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THE ANTI-CHINESE MOVEMENT AND THE CHINESE EXCLUSION ACT OF 1882

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## THE ANTI-CHINESE MOVEMENT AND THE CHINESE EXCLUSION ACT OF 1882

Since the beginning of their immigration to America, the Chinese congregated in the state of California. Through the years, they developed the reputation of being hard workers and a good source of cheap labor. However, the experience of the Chinese immigrant did not solely consist of earning a fortune and returning home. During the 19th century, anti-Chinese sentiment swept through California; in one riot alone, the Chinese Massacre of 1871, an estimated 17 to 20 Chinese were brutally killed by lynching or gun wounds. By 1882, anti-Chinese sentiments swept across the whole nation in the form of the Chinese Exclusion Act, prompting further agitation for more extreme restrictive measures on Chinese immigration along with more riots, with the violence spanning from Southern California to Seattle. How did a regional struggle escalate into a national struggle? The answer begins with the first encounters between the Chinese and Americans.

The Chinese first began their immigration to North America during the California gold rush. Upon hearing from others who had left for America and came back with a small fortune that there was money to be made in America, Chinese immigrants came with the intention of hitting the potluck then returning home to begin a prosperous life. The Chinese, although not a

group of people who are known to migrate because of their ties to the law, family, and religion, decided to leave their homeland due to the effects of war which left many in poverty. The news that economic opportunity was open in America drove about three hundred thousand Chinese to take a chance and go to America in search of wealth. The majority of those who went to the United States were young, married men. They were hard-working and industrious, often coming from agricultural work in China, and most importantly, willing to take any job. Because of their willingness to fill in any gaps in labor, including jobs that white laborers did not want, they were at first welcomed by the white community of California. It was also made obvious to the Chinese by white laborers that they were meant to fill in the labor holes, not take the desirable jobs from white laborers. Even the mining industry, which later found the most faults with cheap Chinese labor, welcomed the Chinese initially because they were willing to be the cooks and laundrymen, jobs usually handled by women. Additionally, the Chinese did not attempt to compete with the miners, instead taking over the land abandoned by white miners. Thus, due to their submissiveness and hard-working nature, the Chinese were viewed as a valuable asset to the California labor scene.

However, upon the arrival of other immigrants from Europe, such as the Germans and Irish, jobs became scarce, and soon the white laborers were in competition with immigrants for jobs. White American workers became agitated, specifically those in the mining industry. This agitation was caused by both a labor shortage along with jealousy of the white workers. They blamed their inability to find jobs on the immigrants, who were growing in population in California. White laborers wanted the labor scene for themselves, and they began to advocate for

the exclusion of Chinese labor. *The Shasta Courier* wrote about a Miners' Meeting at Stamp Ranch in which the following resolution was written:

*Resolved*, That we earnestly solicit the miners... in fact, we invite all, whatever their calling, who are or may be affected by the baleful curse of Chinese competition, to join with us in maturing and adopting some plan to correct the evil which has so grievously depleted our mines of American citizens and gold, and which, unless corrected, will sooner or later affect seriously every branch of labor within our State. <sup>1</sup>

The increase in immigrants that came to America from all over the world in search of gold also annoyed the white population who believed that they should be the only ones with access to the goldfields. As reported by the *Daily National Democrat* in 1859:

They [the Chinese] come to this state, not for the purpose of making it their future home, and adding to the permanent stock of the labor and capital of the State, but for the sole purpose of taking gold from our mines and carrying it away to their own native country, for their own benefit, and the impoverishment of our mines.<sup>2</sup>

Additionally, racism and white superiority was rampant among white Californians, providing another motive to remove the Chinese from the mines. An article in the *Shasta Courier* in the January 29, 1859 edition read: "white miners generally consider it degrading to work with Chinamen we all know.-- We are made cognizant of the fact that within the past few weeks twenty-three white men have left the mines surrounding Middletown rather than work alongside Chinamen."<sup>3</sup> All of these sentiments resulted in the mining industry passing resolutions against

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<sup>1</sup> "Miners' Meeting at Stamp Ranch," *The Shasta Courier*, 8:38 (November 26, 1859), 4.

<sup>2</sup> "Exclusion of Chinese from the Mines," *Daily National Democrat*, 2:57 (April 17, 1859), 3.

<sup>3</sup> "Uprising of the American Miners," *The Shasta Courier*, 7:47 (January 29, 1859), 2.

foreign miners. In order to justify their new resolution, they claimed that the employment of immigrants endangered American citizens who had come to California first in search of a stable life.

The tensions between miners and immigrant miners not only resulted in exclusion laws but also racial violence. The most notable riot, the Chinese Massacre of 1871, happened in Los Angeles. The riot began within the Chinese community of Los Angeles, with two different Chinese factions fighting over the possession of a woman, who had originally belonged to one faction but then ran away and was captured by the rival faction.<sup>4</sup> On Monday October 23, 1871, one of the faction leaders was walking down a street in Chinatown, where two shots were fired at him. The man shot at, Yo Hing, immediately sought out a warrant and had the shooters arrested. The two shooters, in turn, had Yo Hing arrested, however all three were bailed out. The next day, they prepared for open conflict between the two factions. Officials were warned by other Chinese in the area that conflict was impending. Thus on the 24th, Officer Bilderrain was near Chinatown and heard shooting. When he approached Chinatown, he was shot at, and when he realized he was unable to stop the fight, called for more officers. The Chinese who were not fighting found refuge in an adobe building covered with brea, preparing for battle by barricading the doors and windows. As news of the fight spread throughout Los Angeles as well as a rumor that a Chinese man had shot dead a white man, more people began to come and surround the building. One man, Don Refugio Botello, who was armed with a six-shooter, climbed onto the roof along with some others, poking holes in the brea, upon which they began to openly shoot into the building.<sup>5</sup>

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<sup>4</sup> C.P. Dorland, "Chinese Massacre at Los Angeles in 1871," *Annual Publication of the Historical Society of Southern California, Los Angeles*, 3:2 (January 7, 1894), 22.

