A Century of Chinese Discrimination and Exclusion in the United States
1850～1965

Chin-yu Chen

American is a country of immigrants. Although the Chinese occupied only a small portion of the nation, they suffered unprecedented discrimination.

Since the middle of nineteenth century, the Chinese emigrated to the United States, a majority of them coming from the delta villages of the Pearl River and from south of Fukien Province. While others were from the four districts of Kwangtung. Generally speaking, they did not speak English, knew little about America, and even lacked the ticket money to come to the gold mountain. Through agents they made agreements to contract themselves out to their employers. They were then shipped across the Pacific to the United States. After a short stop over in Chinese benevolent associations, they were sent into the wild mountains to dig for gold. The work was hard and the life isolated. The most enjoyable moments were trips with their compatriots to Chinatowns to gamble and smoke opium. They dreamt that some day, when they had paid their debts and terminated their labor contracts, they could go back home with some hard-earned money to enjoy family life in their old age.

Looked at from the immigrants' perspective, Chinese migrants were not motivated by plans for colonization settlement, or permanent residence abroad. Rather, they sought the overseas areas as places where, because of accidents of opportunity, a chance was offered to enhance their status when they returned to China. Being self-sufficient and proud, the Chinese in California withdrew from Western culture. The people alien to them mistook this for ignorance or timidity; it never occurred to them that the Chinese attitude was one of superiority.

A trip aboard, a few years of work in a foreign land, and a stoic acceptance of the alien land's perjudices and discrimination could, with luck, earn a Chinese sufficient wealth to return to his village in splendor. The Chinese did not experience a divorce between themselves and their familiar lives, only a separation; they had only temporarily departed from their natural setting. A return would restore them to the fullness of their existence. They could suffer exploitation because their hope for a return to China served as a source of strength.

Yet the dream of an honorable return did not usually match the reality of their
overseas existence. In alien lands, the Chinese watched helplessly as the years of toil stretched out over nearly all their lives. The Chinese came as strangers, desired to be homegoers, and all too often lived and died as permanent sojourners. Although they worked hard, loyally, and cheaply, their particular culture and lifestyle also became a major cause of discrimination.(1)

I. THE CHINESE IMMIGRANT AS STRANGER AND SOJOURNER

To speak of the Chinese as strangers is to see them in terms of the perceptive conceptualization first employed by George Simmel. "The Stranger," he wrote in his essay of that title, "is not--the wanderer who comes today and goes tomorrow, but rather is the person who comes today and stays tomorrow."(2) The Chinese had fixed places to go, a definite purpose in mind, and a keen desire to return home to wife and kinsmen in China. To the lonely in mind, and a keen desire to return home to wife and kinsmen in China. To the lonely Chinese immigrant, the place where he stayed was his residence; where he happened to be was his abode; but only the place from which he had started out and to which he intended to return was home.(3)

Anthropologists too have subscribed to the concept of the stranger in their work on Chinese communities in America. Melford Weiss described Chinatown's world as having nurtured "a special kind of social personality, the sojourner." He defined the sojourner as "a stranger in a foreign land who clings to the culture of his own ethnic group and, although he spends much time in a foreign land, remains unassimilated." A Chinese did not participate in the greater American community and preferred to "associate with his own countrymen in racial-cultural communities" until he returned home "a rich man."(4) The Chinese as a stranger in America was in the society but not of it.(5) He or she imported things into that society that were not native or original to it.

The Chinese approached American society with the outlook are an sojourner strangers in general. This outlook's most prominent features are an enterprising spirit, a willingness to move wherever opportunity beckons, and an orientation toward the future that overrides both ingrained tradition and current condition.(6) In spite of the hostile prejudices against them, the Chinese preserved and endured. Their efforts are testimony to the genius and enormous capacity of an oppressed immigrant people.

Those Chinese who stayed on in the overseas are, postponing their trip home year after year, became the sojourner stock of America's pioneer Chinese.(7) The sojourner's special psychological characteristic was manifested in his or her clinging to the culture and style of the country from which he or she came. Despite having been transplanted, he retained a Chinese villager's outlook, loyal to his family, nostalgic for the Cantonese countryside, friendly to the members of his hui kuan, and distant, loof, and "objective" toward the host society's peoples. Typically, he was neither hostile nor despairing, rather, he regarded the conditions of his long, lonely existence as a challenge to wit and patience. The overseas society existed for him as a job and an opportunity, not as something to reject, rebuke, or revolt against. To the sojourner, his own primary group--kin and friends in China--were the center of things; it was for them that he labored so long abroad. It was to them that he owned whatever his work might bring. It was by them that he would be honored and remembered. The sojourner was a man who remained in an alien country for a very long time without being assimilated by it.

The motives that drove sojourners to go abroad were many, but the fundamental aim was "to do a job and do it in the shortest possible time" so they could return quickly. This emphasis on the homeland, common interests, and cultural heritage led the sojourner to associate with people of his own ethnic group in isolation from the larger society.

The sojourner was psychologically "unwilling to organize himself as a permanent resident in the country of his sojourn." This might prevail even after "twenty, thirty, forty, or more years," several trips back to the homeland, or even none at all. The pattern of the sojourner's adjustment to his environment was a process of contact, conflict, accommodation, isolation, and unassimilation. This resulted even though the so-

journer was "very likely to be an agent of cultural diffusion between his homeland and the country of his sojourn."(8)

The desire to live together became not only a social need but also a natural thing. As a Chinese wishing to remain Chinese, the sojourner characteristically enclosed himself in a Chinese world while abroad. Chinatown became his basic abode. To be sure, his choice in this matter was not entirely voluntary; racial hostility, housing segregation, occupational exclusion, and the general pattern of discrimination in America combined to force ghettoization even on those who had more cosmopolitan outlooks. Nevertheless, in the ghetto, surrounded by compatriots who hailed from his native land, the sojourner was in touch with his community and culture. The larger society was physically near but socially remote.(9) Enclosed within Chinatown's narrow confines, he ate, slept, worked, and played under the tutelage of his native values. So long as the outside society did not intrude on his solitude, he remained a Cantonese while abroad.

