

## BOOK



# A Century of Chinese Exclusion Abroad

CHAPTER ONE

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**EDITOR'S NOTE:** These are the first two sections of Chapter One. We will present Sections three and four: III. The Period of Restriction 1943-1965 and IV. The Period of Equality Since 1965, of Chapter One in CAF April 2010.

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## Chapter One (PART One)

### American Immigration Policy toward China

The United States of America is known as a nation of immigrants. Strictly speaking, all Americans, with the exception of Indians,<sup>1</sup> are either immigrants or descendents of immigrants. There is some truth in such sayings as “The United States is a nation of strangers,” or “The United States is a nation within a nation,” since mutual acculturation and intermarriage between peoples from different countries have generated a new nationality, the American. In this sense, the United States is a “melting-pot”. However, there are numerous instances of ethnic groups such as Chinese and Jews living in more or less segregated areas, speaking their own languages, cooking their own foods and wearing their own clothes. In this way, they have, consciously or unconsciously, preserved the purity of their blood and their cultural heritages. The United States, in this regard, is just a “mixing-bowl”.

The flow that populated the country began shortly after the discovery of the New World by Christopher Columbus in 1492 and it has continued down to the present day, which numbers about

50,000,000. For the European immigrants, the attraction of the new world was varied. Many came for political asylum, others for religious freedom and a great many arrived eager for economic opportunities or simply for a new way to live.

Among the Europeans, various groups had been more numerous at different times and because of different motivations. In general, four different periods can be distinguished, despite a considerable overlap.

The first period, the Colonial, lasted from the late 16th to the beginning of the 18th century. The most numerous immigrants during this period were the English who inhabited New England and Virginia in the eastern coast of the continent. Others included the Dutch and the Swedes, who respectively claimed the banks of the Hudson and Delaware Rivers. Of all these people, however, it was the English who can be considered as the founding fathers of the nation.

The second period occurred in the 18th century. The influx was made up for the most part by Scotch-Irish and Palatine Germans. The arrival of thousands and

thousands of them greatly upset the earlier immigrants.

The third period covered the two or three decades before the Civil War. It was marked by the arrival of two strong ethnic groups, namely, the Irish speaking Celtic from the southern part of Ireland, and the Germans from southwest Germany. The religious—Roman Catholic for the most part—and political power quickly exercised by both groups aroused the ire of the older, established and Christian Americans. But soon the Civil War closed both the periods and the movement.

The period from the end of the Civil War until World War I witnessed the arrival of the last groups of free immigrants. Most of them came by the millions from Southern and Eastern Europe and some came from Southeast Asia. But unfortunately, it was an era when western expansion was coming to a close, population was overflowing and economic depressions were recurring. Since most of them were poor and even penniless, they were quite willing to work harder with lower wages. This contradicted the popular thinking to such an

extent that even their physical appearance, which is totally different from that of the northwestern Europeans, who are much taller and whiter, contributed to the “foreignness” that aroused jealousy, criticism and even resentment from the old immigrants. Soon the resentment made itself heard in the halls of state government, congress and even the federal government and Congress. The result was legislation designed to control and restrict immigration from other countries, therefore closing the free immigration period.

A large ethnic group in the early history of immigration is not included in these four periods. They are the black slaves who had no freedom at all. The first 20 slaves were shipped to the New World in 1619 and were sold in Jamestown of Virginia. Later, they were brought in chains until the early half of the 19th century when importation of slaves was legally forbidden by Congress. Thanks to President Lincoln’s Emancipation Proclamation that they won freedom at long last. But their struggle was not over—they have been seeking power from the Whites. Today, the Blacks are such a large group that they account for about ten percent of the total population of the United States. But unfortunately, they were only

regarded profitable goods imported from Africa; therefore, no record was made in the early census.

Not until the 1850s did any Chinese come to the United States.<sup>2</sup> They suddenly flooded in and soon attention was transformed into protests and conflicts. The coming of the Chinese woke up the public and Congress to formulate an immigration policy. There has been a policy, however modified, ever since. For convenience of narration, the history of the American policy toward the Chinese is divided into four periods: the periods of freedom, prohibition, restriction, and equality, with each of them having specific historical background.

