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# Alyssa Dicus

## The Chinese Exclusion Act: America's Clarion Call for Racist Exclusion and Building Walls

### Introduction

Unwittingly or not, American politicians plague political discourse on immigration and citizenship today with white protectionism. Their constituents follow suit, labeling Mexican and South American border crossers or asylum and refugee seekers as a threat to the national economy or a flagrant attack on American identity. These discourses are not new to the American scene. Still, as the immigrant and immigrant-born population of the United States reaches a record high, their origins become ever more important to understand. Though American immigration and citizenship policies have been rooted in class, race, ethnicity, and nationality since the nation's inception, the Chinese Exclusion Act of 1882 was crafted by the federal government to formally institutionalize these racist exclusions.

While the Chinese Exclusion Act was not an isolated racist policy in the history of the United States, it was the first federal law that barred an entire ethnic group from immigration and citizenship under the pretenses of national endangerment. The Chinese Exclusion Act was a racist policy even though it only banned a specific national group because the Act was rooted in discriminatory beliefs about Chinese immigrants' ethnicity as a whole. The Act was not a retaliation against a distinctive Chinese characteristic but rather an attack against conceptions about these immigrants' social customs and morality. The racist legal and political discourses surrounding Black, Native, and Latin persons in the United States were similarly based on cultural characteristics. Still, they were broader to encompass race and color more specifically. Thus, the Chinese Exclusion Act was also a racialized policy in conjunction with the racial biases and policies towards other groups and their citizenship.

This essay will argue that the federal government curated the Chinese Exclusion Act to placate the concerns of lower and middle-class American citizens on the West Coast while minimizing the economic toll and damage to the Chinese political image of the United States. American politicians used a process of legal fearmongering to link immigration and citizenship directly with ideas of national defense and moral preservation. This link effectively

founded the practice of discriminatory federal immigration policy and paved the way for the American discourse we see today.

This essay will begin with a precursory discussion of the racial and ethnic requirements for American citizenship as they developed from 1790 through 1882. It will then explain how class conflict turned into a racist call for Chinese exclusion by exploring the power struggle between American citizens and states and their federal government's dealings with China. It will conclude with an examination of the Act itself and how it set up the immigration regime and climate of today.

### Historiography

Early scholarship on the Chinese Exclusion Act showed that the paradoxical nature of the Act was evident. In 1912, Mildred Wellborn authored her article, "The Events Leading to the Chinese Exclusion Acts," which noted the duality through which American citizens viewed Chinese immigrants. Through examinations of economic and social class attitudes, she argued that the laboring classes saw Chinese immigrants as moral degenerates. In contrast, capitalists saw immigrants as a cheap source of labor. Wellborn, however, was writing to confirm the views purported against the Chinese and their assimilation.

These class components examined in early research became more nuanced in more recent works of those such as Asian American historian Erika Lee. Lee's chapter in *A Companion to American Immigration*, "A Nation of Immigrants and a Gatekeeping Nation: American Immigration Law and Policy," covered the chronological development of immigration policy in America. Lee connected the anti-immigration attitudes towards the Chinese with the complex racial and economic relationship between white Americans and Black Americans throughout slavery and emancipation.

Lee's *At America's Gates: Chinese Immigration during the Exclusion Era, 1882-1943*, discusses the development of the Chinese moral image and the origin of the Chinese threat to America. Lee argued that legislators crafted the Chinese moral threat as a way to justify and bolster support for banning Chinese immigration in place of less successful statewide attempts to protect white labor. The book also examined the Act's impact on immigration rules and regulations. Lee asserted that the Act created a new regime of immigration restriction and control that were the predecessors of modern American gatekeeping.

### The Racial/Ethnic Nature of American Citizenship

Although the phrase "free white persons" was not the focus of the Naturalization Act of 1790, it nonetheless introduced race and color into

American citizenship requirements.<sup>1</sup> The central provision of the Act was landownership, as “white” had been an assumed condition of the period as non-European people were not yet considered people, if even human. The Naturalization Act of 1790 “set the limits on the access of immigrants to citizenship to mostly restrict European foreigners.”<sup>2</sup> It hadn’t excluded other races because they weren’t even in consideration. Thus, at the nation’s foundation, United States immigration and citizenship were exclusively a white privilege.