For the sojourner, life abroad was defined along a job's narrow lines. To work must be done so something else could follow. Thus, the overseas Chinese restaurateur cooked chop suey because that would hopefully generate enough money to return home where chop suey was unknown; the Chinese laundryman washed, ironed, and sewed because that was one of the few occupations open to Chinese men in a frontier society lacking many women. The job was not a career; it was a preparatory state of existence. Yet that preparatory state could and often did last the sojourner's lifetime.

Should he fulfill his dream in the overseas country, the Chinese immigrant would return home. To do so was to retranspose memory back into experience. China's customs, ways, and institutions that "he carried away with him into the United States were discovered again, life was recreated in its original form, and the joys of the familiar were again a source of everyday happiness."(10) Such, at any rate, was the ideal. However, two sets of changes marred this wish-fulfilling picture and rendered the dream less of a possibility than the dreamer supposed.

To the Chinese, the picture of returning home was clear enough. Pardee Lowe, the son of a Chinese immigrant to America, described his father's image of what it would mean to return to China: "Father was deeply sensible of the great honors which

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8 Ibid., 34-35; 41-43; also quoted from Rose Hum Lee, "Chinese Dilemma," Phylon 10 (1949): 137-140.
would be bestowed upon him if he returned to *Sahn Kay Sawk*. All kinsmen who returned, he remembered, were held in very high esteem. Because of their fortunes, they were not treated as ordinary villagers who had never gone abroad. Instead, they were hailed as *Kum Sahn Hock* (Guests from the Golden Mountain). Nothing the village could offer was too good for him. They feasted off the fat of the land and were treated as mandarins. 

In mid-1850, in Kwangtung and Fukien, men who had gone to America, the land of the Golden Mountain, were held in highest esteem. Likewise, so were their families, who remained in China. Besides enjoying high status, the family of a "Guest of the Golden Mountain" also experienced a relatively high living standard, since the husband in America often deprived himself to maximize his remittances to his family back in China.

This image of the return to China presumed that the historical and cultural clock would stand still, that the society left behind would remain as it was. So long as the time between departure and return was short and no major change occurred in traditional China, this presumption remained valid. However, for many Chinese, who began as a brief and profitable sojourn abroad turned into years of exile. Thus, after decades of waiting for his return, a Chinese wife wrote to her husband, "You promised me to go abroad for only three years, but you have stayed there nearly thirty years now." 

Several Chinese characteristics contributed to the sense of being "different" that the Chinese themselves and the San Franciscan Caucasians felt. First, the Chinese external appearance set them apart from other San Franciscans. Americans viewed the Chinese as men of "slanted eyes" and "yellow skin." These physical features were an irreducible part of their social identity. His race and physical attributes set the Chinese apart from the rest of the community.

The Chinese brought with him his language, or rather, his languages. To the Chinese, their own tongue seems to be the language of the gods; they know they have possessed it for several thousand years, and they known nothing at all of the barbarian. The Kwangtung peoples spoke several dialects of the tongue Occidentals call Chinese. Although all spoken dialects had a common written script, their verbal forms were frequently unintelligible even to those who came from a few miles away. Linguistically, many Cantonese were strangers to each other, a phenomenon that

11 Gor Yun Leong, Chinatown Inside Out (New York: Barrows Mussey, 1936): 5.
12 A personal letter in Chinese collected by Paul C.P. Siu in 1943.
13 Betty Lee Sung, Chinese American Manpower & Employment: Report to Manpower Administration (United States Department of Labor, City College of the City University of New York, 1975): 216.
found organizational expression in the hui kuan. (14)

Since most Chinese in San Francisco were from Taisan, it was natural that Taisanese was this community's lingua franca. (15) The Taisan dialect is not the standard Cantonese spoken in Canton but a variation. No mutual intelligibility existed between Taisanese and standard Cantonese. Thus, in order to be accepted into the community in those days, a Cantonese had to learn the Taisan dialect. Essentially, the Chinese immigrants were an instrument to establish or re-establish some sort of primary-group relationships in the matrix of homeland culture effort to create a home away from home. Whatever activities the sojourner might participate in in the community at large, in private life he tended to live apart from the natives and shirk with his countrymen in striving to maintain homeland culture. His best friends were people of his ethnic group, and they entertained one another at their homes. They shared their pride and aspirations, hopes and dreams, prejudices, and dilemmas and expressed their opinions about the country of their sojourn. English to them was a most difficult and unpleasant tongue, hard and harsh, forbidding and unyielding, lacking the softness and elasticity of their own Chinese language. As soon as their working day was over and they had shed their overalls, they became Chinese. They went to their Chinese affairs; they ate Chinese food, drank Chinese tea, and discussed Chinese issues in Chinese language. (16)

In general, this was the reaction of all Chinese immigrant groups who happened to be minorities in a foreign country. This attitude seemed to prevail in the Chinese immigrant's mind, and that was why he had to seek his countrymen as neighbors and friends. Home and family life, perhaps, show most interestingly how the sojourner can maintain his homeland cultural heritage abroad. Food habits seemed to be the most persistent. The Chinese invented chop suey to suit the Americans' appetite, while he enjoyed typical home dishes such as chia-chang-yu-pien (steamed pork with imported shrimp sauce), which most Americans disliked. Homeland tongues, art, sentiments, and primary-group attitudes fortified the sojourner in his effort to maintain homeland culture. (17)

However, it must be remembered that the Chinese language appeared to be but one language to Americans. To them, Chinese speech seemed exotic and incomprehensible, a tongue incomparable to the more familiar languages of Europe from which their

17 Betty Lee Sung, Chinese American Manpower & Employment, 4.
own stock sprang. To the American, "the Chinese speech melody seemed a cacophony; the accent it imposed on learned English was a cause for mirth and mimicry; and its characters, formed so carefully with a brush, seemed bizarre and utterly remote from the forms of European or American writing."(18) Finally, and most importantly, it seemed that Americans did not care to learn about the language or how to speak it. It was the immigrants' duty to learn English or suffer the consequences of restricted communication.

Deriving from his language and culture, the Chinese brought with him his ways of life, familiar and taken for granted to him, unfamiliar, peculiar, and sometimes frightening to Americans. Even in his absence from home, the overseas Chinese took strength and purpose from his family. The Chinese ideal of family loyalty found painful expression in long-term bachelorhood abroad, in the association with men of common surname in clans, and in the single-minded purposefulness of returning to wife and village to retire or die.

