

to begin unraveling how both have been shaped and conditioned by U.S. immigration policies and laws, particularly by the persistent impulse to control the presence of Asians within our borders. I will not neglect the complex interplay between situations and events in both the sending and the receiving communities, but my treatment of this dynamic is not complete. My book will not outline more effective policies, although my findings will most assuredly contain policy implications. I intend simply to contribute to a better understanding of relationships and experiences that few have bothered to study.

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Asian America Through  
Immigration Policy, 1850-1990  
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## CHAPTER ONE

### Two Contrasting Schemes: Understanding Immigration Policies Affecting Asians Before and After 1965

An understanding of the evolution of Asian America commences with an appreciation of the history of immigration policies and laws and of the social and political forces that motivated them. This chapter traces Asian arrival and cycles of acceptance (motivated primarily by the desire for cheap, rootless, and dependable labor) and rejection (fueled by racial prejudice and fear of economic competition); U.S. relationships with the countries of Asia; the specific laws that produced and reflected these cycles and how they related to general immigration policies; and how these laws ultimately became the framework of today's system.

The cycles of rejection and acceptance are represented by federal immigration laws and state and local policies. State and local leaders supported the recruitment of Asian immigrants for the fields, the mines, the railroads, or as domestic help as well as discriminatory rules on landownership, business operations, education, civil rights, and taxes.

California charged fees for arriving boat passengers who were “ineligible for citizenship,” demanded bonds for “lewd and debauched women,” and required evidence that any “Mongolian, Chinese or Japanese [woman] is a person of correct habits and good character” specifically to discourage Asian immigration into the state.<sup>1</sup> These offensive statutes and ordinances were ultimately repealed or declared unconstitutional, but an ubiquitous air of hostility before, during, and after their currency took its toll. The cumulative effect of state and local laws may have been as great as the federal exclusion laws, which could be viewed as the culmination of local sentiment.<sup>2</sup>

What emerges from examining the evolution of immigration policies are two quite intriguing schemes governing immigration and resettlement. Before 1965 the United States aimed to admit Asians only for specific purposes, exclude them altogether if necessary, and always to keep them in check. At first, policymakers only vaguely appreciated the many ways federal, state, and local laws might be instrumental in this. Early restrictions on land and business ownership, the 1870 refusal to extend naturalization rights, and the 1875 exclusion of Chinese prostitutes, for example, reveal a decidedly strong-willed inclination to explore the use of immigration laws to deal with Asians.

The United States discovered that immigration might shape a self-serving relationship with those Asians it decided to admit, and it used a range of techniques and related rationales that no doubt were familiar to law and policy-making in other domains. It learned to selectively ignore, rediscover, reinterpret, recombine, rewrite, and recycle laws, treaties, and agreements to respond to shifting and often conflicting views about Asians. And it did so with great flexibility and often seemingly on a moment's notice. It learned how to justify to itself—legally and morally—having to exclude first specific groups, then all Asians, as a necessary and perhaps vital aspect of the reassertion of a control otherwise in doubt.

In 1965 the United States fundamentally restructured its immigration scheme with little consideration as to the potential consequences on Asian America. It established a uniform framework for the admission of all people that, in large part, is still in operation today. These changes, modestly prefigured in wartime adjustments and in a 1952 Immigration and Nationality Act, aspired to a new global egalitarianism. They relaxed the nation's historical efforts to control Asian immigration, though perhaps only inadvertently. Whatever the impulses for enacting these new

laws, politicians and legislators largely ignored, or at least failed to study carefully, their potential impact. Even when Asians apparently were being treated like other groups, it was not because they were at all understood, as the legislative history of the 1965 reforms will reveal.

Asians played a distinctive and seldom recognized role in the history of immigration policy and law. They were the first group whose presence prompted the passage of a federal immigration law. They were, moreover, the first group excluded by federal law. But they were not just targeted and ultimately excluded. Their very presence fostered a fundamental rethinking and reordering of the role that immigration law might play in the construction of the United States as a national community. In thinking about Asians, nativists and non-nativist employers, policymakers, and commentators for the first time began to appreciate how immigration laws might be used to advance certain industries and promote social welfare. Indeed, they would be used later to control Mexicans and southern and eastern Europeans.

Employers, policymakers, commentators, and many others also began to realize that immigration laws expressed both to themselves and to the rest of the world what they thought about their country and about those people who might want to become a part of it. They might portray themselves, for example, as nationalistically self-interested or as globally connected, as rabidly xenophobic or as generously egalitarian. Apart from any other impact they might have on the Western world, Asians made obvious the self-defining capacity of a nation's immigration law. Deciding whom to admit, exclude, and why is at the heart of a people's claim to form a distinctive and stable national community.

### Asians and Immigration Before 1965

For 350 years after Columbus, Asian immigration to America was virtually nonexistent. The United States imposed no restrictions, but Japan, Korea, and China beginning in the seventeenth century executed émigrés upon their return.<sup>3</sup> In other Asian countries, there appears to have been less desire, need, and ability to resettle in the United States. Few Asians did so before the mid-1800's,<sup>4</sup> even though the era was one of free and open immigration from the New World's perspective.<sup>5</sup>

Chinese were the first to enter in number. Driven by the rice shortage and the devastation of the Taiping Rebellion and drawn by the lure

of gold, Chinese peasants and laborers began making the long journey in the 1840's. As the population of China increased dramatically from 275 million in 1779 to 430 million in 1850, rice became scarce, particularly in populous Guangdong and Fujian provinces.<sup>4</sup> The declining Qing dynasty government, severely weakened by the 1839-42 Opium War with Britain and the 1850-64 Taiping Rebellion, was unable to control its own borders, let alone enforce its emigration law. With the cession of Hong Kong to Britain at the conclusion of the war in 1842, southeastern China was for the first time open to travelers and trade with the West.<sup>5</sup>

Early on, the Chinese were officially welcomed. The simultaneous opening of both China and the American West, along with the discovery of gold in the late 1840's, led to a growing demand for and a ready supply of Chinese labor. Chinese were actively recruited to fill needs in railroad construction, laundries, and domestic service. In 1852 the governor of California recommended a system of land grants to induce the immigration and settlement of Chinese.<sup>6</sup> A decade later a select committee of the California legislature advocated continued support of Chinese immigration. It reported that the 50,000 Chinese in the state paid almost \$14 million annually in taxes, licenses, duties, freights, and other charges, that their cheap labor would be of great value in developing the new industries of the state, and that trade with China should be fostered.<sup>7</sup> After the Civil War some Southern plantation owners seriously considered replacing their former slaves with Chinese labor.<sup>8</sup>