A seemingly significant development came with the end of the Mexican-American War and the signing of the Treaty of Guadalupe Hidalgo in 1848. Over half of Mexico’s land was incorporated into the United States. The United States had never had such a significant inclusion of land, and incorporating the inhabitants was a problematic political maneuver. In other land acquisitions, including the Louisiana Purchase, the inhabitants were all Native Americans who were forcibly removed from the land without moral qualms, as white Europeans did not consider them to be civilized people. This was not the case with the extensively settled Mexican lands. Even if forcible removal was not an option, neither was immediate or easy naturalization of the Mexican residents. As a solution, Article VIII of the treaty gave the residents a choice to retain the rights and title of a Mexican citizen or to renounce that title and become a citizen by conquest of the United States.<sup>3</sup> Stipulations of citizenship included the burden of providing proof of European lineage or Catholic religion. These stipulations justified the naturalization of non-white, non-Europeans by ensuring a degree of what white Americans viewed as civility. Thus, while the treaty was a landmark for its extension of citizenship, it retained national and racial prejudice, even going so far as to call Native inhabitants “savage tribes.”<sup>4</sup> Because of this, and the fact that the treaty extended no such privileges to Native or Black Mexicans or Latin American immigrants, the racially progressive nature of this Act was very limited and

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1 U. S. Laws, Statutes, Etc., *The Naturalization Act of 1790* (New York: Printed by Thomas Greenleaf. New York, 1790), accessed, December 2022, <https://loveman.sdsu.edu/docs/1790naturalizationact.pdf>.

2 Cody Nager, “Fear, Foreigners and Federalism: The Naturalization Act of 1790 and American Citizenship/foundering Friendship: French Disillusionment after the Battle of Yorktown” (master’s thesis, William & Mary College, 2017), accessed December 2022, <https://scholarworks.wm.edu/etd/1516639569/>.

3 U. S. Laws, Statutes, Etc., *Treaty of Guadalupe Hidalgo, 1848*,” Accessed September 20, <https://www.archives.gov/milestone-documents/treaty-of-guadalupe-hidalgo#transcript>.

4 U. S. Laws, Statutes, Etc., *Treaty of Guadalupe Hidalgo, 1848*.

was primarily a political nicety.<sup>5</sup>

Twenty years after Guadalupe Hidalgo, Congress overrode President Johnson's veto and passed the 14<sup>th</sup> Amendment to the United States Constitution. Congress ratified the Amendment in 1868. The 14<sup>th</sup> Amendment granted formerly enslaved persons citizenship through a new kind of citizenship- birthright. The first section afforded "all persons born or naturalized in the United States, and subject to the jurisdiction thereof"<sup>6</sup> citizenship and equal protection of the law. This excluded, as the Treaty of Guadalupe Hidalgo did, any Native Americans. The 14<sup>th</sup> Amendment opened a door for legal citizenship for all non-white immigrant groups but excluded those immigrants and enslaved people who were not born in the United States.

The Naturalization Act of 1870 rectified this and extended citizenship eligibility to "aliens being free white persons, and to aliens of African nativity and persons of African descent."<sup>7</sup> It is with this Act that ideas of race and color became confusing. As mentioned, all previous racial inclusion was limited in scope and specific to an event. With the 1790 Act, "white" was a given condition to citizenship, and emphasis was more heavily on the "free" requirement. With the Treaty of Guadalupe Hidalgo, it was a geographically constrained inclusion of a specific nationality of people. It was, if anything, a furthering of the idea that American citizens had and would only tolerate those of European background, no matter how scantily defined. Congress directed the 14th Amendment solely at naturalized African Americans, not fully including all formerly enslaved. The 1870 Act re-introduced "white" in a vague way and "African" as a specific eligible nationality to address those formerly enslaved who were born in Africa. The question then became, "Did terms like "African" have color connotations, and did "white" have nationality restrictions or coloration considerations."

These unresolved questions carried their uncertainty into the development of state-level acts and federal treaties that addressed relationships with Chinese laborers and non-laborers, each of which negotiated a national relationship into a racially charged one. The result was the passage of the

5 There is much more complexity between the history and relationship of Mexican imported laborers and Chinese imported laborers than the scope of this essay can give due credit to. For this essay, it is simply important to know that other racial enclaves existed in the Western and Southern parts of the country that influenced racial ideology.

