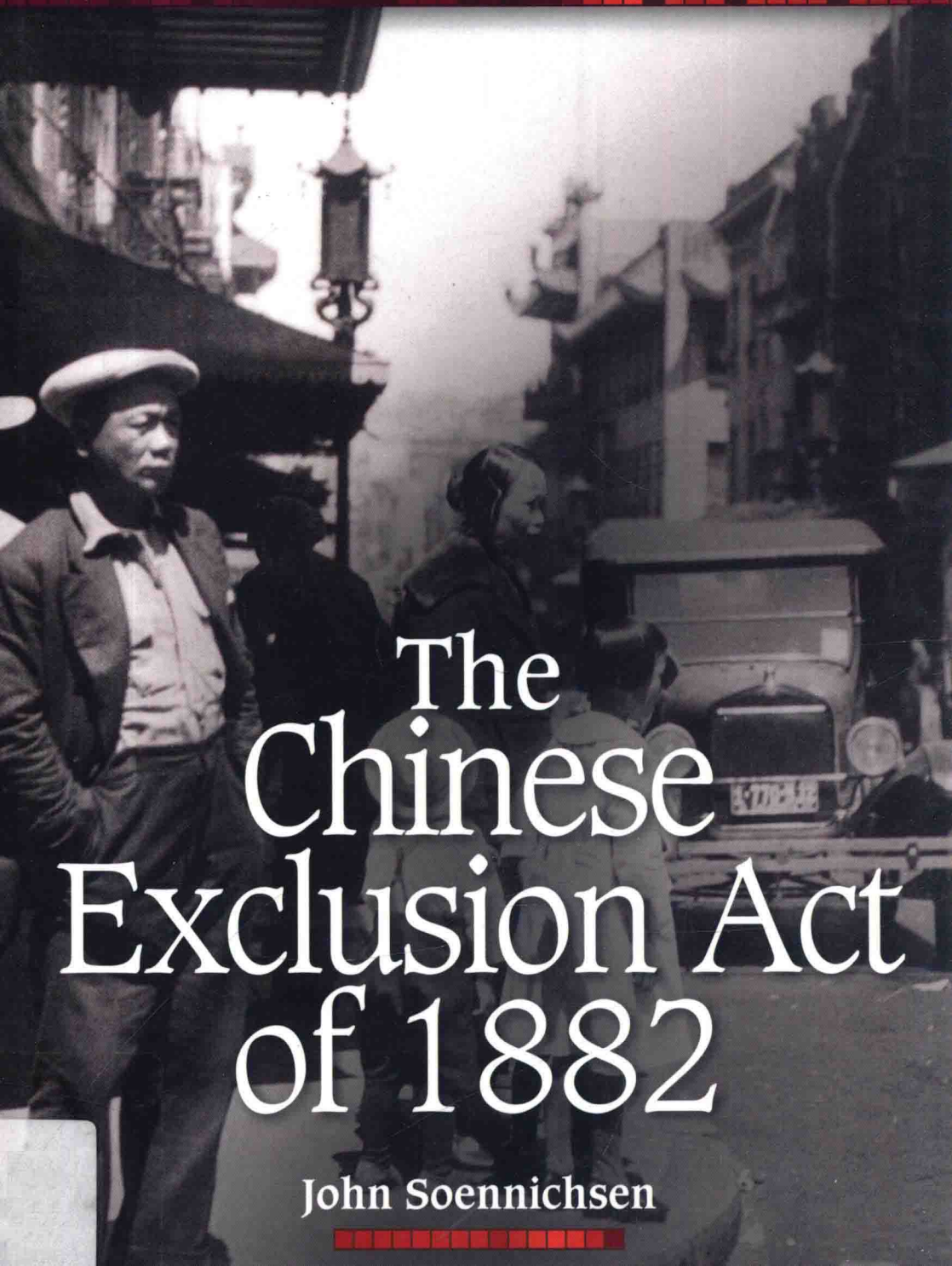


LANDMARKS *of the* AMERICAN MOSAIC

A black and white photograph of a street scene in San Francisco, likely Chinatown. In the foreground, a man wearing a flat cap and a dark jacket stands looking towards the camera. Behind him, other people are visible, including a woman in a dark coat. In the background, a vintage car with a license plate that appears to be 'A-770-112' is parked. The street is lined with buildings, and a traditional Chinese lantern hangs from a building on the left. The overall atmosphere is historical and urban.

