THESIS

POWER, POLITICS, AND THE ORIGIN OF THE CHINESE EXCLUSION ERA

Submitted by

Jessica Campbell

Department of History

In partial fulfillment of the requirements

For the Degree of Master of Arts

Colorado State University

Fort Collins, Colorado

Summer 2017

Master's Committee:

Advisor: Robert Gudmestad

Sarah Payne
Caridad Souza

ABSTRACT

POWER, POLITICS, AND THE ORIGIN OF THE CHINESE EXCLUSION ERA

This study places the origins of the Chinese Exclusion Era (1823-1882) in a larger regional, national, and international context to reveal that the Chinese Exclusion Era was not a direct cause and effect relationship between labor and policy, but rather a negotiation between various groups including immigrants, laborers, politicians, and businessmen, where each group worked in its own self-interest to achieve or eliminate the exclusion of Chinese immigrants in the United States. This study focuses on issues of race, class, and gender, with particular emphasis on the ways in which existing structures and institutions within the United States such as the black-white binary, democracy, and capitalism shaped the reception and ultimate exclusion of immigrants.

TABLE OF CONTENTS

INTRODUCTION

"Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore. Send these, the homeless, temptest-tost to me, I lift my lamp beside the golden door!" - The New Colossus *by Emma Lazarus*

In 1883 Emma Lazarus published *The New Colossus* to raise money for the pedestal of the Statue of Liberty so that she might welcome immigrants into the United States where they would enjoy life, liberty, and the pursuit of happiness. Just one year before Lazarus published *The New Colossus*, 200 miles away the United States Congress passed the Chinese Exclusion Act of 1882, which for the first time in the history of the United States banned a group of people from immigrating based on their race. Dedicating the Statue of Liberty on October 28, 1886, President Grover Cleveland promised "We will not forget that Liberty has here made her home; nor shall her chosen altar be neglected."[1] If anybody at the dedication ceremony recognized the irony of the President's words juxtaposed against the 1882 Chinese Exclusion Act, there is no record.

The 1882 Chinese Exclusion Act was a radical departure from previous federal legislation on immigration. In 1864, the United States Congress passed "An act to encourage immigration," throwing the golden doors wide open to all who cared to walk through them. Less than twenty years later, the 1882 Chinese Exclusion Act slammed the doors shut for a specific group of people: Chinese immigrants. The United States had officially transitioned into a gatekeeping nation.[2] How can historians explain such a radical transformation of immigration policy?

[1] "The Statue Unveiled," *New York Times* Oct. 29, 1886.
[2] Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina, 2003), 6.

Traditionally, historians have identified various aspects of labor unrest and ethnic tension on the West Coast as the driving force behind the shift in federal policy from encouraging immigration in 1864 to restricting immigration in 1882. In 1909 Mary Coolidge argued that the combined force of California workers and labor unions were responsible for the Chinese Exclusion Act.[3] By the 1970s and 1980s the story remained largely the same. Historians like Alexander Saxton continued to focus on the role of labor unions to understand the causes behind exclusion.[4] This explanation fails to consider the roles of structural racism, which we define here as prejudice, discrimination, or antagonism against someone of a different race, as central to the exclusion of Chinese immigrants. Indeed, economic conflict is only part of a story that goes much deeper. In the 1990s historians of Chinese Exclusion like Erika Lee began to put greater focus on the relationship between race and exclusion to reveal the complexity of the ethnic conflicts that led to exclusion legislation. Despite the turn to social history that places greater emphasis on race and ethnicity, these works continued to focus on the relationship between immigrants and laborers and ignore the larger regional, national, and international context that contributed to the exclusion of Chinese immigrants from the United States.

This exploration picks up where historians of the Chinese Exclusion Era have left off, by placing the Chinese Exclusion Era within the larger context of the 1850s West, the 1880 national political race, and international relations with China. The first chapter explores the movement of racist ideologies from the East Coast of the United States to the West Coast, were Anglo-Americans established hegemony (dominance of one social group over another) over minorities based on the idea that Anglo-Americans were racially superior to people of color through the

[3] Mary Coolidge, *Chinese Immigration* (New York: Arno Press, 1909).
[4] See Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Oakland: University of California Press, 1975).

creation of discriminatory legislation. The second chapter shifts our focus slightly to emphasize the role of national politics in making the Chinese question a national issue. Indeed, the cries for exclusion by laborers in California were ignored by politicians on the East Coast until the Election of 1880, when the race between Democrats and Republicans for President came down to a handful of electoral votes that suddenly placed the concerns of Californians in the national spotlight. The final chapter examines the struggles between businessmen and laborers in Chinese Exclusion first in a regional and then national context. While historians of labor history have focused on the role of labor in agitating for Chinese Exclusion, these explorations have silenced the story of businessman and religious leaders who used their access to political power to reduce the severity of anti-immigration legislation.

Together, these chapters complicate the direct cause and effect relationship that historians have traditionally drawn between labor and policy. Rather than an example of democracy at work, the Chinese Exclusion Era was a product of the cultural, political, and economic self-interests of Anglo-Americans.[5] Anglo-Americans sought to establish and maintain a social order in California that privileged white men. Politicians sought to gain national office. The President sought to maintain good relations with China. Businessmen sought to exploit cheap Chinese labor. Laborers sought to maintain high wages and working conditions. These groups had a direct, if often competing, interest in the Chinese question, and these groups sought to make their vision of immigration a reality through their access to power.

Estimates of Chinese immigration to the United States between 1850 and 1900 vary amongst historians. There are two difficulties facing those who would accurately assess the number of Chinese immigrants to the United States during this period. The first difficulty is that

[5] This phrase came from Ibram Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (New York: Nation Books, 2016) 9.

prior to 1875, immigration was largely unregulated at both the state and federal level. There was simply no system of tracking immigrants into the United States. *Henderson v. Mayor of the City of New York* (1875) would place immigration in the preview of the federal government, at which time federal immigration commissioners appointed by the federal government began to track immigration. This leaves over a 30 period where we have no records of Chinese (or any other) immigrants to the United States. Further, while the 1882 Chinese Exclusion Act barred the immigration of Chinese laborers, Chinese immigrants already in the United States circumnavigated exclusion through a system of paper sons and daughters. Those who did not have relatives already in the United States could immigrate illegally to the United States via Canada and Mexico. With these difficulties in mind, conservative estimates of Chinese immigration to the United States between 1850 and 1900 place Chinese immigration at 400,000 while more liberal estimates place Chinese immigration somewhere around 600,000. Regardless of whether we chose the conservative or the liberal estimate, we know that by 1900 Chinese immigrants constituted a significant portion (20%-40%) of the population in California.[6]

Further, historians of Chinese immigration in the West have often been frustrated by the lack of written sources regarding the Chinese experience. There are no existing diaries (translated or in their original form) of the Chinese laborers who made up most initial immigrants from China. Historians have resorted to less direct means of assessing the Chinese experience, such as newspapers, travel journals, immigration records, census data, and comparison. This study is no exception. Chinese voices have been incorporated primarily through their testimony to special investigative committees and through the few diaries of Chinese immigrants to the United States that have been translated and digitized. Despite this

[6] Data from the US Census Bureau puts the total population of California in 1900 at 1,485,000.

effort, the voices of Chinese immigrants are largely absent across this study. This is an unintentional reflection of not their silence during the Chinese Exclusion Era but rather their relative lack of access to power.

This also study speaks in large ways to current debates surrounding immigration to the United States. Questions about the status and rights of immigrants swirl around questions about safety and border security. Without protected rights, with a status in flux, without access to power to influence policymakers, immigrants then and now are a group at risk for discrimination and exploitation. Then and now, various groups including Democrats and Republicans, businessman and laborers, registered voters and documented immigrants use the immigration question and immigrants to further their own ends. This study seeks to illuminate the historical roots of our current immigrant crisis in the hopes that we might change the story this time around. For what is the value in being a keeper of the past if we cannot change the future?

CHAPTER ONE: ANGLO-AMERICAN HEGEMONY IN CALIFORNIA

"It is a hodge-podge of cities, a tower of Babel of all nationalities. You can hear all the languages on earth in its streets: Chinese, Norwegian, Russian, and Polynesian. You can see the garb of all the nationalities... There are Chinese with belted black pantaloons and blue blouses, with pigtails down to their knees; a Mexican with his sarape or blanket; the Chilean in his poncho; a Parisian in his smock; an Irishman with torn coat and crushed felt hat; and the Yankee, lord of all, in his red flannel shirt, heavy boots, and trousers belted at the waist." Benjamin Vicuna Mackenna, 1852[1]

"Those who poured through St. Louis in the early 1800s could not so easily abandon their past, and neither could Jefferson's nation. Trends that played themselves out west of the Mississippi grew from three hundred years' experience in the east." Daniel Richter[2]

In 1933 labor organizer Rose Pesotta travelled on behalf of the International Ladies' Garment Workers' Union to San Francisco to organize female dressmakers in that city. Her efforts were hindered, however, by concerns about the loss of business to dressmakers in Chinatown.[3] Seeking more information about Chinese dressmakers, Pesotta explored sweatshops in Chinatown accompanied by the chief field adjuster for the National Recovery Administration Leland Lazarus. Workers refused to speak to the "government official", claiming an ignorance of English.[4] Desiring more information, with the help of Chih Ling, Pesotta organized an informal meeting with two female garment workers. Speaking in Chinese, Ling eagerly told the garment workers about Pesotta and the ILGWU. After Ling was finished one of the garment workers, Hilda, kindly and carefully explained to Pesotta that they could not join the ILGWU. Pesotta protested, offering solutions to Hilda's concerns about losing her job or being cast out by her family. After some back and forth Hilda, exasperated, asked Pesotta how long she had been in

[1] Mackenna, Benjamin Vicuna. "Pages from the Diary of my Travels". *North American Immigrant Letters, Diaries, and Oral Histories*. Alexander Street Press, 2017.
[2] Daniel Richter, *Facing East from Indian Country* (Harvard: Harvard University Press, 2003), 2.
[3] Rose Pesotta, *Bread Upon the Waters* (New York: Dodd Mead & CO, 1944), 67.
[4] Pesotta, *Bread Upon the Waters*, 69.

San Francisco. Pesotta responded that she had only been in San Francisco a few months. "Then you don't know our history on the Pacific Coast," Hilda replied.[5]

The history that Hilda referred to began long before Chinese immigrants arrived, in the Mexican-American War of 1832. The Mexican-American War seeded the West for the black-white binary that Anglo-American immigrants brought with them during the California Gold Rush in the 1850s, which was critical for the establishment of Anglo-American hegemony on the West Coast. The idea of hegemony, or one the dominance of one social group over others, was first introduced by Italian Marxist Antonio Gramsci. Gramsci suggested that hegemony is achieved through a combination of ideological means, where the subordinate group gives consent to the dominant group, and political means, where the state coerces the subordinate group. Hegemony requires the creation and maintenance of strong boundaries that differentiate the normal from the abnormal.

This chapter will explore the cultural beliefs and ideologies that Anglo-Americans employed to establish hegemony in the West. Rather than constructing ideologies anew, Anglo-American emigrants carried social and cultural norms with them to the West. The most important of these ideologies was the black-white binary.[6] Developed in the milieu of slavery, the black-white binary defines the norm as the white, Anglo Saxon, protestant (WASP) body and the abnormal as the black body. Unlike most Western European immigrants, African Americans and other immigrants that did not, or could not, conform to the Anglo-American norm (such as Chinese immigrants) were racialized as black. Thus, Chinese immigrants were often compared to and treated as African Americans. Both groups were categorized as disabled, intellectually and in

[5] Pesotta, *Bread Upon the Waters*, 72.
[6] Michael Omi and Howard Winant, *Racial Formation in the United States from the 1960s to the 1990s* 2nd Ed. (Routledge: Routledge University Press, 1994).

body. As we will see, anti-Chinese discourse was unique, however, in that Chinese immigrants were also gendered as feminine. Racialized as black, categorized as disabled, gendered as feminine, anti-Chinese discourse served to construe Chinese immigrants as 'other', and unfit for immigration to the United States.

Anglo-Americans relied on democratic institutions to establish hegemony. As soon as California entered the Union in 1850, Anglo-Americans formed most political leaders and from a position of power began institutionalizing hegemony in policy. Anglo-American politicians in California passed a series of legislation that discriminated against foreign miners, with focus on Latin American miners. Indeed, we cannot understand the history of Chinese Exclusion Era without exploring the history of other groups excluded in California. This legislation, coupled with episodes of violence, drove most Latin Americans and Californios out of California. Politicians employed strikingly similar legislation to exclude Chinese immigrants after 1852 in a continued effort to establish and ensure hegemony. Without the ability to participate in the institution of democracy or access to policymakers, both Latin American and Chinese immigrants remained a vulnerable group subject to discrimination by Anglo-Americans.

James W. Marshall discovered gold at Sutter's Mill in early 1848, two weeks after the Treaty of Guadalupe Hidalgo had transferred ownership of California to the United States.[7] Though Marshall and Sutter tried to keep the discovery of gold a secret, news of a gold strike spread quickly spread across the world, bringing 300,000 fortune seekers to California gold camps between 1849 and 1850. Most 49ers came from the Eastern United States via the California Trail. Originating in Independence, Missouri, the 3,000-mile trail took emigrants

[7] The timing of the discovery led some to suggest that Americans were meant to conquer California, an extension of the doctrine of Manifest Destiny.

North through Fort Laramie in Wyoming, Fort Hall in Idaho, and finally to Sutter's Fort in California.[8]

Anglo-American emigrants who travelled from the East to West to make their fortunes in the California gold mines did not travel as *tabla rasas*, but rather with ideas, cultural practices, and social institutions that would come to form the foundations of exclusion. These ideas and cultural practices formed the foundation of Anglo-American hegemony that would result in the exclusion of Chinese immigrant laborers in 1882.

BLACK-WHITE BINARY AND WASP

21st century scholars largely agree that race is a social construct that varies across time and space. That is to say, who is considered white, who is considered brown, and who is considered black is highly contextual. Historically, race in the United States has served to maintain social order by creating a clear dominant group and a clear subordinate group. Omi and Winant and others agree that in the United States race has been sharply defined along a black-white color line (what I refer to as the black-white binary), where the dominant group is considered normal and the subordinate group is considered abnormal or inferior.

By the 19th century normal in the United States was defined as the WASP, or the white, Anglo-Saxon, Protestant body. Eric Kauffman traces WASP Ascendency between 1776 and 1900 in *The Rise and Fall of Anglo America.*[9] According to Kauffman the dominance of the WASP originated in the colonial period with English protestant settlers who were able to maintain ethnic dominance through a process of Anglo-conformity whereby new ethnic groups were encouraged to conform to the dominant group.

[8] Elliot West, *The Contested Plains: Indians, Goldseekers, and the Rush to Colorado* (Lawrence: University Press of Kansas, 1998).
[9] Eric Kauffman, *The Rise and Fall of Anglo-America* (Cambridge: Harvard University Press, 2004), 11-81.

WASPs formed their identity against subordinate groups, most notably African American slaves. Historian Kariann Yokota argues that the formation of a racialized other in the United States was an attempt by Americans to create a post-Revolution identity and "address their relative powerlessness within the transatlantic context through various strategies of internal domination."[10] Edward Baptist notes the threat to the racial hierarchy posed by poor whites, and the ways in which slaveholders placed poor whites in positions of power and developed a discourse that valorized whiteness above blackness to preserve the social order.[11] Whatever the cause, by the 1850s this black-white binary was fully entrenched in the Eastern half of the United States via the institution of slavery.

This black-white binary travelled West even before the Gold Rush. In 1821, Mexico declared and won its independence from Spain, laying claim to a large swath of territory that included what would become California, Texas, New Mexico, Arizona, Nevada, and Colorado. Because there were not enough Mexicans to occupy the new territory, in 1824 Mexico passed a colonization law that allowed Americans settlers into Texas. By 1834, Americans outnumbered Mexicans in Texas four to one.[12] As historian David Weber points out, animosity between Mexicans and Americans were rooted in historical animosity between Spain and England and the Black Legend, which characterized Spanish as "authoritarian, corrupt…bigoted, cruel, greedy, tyrannical, fanatical, treacherous, and lazy".[13] As a result of the Black Legend, Americans perceived themselves to be superior to Spanish and after the Mexican-American War, Mexicans

[10] Kariann Yokota, *Unbecoming British: How Revolutionary America became a Postcolonial* (Oxford: Oxford University Press, 2011), 18.
[11] Edward E. Baptist, *The Half Has Never Been Told: Slavery and the Making of American Capitalism* (New York: Basic Books, 2014).
[12] Weber, *Foreigners in their Native Land*, 89.
[13] Weber, *Foreigners in their Native Land*, 59.

and therefore, American conquest of Mexico was a justified effort to redeem degenerate Mexicans.[14]

Thus, the Mexican-American War of 1848 was not simply a war over the right to land, but rather a war centered on ideas of cultural superiority and Manifest Destiny. As culturally superior, Americans were destined to defeat Mexico and lay claim to the entirety of North America. That Americans prevailed in the Mexican-American War only solidified the belief in the superiority of the Anglo-American race.

Though the immigration of freedmen (usually taken to mean an ex-slave, emancipated after the Civil War) never reached significant numbers, legislation systematically established the black-white binary in California to discourage the immigration of African Americans to the state. In 1850 California passed testimony laws that prohibited Native Americans and African Americans from testifying in courts against Anglo-Americans, and later that year a law that prohibited the miscegenation between African Americans and whites. In 1851, African Americans were prohibited from homesteading and African American children were prohibited from attending public schools. In 1852 California adopted a version of the fugitive slave law that mandated the return of escaped slaves to their owners.[15]

The black-white binary travelled West with gold seekers. In *California's Anti-Chinese Memorial to Congress,* the California legislature wrote that "even the position of the small number of free Negroes in the free States teaches us that no republican government ought to suffer the presence of a race which must, politically and socially, be always separate and

[14] Weber, *Foreigners in their Native Land,* 60, 88.
[15] Nariam Aarim-Heriot, *Chinese Immigrants, African Americans, and Racial Anxiety in the United States, 1848-82* (Urbana: University of Illinois Press, 2003).

distinct."[16] For slaves and eventually free blacks who travelled West to escape racial discrimination and threats of slavery, California offered no safe haven.

This type of legislation passed through the California Congress quickly and with little protest as Anglo-Americans used their political monopoly to establish a social hierarchy long familiar to America. Najia-Aarim Heriot, a historian of ethnic and racial minorities in the United States, suggests that "the drive to exclude blacks originated in the desire to actualize an exceptional region - not only 'free' but also all-white or nearly so."[17] While in the South anti-black legislation served to *maintain* the social order, anti-black legislation in California and the West served to *establish* a social order.