6 U. S. Laws, Statutes, Etc., *The House Joint Resolutions Proposing the 14<sup>th</sup> Amendment to the Constitution* (June 16, 1866), accessed February 8, 2022, <https://www.archives.gov/milestone-documents/14th-amendment>.

7 Marian Smith, "Race, Nationality, and Reality: INS Administration of Racial Provisions in U.S. Immigration and Nationality Law Since 1898," *Prologue magazine* 34, no. 2 (Summer 2002), accessed November 10, 2022, <https://www.archives.gov/publications/prologue/2002/summer/immigration-law-1#f3>.

Chinese Exclusion Act, an unprecedented federal decision that excluded an entire nationality of people from the United States.

### Early U.S. Relationship with China

Erika Lee noted in her book, *At America's Gates*, that much of how Americans learned to identify the Chinese came from the diplomats, traders, and missionaries in China.<sup>8</sup> These reports called the Chinese uncivilized and the way they lived dirty and immoral. The authors were upper-class American citizens who had found it incumbent upon themselves to bolster the American superior image. However, American businesspeople had founded this attitude of superiority to the Chinese at the outset of U.S. relations with China.

The United States lacked any formal political ties to China, while other countries had already established trade and relations; thus, the Treaty of Wanghai in 1844 was an attempt to improve its political image and standing. This treaty gave the United States extraterritoriality within China so that American citizens charged with crimes were to be tried and punished under the authority of the American consul as opposed to Chinese ones. It also granted the United States access to trading ports and the right not to be “impeded in their business.”<sup>9</sup> While the treaty was based on economics, it introduced how the United States formally interacted with China as an inferior country, even within it.

Then, in 1858, the Treaty of Tianjin granted that United States citizens in China were “placed on a common footing of amity and goodwill with subjects of China” and were “permitted to rent houses and places of business.”<sup>10</sup> The wording of this treaty was particular to infer that American citizens were to be regarded as equal in the eyes of the Chinese citizens but not that American citizens were to respect Chinese citizens. As aforementioned, the American businesspeople and diplomats who benefitted from these treaties felt superior. The treaty thus established that while the United States was willing to craft and negotiate treaties, the intention was to strengthen American business and image without true reciprocity. It would be ten years until China reached this reciprocity, and by that point, developments in California had already threatened to weaken it.

8 Erika Lee, *At America's Gates: Chinese Immigration during the Exclusion Era, 1882-1943* (Chapel Hill, NC: Univ. of North Carolina Press, 2003), 25.

9 U. S. Laws, Statutes, Etc., *Treaty of Wangxia* (Treaty of Wang-Hsia), May 18, 1844, accessed November 2022, <https://china.usc.edu/treaty-wangxia-treaty-wang-hsia-%E6%9C%9B%E5%BB%88%E6%A2%9D%E7%B4%84-may-18-1844>.

10 U. S. Laws, Statutes, Etc., *Treaty of Tientsin* [Tianjin] 1858, accessed November 2022, <https://web.archive.org/web/20160304224140/http://chinaforeignrelations.net/node/206>.

### Turning Economic Conflict into Racial Hatred

While diplomats and traders brokered advancements within Chinese territory, on the West Coast, American businesses were exploiting the availability of Chinese immigrants. During and after the peak of the Gold Rush from 1852 on, Chinese immigrants provided cheap labor in industries such as mining and laundering. The lower-class composition of these Chinese immigrants, primarily impoverished men who had failed to strike it rich, was beginning to ferment anti-Chinese sentiment among lower-class Americans.<sup>11</sup> The West held an unstable population with too few jobs, and American business owners were hiring from the cheap immigrant labor pool. This discontent led California to pass the Anti-Coolie Act in 1862 to “protect free white labor” and “discourage”<sup>12</sup> Chinese immigration. This was an almost futile measure, as in the same year, Congress passed the Pacific Railroad Act, which generated a massive demand for railroad labor that was readily available and cheap.<sup>13</sup>

Six years later, this need was met with a massive influx of Chinese immigrants when the United States signed the Burlingame Treaty of 1868 with China. This treaty created a near-complete reciprocity between the U.S. and China. It granted Chinese citizens the right to free immigration and travel within the United States and full protection similar to what American citizens were provided in China.<sup>14</sup> Californian citizens were enraged and discouraged, especially when European investments slowed during the recession of 1873, and the treaty provided railroads access to cheap labor from non-unionized sources.<sup>15</sup> Californians, who had tried to limit the Chinese influx and secure white jobs, saw a federal government not only unwilling to protect them from wage competition but rather willing to endorse it.