## I. THE FREE PERIOD (BEFORE 1882)

At the end of the Qing Dynasty, China, having been at a standstill in the agricultural stage for two thousand years, evidenced her weakness and corruption and was certainly unable to defend herself from invasion by Western industrial countries. The foreign aggression following the Opium War shook southern China the most. People in that area, under the pressure of population growth and shortage of tilled land, found it increasingly difficult to make a living. Since they were more liberal for some geographical reason, many of

them decided to go overseas to work as “coolies”.

Meanwhile, the discovery of gold in California caused an urgent need for an enormous number of laborers.<sup>3</sup> The West Coast of the United States was then occupied by Indians and white frontiersmen found it hard to get there. According to the calculations of the speculators, it would be much cheaper and more convenient to hire Chinese coolies from across the Pacific than to employ white men and then ship them south along the Atlantic coast through the Straits of Magellan to the Pacific and then north to California, which was the only route by water before the opening of the Panama Canal.

In addition, the railway companies also needed a large number of industrious and cheap laborers to speed up the westward construction in order to meet with the federal government’s approbation. Unfavorable social and economic conditions, combined with the lure of labor opportunities in the United States created a swell of Chinese emigration. Chinese laborers suddenly flooded in—the Central Pacific Railroad Company hired more than 100,000 Chinese rather than Irish laborers in 1860, for example.<sup>4</sup>

The last, but not the least, factor that stimulated the influx of Chinese was neither political nor economic; it was legal—the Burlingame Treaty of 1868.

Anson Burlingame was an American diplomat sent to Beijing as minister of the United States. He was so much appreciated by the Qing Dynasty for what he had done in persuading the diplomats of Great Britain, France, Russia and other nations to guarantee the territorial integrity of China that he was invited by the Chinese government to work as a special diplomatic minister at the end of his mission in 1868.<sup>5</sup> In the same year, he headed a delegation to the United States and signed a sequel to the Sino-American Tianjin Treaty of 1858, which stated that China was subject to a “most-favored-nation” status so that citizens of the two countries had the privilege to enter and reside in the other. As commercial treaties commenced with the signing of the Wangxia Treaty of 1844, immigration treaties between China and the United States began with this sequel. This equal and reciprocal immigration treaty was signed in a perplexing situation. People on the west coast of the United States were trying to take measures to exclude Chinese laborers, but this sentiment attracted no attention from the Federal

Government. In this case, the principal impact of the Burlingame Treaty was not to encourage Chinese laborers to come to the United States, but to postpone the signing of Chinese Exclusion Act for more than 10 years.<sup>6</sup>

Before 1850 there were few Chinese in the United States, but their number increased enormously since 1854 that multiplied to 13,000 from only 42 in 1853 as reported from the U.S. Immigration Bureau. The great majority came as indentured laborers to join the gold rush in California. During the ten years from 1855 to 1865 only a few thousand Chinese came in as the fervor of gold-mining cooled down. After 1869, because of the need for laborers for railroad construction and because of the effects of the Burlingame Treaty, the influx of Chinese increased with a few exceptions to over 10,000 every year. The number of coming Chinese reached 39,579 in 1882, the year when Chinese Exclusion Act was passed by Congress. This was a tremendous number. There was reason to believe that American employers and Chinese laborers were desperately cooperating to voyage the Pacific knowing that the long-debated Exclusion Act would soon be passed. Afterwards, Chinese immigration had been

restricted and the importation of Chinese coolies was totally prohibited. The abrupt stoppage can be seen from Appendix I.<sup>7</sup> McKenzie, Roderick D. 1928. *Oriental Exclusion*. Chicago: University of Chicago Press. pp.186f;

The majority of the Chinese laborers came from the villages of Guangdong and southern Fujian Province and among them, most were from Siyi of Guangdong. Generally speaking, they had little education, could not speak English, knew nothing about the “Gold Mountain” and lacked the ticket money to go to the United States. In order to find a way to live, they made arrangements with agents, contracting themselves like “pigs” to their employers and then were shipped over from the delta of the Pearl River directly to the Golden Gate. They were first received by Chinese beneficial associations and then sent to the mountains to dig for gold.