Drawing praise for their industry and abilities and for their willingness to accept lower wages, Chinese were considered almost indispensable. In 1857 at the Oregon constitutional convention, a nativist amendment to exclude Chinese failed principally because they made "good washers, good cooks, and good servants."<sup>9</sup> Chinese immigrants were regarded as less demanding and more dependable than other laborers. After all, they were escaping a rice shortage and the devastation of war, so they desperately needed work. Even the skeptical had their reasons for coming to see the usefulness of the Chinese. The Central Pacific Railroad, doubtful about Chinese ability to handle heavy construction but frustrated over the dependability of the native work force, decided nonetheless to hire them. They were available, placer mining was giving out, and they could be purchased for two-thirds the price of white workers. Eventually it was widely acknowledged that without the Chinese, it would have been impossible to complete the western portion of the transcontinental railroad in the time required by Congress.<sup>10</sup> By 1882

about 300,000 Chinese had entered and worked on the West Coast.<sup>11</sup>

Despite the official encouragement of importing Chinese labor, the Chinese who arrived soon encountered fierce racial animosity in the 1840's, as did miners from Mexico, South America, Hawaii, and even France.<sup>12</sup> Irish Roman Catholics in California, replicating the racial prejudice they had suffered on the East Coast, rallied against the brown, black, and yellow foreigners in the mines.<sup>13</sup> This racial prejudice, exacerbated by fear of competition from aliens, prompted calls for restrictive federal immigration laws.

In the meantime, control was also asserted over aliens by state and local laws. Responding to the demands of the Irish and German miners, California enacted a foreign miners' tax in 1850. The law, primarily directed at forcing Latinos out of the mines, required all persons who were not native-born (California Native Americans excepted) or who had not become citizens under the Treaty of Guadalupe Hidalgo to take out a license to mine at \$20 per month.<sup>14</sup> The law accomplished its aim of forcing out Latino miners, who refused to pay the exorbitant tax.

With the expulsion of many Latinos, the Chinese stood out as the largest body of foreigners in California, and in the West the full weight of prejudice fell upon them.<sup>15</sup> A new foreign miners' tax, this time directed at the Chinese, was enacted in 1852.<sup>16</sup> "Anti-coolie" clubs surfaced in the early 1850's, and sporadic boycotts of Chinese-made goods soon followed.<sup>17</sup> By 1853 anti-Chinese editorials were common in San Francisco newspapers. Statutes and ordinances like the 1858 Oregon law that required Chinese miners and merchants to obtain monthly, four-dollar licenses were not unusual.<sup>18</sup>

For a time this sentiment gained powerful political backing from the newly formed Know-Nothing party. Organized in the 1850's to exclude all foreign-born citizens from office, to discourage immigration, and to "keep America pure," the Know-Nothing party demanded a 21-year naturalization period.<sup>19</sup> On the East Coast it fought against Irish Catholic immigration, while on the West Coast the target was usually the Chinese.<sup>20</sup> But the voluntary enlistment of hundreds of thousands of immigrants (principally on the East Coast) into the Union armies led to the demise of the Know-Nothing party by 1870; the Civil War "completed the ruin of organized nativism by absorbing xenophobes and immigrants in a common cause."<sup>21</sup>

The demise of the Know-Nothing party notwithstanding, by the late 1860's the Chinese question became a major issue in California and

Oregon politics. Many white workers felt threatened by the competition they perceived from the Chinese, while many employers continued to seek them as inexpensive laborers and subservient domestics. Employment of Chinese by the Central Pacific Railroad was by this time at its peak. Anti-coolie clubs increased in number, and mob attacks against Chinese became frequent.<sup>23</sup> Seldom outdone in such matters, many newly organized labor unions were by then demanding legislation against Chinese immigration. Chinese were at once resented for their resourcefulness in turning a profit on abandoned mines and for their reputed frugality.<sup>24</sup> Much of this resentment was transformed into or sustained by a need to preserve "racial purity" and "Western civilization."<sup>25</sup>

The tension between a desire for Chinese labor and nativist resentment of Chinese immigrants is best captured by the commotion surrounding the 1868 Burlingame Treaty. The treaty between the United States and Chinese governments represents the high-water mark of official Chinese acceptance. China agreed to end its strict control over emigration and recognized the "inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens. . . ."<sup>26</sup>

The treaty was greeted with fanfare and delight. Enjoying the international prestige and eager for trade after the Civil War, Congress readily approved it. According to Secretary of State William Seward, the treaty would greatly benefit the United States: "The free emigration of the Chinese to the American [continent] is the essential element of trade and commerce [and] will tend to increase the wealth and strength of all Western nations; while at the same time, the removal of the surplus population of China will tend much to take away the obstructions which now impede the introduction into China of art, science [and] religion."<sup>27</sup>

In discussing the treaty many writers esteemed the cultural greatness of China. Some wrote of the "special destiny" connecting the United States, the youngest nation, with China, the most ancient one. Others stressed the cultural rewards that intermingling with the Middle Kingdom would bring, noting that at a time when our forebearers were "digging for roots in swamps and forests . . . , the Chinese were rich, civilized, fertile in poets, philosophers, economists, moralists, and statesmen."<sup>28</sup>

The salutary view toward China and its people reflected in the Burlingame Treaty, however, soon clashed head-on with rising anti-Chinese sentiment in California and the West. Eventually, the Sinophobic

sentiment prevailed, and the treaty's provisions for free emigration were overrun by a series of laws that first limited and then entirely excluded Chinese from the United States.<sup>29</sup> Only two years after the passage of the treaty and just months after the enactment of civil rights legislation responding in part to Chinese grievances,<sup>30</sup> Chinese immigrants were judged unworthy of citizenship. In amending the Nationality Act of 1790, which had limited citizenship through naturalization to "free white persons" (specifically excluding African Americans and Native Americans<sup>31</sup>), Congress in 1870 extended the right to naturalize to aliens of African descent.<sup>32</sup> But it deliberately denied Chinese that right because of their "undesirable qualities."<sup>33</sup>

Histories of these policies generally begin with the Chinese Exclusion Act of 1882, to the neglect of earlier federal laws (as well as the effect of local efforts) that discouraged immigration. The 1870 denial of the opportunity to naturalize was the first congressional step toward excluding Chinese and the first such limitation based on national origin beyond the subordination of African Americans. Another far less prominent statute enacted five years later proved to be equally pivotal.