Above all, the central characteristic of early Chinese community life that impressed itself on Americans was the immigrants' adherence to a system of *kadi* justice, traditional law, and patrimonial power. To the Americans, the Chinese seemed to have established an *imperium in imperio*, a parallel state, and to owe to its institutions and leaders a depth of fealty and allegiance out of proportion to their worth and out of character with what Americans expected of its immigrants. To the Chinese, the social system that they established in Chinatown was a familiar form of political and economic organization. It was not universally loved or even uniformly favored, but it was respected and, for some, revered.

It was not only their institutions that puzzled and angered Americans. The Chinese personal life and style excited curiosity and, on all too many occasions, contempt. Their yellow skins, strange features, small figures, incomprehensible language and clothing led whites to believe that the Chinese were an inferior race. A journalist described the first Chinese immigrants as "...a living stream of the blue-coated men of Asia, bearing long bamboo poles across their shoulders, from which depend packages of bedding, matting, clothing, and things of which we known neither the names nor the uses..."(19) To Californians, the blue overalls, loose-fitting shirts, and wide-brimmed black hats favored by the Chinese seemed less a costume than a uni-

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form and tended to encourage the belief that they were serfs and bondmen unfit for settlement in a free society.

Californians began to convince themselves that the Chinese had outlandish habits. Newspapers reported as fact that they fed on dogs, cats, and rats. When not eating these, the Chinese subsisted on tiny bowls of rice and "nauseous morsels" of dried fish. Californians noted that the Chinese were "openly contemptuous" of flapjacks and plum duff. Many native whites believed the Chinese worshipped evil-looking gods in temples that "reeked of incense and idolatry." The mildest adjective used describe them was singular.

The plaited queue in which Chinese men wore their hair was a constant source of amusement and derision. The queue originated as a symbol of subjugation imposed on the Chinese people by the Manchu conquerors in 1644. When the Tartar Dynasty came into power, it decreed that all Chinese subjects should wear the Tartar sign of submission to the conquering emperor. Gradually, it evolved into the badge of citizenship in the imperial state. The august emperor assured his new subjects that there was no compulsion to conform to this edict, but it would be expedient to do so, "since non-compliance might lead to the loss of one's head." In any event, those who complied were favored at court and could take the literary examinations that founded all prestige and progress in Chinese life. In time, the "mark of division became the badge of honor," and thus the Chinamen of the nineteenth century regarded it. Losing his queue would bring misfortune and suffering after death. It was, however, a mark of disrespect to have a queue coiled in a superior's presence—a point that white employers missed.

In 1876, America by law ordered queues cut off if the Chinese served a sentence.

22 Senate Miscellaneous Documents Report, 1-5.
23 Ibid. and Wu, "Chink!", 130-136.
25 Ibid.
26 Ibid., 241. This Chinese queue was formed "by separating unshaven hair on the crown of the head, three or four inches in diameter, into three strands and braiding with a coarse silk or false hair." A truly impressive queue would sometimes, when uncoiled, reach within 3 inches of the ground. Yet it was rare to see an uncoiled queue in San Francisco's Chinatown. For the most part, they were worn in a coil under the hat; this was a precaution against indignities.
in prison or were jailed while awaiting trial. (27) Naturally, consternation reigned in Chinatown, and the newspapers always made jokes about the sheriff in the role of Chinese hairdresser. (28) Sensitive Chinese might have feared that it made them ridiculous in foreigners' eyes; political Chinese, who would gladly see the re-establishment of a native dynasty, might have looked to its disappearance as the first step toward throwing off the Manchu yoke. In addition, intelligent Chinese might have come to realize that the fashion was out of date.

Finally, the seemingly loose and dissolute life of Chinese bachelors evoked a chorus of moral imprecations against the Middle Kingdom immigrants. Condemned first by Chinese custom, then by American law to an almost complete celibacy in the overseas country, the Chinese lived as homeless men, turning to prostitution for sexual outlet, gambling for recreational release, and on occasion opium smoking for cease from the cares of their lonely sojourn. (29)

Many Americans believed stereotypes about Chinese proclivities for gambling, prostitution, and opium smoking, and the crowded, physically deteriorating conditions in San Francisco's Chinatown seemed a source of crime and unrest. Yet did anyone as why such things occurred in Chinatown and among Chinese? These inevitably resulted from Chinatown's bachelor society. As mentioned, the exclusion laws prevented most Chinese from bringing wives into the United States, and in addition, most of Chinatown's men did not enjoy a normal family life. Consequently, such alternative outlets were needed to occupy these men in their spare time. (30) It is ironic that white America pointed to the Chinese involvement in tong activities, trafficking in women, gambling and opium smoking as evidence of their undesirability when it was white America's laws that made these activities the only diversions available for Chinatown's lonely men.

As immigrants from a traditional society who took up temporary residences in a frontier land to make their fortunes, the Chinese exhibited special characteristics.

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They were in America not to colonize or spread China's culture. Neither were they there to be absorbed into America's melting pot of races and nations. Rather, the special and unique character of their immigration required them to adapt America and its ways to their own purposes rather than adapt them to the exclusion and surrender of their own values. (31) The experiences to be had in America were bracketed within the trip's all-encompassing goal itself: to acquire wealth that in the homeland could be used to recoup status lost by flood, poverty, or war, to demand greater esteem, and to enjoy a generally better life. The immigrants believed China was the earth's center, the highest expression of human civilization, and that Westerners were barbarians. They were also suspicious about the tongs, clans, and hui kuan that made the Chinese communities so autonomous. The Chinaman was there to earn enough to leave; he was there in body alone, while his spirit remained in the homeland; he was there because it offered him an opportunity to pursue his aim, not because he desired to stamp its future history with his presence. (32) Thus, most Americans rightly viewed the Chinese as an alien group that would never assimilate.

II. DISCRIMINATION AGAINST THE CHINESE AND THE EXCLUSION ACT

Though the Chinese contributed much toward America's building and greatness, they were singled out as a people and nation to be discriminated against by national legislation designed to stop the Chinese from coming to this country.

