

## FREE CHINESE MIGRANTS IN THE AMERICAS IN THE MODERN AGE: DYNAMICS OF EXCLUSION AND XENOPHOBIA

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### Introduction

The current spread of the coronavirus epidemic serves as a reminder that xenophobia and racism continue to be relevant and worrying phenomena in many parts of our globalizing world. This often manifests itself in hostility toward “undesirable” immigrants, which occurs at the intersection of class, ethnicity, gender, age, and other markers and ascriptions. The public discourse of populists and “concerned citizens” (*besorgte Bürger*, as sympathizers of right-wing populism and even extremism are now calling themselves in Germany) tends to justify this aversion by claiming that the migrants themselves are to be held responsible for this aversion and not those who are aggressive toward and reject them. Prejudices based on supposed differences or cultural, ethnic or religious inferiority serve as a breeding ground for dynamics of discrimination and exclusion that not only infringe upon the human rights of immigrants, they are also harmful for the receiving societies and their economies. Repressive policies of “zero tolerance” or a “heavy hand” toward immigrants inevitably result in the criminalization of immigrants that foments the increase of xenophobia and racism.

During the Cold War, developed countries saw a decrease in racist and xenophobic policies and practices, both within the societies as well as in the design of migration regimes. However, since the 1990s there has been a new rise in racist and xenophobic attitudes that are now coupled with populist policies of the right and far-right. These tendencies have a direct impact on the formulation of exclusionary migration policies and the revival and deepening of the pre-existing structures of xenophobic discrimination.

The recent rise of xenophobia, racism, and populism causes much concern, yet the cycle of discrimination against migrants is interwoven with the social question and the decline of living conditions in their countries of origin caused by economic hardship, violence, and climate change in a globalized world.<sup>1</sup> A number of ideas have

1 Thomas Faist, *The Transnationalized Social Question: Migration and the Politics of Social Inequalities in the Twenty-First Century* (Oxford, 2018); Robert McLeman, Jeanette Schade, and Thomas Faist, *Environmental Migration and Social Inequality* (Heidelberg, 2016).

emerged to counteract this disturbing situation and stop the cycle of xenophobic hatred, such as a global network to establish an operative framework that helps formulate policies against xenophobia in the development of migration policies.<sup>2</sup>

While there are intergovernmental organizations such as the United Nations today that have the power to raise awareness about these problems (with a special focus on refugees) and exert a certain amount of pressure on governments that do not uphold their promises in this regard, no such mechanisms existed in the nineteenth century. The maltreatment of immigrants posed more of a bilateral problem between nation states and only received attention when incidents greatly affected international relations and commercial interests. However, as Adam McKeown has shown for this time period, the implementation of policies that regulated populations and thereby excluded migrants had implications on a global scale, particularly with regard to the development of border regimes. In his conclusion he emphasizes the continuities of the discourse surrounding immigration, inclusion, and exclusion from the nineteenth century to today: “A sense of crisis pervades public discussions of migration, both now and for the past two centuries. [...] From the perspective of two hundred years, however, the arguments about migration are numbingly familiar.”<sup>3</sup> The openly racist migration policies of the current governments of the USA, Brazil, and various European countries confirm these tendencies. One can draw a diachronic comparison between discrimination against immigrants today and nearly 200 years ago. It is therefore pertinent that this article revisit the earliest efforts to control voluntary migration to the Americas and identify the dynamics of immigrant exclusion.

Since they were the first group affected, this article will discuss migration policies directed towards the Chinese to reveal the cycles of exclusion and xenophobia in the Americas and subsequently explain some of their coping strategies. More specifically, I will describe several acts of resistance and empowerment that formed the structures of resilience these groups had to develop in the face of exclusion. This provides a link to current studies on migration, racism, and exclusion in the Americas and elsewhere. The first section of this article will provide an overview of free migration to the United States against the background of free and forced migration of Asians to the Americas. By analyzing the initial decades of Chinese migration to the United States, it will become clearer that discrimination and exclusion

2 Tendayi E. Achiume, “Governing Xenophobia,” *Vanderbilt Journal of Transnational Law* 51, no. 2 (March 2018): 333–398.

3 Adam McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York, 2008), 349–350.

against them began well before the start of the “official” era of exclusion in 1882. Anti-Chinese policies on a local and state level, which would eventually become federal policies after the Reconstruction Era, ultimately shaped this pre-exclusion phase. The second section will take a deeper look at processes of entanglement and transregional policy dissemination in the United States and Latin America. In showing that both local action and transnational networks have played a role in the dynamics of resistance, the second section of this article adopts a truly inter-American focus on processes of exclusion and, to a lesser extent, of resistance by highlighting the challenges that the Chinese communities have faced in the Americas. The era of exclusion ended in the Americas around World War II. In the United States, this period officially lasted until 1943, but the standards of controlling immigrants against the background of a racist paradigm remained an official policy until the passage of the Immigration and Nationality Act of 1965.

### I. Chinese migration to the Americas in the modern age

Both forced and free migration of Asians to the Americas significantly increased in the mid-nineteenth century. While the Age of Revolution heralded the end of European colonialism in the Americas, this did not signify the end of imperialism. Indeed, a wave of European imperialism that was in many ways more intense would leave its mark on the world between the second half of the nineteenth century and the first half of the twentieth.<sup>4</sup>

Forced migration to the Americas was marked by the continuation of the transatlantic African slave trade during the “Second Slavery”<sup>5</sup> as well as by the semi-forced migration of Asian indentured laborers in Latin America and the Caribbean, the so-called “coolie trade.” While the coolie trade has been interpreted as an intermediate step toward voluntary labor by some, I consider it a form of exploitation resembling slavery.<sup>6</sup> The coolie trade was a multi-national business that moved people from India and China to meet the demand for cheap and regulated labor in the Americas, Southeast Asia, Australia, and South Africa. In the case of the Chinese, competition between European countries for control over access to labor that could be dominated by forced exploitation resulted in the coolie trade.<sup>7</sup>

Through the Opium Wars against China, the British reached a privileged position in this rivalry by gaining control over Hong Kong, which they occupied in 1841 and forced China to cede in 1843 in the

4 Martin Thomas and Andrew Thompson, “Empire and Globalisation: from ‘High Imperialism’ to Decolonisation,” *The International History Review* 36, no. 1 (2014): 144.

5 For a comprehensive definition of the term “Second Slavery,” see Dale Tomich and Michael Zeuske, *The Second Slavery: Mass Slavery, World-Economy, and Comparative Micro-histories* (Binghamton, 2009), 91.

6 Lisa Yun, *The Coolie Speaks: Chinese Indentured Laborers and African Slaves in Cuba* (Philadelphia, 2008), 1-5. Yun critically discusses the concept of “transition” from indentured work (slave labor) to free labor in various dimensions and warns that the application of this concept reduces the Asian workers to intermediate objects instead of subjects; Manuela Boatcă, “Coloniality of Labor in the Global Periphery: Latin America and Eastern Europe in the World-System,” *Review (Fernand Braudel Center)* 36, nos. 3-4 (2013): 287. Boatcă even goes as far as to say that we are “asking the wrong question” if the discussion remains limited to binary interpretations.

7 Yun, *The Coolie Speaks*, 13.

Treaty of Nanking. The first Opium War ushered in the opening of a new and powerful transoceanic transportation route (initially between China, the Indian Ocean, and the Atlantic) across the Pacific.<sup>8</sup> This development would shape both forced and free migration of Asians to the Americas for the remainder of the century.<sup>9</sup> During the years of the “Yellow Trade” (1847–1874), approximately one and a half million people (almost exclusively men) were recruited as coolie laborers in the Southern Chinese province of Guangdong, often through trickery or debt.<sup>10</sup> The coolie trade formed a part of the changing extractivist system in the nineteenth century in which the relevance of the distinction between “free” and “forced” workers became blurred.

### 1. Asian immigration as part of the free migration to the Americas

Studies on global migrations today are in agreement with McKeown’s suggestion that between the 1840s and 1940s, migrations reached an especially high level: an estimated total of 149 to 161 million people migrated during this period, and of these, between 55 and 58 million arrived in the Americas coming from Europe. If the period of the Second Slavery is added to these calculations, between 1826 and 1940, around two million African slaves and around 2.5 million people from Asia arrived in the Americas.<sup>11</sup> Of the 2.5 million Asians that migrated across the Pacific and via the Indian and Atlantic oceans, around 1.5 million Chinese arrived mainly in the United States, Cuba, Peru, Mexico, Canada, Hawaii, and Chile; some 600,000 Japanese arrived in Brazil, Hawaii, the United States, Canada, and Peru; and between 400,000 and 500,000 people from India and China arrived in the British, Dutch, and French colonies in the Caribbean. There was a smaller number of Koreans, Filipinos, and other Asian and Pacific Islander groups who immigrated especially to Hawaii and the United States. Some 30% of all Asian migrants during this period arrived as semi-enslaved workers or coolies, so we can assume that approximately 1.75 million Asians migrated freely (or with contracts that were less abusive in relative terms) to the Americas.<sup>12</sup>

8 Elizabeth Sinn, *Pacific Crossing: California Gold, Chinese Migration, and the Making of Hong Kong* (Hong Kong, 2013), 12.