Responding to law-enforcement claims that Chinese women were being imported for prostitution, Congress in 1875 passed legislation prohibiting their importation for immoral purposes.<sup>34</sup> In one case<sup>35</sup> Chinese women were disallowed entry on the ground that they were "lewd," though this action was overturned by the Supreme Court.<sup>36</sup> But the overzealous enforcement of the statute, commonly referred to as the Page Law, effectively barred Chinese women and further worsened an already imbalanced sex ratio among Chinese.<sup>37</sup>

The exclusion of prostitutes marked the beginning of direct federal regulation of immigration, though it did little to stem nationwide pressure for further significant curbs on Chinese immigration. In 1879 a measure was placed on the California ballot to determine public sentiment: 900 favored the Chinese, while 150,000 were opposed.<sup>38</sup> During the 1881 session of Congress, 25 anti-Chinese petitions were presented by a number of civic groups, like the Methodist Church and the New York Union League Corps, and from many states, including Alabama, Ohio, West Virginia, and Wisconsin.<sup>39</sup> The California legislature declared a legal holiday to facilitate anti-Chinese public rallies that attracted thousands of demonstrators.<sup>40</sup>

Responding to this national clamor, the 47th Congress enacted the Chinese Exclusion Act on May 6, 1882.<sup>41</sup> The law excluded laborers for

ten years, and effectively slammed the door on all Chinese immigration.<sup>24</sup> It did permit the entry of teachers, students, and merchants, but their quota was quite small. Immigrants were issued certificates of identity (issued under section 6 of the act) known as Section Six certificates.<sup>25</sup> Immigration officials tried to prohibit the reentry without such certificates of Chinese who were legal residents but who were out of the country temporarily at the time of the act's passage. The Supreme Court, however, ruled in *Chew Heong v. United States* (1884)<sup>26</sup> that a Chinese laborer not in possession of a certificate could reenter since he was lawfully in the country in 1880 when the United States and China modified the Burlingame Treaty.<sup>27</sup>

The act crippled the development of the Chinese American community because Chinese women were defined as laborers. Chinese laborers who had already immigrated therefore had no way to bring wives and families left behind. Chinese pleas for a different statutory interpretation were to no avail. Although men could reenter under *Chew Heong*, the Supreme Court denied laborers the right to have any spouse join them who had not been otherwise legally in the United States by 1880. As a result the only women permitted to enter were the wives of American-born Chinese and of a few merchants.<sup>28</sup> The ban on laborers' spouses effectively halted the immigration of Chinese women, thereby exacerbating the restraints imposed by the exclusion of women through expanded enforcement of the Page Law and preventing family formation for Chinese immigrants.<sup>29</sup>

Despite the pervasive anti-Chinese sentiment in the West that was heard and respected in the halls of Congress from 1875 to 1882, European immigration was encouraged. Except for the anti-Chinese legislation, exclusion laws focused on nonracial characteristics such as criminality, indigence, and mental disorders.<sup>30</sup> In spite of a depression from 1873 to 1877, Americans were confident in the country's ability to revive itself economically, and they "saw little reason to fear the influence of [European] foreigners."<sup>31</sup>

Leaders of the anti-Chinese movement, however, were not satisfied. They pressed for something beyond the ten-year exclusion period, using undisguisedly Sinophobic sentiments to protect white labor. They succeeded, over the next dozen years, through a series of treaties and new laws that led to an indefinite ban on Chinese immigration in 1904. Most notable among them for their increasingly clever techniques of and rationales for control were the Scott Act of 1888 and the Geary Act of 1892.

Overturning the Supreme Court's decision in *Chew Heong*, the Scott Act prohibited the entry of all Chinese laborers, including those who had left the United States temporarily with valid return certificates.<sup>32</sup> The constitutionality of the Scott Act was upheld in the Chinese Exclusion Case of 1889.<sup>33</sup> A Chinese lawful resident laborer had left the United States in 1887 to visit China holding a valid Section Six reentry certificate. While he was at sea, the Scott Act was passed; when his boat docked, the laborer was not permitted to reenter. The Supreme Court upheld his exclusion, ruling that Congress's power to regulate immigration was a matter of sovereignty. The Scott Act was held to be a constitutionally permissible protection against aggression by a foreign national.

Four years after the passage of the Scott Act, the exclusionists successfully pushed the Geary Act through Congress. Claiming that Chinese names and faces were all alike,<sup>34</sup> the nativists argued that a registration requirement was necessary to distinguish those legally in the United States prior to exclusion from those who might have been smuggled in afterward.<sup>35</sup> In the Geary Act, Congress readily acceded to the unprecedented demand for registration of all Chinese laborers with immigration officials, and the exclusion laws were extended for another ten years.<sup>36</sup> The Geary Act also denied bail to Chinese in habeas corpus proceedings and provided that, prior to deportation, any Chinese "not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor" for up to a year.<sup>37</sup> This final provision, however, was declared unconstitutional by the Supreme Court because it imposed a criminal penalty without trial.<sup>38</sup>

According to the Geary Act, those failing to register within a year were deportable. Many Chinese resisted registration on the grounds that it was unconstitutionally selective. But in *Fong Yue Ting v. United States* (1892), the Supreme Court concluded that the statute was a necessary extension of the power to exclude and expel aliens.<sup>39</sup> Lawful residents who violated the act's provisions might be deported, the Court observed, since as aliens they were permitted to remain only on sufferance. After the Court upheld the constitutionality of registration, the period for it was extended for six months, and a majority of Chinese did register. If the extension had not been granted, a mass deportation of Chinese could have resulted—something that California agriculture wanted to avert because Chinese labor was necessary for the expanding fruit industry.<sup>40</sup>

Two years after the passage of the Geary Act, the United States concluded an 1894 treaty with the crumbling Qing government in which China agreed to accept the act's provisions.<sup>58</sup> In exchange the United States revised the Scott Act to permit the return of any lawful resident laborer who had left temporarily, and who had a wife, child, or parent or who had property valued at \$1,000 in the United States.<sup>59</sup> But in 1904 when China declined to renew the treaty, Congress reenacted the Chinese exclusion laws indefinitely.<sup>60</sup>

The extension of the exclusion laws coincided with a shift in the national mood against immigrants. After another depression from 1883 to 1886 threatened the livelihood of the working class, many workers became convinced that immigration was a major problem, and they successfully lobbied state legislatures to exclude immigrants from certain types of jobs.<sup>61</sup> By the late 1880's Congress enacted labor laws and deportation provisions aimed at curtailing the practice of importing cheap foreign labor under contracts that were believed to depress the labor market.<sup>62</sup> Continued industrial depression in the 1890's fueled nativist movements almost until the end of the century.<sup>63</sup>

The 1904 legislation extending Chinese exclusion indefinitely marked the culmination of a thirty-year series of laws that, beginning with the 1875 act barring Chinese prostitutes, limited and then excluded Asian immigrants. Not until the alliance with China during World War II would Congress reconsider any aspect of those barriers. And not until 1905 would it substantially alter nearly a century of laws aimed at keeping the Chinese in check. The effects of these laws on Chinese immigrants and their communities are examined in Chapters 2 and 3.

The early history of Japanese immigration differs considerably from that of the Chinese mainly because of the strength of the restored Meiji government.<sup>64</sup> Unlike the decaying Qing dynasty (which fell in 1911), the Japanese government was able to negotiate mutually beneficial emigration treaties with the United States and to enforce its own emigration laws. That kind of stature left its imprint on the lives of immigrants in more than a few ways.