The Chinese Exclusion Act of 1882

John Soennichsen

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Landmarks of the American Mosaic



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Series Foreword

THE LANDMARKS OF THE AMERICAN MOSAIC series comprises individual volumes devoted to exploring an event or development central to this country's multicultural heritage. The topics illuminate the struggles and triumphs of American Indians, African Americans, Latinos, and Asian Americans, from European contact through the turbulent last half of the twentieth century. The series covers landmark court cases, laws, government programs, civil rights infringements, riots, battles, movements, and more. Written by historians especially for high school students on up and general readers, these content-rich references satisfy more thorough research needs and provide a deeper understanding of material that students might only otherwise be exposed to in a short section in a textbook or superficial explanation online.

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- Introduction
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- Biographical profiles of key figures
- Selection of crucial primary documents
- Glossary
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- Index

This landmark series promotes respect for cultural diversity and supports the social studies curriculum by helping students understand multicultural American history.

Preface

A COMPREHENSIVE STUDY of the Exclusion Act of 1882 provides an ideal method for students and others to see a living example of a significant piece of legislation in American history, and to observe how such a far-reaching law frequently comprises a complex record of events that both precede and follow its passage.

Leading up to the passage of most significant pieces of U.S. legislation are a collection of events, human emotions, political stances, public outcries, and other factors that fuel its conception, aid in its passage, and contribute to its evolution as a law of the land.

Likewise, the life of a legislative act includes not only its early stages of conceptual development, enactment, and implementation, but also public reaction to its enforcement and effectiveness as a law. In the case of some pieces of legislation—the Exclusion Act among them—a complete study must include the Act's amended forms and ultimate repeal.

The purpose of this book is to trace the complete history of the Exclusion Act, including the history of Chinese immigration to the United States, conditions that worked to increase their populations here, and eventual efforts to limit further immigration and to encourage the departure of Chinese already here.

The book will examine conditions in China that led to a situation where many Chinese felt their only option was to leave a country ravaged by war, economic distress, and natural disaster. Opportunities within their own country were virtually nonexistent, and one of the best options for improving their lives was to leave China and seek employment opportunities elsewhere.

Much of the rationale on the part of Chinese to seek this employment in California was the advent of a completely unexpected historical event—the discovery of gold at Sutter's Mill in northern California. Suddenly, there seemed to be the potential for the attainment of real wealth for a minimum amount of effort, and thousands of Chinese decided to take advantage of this once-in-a-lifetime opportunity.

The Chinese, of course, fared no better or worse than other miners in California, but they could subsist on less and were able to send money to relatives in China who were still dealing with the myriad problems to be faced in that country.

A decade later, work on America's transcontinental railroad provided work for the former Chinese miners, and more reasons for Chinese still in their home country to come to the United States and take jobs that offered steady work for two, three, even four years or more. The work was incredibly difficult and the pay minimal, but compared to no work and no pay, toiling on the Central Pacific through the snowy Sierra Nevada seemed to many Chinese an incredible chance to improve their positions in life.

When the railroad was completed and job opportunities dried up, the merging of Chinese and White society became more noticeable. Animosity toward the "foreigners" became more intense as Chinese were no longer isolated in mining or railroad camps far from most population centers. For westerners of European descent, learning to live with these strange, foreign men in their midst began to be seen as increasingly difficult, and a host of local and state ordinances began to be implemented so as to control the movements of the Chinese.

The Panic of 1873 provided evidence that mild hostility toward a foreign people could escalate into outright violence when an economy soured and people were in fear of losing their jobs. This violence only increased as orators like Denis (Dennis) Kearney and politician John Bigler aroused the emotions of unemployed White Americans who needed a villain toward whom they could direct their hostilities.

It may seem inevitable, when viewed from our modern-day perspective on a "less enlightened age," that events dating from the 1840s would eventually lead to an outright ban on Chinese, provided by the Exclusion Act of 1882. But this was not quite so clear in the years leading up to this monumental legislation. One by one, a series of more mildly worded laws attempted to lessen the involvement of Chinese in the affairs of White America and avoid the need for a complete ban. At the same time, negotiations with the country of China sought to reach a treaty agreement that encouraged trade and allowed citizens of both countries to freely travel between the two, yet severely limited the numbers of Chinese in the United States.