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- 11 Mildred Wellborn, “The Events Leading to the Chinese Exclusion Acts,” *Southern California Quarterly* 9, no. 1-2 (1912), 50.
  - 12 California, Laws, Status, Etc., *California’s Anti-Coolie Act of 1862*, accessed November 30, 2022, <https://loveman.sdsu.edu/docs/1862Californiaaanticoolieact.pdf>.
  - 13 Ellen Terrell, “Completion of the Transcontinental Railroad,” *Library of Congress, Research Guides*, accessed, November 2022, <https://guides.loc.gov/this-month-in-business-history/may/completion-transcontinental-railroad#:~:text=The%20railroad%20opened%20for%20through,at%20Promontory%20Summit%20in%20Utah>.
  - 14 U. S. Laws, Statutes, Etc., *The Burlingame-Seward Treaty, 1868*, “Milestones (U.S. Department of State: Office of the Historian), accessed November 2022, <https://history.state.gov/milestones/1866-1898/burlingame-seward-treaty>.
  - 15 U. S. Department of the Treasury, “Financial Panic of 1873,” accessed, February 11, 2022, <https://home.treasury.gov/about/history/freedmans-bank-building/financial-panic-of-1873#:~:text=The%20Panic%20of%201873&text=One%20of%20the%20worst%20happened,in%20American%20projects%2C%20particularly%20railroads>.

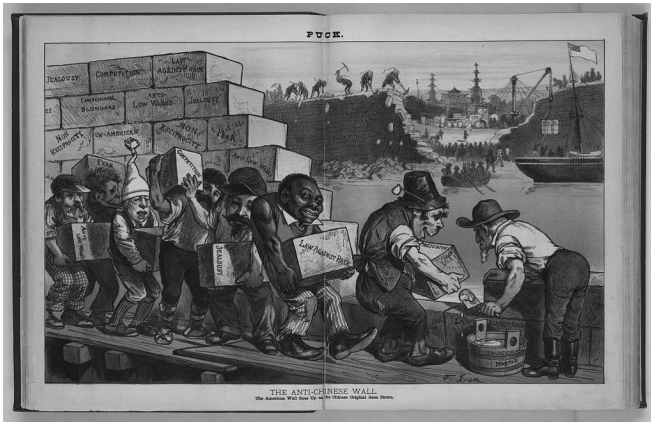


Figure 1. Graetz, F., Approximately 1913, Artist. *The anti-Chinese wall* / F. Graetz. China Great Wall of China, 1882. N.Y.: Published by Keppler & Schwarzmann. Photograph. <https://www.loc.gov/item/2012645635/>. This image shows other immigrant races alongside a Black person building a wall to protect against the Chinese threat using blocks of “fear,” “competition,” and “law against race.” In the background, China is tearing down its trade restrictions and access barriers towards the United States.

Subsequently, images such as “The Anti-Chinese Wall” began to permeate newspapers (see Fig. 1.) Rather than the diplomats, traders, and businesspeople who were benefitting from trade agreements and treaties with China, the impoverished Chinese immigrants became targets for economic frustrations of the West Coast American lower-class. This translation of class anger into racial resentment was aided by the reports coming from the very same diplomats and traders. These reports created the image of criminals and heathened Chinese people. Solidifying these accounts of morally degenerate Chinese were the reports of prostitution in Chinese enclaves. As with European immigrant groups coming to the East Coast, Chinese immigrants were often males coming to send money back to support families.<sup>16</sup> This meant that there was a gender disparity within Chinese enclaves that fostered a practice of luring impoverished Chinese women to serve in brothels.<sup>17</sup> Since

16 Office of the Historian, “Chinese Immigration and the Chinese Exclusion Acts,” accessed December 12, 2022, <https://history.state.gov/milestones/1866-1898/chinese-immigration>.