The Japanese opening to the West commenced with the arrival of Commodore Matthew Perry and four U.S. naval ships in Tokyo Bay in 1854. Perry forced the Japanese to sign the Treaty of Peace and Amity, in which Japan agreed to open its doors to foreign trade,<sup>65</sup> and which helped bring about the Meiji Restoration of 1868. In the decades that followed Japan rapidly emerged from centuries of feudalism and isolation

into modern industrialization and international commerce.<sup>66</sup> Yet, for a decade and a half the Meiji government, which was very protective of its citizens' interests abroad, continued to strictly regulate travel by students, bureaucrats, and statesmen.<sup>67</sup> Between 1860 and 1880, when almost 200,000 Chinese laborers came to the United States, the Japanese permitted only 335 emigrants.<sup>68</sup>

Not coincidentally, the first appreciable numbers entered at the height of the Chinese exclusion movement. Agricultural labor demands, particularly in Hawaii and California, led to increased efforts to attract Japanese workers after the exclusion of the Chinese.<sup>69</sup> In 1884, two years after the Chinese Exclusion Act, the Japanese government yielded to internal pressures to permit laborers to emigrate to work on Hawaiian sugar plantations.<sup>70</sup> The next year, in the midst of Meiji Japan's new-found interest in foreign lands, the Japanese Diet passed the country's first modern emigration law, allowing government-sponsored contract laborers to travel to Hawaii.<sup>71</sup>

Like the initial wave of Chinese immigrants, Japanese laborers were at first warmly received by employers. These young and healthy men were needed to perform the strenuous work on Hawaiian sugar plantations. So many of them came that the Japanese became the largest group of foreigners on the islands. Few came to the mainland, so little effective political pressure was incited to exclude them. In San Francisco in 1869 the new immigrants were described as "gentlemen of refinement and culture . . . [who] have brought their wives, children, and . . . new industries among us."<sup>72</sup> By 1894, the same year China was forced to accept the exclusionary provisions of the Geary Act, Japan and the United States reaffirmed their commitment to open travel, each promising the other's citizens "liberty to enter, travel, and reside" in the receiving country.<sup>73</sup>

This treaty applied only to Japanese citizens until Korea became a Japanese protectorate in 1905. The United States and Korea had entered into a Treaty of Amity and Trade in 1882, ending Korea's self-imposed isolation as the Hermit Kingdom.<sup>74</sup> Nonetheless, for twenty years there was no recorded Korean emigration.<sup>75</sup> The earliest Korean immigrants were 7,500 laborers who came to Hawaii between 1902 and 1905; only a few hundred of these went on to the Pacific coast of the mainland. But after Korea's protectorate status was formalized in 1905, Japan severely limited Korean emigration.<sup>76</sup>

By the turn of the century, unfavorable sentiment toward the Japanese grew as their laborers began to migrate to the western United States. After

Hawaii was annexed in 1898, the Japanese were able to use it as a stepping-stone to the mainland, where the majority engaged in agricultural work.<sup>49</sup> Economic competition with white farm workers soon erupted.<sup>50</sup>

Japanese agricultural workers were more financially independent than the Chinese. They were not fleeing abject poverty as much as deliberately pursuing alternative economic opportunities and higher wages.<sup>51</sup> They had survived a screening process in Japan required of prospective immigrants, which was aimed at ensuring that they were "healthy and literate."<sup>52</sup> They were determined not to submit to the constraints imposed by agricultural employers. Many intended to eventually become independent farmers, and menial work was regarded simply as a step toward something far better. They considered themselves the competent equals of white workers, with a right to make the most of their opportunities for success.<sup>53</sup>

The determination of the Japanese to secure their place in American society was greatly resented by a rising chorus of white workers. By the 1890's, when economic xenophobia was gaining greater acceptance on the East Coast, nativists with the backing of organized labor in California formed the Japanese and Korean Exclusion League (later renamed the Asiatic Exclusion League).<sup>54</sup> The league joined forces (and membership often overlapped) with smaller organizations such as the Anti-Jap Laundry League and the Anti-Japanese League of Alameda County.<sup>55</sup> In those California cities and agricultural communities where competition was most intense and conspicuous, immigrants encountered violence from whites who claimed that California would be "overrun" by Japanese.<sup>56</sup> Exclusion once again became a major political issue, only this time the Japanese were the target.<sup>57</sup>

After Japan's crushing victories over China in 1895 and Russia in 1905, policymakers viewed exclusion as a means of controlling a potential enemy. Many Americans had regarded Japan as an eager student at the knee of the United States.<sup>58</sup> But when the Japanese Navy defeated its Russian counterpart, American observers realized how much Japan had advanced since Commodore Perry's visit a half-century before and how powerful the "yellow" nation had become, signaling a turning point in relations between the United States and Japan.<sup>59</sup> America was so concerned about geo-political change that President Theodore Roosevelt helped negotiate the 1905 Treaty of Portsmouth which ended the Russo-Japanese War and ceded Korea to Japan as a protectorate. In 1910 Japan would possess Korea outright.<sup>60</sup>

In the wake of the 1906 San Francisco earthquake, fierce anti-Japanese rioting resulted in countless incidents of physical violence.<sup>61</sup> Japanese students in San Francisco were ordered to segregated schools—an act that incensed Japan and later proved to be a major stumbling block in negotiations over restrictions on Japanese laborers (the Gentlemen's Agreement).<sup>62</sup> Demands for limits on Japanese immigration resonated.

Japanese laborers were eventually restricted but not in conventional legislative fashion.<sup>63</sup> Japan's emergence as a major world power meant that the United States could not restrict Japanese immigration in the heavy-handed, self-serving fashion with which it had curtailed Chinese immigration. To do so would have offended an increasingly assertive Japan when the United States was concerned about keeping an open door to Japanese markets. To minimize potential disharmony between the two nations while retaining the initiative to control immigration, President Roosevelt negotiated an informal agreement with Japan.<sup>64</sup> Under the terms of the so-called Gentlemen's Agreement reached in 1907 and 1908, the Japanese government refrained from issuing travel documents to laborers destined for the United States.<sup>65</sup> In exchange for this severe but voluntary limitation, Japanese wives and children could be reunited with their husbands and fathers in the United States, and the San Francisco school board would be pressured into rescinding its segregation order.<sup>66</sup>

The reduction in Japanese immigration contrasted sharply with general immigration policies at the time. The first decade of the century actually witnessed expanded tolerance toward other immigrants because of the national economic recovery. This resulted in the largest influx ever, particularly of European immigrants (mostly southern and eastern).<sup>67</sup> (See the Figure in Introduction.) Exclusionists, of course, were not muzzled and the decade's record-setting influx was sufficient impetus for the convening of a special commission in 1907 to investigate the immigration system.<sup>68</sup>