9 While the British initially participated actively in the coolie trade even to Spanish colonial Cuba, from 1858 onwards they would cease to do so while preventing Spanish ships from accessing Chinese ports. Thus, the ports of Hong Kong, Amoy (Xiamen), and Swatow (Shantou), controlled by the British, would be limited to Chinese migrants that voluntarily wanted to reach the United States and Canada, and Portuguese Macau and Spanish Manila would continue to serve as smuggling ports for coolies (Yun, *The Coolie Speaks*, 21).

10 Elliott Young, *Alien Nation: Chinese Migration in the Americas From the Coolie Era Through World War II* (Chapel Hill, 2014), 32; Evelyn Hu-DeHart, “La Trata Amarilla: The ‘Yellow Trade’ and the Middle Passage, 1847–1884,” in *Many Middle Passages: Forced Migration and the Making of the Modern World*, ed. Emma Christopher, Cassandra Pybus, and Markus Rediker (Oakland, 2007), 167.

11 According to Look Lai, the large majority of immigrants from China and India (7.5 and 6.3 million, respectively) did not migrate to the Americas or to Europe during this period, but to other regions of Southern and Southeast Asia (Walton Look Lai, “Asian Diasporas and Tropical Migration in the Age of Empire: A Comparative Overview” *Journal of Chinese Overseas* 5, no. 1 (2009): 28–54, here 32).

12 For a quantitative analysis, see McKeown, *Global Migration, 1846–1940*, 156; David FitzGerald and David Cook-Martin, *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Ame-*

*ricas* (Cambridge, 2014), 36; Hu-DeHart, “La Trata Amarilla: The ‘Yellow Trade’ and the Middle Passage, 1847–1884,” 167; Kumar Mishra, “Indian Indentured Labourers in Mauritius: Reassessing the

‘New System of Slavery’ vs Free Labour Debate,” *Studies in History* 25(2): 233; Michael Zeuske, *Handbuch Geschichte der Sklaverei: Eine Globalgeschichte von den Anfängen bis zur Gegenwart* (Berlin, 2013), 457.

Although these numbers represent an approximation, we can safely say that the large free migratory movement to the Americas in the Modern Age before World War II was primarily the movement of free “white” Europeans, not the one of “non-white” people. The free immigration of Africans was almost entirely prohibited, and free migration of Asians (which was less than three percent) was quickly restricted by mechanisms of control and exclusion that (even in view of the quota system introduced in 1924) did not apply to Europeans. It is commonly recognized that the Industrial Revolution brought about the technological innovations that facilitated the rise in long-distance transport to which Lucassen and Lucassen attribute the great increase in the number of migrants after 1850.<sup>13</sup> However, it can be deduced from the numbers mentioned here that with regard to migration to the Americas, this increase primarily favored the mass transport of free European migrants. By analyzing the example of the United States, the following chapter will show that as soon as non-Europeans and especially “non-whites” sought to immigrate to the Americas voluntarily in larger numbers, they faced rejection, discrimination, and ultimately exclusion.

## 2. Free migration of Chinese to the United States

In 1848 the war between the United States and Mexico ended, and Mexico lost more than half of its territory to its Northern neighbor. Just days before the armistice, gold was discovered in Northern California, but this fact only became public after the annexation, triggering the famous California Gold Rush, which attracted thousands of prospectors from all over the globe, including China.<sup>14</sup> Between 1848 and 1852, the non-indigenous population of California grew more than 16-fold, bringing the population count in the 1852 state census to more than 250,000 people.<sup>15</sup> Trade between Hong Kong and San Francisco connected the transpacific with the global trade for the first time since the decline of the Manila Galleon in 1815. Therefore, the California Gold Rush can be interpreted as the beginning of the second Pacific century, including a spike in immigration that was, again, triggered by a precious metal, as historian Elizabeth Sinn states: “[...] the first Pacific century was the century of Spanish supremacy in the sixteenth and seventeenth centuries based on American silver, and the second Pacific century was brought on by California gold.”<sup>16</sup>

Cantonese migrants, incentivized by American and British agents and consuls, left China with hopes of a better life, possibly through

13 Jan Lucassen and Leo Lucassen, “The Mobility Transition Revisited, 1500–1900: What the Case of Europe Can Offer to Global History,” *Journal of Global History* 4, no. 3 (2009): 347.

14 Sinn, *Pacific Crossing*, 1.

15 Mark Kanazawa, “Immigration, Exclusion, and Taxation: Anti-Chinese Legislation in Gold Rush California,” *The Journal of Economic History* 65, no. 3 (September 2005): 781; Dennis O. Flynn, Lionel Frost, and A. J. H. Latham, “Introduction: Pacific Centuries Emerging,” in *Pacific Centuries: Pacific and Pacific Rim History since the Sixteenth Century*, eds., Dennis O. Flynn, Lionel Frost, and A. J. H. Latham (London, 1999), 12.

16 Sinn, *Pacific Crossing*, 321.

seeking their fortune in the “Gold Mountain.” They were part of a whole diaspora of Chinese laborers (both coolies and free migrants) that Look Lai describes as the “global movement of Chinese unskilled manual labor (*huagong*) in this period,” distinguishing it from “the centuries-old movement of traders (*huashang*), artisans, and skilled workers who migrated mainly to Southeast Asia.”<sup>17</sup> Nevertheless, an important difference existed between those who migrated within the semi-slave system of coolie trade and free migrants, the latter using the credit-ticket system.<sup>18</sup> In China, the name for Chinese who emigrated was *huaqiao* in Mandarin (Chinese citizen living abroad), or *haiwai huaqiao* (Overseas Chinese).<sup>19</sup>

Kuhn explains that in Mandarin the concept of migrant itself does not indicate the direction of migration or its permanence, so it does not specifically refer to emigrants, immigrants, or remigrants.<sup>20</sup> He argues that this may be an indication that up until that time, the majority of Chinese migrants did not intend to settle permanently outside of their country, but rather to temporarily move abroad for work and later return to their communities. Kuhn bases this argument on the numbers provided by Sugihara Kaoru, who, for the ports of Xiamen, Shantou, and Hong Kong, calculated some 14.7 million emigrants from China between 1869 and 1939, and some 11.6 million people who returned in nearly the same time period (1873–1939).<sup>21</sup> The characteristics of the mobility schemes of Chinese abroad did not seem to be permanence and separation, but the multiplicity of the forms and frequency of migration and the connection between communities. Even for those who permanently settled elsewhere, the transnational connections remained a factor of fundamental importance.<sup>22</sup> This perspective is especially useful in the analysis of the interconnectedness of the Chinese diaspora in the Americas since it focuses on the networks, connections, and new hybrid identities that result from migration and the processes of transculturation — quite different from the rather inappropriate term “integration,” which in turn is based on the outdated concept of “assimilation.”

Between 1852 and 1876, some 214,000 Chinese arrived in San Francisco while some 90,000 returned to Hong Kong during the same period. This leaves a balance of some 124,000 who appear to have stayed in the United States until that year.<sup>23</sup> Robert S. Chang speaks of some 300,000 who arrived between 1852 and 1882, and of some 200,000 who returned to China.<sup>24</sup> These numbers approximately correspond with the number of 105,465 people of

17 Walton Look Lai, “Introduction: The Chinese in Latin America and the Caribbean,” in *The Chinese in Latin America and the Caribbean*, ed. Walton Look Lai and Chee-Beng Tan (Leiden, 2010), 2.

18 Erika Lee, *At America's Gates: Chinese Immigration During the Exclusion Era, 1882–1943* (Chapel Hill, 2003), 262.

19 Henry Yu, “Chinese Migrations,” in *A Companion to Chinese History*, ed. Michael Szonyi (Hoboken, 2017), 344.

20 Philip A. Kuhn, *Chinese Among Others: Emigration in Modern Times* (Lanham, 2008), 5.

21 Kuhn, *Chinese Among Others*, 5–6.

22 Ibid., 4.

23 Sinn, *Pacific Crossing*, 312.

24 Gordon H. Chang, “China and the Pursuit of America's Destiny: Nineteenth-Century Imagining and Why Immigration Restriction Took So Long,” *Journal of Asian American Studies* 15, no. 2 (June 2012), 146.