<sup>5</sup> *Ibid.*, 23.

Two Chinese tried to escape the building, one shot dead immediately, and the other dragged to makeshift gallows and hung. There was no leader to the mob, and no officers to control the fired-up mob. At about 9 o'clock at night, the rioters went into the building and found eight Chinese hiding behind boxes, begging for their lives.<sup>6</sup> However, they were dragged out by rioters, and seven were hung while one died by rioters dragging him over stones by a rope around his neck. While the violence was going on, Chinese homes and stores were looted and ransacked. At 9:30 p.m., Sheriff Burns asked for a group of citizens to follow him to Chinatown in the hopes of quelling the riot, but the riot was already over by the time he arrived. He found ten Chinese men hanged on Los Angeles Street. Among those shot dead, it was believed that none were actively participating in the shooting. The grand jury issued 25 indictments for the murder of the Chinese, but only 10 men showed up in court, and only eight were convicted on manslaughter charges. The *New York Tribune* called the riot "a brutal and causeless butchery... The damnable doings of Los Angeles... are frowned upon and disapproved by all parties, sects, races, and grades, without distinction and without equivocation."<sup>7</sup> *The Albany Register* had a similar viewpoint, calling the riot "a most barbarous and criminal affair."<sup>8</sup>

Between the 1850s and the 1870s, the relationship between the Chinese and Californians continued to sour, manifesting in the form of Californian exclusion laws. Some claimed that large numbers of Chinese immigrants, whose working conditions were much like those of slavery, polluted the state. Others said that due to the low wages the Chinese accepted, wages

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<sup>6</sup> *Ibid.*, 24.

<sup>7</sup> "The Los Angeles Riot," *New York Tribune*, 31: 9548 (November 11, 1871), 2.

<sup>8</sup> "Pacific Coast News," *The Albany Register*, 4:10 (November 11, 1871), 2.

were being suppressed for all workers, and the American worker, who needed to sustain his whole family could not possibly live on the new, lower wages offered by business owners. In 1859, a meeting held by the miners of the Lower Springs District drafted a series of resolutions regarding Chinese miners, and all were unanimously passed, of which included:

*Resolved*, That it is our firm determination to enforce the present laws prohibiting Chinese from working in our district. *Resolved*, Believing, as we do, that the great majority of miners in this county are strongly opposed to having Chinese as fellow-laborers and co-equals, we cordially invite all our brother miners to express their sentiments on this important subject, by electing delegates to attend a Miners' County Convention.<sup>9</sup>

In addition to the above resolution, it was proposed in another resolution to create a Miner's County Convention to prevent more Chinese from working in the mines. Miners of each county were to elect delegates to attend the Convention that was going to be held on February 5th, 1859 at Excelsior Hall. The President of the Convention in Shasta County was Joseph Dalby, and the secretary was Benjamin Oliver. Along with these arguments, Californians claimed that the Chinese were unassimilable into California culture, and this presented a threat to the development of California. California newspapers stated that "They [the Chinese] have no design or desire to assimilate themselves to our laws, customs and institutions, and become permanent residents, and like our Europeans become valuable acquisitions of the State; but they still retain all the barbarous and disgusting habits of their own country..."<sup>10</sup>

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<sup>9</sup> "Call of a Miners' County Convention," *The Shasta Courier*, 7:47 (January 29, 1859), 2.

<sup>10</sup> "Exclusion of Chinese from the Mines," *Daily National Democrat.*, 2:57 (April 17, 1859), 3.



Californians were determined to keep California compliant with the core values of the state, largely based in Christian ideals as well as white superiority. This meant that anything that posed a threat to the core values of California needed to go. As the official spokesman of San Francisco, Frank M. Pixley, who was there to testify in support of Chinese exclusion, said before the Joint Special Committee of Congress,

The burden of our accusation against them is that they come in conflict with our labor interests; that they can never assimilate with us; that they are a perpetual, unchanging, and unchangeable alien element that can never become homogeneous; that their civilization is demoralizing and degrading to our people; that they degrade and dishonor labor; that they can never become citizens, and that an alien, degraded labor class, without desire of citizenship, without education, and without interest in the country it inhabits, is an element both demoralizing and dangerous to the community within which it exists.<sup>11</sup>

The Chinese threatened many of these values as they were often viewed and portrayed as demoralized humans. To begin, Chinese workers were often imported on labor contracts, much like indentured servants, and they were given the name “coolies.” The label “coolie” was used in a derogatory way towards the Chinese by white people, however the name originated in Southern Asia to indicate a wage worker. Indentured servitude was viewed by Californians as a manifestation of slavery, which California was strongly opposed to.<sup>12</sup> Thus, having coolies working in California threatened its reputation as a state that stood against slavery.

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<sup>11</sup> U.S. Senate, Joint Special Committee, *Report of the Joint Special Committee to Investigate Chinese Immigration*. 44th Cong., 2d Sess., (February 27, 1877), 31.

<sup>12</sup> Elmer Clarence Sandmeyer, *The Anti-Chinese Movement in California* (Urbana: University of Illinois Press, 1939), 26.