Japan's growing military power in the Pacific tempered any congressional inclination to give in to calls for the total exclusion of Japanese immigrants. Concerned about its citizens abroad and now capable of demanding respect, Japan proved effective in countering the most zealous exclusionists' demands through vigorous efforts on behalf of Japanese Americans. Japan challenged the segregation in San Francisco and later complained formally to the federal government over the

passage of alien land laws in state legislatures. Since the Japanese believed that their nation had made much progress in its relations with Westerners, they remained appalled that their emigrants were viewed as "undesirable Asiatics."<sup>97</sup> Though there is little evidence that mainstream social and racial attitudes were any more tolerant of the Japanese than the Chinese, Congress remained unable to enact a set of Japanese exclusion laws that paralleled those for Chinese.<sup>98</sup>

Unlike the Chinese, the Japanese were able to keep their families intact. Since the wives and children of Japanese men in the United States could continue to enter, Japanese immigrants could marry and form families. And Japan bitterly resented the restrictions and fought to keep open the few family reunification channels that the agreement provided.<sup>99</sup>

But exclusionists continued their attack and found alternative means of discouraging newcomers. In addition to continued racial animosity, a sense of economic competition persisted. By the 1910's, Japanese immigrants using intensive farming techniques produced more than 10 percent of California produce while owning only 1 percent of its farmland.<sup>100</sup> So in 1913 the California legislature passed the Alien Land Law (later mimicked by other states<sup>101</sup>), which provided that "All aliens eligible to citizenship may acquire, possess, enjoy, transmit and inherit real property or any interest therein."<sup>102</sup> Since the Naturalization Act of 1870 denied Asians the right to become citizens, the Land Law precluded Japanese (who unsuccessfully challenged the naturalization preclusion)<sup>103</sup> from owning property. If they could not halt all immigrants at the border, exclusionists at least hoped to make life so difficult in the United States that none would want to come.

At the turn of the century, the United States was beginning its relationship with the Philippines as it was changing its view toward Japan. After the victory over Spain in 1898 in the Spanish-American War, President McKinley concluded that the people of the Philippines, then a Spanish colony, were "unfit for self-government" and that "there was nothing left for [the United States] to do but to take them all, and to educate the Filipinos, and uplift and civilize and Christianize them."<sup>104</sup> The takeover met with violent resistance from many Filipinos who had yearned for independence from colonial domination.<sup>105</sup>

If becoming a United States colony had a positive side, it was that Filipinos automatically became noncitizen nationals of the United States. They could travel without regard to immigration laws, they were not subject to exclusion or deportation, and requirements for obtaining

full citizenship were relaxed.<sup>106</sup> Yet fewer than three thousand Filipinos, most of them farm workers in Hawaii, had immigrated by 1910.<sup>107</sup> Not until appreciable numbers came in after World War I (when Chinese and Japanese workers could no longer be recruited) did exclusionary efforts against them begin.

The advent of the twentieth century witnessed the entry of other Asians, such as Asian Indians, but in even smaller numbers. Even though those seeking trade were among some of the earliest migrants to the United States, Indians had insignificant contacts with this country during the nineteenth century. The poorer workers among them found labor opportunities in British colonies.<sup>108</sup> Furthermore, the voyage to America from India was longer, more complicated, and more expensive.<sup>109</sup> The few thousand who immigrated, most of them men, settled primarily in California, and most of them found agricultural jobs.<sup>110</sup> Their families remained in India while husbands and fathers worked to earn money to send for them or to return. A small number of more educated Indians also entered, bringing the total number of arrivals from 1881 to 1917 to only about seven thousand.<sup>111</sup>

Even small numbers of Asian Indians managed to agitate the Asiatic Exclusion League, which had sprung up in response to Japanese and Korean immigration.<sup>112</sup> Racial and economic nativism was again at the core of the agitation.<sup>113</sup> Asian Indians competed for agricultural jobs and were willing to work for lower wages in other jobs,<sup>114</sup> so nativists used violence to force them out of local jobs.<sup>115</sup> Not satisfied with making life in the United States miserable and even dangerous, exclusionists also persuaded federal immigration authorities to block their entry. Although about two thousand Asian Indians immigrated from 1911 to 1917, more than seventeen hundred were denied entry during the same period, mostly on the grounds that they would need public assistance.<sup>116</sup> The California commissioner of state labor statistics concluded that the "Hindu is the most undesirable immigrant in the state. His lack of personal cleanliness, his low morals and his blind adherence to theories and teachings, so entirely repugnant to American principles, make him unfit for association with American people."<sup>117</sup>

Like the Chinese and Japanese before them, Indians sought to have laws discriminating against them overturned by the courts. Lower federal courts had granted them the right to naturalize on the grounds that they were Caucasians and thus eligible "white persons" under the naturalization legislation of 1790 and 1870.<sup>118</sup>

But in *United States v. Bhagat Singh Thind* (1923),<sup>131</sup> the Court reversed its racial stance, deciding that Indians, like Japanese, would no longer be considered white persons, and were therefore ineligible to become naturalized citizens. Naturalization certificates previously granted were subject to cancellation,<sup>132</sup> and Indians fell under the harsh Alien Land Laws.<sup>133</sup>

Strict control of Chinese and Japanese immigration had done little to satisfy the demands of American nativists. They insisted that Asians were racially inferior to whites and should be completely barred. One California legislator called for amending immigration laws so that instead of merely excluding all those "ineligible to citizenship," they would exclude "Hindus and all persons of the Mongolian or yellow race, the brown race or the African race." The United States Immigration Commission defined any native of India as Hindu, and the term was often misused to describe all Indians.<sup>134</sup>

Congress responded to this anti-Asian clamor and a renewed xenophobia aroused by the influx of southern and eastern Europeans by passing the Act of February 5, 1917. The constant flow of Italians, Russians, and Hungarians, which peaked in the first decade of the century, fueled racial nativism and anti-Catholicism, culminating in a controversial requirement that excluded aliens "who cannot read and understand some language or dialect."<sup>135</sup> But the act also created the "Asiatic barred zone" by extending the Chinese exclusion laws to all other Asians.<sup>136</sup> The zone covered South Asia from Arabia to Indochina, as well as the adjacent islands. It included India, Burma, Thailand, the Malay States, the East Indian Islands, Asiatic Russia, the Polynesian Islands, and parts of Arabia and Afghanistan. China and Japan did not have to be included because of the Chinese exclusion laws and the Gentlemen's Agreement. But together these provisions declared inadmissible all Asians except teachers, merchants, and students. Only Filipinos and Guamanians, under U.S. jurisdiction at the time, were not included.

