

An Arduous Journey of Early Chinese Americans

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Abstract: After the state of California discovered gold in 1848, a gold rush immediately rolled out and spread across North America. But most laborers from the east coast did not want to go to California and only the white Irish workers were drawn to the West because they were smeared as “dirty whites” in the east coast. To attract more laborers to toil in the gold mines, employers began seeking immigrants from China. Unlike white workers, Chinese laborers did not want to stay in the US for very long time and all they wanted was making enough money to buy homes and marry a woman in China. They were willing to work longer time for less, which draw ire from their fellow white workers. Because white workers had voting rights, congressmen in California sided with white workers against Chinese laborers by passing a number of discriminative laws that culminated in the 1882 Chinese Exclusion Act. The law virtually banned all Chinese laborers to enter the US until 1943 when China became a wartime ally of the US. Some Chinese including Wong Kim Ark successfully challenged the law by capitalizing on the US legal system. The long and difficult journey of Chinese immigrants finally ran its course in the 1960s thanks to the Civil Right Movement.

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The earliest Chinese arrived in the United States can date back to the early 19th century and to many Chinese Americans, their journey to and life in the United States have not been peaceful and pleasant. While writing on the early Chinese Americans, one historian comments on the history of the Chinese Americans: “History has proven that American foreign policy has maintained a hostile and racist attitude towards nations with a different societal structure and cultural customs from the United States. Similarly, racism has been a constant throughout all of America’s domestic history as well.”¹ Anyone who has merely basic and general knowledge of Chinese American history and the long legacy of discrimination that Chinese Americans have suffered in the United States is likely to see and resonate with the historian’s point. Over numerous years, we have been able to gain a better understanding of the nearly two hundred years of Chinese American history due to the efforts of many historians, including authors at the *Historical Record of Chinese Americans*. This history, especially in the early to mid-stages, was filled with grief and suffering. In the mid-19th century, because of the dominance of Social Darwinism and racist ideologies like eugenics, racial discrimination was a universally accepted social currency. The racism exhibited by White Americans towards Chinese immigrants was merely a microcosm of the discrimination going on in many countries in that period of history. At that time, many European countries were not only prejudiced towards Blacks, but also towards White Jews. White people from northern or western Europe tended to look down upon the Irish, Italians, and Slavs even though they were also White. Erika Lee, a historian of the history of Chinese immigrants, points out that on the American East Coast, the Italians were denigrated as the “Chinese of Europe” and were discriminated against by other White European immigrants.² The Irish Catholic were referred to as “dirty Whites”, forcing many Irish to move west to areas like California. Even though, there, being White of any kind was still vastly preferable to being any other race.^{1,3}

The social status of most early Chinese immigrants in the United States was still much worse than that of “lower” Whites. After the Mexican-American War ended in 1848, gold was discovered in the newly annexed California. The ensuing Gold Rush immediately attracted a flood of prospectors and immigrants. At the time, Guangdong and surrounding areas in southern China were facing severe overpopulation issues and the rough terrain was not suitable for farming. Those (mostly landless farmers) who wished to pursue wealth and escape the chaos caused by the Taiping Rebellion found ways to come to America, forming the first wave of Chinese American immigrants. Many of these Chinese were referred to as “piglets” and some of them were coerced or tricked into coming to America.⁴ Most of the immigrants went to California due to the markedly thirst of laborers in the midst of the Gold Rush. Some Chinese found work in the state’s early railroad ventures and development. After the Gold Rush, by the 1860s, many worked on the