The Burlingame Treaty of 1868 was the first to deal with immigration solely from a specific country. (33) The treaty resulted from a good-will mission by Anson Burlingame, who had served as U.S. minister to China from 1861-1867. It recognized among other things the right of voluntary emigration and the guarantee of mutual privileges on the part of the Chinese and Americans, with the exception of naturalization, which was reserved. The treaty's ratification was generally hailed as a step that would benefit the United States for many years to come. (34)

32 Coolidge, Chinese Immigration, 498. There were 41,397 who came in from 1851 to 1860; 64,301 from 1861 to 70; and 123,201 from 1871 to 1880. 39,579 in 1882 is the largest number that came in a single year.
33 Coolidge, Chinese Immigration, 148-149.
34 Wu, "Chink!", 26.
However, several California labor groups objected to the treaty. Its stipulations allowed a large influx of Chinese immigrants. The numbers became so great that the treaty was amended in 1880 to give the United States the right to "regulate, limit, or suspend such coming or residence, but not absolutely prohibit it."(35)

The idea of limiting the flow of Chinese labor went back to the time of their original arrival in the United States. The passage of the Chinese exclusion acts did not happen simply. Rather, it came through various kinds of debates, first between state legislatures and local courts, then between state and federal government, and finally between Congress and the president of the United States.

One of the first actions taken against the Chinese in California was the Foreign Miners' License Tax Law, passed originally in 1850 to collect taxes from Chileans, Mexicans, and Australians, but repealed the next year.(36) In 1852, however, the California legislature imposed a new tax of three dollars a month on foreign miners, with employers made responsible for tax payment.(37) It was increased the next year to four dollars. Also in 1852, the California legislature passed a bill requiring vessels masters to pay no less than five dollars and no more than ten dollars for each of their passengers. In that years, the tax paid totaled $433,654.94, of which the Chinese payment amounted to 45 percent; in 1869, it was 85 percent. This law was rendered unconstitutional by the Fifteenth Amendment's provisions.(38)

Two forms of capitation taxes were passed by the California legislature in 1855 and 1862, both aimed at the Chinese. The 1855 tax required a vessel owner to pay fifty dollars for each passenger who would be ineligible for citizenship. The 1862 tax—called a police tax—required the payment of $2.50 by each Mongolian over eighteen who had not paid the miners' licence tax. Both taxes ultimately were declared unconstitutional by the Supreme Court of California. Another law, passed in 1860, require Chinese engaged in fishing to pay a tax of four dollars a month. It was repealed in 1864 after a very meager return.(39)

According to the Foreign Miners' License Tax Law, as early as 1849, in a Chinese
camp in California, an uprising took place against sixty Chinese miners. At Marysville, California, white miners in 1852 drew up a resolution asserting that "no Chinaman was to be henceforth allowed to hold any mining claim in the neighborhood."(40) By 1856, the Columbia mining district had resolved that "neither Asians nor South-Sea Islanders shall be allowed to mine in this district either for themselves or for others." Another local ordinance declared, "Any person who shall sell a claim to an Asiatic or a South Islander shall not be allowed to hold another claim in this district for space of six months."

In 1868 and 1869, attempts were made again to expel the Chinese from the Placers, and the Asian miners were routed out of Vallecito, Douglas Flat, Sacramento Bar, Coyote Flat, Sand Flat, Rock Creek, Spring Creek, and Buckeye.(41) The combination of a decline in gold yield in California, new gold discoveries in the Pacific Northwest, Rocky Mountain States, and British Columbia, and a demand for Chinese labor in cities and on railroads aided the anti-Chinese movement in the California mines. In 1860, almost 60 percent of California's Chinese were working in eleven counties; by 1870, only 45 percent remained in these counties, while 38 percent had settled in and around San Francisco, Sacramento, and San Jose.(42) These anti-Chinese sentiments spread throughout California and in every mining town; similar restrictions and uprisings occurred. During the time, the number of arrivals hovered between approximately two thousand and eighty-five hundred for more than a decade thereafter. During the 1860s, the Chinese population of California was more or less stabilized at approximately fifty thousand.(43)

The Chinese behavior aroused curiosity and suspicion. Early Chinese immigrants were men from China's laboring and farming classes, uneducated, unfamiliar with the new land's customs or culture. They understood little English; they wore strange clothes and kept their hair in queues; they lived in seclusion and ate strange food. Therefore, discrimination developed against them because of their dress, their color, their language, their inoffensive habits, and their willingness to work for lower wage. The Chinese were driven out of the mines about the same time as the railroads were

42 Ibid., 70-74.
being built.

Because of labor scarcity, the Chinese were recruited to work on the Central Pacific in 1865. Thanks to their efficiency and industriousness, Chinese laborers were soon transported to work on the railroads. The Civil War period marked a decline in anti-Chinese sentiment, for their labor was needed to complete the Central Pacific Railroad.

However, Chinese labor demand decreased in the 1870s, and the Chinese entered many different occupations from laundering, tailoring, and fishing to cigar making. At this time, a flood of European immigrants of the laboring class arrived in California. They organized, mainly to secure better treatment for themselves, and it was not until then that the Chinese became undesirable elements. Those millions of European's poor flopped into the eastern United States and were often used as strike breaker on arrival. Yet the American labor movement blamed one hundred thousand Chinese as the greatest danger to organized labor in America. Violence followed.

In the 1870s, the nation's prosperity began to crumble; the mining industry slowed to a crawl. The transcontinental railroad's completion put thirty thousand men out of work. Migrants to the West in search of small tracts of land for farming were rebuffed and angered by the exorbitant prices charged by railroad companies. As the economy declined, demagogues arose in the western states, anxious to galvanize the populace's unrest and fear panic into a political force. The main targets of their attacks were the mining companies, the railroads, and the Chinese workingmen. Again, the differences in color, language, customs, and lifestyles made the Chinese obvious scapegoats. Even their industriousness, resourcefulness, work habits, and non-aggressiveness, so often praised in the past, were now seen as threats to the American working class. The major national and local political parties built into their platforms the demand that "The Chinese Must Go."