Furthermore, the Chinese were unwilling to assimilate into American culture. This was largely because the goal of Chinese workers was not to stay in America but to earn a small fortune to sustain their life upon their return to China. Chinese immigrants never had the goal of settling in America, thus they did not feel the need to spend time learning about American culture. This worried white Californians who felt that the preservation of Chinese culture, specifically in Chinatown, threatened the American culture they were trying to build. As Assemblyman Hon. A. R. Andrews stated to the California Legislature,

Whereas, The presence in our midst of a large number of Chinese, who are incapable of assimilation with our own race, ignorant of the nature and forms of our government, and who manifest no disposition to acquire a knowledge of the same or to conform to our habits, manners, and customs, is a serious and continuing injury to the best interests of the State...<sup>13</sup>

The inability of the Chinese to assimilate was also expressed in the previous testimony of Frank Pixley to the Joint Special Committee of Congress, along with the detrimental effects, such as the degradation of white civilization.

Finally, adding onto their label of demoralized, Californians pointed to Chinese prostitution as a threat to their Christian morals. Towards the beginning of the California Gold Rush period, prostitution was not heavily shamed upon, as the population largely consisted of men only. However, as more families began to settle down, California saw a return to stricter Victorian morals that frowned upon prostitution. The return to the stricter, Victorian moral code resulted in more regulations on sex work, and although all women in sex work were affected, the Chinese were the most targeted group. Prostitution along with the onslaught of diseases, such as

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<sup>13</sup> “Chinese,” *The Shasta Courier*, 20:39 (December 23, 1871), 4.

leprosy, was believed to be transmitted by the Chinese.<sup>14</sup> This caused Californians to agitate for Chinese exclusion in America. The Chinese were not only a threat to the labor scene but also a threat to the overall development of California.

San Francisco also played a crucial role in the resistance against the Chinese. San Francisco witnessed the creation of labor organizations after California achieved statehood. Within the first decade, many of the trades were organized into groups, however, it would not be after the Civil War until they achieved stability and influence. In 1868, labor organizations regrouped and took advantage of the election, which was very closely divided. The labor groups pressured the California legislature and managed to pass an eight-hour day along with a mechanics' lien law. This success was temporary since employers resisted these new laws, and with the completion of the Central Pacific Railroad, many men were left without jobs, causing a panic and jealousy among trades, preventing a united effort from happening. Eventually, the laborers established the Workingmen's Party of California in 1877, and despite disappearing after five years, came back in full power. Laborers worked together under the leadership of organizations such as the Assembly of Trades and Labor Unions, the Knights of Labor, and the International Workmen's Associations, among others.<sup>15</sup> The Knights of Labor became a prominent labor union throughout the nation that advocated for Chinese exclusion, with leader Terence Powderly believing that these measures were necessary to protect white labor from

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<sup>14</sup> Stuart Creighton Miller, *The Unwelcome Immigrant: The American Image of the Chinese, 1785-1882* (Berkeley: University of California Press, 1969), 194.

<sup>15</sup> Sandmeyer, 40.

foreign, underpaid labor.<sup>16</sup> As he wrote in his book, *Thirty Years of Labor*, “The only thing accomplished by their [the Chinese] importation was the cheapening of labor of the white mechanics whose places were taken by the Mongolians.”<sup>17</sup> The growth of labor unions played hand-in-hand with the issue of Chinese immigration. These labor organizations were pretty united on the issue of Chinese immigration, in fact:

It is the one subject upon which there has never been the slightest difference of opinion, the one measure on which it has always been possible to obtain concerted action... Legislation prohibiting the further immigration of Oriental laborers has been the chief object of the organized activities of the working people of California for over fifty years.<sup>18</sup>

Tensions were rising as more Californians demanded political action from the government to rid the state of the Chinese. Particularly active were the labor unions, such as the

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<sup>16</sup> The Knights of Labor were an interesting labor union because despite the fact that they preached racial openness within their organization, allowing entry to many black workers and encouraging integration, which other labor unions were not doing. Terence Powderly, the leader of the organization even said that “The color of a candidate shall not disbar him from admission...” However, when it came to the Chinese, as well as immigrants from Eastern Europe, Powderly had a different approach and vilified them. This contradiction in Powderly’s speech and actions is thought to be because these newer immigrants were lazy and dirty, along with the fact that blacks were organized because of their potential to become competitors whereas the new immigrants were already competitors, according to Joseph Gerteis. For more on his analysis of race relations within the Knights of Labor, go to Joseph Gerteis, “The Possession of Civic Virtue: Movement Narratives of Race and Class in the Knights of Labor,” *American Journal of Sociology*, 108:3 (November, 2002).

<sup>17</sup> Terence V. Powderly, *Thirty Years of Labor, 1859-1889*, (Philadelphia: University of California Press, 1890), 211. Chinese people were sometimes referred to as Mongolians during this time period, such as in this case. At this point, China and Mongolia were still one country, it wouldn’t be until 1911 that Mongolia officially declared their independence. Today, there is a tribe in China called the Chinese Mongols.

<sup>18</sup> Lucile Eaves, *A History of California Labor Legislation: With an Introductory Sketch of the San Francisco Labor Movement* (Berkeley: The University Press, 1910), 105.

Knights of Labor, in the fight against Chinese labor. These labor unions fought hard for Chinese exclusion, and they also rose up to be some of the most powerful organizations when it came to influencing political parties. Because the political power between Democrats and Republicans was closely divided, the vote of the workers became crucial to winning the election. Issues that had to do with the Chinese, such as unemployment, railroad subsidies, and cheap labor became the most frequently talked about political issues between the two parties. Both parties were opposed to Chinese immigration and importation of coolies for labor, however the Democratic Party was more extreme, advocating for complete restriction whereas the Republican Party was a little more hesitant. The Democratic Party later used their hesitancy against them to win the 1876 elections. However, despite their hesitancy on the issue, the Republican Platform adopted the following belief in 1871, stating that “We are inflexibly opposed to their [the Chinese] admission to citizenship, and demand of the Federal Government the adoption of such treaty regulations and legislation as shall discourage their further immigration to our shores.”<sup>19</sup> Democrats expressed similar ideas, and later attacked Republicans by stating that the Republican Party was sympathetic towards Chinese laborers, with George C. Gorham, a moderate Republican who was a nominee in 1867 for governor, being nicknamed “G. Coolie G.”<sup>20</sup> In the 1867 fall elections,

Democrats harked back to the antimonopoly arguments of the gold rush era and contended that capitalists and corporations would import Chinese bondsmen, control their votes, and reduce free white men to economic and political slavery. Unlike Republicans, who sympathized with both the Chinese and big business, Democrats promised to eradicate the Chinese slave trade and

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<sup>19</sup> “Republican Platform,” *Weekly Trinity Journal*, 16:32 (August 12, 1871), 4.