Immigration challenged the black-white binary. Where did Eastern Europeans fit along this binary? Mexican-Americans (many of whom were granted American citizenship by the Treaty of Guadalupe Hidalgo in 1848)? Chinese immigrants? The 19th century United States was constantly in process of what Omi and Winant define as 'racialization', or the process of placing undefined groups along the existing social hierarchy. While white groups like Eastern Europeans were eventually elevated to whiteness, groups like Mexicans and Chinese were racialized as black.

Many Californians believed that Chinese labor, just like African American labor was 'unfree' labor. In response to labor shortages caused by the Slave Emancipation Act passed by Great Britain in 1833, territories of European empires began importing Chinese coolie contract laborers in conditions that closely resembled slavery.[18] American merchants in the coolie trade

[16] "California's Anti-Chinese Memorial to Congress (1877)" in *"Chink!": A Documentary History of Anti-Chinese Prejudice in America* (New York: World Publishing, 1972), 115.
[17] Nariam Aarim-Heriot, *Chinese Immigrants, African Americans, and Racial Anxiety in the United States, 1848-82* (Urbana: University of Illinois Press, 2003), 19.
[18] The origin of the term 'coolie' is unknown, although historians trace the use of the term as far back as 16th century India to refer to the servile caste.

earned $11 million dollars in ticket fees per year before the practice of transporting coolies was outlawed in the United States in 1862.[19] While the Chinese who immigrated to California in the 1850s were free laborers, the legacy of American merchants transporting coolies caused Californians suspicious of being undercut by cheap labor to accuse all immigrants of coolism. California was meant for the free, not the enslaved.

Further, like African Americans but unlike European immigrants, Chinese immigrants could not hope to conform to the normal, or the WASP. Asian, not Anglo-Saxon. Confucian, not Christian or Protestant. If Chinese immigrants were not white, they had to be black, according to Californians.

We can see the racialization of Chinese immigrants as black in contemporary accounts that likened Chinese to African Americans. In Governor Haight's 1877 Inaugural Address, he suggested that "if the negro requires the ballot to protect himself…the Asiatic needs it to protect himself…on the contrary, it is for the good of both races that the elective franchise should be confined to the whites."[20] He went on to comment that "races so radically dissimilar in physical, mental, and moral constitution, as the Caucasian and African, or Mongolian" should not be encouraged to immigrate to California.[21] Governor Henry Haight likened Chinese immigrants to African American migrants in citizenship status, physical, mental, and moral constitution. In every instance, African American migrants and Chinese immigrants are compared against the WASP.

[19] Tsai, Shih-Shan Henry, *The Chinese Experience in America* (Bloomington: Indiana University Press, 1986), 4-27.
[20] California Congress, *California State Journal*, 17th Sess., 1867, 99.
[21] California Congress, *California State Journal*, 17th Sess., 1867, 99.

1879 Front Cover of Harper's Weekly

The 1879 cover of Harper's Weekly demonstrates the ways in which racialization of Chinese as black was incorporated into the national discussion.[22] The cover is split into half. On the left side, a freed African American. On the right, a Chinese immigrant. Each is reacting to their respective hostile environments (South and West respectively) by abandoning their environments. Their fates intertwined, shaping and shaped by one another. National opinions of the Chinese were comparable to California opinions by 1879.

ANGLO-CONFORMITY

The racialization of Chinese as black impeded the assimilation of Chinese immigrants into American society. In 1964 Milton Gordon argued that in the United States, non-dominant ethnic groups have historically assimilated by adopting characteristics of the dominant (Anglo-Saxon) ethnic group. He called this process Anglo-conformity. As Kaufmann noted, Anglo-conformity is rooted in the Colonial Era when Germans, Welsh, Huguenot, and Scottish immigrants completely assimilated into the already dominant Anglo-Saxon culture, indistinguishable as individual groups by the early 1800s.[23] In *Stamped from the Beginning*, Ibram Kendi points out that the conversation surrounding racism in the United States has been characterized by three sides – segregationists who blame minorities for their racial disparities, antiracists who blame racial discrimination for disparity, and assimilationists who blame both minorities and racial discrimination. Assimilationists in the United States have historically

[22] Thomas Nast, "'The Nigger Must Go' and 'The Chinese Must Go'" in *Harper's Weekly,* Vol. 23, No. 1185, September 12, 1879.
[23] Kauffman, *The Rise and Fall of Anglo America*, 19-20.

argued that the best solution to address racial disparity is for the minority group to adopt the characteristics of the dominate group.[24]

For a variety of reasons Chinese immigrants in California did not assimilate to the dominant culture like many of their European predecessors. An 1878 California report on Chinese immigration noted that "there is, indeed no point of contact between the Chinese and our people through which we can Americanize them [Chinese immigrants]".[25] The report was correct in that there were very few points of contact through which the Chinese may have engaged in the process of Anglo-conformity. After several episodes of racial violence in the mines, Chinese immigrants moved to diggings abandoned by Anglo-Americans, and eventually into occupations in which Anglo-Americans did not engage (like laundries). Because most Chinese were male (due to the federal 1875 Page Law that restricted female immigrants on suspicion of prostitution)[26] and single, they had no children to send to school, traditionally one of the main vehicles for assimilation. Further, legislation *discouraged* the assimilation of Chinese immigrants. Indeed, while African Americans and Californios were (grudgingly) admitted to citizenship under federal direction, there was no such federal law that required states to permit Chinese immigrants to become citizens. Naturalization laws in California actually *prohibited* Chinese immigrants from citizenship. The 1879 California Constitution allowed "foreigners of the white race or of African descent…shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of property as native-born citizens"[27] while "no native of China…shall ever exercise the privileges of an elector in this State."[28] The 1882

---

[24] Ibram Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (New York: Nation Books, 2016), 2.
[25] California Congress, Senate, *Chinese Immigration: Its Social, Moral, and Political Effects* (Sacramento: F.P. Thompson, 1878), 6-7.
[26] *An act supplementary to the acts in relation to immigration, U.S. Statues at Large 477* (1875).
[27] California State Constitution (1879), Article 19, Section 17.
[28] California State Constitution (1879), Article 2, Section 1.

Chinese Exclusion Act, in addition to prohibiting further immigration, also outlawed the naturalization of Chinese immigrants.[29]

In response to legal vulnerability, Chinese immigrants constructed and lived in Chinatowns that were organized by Chinese Six Companies for protection. Discriminatory laws such as an 1852 Testimony Law made it illegal for Chinese immigrants to testify in courts against whites. While we will explore discriminatory legislation as a result of anti-Chinese discourse in greater detail, here it is only important to note that Anglo-American violence, discourse, and legislation isolated Chinese immigrants from Anglo-American society, who in turn pointed to the isolation and 'clannish' nature of Chinese immigrants as reasons for exclusion.

The inability to assimilate was perhaps one of the most frequent arguments against Chinese immigration to the United States. Contemporaries suggested that Chinese immigrants incapable of assimilating threatened the nation-state. Article 19, Section 4 of the 1879 California State Constitution stated that "the presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature should discourage their immigration by all the means within its power."[30] An 1878 pamphlet on Chinese immigration concluded that "the safety of our [American] institutions depends on the homogeneity, culture, and moral character of our people."[31] The Chinese were unassimilable, and therefore a threat to the moral and political institutions of the United States.

[29] *An act to execute certain treaty stipulations relating to Chinese. U.S. Statutes at Large* 126 (1882).
[30] California State Constitution (1879), Article 19, Section 4.
[31] California Congress, Senate, *Chinese Immigration: Its Social, Moral, and Political Effects* (Sacramento: F.P. Thompson, 1878), 6-7.

NATAVISM AND THE KNOW NOTHING PARTY

Nativists, who believed strongly in the importance of assimilation, were among the strongest proponents of exclusion. Rather than simply anti-immigration, nativism in the United States might more accurately be described as membership in the dominant ethnic group. Nativists might embrace Protestant immigrants while discriminating against native born Catholics. As we have already discovered, the dominant ethnic group in the United States has its roots, or what sociologists might call an ethnic core, Anglo-American Protestantism born from English settler colonies (WASP). [32]

After the War of 1812, approximately 10,000 Europeans immigrated to the United States every year. Most of these immigrants were middle-class Protestants who spoke English. Fearful of foreign influence (particularly Catholicism) in the United States Government, in 1835 Samuel Morse formed the Native American Democratic Association. The platform of the NADA included a provision that banned the appointment of foreigners to office, banned the immigration of paupers and criminals to the United States, and condemned encroachment by the Catholic Church. Short lived, the NADA was replaced in 1841 by the American Republican Party. The ARP advocated for a 21-year probationary period before naturalization, restriction of public office to native-born citizens, and the reading of the King James Bible in all public schools. At its height the ARP had an estimated strength of 110,000 members.[33] The ARP too was short lived, and gave way to the Native American Party in 1845.

Then, between 1845 and 1854, immigration to the United States spiked. Over this nine-year period approximately 2,900,000 Europeans immigrated to the United States, settling mostly

[32] Kauffman, *The Rise and Fall of Anglo America*, 11-81
[33] Peyton Hurt, "The Rise and Fall of the 'Know Nothings' in California" *California Historical Quarterly* Vol. 9, No. 1 (March 1930): 17.

in the New England (cities like Philadelphia, New York, and Boston). Most these immigrants were impoverished, unskilled, and Catholic. This influx of immigration, coupled with the demise of the Whig Party in the 1850s and the rise of religious and ethnic tension on the East Coast, gave birth to the Know Nothing Party.

Originally called the Order of the Star-Spangled Banner, the Know Nothing Party was founded by Charles B. Allen in New York City, 1850. Membership in the Order of the Star-Spangled Banner was restricted to native born male protestants 21 years and older. Members were required to believe in a Supreme Being, and be committed to placing only native born citizens in office. One of the most attractive aspects of the Know Northing Party, as opposed to other secret societies, was that membership was free. This allowed the Order to easily enlist and maintain membership. Because of its strict secrecy, the Know Nothing Party gained its name as members who were asked about the meetings claimed to 'know nothing'.[34] Much of the inner workings of the party in its early years remain a mystery, as the Order of the Star-Spangled Banner was a strictly secret society. The oath to enter the Order prohibited the secrets of the society from being written, and prohibited exposing the name of any Order members or even the existence of the Order. By 1854 the membership of the Know Nothing Party was at least 1,500,000.[35]

At its core the Know Nothing Party was a nativist organization much along the lines of the nativist organizations that preceded it. The Know Nothings proposed that immigrants should not be able to vote for 21 years after settling in the United States, over the course of which time they could fully assimilate. They believed only native-born citizens were fit for public office, as

[34] Historians have not been able to find records of the Order of the Star-Spangled Banner where they call themselves the 'Know Nothing Party'. Our best guess is that newspapers coined the name due to the secrecy surrounding the society and it stuck.
[35] Peyton Hurt, "The Rise and Fall of the 'Know Nothings' in California", 21.

only those raised in the United States understood how to operate a republican government. The Know Nothing Party also sought to restrict the immigration of paupers and criminals, associating immigration with the rise of poverty and increasing crime rates across the United States. Finally, Know Nothings advocated for restrictions on the extension of slavery and the consumption of alcohol. The Know Nothing Party was steeped in Protestantism, and viewed the immigration issue as closely connected to the issue of Catholicism.

The decline of the Whig Party opened the door to the Know Nothing Party, who turned their expanding membership into political clout during the election of 1854. In the 1854 and 1855 elections, the Know Nothing Party took 51 seats from 17 states in the National House of Representatives. These victories included all the seats in Delaware, Massachusetts, Connecticut, New Hampshire, Rhode Island and most seats in Kentucky. Although the Know Nothing Party gained many of its seats from Northern states, the party also took seats in Texas, Louisiana, Georgia, and Alabama.[36]

While the clout of the Know Nothing Party is evident in elections for the national legislature, the Know Nothings had arguably even greater influence at the state and local level. Indeed, Orders across the East Coast endorsed candidates from both the Democratic and Whig parties that reflected their values, or if there was no such candidate they nominated their own. The process by which Orders endorsed or nominated candidates remains a mystery, and frustrated many political candidates who could not quantify the influence of the Know Nothing Party until election day.[37]

[36] Peyton Hurt, "The Rise and Fall of the 'Know Nothings' in California", 15-25.
[37] Tyler Anbinder, *Nativism and Slavery: The Northern Know Nothings and the Politics of the 1850s* (Oxford: Oxford University Press, 1994), 102-126.

The established black-white binary, notions of Anglo-conformity, and large scale gold rush immigration made California fertile ground for the Know Nothing Party. At its height in 1854 the Know Nothing Party had several lodges in California, with the earliest and largest lodges in San Francisco. The Know Nothings drew their strength from reform elements in both the Democratic and Whig parties, in addition to citizens concerned about Mexican immigration (Chinese immigration was not yet at its height). The political clout of the Know Nothing Party in California was astounding. *Two days* before the San Francisco election in 1854, the Know Nothings nominated Stephen P. Webb (in place of their original candidate, Lucien Hermann, who was ousted because of his Roman Catholic background) in the race for mayor. Webb won with 43% of the vote in a four-way race. The Know Nothings successfully elected all but three of their sponsored electors in San Francisco in the election of 1854. And they did it in a span of three months.

Soon Know Nothing lodges spread from San Francisco to city centers in Sacramento, Stockton, and Marysville where they experienced success similar to San Francisco. Newspapers in these cities speculated as to the whereabouts of the headquarters, and the locations of the secret Know Nothing Meetings. As in San Francisco, the Know Nothing Party revealed their candidates only days before the election and experienced unrivaled success. Foreigners largely avoided the polls, as Whigs and Democrats failed to field candidates who could the Know Nothing machine. In 1854 the Know Nothing Party achieved its goal – they nominated native-born citizens to public office and minimized the influence of foreign born citizens at the polls. In 1855 the Know Nothing Party succeeded in electing its entire ticket of state officers including California Governor, attaining a majority in the California Legislature.

However, just like nativist parties before it, the Know Nothing Party was short lived. The Know Nothings in California failed to unify as a single party and were outmaneuvered by Democrats in appointments to the federal legislature. By the election of 1858 the Know Nothing Party had fallen to five seats in the United States House of Representatives, and its political clout at the state and local levels waned. The slavery issue split the Know Nothing Party, just as it would soon split the United States. Large populations of foreign born citizens actively worked against the party, voting against the Know Nothing ticket even as the California Know Nothings played down the nativist and anti-Catholic platforms. In California, Know Nothings struggled to maintain their reformist platform, leaving many white Californians dissatisfied with the ticket. Ethnic and religious tension waned, and with it the appeal of the Know Nothing Party.

Despite its short appearance, the rise of the Know Northing Party as a nativist movement is important to study as setting the stage for the Chinese Exclusion Era. Indeed, the nativist rhetoric of the Order of United Americans and the Know Nothing Party would soon reemerge in California as Chinse immigrants began arriving in large numbers. The rhetoric perpetuated against Mexican and Chinese immigrants did not originate in California, but rather in the rhetoric of the nativism prevalent in American culture since the 1830s.

DISCOURSE OF DISABILITY

Thus far we have studied the origins of racist ideology including the black-white binary, Anglo-conformity, and nativism in the East. The bridge between ideology and action is discourse. Here, we refer to discourse as communication or debate. Between 1850 and 1882, Anglo-Americans created a discourse of disability based in racial ideology from the Eastern United States to justify discrimination and exclusion of Chinese immigrants. This discourse served to establish the ‘normal’ American body against the ‘abnormal’ non-American body.

Scholars of disability like Douglas Baynton have called for greater attention to the history of disability as justification for the inequality of non-dominant groups such as women, slaves, and immigrants in the United States. Like race, disability is a socially constructed concept that has no static meaning. While today disability is defined by the Americans with Disabilities Act as "a person who has a physical or mental impairment that substantially limits one or more major life activity,"[38] in 1828 disability was defined as "want of competent natural or bodily power, strength or ability; weakness; impotence…want of competent intellectual power or strength of mind; incapacity…want of legal qualifications."[39] The first definition focuses on the ways in which a disability impedes life, while the 1828 definition is comparative to the competent, or the normal. Disability in the 19th century can be described largely as an effort to define the normal body against abnormal or deviant bodies, including and especially non-white bodies.[40] The 1828 definition of disability refers to competent bodily, intellectual, and legal power as measured against the "superior moral virtue, including courage, foresight, and bodily skill, [that] defined independent manhood."[41] Women, for instance, were "irrational, emotional, and physically weak" compared to the white male body, making them disabled and unfit for full citizenship.[42]

Characteristics of disability were also applied to Chinese immigrants. Indeed, Baynton suggests that "nonwhite races [especially immigrants] were routinely connected to people with disabilities…who were depicted as evolutionary laggards or throwbacks" and goes so far as to

---

[38] "What is the definition of disability under the ADA?" *ADA National Network: Information, Guidance, and Training on the Americans with Disabilities Act.* https://adata.org/faq/what-definition-disability-under-ada. Accessed January 16, 2017.
[39] "Disability" *An American Dictionary of the English Language* (New York: Converse, 1828).
[40] Douglas C. Baynton, "Disability and the Justification of Equality in American History" *Race, Class and Gender in the United States* ed. Paula Rothenberg, 10th Ed. (New York: Worth Publishers, 2016), 81-88 and Wilson and Lewiecki-Wilson "Disability, Rhetoric, and the Body" *The New Disability History* ed. Paul K. Longmore and Lauri Umansky (New York: New York University Press, 2001), 3.
[41] John Williams-Searle, "Cold Charity: Manhood, Brotherhood, and the Transformation of Disability, 1870-1900" ed. Paul K. Longmore and Lauri Umansky (New York: New York University Press, 2001),158.
[42] Baynton, "Disability and the Justification of Equality in American History", 81-83.

suggest that "all social histories have drawn on culturally constructed and socially sanctioned notions of disability." [43] Beginning as early as 1850 Chinese immigrants were associated with disability or lack of competent ability all three categories under the 1828 definition – intellect, body, and legal rights. These markers of disability justified legislation that allowed Anglo-Americans to assert control over Chinese bodies and exclude Chinese immigrants from citizenship, employment, landownership, and eventually immigration altogether.