Chinese origin (100,686 men and 4,779 women) who, according to the 1880 census, lived in the United States that year.<sup>25</sup> Among a population of around a total of 50.3 million people,<sup>26</sup> the Chinese population constituted about .2% of it. However, the fact that they only represented a very small demographic group among the total number of immigrants in the United States did not protect them from racist attacks.<sup>27</sup>

### 3. The first phase of discrimination against Chinese immigrants (1848-c. 1865)

Even before the era of formal exclusion began in 1882, there were already many different forms of discrimination against the Chinese. Since the late 1840s, Chinese immigrants had settled in various parts along the Pacific Coast and in the Western United States. Until 1882, migration to the United States was not restricted on a federal level, but according to the Naturalization Law of 1790, access to citizenship was limited to immigrants who were free “white” people of good character.<sup>28</sup> This reflected the parameters with which the majority of Americans of European descent excluded the indigenous population and those of African descent.<sup>29</sup>

With the annexation of California by the United States, the “multi-racial population” that had lived there throughout colonial rule also suffered the consequences of the application of the 1790 law and other laws that racialized the American society.<sup>30</sup> The annexation of Mexican California and subsequent massive immigration delivered a fatal blow not only to Native Americans but also to the African Americans living there.<sup>31</sup> This “Americanization” was the result of large-scale immigration of “whites” from other parts of the United States and from Central and Northern Europe. While in 1850 Mexicans still made up the largest group of immigrants, in the following years European immigrants quickly caught up, followed by Chinese immigrants. Of the 146,528 immigrants who lived in California in 1860, 45.75% were Irish, German, and British, compared to 23.8% (34,935) Chinese and 6.24% Mexican.<sup>32</sup> The indigenous peoples living in California in 1850 were quickly outnumbered and marginalized by the population boom of non-indigenous settlers. It is estimated that while in 1850 some 100,000 Native Americans lived in California, only about a fifth of the population was left in 1870.<sup>33</sup> With the annexation of California, its “rapid transformation [...] into a white masculinist preserve for European-American men found popular

25 Calculated based on the data in the table “Population, by Sex and Race, 1790 to 1970,” in U.S. Bureau of Census, *Historical Statistics of the United States: Colonial Times to 1970*, part 1, 14, Bicentennial Edition (Washington, D.C., 1975).

26 “Annual Population Estimates for the United States: 1790 to 1970,” in U.S. Bureau of Census 1975, part 1, 8, Bicentennial Edition (Washington, D.C., 1975).

27 Lee, *At America's Gates*, 262.

28 *Naturalization Act of 1790*, 1st Congress, Sess. II., Chap. 2, 1 Stat. 103 (March 26, 1790). The necessary period of residence in order to become a citizen was prolonged to five, and later to 14 years in 1795 and 1798, respectively. See *1795 Naturalization Act*, 3rd Congress, Sess. II., Chap. 19, 20, 1 Stat. 414 (January 29, 1795); *1798 Naturalization Act*, 5th Congress, Sess. II., Chap. 54 1 Stat. 566 (June 17, 1798).

29 Tomás Almaguer, *Racial Fault Lines: The Historical Origins of White Supremacy in California* (Berkeley, 1994), 23.

30 Lawrence B. De Graaf, Kevin Mulroy, and Quintard Taylor, *Seeking El Dorado: African Americans in California* (Seattle, 2001), 6.

31 De Graaf, Mulroy, and Taylor, *Seeking El Dorado*, 8.

32 Almaguer, *Racial Fault Lines*, 27.

33 *Ibid.*, 26, 29.

support in racializing ideologies,” which were also widespread in Europe and among the elites in Latin America.<sup>34</sup>

Initially, these racial classifications still did not formally apply to Chinese immigrants on a federal level. It was not until 1870, after the passage of the Naturalization Act, that “Chinese difference” was formally reclassified “as a ‘race.’”<sup>35</sup> Towards the end of the 1870s, discrimination against the Chinese came to a head, and in 1882 the federal government passed the Chinese Exclusion Act, defining Chinese as “aliens ineligible for citizenship.”<sup>36</sup> Even before the coordinated campaigns against the Chinese, there were incidents of discrimination and violence against them, particularly in California. It is commonly understood that during this period of U.S.-American history, one of the “darkest aspects [...] is the way that certain ethnic groups were treated by the predominately white majority.”<sup>37</sup> Before the Civil War, economic development was largely dependent on the exploitation of enslaved Africans and the expulsion and extermination of the indigenous population in the name of developing the vast territory that had been acquired through continental expansion. According to Kanazawa, Chinese immigrants represented “a third example of how ethnic minorities were mistreated during this period,”<sup>38</sup> although they had immigrated voluntarily.<sup>39</sup>

Gold extraction provides us with a clear example of what this meant at the intersection of mobility and “race.” Gold prospectors competed fiercely for access to the best claims, and Mexicans and Chinese immigrants were the ones most affected by threats from other miners.<sup>40</sup> Incidents of armed miners driving out foreign miners — individually or in groups — occurred frequently, starting in 1849.<sup>41</sup> From the 1850s onwards, the state of California introduced legislative action that mostly affected Chinese Californians.<sup>42</sup> Taxation frequently became an instrument to target Chinese immigrants, like the 1854 amendment to the tax law, which stipulated that the tax was exclusively applicable to Chinese miners.<sup>43</sup>

In 1852, Governor John Bigler, with his “white” miner constituency in mind, lobbied for the exclusion of Chinese in California, and the Democratic Party officially approved the first anti-Chinese resolution during its convention in Benicia.<sup>44</sup> The Chinese immigrants who protested this and other measures were represented by the associations of Cantonese merchants in San Francisco.<sup>45</sup> One of these defenses was led by Norman Asing, also known as Sang Yuen. Born in the Pearl River Delta, he had traveled from Macau to Europe and eventually to

34 Ibid., 32.

35 Edlie L. Wong, *Racial Reconstruction: Black Inclusion, Chinese Exclusion, and the Fictions of Citizenship* (New York, 2015), 4.

36 Ibid.

37 Kanazawa, “Immigration, Exclusion, and Taxation,” 779.

38 Ibid.

39 Beth Lew-Williams, *The Chinese Must Go: Violence, Exclusion, and the Making of the Alien in America* (Cambridge/London, 2018), 3. Beth Lew-Williams reminds us that historians often and wrongly minimize anti-violence Chinese by comparing its metrics to the “staggeringly lethal violence unleashed against Native Americans and African Americans.”

40 Kanazawa, “Immigration, Exclusion, and Taxation,” 782.

41 Hsiang-shui Chen, *Chinatown No More: Taiwan Immigrants in Contemporary New York* (Ithaca, 1992), 4; Him Mark Lai, *Becoming Chinese American: A History of Communities and Institutions* (Walnut Creek, 2004), 88.

42 Kanazawa, “Immigration, Exclusion, and Taxation,” 784-786.

43 Charles J. McClain and Laurene Wu McClain, “The Chinese Contribution to the Development of American Law,” in *Entry Denied: Exclusion and the Chinese Community in America, 1882-1943*, ed. Sucheng Chan, (1991), 4.

44 Chen, *Chinatown No More*, 4.

45 Him Mark Lai, *Becoming Chinese American*, 88.



New York. Traveling through other parts of the United States at the beginning of the 1820s, he had settled in San Francisco, where he opened a restaurant. He was one of the founders of the Yeong district association and a known representative of the Chinese community. On April 25, 1852, the popular newspaper *Daily Alta California* published Asing's response to Bigler's policies. Argumentatively eloquent and clear, Asing refuted each of the governor's arguments:

You are deeply convinced, you say, 'that to enhance the prosperity and preserve the tranquility of this State, Asiatic immigration must be checked.' This, your Excellency, is but one step towards a retrograde movement of the government [...].<sup>46</sup>

Referring to the essence of the foundation of the United States — immigration — he reminded Bigler of his own immigrant background: "[...] immigration made *you what you are* — and your nation what it is. [...] I am sure your Excellency cannot, if you would, prevent your being called the descendant of an immigrant [...]."<sup>47</sup> Asing even argued that, obvious physiognomic differences aside, one cannot establish a hierarchy or inequality between the human "races."<sup>48</sup>

The protests by Asing and other members of the Chinese community were temporarily successful, especially due to the state's dire economic situation. The taxes paid by the Chinese community were vital to the operation and development of California in those early years while the state government's expenses for public services offered to them, such as education and health care, were negligible.<sup>49</sup> Even so, both local and state level legislation continued to exclude the Chinese. In 1854, the Chinese community experienced a major setback with the Supreme Court of California's decision that no Chinese person could serve as witness in a trial against a "white" person (*People v. Hall*).<sup>50</sup> While Chinese had previously not been formally excluded from American society, the Supreme Court of California now assigned them the same status as the indigenous population and African Americans.<sup>51</sup>

46 Norman Asing, "To His Excellency Governor Bigler," in *Chinese American Voices: From the Gold Rush to the Present*, eds., Judy Yung, Gordon H. Chang, and Him Mark Lai (Berkeley, 2006), 10.