All the Chinese coolies, including early immigrants working in mines as well as those working for railroad companies and on farms, toiled away and lived a simple life all day and all year long. Whenever they had any spare time, they would stay with their compatriots since they shared a lot in their personal experiences and they were all living in misery.

They would usually visit Chinatown to gamble, to smoke opium and even to fight each other. They had been planning that some day when they could pay up the loan for ticket money and terminate their labor contracts, they would go back home with some savings. These sojourners, characterized by their flat faces and long pig-tails hanging down their backs, did not wait long to suffer attack by the white people.

Shortly after the Civil War, fierce competition began to be held between them and the Whites along with the Blacks, who had just been emancipated. Many of them rushed to the West upon the completion of the continental railroad to join the labor market. Furthermore, a depression in the gold industry and an oversupply of laborers accelerated the discussion of Chinese exclusion. In the meantime, the labor unions began to organize; they did not like the docile, cheap, industrious, thus competitive Chinese coolies, who, in their eyes acquired no special skill at all. As a result, the free immigration period was soon to be replaced by a prohibitive one upon fierce debates.

## II. THE PROHIBITIVE PERIOD(1882-1943)

The idea of limiting the influx of Chinese laborers immediately followed their

arrival in the United States. The passage of the Chinese exclusion acts, however, did not happen in a simple way. Rather, it came through various kinds of debates: first between state legislatures and local courts, then between state governments and the Federal government, and finally between Congress and the President.

In the 1850s and 1860s, various kinds of taxes were imposed upon Chinese immigrants to limit their inflow on the one hand and to increase the financial income of the state government on the other. As early as 1852, an act of increasing the license fees of foreign miners was passed by California legislature, imposing a poll-tax of \$3 every month on each Chinese, which was later increased to \$4 in 1853 and reduced to \$3 as many Chinese miners managed to find some other jobs and some went back home. This was followed by the "police tax" in 1862 that imposed a monthly \$2 tax on any Chinese who were above the age of 18 but who paid no poll-tax or had no job. Fish-catching tax and pole-carrying tax were among the other various taxes levied on Chinese laborers. Fortunately, all such legislation was declared unconstitutional and then repealed by the California local courts and finally by the Supreme Court of the United States.

In 1862, Congress enabled an act proposed by Congressman Elliott to prohibit transporting Chinese coolies to the United States. It was held that these coolies were slaves rather than free immigrants, and slave trade was against the law. Indirect as it was to prohibit the inflow of Chinese laborers, it caused them great distress. This hypocritical act was a humiliation to them as it treated them as slaves without showing any sympathy even though the Congressmen had a quite clear understanding of the miserable life of the Chinese coolies. In effect, the coolie trade was similar to the European indentured labor practice in the 17th century. It was fundamentally different from slave trade.<sup>8</sup>

The Chinese exclusion movement, centered in California, was picking up momentum as it gradually extended to neighboring states. In response to the urging of citizens in all the Pacific states, Congress investigated the Chinese problem in California in 1876 and 1877. Conclusions were drawn in the report that:

"It was claimed that the Chinese had no desire for progress; that they were filthy in their habits; that in point of morals they were inferior to any European race; that they were cruel to their sick, often put them out into street to die;

and, finally, that they did not and never could assimilate with the whites.”<sup>9</sup>

U. S. Immigration Commission, 1907— 1910. 1911. Reports of the Immigration Commission. vol. XXXIX. 41 vols. Washington: Government Printing Office. p.70.

