



Chinese Exclusion Forms

In 1886, at the entry to New York Harbor, President Grover Cleveland dedicated a statue — “Liberty Enlightening the World.” Seventeen years later, the statue’s pedestal was inscribed with Emma Lazarus’ sonnet “The New Colossus” with its salute, “I lift my lamp beside the Golden door!” Yet no Statue of Liberty ever welcomed Chinese immigrants coming to the west coast seeking California’s fabled Mountain of Gold. Instead, the Chinese faced barrier after barrier in an exception to a general historical pattern of unregulated immigration to the United States.

For a century, the U.S. Congress felt little need to use its constitutionally sanctioned powers (implied rather than stated) to regulate immigration. Efforts to do so lay mainly with the states until lobbying pressures forced Federal action in the late 19th century. By then, racial, economic, and cultural fears had produced strong anti-immigration lobbying. California provided the catalyst, for she faced the first large-scale Asian immigration. Chinese “coolies,” intending only a temporary stay, came because mining and railroad industries in post-gold-rush California combined to encourage them to immigrate in large numbers as contract labor. Until 1864, from 2,000 to 3,000 Chinese arrived annually; after 1868, some 12,000 to 20,000 arrived annually, peaking in 1873 at 23,000. By then, 150,000 Chinese resided in California.

Like much of the rest of the nation, the Bear Flag state’s population held inconsistent attitudes toward immigration. Some Californians favored unlimited immigration for those intending to stay, but opposed immigration of contract workers. These laborers, they believed, selfishly exploited

U.S. bounty. Others welcomed Asians as laborers but not as permanent residents. A third group admired the melting pot ideal of an Anglo-Saxon United States, criticizing immigrants who maintained, as did the Chinese, their ethnic heritage. Still others opposed Americanization: they had welcomed the Chinese because of their Oriental culture, which with Americanization would be lost.

Unlike most of the nation, California’s employers looked west for immigrant labor and east for Federal aid to encourage immigration. At first, Congress encouraged Chinese immigration as a way to provide cheap labor. In 1868 the terms of the Burlingame Treaty promised most-favored-nation status between the United States and China, by which citizens of the two nations would enjoy reciprocal immigration privileges. The United States would gain cheap labor. Chinese immigrants would have the right to travel in, reside in, and be educated in the United States. The treaty thus opened the door to Chinese immigration.

Union Pacific Railroad

Completion of the Union Pacific Railroad in 1869 and the 1873 depression soon threatened those treaty promises. The national financial crisis provided radical agitator Denis Kearney (himself an Irish immigrant) an opportunity to rail against both the rich and the “coolies.” He struck the Chinese immigrants the hardest, however. This provoked an already uneasy San Francisco population into the so-called Sand Lot Riots of 1877, one of which resulted in the deaths of 21 Chinese. Kearney’s Workmen’s Party, crying for relief from Chinese competition for wages and jobs, found great support for its slogan: “The

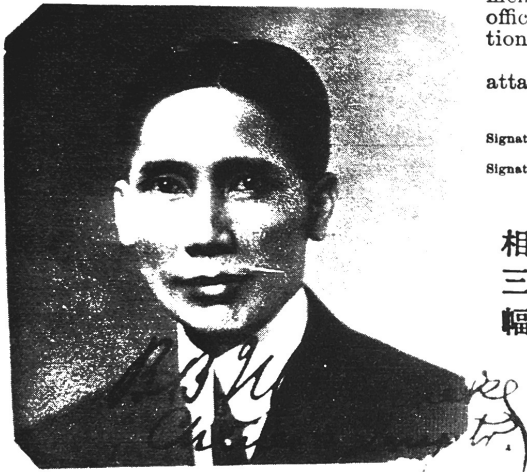
No. 1979-C.
No. 403-CDepartment of Commerce and Labor
IMMIGRATION SERVICEOffice of Commissioner
Port of Philadelphia, Pa.
April 3, 1935~~To Commissioner of Immigration,~~
~~Chinese and Immigrant Inspector,~~
~~Philadelphia Immigration Station,~~
~~Philadelphia City, Pa.~~

Sir: It being my intention to leave the United States on a temporary visit abroad, departing and returning through the Chinese

port of entry of Seattle, Washington, I hereby apply, under the provisions of Rule 39 of the Chinese Regulations (Bureau Circular No. 25), for preinvestigation of my claimed status as an American citizen by birth, submitting herewith such documentary proofs (if any) as I possess, and agreeing to appear in your office personally, and to produce therein witnesses, for oral examination regarding the claim made by me.

This application is submitted in triplicate with my photograph attached to each copy, as required by said rule.