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railroads that crisscrossed the continental United States. According to research conducted by journalist and author Iris Chang, because railroad construction was an extremely dangerous activity that few Whites were willing to risk their lives to do, the Chinese constituted the majority of railroad workers and numbered in the thousands. More than one thousand Chinese died while working on the railroads.⁵ However, in 1869, when executives celebrated the completion of the first Transcontinental Railroad that connected the East and West Coasts in Utah, the Chinese, who comprised 90% of those who worked on the railroad and had made countless sacrifices for its completion, were ignored and still discriminated against. It was not until 150 years later, in 2019, when their efforts were finally recognized. In 2023, a monument built specifically to honor Chinese laborers in the 19th century is set to be placed in Salt Lake City, capital of Utah.⁶ There were also many Chinese who worked on farms or entered the shoemaking business – in 1871, 50% of all shoemakers were Chinese, and in 1882, 50-72% of all California farmworkers were Chinese.⁷ The Chinese also worked in laundries, which White men were unwilling to do. Another 25% of the Chinese worked in restaurants. No matter what occupation they pursued, the Chinese were regarded as slaves by Whites.⁵

There were very few Chinese women in America, comprising about 8% of the Chinese population in 1870 and continuing to decline in ensuing years. In 1880, the total Chinese American population was approximately 100,000, with women representing only 4% (around 4,700 individuals). The female population share did not reach 8% again until 1910.^{4,5} Although there were a few early Chinese American women such as Ah Toy and Suey Him who were relatively well off,^{5#} the majority of Chinese women worked as prostitutes. Most hailed from southern China and were kidnapped or tricked into coming to America. Another portion of Chinese women in America were the wives of Chinese merchants. Because most Chinese workers at the time received low wages and were unable to support a family, Chinese prostitutes were very popular in Chinatown.^{5,8} In order to restrict the immigration of Chinese women, Congress passed the Page Act in 1875. Although on the surface the Act prohibited the immigration of prostitutes from Asia, in reality it restricted the immigration of all Chinese women, which further compound the gender imbalance in Chinese American communities.⁷

The majority of early Chinese immigrants were farmers from various provinces in southern China. They were willing to work hard and take dangerous jobs, work longer hours than White workers (six days a week, twelve hours a day), and to accept lower wages than White workers, all while enduring whippings by foremen. When White workers went on strike to demand higher wages, bosses often brought in Chinese laborers to replace them. This subjected the Chinese to abuse and violence at the hands of White workers. Many Whites in the western United States felt a form of Sinophobia – in their eyes, the Chinese were a systemic threat to the American labor market. Outside of that, they believed the Chinese refused to assimilate into good Christians and citizens, and that Chinatown and other areas were “states within a state”. The Chinese reliance on prostitutes was another area that Sinophobes were highly critical of.^{4,5}

Starting in 1850, California where over 90% of Chinese Americans lived began systematically oppressing the Chinese. Local California governments required Chinese laundry workers, fishermen, miners, and shop owners to provide special certificates and subjected them to various fees and regulations. They also prohibited the Chinese from being a citizen and having the right to vote. The Chinese were not allowed to testify in court and judges and juries were prejudiced against them. Some Sinophobes even called for the restriction of Chinese to immigrate to the U.S. After 1870, anti-Chinese sentiment intensified among White Californians. Violent riots targeted at the Chinese broke out in Los Angeles and San Francisco in 1871 and 1877, respectively, and anti-Chinese politicians gradually took control of the California Democratic Party. After 1875, the California Republican Party became supportive of anti-Chinese policies as well. In 1876, the highly influential Workingmen’s Party of California even made anti-Chinese into its party constitution. Under pressure from White constituents, Congressmen from California proposed anti-Chinese legislature in Congress, repeatedly stressing the “huge and growing evils brought upon the nation by Mongoloid immigrants (the Chinese), who threaten America’s democratic and Christian institutions”.⁴ Instances of anti-Chinese violence happened outside California as well. On October 31, 1880, a White mob of several hundred attacked the Chinese community in Denver, killing a laundry worker and beating several others.⁹ In 2019, I visited the location of the attacks and saw the copper plaque that records the incident. According to Professor Patrick Fuliang Shan at Grand Rapids State University, many Chinese at the time worked in the laundry business and were treated positively by White women. When the White mob

attacked, many White women supported the Chinese and opposed the rioters.