<sup>20</sup> Stacy L. Smith, *Reconstructing California, Reconstructing the Nation* (University of North Carolina: University of North Carolina Press, 2013), 209.

protect free white labor on its own soil against coolie slaves and capitalist masters.<sup>21</sup>

Additionally, since the Chinese had no right to citizenship or suffrage, they were unable to voice their opinions to the state government. Therefore, the opinion of the labor unions and working men went uncontested to the politicians who were dedicated to fulfilling the desires of the labor unions in hopes of receiving their vote in the next election. The disproportionate power of the labor unions led to pressure on the state government to pass various anti-Chinese laws.

In 1876, the year of the election, it became evident to California politicians like Republican Party's George C. Gorham and Democratic Party's Henry Huntley Haight, both running for governor, that in order to receive the support of the workingmen and labor unions, they needed to begin passing local Chinese exclusion laws. In an attempt to control and discourage continued Chinese immigration as well as receive the votes of the working class, California passed laws that required the taxing of immigrants ineligible for citizenship, prohibited the landing of the Chinese, required shipmasters to pay a bond for each alien passenger, levied a monthly headtax on all adult Chinese that were not already taxed or involved in the production of rice, sugar, tea, or coffee, and prevented Chinese from testifying in court against cases involving whites.

However, the United States had trade treaty duties with China, which caused the United States Federal Government to crack down on legislation targeted at the Chinese, especially the Supreme Court. According to the Burlingame Treaty with China, signed on July 28, 1868, "the same privileges, immunities and exemptions in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation" were given to the Chinese, and

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<sup>21</sup>*Ibid.*

these treaty obligations superseded the attempts that California made to target the Chinese.<sup>22</sup>

Then, with the Civil Rights Act of 1870, which was meant to give the President the power to enforce the 15th Amendment and was mainly concerned with the issue of violence towards black voters, also attacked discriminatory laws. The act stated that

if two or more persons shall band or conspire together, or go in disguise upon the public highway, or upon the premises of another, with intent to violate any provision of this act, or to injure, oppress, threaten, or intimidate any citizen with intent to prevent or hinder his free exercise and enjoyment of any right or privilege granted or secured to him by the Constitution or laws of the United States. . .<sup>23</sup>

Thus, with the Civil Rights Act of 1870, states were banned from unfairly taxing certain immigrants but not others, and required all people to be taxed the same. These federal laws presented a temporary impediment on California's Chinese exclusion agenda. Additionally, anti-Chinese laws also jeopardized the United States' trade relations with China, thus they were shut down by the federal and state government, usually by declaring these laws unconstitutional, such as the California Circuit Court case of *Ho Ah Kow v. Nunan*,<sup>24</sup> in which the "cubic air law"

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<sup>22</sup> Sandmeyer, 57.

<sup>23</sup> U.S. Congress, U.S. Congress, *An Act to Enforce the Right of Citizens of the United States to vote in the Several States of the Union, and for Other Purposes*, 41st Cong., 2nd Sess., (May 31, 1870), 140.

<sup>24</sup> In *Ho Ah Kow v. Nunan*, Ho Ah Kow, a Chinese man, was arrested for violating the "cubic air law" which demanded that all people were required to have at least 500 cubic feet of living space for themselves. This was targeted at the Chinese, since living situations were often crowded in Chinatowns. However, after Ho Ah Kow was arrested and put into jail, he was targeted yet again by the Queue Ordinance, also known as the Pigtail Ordinance, which required all inmates' hair to be cut one inch from the scalp. This once again targeted Chinese men since they often wore their hair in a long ponytail. After his hair was cut, Ho Ah Kow sued the officer, Officer Nunan, who had cut his hair, stating that this action had caused him irreparable harm. Judge Stephen Johnson Field declared that the ordinance was invalid for two reasons: one, that it exceeds the power given to the Board of Supervisors, in which the power to make laws for the city and county was vested, and two, that it went against the Fourteenth Amendment of the

which stated that all individuals had to have at least 500 cubic feet of air was declared unconstitutional. This law was targeted towards Chinese, who often lived in overcrowded and unsanitary conditions. Many Chinese did not comply with this law and were sent to jail, where they faced another discriminatory law in which all prisoners' hair had to be cut one inch from the scalp. This law was also declared unconstitutional in *Ho Ah Kow v. Nunan*. However, in the Supreme Court Case *Chy Lung v. Freeman*,<sup>25</sup> one of the more important decisions regarding anti-Chinese laws, Chinese exclusion laws were declared unconstitutional. In the decision of the case it was also stated that only the United States Federal Government could set rules regarding foreign relations and immigration. This ruling made it clear that only the federal government could create Chinese exclusion laws. Thus, the focus of opponents of the Chinese turned to convincing the national government on the necessity of Chinese exclusion legislation, largely achieved by “educating” the nation through newspaper articles on the threats of Chinese immigration. Proponents of Chinese exclusion believed that in order to bring the Chinese

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Constitution, which granted equal protection to all citizens, and thus was unconstitutional. Judge Field was a Supreme Court Justice sitting in the local circuit court. For more information, go to T. M. C., “Circuit Court of the United States. District of California. Ho Ah Kow v. Matthew Nunan ,” *The American Law Register (1852-1891)*, 27:11 (November, 1879).