Respectfully,

Signature in Chinese 簽唐·字名 陳明
Signature in English 簽番·字名 Chin Ming (Pa.
Address 具京人之住址 36 - 3rd Ave. Pittsburg.相簽詢委亦憑國九而來人遊欲委管
三名問員親據出欸回亦出外暫員理
幅稟口之與呈世之茲即埠入邦離知外
上供公證上所有例依由而去之今美之入
並照辦人查有在美三十該埠將港華出我口
附例房到驗之

30,565

Port of _____

_____, 19____

Respectfully returned to

Chinese and Immigrant Inspector,

Greensboro City, N.C.With the information that I am ☒ prepared, on the basis of the evidence submitted with the original of this application, to approve said application.Ellis H. Smith
Officer in Charge.

Chinese must go.”

By 1879, having adopted a state constitution with anti-Chinese provisions, Californians pressed for congressional action. Legislators in other states, concerned with Mexican or European immigrants, agreed that Federal action should be taken. Union leaders shared Kearney’s concern about Chinese pay scales undercutting conventional rates. Some groups, preferring the melting pot, despaired of even trying to Americanize the highly ethnic-bound Chinese; therefore, these groups wanted to keep out the Chinese. Big landowners, once in favor of cheap labor and therefore opposed to Federal restrictions on labor, now feared that white supremacy might be undermined and joined anti-immigration factions. The violence in California only cemented the congressional perception that the situation might explode.

What could Congress do? Given the Burlingame Treaty’s guarantees of the right to immigrate freely, could Congress restrict immigration? First, Congress moved to modify the Burlingame Treaty’s guarantees by ratifying the treaty of November 17, 1880. Here the United States narrowed its focus from Chinese immigration in general to Chinese laborers. The 1880 treaty claimed for the United States the right to “regulate, limit or suspend” Chinese labor immigration. Congress could not, however, absolutely prohibit Chinese immigration.

The changes thus gave the U.S. government the right to limit future immigration of laborers whenever it “affects or threatens to affect” U.S. interests or “good order.” Teachers, students, merchants, and Chinese travelers “proceeding from curiosity,” as well as their servants, would be welcome. For nonlaborers, Burlingame’s most-favored-nation status still held.

For Chinese, laborers or not, already in the United States, the 1880 modifications retained Burlingame’s promise of the “rights, privileges, immunities and exemptions” due most-favored-nation populations. The Federal Government promised

to punish any violation of those protections. Thus the Congress distinguished between promising protection for the Chinese already in the United States and protecting the United States against further labor immigration.

Fortified by the new treaty with China, Congress soon bowed to lobbyist pressures. In the 1880s, Congress passed legislation establishing immigration barriers. In doing so, it resorted to regulation by law, which effectively circumvented the spirit of the immigration provision of the Burlingame Treaty and actually reduced immigration posed by the 1880 treaty. In the spring of 1882, Congress passed and President Chester A. Arthur signed the Chinese Exclusion Act, which provided an absolute 10-year moratorium on Chinese labor immigration. For the first time, Federal law proscribed entry of an ethnic working group on the premise that it endangered the good order of certain localities.

Chinese Exclusion Act

The Chinese Exclusion Act required the few nonlaborers who sought entry to obtain certification from the Chinese government that they were qualified to immigrate. But this group found it increasingly difficult to prove that they were not laborers, because the 1882 act defined excludables as “skilled and unskilled laborers and Chinese employed in mining.” Thus, while the treaty did not totally prohibit Chinese immigration, in reality very few could enter the country under the 1882 law.

The 1882 exclusion act also placed new requirements on Chinese who had already entered. If they left the United States, they had to obtain certificates to re-enter. Congress, moreover, refused State and Federal courts the right to grant citizenship to Chinese resident aliens, although these courts could still deport them.

When the exclusion act expired in 1892, Congress extended it for 10 years in the form of the Geary Act. This extension,

made permanent in 1902, added restrictions by requiring each Chinese resident to register and obtain a certificate of residence. Without a certificate, she or he faced deportation. With the congressional law providing such restrictions, the Burlingame Treaty guarantees and the 1880 modifications made little difference.

The Geary Act regulated Chinese immigration until the 1920s. With increased postwar immigration, Congress adopted new means for regulation: quotas and requirements pertaining to national origin. By this time, anti-Chinese agitation had quieted. In 1943 Congress repealed all the exclusion acts, leaving a yearly limit of 105 Chinese, and gave foreign-born Chinese the right to seek naturalization. The so-called national origin system, with various modifications, lasted until Congress passed the Immigration Act of 1965. Effective July 1, 1968, a limit of 170,000 immigrants from outside the Western Hemisphere could enter the United States, with a maximum of 20,000 from any one country. Skill and the need for political asylum determined admission.

The document of the month, "An Application of Alleged American Born Chinese for Preinvestigation of Status," is found in the Chinese Case Files of Records of the Immigration and Naturalization Service (Record Group 85), National Archives — Philadelphia Branch. It also is included in National Archives Microfilm Publication M1144, roll 30.