47 Asing, "To His Excellency Governor Bigler," 10.

48 *Ibid.*, 11.

49 Kanazawa, "Immigration, Exclusion, and Taxation," 781.

50 Supreme Court of California. "THE PEOPLE, Respondent, v. GEORGE W. HALL, Appellant." Cal. 1854. 4 Cal. 399, 1854 WL 765 (Cal). [http://www.jonathantan.org/RLGN224/People\\_v\\_Hall.pdf](http://www.jonathantan.org/RLGN224/People_v_Hall.pdf).

51 Amanda Carlin, "The Courtroom as White Space: Racial Performance as Noncredibility," *UCLA Law Review* 63, no. 2 (2016): 449–484. Carlin argues that *People v. Hall* in 1854 started the tradition of devaluating the testimonies of "non-white" people in all or almost all "white" tribunals and still persists today, just as the creation of "whiteness," which manifests itself in this case: "Through cases like *Hall*, whiteness was characterized as an exclusive category" (457). Carlin uses this case to illustrate the sad long tradition of racist exclusion that contributed to the acquittal of George Zimmerman in the 2013 Trayvon Martin murder case. She attributes his acquittal to the devaluation of the testimony of the key witness, Rachel Jeantel, who is of Haitian and Dominican descent.

In 1855, the state of California officially started to limit Chinese immigration by passing the “Act to Discourage the Immigration to this State of Persons who cannot become Citizens thereof.”<sup>52</sup> Both at the state and local level, many European Americans in California sought to significantly reduce Chinese immigration and even displace and exclude Chinese immigrants. In many cases, Chinese people were assaulted, swindled, and killed while the perpetrators often went unpunished. The federal Law of Naturalization of 1790, which reserved the privilege of citizenship for “free white men,” was interpreted in a manner that did not include Chinese people, thereby creating a legal framework to reflect the supposed superiority of the “white race.” Fifteen years before the federal law categorized them as “non-white,” the Chinese community had thus already been designated as an outsider “race” and denied access to citizenship in the state of California.<sup>53</sup>

#### **4. Building the Transcontinental Railroad and a time of hope during the Reconstruction Era**

We have seen that until the Civil War, there were powerful and variable dynamics of exclusion of the Chinese that were mostly limited to California and the surrounding regions as well as more or less successful processes of negotiating belonging of Chinese immigrants in American society as a whole. During this initial period of exclusion, attempts to exclude the Chinese were limited to the local and state level, while in the second period (the “official” era of exclusion), these measures extended to a national level for various reasons. Meanwhile there was a period of hope that approximately coincided with the Reconstruction Era (1865-1877).

The demand for Chinese labor during the heyday of the construction of the Transcontinental Railroad ushered in a new, unexpected change in attitude among even the most racist and stubborn politicians in California.<sup>54</sup> In the West, the owners of the Central Pacific Railroad (the Big Four: Leland Stanford, Charles Crocker, Collis Potter Huntington, and Mark Hopkins) expected to reap enormous profits from a project of great importance for the Union and the country’s overall development. Construction began in 1864, but its progress left much to be desired, especially in the dangerous and inhospitable region of the Sierra Nevada in California. Crocker tried to convince Stanford of the value of Chinese workers, arguing that “[...] the race that built the Great Wall of China could certainly be useful in building a railroad [...]”<sup>55</sup> The scarcity of controllable manpower after the end of the Civil War, which

52 Quote from “An Act to Discourage the Immigration to this State of Persons who cannot become Citizens thereof,” Chapter 153, Statutes of California (1855), in Kanazawa, “Immigration, Exclusion, and Taxation,” 787.

53 Ibid., 781, 787.

54 Charles J. McClain, *In Search of Equality: The Chinese Struggle Against Discrimination in Nineteenth-Century America* (Berkeley, 1994), 298.

55 George Kraus, “Chinese Laborers and the Construction of the Central Pacific,” *Utah Historical Quarterly* 37, no. 1 (1969): 43. This document was included in “National Golden Spike Centennial Commission Official Publication “The Last Spike is Driven.”

was also the result of the liberation of African slaves, finally convinced those who had previously maintained an openly racist and exclusionary attitude toward the Chinese.

Only months after President Lincoln declared the abolition of slavery in 1865, Stanford, who had railed against Chinese migration on the basis of a supposed “racial inferiority” during his term as governor (1862–1863), completely changed his tune. In a report to Lincoln’s successor, President Andrew Johnson, Stanford now praised those whom he had called the “dregs” in his inaugural address as governor only three years earlier.<sup>56</sup> Many European American workers were unwilling to perform such hard labor for comparatively little pay. Meanwhile, the more than 15,000 Chinese laborers not only built the most difficult and dangerous section of the train tracks, but they did so in record time, maximizing the productivity and speed of the work on the last stretch.<sup>57</sup> In just one day, April 28, 1869, Chinese laborers built a total of ten miles of railroad tracks and beat the record set by their Irish (and other European American) contemporaries in the eastern part of the country for the Union Pacific Railroad Company. Yet when Stanford drove the last spike (made of pure gold) into the railroad tracks at the Promontory Summit ceremony in Utah on May 10, 1869, not even one of the Chinese workers present at the occasion appeared in the official photograph of the “Golden Spike” ceremony.

The picture, which does not include African Americans, Native Americans or women either, sends the message that the Union and the country’s progress were the achievements of “free white labor” by “free white men.” The omission of Chinese laborers could be interpreted as a harbinger of what was to come once they had



**Figure 1.** “East and West shaking hands at laying last rail” of the Transcontinental Railroad, 1869, photograph by Andrew J. Russel. Public domain.

<sup>56</sup> Kraus, “Chinese Laborers,” 45.

<sup>57</sup> *Ibid.*, 47.



**Figure 2. “The Great Fear of the Period: That Uncle Sam may be swallowed by foreigners. The problem solved.” Lithograph, San Francisco: White & Bauer, [between 1860 and 1869]. Library of Congress Prints and Photographs Division. Public domain.**

devouring Uncle Sam. They stand on top of a South-centered map of the United States that stretches from the Atlantic to the Pacific Ocean, while details such as railroad tracks symbolize the progress of the construction of the Transcontinental Railroad. This xenophobic image typifies and reinforces the negative prejudices the “white” California public held towards “non-white” people. Finally, the Chinese immigrant is shown devouring the Irish immigrant, illustrating the fear of extinction of all “white” Americans if the country kept its doors open to Asian immigration.

Despite these persistent racist attitudes, the second half of the 1860s represented an exceptional phase of temporarily relaxed tensions during which coexistence between people of Asian and European descent seemed possible. The extraordinary rapprochement between the United States government and that of the Empire of China encouraged these sentiments. The Burlingame Treaty of 1868 was the result of the first diplomatic visit by the Qing government to the United States. Substantially modifying the Treaty of Tianjin of 1858, it became the first treaty to respect the rights of both parties as equals since the series of humiliating treaties between China and European powers which resulted from the Opium Wars.<sup>58</sup> This was a big step in the direction of mutual respect between both countries, including the immigrants and permanent residents of each nation residing in the other. Although the treaty did not explicitly regulate naturalization within the country of destination, article 5 maintains the right to free

successfully completed the arduous job of contributing so significantly to a project that connected the Pacific Coast region to the rest of the country.

Racist attitudes or discourse never completely disappeared. People continued to propagate apocalyptic visions of the future of the “white race” at the hands of Chinese and Irish immigration, as exemplified in this caricature published around the same time in San Francisco.

The image depicts an Irish and a Chinese man, representatives of the respective immigrant groups,

58 John Schrecker “For the Equality of Men — For the Equality of Nations’: Anson Burlingame and China’s First Embassy to the United States, 1868,” *Journal of American-East Asian Relations* 17, no. 1 (2010): 9.

and voluntary migration between both nations while banning forced migration, clearly alluding to the coolie trade that was still practiced to supply the British and Spanish colonies and countries such as Peru with a semi-enslaved work force.<sup>59</sup> It permitted people to move between both countries for almost any reason, “[...] for the purpose of curiosity, of trade, or as permanent residents.”<sup>60</sup> Furthermore, article 6 granted both Chinese travelers and residents in the United States the same protection that Americans had in China.

## 5. The 1870s: a time of change

As there simply were not enough laborers available in California to build the Transcontinental Railroad, thousands of workers had been directly recruited in China. When construction was completed in 1869, some were able to work on new railroad projects, for which they were transferred to states to the east of the Mississippi River<sup>61</sup> and to the South, where the labor force was dwindling due to the emancipation of formerly enslaved Africans. But the vast majority of the Chinese remained unemployed. Along with the recession in those years, which left many European Americans without work, racist and xenophobic resentment against Asians began to grow once again.

