the railroad forced the Chinese to return to work.⁵

It also seemed that the Chinese were becoming far too American when they discovered what "lawsuit" meant. The Chinese didn't take racist legislation kneeling down; they hired lawyers and went to courts in hundreds of cases. Many of these legal cases against racist laws and their application had elements of humor within them. In 1870, San Francisco passed the "Cubic Air Ordinance" requiring that rooms where people lived have at least 500 cubic feet of air per person. These laws, like many other laws, were only applied to the overcrowded Chinese in Chinatown and violators who refused to pay fines were locked up in the county jail. In protest many hundreds of Chinese refused to pay the fines and were locked up in such numbers that city officials were threatened with fines and jail for violating the same air ordinance by only allowing 20 cubic feet of air per person in the county jail. The law was voided by the courts in 1873. Many of the legal cases that the Chinese brought to the American courts had great implications that stretched far beyond the 19th Century.

Yick Wo violated licensing laws passed by the San Francisco Board of Supervisors in 1880 regulating laundries and was fined \$10 and sentenced to 10 days in jail for not paying. The supervisors argued that such licenses were intended to protect against the risk of fire that were always dangerous to the wooden buildings mostly found in the city but had the usual habit of only enforcing such laws against Chinese laundries. The cases went all the way to the US Supreme Court in *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).

⁵ Transcontinental Railroad: People & Events: The Chinese Workers' Strike
http://www.pbs.org/wgbh/amex/tcrr/peopleevents/e_strike.html

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It appears that both petitioners have complied with every requisite deemed by the law, or by the public officers charged with its administration, necessary for the protection of neighboring property from fire, or as a precaution against injury to the public health. No reason whatever, except the will of the supervisors, is assigned why they should not be permitted to carry on, in the accustomed manner, their harmless and useful occupation, on which they depend for a livelihood; and while this consent of the supervisors is withheld from them, and from 200 others who have also petitioned, all of whom happen to be Chinese subjects, 80 others, not Chinese subjects, are permitted to carry on the same business under similar conditions. The fact of this discrimination is admitted. No reason for it is shown, and the conclusion cannot be resisted that no reason for it exists except hostility to the race and nationality to which the petitioners belong, and which, in the eye of the law, is not justified. The discrimination is therefore illegal, and the public administration which enforces it is a denial of the equal protection of the laws, and a violation of the fourteenth amendment of the constitution.

The principle established in this Chinese laundry case that discrimination through the unequal application of the laws was unconstitutional was cited but then ignored in *Plessy v. Ferguson*, the 1896 Supreme Court case that made “separate but equal” the law of the land, but the precedent would be revived and finally be argued successfully again by the American civil rights movement of the 20th Century to win civil rights for all Americans.

The 1892 Geary Act represented another setback for the US Government in its efforts to discriminate against the Chinese. The new law required that all Chinese laborers in the United States carry legal documents proving their residency under threat of immediate imprisonment and/or deportation. It was the first ever requirement by the US Government for photo identification documents to be carried by any group. But the law led to widespread legal and civil resistance as the Chinese refused to register en masse and strong protests from the Chinese Government. To avoid continuing international embarrassment Congress quietly failed to provide adequate funding to enforce the law.

Another Supreme Court case also had important consequences. Wong Kim Ark was born in San Francisco to parents born in China. In 1890 he had gone back to China with his parents and returned by himself. He was documented as a US citizen by birth by the US Government before he left as required by the Chinese Exclusion Act. He had no problems getting back in despite the Scott Act of 1888 that prohibited the reentry of foreign born Chinese even if they had legal papers proving their US residency. In 1895 though, he went on another trip to China to visit his parents, but when he returned, the Immigration Service, citing the Scott Act, wouldn't even let him off the ship in San Francisco. The US Government argued that legislation had made all Chinese ineligible to be American citizens therefore Wong Kim Ark had no legal right to enter the country despite being born here because he was not a US citizen. His case reached the US Supreme Court in *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898), now a fundamental part of the curriculum in every law school in America and still the subject of public discussion about immigration.

The court was asked to interpret precisely what the 14th Amendment to the US Constitution meant by, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.” In 1866, in the aftermath of the Civil War, this amendment had been used to grant citizenship and civil rights to the recently freed African Americans. Did this right to citizenship by birth in the

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United States apply to everyone, even those with parents who were never and could never be American citizens by law? In a 6-2 decision the court decided that that the 14th Amendment had no exceptions and plainly stated that birth in the United States did provide US citizenship to everyone regardless of race. Many citizens today owe their American nationality to Wong Kim Ark.

Unfortunately this ruling didn't remove other citizenship laws that stated that, "the rights of citizenship shall not descend to persons whose fathers never resided in the United States." Such laws were used to remove the American citizenship of white women who married foreign men, but only those who married men from non-white races. It also failed to prevent the previously mentioned case of Ju Toy who was deported to China anyway despite a federal district court finding that he was an American citizen.

The Chinese people didn't take the persecution of fellow Chinese lightly despite how enfeebled their government was. The Chinese launched a major boycott of American goods in 1905 that cost millions of dollars and was so effective in damaging trade between China and the United States that there were serious calls among some business and government leaders for a revision of the Chinese Exclusion Acts. However such talk, allied with increased fears of Asians due to the Japanese victory in the Russo-Japanese War, led to mass protests among labor unions and anti-Asian organizations determined to keep the exclusion laws. Popular American sentiment won but another pattern of non-violent civil resistance was recognized as a viable weapon for Asians. In South Africa, Mohandas Gandhi wrote about the boycott, "In all this commotion one thing stands clear, that where there is unity, there alone is strength and also victory. This deserves to be carefully borne in mind by every Indian. The Chinese, though weak, appear to have become strong on account of their unity, thereby bearing out the truth of the Gujarati verse, "Thus do ants when united take the life of a fierce snake." Gandhi launched his own boycott against British goods as a protest against colonial rule in India in 1921.⁶

The end of 1905 though saw Chinese communities across the United States struggling to survive as their bachelors aged and died or returned to China, never to return. The Chinese Exclusion Act and subsequent legal restrictions on immigration, especially the lack of Chinese women, had strangled any growth of the Chinese American population. It was confidently predicted by many whites that soon enough there would be no more Chinese in America. Ironically it would be one of the greatest natural disasters in the history of the United States that saved the Chinese in America.⁷

⁶ Mohandas K. Gandhi, **Collected Works of Mahatma Gandhi**, Vol. 4, pg. 432
<http://www.gandhiserve.org/cwmg/cwmg.html>

⁷ For the history of Chinese immigration to the US from the beginning to today please refer to: Iris Chang, **The Chinese in America: A Narrative History** (2003) Viking Press, ISBN 0670031332