<sup>25</sup> In *Chy Lung v. Freeman*, the law that was being debated was regarding the immigration of Chinese women. California law required a bond to be paid for certain groups of people, including “lewd and debauched women.” When Chy Lung, a Chinese woman who had just arrived in America, was deemed “lewd” by an immigration official. In response, Chy Lung brought a writ of error to the Supreme Court of the United States, claiming that the law was unconstitutional. The law was ruled unconstitutional by the Supreme Court, since “The Constitution of the United States is no such instrument. The passage of laws which concern the admission of citizens and subjects of foreign nations to our shores belongs to Congress, and not to the States.” For more information on the ruling, go to *Chy Lung v. Freeman, et al.*, 92 U.S. 275 (1876).



question to national attention they needed to educate the rest of the nation about the threats posed by Chinese immigrants and placing pressure on the national government.

In order to push Chinese exclusion agenda, proponents of exclusion knew they had to convince the Northeastern states that Chinese trade interests were not important. Congress created a Joint Special Committee in 1876 to hold hearings about Chinese exclusion in San Francisco and Sacramento. When the committee first arrived in California, anti-Chinese proponents held a torchlight parade, meant to influence the results of the committee.<sup>26</sup> There were a total of 129 witnesses who answered these questions, 1,200 pages of testimony, resulting in the committee's first report, published in 1877. The report concluded that although the Pacific Coast benefited from cheap Chinese labor, the following costs of the dangers Chinese immigrants posed to white workers outweighed those benefits.<sup>27</sup> They found that the cheap Chinese labor along with their low quality of life caused white workers' wages to also decrease. In 1850, the daily wage of miners was about 10 dollars, but drastically fell to three dollars by 1856,<sup>28</sup> and it was noted in the Tenth Census of the United States that the average daily wage in 1876 was two dollars.<sup>29</sup> Not only that, the employment of the Chinese caused widespread

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<sup>26</sup> Sandmeyer, 60.

<sup>27</sup> U.S. Senate, Joint Special Committee, *Report of the Joint Special Committee to Investigate Chinese Immigration*. 44th Cong., 2d Sess., (February 27, 1877), viii.

<sup>28</sup> American Social History Project, 2011; adapted from Malcolm J. Rohrbough, *Days of Gold: The California Gold Rush and the American Nation* (Berkeley, CA: University of California Press, 1997, accessed 30 April 2020); available from <https://herb.ashp.cuny.edu/items/show/1738>.

<sup>29</sup> United States Census Office, *Report on the Statistics of Wages in Manufacturing Industries; With Supplementary Reports on the Average Retail Prices of Necessaries of Life, and on Trades Societies, and Strikes and Lockouts* (Census Reports Tenth Census: U.S. Government Printing Office, 1886), 245.

unemployment among white workers, who complained that they needed to support their families while the Chinese worker only had to support himself. In 1870 already, one in five San Francisco workers found themselves unemployed, and this number soon rose to one in four by 1876.<sup>30</sup> As expressed in an editorial,

Hence a Chinese would live and labor on a daily allowance on which a white man would starve. Therefore the former can work for wages per day that would not purchase the commonest necessaries for the white man, let alone for his family... Without families to support or children to educate, they [the Chinese] would soon drive white labor from all contest with them, and leave the white laborer in a hopeless condition indeed.<sup>31</sup>

Additionally, the final report of the Committee stated that the Chinese's stubbornness when it came to assimilating into American life made them unfit to become actual citizens of the United States. The report of the Joint Special Committee concluded that "Many people of the Pacific Coast believe that this influx of Chinese is a standing menace to republican institutions upon the Pacific, and the existence there of Christian civilization. From all the facts gathered bearing upon the matter... the committee believe that this opinion is well-founded."<sup>32</sup> Thus, the solution proposed to Congress was that it

should solve it, having due regard to any rights already accrued under existing treaties and to humanity... The committee recommend that measures be taken by the Executive looking toward a modification of the existing treaty with China, confining

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<sup>30</sup> Fred B. Glass, *From Mission to Microchip: A History of the California Labor Movement* (University of California Press, 2016), 62, 69.

<sup>31</sup>"Thomas Springer, a Veteran Republican Editor, on the Chinese Problem," *The Shasta Courier*, 19:21 (August 13, 1870), 1.

<sup>32</sup> U.S. Senate, viii.

it to strictly commercial purposes; and that Congress legislate to restrain the great influx of Asiatics to this country.<sup>33</sup>

However, Congress, unsure of the President's stance on complete Chinese exclusion, did not mention the second part of the recommendations of the committee, just asked for the President to consider renegotiating the treaty with China. Although nothing came out of the committee, the Chinese exclusion leaders felt like they had achieved a victory due to the press's new attitude towards the issue, largely favoring the white laborers and exclusion. As the *Silver State* wrote,

They [white workers] found, instead of an earthly paradise, a country where Chinese found employment, while the duped immigrants, hundreds of them, penniless, could not get work at any price... The number of these men now claiming to be in search of employment... is such as to warrant the railroad companies in making a change from Chinese to white labor. The white men traveling along the road... should be given a fair trial by the company, and thus effectively end the tramp nuisance.<sup>34</sup>

Similar sentiments were expressed in the *Daily Los Angeles Herald*: "If the Burlingame treaty could be so readjusted as to admit of traveling and commercial intercourse solely between China and the United States, the happy mean between the old Chinese exclusiveness and the right new era would be reached."<sup>35</sup> Even in Hawaii, Americans were starting to feel the threat:

We can control the evil [the Chinese] now by proper legislation; it is growing fast, and in a very short time it will reach dimensions with which we shall find it hard to cope. When their labor contracts are ended, most of these Chinese will stay with us, and their presence will injuriously affect nearly every business interest of the country.<sup>36</sup>

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<sup>33</sup> *Ibid.*

<sup>34</sup> "White Versus Chinese," *The Silver State*, 10:93 (July 27, 1877), 2.