Owing to the massive population increase brought about by the Gold Rush and the greater accessibility offered by the railroads, California's position in the national legislature grew at a rapid pace and it became a key swing state for both the Republican and Democratic Parties. As Jean Pfaelzer notes, whichever party controlled California would not only control Congress but would decide the next President.⁵ Because of this, and under the historical context of the time, U.S. Senator from California John F. Miller proposed a law in 1881 which would bar Chinese immigration from coming to the United States for the next twenty years. Miller was openly racist and stated that America only belonged to the White race, proclaiming that America's pure Anglo-Saxon culture needed to be preserved from being polluted by the Chinese and those of other races.⁵ The President, Chester A. Arthur, also held discriminatory attitudes towards the Chinese and secretly supported this policy, but was forced to veto it because it violated an 1880 treaty between the United States and China. However, Congress passed a new bill, Chinese Exclusion Act in 1882 which reduced the period that would ban Chinese immigration from twenty years to ten. President Arthur signed this bill into law.^{4,7} In 1889, Supreme Court justices also claimed that the Chinese posed a threat to peace and safety in America and supported Chinese exclusion.⁴

Although the Chinese Exclusion Act prohibited Chinese laborers from entering the United States, it did not restrict the immigration of other Chinese such as merchants, educators, and students.⁵ The impacts of this policy were extremely traumatic and painful, especially for Chinese laborers. After the anti-Chinese bill was signed into law, numerous violent riots soon erupted in many western states in which White mobs attacking Chinese communities. These white mobs murdered many Chinese in addition to stealing their possessions or burning their homes down. The most severe instances of anti-Chinese violence occurred in Rock Spring, Wyoming and Tacoma, Washington. On September 2, 1885, for example, around one hundred armed White rioters attacked a community of Chinese workers in Rock Spring, killing 28 Chinese while onlooking White women and children laughed and cheered, a scene similar to many lynching incidents against blacks after the Civil War.⁴ Two months later, another mob attack occurred in Tacoma, where over 1000 White rioters assaulted a Chinese community. The mobs burned Chinese homes and stole their valuables. This attack was actually led by the Tacoma mayor and chief of police. Lum May was one of the Chinese fortunate enough to escape from this attack, but he lost almost all of his possessions. His wife suffered a mental breakdown due to the trauma of losing her home and belongings. Lum May eventually escaped north to Canada. After the incident, the Chinese Consulate in San Francisco demanded that local authorities arrest the mayor of Tacoma. The Washington State Governor also asked for an investigation into the event. As a minority, Lum May did not have the right to testify in court and was only able to submit a written affidavit.⁸

To further restrict Chinese immigration to the United States, Congress passed the Geary Act in 1892 when the original ten-year term of the Chinese Exclusion Act had expired, further extending the Act. In 1905, the Supreme Court ruled in *United States v. Ju Toy* that the Chinese were prohibited from entering America and could not sue for the right to enter the country even if they claimed they were American citizens or possessed legal documentation. Even worse, Congress passed the Expatriation Act of 1907, which forced women to adopt the nationality of their husbands after getting married. This meant that Chinese women who were American citizens would have their citizenship revoked if they married a man who was a Chinese citizen.⁵

In 1891, Congress formed the Bureau of Immigration to further regulate immigration and gave it full authority over Chinese immigration in 1900. Terrence V. Powderly, who served as Commissioner General of Immigration at the time, was the descendant of Irish immigrants and served as a former leader of the Knights of Labor in the 1880s. He was extremely biased towards Chinese immigrants and harshly enforced the Chinese Exclusion Act. If the Chinese had any symptoms of illness or was suspected of being a laborer in America (such as having calluses on their hands), they would be deported immediately. Immigration officials could interrogate and detain Chinese immigrants at any time. Although the Chinese who were deported had the right to appeal their case in federal court, the process was extremely complex and inefficient, and had an extremely low success rate.⁴