A decade of violence followed. The Chinese were subjected to insults, stonings, beatings, burnings, and riots that ended in murder. First confined to California, the violence spread to other states until it was no longer considered safe for a Chinese to appear on any American street. The 1877 riots in San Francisco destroyed thirty Chinese laundries. Individual muggings, beatings, and property destruction

State legislation against the Chinese began as early as 1852 when the governor of California advised that coolie immigration be restricted, and in 1855, the state legislature enacted a law imposing a head tax of fifty dollars on every Chinese. In 1858, a law was passed forbidding the Chinese from entering the state, but such legislation was declared unconstitutional by the California Supreme Court and by the U.S. Supreme Court in 1876. In 1862, Congress passed an act proposed by Congressman Elliot prohibiting Chinese coolies from sailing on American ships, stating that coolies were slaves rather than free immigrants.

San Francisco also passed numerous city ordinances against the Chinese during this period. California prohibited Chinese children from attending public school in the 1860s, and although state courts later ordered "separate but equal" facilities, local school districts refused to build new schools for Chinese children. Additional laws resulted in second-class status for the Chinese in America. For example, in May 1873, the Queue and Laundry ordinances were passed by the San Francisco Board of Supervisors. Both were vetoed by Mayor William Alvord, but the Laundry ordinance was passed over his veto. In 1874, the Country Court declared this latter ordinance void. The Queue ordinance meant that every Chinese prisoner in jail would have his hair cut or clipped to a uniform length of an inch from the scalp. The Laundry ordinance stipulated that those laundries employing one vehicle with a horse pay a license of one dollar per quarter; those employing more than two, fifteen dollars per quarter; and those employing no vehicle, fifteen dollars per quarter. It should be noted that the Chinese did not employ horse-drawn vehicles.

Though many burdensome bills were at one time or another proposed and passed by the state legislature, practically all were declared unconstitutional. Nevertheless, various local ordinances, especially in San Francisco, seriously hampered the Chinese

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48 California Statutes, 1855, 194; and Macarthur, "Review of Exclusion History," 38-43.
49 Legislation Report, March 1866, harassment laws were common. One San Francisco law prohibited carrying baskets on long poles, a common practice in Chinatown. Also, California at first excluded Negroes, Indians, and "Mongolians" from public schools. Later, laws provided that if white parents did not object, colored children might be admitted to the white school, but when separate schools were established, the colored children were no longer to be admitted. California's decision to exclude an American citizen of Chinese descent from a white school was upheld by the Circuit Court. Segregated school systems have been held to be unconstitutional since 1954. See Brown vs. Board of Education, 347 U.S. 483. But de facto segregation of schools is still an issue in California and elsewhere and has an effect on Chinese as well as Negro students. See Richard A. Hicks, "California Suggests De Facto Segregation Must End", Stanford Law Review 16 (March 1964): 434-42.
50 Chiu, Chinese Labor in California, 58, 61.
51 Ibid.
and in some cases legalized their persecution. They were forbidden to prosecute or defend themselves in court. (52) The Chinese encountered widespread social and civil discrimination. In 1854, for example, a white man was convicted of murder on the eyewitness testimony of a Chinese worker, but the California Supreme Court overturned the decision on the grounds that Mongolians could not testify against whites. After that, it was difficult to prosecute whites for anti-Chinese violence, and the Chinese had no legal avenues to express grievances. Major industries were closed to them.

In the 1870s, California labor unions conducted anti-Chinese propaganda campaigns, and in the early 1880s, the state legislature denied the use of California employment bureaus to the Chinese and prohibited them from working on dam, levee, or irrigation projects. In many states, they were forbidden to marry Americans. (53) They were deprived of naturalization. Many who returned to China for a visit were forbidden re-entry, and finally through a series of exclusion acts, further immigration of Chinese workers was prohibited.

From a high of 59,500 in 1882, Chinese immigration would have a permanent effect on the lifestyle of the Chinese working class in this country. However, dispersed by the violent persecutions, Chinese would settle in America's larger cities, becoming self-employed in occupations and small businesses that posed no threat to the larger society, creating Chinatowns that would serve their economic and social needs.

The Chinese exclusion movement, which started in California, was brought to Congress's attention. In response to citizen urging from all the Pacific states, Congress in 1876 and 1877 investigated the Chinese problem in California. The majority report concluded that the Chinese "...did not and never could assimilate with the whites." (54) It stated there was danger that the whites in California would be outnumbered by the Chinese, and therefore, the immigration treaty with China should


53 Segregation, custom, and law have kept most Chinese apart from other Americans and discouraged not only interracial marriage but also those intimate and primary relations that are prerequisite to nonarranged marriage. Schools, churches, and youth associations have usually been either segregated by race or absolutely closed to Chinese, and these practices drastically reduced social and interpersonal contacts. Finally, fourteen states—Arizona, California, Georgia, Idaho, Mississippi, Missouri, Montana, Nebraska, Nevada, Oregon, South Dakota, Utah, Virginia, and Wyoming—specifically outlawed marriages between whites and Chinese or Mongolians. See Huang Tsen-ming, The Legal Status of the Chinese Abroad (Taipei, Taiwan, R.O.C.: China Cultural Serv ce, 1954): 260-262. And Fowler V. Harper, and Jerome H. Skonick, Problems of the Family, Rev. ed. (New York: Bobbs-Merrill, 1962): 96-99. Also see Saxton's The Indispensable Enemy, 72-75, 92-104.

be revised. The great influx of Asians should be restricted. This report started a debate that lasted for twenty years.

In 1877-78, the California State Legislature continued to press Congress. In 1879, congressmen from the Pacific Coast states followed suit. In that year, the fifteen Passenger Act was passed in Congress. It stipulated that there should not be more than fifteen Chinese on any ship entering U.S. harbors. President Rutherford B. Hayes refused to sign this act, stating that it was against the Burlingame Treaty's principles. Hayes's refusal to sign the legislation did not mean that the U.S. government wanted to abandon the idea of excluding the Chinese. Rather, the government wanted to find a proper way to alter the free-immigration treaty between China and the United States. Without much delay, a delegation headed by James B. Angell, University of Michigan president, was chosen and dispatched to China for negotiations. In 1880, a treaty was signed with Pao Chuan and Li Hung-Chao as Chinese government representatives. Essentially, it stated that the Chinese government agreed that the U.S. government might regulate, limit, or suspend immigration or residence, but might not absolutely prohibit it. The limitation or suspension should be reasonable and apply only to Chinese who might come to the United States as laborers—other classes not being included in the limitation.