We begin with a discussion of the Chinese body, a discourse of disability evidenced in speeches by labor activist Dennis Kearney, leader of the Workingman's Party in California and staunch enemy of Chinese immigrants. In his speeches to laborers in the late 1870s, Kearney describes Chinese immigrants as diseased, which he uses to justify exclusion. In Saint Louis for example, Kearney referenced Chinese immigrants as "the almond-eyed, long-tailed *leprous* parents of the Pacific coast [my emphasis]."[44] In another speech in Boston, Kearney cautioned workingmen "not to employ Chinese laundry men. They are filthy; they spit on clothes, and if they have any disease it is transmitted to men and women through such washed clothing when the body perspires."[45] Disease as a marker of inferiority to the Anglo-American body and therefore a disability was written on the Chinese body. Note that Kearney made the connection between disease and Chinese business, cautioning laborers against using Chinese laundries. Here we see how racial naturalism leads to economic discrimination. Indeed, in 1873 and 1880 California and the city of San Francisco passed legislation that heavily taxed Chinese laundries and controlled their operation.

[43] Baynton, "Disability and the Justification of Equality in American History", 81-88.
[44] "Saint Louis" *Speeches of Dennis Kearney: Labor Champion* (New York: Jessy Haney, 1878).
[45] "Historic Common: Boston" *Speeches of Dennis Kearney: Labor Champion* (New York: Jessy Haney, 1878).

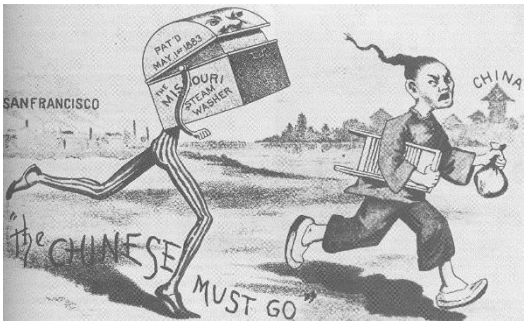
The similarities extend to discussions of the Chinese intelligence. Exclusionists drew on a discourse of disability that had traditionally been used to justify slavery in the antebellum American South as justification to exclude Chinese immigrants. Historians refer to this type of discourse as racial naturalism, which focuses on physiological characteristics of difference.[46] One of the most common justifications for slavery was that African Americans lacked sufficient intelligence to participate in society with white Americans.[47] Chinese, too, were considered incapable of full participation in democracy. Here, again, we see the racialization of Chinese as black.

While contemporaries associated Chinese immigrants with physical and intellectual disability in much the same way as African Americans, anti-Chinese discourse that focused on the body was unique in that it was gendered. Indeed, gendering of Chinese immigrants was rooted in the physical appearance immigrants. Chinese males were physically smaller than Anglo-Americans, who suggested that the small stature of Chinese immigrants made them weak and feminine. Further, Anglo-Americans often referenced the long braid characteristic of Chinese immigrants, calling it a pig-tail, as a sign of femininity. To compound the issue, Chinese immigrants typically wore loose clothing that obscured their gender. These physical markers of Chinese culture did not conform to the Anglo-American norm, and for that reason were labeled as feminine and therefore inferior.

The earliest evidence of gendering is in novels that depicted Mexican bandits attacking weak and indefensible Chinese immigrants. There are even instances where Anglo-American males came to the *rescue* of Chinese males. Susan Johnson suggests that "white women and

[46] Spoehr, Luther "Sambo and the Heathen Chinee: Californians' Racial Stereotypes in the Late 1870s" *Pacific Historical Review* Vol. 42 No. 2 (May 1973) 185-204. Spoehler argues that racial naturalism was derived from Social Darwinism, popular in Europe.
[47] Baynton, "Disability and the Justification of Equality in American History", 81-88.

children – customary candidates for the cultural category of 'innocent and defenseless' – were few and far between in the [California] diggings, and so Anglos took to assigning Chinese men such roles."[48] In the early gold rush years Johnson's claim has merit, however she fails to take her observation to its ultimate conclusion. The gendering of Chinese immigrants as feminine and defenseless justified the persecution of another social group – Mexican bandits. In this way, gendering the Chinese as feminine helped to established Anglo-American hegemony in California. Further, the motivation for gendering Chinese immigrants shifts drastically from protection in 1852 to persecution by 1882.



1882 Missouri Steam Washer Company Trading Card

A trade card distributed by the Missouri Steam Washer Company of St. Louis in 1882 highlights gendered characteristics typically associated with Chinese immigrants.[49] In this cartoon, a Chinese immigrant is being chased away from San Francisco towards China by the Missouri Steam Washer Association. The immigrant is holding a washer in the right hand and a bag full of money in the left. This cartoon highlights the customary queue of Chinese immigrants, and the loose clothing in the cartoon obscures the gender of the immigrant, who appears to be small in stature. A square jaw is the only indication that this Chinese immigrant might be male. Just as in Kearney's speech, here the gendering of Chinese immigrants is associated with their work in laundries. While we will explore the significance of this role in a moment, for now it is important to note the connection between anti-Chinese discourse and the economic role of Chinese immigrants.

[48] Johnson, *Roaring Camp*, 35.
[49] *A Journal of the Plague Year in San Francisco* Kadist Art Foundation: San Francisco (2015.

After the passage of the 1852 Foreign Miners Tax and from a constant fear of physical harm, many Chinese immigrants abandoned the mines for other trades that were not typically filled by Anglo-Americans. One of the biggest trades was the laundry business. In the 19th century United States, laundry was largely considered female work. Before Chinese immigrants moved into laundry work, the task was typically performed by Native American and Mexican women. By 1870, Chinese male immigrants dominated the laundry business. The 1880 California census suggests that 75% of the commercial laundries in California were operated by Chinese men.[50] The large employment of Chinese male immigrants in the laundry business further contributed to their gendering.

Historians have largely failed to address the significance of gendering. Susan Johnson calls the process of gendering Chinese immigrants a complicated one while most historians ignore it altogether. Yet the gendering of Chinese immigrants is significant for the establishment of Anglo-American masculinity, an important piece of Anglo-American hegemony, in California. The development of masculinity requires the creation and constant maintenance of borders, most importantly a fear of the feminine. In this sense gender becomes a distinct boundary between Anglo-Americans and feminine Chinese immigrants that precludes Chinese males from integration into Anglo-American society. Johnson notes that beginning in 1853 stories of white masculinity pervaded California newspapers.[51] Indeed, femininity would be used as justification to exclude Chinese immigrants. Governor Haight argued that Californians should not desire such an "effete" population such as Asiatics.[52] The uncertain and fragile masculinity of Anglo-Americans caused them to react swiftly and negatively to Chinese immigrants who

[50] Joan Wang, "Race, Gender, and Laundry Work: The Roles of Chinese Laundrymen and American Women in the United States, 1850-1950" *Journal of American Ethnic History* Vol. 24, No. 1 (Fall 2004), 61.
[51] Johnson, *Roaring Camp*, 41.
[52] Governor Haight "Inaugural Address" (1867) *California State Journal* 17th Sess. (1867), 99

embodied the feminine. Joan Wang notes that "racist and gendered labor conditions worked to keep Chinese…males in a subordinate position in the American economy."[53]

Politicians were more likely to forgo a discussion of racial naturalism for a discussion of racial *nationalism* as justification for discrimination and exclusion. Rather than based in physiological characteristics, this discourse was based in the "fundamental importance of cultural attributes".[54] Speaking on the immigration of Asians to the United States, then California Governor Haight argued that Asians "are confessedly inferior in all high and noble qualities to the American and the European…we desire…a population of white men, who will make this State their home, bring up families here, and meet the responsibilities and discharge the duties of freemen."[55]

Kim Nielsen notes the link between "citizenship rights and competence…by quite literally taking away the right to own and manage property from citizens who were deemed inadequate."[56] While Nielsen was studying the ways in which property was taken *away* from people who were deemed incompetent, her observations can be applied to the ways in which Chinese immigrants were excluded from owning or occupying certain spaces based on a discourse of disability. For example, in 1870 San Francisco passed an ordinance that required 500 cubic feet of air per person in living structures. The Cubic Air Ordinance was passed based on a health inspector's report of Chinatown where he wrote that Chinese immigrants "live crowded together in rickety, filthy, and dilapidated tenement houses, like so many cattle or

[53] Joan Wang, "Race, Gender, and Laundry Work", 58.
[54] Spoehr, "Sambo and the Heathen Chinese", 187.
[55] Governor Haight, "Inaugural address", 99
[56] Nielsen, Kim E. "Property, Disability, and the Making of the Incompetent Citizen in the United States," in *Disability Histories* ed. Michael Burch Rembis and Susan Burch. Urbana: University of Illinois Press, 2014. ProQuest Ebook Central. Web. 28 October 2016.

hogs."[57] Here, disability is written on the Chinese body as disease that requires legislation to control Chinese living spaces, who like cattle or hogs are incapable or unwilling to maintain their own living environments.

Disability discourse did not end with the Chinese Exclusion Act of 1882 or the Geary Act of 1902 which continued to exclude Chinese immigrants from immigrating to the United States. Notably, laws passed in California to restrict Chinese from occupying certain spaces set the precedent for future discriminatory legislation that in the 20th century. In 1913 the California Alien Land Law prohibited aliens ineligible for citizenship from owning agricultural land. This law applied mainly to Japanese immigrants. Between 1913 and 1925 other western states including New Mexico, Montana, Idaho, Washington, Oregon, and Utah also passed Alien Land Laws targeting Japanese immigrants that restricted land ownership to citizens. While Chinese immigrants were not the first to experience discrimination, they were not the last and set the precedent for fifty years of immigration policy.

INSTITUTIONAL HEGEMONY

This section takes a closer look at the development of Anglo-American hegemony in California as a product of the ideas, norms, and institutions that Anglo-American emigrants travelled West to bridge the gap between ideas and action. We have looked at the ideological basis for Chinese exclusion, and now we turn to the political origins of exclusion rooted in a discourse of difference.

A critical aspect of hegemony is political control of the dominant group. And indeed, in California between 1848 and 1882 Anglo-Americans acquired and maintained almost sole possession of political power. For the first two years of the gold rush (1848-1849), immediately

[57] San Francisco Board of Supervisors in Joshua S. Yang, "The Anti-Chinese Cubic Air Ordinance" *AM J Public Health* (March 2009).

after the Mexican-American War, California was a territory of the United States. While the United States Congress debated about the status of California, state leaders took matters into their own hands by organizing a constitutional convention in 1849. Of the forty-nine original members of the constitutional convention, eight were Californios (early Californians of mixed European, African, and Native American origin). One of the most prominent Californios was Mariano Guadalupe Vallejo.

Vallejo was born sometime between 1807 and 1808 in Monterey, California, as a subject of Spain. Vallejo studied under the Governor of Alta California and after the Mexican Revolution was appointed as a cadet in the Mexican army. Over the next several decades, Vallejo moved up the military ranks and eventually served as the Commander of the Presidio of San Francisco where he worked to combated Russian aggression and Native American revolts.

Despite being a high-ranking official in the Mexican army, Vallejo was highly critical of the Mexican government.[58] Vallejo viewed the United States as a model form of government, and favored a United States rule. During the Bear Flag Revolt, General John Frémont took Vallejo into custody and kept him as a prisoner of war at Sutter's Fort. Despite poor treatment at the hands of the Bear Flag rebels and the looting of his estates, Vallejo remained confident in the liberating potential of the United States government.[59] After the Mexican-American War, Vallejo was appointed as Indian agent for Northern California and was part of the California constitutional convention. He was even elected to the first state senate.

Vallejo's story and his service as a senator in the first California Congress suggests that incorporation rather than exclusion was the norm in the earliest years of California. However,

[58] Alan Rosenus, *General M. G. Vallejo and the Advent of the Americans: A Biography* (Albuquerque: University of New Mexico Press, 1995), 71-81.
[59] Rosenus, *General M. G. Vallejo and the Advent of the Americans: A Biography*, 135-143.

Vallejo's experience during his time as a Senator reveals the beginning of Anglo-American hegemony in California. Although the Treaty of Guadalupe Hidalgo (1848) had promised citizenship to Mexican males residing in the annexed territory (provided they renounce allegiance to the Mexican government), in practice Mexican-Americans did not enjoy the protections of citizenship that Anglo-Americans enjoyed. Most Mexican-Americans lost their land and position in the newly formed state. Vallejo faced legal challenges to his land and fortune in the newly minted state that deprived him of his fortune and virtually all his land. Despite his service to the United States, Vallejo died in 1890 on the single ranch he had managed to maintain in northern California.

Vallejo's story is one of many Californios who were disfranchised by Anglo-Americans in the early years of California. Similarly, Native Americans and African Americans were categorized as non-citizens. As non-citizens, neither of these groups enjoyed representation in or participation in democracy. So, from the very beginning, Anglo-Americans acquired and maintained control of the political power in California. Although there was an opportunity and indeed a brief realization of a diverse political leadership, this temporary diversity was soon replaced by tight control by Anglo-Americans.

Anglo-Americans used their position of power to create discriminatory legislation that targeted racialized populations. The first target was Latin American miners. In its very first session, the California Congress passed "An Act for the better regulation of the Mines, and the government of Foreign Miners" which mandated the collection of a 'foreign miners tax' at a rate of $20 per month. Although the act did not target Latin Americans specifically, in practice the tax was collected mainly from Chilean and other Latin American miners.[60] The act sought to

[60] Johnson, *Roaring Camp*.

protect 'native or natural born' citizens (native California Indians were excepted) as well as miners who might become a citizen under the Treaty of Guadalupe-Hidalgo from competition with foreign miners. Congressmen believed that foreign miners were sojourners who were not interested in the development of California but only taking money back to their home countries. The protection of Mexican American miners reflects the still active Californios in Congress.[61]

Where violence had driven Latin American miners from the more profitable northern mines, the 1850 Foreign Miners Tax served to drive most Latin American miners from California altogether.[62] After Latin Americans and Mexican Americans had virtually abandoned the mines, the only significant group left (Native American and African American population in California was relatively minor) were Chinese immigrants. The next thirty years saw a consistent stream of anti-Chinese legislation passed by California Congress (see table 1) that served to solidify Anglo-American hegemony. While Susan Johnson suggests that the position of Anglo-Americans in California was secure by 1852, the frequency and content of anti-Chinese legislation suggests that Chinese laborers remained to be perceived as a threat to Anglo-Americans.

Anti-Chinese legislation passed between 1850 and 1913 can be divided into three categories: legislation that regulated Chinese laborers/business, legislation that regulated the Chinese body, and legislation that defined Chinese rights. Legislation that regulated Chinese laborers and Chinese businesses initially targeted Chinese miners with a Foreign Miners Tax in 1852, almost identical to the Foreign Miners Tax that targeted Latin Americans in 1850. The biggest difference was that the 1852 Foreign Miners Tax initially only taxed Chinese miners $3 per month, compared to $20 per month for Latin American miners in the 1850 tax. This initial

[61] Rosenus, Alan. *General M. G. Vallejo and the Advent of the Americans: A Biography*, 207-235.
[62] Johnson, *Roaring Camp*.

reduction was a comprise with Anglo-American businessmen who had suffered from the rapid departure of Latin American miners from gold camps.

The steady increase of the tax coupled with violent encounters with Anglo-Americans in the dig sites caused Chinese immigrants to move into other occupations in which Anglo-Americans were scarce. One of the biggest occupations were laundries. As previously noted, by 1870 nearly 75% of professional laundry services in California were owned by Chinese immigrants.[63] In response, the California legislature passed several laws that taxed and/or restricted Chinese laundry business. For example, in 1873 San Francisco passed a series of ordinances that taxed Chinese laundries $2 for a single horse-drawn vehicle, $4 for two horse drawn vehicles, and $15 for laundries with more than two horse-drawn vehicles or *no horse drawn vehicles.*[64]

The other occupation that anti-Chinese legislation targeted frequently and specifically was Chinese fishermen. Initially, Chinese fishermen were charged a $4 per month license fee, followed by a restriction on the size of their fishing nets. By 1893 Chinese fishing nets were prohibited altogether in the city of San Francisco.

Just as many pieces of legislation attempted to restrict and/or control the Chinese body. San Francisco attempted on two different occasions (1879 and 1890) to require Chinese immigrants to live outside of the city. One of the most striking pieces of legislation was the Queue Ordinance, which required county prisons to shave Chinese prisoners within an inch of their scalp. This ordinance targeted the traditional Chinese queue braid, which was a symbol of honor.

---

[63] Joan Wang, "Race, Gender, and Laundry Work: The Roles of Chinese Laundrymen and American Women in the United States, 1850-1950".

[64] Ancheta, Angelo, *Race, Rights, and the Asian American Experience* 2nd Ed. (New Brnswick: Rutgers University Press, 2006), 28.

The third group of legislation defined Chinese rights under California law as non-citizens. The first piece of legislation to restrict Chinese rights was not a piece of legislation at all, but rather an 1854 California Supreme Court ruling that restricted Chinese immigrants from testifying in court against white Americans.[65] Precedent for this law was derived from an 1850 Testimony Law that restricted Native Americans and African Americans from testifying in court against white Americans. Other laws denied Chinese children the right to public education, and ruled that Chinese immigrants could not receive medical care in city hospitals.

California legislators restricted where Chinese immigrants lived, where and how they worked, their cultural practices, and their rights as non-citizens ineligible for naturalization. In doing so Anglo-Americans consolidated their hegemony through political means.

Select Pieces of Anti-Chinese Legislation, 1850-1913[66]	
Date	Legislation/Description
1850	Foreign Miners Tax requiring foreign miners to pay $20 per month. In practice, this law was applied specifically and almost exclusively to Latin Americans
1850	Testimony laws restrict Native Americans and African Americans from testifying in court against white Americans
1852	Foreign Miners Tax requires foreign miners who do not 'desire to become citizens' to pay $3 per month in taxes, a fee that was gradually raised every year until it reached $20 per month in 1870
1852	Fugitive Slave Law
1854	California Supreme Court rules that Chinese are ineligible to testify in court against whites
1855	California passes "An Act to discourage the immigration to the state of persons who cannot become citizens" to restrict Chinese immigration
1858	California passes "An Act to prevent the further immigration of Chinese or Mongolians to this state"
1860	Act for the Protection of Fisheries requires Chinese American fishermen to purchase a license of $4 per month
1860	San Francisco denies admission of Chinese children to public school and city hospitals
1862	California passes "An act to protect free white labor against competition with Chinese coolie labor, and to discourage the immigration of Chinese into the state of California" levies a tax of $2.50 per month on Chinese immigrants over 18 not engaged in the production of tea, rice, coffee, or sugar

[65] Angelo Ancheta, *Race, Rights, and the Asian American Experience* 2nd Ed. (New Brnswick: Rutgers University Press, 2006), 66.
[66] "The Chinese Experience in 19th Century America" (Urbana: University of Illinois, 2006), http://teachingresources.atlas.illinois.edu/chinese_exp/.