In the words of Erika Lee, the Chinese Exclusion Act not only completely upended the lives and

communities of the Chinese immigrants in America, it also permanently changed America's relationship with immigrants in general. It did this by normalizing gatekeeping as the dominant ideology in politics, law, and culture, thereby changing American attitudes towards race, immigration, and even America's perception of itself as a nation of immigrants. After the Chinese Exclusion Act was passed, the United States gradually introduced other discriminatory policies that targeted other races, such as Indian and Japanese immigrants. It also relegated Mexican immigrants to a lower class alongside Asians and Blacks and deemed them unable to be assimilated and only suitable for manual labor. The Chinese Exclusion Act required that Chinese workers carry photo identification, or else they would be deported if caught. After 1909, Chinese of other occupations were required to carry identification as well, but those of other races were not required to carry proof of legal residency until after 1928.⁷ In the 1920s, the American government expanded its discrimination towards the Chinese to include many other Asian ethnicities as well. For instance, in 1915, Hawaiian-born Japanese Tacao Ozawa, who received a degree from Stanford University, had his application for American citizenship denied. His case went all the way to the Supreme Court and was not settled until 1922, when the Supreme Court upheld the decision to deny his application for citizenship. The justices believed that Tacao Ozawa exceeded all the requirements for citizenship, but was ultimately ineligible because he was not White. Two years later, Congress passed a law preventing all non-Filipino East Asians from becoming American citizens, primarily because they were non-White.¹⁰ In 1934, Filipinos were barred from immigrating to America as well.⁷

Both the Chinese government and people strongly protested the American government's severe discrimination and unfair restrictions on Chinese immigration. Wu Tingfang, China's first lawyer with a western law degree and Minister of Foreign Affairs, criticized the Chinese Exclusion Act when he visited the United States in 1897. Li Hongzhang, Chief Minister of the Qing dynasty, once complained that the Chinese were of even lower social status in America than Blacks. He questioned American officials, why should the Qing government have an obligation to protect American citizens in China, while the American government had no responsibility for Chinese people in America?⁴ America's unjust policies towards the Chinese incited widespread anger from chambers of commerce and citizenry in provinces where most immigrants came from, including Guangdong, Fujian, Hong Kong, and Shanghai. In May 1905, they responded to the Shanghai Chamber of Commerce's call for a nationwide campaign to boycott American goods and companies. The boycott started in July and lasted for approximately one year, receiving strong support from overseas Chinese. The boycott ultimately failed for a variety of reasons, including America's pressure over the Qing government, unrealistic demands from the movement (including the abolishment of all discriminatory laws against Chinese), and internal conflict among the Chinese and lack of united leadership.⁴ While the boycott of American goods was a movement that primarily took place in China, the Chinese in America also found their own ways to protest the country's discriminatory laws and policies. As early as 1867, when the Central Pacific Railroad was on the verge of bankruptcy and unable to pay wages to Chinese workers, up to 2,000 Chinese workers engaged in a "polite" strike, demanding higher pay and reduced hours. However, the strike failed after the company threatened to withhold all wages and food.⁵

Arguably the most noble and courageous battles fought by Chinese Americans against exclusionary policies were in the courts. Jinyi Song praises the legal efforts that the Chinese undertook for racial equality and equal rights after the Chinese Exclusion Act was passed. More importantly, the Chinese continued to prove that they were a rightful part of American society by continuing to participate in politics, culture, and the economy.¹ Those with an understanding of American civics will recognize that the founding fathers adopted the ideas of Enlightenment thinkers such as John Locke when establishing the country. They leaned heavily on French enlightenment thinker Charles Louis de Montesquieu's doctrine of the separation of powers, which separated judicial, legislative, and executive power between three branches of government. As Montesquieu cautioned, if any two of these three branches were to be controlled by one interest group, then liberty would cease to exist. Yet in many current authoritarian regimes, all three branches of government are controlled by a single person or party.¹¹ At its inception, the Supreme Court's power was significantly weaker than that of Congress or the presidency. However, due to the unrelenting efforts of Chief Justice John Marshall, the Supreme Court eventually gained power to rival that of the legislative and executive branches.¹² Some early Chinese Americans and their allies were able to take advantage of the separation of powers and independence of the judiciary to fight for their individual and ethnic group rights in the courts.