In California, the Chinese population was mostly concentrated in San Francisco, and the 12,000 Chinese who lived there in 1870 represented approximately a quarter of the entire Chinese population in California. This was due to the decline in employment opportunities in the railroad and mining sectors and to the rapid growth of the city as a commercial and manufacturing hub.<sup>62</sup> The anti-Chinese movement contributed significantly to hindering Chinese people’s access to the labor market.<sup>63</sup> This resulted in growing tensions within the Chinese community that sparked internal conflicts referred to as “tong wars.” Moreover, the increased presence of young, unemployed Chinese workers contributed to the growing scarcity of living space and to a decline in sanitary conditions, while illegal gambling, opium consumption, and prostitution increased. The authorities, far from being willing to grant them more access to public health, education, or the labor market, watched as the situation in Chinatown deteriorated. A report following the inspection of Chinatown that was ordered by the San Francisco Board of Supervisors in 1885 described the state of the quarter as “filthy in the extreme,” and ascribed responsibility for this situation to “the Mongolian race.”<sup>64</sup>

59 “Burlingame Treaty 1868,” concluded in Washington, July 28, 1868, Library of Congress, Rare Book and Special Collections Division, Printed Ephemera Collection, Portfolio 236, Folder 24. <https://www.loc.gov/item/rbpe.23602400>

60 “Burlingame Treaty 1868,” concluded in Washington, July 28, 1868, Library of Congress, Rare Book and Special Collections Division, Printed Ephemera Collection, Portfolio 236, Folder 24. <https://www.loc.gov/item/rbpe.23602400>

61 Mak Lau-Fong and Him Mark Lai, “Occupational Structures of Chinese Immigrants in Early Malaya and North America,” *Southeast Asian Journal of Social Science* 20, no. 1 (1992), 46.

62 McClain, *In Search of Equality*, 43.

63 L. Eve Armentrout Ma, “Chinatown Organizations and the Anti-Chinese Movement, 1882–1914,” in *Entry Denied: Exclusion and the Chinese Community in America, 1882–1943*, ed. Sucheng Chan, (Philadelphia, 1991), 155.

64 “Report of Special Committee on the Condition of the Chinese Quarter, and the Chinese in San Francisco” 1885, 165.

In June of 1870, the same arguments that were to prompt this type of inspection by the Board of Supervisors had validated the anti-Chinese movement, whose adherents were trying to find a way to banish the Chinese to areas outside the city limits by means of a petition submitted by Thomas Mooney and Hugh Murray, the president and vice president of the Anti-Coolie Association.<sup>65</sup> Open hate speech was followed by calls to pass legislation to halt Chinese immigration at both the local and federal level.<sup>66</sup> Many laborers were actively demanding the exclusion of Chinese from the country, and one of the main forces behind their constant harassment and persecution was the Workingmen's Party of California, founded by the Irish immigrant Dennis Kearney in 1877. With the slogan "The Chinese Must Go!" they loudly advocated for the exclusion of Chinese from California, particularly the workers.<sup>67</sup> In November of 1878, one-third of the assemblymen who participated in the state's constitutional assembly in Sacramento were delegates of this radical party. They came to play an important role in the design and subsequent adoption of new articles in the revised state constitution that replaced the 1849 version. Approved in 1879 and taking effect in 1880, it was the most discriminatory constitution against Chinese in the entire nation.<sup>68</sup> Article XIX of this constitution would serve as the basis to halt Chinese immigration to the state starting in 1880. Furthermore, that same year, the Treaty of Burlingame was annulled, which can be interpreted as a prelude to the coming era of exclusion.

## **II. Inter-American entanglements: spreading xenophobia?**

A comparison of the policies that affected the Chinese communities in the United States, in several countries in Latin America and the Caribbean during the era of exclusion will aid in identifying the dynamics and degrees of exclusion and inclusion these groups experienced. The purpose of a comparative approach is to gain a better perspective on the transnational entanglements that characterized these dynamics and the actors involved. A key question is to which extent these processes can be interpreted as the spreading of xenophobia or if it might be more accurate to perceive them as local, independent processes.

65 McClain, *In Search of Equality*, 44.

66 Ibid.

67 Lee, *At America's Gates*, 26.

68 McClain, *In Search of Equality*, 80-83.

### **1. Transregional exclusion: The United States and Latin America**

In her work on the exclusion of Chinese immigrants in the United States, historian Erika Lee found that "[i]mmigration law [...] emerges

as a dynamic site where ideas about race, immigration, citizenship, and nation were recast. Chinese exclusion, in particular, reflected, produced, and reproduced struggles over the makeup and character of the nation itself.”<sup>69</sup> I agree with her argument in the sense that the dynamics of transpacific and transatlantic migration created a space of transcultural Euro-Afro-Asian-indigenous entanglements in which the dominant group, immigrants from Northern and Central Europe, forcefully imposed themselves on indigenous groups as well as on “non-white” immigrant groups. Therefore, this space included conflict and ruptures and was defined not only by the idea of “white” supremacy, but also by the actions of the immigrants of European descent who perpetuated this idea. They thus created new imaginaries of co-existence and otherness, establishing the foundation of parameters of distinction and preference that have dominated U.S.-American idiosyncrasies up until the present.<sup>70</sup>

Lee conceptualizes the exclusion of the Chinese as “an institution that produced and reinforced a system of racial hierarchy in immigration law, a process that both immigrants and immigration officials shaped, and a site of unequal power relations and resistance.”<sup>71</sup> Here, she is mainly referring to the era of exclusion in the United States, which formally began in 1882 and ended in 1943. Lee’s book suggests that exclusion extended beyond institutional regulation and reproduction of unequal and racialized relations between immigrants and the authorities. Free Chinese immigration also opened up a new space to reformulate the concepts of citizenship, nation, belonging, and exclusion that, until the nineteenth century, had been defined according to the free mobility of Europeans and the forced mobility especially of Africans. Chinese immigration, both free and forced, can be included in a broader discussion that defined the development of nation states in the Americas. Therefore, I believe that the issue reflected in the unequal negotiations of belonging represented in the entanglements of the Chinese and other American inhabitants not only pertains to the entire United States, but in fact to all nations and societies of the Americas.

In order to validate this point, it is helpful to consider the following two observations about Chinese immigration in the American hemisphere. One has already been mentioned in the introduction and was made by Adam McKeown: The development of immigration policies in the Americas was influenced by the practices and ideas developed by the United States and Canada in order to regulate

69 Lee, *At America's Gates*, 7.

70 For links to the political landscape surrounding migration and the persistence of current prejudices, listen to Erika Lee’s interview with ABC Australia “American Immigration and Xenophobia.” Also see her most recent book, *America for Americans: A History of Xenophobia in the United States* (New York, 2019).

71 Lee, *At America's Gates*, 7.

Chinese immigration at the end of the nineteenth and beginning of the twentieth century. These marked the beginning of the development of a system that regulates borders with respect to migration at the global level. Despite the great problems created by the institutionalization of a system to regulate national borders, at the end of the nineteenth century,

the enormous legal, political, and administrative effort put into enforcing these laws would gradually shift the momentum in favor of borders, thus establishing the basic principles and practices of border control as an integral part of modern, liberal polities.<sup>72</sup>

Thus liberalism met its limits with regard to the individual right to freedom of movement, which certain groups were denied, mostly for racist and xenophobic reasons, yet framed as a concern for maintaining “the social harmony necessary in a self-governed society,” a fear that Thomas Jefferson had already harbored in 1782 with respect to the possibility of promoting the immigration of foreign workers.<sup>73</sup>

The other argument, which ties in with the first, stems from a meticulous study by Fitzgerald and Cook-Martín on migratory policies in the Americas from the end of the nineteenth to the mid-twentieth century. From an inter-American perspective, they argue that the processes of building nation states and representative democracies brought with them the implementation of racist principles that shaped migration law, favoring the immigration of (ideally Protestant) “whites” and discriminating against the rest, thus contradicting the central ideas of Western liberalism.<sup>74</sup> Their study shows that there existed a nexus between migration, liberalism, and ethnicity that allowed for the identification of discriminatory policies regulating migration and citizenship. Within this framework, it is particularly interesting that they emphasize “racist ideology” as a means to legitimate “the differential distribution of resources and treatment by racial group.”<sup>75</sup> This is in tune with Critical Race Theory: “[...] while race is a historical construct rather than biological fact, it permeates social life.”<sup>76</sup> Although migration regulations were not the same in every country in the Americas, ethnic ascriptions have influenced, and continue to influence, societies and their migratory policies, the development of which are often based on racist prejudices. The following will compare the politics and practices in question in the United States, Cuba, and Mexico towards

72 McKeown, *Melancholy Order*, 122-123.

73 *Ibid.*, 124.

