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POLICY BRIEF

Remembering December 17: Repeal of the 1882 Chinese Exclusion Act

by Alicia J. Campi, Ph.D.*

“This is not just the story of Chinese-Americans or Asian-Americans, but a quintessential American story about the dreams that bring immigrants to this nation and how they continue to come in spite of the hardships and obstacles that are so often placed in their way.”¹

The Chinese American experience, with its trials and triumphs, comes to mind every December 17, the anniversary of the 1943 repeal by Congress of the Chinese Exclusion Act of May 6, 1882. With only a few exceptions, this law barred any Chinese from immigrating to the United States, and marked the first time U.S. immigration policy singled out citizens of a particular nation for wholesale discrimination.² This dark period in U.S. history was born out of the widely held belief that the Chinese were incapable of “assimilation” into American society. Nevertheless, despite more than 60 years of systematic disenfranchisement, Chinese continued to migrate to the United States because it remained a country where they could find employment and fulfill many of their dreams.

Today, the United States is experiencing a period of sizable immigration from China. According to the Immigration and Naturalization Service (INS), 664,812 Chinese immigrated to the United States

from 1990 through 2000.³ Chinese and other Asian immigrants are now often called the “Model Minority” because their children quickly attain relatively high levels of education (21.6 percent of Chinese Americans had a bachelors degree in 1990 vs. 13.1 percent of the total U.S. population) and relatively high incomes (the median income of Chinese Americans was \$41,316 in 1989 vs. \$35,225 for the total U.S. population).⁴ Even so, new challenges face the Chinese community as it seeks to expand its involvement in the American political process and to assist large numbers of new immigrants to integrate into U.S. society. In addition, the problems associated with human smugglers, or “snakeheads,” have grown to serious proportions. While the Chinese community has made great strides in overcoming racial discrimination and poverty over the decades, obstacles remain.

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The First Wave of Immigrants to the “Golden Mountain”

There are records of Chinese immigrants in California as early as 1815, and Chinese students were brought by missionaries to Massachusetts for schooling in 1847. However, the first large wave of Chinese immigration to the United States began during the California gold rush in 1848.⁵ The immigrants themselves referred to the United States as the “Golden Mountain.” In the years that followed, the Chinese - especially those coming from the Canton area of south China - worked in mining, construction, and the building of the intercontinental railroad. By the 1870s there were over 63,000 Chinese immigrants in the country. Although most lived in California, many had moved eastward into cities such as New York.

However, the United States suffered through a depression in the 1870s that was particularly severe in California. This economic downturn fed strong anti-Chinese attitudes that sometimes turned violent. The Chinese were willing to work for lower wages than “whites” and were more reluctant to unionize, which led U.S. labor leaders to label them “cheap working slaves.”⁶ The result was virulent resentment.⁷ White Americans claimed the Chinese were stealing their jobs and draining the United States of gold by sending much of their earnings back to relatives in China. Congress was pressured to investigate these claims and by 1880 the U.S. government bowed to anti-Chinese sentiments and signed a treaty with China permitting the United States to limit, but not completely prohibit, Chinese immigration.⁸ In 1882 there were 110,000 Chinese in the country. Congress claimed that “the coming of Chinese laborers to this country endangers the good order of certain

localities” and on December 17, 1882, passed the first Chinese Exclusion Act. The new law halted all immigration of Chinese laborers⁹ for 10 years and prohibited Chinese already residing in the United States from obtaining citizenship. The 1882 Act was renewed in 1892 and made permanent in 1902. The Immigration Act of 1917 expanded the prohibition against immigrant laborers to nearly all Asian countries, including the Middle East and India, creating “an Asiatic barred zone.”

“The Driving Out”

After passage of the 1882 Exclusion Act, there were many incidents of deadly violence perpetrated against Chinese to force their removal from some counties, and Chinese were segregated into quarters, known as “chinatowns” in cities. Chinese workers bravely challenged the constitutionality of the 1882 and subsequent Exclusion Acts, but the state, federal, and U.S. Supreme courts upheld these discriminatory laws in cases such as *Chae Chan Ping v. U.S.* (1889) and *Fong Yue Ting v. U.S.* (1893). This sad period became known as “The Driving Out.”¹⁰