Notable cases of successful litigation among the early Chinese included *Tape v. Jennie Hurley*, *Yick Wo v. Hopkins*, and *United States v. Wong Kim Ark*. In 1884, Joseph Tape worked as an interpreter at the San Francisco Chinese Consulate, and his wife Mary was an artist and photographer. Their daughter Mamie was denied admission to Spring Valley, a school for Whites, because she “was dirty and had bad habits” and could cause “moral and intellectual decline” among White students. Under the backdrop of California’s severe anti-Chinese sentiment at the time, a member of the San Francisco Board of Education went so far as to state that he would rather go to jail than to admit Chinese children to the public schools! The angry Tape family filed a lawsuit against principal Jennie Hurley. The case went all the way to the Supreme Court, which ultimately sided with the Tape family and required that Mamie be admitted to the school. However, the San Francisco school district got around the Supreme Court’s ruling by building a new school for Chinese students.⁵

In the same year, San Francisco laundry worker Lee Yick filed a suit against local sheriff Peter Hopkins. In 1880, the City of San Francisco created policies intended to target and harass Chinese laundry businesses. One of these policies made it illegal to dry clothes on the roof of wooden buildings, which the majority of Chinese laundries were located in. Lee Yick and 150 other Chinese laundry workers were arrested and jailed for violating this ordinance. With the support of other Chinese, Lee Yick and another appellant, Wo Lee, decided to sue Hopkins to the California Circuit Court. However, the severely racist California Circuit court ruled in favor of Hopkins. Yick Wo decided to appeal their case to the United States Supreme Court. In May 1886, the Supreme Court ruled that the San Francisco laws were discriminatory towards the Chinese and therefore violated the 14th Amendment. Not long afterwards, the victorious Yick Wo and other Chinese were freed from imprisonment and received licenses to continue operating their laundries.¹³

Perhaps the most impactful case involving the Chinese was *United States v. Wong Kim Ark*. In 1895, San Francisco-born Wong Kim Ark was detained by United States customs and prevented from entering the country when he returned to America after marrying a woman and fathered a son in China. In response, he filed a lawsuit. On January 3, 1896, the district court decided to underscore Wong Kim Ark’s citizenship. However, the U.S. government that was dissatisfied with the local court’s decision took the case up to the Supreme Court. Although Congress prohibited the Chinese from becoming American citizens at the time, the majority of Supreme Court justices ruled in favor of Wong Kim Ark on March 28, 1898. They based their ruling on the 14th Amendment to the constitution, and stated that the 14th Amendment, in “clear words and in manifest intent includes the children born within the territory of the United States of all other persons, of whatever race or color” would be American citizens, and it “has conferred no authority upon congress to restrict the effect of birth...” Wong Kim Ark’s case was frequently used for the next hundred years to defend the right to naturalized citizenship for children born in the United States.^{5,14}

The legal cases mentioned above all played out after the passing of the Chinese Exclusion Act, demonstrating that even in California, where anti-Chinese racism was at its most extreme, some Chinese were able to cleverly leverage the American legal system to wage lawful and justified battles for their rights. When we think of the instances of anti-Asian hate that have emerged during the recent pandemic, it is clear that anti-Chinese racism has not gone away with the 1943 repeal of the Chinese Exclusion Act, the signing of the Immigration and Nationality Act of 1965, or congressional apology to Chinese immigrants in the early 2010s. This is because history – both good and bad – tends to repeat itself in human society. As members of the first racial group to experience exclusion in American history, Chinese Americans will benefit from an understanding of their history. It will allow them to recognize that many of the rights we enjoy today were fought for by those who came before. Additionally, it may unite us under a shared history and allow us to look to the future.

Notes:

Ah Toy is arguably the first Chinese prostitute in America. Suey Him was a successful brothel owner in San Francisco who had around fifty prostitutes working for her.

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