1870	"Act to prevent kidnapping and importing of Mongolian, Chinese, and Japanese females for criminal purposes" restricts the immigration of Chinese women to the United States
1870	San Francisco prohibits hiring of Chinese on municipal projects
1870	Sidewalk Ordinance in San Francisco prohibits the carrying of "yeo-ho" or vegetable poles slug across the shoulders
1870	San Francisco ordinance requires 500 feet of cubic air within rooming houses, targeting Chinese ghettos
1873	San Francisco ordinance imposes a fee of $2 for laundries using a horse-drawn vehicle, $4 for laundries using two horse-drawn vehicles, and $15 for those with more than two vehicles or those without
1873	San Francisco passes a series of ordinances restricting the use of firecrackers and gongs
1875	Queue Ordinance requires prisons to shear the hair of all convicted Chinese prisoners within one inch of the scalp, removing the queue customarily worn by Chinese males
1875	Law regulates the size of Chinese American shrimping nets
1879	California state constitution prohibits corporations and municipal works from hiring Chinese
1879	California state constitution authorizes cities to remove Chinese residents to outlying areas
1880	Fishing Act prohibits Chinese from engaging in fishing business
1880	"An act to prevent the issuance of licenses to aliens" deprives Chinese of business licenses
1880	San Francisco passes anti-ironing ordinance, preventing Chinese laundries from operating at night
1882	Chinese Exclusion Act restricts the immigration of Chinese laborers to the United States
1885	Political Codes Amendment allows for the segregation of Chinese in schools and public facilities
1890	Bingham Ordinance declares that Chinese people cannot work or live in San Francisco except in a portion set apart for the Chinese
1892	Geary Act requires Chinese residents to carry a resident permit and extends the Chinese Exclusion Act for another ten years
1893	Fish and Games Act prohibits use of Chinese nets in fishing
1906	Anti-miscegenation laws prohibit American women from marrying Mongolians
1913	Land Laws prohibit the owning or buying of land by aliens ineligible for citizenship

Thus far this section has focused on the legislative development of Anglo-American hegemony in California. This story is not complete without a brief discussion of the violence that accompanied the establishment of Anglo-American hegemony. Anti-Chinese violence began in the mines, where white workers physically assaulted Chinese immigrants who worked near them. While initially Anglo-Americans perceived Chinese miners who worked abandoned mines as a nuisance, over time the ability of Chinese miners to turn abandoned claims into profitable

operations angered Anglo-American miners.[67] These miners lashed out with physical violence, expelling Chinese miners from mining camps.

Physical violence caused Chinese immigrants to engage in professions not traditionally engaged in by white workers. When anti-Chinese sentiment was at its highest riots were staged not only in California but other Western communities. In 1877 a two-day program was waged in Chinatown against Chinese immigrants resulted in four deaths and tens of thousands of dollars in property damage. In 1880, two days before the national election, an anti-Chinese riot broke out in Denver's Chinatown. In 1885 an anti-Chinese riot in Rock Springs, Wyoming, resulted in the death of 28 Chinese immigrants, the destruction of 79 Chinese homes, and thousands of dollars in property damage. In an interview with female labor organizer Rose Pesotta, Chih Ling and Yung Lee reminded Pesotta of the immediate aftermath of the Chinese Exclusion Act. Chinese immigrants, the men recounted, were "robbed, beaten, murdered. Hoodlums shot them down like dogs and were immune from punishment…many homes burned, and many deportations."[68]

Violence often characterized direct interactions between Chinese immigrants and Anglo-Americans. Many of the stories of violence that became the norm will remain untold, the victims lost to history, but could likely fill volumes. This chapter focuses mainly on the legislative establishment of Anglo-American hegemony, but we cannot forget the violence that often followed legislation and characterized the Chinese immigrant experience.

CONCLUSION

Thus far, my exploration of the development of Anglo-American hegemony and the resulting exclusion of Chinese immigrants has virtually neglected a discussion of Chinese

[67] Susan Johnson, *Roaring Camp*.
[68] Rose Pesotta, *Bread Upon the Waters* (New York: Dodd Mead & CO, 1944), 67.

immigrants themselves. Indeed, the introduction to this chapter pointed to the lack of primary sources from Chinese laborers themselves.

Yet we know from judicial records that Chinese immigrants were not passive by-standers to exclusion. Indeed, Chinese immigrants actively resisted discrimination. The earliest immigrants formed California Chinese Six Companies (Zhonghua Huiguan, named for the six districts in mainland China from which immigrants originated) that aided newly arrived immigrants by helping them find employment and housing. Chinese Six Companies also actively challenged legislation that discriminated against Chinese immigrants and successfully repealed most anti-Chinese legislation. Chinese immigrants also organized, and in one case expressed outrage when they were compared to African Americans.[69] Where Chinese immigrants could not resist, they persevered. While the 1850 Foreign Miners Tax was enough to drive Latin Americans away from the gold fields in California, Chinese immigrants paid the 1852 Foreign Miners Tax and in many cases achieved modest economic success despite the tax. After the 1882 Chinese Exclusion Act, Chinese immigrants circumnavigated exclusion through a system of paper sons and paper daughters and where that failed entered the United States illegally via the Canadian and Mexican borders. While Chinese resistance to exclusion is not the focus of this research, it is important to recognize that Chinese immigrants were active participants in the ongoing discussion of exclusion and inclusion.

Yet despite these various forms of resistance - physical, social, economic, and legislative – in 1882 Congress passed the Chinese Exclusion Act, barring Chinese immigrant laborers from the United States. The next chapter will explore how the Chinese question became a national issue (which makes up the intervening 30 years between this chapter and Chinese Exclusion).

[69] Johnson, *Roaring Camp*, 47.

For now, there are two important observations to note. The first is that the ideologies underpinning exclusion travelled from East to West, so we should view the Chinese Exclusion Era not as an aberration in the course of American history but rather a continuation of existing trends. The second important observation is that in the cases of Californios, foreign miners, and Chinese immigrants Anglo-Americans relied primarily on legislation to establish hegemony in California.

CHAPTER TWO: NATIONAL AND FOREIGN POLITICS

"To read the California papers, one would suppose that this [the Chinese question] were the grand crisis of the Republic" New York Times, *1879*[1]

This chapter places the Chinese Exclusion Era more firmly in a national and then international context. While historians have traditionally agreed that local and state immigration policy was driven primarily by local movements, both local federal immigration policy was influenced by national politics to a much greater extent than historians have recognized. Politicians and party organizations at the federal level were less concerned with labor and ethnic tension in the West than the next election. A national study of the Chinese Exclusion Era highlights the political regionalism that continued to grip the United States long after the Civil War and frames the rise of the West as a political entity. Indeed, the Chinese Exclusion Era formed a battleground for the post-Civil War debate over states' rights and federal rights.

Studying the Chinese Exclusion Era in an international context further complicates the narrative by revealing the extent to which foreign policy considerations influenced immigration policy in the late 19th and early 20th centuries, a topic that has been significantly understudied by previous historians. While politicians in the United States used the Chinese question to gain political advantage the executive branch was focused on developing friendly relations with China, using immigration policy as part of favored nation status to bolster US-China relations.

POLITICAL REGIONALISM, STATES RIGHTS, AND A DEAF CONGRESS

On June 17, 1876, the Republican National Convention nominated Rutherford B. Hayes as their presidential candidate. Writing his acceptance speech from his home in Ohio, Hayes touched on many of the issues facing the nation. He called for civil service reform and an end to

[1] "California and the Chinese," *New York Times* March 4, 1879 pg. 4. ProQuest Historical Newspapers.

the spoils system that had plagued the Grant administration. He wrote on the currency issue, arguing for the abandonment of paper money and a return to specie payment. He expressed his desire to unite the country and aid the South, still recovering from the Civil War. [2] Democratic presidential nominee Samuel Tilden's acceptance speech, though much longer than Garfield's, touched on many of the same issues.[3] Notably, neither presidential candidate mentioned anything about immigration, the Chinese, or the West.

Simply put, the Chinese question was a non-issue in the 1876 national election. While both parties included a weak anti-Chinese plank in their 1876 platform, both the Democratic and the Republican campaigns largely avoided the issue. For their part, the federal Congress could hardly be bothered by demands from California and the West Coast to limit Chinese immigration, ignoring numerous resolutions, legislation, and petitions introduced by the West Coast. In 1876 the West remained on the political periphery.

By a single electoral vote Congress confirmed Rutherford B. Hayes as the 19th president of the United States.[4] With 15 electoral votes between them California, Oregon, Nevada, and the newest state of the Union, Colorado, had all voted Republican, tipping the election in favor of Hayes. Although the West had been a non-factor in previous election years, the election of 1876 convinced Republicans and Democrats alike of the growing importance of the West in national elections. For the federal Congress, that meant taking up the issue of Chinese immigration.

[2] The irony in Hayes' speech was that the Republican campaign would invoke the tried and tested bloody shirt strategy to win their campaign. Rutherford Hayes, "1876 Presidential Campaign Speech to the Committee of the Republican National Convention," (Columbus, OH), July 8, 1876. *Rutherford B. Hayes Presidential Library*. Accessed April 2016.
[3] Samuel Tilden, "Tilden's letter of acceptance," July 31, 1876. Library of Congress Online. Accessed May 2016.
[4] The three months of negotiation resulted in what historians have come to call the Compromise of 1877. In exchange for the presidency, the Republican Party agreed to withdraw all remaining federal troops from the South and in doing so end Reconstruction.

For the first half of the 19th century, immigration legislation was virtually absent at the federal level. When the federal government did establish its first immigration policy it was to encourage, rather than restrict, immigration. In 1864, due to a sharp need for labor to meet the demands of a burgeoning manufacturing industry, the federal government passed An act to encourage immigration, or more commonly the Contract Labor Act.[5] The Contract Labor Act exempted immigrants from military service, did not require naturalization, and even established an Emigrant Office to purchase transportation, including railroad tickets, for immigrants in order to protect immigrations from fraud and to facilitate immigrants "in the cheapest and most expeditious manner to the place of their destination."[6] After An act to Encourage Immigration, little further legislation regarding immigration was passed at the federal level.

Unlike the federal government, state legislatures had been passing anti-immigration laws in earnest as early as 1850. One of the most common state laws imposed a head tax (typically $1.50) on foreigners arriving in the United States. States like Louisiana, New York, and California feared that the Contract Labor Law would result in a flood of poor immigrants from Europe, and proposed to use the head tax to provide for the large number of immigrants who would surely become wards of the state.

California was particularly notable for its anti-immigration laws. In 1852 California passed a $3 Foreign Miners License Tax on non-citizens. In 1855 the state Congress increased the tax to $6. In 1862 California passed the Chinese Police Tax which placed another $2.50 tax on all Chinese living in the state. Traveling through California, American writer Mark Twain noted how "officers come down on him [the Chinaman] once a month with an exorbitant swindle

[5] Vernon M. Briggs. *Immigration Policy and the American Labor Force.* Baltimore: Johns Hopkins University Press, 1984.
[6] *An Act to encourage Immigration. U.S. Statutes at Large* 246 (1884): 385-387.

to which the legislature has given the broad, general name of 'foreign' mining tax, but what is usually inflicted on no foreigners but Chinamen."[7] In 1862 Chinese were barred from testifying against a white person in court, and Chinese children were barred from public schools. In 1878 the legislature passed a law that banned Chinese from owning real estate. California's 1878-1879 Constitutional Convention specifically banned future settlement in the state by people ineligible for citizenship, and banned corporations and states from employing Chinese laborers.[8]

"The Great Fear of the Period"

The causes behind anti-immigration legislation in California are well documented. Unions ardently opposed Chinese immigration because they believed that high levels of immigration depressed wages and took jobs from white men. Unions would blame Chinese immigrants for the economic downtown in California in the 1870s.[9] In addition to labor concerns, workingmen argued that the Chinese were morally corrosive, and threatened to swallow Anglo-American culture in California.[10] Westerners were fearful that if given the right to vote the Chinese would take over the West Coast.[11]

Ostensibly the states taxed immigrants as compensation for the financial burden of maintaining immigrants in need of financial assistance from the state, however on the West Coast taxes were used as a tool to discourage immigration. The federal government, on the other hand, viewed state taxes on immigration as interfering with the constitutional right of the federal

[7] Mark Twain, *Roughing It* (New York: Signet Classic) 1980.
[8] "Chinese" *1878-1879 Constitutional Convention Working Papers*. California State Archives Online, F3956:162.
[9] Most historians agree that most Chinese immigrants did *not* take jobs from white men.
[10] "The great fear of the period That Uncle Sam may be swallowed by foreigners: The problem solved," (San Francisco: White & Bauer), between 1860-1869. Library of Congress Online. https://www.loc.gov/item/98502829/.
[11] They needn't have been worried, as Chinese immigrants were ineligible for naturalization at this time. Various historians including Andrea Geiger and Susan Lee Johnson have noted the ways in which anti-Chinese rhetoric mimicked discriminatory rhetoric aimed at African Americans and American Indians.

government to regulate international commerce. Indeed, the Supreme Court ruled more than one state tax on immigrants as unconstitutional between 1850 and 1875.

The struggle over immigration policy and taxes reflected an ongoing post-Civil War debate about the relationship between the federal government and the state. While the federal government had asserted in no uncertain terms during the Civil War that federal rights superimposed states' rights, the nature of those rights were still in flux. Put another way, the Supreme Court was still which rights belonged to the states and which rights belonged to the federal government. The debate over immigration policy was brought to a head in the Supreme Court Cases *Henderson* v. *Mayor of the City of New York* (1875) and *Chy Lung* v. *Freeman* (1875).

On June 24, 1875, the steamship *Ethiopia* arrived at the port of New York where state law required the ship's Captain to pay a head tax of $1.50 per foreign passenger. The Captain of the *Ethiopia* appealed to the court to test the constitutionality of the tax. After hearing arguments, the Supreme Court sided in favor of the Captain. Supreme Court Justice James Emott wrote the majority opinion, stating that "the laws in question are regulations of commerce which a State has no power to make."[12] This ruling struck down similar head tax laws in New York, Louisiana, and California as unconstitutional.

On the very same day that the Supreme Court ruled in favor of the Captain of the steamship *Ethiopia*, the court also ruled on another immigration case – *Chu Lung* v. *Freeman* (1875). Upon arriving at a port in San Francisco, Chy Lung and twenty other Chinese women were detained in San Francisco because the port authorities believed they were "debauched". While the state had the right to detain foreigners they suspected of prostitution under the 1870

[12] *Henderson* v. *Mayor of City of New York* (1875).

Page Act, Supreme Court Justice Miller argued that statue was in violation of the Constitution which reserved the power regulate foreign relations to the federal government. Fearful that detaining the women in San Francisco would lead to an international crisis with China, the Supreme Court ordered the women released.

The Constitution itself does not delegate the power of regulating immigration to either the state or the federal government. Under the Tenth Amendment to the Constitution, any power not specifically granted to the federal government falls to the states. The only way the federal government could weigh in on the immigration issue was through the commerce clause and the foreign relations clause. By invoking the right of the federal government to regulate commerce and foreign relations the Supreme Court expanded the preview of the federal government to include immigration. The Supreme Court ruling moved immigration from the purview of state governments to the federal government, ending the immigration debate between the states and the federal government. In this way, the Chinese Exclusion Era was a battleground between the states and the federal government, moderated by the Supreme Court. By placing immigration policy within the preview of the federal government, immigration policy was affected by other factors than state politics.

Deprived of the head tax, and now constitutionally beholden to the federal government to regulate immigration, numerous state legislatures petitioned the 47th Congress to prohibit further Chinese immigration.[13] In addition to petitions from state legislatures, California members in the House and in the Senate continuously introduced legislation to restrict Chinese immigration in the national Congress. In 1875, three bills were introduced to alter naturalization laws to exclude Mongolians, or Chinese immigrants. In 1876, four more bills were introduced in Congress to

[13] E.P. Hutchinson. *Legislative History of American Immigration Policy* 1798-1965. Philadelphia: University of Pennsylvania Press, 1981. 81.

modify existing immigration policy, all targeting the Chinese and all introduced by Congressmen from California.[14] In 1876 the California Legislature sent a resolution to the Senate to modify the Burlingame Treaty with China that allowed for free immigration between China and the United States. In 1878 five more bills were introduced to restrict Chinese immigration, three of which came from California, the other two from Nevada and Alabama respectively. "To read the California papers, one would suppose that this [the Chinese question] were the grand crisis of the Republic" wrote a *New York Times* editor.[15]

Despite agitation from Western states, almost all the proposed legislation died in committee. The greatest action taken by the Senate was to appoint a joint committee of three senators to investigate Chinese immigration issue in California. Clearly, the Chinese question was not a concern for the national Congress in 1876.

Indeed, while both the Democratic National Party and Republican National Party had introduced immigration planks to their respective party platforms for the presidential election of 1876, neither plank was particularly strong. The Republican plank called for Congress to 'fully investigate' the effects of Mongolian immigration on the moral and material interests of the country while the Democratic plank called for a modification of the Burlingame Treaty.[16] Neither national platform called for a suspension of Chinese immigration or conveyed a sense of urgency.

The Chinese question may have not received national attention because, as many historians have failed to note, the West Coast was not of one mind on the issue. While laborers on the West Coast felt threatened by Chinese immigration, land owners, businessmen, and

[14] Ibid, 68. Most legislation targeting Chinese immigration came from California Congressmen.
[15] "California and the Chinese," *New York Times* March 4, 1879 pg. 4. ProQuest Historical Newspapers.
[16] The Republican Congressional Committee, *The Republican Campaign Text Book for 1880*. Washington, D.C., 1880.

manufacturers viewed Chinese immigrants as a source for cheap labor and for that reason *encouraged* open immigration.[17] Farmer William W. Hollister from Santa Barbara, California, testified before the Joint Special Committee to Investigate Chinese Immigration: "My own conviction is, from my experience in this State for twenty years, that we never have had a sufficient amount of reliable, patient, kindly labor. The field or labor is so enormous that I do not see when the time will come when it shall be fully filled."[18]John Stuart, working for the Pacific Mail Steamship Company, testified "…in my opinion [Chinese immigration] will never assume proportions that will interfere with the morality of the state to any extent."[19] Mark Twain wrote approvingly that "All Chinamen can read, write and cipher with easy facility – pity but all our petted voters could."[20] He goes on to note that the Chinese "waste nothing. What is rubbish to a Christian, a Chinaman carefully preserves and makes useful in one way or another."[21]

Indeed, these testimonies and the conclusion of Congressman Morton regarding the nature of the Chinese stand in direct contrast to working class arguments. Hollister noted the shortage of labor in California, while labor unions protested Chinese immigration because Chinese workers were willing to work for less than white workers and in doing so undercut white working wages. Stuart described Chinese immigrants as morally upstanding, while workingmen complained about the moral degradation of the Chinese. The report of the joint committee further argues that the Chinese are intellectually inferior, while Twain observes that the majority of Chinese are equal to the white man in intellect. Clearly the West Coast was divided over the issue of Chinese immigration, with "the laboring men and artisans, perhaps without exception,

---

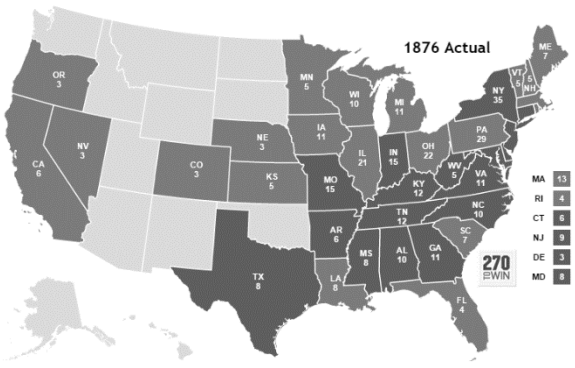
[17] Shi-shan Henry Tsai. *The Chinese Experience in America*. Indianapolis: Indiana University Press, 1986, 58.
[18] Report of the Joint Special Committee to Investigate Chinese Immigration, 44th Congress 2nd Session, Senate Report No. 680, February 27, 1877, 767.
[19] Ibid, 764.
[20] Mark Twain, *Roughing It*.
[21] Ibid.

opposed to the influx of Chinese," while businessmen and capitalists advocated for open doors.[22] Fracturing the West Coast along class lines, there was not enough consensuses amongst voters to make the Chinese question a national issue for the election of 1876.