The total population of San Francisco in 1880 was 292,874. And 25 percent of it was Chinese, numbering 71,328. It was such a great population that Irish, British, Germans, French, Spanish and Italians were all outnumbered. The report therefore concluded that there was danger that the whites in California would be swamped by the Chinese; that the immigration treaty with China should be revised; and that the great inflow of Asiatics ought to be restricted. The majority report started a debate that lasted for twenty years.<sup>10</sup>

Sand-lots, a terrorist organization started by Dennis Kearney, launched violent attacks on Chinese laborers in the years of 1877 and 1878. In response to the same demand of the Congressmen from the Pacific states, Congress passed a bill in 1879 that had been intended to limit the number of Chinese in any vessel entering the United States to 15, but President Hayes vetoed the measure on account that it was against the principles of the

Burlingame Treaty of 1868 that provided for free immigration and emigration between China and the United States.

This refusal did not mean that the United States government wanted to abandon the idea of excluding the Chinese. Rather, it wanted to find a proper way to alter the free immigration treaty. Without much delay, a delegation headed by James B. Angell, President of Michigan University, was sent to China for negotiation. In 1880, a treaty was signed with Bao Yun and Li Hongzao as representatives of the Chinese government. The treaty provided that “Clergymen, students, businessmen, and tourists might enjoy free travel; that Chinese laborers already in the United States should have the same privilege. However, the laborers who wished to go in the future should be limited by number and age without any intention of suppression or insult.” The English version, however, was rendered ambiguously, stating that “...the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations.” It was aimed to

ruin the equal immigration spirit of the Burlingame Treaty and therefore to build a foundation for the coming Chinese exclusion laws.<sup>11</sup>

Once the Burlingame Treaty had been altered, the days of the free immigration of Chinese to the United States were numbered. In 1882, Congress sought to take advantage of the new treaty’s provisions and enacted an act in response to the vigorous effort for exclusion legislation in Pacific states. It precluded the entrance of Chinese laborers into the United States for twenty years. President Arthur refused to sign it for he believed that a suspension of twenty years was too long and unreasonable as well. A few weeks later, the suspension was reduced to ten years. President Arthur had to sign it this time. This act was known as the Chinese Exclusion Act. It serves as the watershed in the history of Chinese immigration to the United States, which provided, *inter alia*, that:

- 1.Chinese laborers were forbidden to enter the United States for ten years;
- 2.Chinese laborers, who had entered the United States before November 17, 1880 and had obtained the certificate from the United States customs, was to be allowed to return;
- 3.Any Chinese, who had an English document from the

Chinese government which stated that he was not a laborer and had the right to enter the United States according to the previous treaty, was to be allowed to enter;

4. Any Chinese, who had illegally entered the United States should hereafter be deported on the decision of the court; 5. The state courts and the Supreme Court hereafter allowed no Chinese to be naturalized as American citizens.<sup>12</sup>

The Chinese exclusion laws were not completed at a single stroke in 1882; in fact, it was the precursor of numerous anti-Chinese laws and their severity increased with several amendments. The amendment of 1884 stated that the Chinese were a race rather than merely citizens of China. Wherever they were born, they were Chinese. In other words, a Chinese born and brought up in Chinese mainland was, of course, Chinese; another, born and brought up in London, was also Chinese. In addition, the definition of Chinese laborers was extended to peddlers, laundry men, fruit dealers and fishermen. The amendment of 1888 provided that a Chinese laborer, who wanted to leave the United States, could secure a return permit only if he left behind his wife, children, parents, or property valued at least \$1,000.

In the same year, another Chinese exclusion act, named Scott Act, was passed by Congress. It forbade any Chinese laborers or miners, whether with validated return certificates or not, to travel back once they left the United States. The immediate consequence was that more than 20,000 Chinese laborers who had already departed and 600 on their way back to the United States were locked out of the country. From then on, the Chinese in America did not dare to leave for their hometown if they wished to return. The Scott Act furthermore stated that Chinese in general (not laborers) such as students, tourists, merchants, and diplomats had to return to the same port of the United States from where they had left. In other words, a Chinese who had left from San Francisco had to come back to San Francisco; he was not permitted to come in through Seattle. In 1892, a harsher measure was passed. The bill, called the Geary Act, extended the 10 years' suspension to another 10 years. It provided that no bail was to be permitted the Chinese in habeas corpus cases and that Chinese laborers must register within one year or be subject to deportation. An amendment of 1893 extended the registration of Chinese laborers for another six

months and forbade the deported Chinese to return.