17 Mohini Sridharan, “Prostitution in the Early Chinese Community, 1850-1900,” accessed November 2022, <https://www.dartmouth.edu/~hist32/History/S02%20-%20Early%20Chinese%20Prostitution.htm>.



other Chinese women were often restricted in their movement, the primary female population in Chinese enclaves was prostitutes.<sup>18</sup> The reports of these kinds of behavior came at an opportune time to spur tensions.

During the late nineteenth century, compounding forces were threatening white American masculinity. They were losing independence in the workforce as industrialization grew and saw a burgeoning women's movement and workforce.<sup>19</sup> Therefore, when lower-class American men heard and saw this phenomenon, it became the perfect opportunity to build an image of criminal, degenerate Chinese immigrants while being able to feel like masculine defenders of the American nation and women. Lee summarized this fear well in stating that the Chinese "not only threatened the morals of the larger society," but they ultimately were believed to be able to "cause its downfall."<sup>20</sup> So, rather than an inter-racial banding together of the Californian lower class, as Figure 1 showed European immigrants and Black people were also enticed to fear additional competition, white Americans called for the removal of a threat.

The response was the first federal measure to prevent further Chinese presence and encroachment into American society and labor markets, the Page Act (1875.) The Page Act was a prelude to the Chinese Exclusion Act and a step above the state-level Anti-Coolie Act. It aimed to prohibit the immigration of Eastern Asian or "Oriental"<sup>21</sup> people. It expressly prohibited "persons who [were] undergoing a sentence for a conviction in their own country of felonious crimes other than political" and "'women "imported for the purposes of prostitution."<sup>22</sup> This federal policy was more effective in its limitation of East Asian women, specifically the Chinese. It set a pathway to begin to restrict Chinese immigration based on moral grounds, even if it did not address the economic concern surrounding laborers as the California Anti-Coolie Act did. It was a federal bartering of addressing the state-level concern while trying to maintain reciprocity within the national relationship with China.

However, the failure to address economic antipathy was not sated, and many on the West Coast began to return to resentments aimed at the upper-

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18 Ibid.

19 Michael McMenamin, "'It Is Here the Romance of My Life Began': The Construction of Frontier Masculinity in Late Nineteenth and Early Twentieth Century America," *New Errands: The Undergraduate Journal of American Studies* 1 no. 2 (Spring 2014), 8.

20 Lee, *At America's Gate*, 26.

21 U. S. Laws, Statutes, Etc., *The Page Act of 1875*, accessed December 12, 2022, <https://loveman.sdsu.edu/docs/1875Immigration%20Act.pdf>. The act mentions that Chinese, Japanese, and or any Oriental country. Lawmakers and scholars of the West often assumed the people of Eastern Asia were all of the same disposition.

22 U. S. Laws, Statutes, Etc., *The Page Act of 1875*

class beneficiaries of the Chinese presence. Labor leaders Denis Kearney and H.L. Knight of California's Workingmen's Party espoused such beliefs in 1878, with an undertone of how existing racial policy had also contributed to their anger. They stated that "under the flag of the slaveholder," wealthier classes had been able to "destroy [their] liberty," and now, after the war, had continued to do so under the guise of the "millionaire, the banker... the railroad king."<sup>23</sup> Here, the economic grievances of the Californian laborer were fueled by and fueling racial prejudice against both formerly enslaved people and the Chinese. Slavery and post-Civil War practices such as debt peonage and sharecropping had allowed wealthy Southerners and Westerners to continue to pool cheap labor outside of the white classes, which added to the ideas of racial inferiority that existed. Erika Lee addressed in her article this contribution of the "race 'problem' in the south" to the anti-Chinese sentiment developing on the Western coast.<sup>24</sup> There, tension with the Chinese was building not due to any inherent quality of the Chinese, who Wellborn even noted were clean and dutiful workers upon arrival.<sup>25</sup> Instead, the exploitation that the Chinese labor pool allowed, such as black labor did in the South, reduced the effectiveness of labor unions forming around the railroad, laundry, and mining businesses and was the cause of the anti-Chinese sentiment. The Chinese became a vessel for the frustrations of the poor white classes to leverage their position.