<sup>35</sup> "Permeating the East," *Daily Los Angeles Herald*, 10:45 (July 23, 1878), 2.

<sup>36</sup> *Pacific Commercial Advertiser*, 22:1151 (June 22, 1878), 2.

During the summer of 1877, hope for renegotiation came when the first Chinese minister came and established a regular consul office in San Francisco. The Chinese minister was in no rush to draft a new treaty, and by December when Congress had reconvened, nothing came out of it. However, the exclusion discussion was once again initiated by rumors that Chinese workers might be used as strike-breakers in the factories of the Northeastern states despite the fact that factory owners denied the importation of Chinese workers, brewing up anger in the industrial states. In 1878, the Knights of Labor published a pamphlet named “China’s Menace to the World,” in which they angrily began with:

Every one [Chinese] doing this work takes BREAD from the mouths of OUR WOMEN... And now, we appeal to the public, asking them will they be partners to a deal which is only one of their many onward marches in CRUSHING OUT THE INDUSTRIES OF OUR COUNTRY from our people by grasping themselves. Will you oblige the AMERICAN LAUNDRIES to CUT THE WAGES OF THEIR PEOPLE by giving your patronage to the CHINAMEN?<sup>37</sup>

So, although nothing came about for the modification of the treaty, it left the federal Congress feeling ready to enact a restriction measure. The 1878 elections had given Democrats, who wholeheartedly supported Chinese exclusion, the majority in both houses. Although Republicans also supported Chinese exclusion, their hesitancy on the issue gave Democrats the advantage due to their firm support. While many bills were introduced, only one was really debated, because it brought up the question of whether Congress could repeal treaties, since the bill proposed violated the Burlingame Treaty. The bill stated that no ship was allowed to bring more than

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<sup>37</sup> Knights of Labor, *China’s Menace to the World From the Forum to the Public* (Washington D.C.: Knights of Labor, 1878), 1.

fifteen Chinese people on one voyage, called the Fifteen Passenger Bill. When the bill was being debated, there were two main representatives that voiced the opinion of each side. Representative Martin Townsend (R, New York) represented those opposed to restriction laws, stating that the Chinese were trustworthy people based on his personal interaction with Chinese merchants, along with the fact that the Pacific Coast was blowing the issue out of proportion, as “For the last three years, they [the Chinese] have not materially, if at all, increased; and I do not believe that there are today more than seventy-five thousand men that we are called upon to legislate.”<sup>38</sup> Townsend continued to support the Chinese, rebutting the argument that the Chinese were unassimilable by requesting that they are “give[n] a dollar a week more, and [he] undertake[s] that they will accept it with states.”<sup>39</sup> On the other side was Representative Horace Page (R, California), who argued strongly for the Fifteen Passenger Bill. Page cited many reasons as to why restriction was needed, such as the American tax dollars going to support the Chinese, and that

the effect of their presence and influence has been to exclude and retard desirable immigration from Europe and the States east of the Mississippi River; to produce great distress among American laborers; to inspire a profound irritation and discontent among the citizens of all classes, and to create finally among us an alarming apprehension of the still greater dangers that threaten to spring from this source.<sup>40</sup>

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<sup>38</sup> U.S. House of Representatives, U.S. House of Representatives, *Congressional Record: The Proceedings and Debates*. 45th Cong., 3rd Sess., (January 28, 1879), 794.

<sup>39</sup> *Ibid.*, 795.

<sup>40</sup> *Ibid.*, 796.

Additionally, Page stated that he supported this measure to help the industrial development of the Pacific States, since the presence of the Chinese degrades and excludes white labor, but also to support the workingmen in their states. The bill passed the House with 155 votes in favor and 72 opposed, moving onto the Senate where it was debated for three days. The Chinese minister was unable to respond when amending the bill because he did not have the power to do so, and the bill passed the Senate after Senators agreed to tell President Hayes he needed to inform China that the fifth and sixth articles of the Burlingame Treaty had been abrogated. However, President Hayes vetoed the bill because it endangered the lives of Americans living in China along with America's treaty duties to China. Hayes said in his veto message to the House of Representatives that

The bill... now presented to me, includes an independent and additional provision which aims at and in terms requires the abrogation by this Government of Articles V and VI of the treaty with China commonly called the Burlingame treaty, through the action of the Executive enjoined by this provision of the act... I am convinced that, whatever urgency might in any quarter or by any interest be supposed to require an instant suppression of further immigration from China, no reasons can require the immediate withdrawal of our treaty protection of the Chinese already in this country, and no circumstances can tolerate an exposure of our citizens in China, merchants or missionaries, to the consequences of so sudden an abrogation of their treaty protection.<sup>41</sup>

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<sup>41</sup> Rutherford B. Hayes, *Veto Message Regarding Immigration Legislation* [speech transcript on-line] (University of Virginia: Miller Center, 1879, accessed 9 April 2020); available from <https://millercenter.org/the-presidency/presidential-speeches/march-1-1879-veto-message-regarding-immigration-legislation>; Internet.