The Supreme Court cases *Henderson* v. *Mayor of City of New York* (1875) and *Chy Lung* v. *Freeman* (1875) had placed immigration firmly within the preview of the federal government, forever altering exclusion legislation as other considerations began to impact immigration legislation. The problem for working class agitators on the West Coast was that Congress felt no need to address the Chinese question either through legislation or by modifying existing treaties with China. Because California voters were not unanimous, politicians avoided the issue and the West remained on the political periphery. Since the admission of Oregon, Nevada, and Colorado to the Union in the 1860s, presidential elections had been decided by landslide victories (in favor of Republicans), giving Congressmen little cause to pay heed to the needs of the West. Put another way, working class demands for exclusion fell on deaf ears in Congress because there was no political payoff for exclusion. Indeed, by 1878 the Chinese question clearly remained a regional and class issue.[23]

THE ELECTION OF 1880 AND THE POLITICAL ASCENT OF THE WEST

The election of 1876 highlighted the importance of the West for winning elections. The presidential race of 1876 between Republican Rutherford Hayes and



1876 Presidential race electoral map. Note that all four western states voted for Hayes, a total of 15 electoral votes

[22] Report of the Joint Special Committee to Investigate Chinese Immigration, 44th Congress 2nd Session, Senate Report No. 680, February 27, 1877, 764.
[23] Shi-Shan Henry Tsai, *The Chinese Experience in America*, 60.

Democrat Samuel Tilden would turn out to be one of the closest in the history of the United States with electoral votes contested in Florida, Louisiana, and Oregon. In the end, Congress decided the vote. Many Democrats would blame the three electoral votes for Hayes from Colorado, the newest state, for their loss.[24] With the close election of 1876 in mind, both parties began to look toward the West and their votes for the election of 1880.

Several contemporary newspapers commented on the importance of the West in the 1880 election. The *Daily Arkansas Gazette* noted "The importance of the congressional elections that take place today, in California in a national point of view, will appear when the possibility is considered of the next presidential election going to the house of representatives."[25] Both parties feared that the 1880 election would be just as close as the 1876 election, which meant that Congress may once again have to choose the next president. Every congressman counted.

To that end, 1879 saw a more responsive Congress to the demands of the West for restricting Chinese immigration. *The Milwaukee Sentinel* noted that both parties in Congress in 1879 passed legislation to carry California in the 1880 election.[26] The first anti-immigration bill to make it out of committee in 1879 was House Resolution 2423, more commonly the Fifteen Passenger Bill, introduced by Senator Wren from Nevada. The Fifteen Passengar Bill proposed to limit the number of Chinese persons arriving on any vessel to the United States to fifteen. After only one hour of debate on January 28 1879, the House of Representatives passed the resolution. The Senate took longer, with debates lasting over three days, before passing the bill.

[24] The three electoral votes from Colorado that went to Hayes were particularly bitter for the Democratic Party, who in a move to gain electoral votes in the West had pushed to grant Colorado statehood in 1876. Zhu Liping. *The Road to Chinese Exclusion: The Denver Riot, 1880 Election, and the Rise of the West*. Lawrence: University Press of Kansas, 2013.

[25] "THE importance of the congressional elections that take place to-day, in California in a national point of view, will appear when the possibility is considered of the next presidential election going to the house of representatives," in *Daily Arkansas Gazette* (Little Rock, Arkansas), September 3, 1879, pg. 4 Issue 236

[26] "Current Opinion" *Daily Rocky Mountain News* (Denver, Colorado) February 28, 1879.

The debates, however brief, in both the House and the Senate laid the groundwork for the 1882 Chinese Exclusion Act, echoing arguments both for an against exclusion. Martin Gold summarizes the arguments for Chinese exclusion on behalf of the House Education and Labor Committee succinctly: "If incompatible peoples were permitted to occupy the same country, the living standards of white labor would diminish and American cultural and political life would corrode."[27] The House Education and Labor Committee, based largely on a joint report from California, argued that Chinese immigrants were unassimilable and took jobs from white men. Compared to black and red races, the committee felt that the Chinese were morally corrosive, and in danger of overwhelming Anglo-American culture.

Republican Townsend from New York rose to defend the Chinese. He protested that Chinese exclusion violated American principles, and was reminicent of the backwards nativist Know-Nothing Party of the Antebellum years. He reminded House Representatives that not so long ago, nativists on the East Coast had protested Irish immigraiton. He noted that China had only recently opened to merchant business, and legislation barring Chinese immigration threatened to jepordize the new relationship. Significantly, both major supporters and opposers of the bill were Republicans. The Chinese question was dividing the national Republican party.

With the question of states rights versus federal rights more or less settled regarding immigration, the Passenger Bill became a battle ground between the legislative and the executive branch. Before the House took up the Passenger Bill, they assessed their ability to modify an exisiting treaty. Indeed, only after consulting with several attorneys general and precedence set by the Supreme Court, the House concluded that Congress did have the right to amend foreign treaties.[28]

---

[27] Martin Gold *Forbidden Citizens,* 38.
[28] Martin Gold, *Forbidden Citizens.*

The Fifteen Passengar Bill passed the House with 155 yeas and 72 nays. Significantly, 102 Democrats voted yea while only 16 Democrats voted nay. The Democratic party was rallying behind the Chinese question, desperate for the West's electoral votes in the upcoming election. The Republican vote was split almost evenly, with 51 yeas and 56 nays. Indeed, the Republican vote revealed regional tensions wtihin the party as the majoirty of the nay votes were from northern and midwestern states while southern Republicans joined with western Republicans to pass the measure. Perhaps the Republican party was not as concerned about the West, given that they had won all three western states in the 1876 election. The vote in the Senate was much the same – 21 Democrats joined 18 Republicans in approving the bill while 9 Democrates and 17 Republicans voted the bill down. While the Democratic vote was closer in the Senate, the majority of the party lined up behind Chinese exclusion.

President Hayes, with the support of northern Republicans, vetoed the Fifteen Passenger Bill because it violated the Burlingame Treaty between the United States and China. Discussed in greater detail later, the reaction to President Hayes' veto reveals from a different angle the still regional nature of the Chinese issue. The *New York Times* wrote: "It is the first time in many years that one small section of the Republic has had an almost exclusive interest in a scheme of legislation pending in the National Legislature."[29] President Hayes noted in his February 28, 1879 journal entry: "The veto of the anti-Chinese bill is generally approved east of the Rocky Mountains, and bitterly denounced west of the mountains. I was burned in effigy in one town!"[30]

Less than a week later, at a March 3rd meeting in Redwood City, California, labor rights activist Denis Kearney burned another effigy of President Hayes while stumping for the new California state constitution. Kearney, speaking to a large crowd, chastised President Hayes for

[29] "California and the Chinese," *The New York Times*, March 4, 1879, pg. 4. ProQuest Historical Newspapers.
[30] Rutherford Hayes, *Diary* Feb 28 1879.

vetoing the bill. "The idea that a fraud of a President, our servant, can veto a bill that these Pacific States want! Isn't he a king and a dictator?"[31] Western newspapers joined Kearney in lambasting the veto. The East was much more sympathetic to the President's veto. One *New York Times* editor called the Fifteen Passenger Bill "absurd" and "indiscriminate".[32] Agreeing with the President that the Fifteen Passenger Bill violated the Burlingame Treaty, the *New York Times* argued that "it would be far more reasonable to ascertain the fact before we imperil the privileges of Americans in China what may prove a very serious degree."[33]

Regional lines regarding Chinese immigration, West and South versus East, were made clear by President Hayes' veto. Republican leaders, already divided over the Chinese question, feared that the President's veto would cost the party even more votes during a presidential election cycle.[34] Senator Miller told *The New York Times* that the veto "cannot prove to be anything but injurious to the Republican party" in voters.[35] The Chinese question split the party along sectional lines, pushing western Republicans to the Democratic ticket with its strong stance on anti-immigration. Indeed, if the West joined the South on the Democratic ticket, the Republican hold on the presidency would be in danger.[36]

As a counterweight to the veto at the behest of President Hayes, Secretary of State Evarts appointed Republican James Angell plenipotentiary to China, and tasked him and two other commissioners with renegotiating the Burlingame Treaty. Secretary Evarts told the commissioners "to take into account sentiment on the Pacific Coast, United States commercial

---

[31] "Kearney's Tramp – His Speech at Redwood City – Hayes Burned in Effigy" (Redwood City) *Sacramento Daily Union*, Vol. 7 Num. 314 March 1879. ProQuest Historical Newspapers.
[32] "The New Anti-Chinese Project" *New York Times* March 10, 1879 pg. 4. ProQuest Historical Newspapers.
[33] "The New Anti-Chinese Project".
[34] Zhu Liping, *The Road to Chinese Exclusion*, 113.
[35] "The Chinese Bill Vetoed" *The New York Times*, April 5, 1882, pg. 1. ProQuest Historical Newspapers.
[36] Zhu Liping, *The Road to Chinese Exclusion*, 113.

relations with China, American traditions of liberal admission of foreigners, and the opposition of certain religious groups to exclusion."[37] Personally, Angell disagreed with efforts to exclude the Chinese, but knowing that the sentiments of the Congress had turned against immigration, travelled to China to negotiate.

Two of the three appointed commissioners were Republican. Joining Republican James Angell was John F. Swift, a San Francisco Assemblyman in favor of exclusion. Democrat William H. Trescott of South Carolina rounded out the group, and like Angell was skeptical of exclusion. Appointing two Republicans to the commission, one of whom was from California and the other heading the mission, allowed Republicans to claim full credit for negotiations.

Indeed, Republican newspapers on the West Coast printed extensive reports on the commission to assure voters of the Republican Party's commitment to exclusion. The *Daily Evening Bulletin* in San Francisco gave daily updates regarding the commission. On March 14, *The Daily Evening Bulletin* acknowledged the commission to China with approval, printing that "The Federal Government has at last taken an Important step toward a correction of the evil" and "No man understands the evils which have grown out of Chinese immigration better than John. F. Swift."[38] Three months later, on June 14 the *Bulletin* noted the arrival of Angell to San Francisco with his family.[39] On June 16 the *Bulletin* described a reception hosted by the First Congregational Church in San Francisco for the commissioners. On June 18, the *Bulletin* ran another story about the commissioner's upcoming journey. *The Bulletin* would print frequent

[37] David Anderson. "The Diplomacy of Discrimination: Chinese Exclusion, 1876-1882," *California History*, Vol. 57 No. 1, (Spring 1978), pp. 32-45.
[38] "The New Commission to China" *Daily Evening Bulletin* (San Francisco, California) Issue 143, March 24 1880. ProQuest Historical Newspapers.
[39] "Arrival of James B. Angell, United States Minister to China" *Daily Evening Bulletin* (San Francisco, California) Issue 58, June 14 1880. ProQuest Historical Newspapers.

updates on the commission's progress from the day they landed on August 20th to the ratification of the treaty on May 2, 1881.

To further woo the West, both the Democratic and Republican parties added stronger anti-Chinese planks to their party platforms for the 1880 presidential race. The 1880 Republican Party platform stated that "the Republican party, regarding the unrestricted immigration of the Chinese as a matter of grave concernment…would limit and restrict that immigration."[40] The Democratic Party platform was much more pointed: "No more Chinese immigration."[41] The *Republican Campaign Textbook* for the Election of 1880 made it a point to note that the Republican Party was the first to recognize the national importance of the Chinese question, "the subsequently adopted Democratic plank on the subject being simply a demagogical bid for votes."[42]

The Election of 1880 also saw, for the first time, notable politicians traveling to West to campaign. President Hayes, the first sitting president to travel to the West, travelled by train through Wyoming and Utah to California to campaign for the Republican candidate James Garfield. In his diary, Hayes reflected on some of his goals for his trip to the West: "AS I now see it congratulations on the condition and prospects of our Country will almost always be appropriate….and warn the people of some evils existing which threaten our future such as…racial prejudice."[43] We can assume that the threat of "racial prejudice" President Hayes referred to was the Chinese question. The President gave relatively few speeches during his Grand Tour of the West, and what few speeches he did give were often short and extolled the

[40] *The Republican Campaign Textbook for 1880,* 185.
[41] Ibid.
[42] Ibid.
[43] Rutherford Hayes, *Diary,* August 19 1880 and Kristine Deacon, "On the Road with Rutherford B. Hayes: Oregon's First Presidential Visit, 1880" in *Oregon Historical Quarterly,* Vol. 112, No. 2 (Summer 2011) pp. 170-193.

character of West. In San Jose California, he declared "there are those who criticize the climate of California…I soon discovered that to a healthy man it does not bring cold or chill. It gives him energy and life and prepares him for the great work which the people of that city are to do."[44] This type of 'campaigning' was fairly typical for the late 19th century. To preserve the dignity of the office, presidents and presidential candidates hardly ever campaigned on their own behalf and rarely gave public speeches, apart from official required speeches and letters. Republican presidential candidate Garfield campaigned from his own front porch. Nonetheless, the timing of President Hayes' tour of the West suggests that the tour was a political maneuver to gain favor in the West.

Though he did not campaign, when given the opportunity Garfield also took advantage of the Chinese question to bolster support from the West. Garfield's formal acceptance of the Republican nomination devoted a full paragraph to the Chinese question that echoed arguments made by labor unions in the West. He argued that the United States should extend "hospitality to emigrants who seek our shores for new and happier homes, willing to share the burdens as well as the benefits of our society, and intending that their posterity shall become an undistinguishable party of our population. The recent movement of the Chinese to our Pacific coast partakes but little of the qualities of such an emigration."[45] This statement holds that Chinese immigrants were transitory migrants who did not plan to stay permanently in the United States nor bear the responsibilities of citizenship. He maintained that Chinese immigrants were unassimilable. Significantly for this study, less than one year earlier Garfield had counseled Hayes to veto the Fifteen Passenger Bill.[46] A House Representative in 1789 perhaps with an eye

[44] Rutherford Hayes, *President Hayes Speech* (San Jose, California) Sept. 15 1880. President Hayes Library.
[45] James A Garfield. "Letter Accepting the Presidential Nomination," July 12, 1880. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. http://www.presidency.ucsb.edu.
[46] Zhu Liping, *The Road to Chinese Exclusion*.

on the presidency, Garfield himself did not vote on the Fifteen Passenger Bill. Garfield had used the Chinese question to his political advantage.

The Democrats also sought to utilize the Chinese question to their political advantage. In October 1880, twelve days before Election Day, a New York newspaper ironically named *Truth* published a letter allegedly written by Senator Garfield to H. Morey of the Employers Union in Massachusetts, advocating for unrestricted Chinese immigration. The so called 'Morey Letter' set off a firestorm in the national media. Taking advantage of the letter, the Democrats printed and posted the letter to store windows across the Pacific Coast. The Republicans quickly proved the letter was a forgery, but the damage had been done. Between Hayes' veto and the Morey Letter, and despite the best efforts of Republicans, two of three western states went to Hancock in the election of 1880.

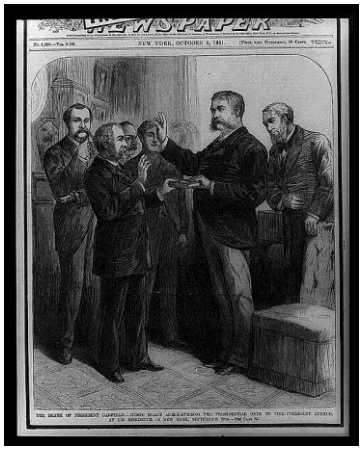
Political scientists Stephen Skowronek notes that this political scene reflected a post-Reconstruction "hegemony of party concerns over governmental operations."[47] The late 19th century was indeed a period of intense electoral competition, where each presidential race was decided by a few electoral votes. "More than ever before, the calculations of those in power were wedded to the imperatives of maintaining efficiency in state and local political machines and forging a national coalition from these machines for presidential elections."[48] The election of 1876, the lack of Congressional response to demands for Chinese exclusion in the West, and the election of 1880 and sudden Congressional interest in exclusion bear out Skowronek's observation to reveal that politics at the national level played a greater role in forming immigration policy than ethnic and labor unrest in California.

---

[47] Stephen Skowronek. *Building a New American State: The Expansion of National Administrative Capacities, 1877-1920*. Cambridge: Cambridge University Press, 1982, 39.
[48] Ibid.