In the end, no treaty with China could remove the emotional appeal of a ban on Chinese immigration, and the Exclusion Act was passed in 1882. But as legal challenges were largely decided in favor of the Chinese, anti-Chinese legislation continued to be introduced that strengthened the Exclusion Act through amendments and introduced new legislation that

supported the objectives of the initial act through the toughening of immigration procedures, an effective ban on the immigration of Chinese women, and a series of laws that complicated everyday life for Chinese residents of the United States.

The Exclusion Act had a remarkably long history—from the decades leading up to its passage, through its many amended versions, and to the point where relations with China had changed and the Act's repeal seemed to be in the offing. The lessons learned from a study of its entire history are both enlightening and important. This history is presented in chronological order so that events related to the Exclusion Act can unfold slowly and in a logical fashion.

It is hoped that in this fashion, readers will learn to appreciate how early events affect subsequent events and move the entire chronicle along towards its inevitable conclusion.

Chronology of Significant Events in Chinese-American History

1790 Naturalization Act of 1790 grants “free White persons” of “good moral character” sole rights of citizenship.

1830 Three Chinese reside in the United States, according to first Census taken in the United States.

1848 Gold nuggets are discovered at Sutter’s Mill, California.

1850 Population of Chinese in the United States nears 4,000.

1854 *People v. Hall* denies Chinese the right to testify in California courts.

1858 California law prohibits immigration of Chinese and “Mongolian” people.

1862 The importing of Chinese coolies via American vessels is declared illegal.

1864 Thousands of Chinese recruited by Central Pacific Railroad Company to work on western leg of transcontinental railroad.

1868 United States and China ratify Burlingame Treaty, which allows free travel between the two countries by individuals from either nation.

1869 The first transcontinental railroad is completed in Utah territory as a result of substantial Chinese immigrant workers on the project.

1870 Naturalization Act approved by Congress. Act denies citizenship to Chinese and prevents Chinese women from immigrating to the United States along with their marital partners.

1875 Congress passes Page Law, disallowing the immigration of Japanese, Chinese, and “Mongolian” prostitutes, felons, and contract laborers.

1878 In California federal district court, *In re Ah Yup* case makes Chinese ineligible for naturalized citizenship.

1880 United States and China sign treaty that allows United States to limit the immigration of Chinese.

1882 Chinese Exclusion Act stops immigration of Chinese for one decade and stops Chinese from being U.S. citizens.

1888 Scott Act states that reentry permits of greater than 20,000 Chinese laborers are invalid.

1889 Constitutionality of Chinese Exclusion Act confirmed by U.S. Supreme Court in *Chae Chan Ping v. United States*.

1890 Chinese population in the United States passes 100,000 in a total U.S. population of more than 62 million.

1892 Geary Act adds 10 years to Chinese Exclusion Act and forces all Chinese residents to carry permits.

1893 Congress has power to expel Chinese after decision in court case *Fong Yue Ting v. United States*.

1894 Chinese leader Sun Yat Sen establishes movement for Chinese liberation in U.S. Chinese-American communities.

1898 Wong Kim Ark, a Chinese American born in the United States but denied reentry after Chinese Exclusion Act, is allowed entry by Supreme Court. Case also decided that U.S.-born Chinese should not be denied American citizenship.

1904 Chinese Exclusion acts made permanent by Congress. Two hundred fifty Chinese immigrants arrested without warrants.

1905 Marriage of Whites and “Mongolians” forbidden by California’s Civil Code.

1906 San Francisco earthquake and fire destroys immigration facilities, causing a large number of Chinese to invent “paper sons” who could claim they were U.S. citizens and that their records had been destroyed.

1910 Contents of 1870 Naturalization Act are applied to other members of Asian groups.

1917 Immigration Act of 1917 limits Asian immigration and denies entry of people from the “barred zone.”

1918 World War I Asian veterans are given naturalization rights.

1924 Asian Exclusion Act (part of the Immigration Act of 1924) disallows Asian laborers from entering the United States. The U.S. Border Patrol agency created to stop Chinese immigration over U.S.-Mexico border.