In response to his veto, the *Daily Los Angeles Herald* reported that “the veto by President Hayes of the bill to restrict Chinese immigration was a wicked exercise of arbitrary power unwarranted by the law or Constitution and in plain violation of the proper demands of the people.”<sup>42</sup>

President Hayes’ veto did not stop proponents of Chinese exclusion. They attempted to pass another restriction bill through Congress, and while the bill was being debated, sponsored by Senator Samuel Maxey of Texas, Senator Augustus Garland of Arkansas, as well as many other Senators who represented the West Coast states. Both proponents and opponents were active in voicing their views. A large majority favored the passing of the restriction bill, largely comprised of labor groups throughout the country. In the *Stark County Democrat*, it was reported that in California at “a meeting of the Chamber [of Commerce] yesterday a resolution was adopted requiring him [Mayor Bryant] to call a mass meeting of the citizens, for the purpose of petitioning the President of the United States to approve the bill restricting the immigration of the Chinese.”<sup>43</sup> The majority of those who opposed the bill resided in the Northeastern area while also being from religious groups or men interested in trade with China. The *Chicago Daily Tribune* reported that “The Presbyterian ministers continued their discussion of the Chinese question at their meeting yesterday... It seemed astonishing, he [Rev. R. W. Patterson] said, that so many public men in whom we have had confidence, should be in such haste to support the bill for the exclusion of the Chinese, now before Congress.”<sup>44</sup> Support for the bill was just as

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<sup>42</sup> “General News from San Francisco,” *Daily Los Angeles Herald*, 11:82 (March 7, 1879), 1.

<sup>43</sup> “The Californians Anxious Mr. Hayes Should Sign the Anti-Chinese Bill,” *The Stark County Democrat.*, 45:39 (February 27, 1879), 4.

<sup>44</sup> “Presbyterians,” *The Chicago Daily Tribune*, 39 (February 25, 1879), 7.

dependent upon the region as it was by party, as with California. Both the Republican and Democratic parties adopted anti-Chinese platforms in order to receive support from labor groups, whereas New York and Massachusetts politicians were against Chinese exclusion, reflecting the commercial interests the citizens in their states had, as well as the interests of religious groups.<sup>45</sup>

Then, in 1880, James A. Garfield of the Republican Party was elected President. It is unclear if Garfield was in support of Chinese immigration, since there was a letter that he allegedly wrote that was leaked to the public in which he supported unrestricted Chinese immigration, and although he won by a larger margin in the electoral college, Garfield only won the popular vote by less than 10,000 votes.<sup>46</sup> However, upon Garfield's assassination in 1881, Chester A. Arthur, who was the Vice President, took his place. The new restriction bill was sent to the new President, and it was believed by the public that "There can be no doubt after the able manner in which the subject of Chinese immigration has been presented, that the President fully recognizes its injurious effects..."<sup>47</sup> And although there were rumors that Arthur had the intent of vetoing it, "all the members of the Pacific Coast delegation continue to feel cheerfully confident that he will, on no account, fail to sign it."<sup>48</sup> However, the rumors proved true when the bill was vetoed by Arthur. In his veto message, Arthur was actually sympathetic towards the Chinese,

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<sup>45</sup> Sandmeyer, 93.

<sup>46</sup> The Editors of Encyclopaedia Britannica, *James A. Garfield* [on-line encyclopedia] (Encyclopaedia Britannica, Inc., 2020, accessed 5 May 2020); available from <https://www.britannica.com/biography/James-A-Garfield/Presidency>; Internet.

<sup>47</sup> "Veto, or No Veto--That is the Question," *Morning Appeal*, 20:17 (March 30, 1882), 2.

<sup>48</sup> "The Daily Budget from the Capital," *The Salt Lake Herald*, 12:251 (March 28, 1882), 1.



even praising their impact on American industry, stating that they were “largely instrumental in constructing the railways which connect the Atlantic with the Pacific. The States of the Pacific Slope are full of evidences of their industry. Enterprises profitable alike to the capitalist and to the laborer of Caucasian origin would have lain dormant but for them.”<sup>49</sup> President Arthur was opposed to the period of exclusion outlined in the bill, twenty years, believing it was too long, as well as being unhappy with the need to abrogate the Burlingame Treaty as:

[he] regard[s] this provision of the act as a breach of our national faith, and being unable to bring myself in harmony with the views of Congress on this vital point the honor of the country constrains me to return the act with this objection to its passage... Without expressing an opinion on that point, I may invite the attention of Congress to the fact that the system of personal registration and passports is undemocratic and hostile to the spirit of our institutions... My attention has been called by the Chinese minister to the fact that the bill as it stands makes no provision for the transit across the United States of Chinese subjects now residing in foreign countries.<sup>50</sup>

President Arthur’s veto caused intense resentment on the West Coast, and residents of the western coast believed President Arthur’s veto protected the commercial interests of the East Coast factories while ignoring the requests of the Pacific states. However, almost immediately after the veto, the original exclusion bill was edited, changing the clauses that the President found faults with the first time. This bill was then strongly encouraged to be voted on by Representative Horace Page (R, California), stating that “[He was] instructed by the Committee

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<sup>49</sup> Chester A. Arthur, *Veto Chinese Exclusion Act* [speech transcript on-line] (University of Virginia: Miller Center, 1882, accessed 9 April 2020); available from <https://millercenter.org/the-presidency/presidential-speeches/april-4-1882-veto-chinese-exclusion-act>; Internet.

<sup>50</sup> *Ibid.*

on Education and Labor to move to suspend the rules, so that the bill (H.R. No. 5804) to execute certain treaty stipulations relating to the Chinese may be taken from the House Calendar and put upon its passage at this time.”<sup>51</sup> When debating the bill, there was little opposition to the bill, with 201 votes in favor and 37 against, and little to no further amendments were made. Very easily, the bill passed both houses, and on May 6, 1882, President Arthur authorized the bill. He intended on sending the bill with his signature along with an explanatory message, however he decided that “an explanation [was] not necessary; his motives [were] perfectly evident to everyone.”<sup>52</sup> This bill was named the Chinese Exclusion Act, and it was the first bill to severely restrict the immigration of a whole race. At last, after years of struggle, proponents of Chinese exclusion finally achieved their racist and selfish goal, banning any further Chinese workers to immigrate to the United States.