Perhaps the least impactful group on immigration policy was the Chinese immigrants themselves. While Chinese immigrants formed community organizations around what came to be known as the Six Companies, due to laws making Chinese ineligible for citizenship Chinese immigrants were ineligible to vote and ineligible for office. As historian Shih-shan Henry Tsai points out, "Although the Six Companies could and did exert tremendous influence among the Chinese in America, they were by no means a diplomatic entity through which important immigration matters might be negotiated with the United States government."[49]

The Election of 1880 saw the highest voter turnout in American history. Less than 2,000 popular votes separated Republican candidate James Garfield from Democratic candidate Winfield Hancock. The electoral votes were much more decisive, as with a sweep of the much more populous North, Garfield won 214 electoral votes to Hancock's 155. On July 2nd, 1881 at 9:30am President James A. Garfield was shot at a train station in Washington D.C. He died approximately three months later, the second president in the history of the United States to be assassinated. Vice President Chester A. Arthur succeeded President Garfield, sworn into office in his New York home on September 20 1881 (*Image Three*[50]*).*



1881 Vice-President Chester A. Arthur is sworn into office

1878 PASSENGER BILL AND A PRESIDENTIAL VETO

While presidential candidates were maneuvering for political leverage in the West, then President Hayes was looking across the Pacific Ocean toward Asia. The 1858 Treaty of Tienstin had established the first formal relationship between the United States and China. Also known as

[49] Henry Shi-Shan Tsai, *China and the Overseas Chinese in the United States*, 1868-1911 (Fayetteville: University of Arkansas Press, 1983).
[50] "The death of President Garfield--Judge Brady administering the Presidential oath to Vice-President Arthur, at his residence in New York, September 20th." (1881). Library of Congress. Accessed May 08, 2016.

the unequal treaty, the Treaty of Tienstien opened Chinese markets to western merchants, creating spheres of foreign influence on the east coast of China. A few years later, in 1861 President Abraham Lincoln appointed Anson Burlingame as foreign minister to the Chinese Empire. Travelling back to the United States with a Chinese envoy in 1868, Burlingame renegotiated some of the unequal aspects of the Treaty of Tienstin. The 1868 Burlingame Treaty established equal nation status between China and the United States. Meant to regulate relations between China and the United States, the Burlingame Treaty also regulated immigration between the two nations. Article five of the treaty "recognize[d] the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other."[51] Article six went on to guarantee that "Chinese subjects visiting or residing, in the United States shall enjoy the same privileges, immunities, and exceptions…as may there be enjoyed by the citizens of subjects of the most favored nation."[52] The Burlingame Treaty not only guaranteed the right of Chinese citizens to immigrate freely to the United States, but the treaty also guaranteed the Chinese living in the United States government protections.

Grant's Triumphal Arch at Hong Kong

As a reflection of China's growing importance as a US trading partner, former President Grant travelled to China in 1879, visiting many of China's major cities and meeting Chinese

[51] U.S. Department of State. *Burlingame Treaty*, Article Five (1868).
[52] U.S. Department of State. *Burlingame Treaty*, Article Six (1868).

governors in Guangzhou, Tianjin, and Peking (*Image Four*[53]). Chinese leaders greeted Grant with enthusiasm, treating him to lavish public ceremonies and banquets. President Grant was the first western head of state to visit China, and the Chinese government sought to take advantage of the opportunity to strengthen the US-China relationship and recruit US aid in halting Japanese aggression.[54]

While in Tienstin Lu Hung-chang, a local viceroy, attempted to convince Grant to arbitrate a dispute between China and Japan over the Ryukyu Islands. He suggested that if the United States aided China in its territorial despite with Japan, the Chinese government would be willing to negotiate on the immigration issue.[55] In Tunjo, President Grant met with Prince Kung whom Grant noted was "very strongly inclined to cultivate the most friendly relations with the U S."[56] Prince Kung later also asked Grant to arbitrate disputes between Japan and China. President Grant's tour of China, his reception, and the eagerness of Chinese officials to recruit the assistance of the United States indicate the growing relationship between the United States and China.

A little over ten years later, to win the West in anticipation of the election of 1880, the United States Congress passed the 1879 Passenger Bill which sought to limit Chinese immigration to the United States to fifteen passengers per seafaring vessel. Although we have briefly studied regional reactions to the bill, the President's veto of the Passenger Bill warrants further study to reveal how international politics impacted immigration legislation in the United States.

---

[53] "Grant's world tour China. Hong Kong. Fountain, gardens, and welcome arch. May 16, 1879. Library of Congress Prints and Photographs Division, Washington DC. Online at: https://www.loc.gov/item/2015650863/
[54] Zhu Liping, *The Road to Chinese Exclusion.*
[55] Shi-shan Henry Tsai, *Chinese and the Overseas Chinese,* 53.
[56] "The Papers of Ulysses S. Grant", Vol. 29 Pg. xiii in Mississippi State University Library Digital Collections.

The newly arrived Chinese ministers Ch'en La-pin and Yung Wing adamantly protested the Passenger Bill with Secretary of State William Evarts. Secretary Evarts assured the ministers that the debates were merely an example of democracy at work, and asked that they not communicate to Peking about the bill. The ministers told Evarts that not only were they translating the speeches and newspapers into Chinese for the Chinese government, but that they could not guess how the bill or the debates would impact the relationship between the United States and Chinese governments.[57]

President Hayes' veto of the Passenger Bill reflected the concerns of the ministers. Citing both articles five of the Burlingame Treaty which guaranteed free migration, and article six, which guaranteed protection of Chinese immigrants, the President, expressed clear concern that the Passenger Bill would negatively affect the relatively young relationship with China. He argued that national interests took precedent over local interests. Indeed, President Hayes felt that "the summary disturbance of our existing treaties with China as greatly more inconvenient to much wider and more permanent interests of the country."[58] The President referred specifically to the role of the Burlingame Treaty in opening Chinese markets for American merchants.

More than that, the President was concerned with the honor of the United States. A February 3rd entry in President Hayes' diary acknowledges the suffering of Californians, but ultimately concludes that relief for them "can be done…without any violation of the national faith, and without any real or substantial departure from our traditional policy on the subject of immigration."[59] Indeed, in the few journal entries that President Hayes mentions the Chinese question, it is always in the context of the national faith and honor of the United States on an

[57] Henry Shi-Shan Tsai, *China and the Overseas Chinese*, 47.
[58] Ibid, 6.
[59] Rutherford Hayes, *Diary*, February 3rd.

international stage. Having agreed to the terms of the treaty, the President felt that renegotiating the treaty was the more appropriate route.

The President was sympathetic to the perceived plight of Californians. The same diary entry reads: "Our countrymen on the Pacific Coast…are entitled to have…our sympathy in this matter….We should at once devise appropriate measures to give them assurance of relief."[60] Privately, Hayes expressed his distaste for Chinese laborers, considering them to be a weaker race.[61] He did not let his opinion interfere with foreign policy.

The Veto of the Chinese Immigration Bill was carefully worded, delineating the power of the Congress and the power of the President under the Constitution. "The authority of Congress to terminate a treaty with a foreign power," the president wrote, "is as free from controversy under our Constitution as is the further proposition that the power of making new treaties or modifying existing treaties is not lodged by the Constitution in Congress, but in the President."[62] While Congress has the power to approve and abrogate treaties with foreign powers, only the president had the power to negotiate new treaties or amend existing treaties. The President hit the ball back into the court of Congress.

The 1879 Passenger Bill put at stake foreign relations with China, the balance of power between Congress and the President, and the commitment of western voters to the Republican ticket. The President, committed to preserving foreign relations, vetoed the bill. In doing so he cemented the President's role over Congress in establishing and abrogating treaties, leaving Congress the power only to abrogate treaties. Although the Angell commission went a long way

---

[60] Ibid.
[61] David Anderson, "The Diplomacy of Discrimination: Chinese Exclusion, 1876-1882," *California History*, Vol. 57 No. 1, (Spring 1978), 32-45.
[62] Chester Arthur, *Veto of the Chinese Immigration Bill*. (April 4, 1882). Online Miller Center, University of Virginia.

to assuring western voters of Republican commitments to exclusion, Republicans lost seven seats in the Senate between 1878 and 1879, three of which were from western states, giving Democrats control of the Senate in the 46th Congress between 1879 and 1881.[63] Although the President vetoed the Passenger Bill after congressional contests had ended in 1878, Republican inaction on the Chinese issue played an important part in races in California and Oregon.

SHIFTING POLITICS: THE 1882 CHINESE EXCLUSION ACT

Though the election of 1880 had ended, the Angell Commission continued its work in China. The Angell Commission arrived to find the Chinese government under attack from all sides. While the Chinese Government in Peking was still trying to reassert control over the Qinghai and Gansu Muslims in Northern China who had led a two-year rebellion against the Qing dynasty, the French began making moves into Vietnam, which China considered within its sphere of influence. Seeing an opportunity China's longtime rival, Japan, occupied the Okinawa Islands.[64] Facing both domestic and external threats, China was in desperate need of an ally, and was willing to negotiate the issue of immigration to get one.[65]

In less than two months of negotiations a new treaty between the Chinese and United States government was signed in Peking. What would become known as the Angell Treaty consisted of four articles. The first allowed the United States government to "regulate, limit, or suspend" the immigration of Chinese to the United States but not prohibit it. Article two allowed for "teachers, students, and merchants" in addition to Chinese already residing in the United States freedom to travel in and out of the United States. Article three reinforced provisions of the

---

[63] Senator Newton Booth from California changed from Republican to Independent Republican, Senator Aaron Sargent lost his seat to James Farley, a Democrat. In Oregon, Republican Senator John Mitchell lost his seat to Democrat James Slater.

[64] Henry Shi-Shan Tsai, *The Chinese Experience in America*.

[65] Haiming Lu, "Chinese Exclusion Laws the and U.S.-China Relationship," California State Polytechnic University, Pomona (Fall 2003) 151-156.

Burlingame Treaty that the United States would protect the civil rights Chinese immigrants and article four required the United States government to inform China of any new legislation limited Chinese immigration.[66] The Angell Treaty was an unqualified success for the American diplomats. It would not be enough to appease the West Coast.

In no uncertain terms, the 1882 Chinese Exclusion Act passed by Congress one year later sought to end the immigration of Chinese laborers to the United States. "Whereas, in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof…the coming of Chinese laborers to the United States be….suspended."[67] Support for the Chinese Exclusion Act was bipartisan as both parties sought to fulfill promises from the 1880 election.

Whereas the Passenger Bill had divided Republicans along regional lines, the election of 1880 had turned Chinese exclusion into a national issue that both parties had to support to win the West. In the House the Chinese Exclusion Act was passed 202 to 37, with only 3 Democrats and 34 Republicans opposed. Once again, the Republicans who opposed the bill were predominantly from the North, but many more Northern Republicans lined up behind Chinese Exclusion than before. In New York, for example, 8 Republicans voted yea while only 7 Republicans voted nay. In 1879, 12 of 15 Republicans in New York had voted down the Passenger Bill.

With much of the same reasoning as President Hayes, President Arthur vetoed the Chinese Exclusion Act. Like President Hayes, President Arthur believed that the United States should consult with China before abrogating their treaty, arguing that "A nation is justified in repudiating its treaty obligations only when they are in conflict with great paramount interests.

[66]U.S. Department of State, *Angell Treaty* (1881).

[67] *An act to execute certain treaty stipulations relating to Chinese. U.S. Statutes at Large* 126 (1882): 58-61.

Even then all possible reasonable means for modifying or changing those obligations by mutual agreement should be exhausted before resorting to the supreme right of refusal to comply with them."[68] Like President Hayes, President Arthur adopted arguments related to the national interest of the United States, arguing that "Experience has shown that the trade of the East is the key to national wealth and influence."[69] Once again, foreign considerations shaped immigration policy in the United States.

Congress quickly drafted and passed a new exclusion bill that addressed President Arthur's concerns. Despite the protests of Chinese ministers, President Arthur signed the bill into law, as Congress had made alterations to meet the President's demands. In the span of two years Congress had built a coalition around Chinese exclusion and passed the first bill in the history of the United States to exclude a group of people based on their race. How did this happen?

For one, the foreign relations stakes were not as high as they had been in 1879. After 1879 the Chinese government faced both domestic rebellion and foreign conflict, and sought the support of the United States in these conflicts (as we previously noted, China went so far as to ask former President Grant to mediate disputes between China and Japan). The treatment of Chinese immigrants was far less of a priority as other demands, making China willing to sacrifice the immigration issue.

Additionally, the election of 1880 had pushed both parties to embrace anti-Chinese planks in their party platforms, on which both parties sought to deliver. Midterm elections in California were scheduled for later that year, and both parties fought for the West to secure dominance in the House and the Senate.

---

[68] Chester Arthur, *Veto of the Chinese Immigration Bill* (April 4, 1882).
[69] Chester Arthur, *Veto of the Chinese Immigration Bill* (April 4, 1882).

At the end of his single term in office, President Hayes reflected on his administration in a letter to Senator Samuel Rheem. "I found the country in distress and perplexed with difficult and dangerous questions," he wrote. "I left the country prosperous and happy, and with the money question, the Southern question, the Indian question, the civil service question, the Chinese question, and others either settled or in the process of settlement finally and happily."[70] With minimal damage to the party and an international incident with China avoided, Hayes considered the 1882 Chinese Exclusion Act as a success.

CONCLUSION: THE GEARY ACT AND BEYOND

The 1882 Chinese Exclusion Act prohibited Chinese laborers from immigrating to the United States for a period of 10 years. When the Chinese question resurfaced in 1892, Congress quickly passed the Geary Act, extending exclusion for another 10 years. In 1892 the political stakes remained too high to seriously reopen the question of Chinese exclusion. Politicians were not willing to sacrifice votes to the ideals embodied by the Statue of Liberty.

The heart, then, of Chinese Exclusion rests in evolution of the Passenger Bill and to a lesser extent the 1882 Chinese Exclusion Act itself. While the debates in Congress presented both sides of the Chinese issue, they were a side-show to larger political machinations at the national and international level.

As the lack of Congressional action on the issue of immigration before 1879 and their subsequent embrace of restricting immigration due to the election of 1880 demonstrates, Congressmen were guided by their political ambitions to a much larger extent than historians have recognized. Indeed, the demands of the West were met in proportion to its political weight. Recent historians like Andrew Bacevich and political scientists like Jacob Hacker and Paul

[70] Rutherford Hayes, "Letter to Samuel Rheem" Dec. 22 1883. Rutherford Hayes Presidential Library.

Pierson have reflected on the lack of Congressional response to working class in the modern era. This study traces that trend back to the late 19th century.[71]

Foreign policy, while keeping the best interest of the nation more central than national politicians, also shaped immigration policy. More than one president, seeking to maintain friendly relationships with China and other nations, vetoed anti-immigration legislation. These presidential vetoes highlighted the regionalism that gripped the United States long after the Civil War.

Two of the *least* impactful groups on immigration policy was the working class on the West Coast and the Chinese immigrants. While domestic unrest had a direct impact on local politics, at the national level immigration policy was shaped by the needs of the competing parties and the needs of foreign policy. This is a significantly different narrative than historians have traditionally written about the Chinese Exclusion Era. For their part, the Chinese were not allowed to vote. While the Six Companies mobilized as many friends as they could, ultimately they had little impact on immigration legislation.

The Chinese Exclusion Era at the national level cannot be explained by a simple cause and effect relationship. By placing the Chinese Exclusion Era in a national and then international context, it becomes clear that the Exclusion Era was a battleground of foreign policy, national politics, class, and race. The Chinese immigrants themselves and the workingmen that advocated so strongly for exclusion had little say in how the battle ended. The battle was fought, perhaps as it has always been fought and always will be fought, by politicians with little concern other than the next election.

---

[71] Andrew Bacevich, *The Limits of Power: The End of American Exceptionalism* (New York: Holt Paperbacks, 2009) and Jacob Hacker and Paul Pierson, *Winner-Take-All Politics: How Washington Made the Rich Richer – and Turned Its Back on the Middle Class* (New York: Simon & Schuster, 2011)

CHAPTER THREE: THE DIVIDE BETWEEN BUSINESS AND LABOR

Q. – How Many Chinese gamblers are there in this city?
A. – I don't know.
Q. – Is any part of Canton as dirty and filthy as the Chinese part of this town?
A. – It is about the same.
Q. - Do you rent houses of prostitution?
A. – No, sir.

- Testimony of Lee Ming Hown before the California Senate Special Committee, 1878[1]

INTRODUCTION

In 1878 the California Senate commissioned a Senate Special Committee to investigate the question of Chinese immigration in California. The product of this investigation was the 1878 *Chinese Immigration: Its Social, Moral, and Political Effect*. The 302-page report contains 57 testimonies over three months from police officers and fire marshals, religious leaders, businessmen, British citizens, lawyers, and Chinese immigrants.

This chapter will take an in-depth look at the report published by the California Senate Special Committee. While the report states that California unanimously supports Chinese exclusion, a closer reading reveals that two groups supported continued Chinese immigration – businessmen and religious leaders. Indeed, while businessmen largely agreed with the laboring class that Chinamen were morally reprehensible, they nonetheless argued for and actively recruited Chinese immigrants to California for access to their cheap labor. The stark class division on Chinese immigration in the California Senate report is reflected in another report to investigate the Chinese question published by the United States Congress. The *Report of the*

[1] Special Committee on Chinese Immigration, *Chinese Immigration: Its Social, Moral, and Political Effect Report to the California State Senate* (Sacramento: PF Thompson, 1878) 71-73.

Joint Special Committee to Investigate Chinese Immigration reflects the class division between labor and business at the national level.[2]

The late nineteenth century, more than any other period in the United States, saw the development of class consciousness, manifested in the rise of labor unions. This section will further explore the class divide between laborers and businessmen and the role of Chinese immigrants within that divide. Labor unions universally associated Chinese immigrants with business, who laborers accused of bringing Chinese contract labors (or coolies) to the United States to undercut white wages. Thus, Chinese laborers, with few exceptions, were excluded from labor unions and cast as the enemy of the laboring class. Exclusion from labor unions restricted the ability of Chinese immigrants to access policy makers.

From Mary Coolidge in 1909 to Alexander Saxton in 1970, historians of Chinese exclusion have long emphasized the role of labor in the exclusion of Chinese immigrants. History has largely ignored those who would have seen Chinese immigration continue, more specifically the role that business played in alternatively fueling, preventing, and reducing the period of Chinese exclusion on both a regional and national stage. When we emphasize the role of business in resisting exclusion policy, the story shifts from a straightforward cause and effect relationship between protest and policy to a more complex story where various parties used their power to influence policy.

CALIFORNIA SENATE SPECIAL COMMITTEE AND THE US CONGRESS JOINT SPECIAL COMMITTEE

The California report *Chinese Immigration: Its Social, Moral, and Political Effect* begins with an "Address to the People of the United States" in which the authors describe the effects of

[2] Joint Special Committee to Investigate Chinese Immigration, *Report of the Joint Special Committee to Investigate Chinese Immigration* (Washington: Government Printing Office, 1877).

the Chinese population upon the 'social and political condition' of the state, many effects of which will be familiar to readers from our previous discussion on discourse and disability. "All must admit that the safety of our institutions depends on the homogeneity, culture, and moral character of our people," the address begins, and goes on to argue:

> The Chinese…remain separate, distinct from, and antagonistic to our people in thinking, mode of life, in tastes and principles, and are as far from assimilation as when they first arrived. They fail to comprehend our system of government; they perform no duties of citizenship…They do not comprehend or appreciate our social ideas, and they contribute but little to the support of any of our institutions, public or private. They bring no children with them, and there is, therefore, no possibility of influencing them. Their moral ideas are wholly distinct from our own…Bribery, intimidation, and other methods of baffling judicial action, are considered by them as perfectly legitimate.[3]

The authors argue that the influence of Chinese immigrants on the state of California is negative because Chinese immigrants cannot be assimilated by traditional methods (Anglo-conformity), and they cannot comprehend or participate in society with Americans. Their moral state is so separate from that of Americans that they are a threat to the state of California. The report's table of contents suggests other against Chinese immigration made in the body of the report: abandonment of children, sick and helpless, acts of assassination, bribery of public officers, want of cleanliness, prostitution, coolie labor, criminal population, diseases, fires in Chinese quarter, gambling, lack of honesty, ignorance of, innocent men ruined, infidelity, leprosy among, murder, opium consumption, and thieving.[4] The report and its contents largely reflects anti-Chinese discourse rooted in the establishment of Anglo-American hegemony in California that we explored in Chapter One.