A Sacramento newspaper commented on the situation in the year of the Chinese Exclusion Act, 1882. It reminded citizens that "so long as the Chinese [were] among [Americans], they [would] be employed"<sup>26</sup> because it [was] of economic prudence. It acknowledged, however, the contradiction Americans were supporting by illustrating how Californians "demand[ed] [Chinese] expulsion even while [they] admit[ed] [they] [could not] refrain from employing" the Chinese.<sup>27</sup>

Nonetheless, white American citizens and politicians on the West Coast had "effectively claimed the right to speak for the rest of the country," so much so that they asserted American supremacy via Chinese exclusion.<sup>28</sup> So arose the argument of Kearney and Knight: "California must be all American or all Chinese. We are resolved that it shall be American and are prepared to make it

23 Dennis Kearney and H. L. Knight, "Appeal from California. The Chinese Invasion. Workingmen's Address," *Indianapolis Times*, 28 February 1878.

24 Erika Lee, "A Nation of Immigrants and a Gatekeeping Nation: American Immigration Law and Policy," in Reed Ueda, ed., *A Companion to American Immigration* (New York: Blackwell Publishing Ltd, 2008), 10.

25 Wellborn, "The Events Leading to the Chinese Exclusion," 50.

26 "The Employment of the Chinese, *The Sacramento Daily Record-Union*," Sacramento, California; May 13, 1882, 4, accessed November 2022, <https://chroniclingamerica.loc.gov/lccn/sn82014381/1882-05-13/ed-1/seq-4/>

27 Ibid.

28 Lee, *At America's Gates*, 29.

so. May we not rely upon your sympathy and assistance?"<sup>29</sup> The United States government and richer classes—despite profiting from Chinese immigration and reciprocity agreements with China—needed to become accountable to this loud, self-appointed Western voice of the nation. California, a land that struggled with unemployment, vast numbers of non-whites, and a loss of rugged frontier masculinity, wanted Chinese removal, not more immigrant classes beating out union wages.

Finally, with mounting discontent at the federal government, the 1880 Angell Treaty temporarily suspended the immigration of skilled and unskilled laborers from China while allowing upper-class professionals to enter. It was still a compromise designed to maintain the benefits of diplomatic and political privileges for upper-class American citizens. It addressed the immediate demand for action against the Chinese immigrant influx. If no lower-class or middle-class workers were allowed to enter the country, citizens reasoned that crime and wage declines would slow. The treaty was "reasonable and... only to [apply to] Chinese who may go to the United States as laborers."<sup>30</sup> but it was not a complete prohibition due to the provisions of the Burlingame Treaty of 1868. While the United States may have maintained diplomacy for its political image, the suspension was a clear statement that American citizens had and would continue to push the federal government to listen to state demands. The treaty thus also mentioned "embarrassments consequent upon such [Chinese] immigration,"<sup>31</sup> which was a reference to the Page Act and allegations of increased prostitution and crime in and around Chinatowns.

The legal precedent needed for the Chinese Exclusion Act was made permanent through the Angell Treaty. With its legal definition and separation of prohibition versus suspension, the Chinese Exclusion Act was passed as a ten-year suspension of Chinese laborer immigration. It had not broken any former treaties as the United States had already successfully passed a treaty limiting Chinese immigration with little repercussions (the Page Act). Chinese immigrants who were already in the country were allowed to stay but were denied citizenship.

### The Exclusion Act and Its Ramifications

An examination of the language and provisions of the Chinese Exclusion Act itself is crucial to understanding life for the remaining Chinese immigrants and future immigrants. As Erika Lee stated, the Exclusion Act was a "watershed" not only because it was the first to limit immigration

29 Kearney and Knight, "Appeal from California."

30 U. S. Laws, Statutes, Etc., *Angell Treaty of 1880*, accessed November 2022. <https://immigrationhistory.org/item/angell-treaty-of-1880/>.

31 Ibid.

based on race and class but also because it “introduced gatekeeping ideology” that spurred the creation of “new modes and technologies of immigration regulation.”<sup>32</sup> Chinese immigrants were the ultimate symbol of an economic and moral threat to white Americans, and the response was the creation of federal enforcement agencies, extensive documentation of immigrants, and deportation as a practice to control immigration.