74 David Cook-Martín and David S. FitzGerald, “How Their Laws Affect our Laws: Mechanisms of Immigration Policy Diffusion in the Americas, 1790-2010,” *Law & Society Review* 53, no. 1 (2019): 2.

75 Cook-Martín and FitzGerald, “How Their Laws Affect our Laws,” 15.

76 *Ibid.*

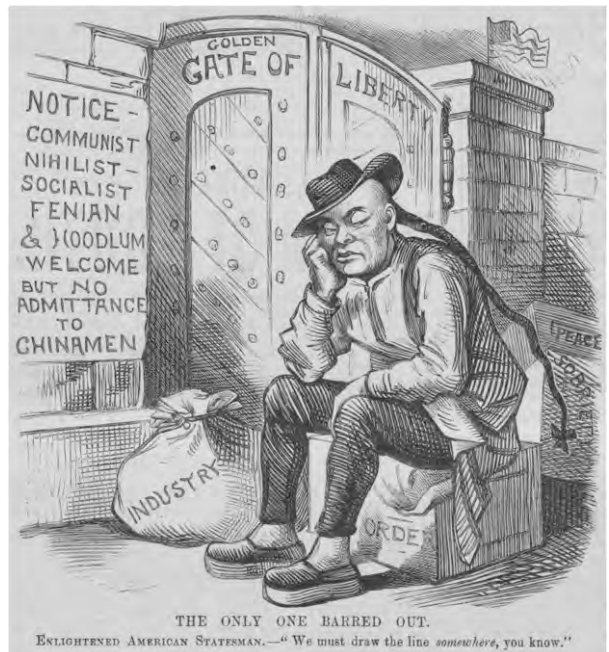


the end of the nineteenth century. According to McKeown, restrictive regulations against the immigration and settlement of Chinese was present in the entire Pacific Rim: “Beginning in the 1850s, white settlers around the Pacific worked to keep Chinese at the margins of their communities, if not entirely excluded.”<sup>77</sup>

In the United States, the Chinese Exclusion Act of 1882 formalized a legal discriminatory framework at the national level that in practice had already been applied at the local level and in various states for more than thirty years. Now it took on a different quality though: It was the first migratory law in the Americas in the late modern period that was directed at an ethnic group. While the Chinese who had already immigrated before the government started implementing diverse measures to make it impossible for them to carry on with their lives, there was now an effort to hinder the access of new Chinese immigrants. This law marked a turning point where the United States began transforming from a country of free immigration to a country that started selecting new immigrants on the basis of racist prejudices. According to Lee, this was to influence the guidelines for the entire development of immigration regulation in the United States:

Beginning in 1882, the United States stopped being a nation of immigrants that welcomed foreigners without restrictions, borders, or gates. Instead, it became a new type of nation, a gatekeeping nation. For the first time in its history, the United States began to exert federal control over immigrants at its gates and within its borders, thereby setting standards, by race, class, and gender, for who was to be welcomed into the country.<sup>78</sup>

As has been shown in numerous studies, in the United States the law of 1882, its extensions and later modifications initiated a true



**Figure 3. “The Only One Barred Out. Enlightened American statesman — ‘We must draw the line somewhere, you know.’”** *Frank Leslie’s Illustrated Newspaper*, vol. 54 (April 1, 1882), p. 96. Library of Congress Prints and Photographs Division. Public domain.

<sup>77</sup> McKeown, *Melancholy Order*, 121.

<sup>78</sup> Lee, *At America’s Gates*, 6.

79 See Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America*, ch. 1 (“The Johnson-Reed Act of 1924 and the Reconstruction of Race in Immigration Law”); Lee, *America for Americans: A History of Xenophobia in the United States*, ch. 3 (“The Chinese Are No More”); Chan, *Entry Denied: Exclusion and the Chinese Community in America, 1882–1943*.

80 Gabriel J. Chin, “The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965,” *North Carolina Law Review* 75, no. 1 (November 1996): 276. Since the 1990s, the United States has again been establishing racist migration policies, especially after the coming into effect of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA, which contained provisions that run “contrary to the obligations” contained in the 1951 Refugee Convention. See Bobbie M. Guerra, “A Tortured Construction: The Illegal Immigration Reform and Immigrant Responsibility Act’s Express Bar Denying Criminal Aliens Withholding of Deportation Defies the Principles of International Law,” *St. Mary’s Law Journal* 28 (1997): 948.

81 For a contemporary and detailed account of the massacre see Isaac H. Bromley, *The Chinese Massacre at Rock Springs, Wyoming Territory, September 2, 1885* (Boston, 1886).

82 Young, *Alien Nation*, 98.

83 Ibid.

84 Rudolph Ng, “The Chinese Commission to Cuba (1874): Reexamining International Relations in the Nineteenth Century from a Transcultural Perspective,” *The Journal of Transcultural Studies* 2 (2014): 60.

era of exclusion that would formally continue until its abrogation in 1943,<sup>79</sup> but it actually lasted until the adoption of the Immigration and Nationality Act Amendments in 1965.<sup>80</sup> During the period of formal exclusion, U.S. law did not formally exclude educated or wealthy Chinese immigrants, among them primarily students and merchants, but it did make it extremely difficult to move legally between China and the United States, including for Chinese residing in the United States who wanted to visit China and were denied entry upon their return. The exclusion laws were often interpreted as a *carte blanche* to exercise unbridled violence. This was the case in the brutal massacre of Chinese miners who were killed by European and American miners in Rock Springs, Wyoming in 1885.<sup>81</sup> It ostensibly happened because the Chinese did not join their labor protests, but would not have been possible without the permanence of anti-Chinese prejudice. At the same time, some observers on the East Coast saw the exclusion of Chinese laborers in a different way. Days before the enactment of the Chinese Exclusion Act, *Frank Leslie’s Illustrated Newspaper* in New York seemed to criticize that the United States federal government would now exclude Chinese immigrants while still welcoming Communists and immigrants of other inclinations labeled as undesirable.

## 2. Transpacific cooperation between Asia and Latin America and resistance in the late nineteenth century

During this period, Chinese emigrants enjoyed little legal protection by the Qing imperial government because “the Qing government did not officially recognize the right to emigrate and was itself besieged by foreign and domestic enemies.”<sup>82</sup> In fact, it was not until 1893 that the government revoked the ban on emigration, which, however, did not change emigrants’ status as stateless with no guaranteed rights.<sup>83</sup> Nevertheless, there was an initiative in China to protect the workers who had gone to Latin America and the Caribbean as coolies, where their working conditions were similar to those of African slaves. In Cuba, the inhumane coolie trade was abolished in 1874 after a visit and exhaustive investigation by the Chinese Commission to Cuba, which included Chinese and foreign experts who highlighted the exploitation and maltreatment of the Chinese coolies in the Spanish colony.<sup>84</sup> That same year, the coolie trade was also abolished in Peru when representatives of the country signed the Treaty of Friendship, Commerce and Navigation in Tianjin (China). This established commercial and diplomatic relations between the two countries and

opened Peru to free Chinese immigration, which was later strictly limited in 1909.<sup>85</sup>

The last quarter of the nineteenth century was marked by a process that differentiated between the English-speaking region of North America and parts of Latin America: While the United States and Canada were adopting increasingly strict laws against Chinese immigration, the logic of which would later be applied to other immigrant groups as well, in colonial Cuba and other countries this process did not set in until the twentieth century, despite persisting ideas and practices of whitening that had been firmly established among the “white” elite in Cuba, Argentina, and other countries. In Mexico, however, an openly favorable policy regarding Chinese immigration existed during the Porfiriato before it would turn into the exact opposite during the Mexican Revolution.

In Cuba and Peru, the coolie trade had been abolished, but the poor treatment of plantation workers persisted. Ultimately, their discontent led Chinese migrants to rise up and participate in the Cuban Wars of Independence to fight against Spanish colonial control between 1868 and 1898.<sup>86</sup> Thus they became part of the founding myth of the Cuban nation, which would be consolidated until the 1930s: “In Cuba, Chinese became ‘model minorities’ *avant la lettre* because of their participation in the late nineteenth-century independence wars.”<sup>87</sup> In Peru, Diego Chou explained the reason that almost 2,000 Chinese coolies went over to the Chilean enemy’s side during the Pacific War in 1879: “The treatment of the coolies by the Peruvian masters was so bad and prolonged that it was natural for these unhappy people to go against them in this type of situation.”<sup>88</sup> Nevertheless, in Cuba as well as in Peru, Panama, Jamaica, and other territories where coolie work existed, free Chinese communities were being established that were similar to the ones in California and British Columbia. Mostly in the cities, forms of coexistence that were largely based on mutual aid associations developed, although they were stratified under the control of Chinese chambers of commerce and their leaders.<sup>89</sup>

In Mexico, where there had been no coolie trade, Chinese immigration was driven by the country’s program for economic modernization during Porfirio Díaz’s military dictatorship, which began in 1877 and ended with the Mexican Revolution in 1911.<sup>90</sup> After a plan to attract European workers had failed, Mexico turned to China and Japan.<sup>91</sup> Despite multiple attempts, Mexico was not able to enter into a treaty with the imperial Qing government until the signing of the 1899

85 Isabelle Lausent Herrera, “The Chinatown in Peru and the Changing Peruvian Chinese Community(ies),” *Journal of Chinese Overseas* 7, no. 1 (2011): 70.