1898 is the year when the United States began its role as an imperial nation by defeating Spain, annexing Hawaii, and occupying the Philippines. It is also the year when Congress passed an act to prohibit the Chinese from freely entering Hawaii as they had long been doing so. Two years later another act ruled that the Chinese who wished to stay in Hawaii had to register within one year to get a certificate of eligibility; the right of free immigration of Chinese to Hawaii during the past several decades was thereafter deprived as well.

An act of 1902 extended the Chinese Exclusion Act of 1882 for the third ten-year period. In 1904, Congress appeared to lose patience, ruling, once and for all, an unlimited extension of the Chinese Exclusion Act of 1882. It also stated that Chinese laborers were not allowed to come to the continent from Hawaii, the Philippines, or any other island under the control of the United States.<sup>13</sup>

The Chinese government made several protests against the discrimination, but they all fell on the deaf ears of the American government. When the first Chinese Exclusion Act was passed in 1882, the Chinese Minister in

Washington protested against it to the State Department, but the attempt turned out to be in vain.<sup>14</sup> The protest against the Scott Act of 1888 drew no attention from Washington that he was not even given the courtesy of an answer. Six months later the Chinese minister called upon the Secretary of State to repeat the protests. The Secretary was ill-disposed even to discuss the matter. He dismissed the Chinese minister with the words that “Congress makes and repeals laws; the President can only veto. As Secretary of State, I can do neither.”

When the Geary Act was passed in 1892, the Chinese Consul in the United States advised his fellow countrymen not to register, because the requirement was clearly unconstitutional, so that it would not be long before Congress denounced it. But later on, Stephen J. Field, Chief Justice of the Supreme Court, argued that even though the Geary Act went against the Sino-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 necessity.<sup>15</sup> Therefore, it was no surprise that Congress passed an act on April 27, 1904, ruling that all previous Chinese exclusion laws were to be in effect permanently.

FOOTNOTES

The half-century’s dream of excluding Chinese was now completely realized.

On the other side of the Pacific, Chinese were stunned by the news from Washington. On May 10, 1904, the Headquarters of the Shanghai Commerce Association called the Board of Trustees to a meeting, and a decision was made to urge all merchants home and abroad not to deal in goods from the United States. The action, which won a wide support, lasted for a whole year. It was the first national boycott in Chinese history.<sup>16</sup>

From 1882 till 1943 Chinese laborers were locked out of the United States. Those who had already been in the country either returned to China or migrate to some cities on the eastern coast to join their compatriots, such as New York, Boston and Chicago, where, as a minority group, they suffered less discrimination and pressure. Most Chinatowns in today’s metropolitans were formed in those days. The residents in Chinatowns usually took up unobtrusive occupations—mainly opening and operating restaurants or laundries, as their ways to survive in a foreign country.

A historical episode occurred in the period. The fire after the great San Francisco earthquake in 1906

nearly destroyed the entire city including the City Hall where the official files were held. All birth records were destroyed. As a result, every Chinese male came forward to claim natural born citizenship allowing them to travel between the United States and China and to register that they had in China wives and children having the right to enter the new world. Among the children, many were suspected for their authenticity. So later they were called paper sons. From 1910 to 1940, Angel Island in San Francisco Bay was the point of entry for the approximately 175,000 Chinese immigrants who came to the United States. Most of them were detained and scrutinized there for their background check for two weeks to two years. The painful stories were revealed from time to time by the descendants of the paper sons.