Once the Burlingame Treaty was revised, the free-immigration days of Chinese to the United States were numbered. In 1882, the long-awaited exclusion act was quickly passed in Congress. It suspended the entry of Chinese laborers into the United States for twenty years. President Chester A. Arthur refused to sign it, believing that a twenty-year suspension was too long. A few weeks later, the period was reduced to ten years, and the act was signed. It marked a turning point in the history of Chinese immigration to the United States, since it was forbidden and Chinese were not allowed to become naturalized citizens.

59 Ibid.
This Chinese Exclusion Act of 1882 suspended the further immigration of Chinese "laborers" for ten years, but Chinese laborers who had already come to the United States were allowed to leave and return freely, provided they obtained a return certificate before departing. This marked the first time the American government had ever stopped people of a specific origin from entering the United States. Only merchants, students, teachers, officials, and visitors were exempted from the exclusion.

This law proved unsatisfactory to the anti-Chinese elements in the United States, who apparently expected the country's Chinese population to disappear overnight. The wave of anti-Chinese persecution intensified after the exclusion acts' passage. Carey McWilliams reported in his *Brothers Under the Skin* that in 1886, Secretary of State Bayard, "while conceding that the outrages committed against the Chinese in this country were 'shocking and inhuman in character,' had to make the humiliating admission that, since the police power was vested in the states, the national government could take no effective action."(61) This situation caused a Chinese exodus; thousands went back to China.

Amendments were added to the Exclusion Act in the following years in 1888. The amendment of 1884 dealt with the Chinese as a race rather than as citizens of China. Thus, no matter where they were born, they were considered legally Chinese, whether born on the mainland of China or in London.(62)

The amendment of 1888 stipulated that a Chinese laborer who wanted to leave the country could secure a re-entry permit only if he left behind his wife, children, parents or property valued at least $10,000.(63)

Another Chinese exclusion act, called the Scott Act, was passed by Congress. It stated that even if they had return permits, Chinese laborers were not to be allowed to return once they had left the United States. The immediate consequence was that more than twenty thousand Chinese who had already departed and six hundred on their way back to the United States were not allowed to re-enter.(64) From then on, the Chinese in America did not dare leave the country if they wished ever to return. The Scott Act also required that Chinese in general (not laborers alone) -i.e., students, tourists, businessmen, diplomats, etc.-had to return to the same harbor of entry into the United States.(65)

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64 *United States Immigration Policy and the National Interest*, 88.
Then in 1892, another Chinese exclusion act—Geary Act—was passed, which stated that the 1882 Chinese Exclusion Act should be extended for another ten years; that *habeas corpus* did not apply to Chinese; and that Chinese laborers must register within one year or be subject to deportation.\(^{(66)}\) The Geary Act was the ultimate of insults, in that Chinese were treated as no better than paroled criminals, as all Chinese laborers were required to register and be photographed or face deportation. Chinese persons arrested under this act were to be deported unless they affirmatively proved their right to remain in the United States. Although these registration provisions applied only to alien Chinese laborers, other classes of Chinese were deeply affected by this law. For example, if a merchant or an American-born Chinese were caught engaging in some form of labor, he would be deported unless he could present affirmative proof that he was not subject to the registration requirements. Thus, under the laws of the United States of America, it was quite possible for an American-born Chinese, who had never left American soil, to have been deported to China.

As harsh as the letter of the law was, the laws were administered as adversely to the Chinese as could be done. The various Chinese exclusion laws as written only applied to Chinese laborers. However, the term *laborer* was given so broad an interpretation that it encompassed everything except those classed specifically exempted by the Chinese-American treaty—merchants, students, teachers, officials and travelers. Thus, for example, accountants, doctors, clerks, wives of laborers, innkeepers and restaurateurs were laborers for purposes of the exclusion acts. As a result of this statutory construction it was illegal for practically every resident of China to immigrate to the United States.

In 1893, a further amendment stated that the registration of Chinese laborers should be extended for another six months and that deported Chinese were forbidden to return.\(^{(67)}\)

The United States began to play a new role in the international affairs in 1898 by defeating Spain, annexing Hawaii, and occupying the Philippines. In 1898 Congress passed an act which prohibited Chinese from freely entering Hawaii.\(^{(68)}\) Two years later, another act legislated that Chinese who wished to stay in Hawaii had to register. Also free immigration of Chinese to the Philippines was stopped.\(^{(69)}\)

An act of 1902 extended the Chinese exclusion Act of 1882 for a third ten-year term. In 1904 Congress, finally ruled an unlimited extension of the Chinese Ex-
clusion Act of 1882. In addition, Chinese laborers were forbidden to come to the continent from Hawaii, the Philippines, or any other island under control of the United States. (70)

The Chinese government made numerous protests against these acts. When the first Chinese Exclusion Act was passed in 1882, one Chinese minister in Washington protested against it to the State Department. His protest failed. (71) Similarly, it seemed irrelevant that the Chinese minister in 1888 should protest against the Scott Act. Six months later, the Chinese minister called upon the Secretary of State to repeat his protests. The Secretary was ill-disposed even to discuss the matter. He dismissed the Chinese minister with the words: "Congress makes and repeals laws; the President can only veto them. As Secretary of State, I can do neither." (72)

In 1892, when the Geary Act was passed, Chinese counselors in the United States indicated that the Chinese in America were not to register, because the request was clearly unconstitutional. Stephen J. Field, Chief Justice of the Supreme Court, argued that, although the Geary Act went against the Chinese-American treaties of 1868 and 1880 and did not conform to the spirit of the Constitution of the United States, it had to be upheld because of public interest and needs. (73) Therefore, it was providing that all previous Chinese exclusion laws be in effect permanently.

On the other side of the Pacific, the Chinese were stunned by the news from Washington. On May 10, 1904, the Headquarters of the Shanghai Commerce Association requested a meeting of the Board of Trustees. A decision was made to urge all residents of cities in China and all oversea Chinese to boycott American goods. (74) The action lasted for a whole year. It was the first national boycott in the history of China.