86 Juan Pérez de la Riva, *Los coolies chinos en Cuba 1847-1874: Contribución al estudio de la inmigración contratada en el Caribe* (Havana, 2000), 265-274.

87 Young, *Alien Nation*, 281.

88 Diego L. Chou, “Los chinos en la Guerra del Pacífico,” *Revista de Historia de América* 129 (julio-diciembre 2001): 211.

89 Andrew R. Wilson, *The Chinese in the Caribbean* (Princeton, 2004), xi.

90 Robert Chao Romero, *The Chinese in Mexico, 1882-1940* (Tucson, 2010), 25.

91 Iyo Kunimoto, “La negociación del Tratado de Amistad, Comercio y Navegación de 1888 y su significado histórico,” *Revista Mexicana de Política Exterior* 86 (marzo-junio 2009): 91-100.

Treaty of Friendship, Commerce and Navigation, however.<sup>92</sup> One year earlier, a treaty of the same kind had been signed with Japan, which, in contrast to the treaty with China, stipulated a bilateral relationship that ensured the same rights for both countries.<sup>93</sup>

### 3. Circular migration and transnational networks

“Free and voluntary” migration between China and Mexico was established in both directions with the treaty of 1899.<sup>94</sup> But even prior to that, the development of Chinese immigration to Mexico was closely interwoven with its neighbor to the North. Catalina Velázquez Morales noted that the region bordering Mexico, particularly Baja California, “became a pole of attraction for Chinese who were trying to evade deportation [to China].”<sup>95</sup> Many of these Chinese intended to return to the United States. This type of remigration would become part of a circular, irregular migration scheme between the United States, Mexico, Canada, and Cuba that aimed at circumventing Chinese exclusion.<sup>96</sup>

The most established intermediaries for the facilitation of immigrant labor were Chinese merchants living in San Francisco. They had already provided the workers for the Transcontinental Railway in the United States and sent temporary Chinese workers to the states of Louisiana, Texas, and Alabama. The Mexican government turned to these merchants to organize the recruitment of Chinese workers in Hong Kong and Shanghai as well as their voyage to the Mexican ports.<sup>97</sup> Other Chinese were smuggled in from San Francisco and San Diego. According to Chao Romero, this cooperation between economic interests of Mexican and Californian Chinese businessmen was organized similarly to Chinese immigration to California just decades before and played an important role in the interwoven history of the Americas.<sup>98</sup>

The development of these structures and informal networks, which relied on human trafficking and the falsification of papers, occurred at the same time as the establishment of an increasingly strict American regime of migration regulation. Apart from putting pressure on Mexico and Canada to support their system of exclusion based on ethnic discrimination, the United States used their imperialistic expansion, starting with the Spanish-American War of 1898, to spread their ideology of exclusion: In 1902, after the military occupation of Cuba and the Philippines, the United States decreed the application of the laws of exclusion of Chinese workers in these territories.<sup>99</sup>

92 José Luis León-Manríquez and Eduardo Tzili Apango, “México y Asia Pacífico: proximidades y distancias de una dilatada relación / Mexico and Asia-Pacific: proximities and distances of a long relationship,” *Revista CIDOB d’Afers Internacionals* 110 (Relaciones Interregionales: Transatlánticas, Transpacíficas y Trans Euroasiáticas) (Septiembre 2015): 117; Robert Chao Romero, *Chinese in Mexico*, 27;

93 Kunimoto, “La negociación del Tratado de Amistad,” 92.

94 Chao Romero, *Chinese in Mexico*, 27.

95 Catalina Velázquez Morales, “Xenofobia y racismo: Los comités antichinos en Sonora y Baja California, 1924–1936,” *Meyibó Nueva Época* 1 (2009): 43–81.

96 Young, *Alien Nation*, 3, 99.

97 Chao Romero, *Chinese in Mexico*, 27–28.

98 *Ibid.*, 28.

99 Young, *Alien Nation*, 99; Clark Alejandrino, *A History of the 1902 Chinese Exclusion Act: American Colonial Transmission and Deterioration of Filipino-Chinese Relations* (Manila, 2003).

#### 4. Hegemonic power and the proliferation of policies of exclusion in the Americas

After Hawaii was annexed in 1898, the United States prohibited Chinese immigration to these islands as well as the migration of the Chinese who already lived there to the continental United States. The definition of those who were considered “white,” which excluded Asians, underwent several changes during this period. Irish, Spanish, Italian, and European Jews were now being more easily classified as “white,” because “white was understood to be ‘European’ rather than exclusively Anglo-Saxon,”<sup>100</sup> as Benjamin Franklin had still defined it in the mid-eighteenth century.

In 1902, the United States congress extended the exclusion of Chinese indefinitely. Since the 1880s, both the measures the United States government took and the abolition of the coolie trade had had an impact on the entire American hemisphere.<sup>101</sup> Of the twenty-two countries in the Americas that Cook-Martin and FitzGerald included in their study, eighteen adopted laws against Chinese immigration in the 1930s.<sup>102</sup> Regulation of immigration to the United States had an impact on other countries due to the sheer size of the country, its increasing power in the hemisphere, and its advanced position in transoceanic immigration. When the United States began excluding Chinese immigrants, the majority of the other countries in the Americas reacted immediately, imposing “ethnic discrimination because they feared that U.S. bans on Chinese labor migration in the nineteenth century and restrictions of southern Europeans in the 1920s would redirect those groups to other ports.”<sup>103</sup> This was also the case with the Gentleman’s Agreement between the United States and Japan starting in 1907, which limited Japanese immigration, although disparately: While Canada “almost immediately imposed restrictions modeled on the Gentleman’s Agreement,”<sup>104</sup> Brazil and Japan agreed to facilitate Japanese immigration in order to support the development of Brazilian agriculture.<sup>105</sup>

The immigration station on Angel Island in California’s San Francisco Bay was established in 1910 in order to regulate the detention and processing of immigrants from China and other countries. Previously, almost all immigrants to the United States entering from the Pacific had passed through the port of San Francisco. The Angel Island immigration station was constructed similarly to the one that had already been established on Ellis Island in 1892. Whereas Ellis Island was predominantly a place of immigrants’ hopes and dreams,

100 Cook-Martin and FitzGerald 2019, 88.

101 Ibid., 55.

102 Ibid., 52.

103 Ibid., 58.

104 Ibid.

105 Jeffrey Lesser, *Negotiating National Identity: Immigrants, Minorities, and the Struggle for Ethnicity in Brazil* (Durham, 1999), 85-91. From the perspective of the Japanese government, Brazil had not been a preferable destination for emigrants up until that point, but this changed due to the restrictive policies of the United States. Between 1908 and 1941, more than 188,000 Japanese immigrated to Brazil, making the Japanese community in Brazil the largest outside of Japan.

although also of rejection and deportation, on Angel Island, which operated until 1940, the primary objective was to stop transpacific immigration, not to facilitate it. Both islands were ports of entry for immigrants who sought a life of liberty and prosperity; however, as Lee and Yung point out, Angel Island became a prison for many Chinese, for it was there that the enforcement of anti-Chinese laws became most visible.<sup>106</sup>

While the United States was able to establish its policies in the territories it occupied or controlled through its hegemonic dominance (such as Cuba and Hawaii), this was not the case in other countries. As already mentioned, some countries, such as Mexico, at that time sought to attract Chinese immigrants despite U.S. policies, which was to change with the new rise of nationalism during and after the Mexican Revolution. Others still looked to the United States when formulating their policies, but without pressure from the U.S. government. This was the case with Colombia, where in 1887 the conservative government of President Rafael Núñez ordered the prohibition of “the importation of Chinese for any kind of work on Colombian territory.”<sup>107</sup>