Chinese immigrant women in particular became the subject of exclusion in order to decrease the size of the Chinese population in the United States. By 1890 the ratio of Chinese men to women was 27 to 1. Chinese immigration to Hawaii was totally halted in 1886. From 1908 to 1930 almost 73,000 Chinese departed while only about 45,500 arrived. However, Japanese, Filipino, and Asian Indians had to be recruited in the latter 19th and early 20th centuries to replace Chinese laborers in U.S. fields and factories. The Chinese American population on the U.S. mainland fell from 107,488 in 1890 to 61,639 in 1920.¹¹ By 1940, the number of

mainland Chinese Americans had increased to only 77,504.¹²

The discriminatory system created to limit and control the Chinese population in the United States left a vast paper trail, including civil, criminal, and admiralty court cases, decrees, indictments, passports, photographs, subpoenas, and transcripts of interrogations. In addition, Chinese immigrants in the United States were required to carry “Certificates of Identity” at all times. These documents are still housed in the files of the National Archives and Records Administration (NARA) in Washington, D.C. and 12 regional offices, and are a major source of information on Chinese American family history. Some records, particularly those less than 75 years old, are not yet publicly accessible because of privacy concerns.¹³

Angel Island

Despite the Exclusion Acts, immigration from China continued. The absence of legal channels for immigration, coupled with an ongoing U.S. demand for unskilled labor, resulted in an increase in undocumented Chinese immigration. The fires which accompanied the great San Francisco earthquake of 1906 destroyed all of the family records kept by the U.S. Immigration Service. As a result, many Chinese attempted to enter the United States by assuming false identities. Since the children of American-citizen fathers could enter the country legally, some Chinese immigrants bought falsified documents to become “paper sons” or “paper daughters.” In 1910, a new port of entry and detention center for screening immigrants was established on Angel Island in the San Francisco Bay. Beginning in 1890, the island’s 740 acres were used as a quarantine station for the inspection and disinfection of incoming

foreign ships that might carry yellow fever, cholera, or bubonic plague. Ten years later a military installation was added to conduct health screenings of military recruits.

However, Angel Island is most famous as the main entry point for immigrants from the Pacific. More than 1 million people were processed through the Angel Island Immigration Station between 1910 and 1940. For Chinese immigrants, the reception was particularly hostile. An interrogation process to determine the authenticity of their documentation was established by immigration authorities. Chinese were detained for periods ranging from a few days or weeks to months or even years while their eligibility to enter the United States was determined. As a result, rather than earning a reputation as the Ellis Island of the West, Angel Island became known among Immigration Service officials as the “Guardian of the Western Gate.”

The fears and hopes of the 175,000 Chinese immigrants who passed through Angel Island are reflected in the poetry many of them wrote in calligraphy on its barracks walls. A fire destroyed the Immigration Station in 1940, but Angel Island was still used as the main Pacific Coast detention camp for German prisoners of war during World War II. It was abandoned at the end of the war and fell into ruin. In the 1960s it was designated for destruction, but some in the San Francisco Asian community lobbied the California State Park system to protect the site as a cultural legacy. Some repair work was done in the 1970s, but years of neglect to the interior have exposed the wall writings to weathering and a full restoration has yet to be done.¹⁴ The Angel Island Immigration Station was designated a National Historic Landmark in 1997. In 2000, \$15 million in state monies were promised to begin the restoration process. In

addition, a non-profit organization¹⁵ was established to carry out the restoration and to educate the public about the historical value of Angel Island as a testament to the suffering and perseverance of immigrants such as the Chinese.

*Today is the last day of winter,
Tomorrow morning is the vernal equinox.
One year's prospects have changed to another.
Sadness kills the person in the wooden
building.¹⁶*

Lifting the Ban but Continuing the Struggle

Restrictions on Chinese immigration to the United States began to ease during the 1930s. Chinese wives who were married to American citizens before May 26, 1924, were admitted starting in 1930. In 1935, Public Law 162 granted several hundred Asian veterans of World War I the right to apply for U.S. citizenship. In World War II the United States found itself in a difficult struggle with the Japanese in the Pacific theatre. The Japanese were quick to point out that the Nationalist Chinese (R.O.C.) led by General Chiang Kai-Shek were a major U.S. ally, but that the Chinese people were still barred from immigrating to the United States. American popular support for the old Chinese Exclusion Acts was further undermined through an appeal made by U.S.-educated Madame Chiang Kai-Shek in a speech at the Hollywood Bowl in California in 1943.

By October of that year President Roosevelt publicly supported a number of legal actions to reward America's Asian allies. The Philippines was promised independence at the end of the war, and Koreans living in the United States were exempted from "enemy alien" status. On December 17, 1943, Congress repealed the Chinese Exclusion

Acts.¹⁷ Chinese in the United States were allowed to naturalize and a new quota of 105 Chinese immigrants per year was established under the rubric of the National Origins System.

With the repeal of the Exclusion Acts, over 60 years of systematic legal discrimination against the Chinese ended. Although Chinese immigration resumed, the absurdly small quota deliberately kept the number of immigrants very low until the 1965 Immigration and Nationality Act abolished the quota system and prohibited discrimination against immigrants on the basis of race, sex, nationality, place of birth, or place of residence. This Act established annual quotas of 20,000 immigrants per country which allowed Chinese to enter together as families for the first time in U.S. history.