From 1882 until 1943, Chinese were not allowed to emigrate to the United States. These Chinese already in the country either returned to China or gathered together in cities such as San Francisco, New York, Boston, and Chicago, where, as a minority

71 United States Immigration and Nationalization Service, 71.
73 Riggs, Pressures on Congress, 102.
group, they suffered less pressure. Thus Chinatowns in the big cities of the United States were all formed in those days. Based on their backgrounds, the Chinese in the United States chose restaurants or laundry businesses as their way to survive in country which had long discriminated against them.

After the end of World War I, the national quota system of national origins reflected the country's need to control immigrants from all over the world. The Quota Act of 1921 limited the total number of annual immigrants to the United States to 357,803. This figure was based on three percent of the population of each country already living in the United States in 1910. Three years later, however, the Quota Act of 1924 replaced the previous one. The new quota system set the total annual number at 164,667, based on two percent of population of each country living in the United States in 1890. There were reasons for the shift:

1. To reduce the total number of annual immigrants to the United States.
2. To cut great numbers of immigrants from countries in Southeastern Europe, especially Italy.
3. To assign heavy quotas to the northwestern European countries, where most of the early immigrants to the United States had come from. For instance, the annual quota for Great Britain was set at 60,000, which is more than one third of the total, but it was scarcely ever filled.
4. To give the Oriental countries token quotas without incurring the reproach of discrimination. According to the Quota Act of 1924, only 105 Chinese from all over the world were annually allowed to emigrate to the United States, and because of the previous Chinese exclusion laws, this quota would not become effective until 1943.

Awakened by the Pearl Harbor disaster on December 7, 1941, the United States joined China in a fight against Japanese imperialism in the Pacific. The change in the American image of the Chinese brought an end to its sixty-year-old immigration policy of discrimination. In 1943, the Chinese government proposed that the Chinese exclusion laws since 1882 be abolished. With the encouragement of the Chinese Committee to Repeal Chinese Exclusion, the proposal gained wide and keen support. After more than twenty Congressional debates in one year, the Chinese exclusion act was abolished by Congress on November 26, 1943. It was signed by President Franklin

75 United States Immigration Policy and the National Interest, 89.
77 United States Immigration Policy and the National Interest, 88-89.
78 Ibid.
D. Roosevelt who said: "By the repeal of the Chinese exclusion laws, we can correct a historic mistake and silence distorted Japanese propaganda."(79)

During the period of exclusion (between 1882 and 1943), American law did provide temporary entry for certain Chinese, including merchants, government representatives, and students. Students who came to earn advanced degrees were by far the largest group. However, they were here under very strict provisions. According to the Immigration Law of 1924, students had to have completed a bachelor's degree in China and had to have their credentials accepted by an American institution of higher learning. They had to prove they were financially self-supporting and had sufficient funds to pay for their return to China within six months after graduation. They also had to have English-language skills.(80)

The Immigration Act of 1943 also restored the right of Chinese to become American citizens. Yet Chinese was here defined as those of Chinese-descent, whose blood ran only half Chinese.(81)

After World War II, the non-quota assignment played a major role in the flow of immigrants, and relieved the plight of many Chinese in the United States. From 1944 to 1965, under the quota system, the Chinese who emigrated to the United States totalled 5,891, including those who applied under the quota system and those who did not. Many of the latter were believed to have been ship-jumpers. The Immigration Act of 1964 allowed wives and children of female Chinese-Americans to enter the United States as non-quota immigrants.(82) Non-quota Chinese emigrants to the United States are estimated to have been about ten times more than the quota immigrants. Were it not for the non-quota immigrants, the situation of the Chinese-Americans today would be greatly different, because the annual quota of 105 could not possibly have relieved the pressure developed in sixty years.

As times change, so did American immigration policy. The main criticism of the quota system of 1924 was its disregard for the integrity of an immigrant's family. The Immigration and Nationality Act of 1952 made no change in this respect and this prevented Chinese who had spent the prime of life in the United States from having their spouses and children come over to join them.

Since the early 1950s, several things have changed in American immigration policy. The rise of the civil rights movement led to criticism of discrimination by color,

82 Ibid.
race or national origin. Competition with the Russians in the race into outer space made the United States government feel a great need for more and more scientists and technicians. With all these in mind, President Lyndon B. Johnson continued President John F. Kennedy's effort to abolish the old immigration laws. A new immigration act was finally passed in 1965 in the first session of the 89th Congress. President Johnson dramatized it by signing it into law at the Statue of Liberty in New York harbor. The essential points are as follow:

1. To eliminate discrimination based on color, race or national origin.
2. To promote family integrity.
3. To attract highly educated people.
4. To receive political refugees.

This immigration law of 1965 was designed to correct the Immigration and Nationality Act of 1952 by giving people all over the world an equal opportunity to come to the United States. With this Immigration Act of 1965, the era of legislative discrimination against Chinese Immigration came to an end. Under the present law, national origins are no longer a factor in American immigration policy, except for the annual limit of 20,000 immigrants per country. Consequently, the past decade has seen a sharp influx in the number of Chinese immigrants to America. Thus, the Chinese regained a privilege which was denied for over a hundred years.

It is true that Immigration history cannot satisfy our appetite when we are hungry, nor keep us warm when the cold wind blows. However, it is also true that if younger generations do not understand the hardships and triumphs of their elders, then we will be a people without a past. As such, we will be like water without a source, a tree without roots.

Some community members prefer not to speak about their experiences. Many have lived a "blood and tears" existence. Immigration problems, hard thankless work, discrimination, and frustrated dreams are all very painful to speak about. Yet, this difficult past cannot be hidden by the hope that life will be better for our children. We must fully explore out history and discuss it openly, analyzing what must be preserved, examining what should be changed. Without this deep understanding, the struggles of previous generations will be wasted and our hope for a brighter future will be dimmed.
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APPENDIX