Starting in the 1920s, an increase in the inter-American entanglements can be observed, and migration policies in the region were becoming increasingly similar. Countries began adopting standards of ethnoracist distinction that informed the development of these policies. This was facilitated and led by the “advances” and cooperation in the area of science, where transregional standards of ethnic classification were being established based on racist premises. During the First Pan American Conference on Eugenics and Homiculture in Havana in 1927, the experts “agreed that biologically selective immigration policy was a means to better national populations.”<sup>108</sup> In his study on the selection of the “apt” immigrant in Colombia, Olaya noted the prominent role of Domingo Ramos, then Secretary General of the conference and also the leading representative of the Cuban experts on eugenics. His ideas were largely inspired by Charles Davenport and the Johnson-Reed Act, which he “wanted to introduce in Cuba and in the rest of Latin America, trying to convince his contemporaries to recommend the implementation of this system of quotas to their respective governments.”<sup>109</sup> His ideas reflected those of many contemporary politicians who believed in eugenics, advocating a “betterment of the national genetic patrimony.” However, the majority of the representatives from other Latin American countries did not agree to follow the guidelines of the United States. Although

106 Erika Lee and Judy Yung, *Angel Island: Immigrant Gateway to America* (New York, 2010), 69-70.

107 Iván Olaya, “La selección del inmigrante ‘apto’: leyes migratorias de inclusión y exclusión en Colombia (1920-1937)” (2018). DOI: 10.4000/nuevomundo.73878

108 Cook-Martin and Fitzgerald 2019, 59.

109 Olaya, “La selección.”

they were not “against racial selection of immigrants according to their place of origin,” they wanted to formulate their own migration laws. These laws were often shaped by the factors relevant to each nation, such as migration caused by epidemics or armed conflicts.

In Mexico attitudes towards the Chinese were marked by the Mexican Revolution, which radically changed the social makeup of the country and redefined the meaning of national identity. As various studies have analyzed, there were two periods during which the Chinese in Mexico were aggressively persecuted.<sup>110</sup> In 1911, the Chinese community that had flourished in the city of Torreón (in the state of Coahuila) was destroyed when President Francisco Madero’s troops killed more than 300 Chinese and five Japanese residents.<sup>111</sup> During the 1920s, Chinese immigration to Mexico recovered and even grew, but so did hostility against it.<sup>112</sup> Anti-Chinese organizations were formed all over the country, with particular strongholds in the northern states of Sonora and Sinaloa, and Sinophobe attitudes went hand in hand with anti-Semitism.<sup>113</sup> Catalina Velázquez Morales explains that the campaigns in Sonora and Baja California were organized by racist groups and individuals, “making use of a xenophobic, nationalist discourse [with which] they aimed to unite the population against groups of foreigners, in this case the Chinese, who maintained their hegemony with respect to trade.”<sup>114</sup>

Marked by the effects of the Great Depression of 1929 and the emergence of populist movements, the 1930s were a period which saw nationalist tendencies reinforced in various Latin American countries, often accompanied by resentment toward foreigners. In Cuba, for example, the economic crisis particularly affected the Chinese who were self-employed or had small businesses, and many of them returned to China. Those who stayed in Cuba were affected by the nationalist movements that, in 1934, resulted in the Law of the Nationalization of Work. Laws like this went hand in hand with migration laws that excluded Asians, Jews, and other immigrant groups who were not granted the same opportunities of participation and belonging as descendants of European immigrants enjoyed, particularly in the retail trade.<sup>115</sup>

## Conclusion

This article has examined the exclusion and discrimination of free Chinese immigrants in the Americas from a comparative perspective and through their transregional entanglements. The first section analyzed free Chinese immigration to the United States

110 Pablo Yankelevich, “Extranjeros indeseables en México (1911-1940): Una aproximación cuantitativa a la aplicación del artículo 33 constitucional,” *Historia Mexicana* 53, no. 3 (January-March 2004): 693-744.

111 Fredy González, *Paisanos Chinos: Transpacific Politics among Chinese Immigrants in Mexico*, (Oakland, 2017), 19.

112 Jason O. Chang, *Chino: Anti-Chinese Racism in Mexico, 1880-1940*, (Champaign, 2017), 12.

113 Chang, *Anti-Chinese Racism in Mexico*, 45.

114 Velázquez Morales, “Xenofobia y racismo,” 43.

115 Kathleen López, *Chinese Cubans: A Transnational History*, (Chapel Hill, 2013), 201.

between 1848 and 1882, while taking into account the coolie trade as a form of forced migration of Asians to Latin America and the Caribbean. It becomes clear that transpacific migration during that period was shaped by overlapping empires across the Pacific Rim. Once dominated by the Spanish colonial galleon trade between Manila and Acapulco that moved mainly goods and silver, in the nineteenth century the transpacific route gained new significance through Asian migration. While Asian coolies were transported to British and Spanish colonies in the Caribbean and to several Latin American countries, mostly to Peru, the British occupation of Hong Kong paved the way for free Chinese migration to California and British Columbia. Encounters between free migrants in California were shaped by racialized ascriptions made by people of European descent that clearly discriminated against Asians and others who the “white” majority considered to be ethnically inferior. This led to a proliferation of exclusionary practices and policies from the local to the federal level, culminating in the 1882 Chinese Exclusion Act. It had both the effect that the access of Chinese immigrants to the United States was limited and that those Chinese immigrants already residing there and their families became, even more than before, targets of violence, discrimination, and unequal treatment. This would significantly shape their ways of becoming Americans for generations to come. Furthermore, the practices of controlling people’s mobility that had been developed with regard to Chinese immigration would serve as a model for implementing immigration and residency control systems. This also marked the beginning of the creation of a whole immigration and deportation bureaucracy that is still in place today. Its racist roots almost seemed to be forgotten during the Cold War, but are resurfacing since the 1990s, this time affecting mostly Mexican and Central American migrants. Again, bigotry serves as a basis for an ever more intense buildup of an inhuman control system aimed at persecuting and excluding immigrants whom the government considers racially, socially, or religiously inferior and a threat to the “white” majority.

To what extent did American hemispheric hegemony shape the configuration of inter-American cooperation regarding migratory issues? More specifically, were the discriminatory politics and practices around Chinese immigration enforced through U.S. pressure on other countries in the Americas? We have seen that there is no easy answer to these questions. Whereas American hegemony was evident in countries that were directly affected by U.S. imperialist and



economic interests (such as Cuba, Puerto Rico, and various Central American countries), it was not as unilinear in the case of other countries. Although the influence of the U.S.-American model is apparent, this was clearly not the only model of immigration regulation that existed, as is clearly reflected in the politics of “whitening” in Cuba, Brazil, Argentina, and other countries. Although there was a confluence of exclusionary and racist policies at the inter-American level, especially as a result of closer Pan-American cooperation following the First World War, the United States was not the only country propagating them. Nor were these policies and practices simply applied through the adoption of an established inter-American model in the entire region; instead, they were influenced by the national, regional, and local development of and within each country.

Transpacific negotiations of bilateral and transregional agreements that also regulated migration between Asia and various other countries in the Americas are in turn related to inter-American relations. At the end of the nineteenth century and the beginning of the twentieth century, agreements and treaties between China and/or Japan, on the one hand, and Cuba, Peru, Mexico, Brazil, and the United States (to name the most central actors) on the other, tried to lessen the disastrous impact of the exploitation and exclusion of Asian migrants and residents or incentivize (as in the cases of Brazil and Mexico) Asian immigration. Another important element that went hand in hand with these efforts to protect the immigrants was the agency of the actors in the Chinese communities in the Americas. They created their own networks in order to bypass exclusionary policies and were able to establish alternative routes and patterns of inter-American cooperation that were different from those of the national authorities. The mechanisms of mutual aid that originated from local community practices in China contributed to fostering resilient communities and were necessary for the survival and development of these communities in order to confront discrimination. This has often been compared to the Jewish diaspora.<sup>116</sup> As Evelyn Hu-Dehart has noted, “[i]n both cases, the resentment has something to do with the target group’s ethnic distinctiveness, clannishness, foreignness and, simultaneously troubling and intriguing, their perceived excessive success in limited but distinct occupations, especially in shopkeeping or local commerce.”<sup>117</sup>

Finally, combining a comparative approach with intersecting histories offers a promising approach to the inter-American and transpacific

116 For further comparisons between the Jewish and the Chinese diaspora, see Daniel Chirot and Anthony Reid, eds., *Essential Outsiders: Chinese and Jews in the Modern Transformation of Southeast Asia and Central Europe* (Seattle, 1997).

117 Hu-Dehart, “Indispensable Enemy or Convenient Scapegoat? A Critical Examination of Sinophobia in Latin America and the Caribbean, 1870s to 1930s,” in Look Lai and Tan, 65.

interconnections from a diachronic perspective. The fusion of the concept of *histoire croisée* introduced by Michael Werner and Bénédicte Zimmermann with the new trends of comparative history paves the way for putting aside nationalist limitations, allowing notions of connectivity and flows that are adapted to cultural studies and the study of diasporas, as I tried to show in this short history of exclusion and discrimination of the Chinese in the Americas.

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