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<sup>1</sup> The Indians are popularly named as “Red Indians” and they are the original inhabitants of the continent. Frequent conflicts between them and the Whites after the arrival of the early immigrants drove them to the West until they were completely conquered in the later half of the 19th century. For the sake of race protection and easier manipulation, some reservations have been established in several southwestern states by the American government for them to dwell in.

<sup>2</sup> In effect, some Chinese began to emigrate to the eastern coast of the United States before the year of 1850, but their number was too small to be mentioned. See Appendix I.

<sup>3</sup> The first gold mine was discovered in Sacramento, California.

<sup>4</sup> Hicks, John D. 1955. *The American Nation*. 3rd ed. New York: Mifflin. p.131.

<sup>5</sup> Williams, Frederick W. 1912. *Anson Burlingame and the First Chinese Mission to Foreign Powers*. New York: Scribner's. pp. 22–72. passim.

<sup>6</sup> Malloy, W. M. comp. 1923. *United States Treaties, 1776–1909*. vol. I. Washington: Government Printing Office. pp. 234–6; Compiling Committee of *The Chronicle of the Qing Dynasty*. 1961. “Diplomatic Relations”, *The Chronicle of the Qing Dynasty*. Vol 3: 157. Taipei: National Defense Institute. pp.1907–8: The delegation headed by Anson Burlingame went on to visit Great Britain, France, Germany and Russia, but unfortunately, he caught pneumonia and died in the capital of Russia. After his death, he was awarded the first rank in Chinese traditional bureaucracy and his family members were given more than 10,000 liang of silver for his funeral affairs.

<sup>7</sup> McKenzie, Roderick D. 1928. *Oriental Exclusion*. Chicago: University of Chicago Press. pp.186f; Tung, William L. 1974. *The Chinese in America, 1820–1973*. Ocean Publications. pp.7–12; Ding, Zemin. 1952. *History of Chinese Exclusion in the United States*. Beijing: Honghua Publishing House. pp.17–23.

<sup>8</sup> Barth, Gunther. 1964. *Bitter Strength: A History of Chinese in the United States, 1850–1870*. Cambridge: Harvard University Press. ch. 1–8.

<sup>9</sup> U. S. Immigration Commission, 1907–1910. 1911. *Reports of the Immigration Commission*. vol. XXXIX. 41 vols. Washington: Government Printing Office. p.70; Coolidge, Mary R. 1909. *Chinese Immigration*. New York: Holt. ch. VII.

<sup>10</sup> U.S. 44 Congress, Sen. Pap. 689; 45 Congress, 2 Sess. *Misc. Doc.*;

Eaves, Lucile. 1910. *California Labor Legislation*. Berkeley: University Press. p.461.

<sup>11</sup> Clyde, Paul H. ed. 1940. *United States Policy toward China: Diplomatic and Public Document, 1839–1939*. Durham, N. C.: Duke University Press. p.153: “...the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitation.” But the Chinese version simply renders that “the laborers who wished to go in the future should be limited by number and age” in which not a single word about suspension ever appeared. Therefore, it is quite safe to draw the conclusion that the Chinese Exclusion Act of 1882 had already been put on the agenda. Ding. op. cit. p.15.

<sup>12</sup> U.S. Laws, Statistics, etc. 1953. *Laws Applicable to Immigration and Nationality*. Washington: Government Printing Office. pp. 211–9.

<sup>13</sup> *Ibid.* pp.219–77; Chen, Ta. 1923. *Chinese Migrations, with Special Reference to Labor Conditions*. Washington. Ch. VII. Chinese in Hawaii.

<sup>14</sup> U.S. 47 Congress, 1st. Sess. *Senate Executive Document*. no. 148. p.33.

<sup>15</sup> Sung, Betty Lee. 1967. *Mountain of Gold: the Story of the Chinese in America*. New York: Macmillan. pp.54f.

<sup>16</sup> Zhang, Cunwu. 1966. *Sino-U.S. Treaty Agitation in 1906*. Teipei: Academia Sinica. p.269;

1978. *Memoirs of Wu Yuzhang*. Beijing: China Youth Publishing House. p.27–28.