

**EARLY CHINESE IMMIGRATION  
AND  
THE PROCESS OF EXCLUSION**

**A UNIT OF STUDY FOR GRADES 8-12**

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## INTRODUCTION

### APPROACH AND RATIONALE

The National Center for History in the Schools (NCHS) and the Organization of American Historians (OAH) have developed the following collection of lessons for teaching with primary sources. They represent specific “dramatic episodes” in history from which you and your students can pause to delve into the deeper meanings of selected landmark events and explore their wider context in the great historical narrative. By studying a crucial turning-point in history, the student becomes aware that choices had to be made by real human beings, that those decisions were the result of specific factors, and that they set in motion a series of historical consequences. We have selected dramatic moments that best bring alive that decision-making process. We hope that through this approach, your students will realize that history is an ongoing, open-ended process, and that the decisions they make today create the conditions of tomorrow’s history.

Our teaching units are based on **primary sources**, taken from documents, artifacts, journals, diaries, newspapers and literature from the period under study. What we hope to achieve using primary source documents in these lessons is to remove the distance that students feel from historical events and to connect them more intimately with the past. In this way we hope to recreate for your students a sense of “being there,” a sense of seeing history through the eyes of the very people who were making decisions. This will help your students develop historical empathy, to realize that history is not an impersonal process divorced from real people like themselves. At the same time, by analyzing primary sources, students will actually practice the historian’s craft, discovering for themselves how to analyze evidence, establish a valid interpretation and construct a coherent narrative in which all the relevant factors play a part.

### CONTENT AND ORGANIZATION

Within this unit, you will find: Teacher Background Materials, including Unit Overview, Unit Context, Correlation to the National Standards for United States History, Unit Objectives, and Lesson Plans with Student Resources. This unit, as we have said above, focuses on certain key moments in time and should be used as a supplement to your customary course materials. Although these lessons are recommended for grades 8-12, they can be adapted for other grade levels.

The Teacher Background section should provide you with a good overview of the entire unit and with the historical information and context necessary to link the specific dramatic episode to the larger historical narrative. You may con-

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sult it for your own use, and you may choose to share it with students if they are of a sufficient grade level to understand the materials.

The Lesson Plans include a variety of ideas and approaches for the teacher which can be elaborated upon or cut as you see the need. These lesson plans contain student resources which accompany each lesson. The resources consist of primary source documents, any hand-outs or student background materials, and a bibliography.

In our series of teaching units, each collection can be taught in several ways. You can teach all of the lessons offered on any given topic, or you can select and adapt the ones that best support your particular course needs. We have not attempted to be comprehensive or prescriptive in our offerings, but rather to give you an array of enticing possibilities for in-depth study, at varying grade levels. We hope that you will find the lesson plans exciting and stimulating for your classes. We also hope that your students will never again see history as a boring sweep of inevitable facts and meaningless dates but rather as an endless treasure of real life stories and an exercise in analysis and reconstruction.

## TEACHER BACKGROUND MATERIALS

### I. UNIT OVERVIEW

With the advent of the California Gold Rush and the subsequent construction of the Transcontinental Railroad, thousands of Chinese ventured to America's shores looking for the promise of wealth and good fortune. Leaving China at a time of great turmoil and despair, these mainly young male peasants and laborers risked their lives in hopes of reaching the Gold Mountain.

In 1860, there were almost 35,000 Chinese immigrants in the U.S., mostly on the West Coast, working in the mines, on the railroads, fishing and running laundries. By 1870, that number almost doubled, and by 1880, there were over 100,000. Immigrating to the U.S. was a choice many had made long ago. Generations before, immigrants from primarily northern and western Europe arrived in the U.S. and eventually assimilated into American society. The experience of Chinese immigrants however did not follow the more typical pattern of immigration. Instead, they were caught in a peculiar cycle of exclusion.

By 1882, in response to growing anti-Chinese sentiment and after much heated debate, Congress passed the Chinese Exclusion Act, the country's first immigration act which was designed to deny entrance on racial and class bases. The passage of this Act forced many Americans to question and redefine their ideas about citizenship, race relations, and what it means to be an "American". Historians can hear the voices of those who supported and opposed exclusion and learn more about how Chinese immigrants, despite exclusion, struggled to assimilate.