National Origins Act sets immigration quotas to strictly limit quantities of Asians entering the United States.

1925 Chinese wives of American citizens denied entry to the United States.

1929 Annual immigration quotas declared permanent.

1940 U.S. government closes Detention Center at Angel Island, California.

1941 United States declares war on Japan after bombing of Pearl Harbor.

1943 Magnuson Act of 1943 (also called the Chinese Exclusion Repeal Act) annuls Chinese Exclusion Act of 1882, permitting Chinese immigrants to become citizens. Immigration limit is set at 105 Chinese each year.

China becomes an ally of the United States against Japan. More than 20 percent of Chinese men living in the United States are drafted during World War II.

1945 War Brides Act allows immigration of foreign-born wives, husbands, fiancés, and children of U.S. Army personnel.

After the United States drops atomic bombs on Hiroshima and Nagasaki, Japan, World War II ends.

1947 After passage of 1945 War Brides Act, 6,000 Chinese women enter the United States as wives of Chinese-American servicemen.

1949 Refugee status in the United States given to 5,000 highly educated Chinese after Chinese Communist government is installed. Chinese scientists, engineers, and physicists encouraged to enter the United States to help support U.S. national security.

1950 Chinese-American population passes 150,000.

1952 The Walter-McCarran Immigration and Naturalization Act rescinds 1924 Asian Exclusion Act. Small quantity of Asians are allowed to immigrate to the United States and given citizenship status.

1953 Refugee Relief Act provides unlimited immigrant visas to Chinese refugees.

1959 The United States begins eight-year "Confession Program" persuading Chinese immigrants to reveal identities of illegal residents.

1962 Kennedy Emergency Immigration Act (KEIA Act) allows 5,000 Chinese to enter the United States during the China's "Great Leap Forward" movement.

1965 Immigration and Nationality Act of 1965 rejects "national origins" for distributing immigration quotas among countries. Act also establishes

quota of 20,000 immigrants from any country, gives preference to skilled workers, and encourages family reunification for individuals with family members outside the United States.

1989 Tiananmen Square protests occur. President George H. W. Bush issues an executive order permitting mainland Chinese scholars, students, and families to stay in the United States.

1990 Immigration Act modifies and expands 1965 Immigration Act and dramatically increases total immigration to the United States to 700,000 per annum.

1992 The Chinese Student Protection Act (CSPA Act) grants permanent resident status to Chinese nationals who resided in the United States between June 4, 1989, and April 11, 1990. Act is passed partly as a reaction to the Tiananmen Square incident of 1989.

2003 U.S. Immigration and Naturalization Service (INS) becomes part of Department of Homeland Security (DHS). INS is renamed U.S. Citizenship and Immigration Services (USCIS).

2009 California legislature issues formal apology for treatment of Chinese during the Gold Rush period.

Portions of this timeline adapted from a timeline of Chinese-American immigration at <http://chinainsight.info/>

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ONE

Events Leading Up to the Earliest Chinese Immigration to America

AS OF THE YEAR 2007, people of Chinese heritage accounted for nearly three million, or 1.2 percent of the United States population. Traveling back less than 200 years earlier, just a handful—perhaps three or four people of Chinese ancestry—lived in the entire country.¹

The specific year in which the first Chinese set foot on American shores has been variously reported by different sources as 1785, 1789, 1820, or 1847. Depending upon whose report one accepts, the first Chinese were either seamen abandoned in Baltimore, immigrants to Hawaii, travelers to California, or students brought by missionaries for schooling in Massachusetts.

Regardless which—if any—of these scenarios represents the true “first” arrival of Chinese citizens to America, it remains clear that there existed only a very tiny population of Asian immigrants in America for decades. The initial large relocation of immigrants from China to the United States did not occur, in fact, until the period of 1849 to 1855. This period corresponds with the most profitable years of the California Gold Rush.

Before embarking upon an exploration of this key period in both U.S. history and Chinese immigration, however, the conditions in China during the years predating this exodus must be examined. A series of important events led to the arrival of Chinese in significant numbers on American shores, and there were specific incidents and conditions in China that aided the decision of Chinese laborers to make the long sea voyage to a new world.