Conclusion

From 1820 through 2003, 1,912,968 Chinese from the People's Republic of China (P.R.C.), Taiwan, and Hong Kong immigrated to the United States.¹⁸ In 2000, Chinese Americans numbered 2,879,636, comprising 1.02 percent of the U.S. population.¹⁹ The Chinese are the largest Asian-American ethnic group in the United States, and China ranks second (behind Mexico) as the nation from which most new immigrants to the United States come. The metropolitan areas of New York, New Jersey, and Connecticut are now the favorite destinations for Chinese immigrants, surpassing the historical receiving cities of Los Angeles and San Francisco. New "chinatowns" are proliferating across the United States in the south and upper mid-west. Many residents of these new chinatowns are wealthy professionals.

Far from taking jobs away from native-born Americans, today's Chinese immigrants are known for creating jobs by investing their own capital in the garment, restaurant, and other industries. Given that about one-third of Chinese immigrants are college graduates, many are valued workers in mathematics, science, and technology. Chinese Americans are justifiably proud of their contributions to the U.S. economy and

to the creation of a more just American society. December 17th provides an opportunity for all Americans to recall the inequities and sufferings endured by past generations of Chinese immigrants and to recognize that the exclusionary and discriminatory policies of the past must never be repeated.

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Endnotes

¹ Katherine Toy, a fifth-generation Chinese-American and Executive director of the Angel Island Immigration Station Foundation, quoted in Diane Rogers, "Angel Island: Breaking the Silence," *Stanford Magazine*, January/February 2002.

² Phil Tajitsu Nash, "Asian American Day of Remembrance," *Asian Week Archives*, December 16, 1999, Vol. 21, No. 17.

³ Immigration and Naturalization Service, U.S. Department of Justice, *2000 Statistical Yearbook of the Immigration and Naturalization Service*, Table 3, p.24. This figure includes Chinese persons living in the PRC, Taiwan, Hong Kong, and Macao.

⁴ Chinese American Data Center, "School Enrollment, 1990" and "Chinese Americans' Income in 1989," citing *Population of Asian Pacific Islanders*, U.S. Census Bureau, 1990.

⁵ Out of 67,000 people who came to California in 1852, 20,000 were Chinese. U.S. Citizenship and Immigration Services, uscis.gov/graphics/aboutus/history/dec43.htm

⁶ Denis Kearney & H.L. Knight of California's Workingmen's Party in a speech, "Appeal from California. The Chinese Invasion. Workingmen's Address," *Indianapolis Times*, 28 February 1878.

⁷ For example, the Los Angeles Massacre of October 24, 1871, in which 19 Chinese and 1 White American died, and arsons in Chinese communities in Yureka (1871), Chico (1873), and Weaverville (1874).

⁸ "Report of the Joint Special Committee to Investigate Chinese Immigration," February 27, 1877, 44th Congress, 2nd Session. Senate Report No. 689.

⁹ Teachers, diplomats, tourists, merchants, and students were allowed entrance.

¹⁰ Chinese were forced out of Humboldt and Fresno counties, and nurseries and vineyards around Fresno. In the 1880s there was a 37 percent decline in California's Chinese population. During this period the saying, "He doesn't stand a Chinaman's chance," came into the American lexicon. www.apa.si.edu/ongoldmountain.

¹¹ Chinese American Data Center, "Population Trend, Chinese American Population, 1850-2000." These statistics do not include Hawaii and Alaska.

¹² If Alaska and Hawaii are included, the Chinese American population in 1940 was 106,334 (Chinese American Data Center).

¹³ Exclusion Act-related immigrant documents from the old Chinese Service were transferred to the INS in 1903. These records were maintained separately until 1908, and now are referred to as Segregated Chinese Files, all of which are housed in Washington, DC. After 1908, records in a separate Chinese file series were housed in the Regional Archives around the country according to point of entry.

¹⁴ Angel Island Immigration Station profiled in www.saveamericastreasures.org/profiles/angel.htm.

¹⁵ www.angelisland.org.

¹⁶ *Island: Poetry and History of Chinese Immigrants on Angel Island, 1910-1940*, Him Mark Lai, ed., University of Washington Press, 1999 (1980).

¹⁷ 78th Congress, First session, Chapter 344, December 17, 1943.

¹⁸ Office of Immigration Statistics, U.S. Department of Homeland Security, *2003 Yearbook of Immigration Statistics*, Table 2, p. 14.

¹⁹ Chinese American Data Center, "Population Trend, Chinese American Population, 1850-2000."