The reactionary, isolationist political climate that followed World War I, manifested in the Red Scare of 1919-20, led to even greater exclusionist demands. The landmark Immigration Act of 1924,<sup>137</sup> opposed by only six senators, once again took direct aim at southern and eastern Europeans, whom the Protestant majority in the United States viewed with dogmatic disapproval.<sup>138</sup> The arguments advanced in support of the bill stressed recurring themes: the racial superiority of Anglo-Saxons, the fact that immigrants would cause the lowering of wages, and the

unassimilability of foreigners, while citing the usual threats to the nation's social unity and order posed by immigration.<sup>139</sup>

The act restructured criteria for admission to respond to nativist demands and represented a general selection policy that remained in place until 1952. It provided that immigrants of any particular country be limited to 2 percent of their nationality in 1890. The law struck most deeply at Jews, Italians, Slavs, and Greeks, who had immigrated in great numbers after 1890, and who would be most disfavored by such a quota system.<sup>140</sup>

Though sponsors of the act were primarily concerned with limiting immigration from southern and eastern Europe, they simultaneously eliminated the few remaining categories for Asians. The act provided for the permanent exclusion of any "alien ineligible to citizenship."<sup>141</sup> Since Asians were barred from naturalization under the 1870 statute, the possibility of their entry was cut off indefinitely. The prohibition even included previously privileged merchants, teachers, and students. Asians were not allowed even under the 2 percent quota rule. The primary target were the Japanese, who, while subject to the Gentlemen's Agreement, had never been totally barred by federal immigration law until then.<sup>142</sup>

The only Asians not affected by the 1924 Act were Filipinos, who remained exempt as nationals and who by then had settled into a familiar pattern of migration. Before 1920 a few resided mostly in Hawaii; their presence on the islands helped establish conditions later conducive to a more substantial labor migration.<sup>143</sup> They became a convenient source of cheap labor after Japanese immigration was restricted in 1908.<sup>144</sup> Just as the Chinese exclusion law had encouraged employers to look to Japan, so the limitations on Japanese immigrants led to an intense recruitment, especially by the Hawaiian Sugar Planters' Association, of Filipino laborers because of their open travel status as noncitizen nationals.<sup>145</sup>

Growers thought Filipinos (like Mexicans on the mainland) were well-suited to "stoop" labor and were not as aggressive as Japanese or as enterprising as Chinese. They were praised as especially hardworking, submissive, and reliable—praise that ironically rooted itself in well-entrenched racist sentiment.<sup>146</sup> Despite the arduousness of the work in the sugar and pineapple industries, the steady pay lured many Filipino laborers (most of whom came from the Ilocos region and other economically underdeveloped areas of the Philippines populated by

poor peasants and farm workers) who could not earn comparable wages in their home country.<sup>137</sup>

By the late 1920's, Filipino laborers began to look beyond Hawaii where the demand for their labor was shrinking to the mainland where the need for cheap labor, especially in agriculture, was growing.<sup>138</sup> Many left Hawaii partly in response to employers' recruitment efforts. Most Filipinos who had come to the mainland previously had been students.<sup>139</sup> But in the late 1920's, laborers came to California predominantly to work on citrus and vegetable farms.<sup>140</sup>

Filipino laborers differed significantly from those from Japan, China, and India. They were Catholics and had been exposed to American culture in their schooling.<sup>141</sup> They entered as wards of the United States and were free to come and go. Because of their special status, they often considered themselves American in important respects. Still, on their arrival familiar cycles of rejection quickly surfaced, much to their consternation. They were met with acceptance by eager employers and then, almost immediately, resentment from white workers, particularly as their numbers increased on the mainland in the late 1920's.<sup>142</sup>

One strain of American thought regarded Filipinos as "savages."<sup>143</sup> The 1904 St. Louis Exposition had featured certain Philippine tribes that practiced head-hunting. Returning American missionaries described "shocking" practices.<sup>144</sup> The paternalistic view was that Filipinos depended on the United States to help them develop socially and culturally; after all, they had "never produced a great teacher, priest, business man, or statesman."<sup>145</sup> Nevertheless, most white racism directed at Filipino laborers sprang, perhaps paradoxically, not so much from tabloid impressions but more from the immigrants' success at acculturation. They were resented largely for their ability to get jobs and even for their contact with white women.<sup>146</sup> In many respects they were perceived as a greater threat to white laborers than their Chinese and Japanese predecessors had been.

To white workers in California the privileged immigration status of Filipinos did not change the fact that they were an economic threat who had the physical characteristics of Asiatics. They were just another undesirable Asian race who seemed to be taking over white jobs and lowering standards for their wages and working conditions. As it had toward Chinese and Japanese, white resentment of Filipinos soon boiled over into violence, and numerous anti-Filipino outbursts erupted in California between 1929 and 1934.<sup>147</sup> Their strong concentration in agri-

culture made them visible and competitive (of the 45,000 reported on the mainland in 1930, about 82 percent were farm laborers<sup>148</sup>) especially during the severe unemployment of the Great Depression. Since Filipinos were often on the bottom of the economic ladder, the depression struck them particularly hard.<sup>149</sup> Exclusionists suggested that the United States ought to "repatriate" unemployed Filipino workers, for their own benefit as well as for that of the United States.<sup>150</sup>

Calls for the exclusion of Filipino workers were warmly received in Congress, which welcomed any seemingly uncomplicated proposal that promised relief for the depression's high unemployment.<sup>151</sup> For policymakers, however, dealing with anti-Filipino agitation was not as simple as responding to earlier anti-Chinese, anti-Asian Indian, and even anti-Japanese campaigns. They could travel legally, so until the Philippines was granted independence, Congress could not exclude Filipinos.

An unlikely coalition of exclusionists, anti-colonialists, and Filipino nationalists managed to band together to promote the passage of the Tydings-McDuffie Act in 1934.<sup>152</sup> Many of the exclusionists had initially wished to keep the Philippines, but they soon realized that to exclude Filipino laborers they had to support Filipino nationalists and anti-colonialists and grant the nation its freedom.<sup>153</sup> Independence and exclusion became so intertwined that the former was often used as a motive for the latter.<sup>154</sup>

Tydings-McDuffie was everything exclusionists could hope for. When their nation would become independent on July 4, 1946, Filipinos would lose their status as nationals of the United States, regardless of where they lived.<sup>155</sup> Those in the United States would be deported unless they became immigrants. Between 1934 and 1946, however, any Filipino who desired to immigrate became subject to the immigration acts of 1917 and 1924, and the Philippines was considered a separate country with an annual quota of only 50 visas.<sup>156</sup> This was an especially bitter pill for Filipinos to swallow. After first being stripped of their noncitizen national status, they now were given half the minimum quota that the 1924 act had established for all other non-Asian nationalities.<sup>157</sup> And the Supreme Court had made it clear in 1925 that, like Japanese and Asian Indians, Filipinos were not "free white persons" eligible for naturalization.<sup>158</sup>

The passage of Tydings-McDuffie, the last congressional act excluding immigration from Asia, signaled the formal end of an era. The refusal to extend Asians the right to naturalize, the laws against the Chinese, the Gentlemen's Agreement with Japan, the 1917 and 1924

immigration acts, and Tydings-McDuffie were the legacy of the schizophrenic attempt by Congress to satisfy economic ambitions and nativist demands. These exclusion laws remained in full force throughout the 1930's and much of the 1940's, and in many ways symbolized the peak of anti-immigrant power.