Setting the Stage

Because Chinese civilization is at least 5,000 years old (and as old as 8 to 10,000 years, according to one group of Chinese archaeologists), changes

in the progression of that civilization have generally been marked by lengthy dynasties. A *dynasty* is defined as the administrative rule of a nation by various parties or governments over long periods of time, usually administered by members of the same family.²

It was a change in dynasties, combined with a sequence of events—political, social, and even environmental—that eventually culminated in the dawning of a period during which many Chinese felt compelled to emigrate in large numbers from their homeland.

As a preface to this period, the epoch called the Ming Dynasty must first be reviewed. During the 276-year era of the Ming Dynasty, from 1368 to 1644, agricultural production had increased markedly, the handicraft industry had developed rapidly, and the porcelain trade had reached levels of production and quality never before attained. Art and writing flourished as well, with three of the four great classics of Chinese literature being produced during the Ming period. Scientific theory and military technology also advanced to new levels during the Ming Dynasty.³

This era of progress and achievement came to an end, however, as the government became increasingly burdened by corruption, the neglect of state affairs, and a general malaise which settled over the reign of then Emperor Weizong, who effectively ended the Ming Dynasty when he hanged himself in 1644.⁴

In a state of disarray and corruption, the Chinese government was now ripe for takeover by an outside body, and the Manchus from the Manchuria region of northern China soon imposed their rule on the Chinese people. The Manchus were evenhanded leaders, but demanded that the populace show homage to their new rulers and were quick to impose changes in the clothing of the people, as well as requiring Chinese men to wear their hair in long ponytails called *queues*, as had been the custom in Manchuria.

Although China prospered and peace prevailed for the most part during the rule of the Manchus—called the Qing or Ching Dynasty—there remained beneath the surface some resentment over the control exercised by the new leaders from the north. The Manchus were fair rulers for the most part, but they maintained their distinction from the Chinese by speaking a different language, spending summers in their native Manchuria, and by forbidding intermarriage between the Chinese and the Manchus.

As a result of these and other not-so-subtle reminders that the Chinese were governed by outsiders, many popular uprisings occurred during the late 1700s and well into the first few decades of the 1800s. Each of these minor rebellions was put down, but their occurrence was indicative of the

underlying sentiments on the part of the Chinese people toward their foreign overlords.⁵

Impact of the West

Like the Ming Dynasty before it, the Qing Dynasty had adopted strict isolationist policies towards the rest of the world. The Manchus believed that trade with the outside world was not only economically unnecessary, but dangerous. China saw itself as the “Heavenly Middle Kingdom,” whereas people who lived in the rest of the world were morally and intellectually beneath them and well deserving of the popular invective, “foreign devils.”⁶

Before 1840, China had remained officially closed to trade or cultural relations with the Western world. Even so, the exchange of goods with Western countries was slowly initiated on an unauthorized basis during the late eighteenth and early nineteenth centuries. To the British, who had been trading with Japan, Malaysia, and the Philippines for many years, it seemed only logical that China should be a trading partner as well. The British had long craved the teas and silks originating in China; during the first few decades of the 1800s, they made sufficient inroads to begin buying these products from Chinese traders who were eager to sell their wares to the British. All these transactions took place without Chinese government approval.

Unfortunately, it remained a one-sided trading arrangement for many years, because China had neither a need nor the desire for Western-made goods. Not until the year 1820 did the British come up with a product the Chinese did not have in large quantities and would gladly exchange their tea and silks to obtain—opium. A derivative of certain poppy flowers, opium had value as a pain reliever, cough suppressant, and anti-diarrheal medication. Unfortunately, the abuse of opium as a recreational drug was well known in many countries of the world. And, although opium had circulated in small amounts throughout China for many years, its use had been discouraged by the government and it could only be obtained by the very rich who could afford to buy this expensive and forbidden product.⁷

The Manchu government had long been aware that the British were supplying Indian-grown opium to other countries, but they had officially banned its possession in China back in the 1700s. Despite the ban, however, shipments of opium began to be smuggled into Chinese ports throughout the 1820s, quickly causing addiction among large numbers of Chinese