### II. UNIT CONTEXT

As teachers and students explore the political, economic and social dynamics of the late nineteenth century, they have an opportunity to use these lessons to understand how "massive immigration after 1870 and new social patterns, conflicts, and ideas of national unity developed amid growing cultural diversity."<sup>1</sup> This unit integrates the teaching of Chinese American history into the American chronology and challenges teachers and students to develop a more complex understanding of the development of the industrial United States.

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<sup>1</sup> *National Standards for United States History, Basic Edition* (UCLA: National Center for History in the Schools), p. 106.

### III. CORRELATION WITH THE NATIONAL STANDARDS FOR UNITED STATES HISTORY

Specifically designed to accompany **Standard 2A** and **2B, Era 6**, in the *National Standards for United States History, Basic Edition*, students should be able to demonstrate an understanding of the experiences of early Chinese immigrants in a larger historical context by “analyzing the arguments and methods by which [the Chinese] sought to acquire equal rights and opportunities.”<sup>2</sup> Using statistics, legislation, and personal letters, students will have an opportunity to examine the challenges that early Chinese immigrants had to overcome in order to make a significant contribution to the industrial development of late nineteenth-century America. Using political cartoons, students will learn how to interpret visual material to see how early Chinese immigrants were depicted as a racial and economic threat in the popular press of the late 1800s. Students will also have the opportunity to read translated works of early Chinese immigrants who describe their experiences on Gold Mountain, interacting with “foreign devils.” Poems and letters express the hopes and dreams of these immigrants as well as their shock and frustration at their treatment. Each of the documents selected will give students the opportunity to explore the historical context of popular sentiment and local and national policy that isolated and excluded early Chinese immigrants from the mainstream.

Primary and secondary source material in this unit can compliment the use of most U.S. history textbooks. For instance, if teachers and students are reading a chapter on industrialization and immigration after 1870, this unit can help students further explore issues of citizenship and race relations, and to examine the growth of the anti-Chinese movement in this context.

### IV. UNIT LEARNING OBJECTIVES

- 1 To identify the obstacles, opportunities, and contributions of early Chinese immigrants.
- 2 To examine the gradual economic, social, and political exclusion of early Chinese immigrants.
- 3 To analyze the arguments and methods by which early Chinese immigrants sought to acquire equal rights and opportunities.
- 4 To use primary sources in the investigation and analysis of historical issues.

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<sup>2</sup> Standards, p. 106.

## V. HISTORICAL BACKGROUND OF EARLY CHINESE IMMIGRATION AND THE PROCESS OF EXCLUSION

From the period of Reconstruction to the end of the nineteenth century, Americans witnessed a period of unprecedented industrial expansion, immigration, and urbanization. As thousands streamed westward in search of gold and better lives, they could hardly keep up with such a rapidly changing society. During this time, manufacturing replaced agriculture as the country's leading source of economic growth. Twelve new states entered the Union, and over 13 million immigrants joined a population that more than doubled. Landscapes changed, people changed, cultures changed.

In the midst of all these changes were the early Chinese immigrants, totaling not more than two percent of the immigrant population, who arrived with their gold mountain dreams. Pioneers of their time, these young, mostly single men left a southern China that was war-torn and poverty-stricken. They defied their government as they and their families saved enough to send perhaps one son to Gum Saan<sup>3</sup>. Some chose to sign a contract which promised a steady wage in return for safe passage; others may have been lucky enough to leave as merchants, with the emperor's blessing and confident in their abilities to take advantage of the American desire for Chinese goods. In any case, these young men left their homes in hopes of making it rich in a faraway land.<sup>4</sup>

At first, these early Chinese immigrants found plenty of work. Industries were growing, the economy was booming, and cheap labor was in high demand. Many started out in mining. In Washington and California, Chinese miners made up 25 percent of the mining population, while in Oregon and Idaho they comprised nearly 60 percent.<sup>5</sup> Although the Chinese made a tremendous contribution in extracting much needed minerals, their presence was not always appreciated. For instance, in 1852, California passed a new foreign miners' tax that discriminated against the Chinese, Mexican and other immigrants. By 1858, Oregon required Chinese miners to purchase monthly licenses.<sup>6</sup> Both of these measures were intended to harass and discourage Chinese miners from staying in the industry. While a few were able to make "modest 'fortunes' serving the Gold Rush . . . most found only back-breaking toil, poverty, and too often, death."<sup>7</sup> By the 1860s, most of the mines had been depleted, and the Chinese had to look for work elsewhere.

<sup>3</sup> Cantonese for Gold Mountain.