### Changes for World War II Allies and the Postwar Era

World War II brought about the first cracks in the wall of Asian exclusion. Although liberal congressional forces had for years advocated the repeal of Chinese exclusion on grounds of international equity,<sup>159</sup> not until the United States and China became allies against the Japanese during the war did Congress agree to repeal some aspects of the exclusion laws. Japan had been successfully exploiting Asian exclusion in its wartime propaganda, and Congress felt compelled to respond to the charges that it was discriminating against the citizens of an ally.<sup>160</sup> Despite stiff opposition from the American Federation of Labor and from some veterans' groups, Congress in 1943 passed the Chinese Repealer.<sup>161</sup> For the first time it allowed Chinese to naturalize and become American citizens; it also struck from the books most of the Chinese exclusion laws.<sup>162</sup> However, the Repealer by no means flung open the door to Chinese immigration since Chinese or "persons of Chinese descent" were allotted a yearly quota of only 105 immigrants under the law.<sup>163</sup>

Three years later, however, Congress extended nonquota immigration status to Chinese wives of citizens.<sup>164</sup> Admitting these Chinese women without regard to the annual quota of 105, while not resulting in a huge influx immediately, was important because it reversed the longstanding practice of excluding Chinese women. For 70 years after the 1875 Page Law excluding prostitutes, Chinese women had been systematically barred from entering and joining Chinese men to form families here. Now citizens could petition for their spouses to come join them and form families.

A month before, on July 2, 1946, two days before the Philippines regained independence under Tydings-McDuffie, Congress also extended naturalization rights to Filipinos and Indians.<sup>165</sup> It also established immigration quotas of 100 for each country and extended nonquota status to Filipino and Indian spouses and children of citizens. The legislation was

actually introduced to strengthen ties with India, which during World War II the United States began to regard as a prominent political and military force and as a potentially valuable ally. Many Indian journalists, propagandists, and politicians came to the United States during and after the war to win American support for their independence movement. After India won independence in 1946 and the two countries grew closer, the relaxation of exclusion became important to their new alliance.<sup>166</sup> Although the legislation was originally intended to benefit only nationals of India, the Philippines were added at the last minute for similar political reasons.<sup>167</sup> In 1942 Filipinos who joined the armed forces in the Pacific were extended citizenship opportunities.<sup>168</sup>

Despite postwar liberalization and a growing antipathy toward quotas, Japan and Korea, which had gained its independence from Japan in 1945, remained subject to the 1924 limit. Anti-Asian sentiment lingered because the impetus for positive changes affecting Chinese, Filipinos, and Asian Indians had been largely political.<sup>169</sup> The nativist ideology of the 1924 law gave little ground in the 1940's. Exceptions were made only for unique, war-related legislation such as the War Brides Act<sup>170</sup> and the Fiancées Act<sup>171</sup> for relatives of U.S. servicemen and the humanitarian Displaced Persons Act for refugees.<sup>172</sup> But the biases of the 1924 act came under heavy fire after the war, especially when the United States assumed leadership at the United Nations and other international organizations. The ideological Cold War between capitalism and communism made the United States acutely conscious of how its domestic policies, including immigration, were perceived abroad.

Nine years after the Chinese Repealer, following considerable study,<sup>173</sup> Congress enacted the McCarran-Walter (Immigration and Nationality) Act of 1952.<sup>174</sup> But in spite of the increasing resistance in some quarters to the racist quota system, the quotas were retained. The sentiment that carried the day was riddled with postwar anxieties about enemy aliens and divided loyalties. The new law actually broadened the definition of subversives and expanded the categories of excludable and deportable aliens.<sup>175</sup>

Yet the new act also provided immigration rights for other Asian nationalities similar to those recently afforded the Chinese. Foremost for Asians, however, was the removal of the prohibition on their naturalization. This effectively eliminated the 1924 Act's "ineligible for citizenship" barrier and allowed Congress to have a positive impact on international relations in the Far East (including Japan).<sup>176</sup> But although it abolished

the 1917 act's Asiatic barred zone, the law created a new restrictive zone—the Asia-Pacific triangle—that consisted of countries from India to Japan and all Pacific islands north of Australia and New Zealand. A maximum of two thousand Asians from this new triangle were allowed to immigrate annually.<sup>177</sup> Small quotas were set for each of the nineteen countries in the area.<sup>178</sup>

One feature of the Asia-Pacific triangle bears special mention, for it reveals how Congress, while ostensibly striving to eliminate racial exclusion from immigration laws, still inserted a provision prejudiced against aliens of Asian origin. Generally, under the 1952 act, a quota immigrant's visa was charged against the country of his or her place of birth regardless of ethnic background or citizenship.<sup>179</sup> A person born in Great Britain of a Russian father and a Norwegian mother, for example, would be charged to the quota for Great Britain. An important exception was made for persons at least half of whose ethnic ancestry could be traced to one of the nineteen nations arbitrarily placed in the triangle.<sup>180</sup> Such a person would have to come under the triangle quota regardless of birthplace. So, whether born in Great Britain to a British father and a Japanese mother, he or she would be charged to the quota for Japan even though his or her mother and family had resided in Britain for several generations and were all British citizens.<sup>181</sup>

The 1952 Immigration and Nationality Act thus ended the absolute exclusion of Asians, but retained control over how many might enter. Though it was symbolically important domestically and abroad, the act did little for Asian immigrants. It certainly provided no affirmative remedy for the decades of exclusion they suffered. Rather, the act demonstrated the consistent desire of Congress to keep Asian immigration tightly in check. Once again Congress proved schizophrenic. Foreign policy dictated an end to absolute exclusion, but exclusionist ideology at home would not permit immigration beyond the token quota of two thousand immigrants a year from the entire Asia-Pacific region.

### 1965: A Different Attitude and a New Order

The national-origins quota system continued to exasperate many observers, including President Truman, who vetoed the 1952 legislation largely due to its failure to repudiate the quota system.<sup>182</sup> Many felt the system perpetuated the philosophy that "some people are more equal

than others," and they pointed to the creation of the Asia-Pacific triangle as evidence.<sup>183</sup> Congress, however, overrode Truman's veto,<sup>184</sup> and critics were resigned to cite the law as an embarrassment that was inconsistent with our stature as leader of the free world.<sup>185</sup>

Truman and other critics did not relent. Soon after the enactment of the 1952 law, he appointed a special Commission on Immigration and Naturalization to study the system.<sup>186</sup> A 319-page report issued in 1953 strongly urged the abolition of the national-origins system and recommended quotas without regard to national origin, race, creed, or color.<sup>187</sup> President Eisenhower embraced the findings, but his push for corrective legislation failed.<sup>188</sup> Despite repeated attempts at new legislation, no major action was taken on any of the commission's recommendations until more than ten years later.<sup>189</sup>