First, in section four of the Act, as provided for in the Angell Treaty, the collector of customs in the districts where Chinese immigration was occurring was allowed to inspect vessels and the Chinese immigrants themselves.<sup>33</sup> These inspectors were required to document Chinese laborers’ names, ages, occupations, and “physical marks or peculiarities” on these vessels to identify and track them.<sup>34</sup> The Secretary of the Treasury issued a certificate with the aforementioned details to keep track of this identification and ensure the enforcement of the Exclusion Act. Authorities required Chinese non-laborers, too, to carry a certificate issued by the Chinese Government in English or with a translator present, which stated the right to come as a non-laborer with rank reported on the certificate.<sup>35</sup> The Geary Act of 1892 extended the documentation requirement to all Chinese persons in the United States. These systems were the foundation for modern-day federal inspectors and began the normalization of tracking and monitoring the status of immigrants in the country. These certificates created the precedent for modern “green cards” and international passports.<sup>36</sup> The impact was evident in the Immigration Act of 1924, which required a visa and an application for one to include “age, sex, and race” alongside occupation and description that had to include “complexion, color of hair and eyes.”<sup>37</sup> Here, too, immigration developed an overtly racist and ethnic nature as color and “ethnic” appearance were heavily influential to successful immigration.

Beyond the development of the tracking and documentation measures, the Exclusion Act’s denial of Chinese citizenship for remaining immigrants while refusing to deport them created a vulnerable, exploitable workforce that still had to work among the very citizens who tried to remove them. Today’s undocumented immigrants experience the same kind of targeted hatred and calls for removal. However, many who make those calls remain unaware of the structures that trap these people in the country, just like those living at the time of the Exclusion Act. Instead of recognizing the political maneuvering of the federal government to try to placate the American people and create a

32 Lee, “A Nation of Immigrants,” 24-25.

33 U. S. Laws, Statutes, Etc., *The Chinese Exclusion Act*.

34 Ibid.

35 Ibid.

36 Lee, *At America’s Gates*, 42.

37 U. S. Laws, Statutes, Etc., *The Immigration Act of 1924*, accessed December 12, 2022, <https://loveman.sdsu.edu/docs/1924ImmigrationAct.pdf>.

vulnerable labor force, the issues turn to arguments about national protection against non-white American labor and the immorality of other nations and cultures.

Section seven of the Act officially criminalized illegal immigration and created an avenue for the removal of immigrants. For Chinese immigrants, the Act charged them with a fine of one thousand dollars and jail time of up to five years. The issue with simply having illegal penalties, however, was that many of these immigrants were poor and would be unable to pay the fines. The justice system to send them to jail was also a public expenditure. So, Erika Lee argued that this explicit definition and punishment of illegal immigration led to the "establishment of the country's deportation laws as well," citing section twelve of the Act that condoned removal to the country of origin upon discovery.<sup>38</sup> Chinese immigrants were barred from being citizens and thus had no legal rights to fight to remain in the United States. As non-citizens who were unable to pay or play in the justice system, deportation as a tool was a measure used to offload these immigrants in lieu of legal immigrants who were able to contribute to the economy without creating a disturbance.

### Conclusion

American legislators and politicians crafted the Chinese Exclusion Act through political maneuvering, allowing American businesspeople and diplomats to maintain a stable political image with China. At the same time, it imported and retained beneficial labor streams. Economic discontent was superseded with appeals to white masculinity and work ethic to link anti-immigrant and anti-immigration with national defense and moral preservation ideas. This link created the practice of discriminatory federal immigration policy, while it never indeed ended the exploitation and utilization of immigrant labor.

Today, the same issues ferment in political forums. Americans cry to build a wall while ignoring the economic and political superstructures that incentivize the labor of non-citizen immigrants. Americans label immigrants as dangerous, deceptive, and second-class without consideration from citizens as to where the information originated. As more research evaluates the aftermath of the Act rather than its creation, more links can be drawn to help foster an understanding of immigrants and how they fit into immigration policy. If historians take steps to understand the foundation of immigration policies, more research can connect how immigration policy changes with international trends and the political sentiments of citizens. Then, more informed and empathetic decisions can be made regarding the increasingly diverse population of the United States.

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38 Lee, *At America's Gates*, 43.