[3] Special Committee on Chinese Immigration, *Chinese Immigration: Its Social, Moral, and Political Effect Report to the California State Senate* (Sacramento: PF Thompson, 1878) 9.
[4] Ibid, v-xv.

While the "Address to the People of the United States on the Evils of Chinese Immigration" at the beginning of the report makes it seem like the state of California is united in its call for Chinese exclusion, a closer reading of the testimonies within the report tell a different story. While laborers, police officers, British traders, and doctors describe Chinese immigrants in negative terms, there are two small groups within the report that describe the effect of Chinese immigration in positive terms – business owners and clergymen.

Morgenthau, a wool, candle, and soap manufacturer, argued that Chinese immigrants "have been a great advantage to this coast". The advantages Morgenthau described are primarily in the cheapness of their labor. While he admitted white laborers produce higher quality goods, he claimed that "If we had to employ only white men, we could not run our factories"[5] because white labor costs too much. He described the problems he has had with white laborers taking long lunches and holidays without notice, a problem he had presumably not experienced with Chinese laborers. When pressed by the committee, he admitted that Chinese immigration "will affect the country disastrously", however, he claimed that he could not "see a way out" of employing Chinese immigrants.[6]

A. Schell, previously a lawyer but at the time of the report a grape, wool, and stock raiser began his testimony by claiming that "much of my work would be left undone" if not for Chinese immigrants. Like Morgenthau, his testimony focuses on the labor element of Chinese immigrants – he argued that "in the country, if the Chinese element of labor was taken away from us it would be a great detriment." He went on to testify, "if you exclude Chinese you will have to close up every woolen mill on the coast."[7] Though he admitted, under questioning, that a

[5] Ibid, 132.
[6] Ibid, 133.
[7] Ibid, 149.

white man produces superior products to the Chinese man, he cannot depend on the white laborer. Indeed, Schell compared Chinese laborers favorably to white laborers. He claimed that where the Chinaman will stay on and work, the white laborer will work long enough only to earn the money he needs and then leave. He also testifies that he has "never met but one Chinaman who could not read and write his own language, and I have met a great many white men that could not do it."[8]

We can compare Schell's testimony with that of a practicing attorney-at-law, D.J. Murphy. Murphy described Chinese immigrants as "adroit and expert thieves", adept at perjury and further described their testimony as unreliable unless supported by white testimony.[9] Murphy estimated that seven or eight out of every ten Chinese immigrants were criminals. While Murphy had a decidedly negative view of Chinese immigrants, Schell focuses on Chinese labor and work ethnic in a positive light. As a previous lawyer, we might guess that Schell encountered Chinese immigrants in much the same fashion as Murphy. Yet his change in occupation, from lawyer to business owner likely altered his perspective on Chinese immigrants.

While Schell was in favor of the Chinese primarily for their labor element and had little to say about their moral state, he also cast the Chinese question in light of relations with the Eastern United States. "The question is," Schell stated, "whether we should encourage home manufactures or send money East for shoddy goods."[10] Morgenthau also cast the Chinese question in comparative terms. Upon questioning by Senator Donovan whether goods made East, by whites, would be better than goods made in the West by Chinese, Morgenthau (employing an understanding of competition and supply and demand) responded that production in the West

[8] Ibid, 149.
[9] Ibid, 147-148.
[10] Ibid, 149.

forces Eastern manufactures to lower their prices. Should Chinese be excluded, Morgenthau argued that people would have to pay higher prices for Eastern goods or send abroad for goods, which would be "as bad as sending money to China."[11] Businessmen were tapping into a long-standing concern of the extent to which the West was influenced and, indeed, controlled by the Eastern United States. More than profit, the Chinese question was rolled up in East-West relations.

Businessmen described the advantages of Chinese immigrants largely in terms of their cheap labor, and readily admitted that Chinese immigrants undercut white labor. Further, when asked, Morgenthau testified that Chinese immigrants live "crowded together in small rooms, on filthy alleys. I don't believe many places that I know have been dry or clean for ten years – never clean."[12] While white businessmen appear to harbor the same prejudices against Chinese immigrants, the financial benefits for them outweigh the social and moral implications of Chinese in California.

There were a few businessmen who were totally against Chinese immigration. Abram Altemeyer, a boot and shoe manufacturer who at times employed between three hundred and five hundred Chinese immigrants, was one such businessmen. While the committee seemed primarily interested in the method by which Altemeyer contracted Chinese immigrants (with Yu-chuy-lung Company, "We made contracts with them to furnish us so many men for a certain price"[13]) and the effect of employing Chinese immigrants on white labor ("there is no question but that [Chinese labor] keeps white men from coming here, while those who are here cannot get work"[14]) they also inquired into Chinese immigrants as workers. Altemeyer testified that he had

[11] Ibid, 133.
[12] Ibid, 134.
[13] Ibid, 115.
[14] Ibid, 116.

found Chinese immigrants to be dishonest and bear "close watching", and that they produce inferior goods compared to white laborers.

Altemeyer went on to testify that his company was in the process of replacing Chinese immigrants with white workers, claiming that the initial employment of Chinese immigrants was due to labor shortages in California and extravagant wages demanded by members of the Order of the Knights of Saint Crispin, an American laborer union who fought the use of machinery and unskilled labor. No doubt, rising anti-Chinese sentiment also played a role in Altemeyer's choice to begin employing white laborers. Though the Order of the Knights of Saint Crispin had fallen to the wayside by the time of the report, Altemeyer confirmed that his company paid white workers 'double' the pay of Chinese laborers. The increased pay, however, was offset by the higher production and higher quality of white workers.[15] Another factor in his decision to employee white workers may have been the movement amongst consumers in the West to only purchase goods made by white laborers.[16] In this way businessmen who employed white laborers derived greater profits from consumers who were willing to pay more for white labor.

There are a few striking additional aspects of the report worth noting. The first is the submission of testimony by British merchants and travelers. Of 57 testimonies collected by the commission, 5 were by citizens of the British Empire who had travelled to China. The choice of British merchants as opposed to American merchants appears odd at first glance. Chinese ports had been open to American merchants since 1784, and diplomatic relations with China had been established by the Treaty of Wangxia in 1844. So, by the time of the report in 1877, American merchants had been trading with China for 103 years. There is no record that specifically

[15] Ibid.
[16] Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkley: University of California Press, 1975).

indicates the reason why the committee called on British merchants rather than American merchants.

The line of questioning in the report seems to suggest that British merchants were tapped because they were actively engaged in carrying Chinese immigrants from China to the United States. One of the first questions the committee asked of British Captain R. H. Joy from China to California, he responded that he had transported 882 Chinese immigrants on his steamer *Crocus*.[17] The testimony of British merchants engaged in transporting Chinese immigrants to the United States and questioning merchants like Altemeyer regarding the method by which businessmen employ Chinese laborers reflects anxiety regarding the status of Chinese immigrants as contract laborers, or coolies.

The coolie trade, or the transportation of Chinese contract laborers, began in the 1840s as a response to labor shortages across the globe, in part a search to replace emancipated slaves of the British Empire (the British Parliament passed the Slavery Abolition Act in 1833) and in part due to declining indigenous laboring populations in European colonies. American merchants engaged in the coolie trade early, and at the height of their participation earned $11 million in ticket fees per year.[18] In 1862 the United States prohibited the coolie trade with the "An Act to prohibit the 'Coolie Trade' by American Citizens in American Vessels", which made the transportation of contract laborers punishable by a fine of up to $2,000 (approximately $50,000 in 2016 dollars).[19] The British Parliament never passed such an act and British merchants continued to engage in the coolie trade after 1862, explaining why by 1878 the California

[17] Special Committee on Chinese Immigration, *Chinese Immigration: Its Social, Moral, and Political Effect Report to the California State Senate,* 141.
[18] Henry Shih-Shan Tsai, *The Chinese Experience in America* (Bloomington: Indiana University Press, 1986), 4-27.
[19] *1862 An Act to prohibit the 'Coolie Trade' by American Citizens in American Vessels,* 37th Congress, 2nd Session, *Congressional Record*, 1862 (340).

committee had to rely on British merchants engaged in the transportation of Chinese immigrants to the United States rather than American merchants to China.

The act that prohibited the coolie trade did not apply to "any free and voluntary emigration of any Chinese subject."[20] Indeed, despite the fact that Chinese immigrants to the United States were *not* contract laborers, the continued engagement of American merchants in the transportation of contract laborers between 1850 and 1862 (mostly to Latin America) made American laborers suspicious, and ultimately associate *all* Chinese immigrants with coolism.[21] In the first chapter we briefly explored the racialization of Chinese immigrants as black due to the perception that, like African Americans, Chinese immigrants were slave (and therefore unfree) laborers. This accusation stems from American participation in the coolie trade.

Historian Erika Lee points out the ways in which anti-Chinese leaders accused businessmen of engaging in a new system of slavery that degraded American labor.[22] The association of Chinese immigrants with coolism threw Chinese immigrants into the maelstrom of slave labor vs free labor, an argument that the United States had attempted to settle with the lives of over 620,000 men in the American Civil War between 1861 and 1865. These years also marked the height of Chinese immigration to the United States. In associating Chinese immigrants with slave labor, labor unions were tapping into a deep wound that few Americans were willing to reopen.

Another aspect of the report worth noting is that in addition to businessmen, clergymen largely spoke positively about Chinese immigration. Reverend Otis Gibson noted that most Chinese immigrants (except women) come to the United States as free, not as slaves. The

---

20 Ibid.
21 Tsai, *The Chinese Experience in America,* 4-27.
22 Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943* (Chapel Hill: University of North Carolina Press, 2003) 26.

committee returned to this question more than once over the course of his testimony, and in every instance Gibson confirmed that Chinese immigrants come of their own free will. When describing Chinese immigrants, he disavowed many of the claims made by anti-Chinese leaders. He testified that that slavery did not exist in China, and downplayed the influence of Chinese Six Companies and the prevalence of gambling in Chinatown. While he admitted that Chinese immigrants to the United States were the 'lowest class of people', he noted that they were as sincere in their intentions as any other people. He viewed Chinese immigrants as an opportunity to proselytize and lift them from their debased state.[23]

The stance of religious leaders across the United States was made apparent in the introduction, when the committee stated that the "Congregational Church of this State has, in an authoritative manner, given to the world the opinion of its large and respectable membership upon the subject by a church organization, and one that will go far to dissipate an erroneous impression that exists in religious circles in the East".[24] The erroneous impression, presumably, was their pro-Chinese stance. We largely leave the discussion of the opinion of the religious community on Chinese immigration here, simply noting that businessmen were not the only group that viewed aspects of Chinese immigrants and immigration as an opportunity.[25]

The California Senate Committee report, its essays and conclusions, came down decidedly against Chinese immigration. Before we accept its conclusions as representative of the people of California that the report claimed to represent, let us briefly consider the committee and the line of questioning. Four of the committee members were from San Francisco, and one

[23] Special Committee on Chinese Immigration, *Chinese Immigration: Its Social, Moral, and Political Effect Report to the California State Senate,* 90-100.
[24] Ibid, 3.
[25] Research into religious opinion and activism on the part of Chinese immigrants warrants further investigation, as few historians of the Chinese Immigration Era have addressed this issue.

from Sacramento, Tehama, and San Joaquin respectively. All seven of the committee members were emigrants to the state of California; Haymond was from Virginia, Evans from Texas, Donovan and McCoppin were from Ireland. At least four of the committee members were previously employed by a railroad company or in the mining industry. All seven committee members were Anglo-American.

Their backgrounds as Anglo-Americans and their previous experiences working in the mining and railroad industry would have almost certainly influenced their collective investigation into the "social, moral, and political effects" of Chinese immigration, likely predisposing the committee to exclusion. Indeed, the previous chapter investigated the ideologies that underpinned the establishment of Anglo-American hegemony in California. Further, by the time of the investigation in 1878, popular opinion in California was against Chinese immigration especially in the laboring classes that included miners and railroad workers.

A close reading of the committee's line of questioning reveals their exclusion agenda. The committee often led the witnesses. Questioning George Duffield, Senator Haymond asked "Taking the Chinese quarter as a whole, is it as filthy as it can be?" Duffield replied in the affirmative. Haymond went on to ask "How is this population as to criminal propensities?" Duffield replied that the Chinese were a nation of thieves. [26] The committee also inquired into specific examples of negative Chinese influence. When interviewing John L. Durkee, San Francisco Fire Marshal, the committee inquired into "a particular instance – the building leased to the Chinese by the Rev. Otis Gibson…Have you had any trouble there?" The Fire Marshal replied in the affirmative.[27] The committee did not ask Duffield or Durkee about their

[26] Special Committee on Chinese Immigration, *Chinese Immigration: Its Social, Moral, and Political Effect Report to the California State Senate,* 112-113.
[27] Ibid, 117-118.

experiences with honest Chinese immigrants, or areas of Chinatown that conformed to fire codes. Without prompting by the committee, the officials did not have the opportunity to submit testimony against exclusion.

When witnesses, such as businessmen or clergymen, spoke positively about Chinese immigration, committee members attempted to lead them toward exclusion. Upon a negative testimony of Anglo-American boys and girls working in manufacturing and a positive report of Chinese immigrants in their place by Mr. Morgenthau, Mr. Pierson asked (we can imagine with some frustration) "Don't the Chinese fill the places in the lighter employments usually filled by boys and girls – and is not that a cause of hoodlumism?" Morgenthau replied that he did not know, but if it was it was their [boys and girls] fault. Pierson went on "Don't you think it is bad to have a class of immigration into any country, where they come for the purpose of acquiring a little money, bringing no families, and never buying land?" Morgenthau replied that though Chinese laborers send money to China, they nonetheless consume American produce and manufactured goods.[28]

Though we can imagine, there is no evidence about the attitude of the witnesses or the committee members, nor written evidence from the committee members themselves that could more definitively indicate bias one way or the other. The report nonetheless indicates that the committee was predisposed toward the exclusion of Chinese immigrants. This is an important aspect to explore, because the biased questioning of the committee largely clouded the opinions of those who might have disagreed with exclusion like businessmen and religious leaders. The committee was searching for evidence to fit their pre-disposed beliefs.

[28] Ibid, 132-133.

These patterns are reflected in a national study of the Chinese question conducted a year after the California report, titled the *Report of the Joint Special Committee to Investigate Chinese Immigration*. This Special Committee, comprised of members of both houses of the United States Congress, was tasked to "investigate the character, extent, and effect of Chinese immigration to this country…and to report at the next session of Congress."[29] In addition to the testimony taken by the California committee, the Special Committee collected the testimony of 130 additional witnesses. These witnesses include members of the health department, police department, criminal judges, statistics on commerce, merchants, bankers, manufacturers, Chinamen, physicals, officers of the Six companies, and missionaries.[30]

Like the California report, the Congressional report began with an essay. At the outset, the essay written by Senator Aaron Sargent of the Joint Committee appears sympathetic to Chinese immigration. Sargent began with an observation that "so far as the material prosperity is concerned, it cannot be doubted that the Pacific coast has been a great gainer. This is true, at any rate, of the capitalist classes."[31] Sargent noted not only the testimony in favor of Chinese immigration by businessmen, but also by religious leaders who sought to Christianize Chinese immigrants. From that point on, the essay resembles "An Address to the People of the United States upon the Evils of Chinese Immigration" from the California report. Sargent wrote "the committee found that laboring men and artisans, perhaps without exception, were opposed to the influx of Chinese, on the ground that hard experience had shown that they are thereby thrown out of employment, and the means of decent livelihood are more difficult of acquisition."[32] He

[29] Joint Special Committee to Investigate Chinese Immigration, *Report of the Joint Special Committee to Investigate Chinese Immigration*, iii.
[30] Ibid.
[31] Ibid, iv.
[32] Ibid.

predicted that effect of Chinese immigration on wages would eventually reduce white working people to the servile class. He went on to argue that Chinese immigrants have "no love and appreciation for our institutions", a critical requirement of a functioning republic, and that Chinese immigrants were "an indigestible mass in the community, distinct in language, pagan in religion, inferior in mental and moral qualities, and peculiarities, is an undesirable element in the republic."[33]

Just as in the testimony taken by the California Committee, in the testimony taken by the Special Committee there is clear divide between government officials and laborers on the one hand and business owners and religious leaders on the other. Mr. Pixely, a representative of the municipality of San Francisco, testified that Chinese immigrants were an "alien, indistinguishable mob of barbarians, whom…rob our laborers of their earnings…our manufactories can only find healthful development by the employment of white labor."[34] Mr. Henry J. Humphrey's, a day laborer, testified "I think my branch of business [sewing] is the worse imposed on business [by Chinese immigrants]…People who have families are obliged to support them, or obliged to almost commit suicide…I know of people living on a crust of bread…They are willing to earn their living if they can get work."[35] Humphrey blamed white unemployment on Chinese immigrants.

As in the California report, most business owners and religious leaders were pro-Chinese immigration. Mr. Clinton Hastings, a farmer, religious leader, *and* previous chief-justice on the California Supreme Court, testified that California could not get along without Chinese immigrants. The committee asked if Mr. Hastings is in favor of cheap labor, and he responded in

[33] Ibid, v.
[34] Ibid, 31.
[35] Ibid, 344.

the affirmative. Hastings testified that Chinese immigration was more desirable than other types of immigration, and even suggested that the influx of European immigrants has damaged the institutions of the United States as much as Chinese immigration. He testified "the whites are begging, and the Chinamen are not; the Chinamen make their living by work, and the white men drink whiskey, they do not make a living. I believe in doing all men of all nations justice."[36] In addition to lauding Chinese immigrants for their work ethic, he went on to testify that "the providence of God is to enlighten and Christianize China through our people."[37]

Senator Sargent from California authored the essay so vehemently against Chinese immigration, who was staunchly opposed to Chinese immigration. While Sargent's report reflected most the committee, there were two members from Eastern states who petitioned Congress to allow them to write a minority opinion: Senator Meade from New York and Senator Morton from Indiana (who was also the chair of the committee).[38] Congress granted Morton permission, but before he could finish his opinion the Senator suffered a stroke and died. The report was published without a minority opinion (Meade gave a speech on the Senate floor rather than write an opinion). In 1878, however, his uncompleted report appeared in the Congressional Record. It paints a very different picture of Chinese immigration.