After years of unsuccessful efforts by Truman and Eisenhower to eliminate the quota system, President Kennedy submitted a comprehensive program that provided the impetus for ultimate reform.<sup>190</sup> His proposals reflected his long-standing interest in immigration reform.<sup>191</sup> Kennedy called for the repeal of racial exclusion from the Asia-Pacific triangle,<sup>192</sup> and he assailed the nativism that led to the Chinese exclusion laws as well as the national-origins system of the 1924 law.<sup>193</sup> President Kennedy envisioned a system governed by the skills of the immigrant and family reunification. For him, the proposed changes meant both an increase in fairness to applicants and in benefits to the United States. His approach recognized the interdependence among nations, making the old system appear anachronistic.<sup>194</sup>

Although Kennedy's global vision was not without its detractors,<sup>195</sup> it remained the driving theme for the proponents of reform for whom repeal of the Asia-Pacific triangle was only one aspect of the more open movement across international borders, in which the United States would stand both as a leader and as an example. Their high rhetoric was meant to evoke a romantic allegiance to the highest sort of aspirations. People were supposed to feel as if they could transcend the world in which they were living.

This vision was apparently so mesmerizing that little attention was paid to what, if any, impact the reforms might have on Asian American communities. Its proponents, who included President Johnson, simply did not expect that many Asians would actually take advantage of the reforms.<sup>196</sup> Attorney General Robert Kennedy estimated that perhaps only five thousand immigrants from the Asia-Pacific region might

immigrate in the first year, but he expected no "great influx after that."<sup>19</sup> He thought that the most important impact would be on Greece, Italy, and Portugal.<sup>20</sup> His brother and Senate floor manager of the reforms, Senator Edward Kennedy, said "the ethnic mix of this country [would] not be upset" and that the reform would "not inundate America with immigrants from any one country or [from] the most populated and economically deprived nations of Africa and Asia."<sup>21</sup> Johnson, who was critical of the Asia-Pacific triangle in his 1964 State of the Union address, usually emphasized the corrective nature of the law for southern and eastern European immigrants without reference to Asian immigration.<sup>22</sup> Even Asian community leaders saw the reforms as more symbolic than remedial.<sup>23</sup> In fact, much of the critical support for the legislation came as much from those who perceived it as aiding the national economy because of the skills and training brought by immigrants as from those who sought the elimination of the racial discrimination that had burdened nonwhite immigrants for a century.<sup>24</sup> For the time being, however, nativism was quieted, since the legislation was debated at the height of congressional sensitivity over civil rights.

President Kennedy's hopes for abolishing the quota system were realized when the 1965 amendments were enacted. But his vision of visas on a first-come, first-served basis gave way to a narrower and more historically parochial framework that provided few, if any, obvious advantages for prospective Asian immigrants. The new law allowed twenty thousand immigrant visas for every country not in the Western Hemisphere.<sup>25</sup> The allotment was made regardless of the size of a country, so that mainland China had the same quota as Tunisia. Of the 170,000 visas set aside for the Eastern Hemisphere, 75 percent were for specified "preference" relatives of citizens and lawful permanent residents, and an unlimited number was available to immediate relatives of United States citizens.<sup>26</sup> (Appendix B explains the immediate-relative category and preference system.)

Except for a new refugee category that some Chinese might be able to use, the new provisions were not expected to bolster Asian immigration. Since most of the visas were reserved for family reunification, policymakers believed that countries of Asia (and Africa), with low rates of immigration prior to 1965, might in fact be handicapped, since their smaller numbers presumably meant there were fewer people here who had relatives there.<sup>26</sup>

Two occupational preference categories and a nonpreference cate-

gory were also established. The occupational categories helped professionals and other aliens who filled jobs for which qualified U.S. workers were not available.<sup>27</sup> Under the nonpreference category,<sup>28</sup> an alien who invested \$40,000 in a business could qualify for immigration to the United States.<sup>29</sup> While observers knew that these categories would open the door for more professionals and investors,<sup>30</sup> Asians did not hold a particular advantage over other nationalities.

A few Chinese were expected to take advantage of a new refugee category that reflected a sense of international responsibility by the United States. The "seventh preference" favored persons fleeing a Communist or Communist-dominated country.<sup>31</sup> The potential benefit of this provision to Chinese who had fled mainland China after 1949 was obvious, but an annual worldwide limitation of 10,200 for the entire category limited its usefulness. Large numbers from one particular country would be unable to take advantage of this category because the annual allotment had to be shared with nationals of other Communist-dominated, as well as Middle Eastern, countries.<sup>32</sup>

A colonial quota also limited potential Asian immigration, particularly for Chinese from Hong Kong. Although each sovereign country had its own annual twenty thousand visas under the new system, colonies or other dependent areas of a foreign state were provided individual allotments of only two hundred each year.<sup>33</sup> Hong Kong and Macao were severely affected by this limitation.<sup>34</sup> Since visas would be charged to the place of birth, anyone born in such an area would be subject to the colonial quota of two hundred.<sup>35</sup>

## Conclusion

Prior to the various exclusion laws, no federal statutes sought to bar Asian immigration or to control Asian American communities. The main impediments to the development of the communities had been the emigration restrictions of certain Asian governments and the threat of anti-Asian violence and local statutory discrimination in the United States. As xenophobia and nativism heightened and as the control of each particular group seemed inevitably to slip, federal legislators responded with an ensemble of laws aimed fundamentally at keeping Asian immigration in check. From 1875 to 1934 exclusionists were able to wage successful attacks through immigration legislation on Chinese,

Japanese, Koreans, Asian Indians, and Filipinos. The attacks were mean-spirited, and the resulting laws were malevolent. The communities were expected to suffer. Only after wartime alliances had formed in the 1940's did the exclusionary policies even begin to erode.

When more global visions of international relations became popular in the 1960's, what remained of the Asian exclusion laws simply were eliminated as one aspect of a large makeover. The United States needed to repeal the pernicious national-origins quota system, which had tarnished its image in the eyes of the world. For a while at least, xenophobic impulses were suppressed. The potential effect of such reforms on Asian American communities, however, were either disregarded or underestimated.

## CHAPTER TWO

### The Communities' Responses: Asian America Prior to 1965

Immigration law took general aim at Asian social, economic, and political life in the United States, but no one ever knew precisely how demographics were being affected. The exclusion of Chinese women and the denial of the franchise were presumed to hit their mark, yet policymakers, scholars, journalists, and activists never bothered to examine any Asian American community in detail. If anyone ever realized just how little was understood, perhaps they took comfort in the belief that the United States could always exclude any Asians it could not otherwise control.

Today a close study reveals that, whether entirely anticipated or not, immigration laws and policies did play a highly influential role in the making and remaking of pre-1965 Chinese, Japanese, and Filipino American communities. In many ways, the United States drive to control proved to be as effective as it was ferocious. Family structure, vocational ambitions, economic achievements, residential patterns, political status, and community size all reflect the imprint of decades of strong