Chronology of Selected U.S. Immigration Legislation
1864-1965

1864 Congress passes law legalizing the importing of contract laborers.
1875 The first federal restriction on immigration prohibits prostitutes and convicts.
1882 Congress curbs Chinese immigration.
1882 Congress excludes persons convicted of political offenses, lunatics, idiots, and persons likely to become public charges and places a head tax on each immigrant.
1885 Legislation prohibits the admission of contract laborers.
1903 List of excluded immigrants expanded to include polygamists and political radicals such as anarchists.
1906 Nationalization Act makes knowledge of English a requirement for naturalization.
1907 Head tax on immigrants is increased; added to the excluded list are people with physical or mental defects that may affect their ability to earn a living, people with tuberculosis, and children unaccompanied parents.
1917 Congress requires literacy in some language for immigrants over sixteen years of age except in cases of religious persecution; bans virtually all immigration from Asia.
1921 Temporary annual quotas are established, limiting the number of immigrants of each nationality to three percent of number of foreign-born persons of that nationality living in the United States in 1910. Limit on Eastern Hemisphere immigration (mostly European) set at about 350,000.
1924 National Origins Law (Johnson-Reed Act) sets temporary annual quotas at two percent of a nationality's United States population as determined in 1890 census and sets a minimum quota of one hundred for each nationality. Border Patrol Established.
1929 Annual quotas of 1924 permanently set to be apportioned according to each nationality's percentage of the total United States population as determined in the 1920 census and applying that percentage against the total number permitted to enter, set at 150,000. Minimum quota of one hundred for each nationality reaffirmed.
1942 Bilateral agreements with Mexico, British Honduras, Barbados, and Jamaica cover entry of temporary foreign agricultural laborers to work in the United States—the Bracero Program.

1943 Chinese exclusion laws repealed.

1946 Congress passes War Brides Act, facilitating immigration of foreign-born wives, husbands, and children of United States armed forces personnel.

1948 Congress passes Displaced Persons Acts (amended in 1950s), enabling 400,000 refugees to enter the United States.

1950 Internal Security Act increases grounds for exclusion and deportation of subversives; all aliens required to report their addresses annually.

1952 Immigration and Nationality Act of 1952 (McCarran Walter Act):
1. reaffirms national origins system, giving each nation a quota equal to its proportion of the U.S. population in 1920;
2. limits immigration from Eastern Hemisphere to about 150,000; leaves immigration from Western Hemisphere unrestricted;
3. establishes preferences for skilled workers and relatives of U.S. citizens and permanent resident aliens; and
4. tightens security and screening standards and procedures.

1953 Refugee Relief Act admits over 200,000 refugees outside existing quotas.

1957 Laws allow immigration benefits for certain illegitimate and adopted children and orphans and permits waivers of inadmissibility for certain alien relatives otherwise excludable on criminal or moral grounds or because of tuberculosis or visa fraud.

1965 Immigration and Nationality Act Amendments of 1965:
1. abolish the national origins system;
2. establish an annual ceiling of 170,000 for the Eastern Hemisphere with a 20,000 per-country limit, distributing immigrant visas according to a seven-category preference system that favors close relatives of U.S. citizens and permanent resident aliens, those with needed occupational skills, and refugees; and
3. establish an annual ceiling of 120,000 for the Western Hemisphere with no per-country limit preference system.

近百年來美國排華運動析論 (1850～1965)

美國是一個移民的國家，當其立國之初，在這塊新的土地上，除了印第安人外，可以說沒有一個是算正種的土著，全部殆皆為客族。華僑在美國人口的成分上，實微不足道。旅美早期華僑，像其他外僑一樣，大多共同生活。早期中國移民，為著適應新奇的環境，在心理上、社會上和經濟上的需要，尤其在人地生疏上，對於安全的互助與保護，及聯絡鄉親的感情，溝通家鄉的消息，自然集體而言，休戚與共。

華埠的出現，全賴在異鄉作客的先僑。他們為謀生，不遠千里而來，在非人的環境下，出賣勞力，但求勉強溫飽，任勞任怨，換來的報酬，大半寄回家鄉，孝敬父母，養活妻兒。他們在新大陸唯一的要求，是工作的機會。但唯一容許他們擔當的，只有粗賤的工作，他們的技巧與天聰，一無所用。他們來自世界最悠久的古國之一，對祖國的傳統文化，深以為榮。中國又是一個務農的國家，他們也承襲了農民保守的思想和道德的觀念。他們不喜創新，但對祖國的動盪非常關注。沒妻沒兒，遠離親族，他們孤單地渡日。唯一的安慰，是勞碌不息的結果，家鄉父母可得溫飽，妻子可免操作，貧女可望成材。他們默默地忍受著四四的侮辱與歧視，卻不損個人的尊嚴。背後的長辮子招來嬉笑怒罵，剪掉了它，清政府又不准他們重登國土，他們深怕客死異鄉，魂牽夢繞，渴想著重返家園。但他們是鄉人唯一的指望，只好再吵緊牙根，腳踏實地，委曲求全。

十九世紀中葉，早期加州華僑，除建造鐵路及開掘金礦外，華人尚在美國從事不少行業。到了1883年，加州農民10% 為華人，加州五千萬畝沼澤地帶，由華人開鑿。此外又從事漁林毛織等業。好景不常，經濟佳景如曇花一現，採礦工作漸趨停頓。越州鐵路完成，三萬華工即時失業，西部地區由鐵路公司控制，地價高昂，西來求職的人無以為生，惶恐之餘，開始打擊採礦公司，鐵路公司以至華裔工人，由於語言、膚色、生活習慣的不同，華人成了牽怒的對象。華人的勤儉刻苦，任勞任怨，不苟求，不滋事，一一成了攻擊的目標，各大政黨，紛紛倡議排華政策，以後的十年中，華人備受凌辱迫害，由加州開始以至其他各州，華人不敢在大街上公然露面，聯邦政府與各州政府成立法律，迫害華人成了合法之舉，華人在法庭上不能答辯，不得從事主要行業，不得與外人通婚，不得申請為美國公民，回鄉探親的不得回美，最後，排華政策成立，禁止華人入境。1882年來美華人共五萬九千五百人；1885年只二十二個。排華法案對日後在美的華裔人口影響至大。于1882年國會通過議案，禁止華裔工人來美。1887年凡屬華裔，不得入境。1924年凡不能成爲美國公民的華僑不得入境，於是華人妻室來美無望。但排華法案中，不包括華裔商人、學生、教師、國家要員及遊客，所有法例直至1943年方取消。華裔工人迫使散移各方，為免再招非議，紛紛從事低賤職業，多半成爲洗衣業工人。一直到1965年，美國完全取消排華法案，先僑在異鄉孤客的生涯方成過去。