The Chinese Exclusion Act only restricted the immigration of Chinese laborers, skilled and unskilled, but allowed all other Chinese to enter. However, Chinese laborers that were residing in America as of November 17, 1880 were required to receive identification, including a detailed description of their appearance so as to make sure no new Chinese laborers were entering, and this information was to be kept:

which... shall be safely kept in the custom-house.; and every such Chinese laborer so departing from the United States shall be entitled to, and shall receive... from the collector or his deputy, at the time such list is taken, a certificate... [which] shall contain a statement of the name, age, occupation, last place of residence,

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<sup>51</sup> U.S. Congress, U.S. House of Representatives, *Congressional Record: The Proceedings and Debates*. 47th Cong., 1st Sess., (April 17, 1882), 2967.

<sup>52</sup> “Mr. Arthur’s Explanation,” *Daily Los Angeles Herald*, 17:69 (May 12, 1882), 2.

persona description, and facts of identification of the Chinese laborer to whom the certificate is issued...<sup>53</sup>

However, to make sure that no new Chinese laborers were entering the United States during the ten years outlined in the Exclusion Act, all Chinese people had to “be identified as so entitled by the Chinese government in each case, such identity to be evidenced by a certificate issued under the authority of said government... and shall be produced to the collector of customs, or his deputy, of the port in the district in the United States at which the person therein shall arrive.”<sup>54</sup>

This certificate was essential to a Chinese passenger’s right to enter the United States, since it was to be checked at all U.S. ports before entrance. After the passage of the Exclusion Act, many Chinese left America: “During the first three months of the operation of the exclusion law, 3,849 Chinese have departed from San Francisco and only 169 arrived.”<sup>55</sup>

Despite this, after the passage of the Chinese Exclusion Act of 1882, there were still requests to pass more effective restrictive measures. This was in part because federal courts kept making decisions that made the act less effective, and administrative regulations were accused of creating loopholes. The Secretary of the Treasury Hugh McCulloch was deemed “The Champion Nullifier” because of his laxness when enforcing these regulations.<sup>56</sup> These angry sentiments translated into another wave of anti-Chinese violence, resulting in riots all over the West Coast from Tacoma to Pasadena. Due to this agitation, another treaty was created in 1888, which stated

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<sup>53</sup> U.S. Congress, *An Act to Execute Certain Treaty Stipulations Relating to Chinese*. 47th Cong., 1st Sess., (May 6, 1882), 59.

<sup>54</sup> *Ibid.*, 60.

<sup>55</sup> “Odds and Ends,” *Evening Bulletin*, 2:12 (December 5, 1882), 2.

<sup>56</sup> Sandmeyer, 97.

that the entrance of Chinese laborers was absolutely prohibited for the next twenty years, even those who held certificates that allowed them to return. Although still not satisfactory to anti-Chinese forces, it was a major step for them towards complete exclusion. However, this treaty, when sent to the Chinese government, was not ratified by China. But by the time this news had traveled back to the U.S., Congress had already begun drafting measures based on the new treaty. Once again this was during an election year, similar to when agitation for exclusion first began, and passing anti-Chinese legislation meant votes from both the Pacific states and laboring men around the country. Steadily, more anti-Chinese legislation was passed through Congress, and in 1892 it was clear that the Chinese were starting to resist these laws.

During the time of anti-Chinese legislation, the protests of Chinese foreign ministers were ignored, such as during the passage of the Scott Act, which banned Chinese laborers abroad or who planned to come back to the U.S. from returning. After the Scott Act, the Chinese foreign ministers expressed a willingness to settle the conflict between the two nations, however this simply resulted in a treaty similar to the unratified treaty from 1888. But, Article 5 of the treaty stated that the United States granted China the right to require the registration of American laborers in China, as well as agreeing to give the Chinese government a list of all American citizens in China annually, with the exception of government officials and their servants.<sup>57</sup> However, after this treaty, legislation on Chinese immigration was largely similar to that of before. In 1898, after Hawaii was acquired by the U.S. government, Congress prohibited the immigration of Chinese to the islands as well as the coming of the Chinese into mainland America from the islands. Prohibition of Chinese immigration continued until 1943, when the

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<sup>57</sup> *Ibid.*, 105.

Chinese Exclusion Act was finally repealed, ending 61 years of racist legislation towards the Chinese.

Throughout the anti-Chinese movement, labor played a large role. Historian Andrew Gyory argued that the role of labor is exaggerated in the story, and that it was a top-down narrative, stating that “the motive force behind the Chinese Exclusion Act was national politicians who seized and manipulated the issue in an effort to gain votes, while arguing that workers had long demanded Chinese exclusion and would benefit from it.”<sup>58</sup> However, it is clear that before and after the Chinese Exclusion Act of 1882 that the passage of Chinese exclusion legislation was largely a result of the agitation of labor unions and laborers. It is seen in the newspaper reports, the report of the Joint Special Committee meant to investigate the Chinese question, and in the agitation from labor unions where: “Political involvement flowed naturally from the labor movement’s claim to be the representative of all *white* working class Californians. That the campaign for Asian exclusion required continuous pressure on office-holders in both Sacramento and Washington, D.C., contributed to this self-image.”<sup>59</sup> These laborers were not manipulated by politicians; they were truly opposed to Chinese immigration, and unfortunately, the circumstances were right for them to achieve their racist goals, making the Chinese the first large group in American history from being barred entry into the country.

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<sup>58</sup>Andrew Gyory, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act* (Chapel Hill: University of North Carolina Press, 1998), 1.

<sup>59</sup>Michael Kazin, “The Great Exception Revisited: Organized Labor and Politics in San Francisco and Los Angeles, 1870-1940,” *Pacific Historical Review*, 55:3 (August 1986), 378.

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