<sup>4</sup> For more information about why the Chinese left China, see Jack Chen's *The Chinese in America* (New York: Harper & Row, 1981).

<sup>5</sup> Chen, p. 51.

<sup>6</sup> Bill Ong Hing, *Making and Remaking Asian America Through Immigration Policy, 1850-1990* (Stanford: Stanford University Press, 1993), p. 21.

<sup>7</sup> Chen, p. 53.



## *TEACHER BACKGROUND MATERIALS*

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As the availability of work in the mines started to wane, the Chinese found work on the railroads. Despite initial hostility towards using Chinese workers, many railroad owners started to recruit them in large numbers. By 1865, over 15,000 Chinese worked for the Central Pacific Railway Company, laying track, “driving horses, handling rock as well as pick and shovel.”<sup>8</sup> “The Central Pacific’s Chinese became experts at all kinds of work: grading, drilling, masonry, and demolition.”<sup>9</sup> Even so, few managed to make enough money to return home.

When the railroads were completed in the late 1870s, the Chinese found themselves in the same predicament as before. They needed to find more work, but this time, economic conditions were worse and anti-Chinese sentiment was on the rise. For many Chinese, working in Gum Saan was turning out to be a nightmare. Many could not afford to stay in the U.S., but few had enough money to return to China. For those who did choose or were forced to stay, some went into farming or fishing. Some found work in cities like San Francisco manufacturing cigars, shoes, and garments, while others opened up their own restaurants, laundries, and grocery stores. Still others moved east and south, finding work wherever they could. In 1870, seventy-five Chinese workers were hired to break a shoe factory strike in North Adams, Massachusetts. A few years later, some of these workers moved to Boston to help build the Pearl Street Telephone Exchange. Before long, small Chinatowns started popping up in Chicago, New York, Philadelphia, and the Mississippi Delta.

Most of these early Chinese immigrants planned to return to home one day, but low wages and taxes made this impossible for many. Few wanted to return poor after having spent so many years away from home. Young, single men who had once left with Gold Mountain dreams now found it hard to return with little to show for all of their hard work. Should they stay and perhaps their fate will change or should they return and face an even meager existence at home? Congress, reacting to intense political pressure, seemed to make the choice for them. With the passage of the Chinese Exclusion Act of 1882 and subsequent exclusion laws, life for the Chinese in America became even more difficult. The immigration of Chinese laborers was no longer possible. Naturalization was denied, and anti-Chinese sentiment was now reflected in national as well as local policy.

Only about 105,000 ended up staying in the U.S. to face and sometimes fight exclusion. Most families were separated with no hopes of reunification since Chinese men were prevented from seeing their wives and children until 1943 when exclusion was repealed. Work was scarce and most of the Chinese had to

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<sup>8</sup> Chen, p. 67.

<sup>9</sup> Chen, p. 71.

move to Chinatowns for protection and self-preservation. Yet despite these hardships, Chinese immigrants continued to struggle for a better life. With community support, merchants, workers, and parents did resist exclusion. Resistance existed on many levels, in the form of illegal immigration, labor strikes, and legal battles for citizenship and equal education. Even though early Chinese immigrants were excluded and eventually denied citizenship, some of them were able to become part of the ever-changing American mosaic.

How did early Chinese immigrants contribute to American society? Why were they perceived as a threat? What obstacles did they overcome to establish their community? Why were the efforts of those who opposed exclusion thwarted? How did these early immigrants try to overcome the effects of exclusion? These are questions worth asking in every U.S. history class.

**Note to Teachers**

The word “sojourner” is used to depict Chinese immigrants and does not appear in references to European immigrants of the second half of the nineteenth century. Most immigrants of the period, whether from Asian or Europe, came as sojourners with intentions to return home after acquiring wealth. European immigrants had return rates equal to those of Asian immigrants, and the notions allied to sojourning (i.e. Asians were impermanent and left few contributions) are both unfortunate and incorrect.

When the term “sojourner” appears in readings, teachers should explain the meaning and how it helps perpetuate the myth that the motives for Chinese immigration differed from those of Europeans who came to America in the latter part of the nineteenth century.

## LESSON I: MAKING A CHOICE

### A. ORGANIZING QUESTION

Should Chinese laborers who were hoping to make it rich in America have stayed in the U.S. despite growing anti-Chinese sentiment or should they have returned to their families in China?