Morton began with a consideration of the foundations of the United States government in equality and the national rights of men and argues that the United States has always been an asylum of the oppressed and the unfortunate, open to immigration from all over the world. "Our greatest, our only absolute security," he wrote, "consists in the devotion of the masses of the

[36] Ibid, 582.
[37] Ibid, 584.
[38] "The Chinese Commissioners: Only One Report Presented to Congress" in *Daily Alta California*, Vol. 29 No. 9837. March 14, 1877.

people to the doctrines upon which the government was founded."[39] He recognized that the government had the right to create safeguards against the immigration of criminals, paupers, and disease, but argued that exclusion was completely inimical to the foundations of the United States. Then he addressed Chinese immigration directly:

> In California the antipathy to the Mongolian race is equal to that which was formerly entertained in the older States against the negro…if the Chinese in California were white people, being in all other respects what they are, I do not believe that the complains and warfare made against them would have existed to any considerable extent. Their difference in color, dress, manners, and religion have, in my judgement, more to do with this hostility than their alleged vices or any actual injury to the white people of California.[40]

The New York Times picked up the story of the publication of the minority report, and took the opportunity to eschew the California Committee. Senator Morton "was wont to consider all such topics from a national rather than a local point of view. On the other hand, the politicians who represent California in Congress cannot possibly avoid being biased in judgment by the passions and prejudices of their constituents…it is not in human nature for men who want to be Senators and Representatives to fly in the face of average public opinion."[41] Both Morton and *The New York Times* hit on different parts of the Chinese question. Morton emphasized the role of race in the movement to exclude Chinese immigrants (chapter one). *The New York Times* emphasized the role of politics in the Chinese question (chapter two).

Morton's minority opinion stands in juxtaposition to the majority of the opinion of the committee, embodying both sides of the Chinese question. National trends as evidence in the Special Committee report reflected trends in California – capitalists and religious leaders wanted

---

[39] *The Miscellaneous Documents of the Senate of the United States for the First and Second Sessions of the Forty-Fifth Congress*. Washington: Government Printing Office, 1878 (55-68).
[40] Ibid.
[41] "Senator Morton and the Chinese" in *New York Times* Jan 18, 1878. New York: New York. ProQuest Historical Newspapers.

Chinese immigration to continue, while laborers demanded exclusion. More than in testimony, historians have noted the ways in which businessmen in the East sought to utilize Chinese immigrants as strike breakers and as a cheap replacement for recently freed African American slaves in the South.[42]

A final example serves to drive the point home. A speech by labor activist Dennis Kearney (who we also met in the first chapter) highlights the class warfare happening within the Chinese question. "The workingmen of California are becoming overpressed," he told a crowd in Boston,

> the capitalistic their and land pirate of California, instead of employing the poor white man of that beautiful and golden state, send across to Asia, the oldest despotism on earth, and there contracting with a band of leprous Chinese pirates, brought them to California, and now uses them as a knife to cut the throats of honest laboring men in that State.[43]

Kearney's imagery is dramatic (no doubt taking his audience, comprised mainly of the laboring classes, into account) – he described Asia as "despotic" and California as "beautiful and golden". Chinese immigrants were "leprous pirates" while white workingmen were "honest". More importantly for our purposes is that Kearney identified capitalists – "thieves" and "land pirates" – as the agents that brought Chinese immigrants to California to undercut the white workingman. Indeed, Kearney ascribed very little agency to the Chinese immigrants. Rather, in Kearney's opinion, the capitalist was to blame.

---

[42] Rob Weir, "Blind in One Eye Only: Western and Eastern Knights of Labor View the Chinese Question." *Labor History*, Vol. 41, No. 4 (2000), pp. 421-436. The most notable instance of Chinese immigrants as strike breakers was in North Adams, Massachusetts when factory owner Calvin T. Sampson brought in 75 Chinese immigrants to break a strike at his shoe factory.

[43] "Faneuil Hall" *Speeches of Dennis Kearney: Labor Champion*. New York: Jessy Haney, 1878.

Indeed, across four of his speeches across Massachusetts, Kearney only directly references the Chinese in California 10 times. Much more frequently Kearney talked about 'pool your issues' for voting purposes (23 times), newspapers (42 times) as the voice of capitalists, and directly referenced capitalists as thieves (18 times).[44] His speeches were focused on a much larger extent on capitalists as agents of Chinese immigration than Chinese immigrants themselves.

We must remember that Kearney was speaking to laborers in Boston, on the East Coast of the United States and perhaps one of the farthest states removed from Chinese immigration. A gifted orator, Kearney no doubt had his audience in mind giving these speeches. Nonetheless, even so far removed from California we see Kearney connecting the Chinese question directly to issues of class.

The report by the California Committee and the report by the Special Committee both obscure the divide between business and labor over the Chinese question in their respective introductory essays that a closer reading makes apparent. The reality of exclusion was much more complex. Before we can extract meaning from this observation, there is one more piece of the puzzle that needs to be explored.

THE RISE OF CLASS CONCIOUSNESS, LABOR UNIONS, AND EXCLUSION

Gregory Mantsios argues that Americans tend to avoid using language based on class. "We don't speak about class privileges, or class oppression, or the class nature of society…we shrink from using words that classify along economic lines or that point to class distinctions."[45] Historians have long noted the distinct lack of class consciousness in

[44] Term analysis/frequency data was provided by web-based text analysis application Voyant, accessed https://voyant-tools.org/.
[45] Gregory Mantsios, "Class in America" in *Race, Class, and Gender in the United States: An Integrated Study, 10th Edition*, ed. Paula Rothenberg.

the United States compared to Europe.[46] The closest that the United States has ever come to a collective class consciousness was in the labor unions of the nineteenth century.

The first chapter explored the rise and national influence, however brief, of the Know Nothing Party and the ways in which the core tenets of the Know Nothings – including nativism and anti-immigration – travelled West with emigrants. While the Know Nothing Party was short lived, other national labor unions like the National Labor Union, the Knights of Labor, and the American Federation of Labor enjoyed widespread support and membership in the 1880s by both skilled and unskilled labors. Widely speaking, the labor unions of the late 19th century utilized collective bargaining to fight for the rights of workingmen such as better working conditions on factory floors, an eight-hour work day, and a graduated income tax.

Business responded in kind. As labor historian Kim Voss points out, "…economic concentration gave employers both the ability to enforce internal discipline within their ranks and the strategic leverage to hold out against their employees…thus, they were able to crush broad based unionism."[47] Voss explains the failure of labor unions as a product of the mobilization of business against labor unions and the tacit support of the federal government.

The battle between labor unions and business sometimes turned violent. In 1886 at a labor protest in Chicago's Haymarket Square, a bomb went off that killed several police officers. The subsequent investigation that identified eight anarchists as the perpetrators behind the riot garnered national attention. Four of the identified culprits

[46] Bruce Laurie, *Artisans into Workers: Labor in Nineteenth-Century America* (New York: Hill and Wang, 1989), 3.
[47] Kim Voss, *The Making of American Exceptionalism: The Knights of Labor and Class Formation in the Nineteenth Century* (Ithaca: Cornell University Press, 1993) 12.

were hanged. In 1892, the Homestead Strike between laborers and the Carnegie Steel Company ended in a gun fight that killed several men on both sides. The governor of Pennsylvania called out the state militia and ended the strike.

Chinese immigrants in the nineteenth century found themselves caught in the battle between laborers and business, at a period when the battle was at its most pitched. This was an opportunity for Chinese immigrants to join causes with the white workingman, and perhaps move toward a voice large enough to influence policy makers. Chinese immigrants were never given the opportunity. Some unions, like the American Federation of Labor, were exclusionist and only accepted white, skilled laborers.[48] Other unions, like the Knights of Labor accepted both skilled and unskilled laborers, women, and minorities into their ranks. Even the Knights of Labor, however, excluded Chinese immigrants from joining their ranks and even actively protested Chinese immigration. In 1882, the Knights of Labor joined a protest of 30,000 in San Francisco demanding the exclusion of Chinese immigrants.[49]

A few examples of attempts to organize and/or incorporate Chinese immigrants exist in the historical record. Indeed, Eastern unions were far more likely to attempt to organize Chinese laborers than their Western counterparts. The 1880s the Knights of Labor of in New York, strongly convinced of the Knight's tenet of Universal Brotherhood, organized nearly 500 Chinese laborers. Upon vigorous protests from its Western members, the New York Knights of Labor dissolved the Chinese assemblies but incorporated Chinese members into existing mixed assemblies.[50] In 1870, Irish

[48] The thought was that white skilled laborers were in the best bargaining position.
[49] Weir, "Blind in One Eye Only: Western and Eastern Knights of Labor View the Chinese Question", 421-436.
[50] Weir, "Blind in One Eye Only: Western and Eastern Knights of Labor View the Chinese Question", 421-436.

immigrants attempted to organize a Chinese branch of the Knights of Saint Crispin, largely to end the Chinese role as strike breakers.[51]

These fringe attempts to organize Chinese laborers in the best cases succeeded but did not last long enough to be impactful, or in the worse cases completely failed. In October of 1887, the New York delegation of the Knights of Labor introduced a resolution to intentionally and actively incorporate Chinese immigrants into the union, but the measure was defeated 95 to 42.[52] Though the New York order continued to recruit Chinese immigrants into its existing orders, the dissolution of the Knights of Labor in the 1890s left little time for Chinese immigrants to build lasting bridges with other laborers. The Irish effort to incorporate Chinese immigrants into the Knights of Saint Crispin was unsuccessful, and after the strike the Knights took an anti-Chinese stance.

The organization of Chinese immigrants on a large scale failed for several reasons. Voss convincingly argues using statistical evidence that the development of class solidarity depends on shared experiences in the workplace and the concentration of laborers in working class neighborhoods.[53] The very spatial organization of Chinese immigrants – who ran their own business rather than working in white factories and who lived in self-segregated neighborhoods – precluded their incorporation into labor unions.[54] Perhaps more importantly, and something we have already discussed, are the ways in which Chinese immigration was perceived by laborers as connected to business. Indeed, the participation of American merchants in the 'coolie trade' connected Chinese

[51]Ronald Takaki, "A Different Mirror," in *Race, Class, and Gender in the United States: An Integrated Study, 10th Edition*, ed. Paula Rothenberg (New York: Worth Publishers, 2009).
[52] Weir, "Blind in One Eye Only: Western and Eastern Knights of Labor View the Chinese Question", 421-436.
[53] Voss, *The Making of American Exceptionalism: The Knights of Labor and Class Formation in the Nineteenth Century*, 138-144.
[54] The reasons behind the self-segregation of Chinese immigrants is briefly explored in section one.

immigrants to unfree labor as early as the 1840s. In this way, Chinese immigrants were cast on the side of business before free Chinese immigrants began arriving in the United States in the 1850s. This, at a time when the division between labor and business was at its height.

Unions that attempted to incorporate Chinese immigrants into their ranks to gain bargaining power and further their cause. Thomas Maguire of the New York Knights of Labor felt that organizing Chinese laborers was critical for stabilizing the wagers of all workers.[55] The Knights of Saint Crispin wanted to organize Chinese laborers to end their role as strikebreakers. Even here, we see Chinese immigrants being incorporated and/or excluded from unions to further the ends of the union leaders. Some unions attempted to attract Chinese immigrants to further their own cause.

THE POWER OF POLICY

The relationship between capitalism, democracy, and race continues to engage academics. Deanna Koepke suggests that "the wealthy elite use the power they wield through democracy and capitalism to gain more of the valuable resources available and then do whatever it takes to keep those resources and stay in power."[56] In the United States, the wealthy elite in both politics and business have traditionally been white. Indeed, the first chapter explored the ways in which Anglo-Americans established hegemony through policy. This was only possible after removing Californios from political power. Chapter two argued that politicians nationalized the Chinese question only after California became a state in 1850, earning the right to vote. Both chapters

[55] Weir, "Blind in One Eye Only: Western and Eastern Knights of Labor View the Chinese Question", 421-436.
[56] Deanna Koepke, "Race, Class, Poverty, and Capitalism," in *Race, Gender & Class* Vol. 14 No. 3-4, (2007), 191.

emphasized the role of policy makers and the institution of democracy as vehicles for the establishment of Anglo-American hegemony in the West.

Similarly, businessmen sought to maintain access to the cheap labor of Chinese immigrants by influencing policy on both a regional and national level. In California, the 1850 Foreign Miner's Tax of $20 targeting Latin American miners had left businesses in the southern part of California without customers. When another foreign miner's tax was introduced in 1852, businessmen successfully petitioned a reduction in the amount of the tax from $20/month to $5/month. Where the 1850 Foreign Miner's Tax virtually rid California of Latin Americans, the reduced 1852 Foreign Miner's Tax allowed Chinese immigrants to remain in California and in many cases, financially prosper. Business owners also resisted Chinese exclusion on the national level. The original 1882 Chinese Exclusion Act demanded the exclusion of Chinese immigrants for 20 years. Business, in conjunction with the executive branch, successfully petitioned a reduction in the length of exclusion from 20 years to 10 years.

Business, however, was not quite the champion Chinese immigrants needed. Kopeke goes on to suggest that "victims of racism are often exploited for their labor or property, excluded from participating in public life, and subjected to physical violence."[57] Businessmen were at once interested in perpetuating racism and continued immigration. Indeed, there are no cases of business resisting types of discriminatory legislation that were *unrelated* to their access to cheap labor such as the San Francisco Queue Ordinance, or the issue of naturalization. Rather, business stood by and profited from the continued discrimination against Chinese immigrants in California and the larger United States.

[57] Koepke, "Race, Class, Poverty, and Capitalism," 193.

While business owners did not have enough policy making power to halt policies that prevented Chinese immigrants from immigrating, their impact on reducing the severity of exclusion should not be overlooked. Indeed, a closer look into the rift between labor and business over the Chinese question and the ways in which business successfully reduced Chinese exclusion reveals that the issue of exclusion was much more complex than a simple cause-and-effect relationship between labor protests and policy. Rather, different groups with varying amounts of power fought sought to manipulate the Chinese question to further their own interests. In the end, the power of exclusionists outweighed the power of immigration advocates.

CONCLUSION

In 1909, Mary Coolidge wrote the first study of the Chinese Exclusion Era, *Chinese Immigration*.[1] Over one hundred years later, this study contends that work in this field is not complete. While historians have traditionally studied the Chinese Exclusion Era as a bottom-up phenomenon, one of the most significant contributions of this work to the field of immigration history is its top-down focus on institutions and the ways in which people in power or with access to power shaped the Chinese Exclusion Era. This top-down approach reveals that the evolution of the Chinese Exclusion Era was not a direct cause-and-effect relationship between labor and policy, but rather a complex negotiation between groups with various amounts of power. Anglo-Americans used the Chinese question to establish hegemony in the West. Politicians used the Chinese question to win local and national elections and as a foreign policy tool. Businessmen and laborers alike used the Chinese question to gain the upper hand in class conflicts.

The top-down focus also sheds lights on the ways in which institutions privilege certain groups over others. Anglo-Americans worked within the democratic system to pass discriminatory anti-Chinese legislation in California. At various times these laws prohibited Chinese immigrants from naturalization, citizenship, land ownership, the right to testify in court, and the right to vote. Indeed, one scholar has suggested that discrimination has historically been a governmental requirement.[2] The use of the democratic system to discriminate against immigrants continues to this day.

---

[1] Mary Coolidge, *Chinese Immigration* (New York: Arno Press, 1909).
[2] USCCR, "The Problem of Discrimination" in *Race, Class, and Gender: An Integrated Study* 9th edition, ed. Paula Rothenberg (New York: Worth Publishers, 2016).

Further, while the study of the Chinese Exclusion Era has been relatively stagnant in the past decade, with only a few historians like Erika Lee still actively studying this period, this study reveals that there is a significant amount of work that still needs to be done. Indeed, this study is one of the first to seriously consider the implications of the ways in which Chinese immigrants were gendered as feminine, and the first to apply disability theory to Chinese immigration. Chinese immigrants as feminine adds depth to the role of xenophobia beyond just race. Further, the application of disability theory reveals the ways in which disability has been used two discrimination against immigrant groups throughout the history of the United States. Reaching out to the scholars and methodology of other disciplines such as Ethnic Studies, Digital Humanities, and Economics offers historians the opportunity to look at a period or a topic that has ostensibly been exhausted in new, fresh, meaningful ways.

For the study of immigration is as critical now as it has ever been. Today, immigration issues continue to be manipulated by those in power to further their own interests. During the 2016 Republican race, candidate Donald Trump promised to secure the southern border of the United States by constructing a physical wall and increasing the number of border patrol agents to prevent the immigration of Mexicans to the United States.[3] The middle class uses anti-immigration to preserve a social hierarchy where citizens of the United States are superior to immigrants or non-citizens, partly as a reaction to the ways in which the middle class is discriminated against by the professional class.[4] On the other side of the coin, farmers exploit

[3] Joan C. Williams, "Why the White Working Class Voted for Trump" in *Harvard Business Review* (November 2016), https://hbr.org/ideacast/2016/11/why-the-white-working-class-voted-for-trump. This is reminiscent of the process described by Kariann Yaokta in *Unbecoming British* in which newly minted American citizens oppressed African Americans to place themselves on par with British citizens.
[4] Ibid.

cheap Mexican labor, paying aliens inferior wages because of their status as 'illegal'. The democratic system continues to streamline discriminatory legislation against non-citizens.

This study suggests that individual racism and the discontentment of the lower and middle classes are not the driving forces behind legislation that discriminates against immigrants. Rather, politicians and businessmen exploit immigration issues to further their own interests. Therefore, when we look at immigration reform we should look not to the public, but rather at democratic and capitalist institutions that allow and even reward discriminatory behavior. If information is power, then perhaps this revelation will encourage self-reflection on the ways in which certain groups are marginalized and certain groups are privileged, and perhaps this reflection will promote change in how we address immigration. Perhaps one day the words written in 1883 by Emma Lazarus, that grace the Statue of Liberty's pedestal, will be finally come true -

"A might woman with a torch, whose flame Is the imprisoned lightning, and her name Mother of Exiles. From her beacon-hand Glows world-welcome"

- *The New Colossus* by Emma Lazarus, 1883