### B. LESSON OBJECTIVES

1. To identify the economic contribution of early Chinese immigrants in the development of an industrial America.
2. To examine the financial and political obstacles that early Chinese immigrants faced in their struggle to survive.
3. To analyze the decision that many early Chinese immigrants made to stay in the U.S. despite growing anti-Chinese sentiment.

### C. HISTORICAL BACKGROUND

Hard economic times due to war, government corruption and poverty forced many young men from Southern China to seek opportunities overseas. Leaving their families behind, these *gam saan haak*<sup>10</sup> journeyed by boat to Hawaii and the west coast of the United States with the hopes of finding work that would allow them to send money home and one day return as rich men. At first the Chinese were welcomed and work was easy to find—some fished, others mined gold, still others worked on the railroads.

Shortly after, the political climate began to turn against the Chinese. Anti-Chinese riots broke out, numerous pieces of anti-Chinese legislation were passed, and noteworthy individuals started calling for exclusion. One of the earliest forms of hostility exhibited towards the Chinese came in the form of taxes. For instance, in 1850, California imposed the Foreign Miners' Tax which sought "to drive out the French, Mexican, Hawaiian, Chilean, and especially the Chinese from the gold fields. American white miners demanded that the state eliminate competition from foreign miners."<sup>11</sup> Before it was ruled unconstitutional by the California State Supreme Court in 1870, the Chinese had paid 98 percent of the \$1.5 million raised by this tax.<sup>12</sup>

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<sup>10</sup> Cantonese for Gold Mountain travelers.

<sup>11</sup> Ronald Takaki, *Strangers from a Different Shore* (New York: Penguin Books, 1989), p. 81.

<sup>12</sup> Hyung-Chan Kim, *The Dictionary of Asian American History* (Westport, CT: Greenwood Press, 1986), p. 579.

## LESSON I

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By the 1860s, life for the Chinese had become increasingly difficult, and as the years passed, many realized that perhaps their fortunes were not to be made in the land of the Gold Mountain. In 1861, 8,434 Chinese were reported to have come to the United States while 3,594 were reported to have left the country.<sup>13</sup> Should more have stayed in the U.S. or returned to China?

### D. ACTIVITIES (2 days)

#### Day One

##### 1. *Small Group Discussion*

Divide the class into small groups (3-5 students per group). Ask each group to examine **Documents A-E**. Have students read their poems aloud and ask them to respond to the following questions: Why did these early immigrants leave China? What were they hoping to find in America? How did they feel about their sojourn to Gold Mountain?

##### 2. *Small Group Work*

In pairs, have students examine **Document F** and ask students to identify any economic trends they see in the kind of work that early Chinese immigrants performed. Have students share their findings with the rest of the class and ask them to explain why these trends may have developed.

##### 3. *Homework*

Ask students to examine **Documents G and H** and respond to the following question in writing: How would this type of legislation limit opportunities for these early Chinese immigrants? Their responses can be used in tomorrow's class discussion and/or collected for evaluation.

#### Day Two

##### 4. *Class Discussion*

In class, have students share their responses to last night's homework assignment. Follow-up questions: Why do you think these laws were passed? How could the Chinese respond to them?

##### 5. *Small Group Work*

In pairs, have students examine **Documents I-K**. Ask them to identify any stereotypical images they may see. Have each group share their findings with the rest of the class. Follow-up question: How do these images reflect anti-Asian sentiment?

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<sup>13</sup> Kim, p. 581.

**6. Evaluation**

Have students complete the following writing assignment: Imagine yourself to be a Chinese immigrant who made the trip to America in 1850 in hopes of making it rich. Describe your reasons for leaving and some of what you encountered as a laborer. Include some discussion of the hardships that you faced. Make some conclusions about your experiences and explain why you either chose to leave or stay in America. Papers should be collected for evaluation.

## Poems

These anonymous poems which were translated from Chinese to English by Marion K. Hom reflect the hopes, dreams and frustrations of the early Chinese immigrants.

### Document 1-A

Dispirited by life in my village home,  
I made a journey specially to the United States  
of America.  
Separated by mountains and passes, I feel an  
extreme anxiety and grief;  
Rushing about east and west does me no good.  
Turning in all directions--  
An ideal opportunity has yet to come.  
If fate is indeed heaven's will, what more can  
I say?  
'Tis a disgrace to a man's pride and dignity.

### Document 1-B

Pitiful is the twenty-year sojourner,  
Unable to make it home.  
Having been everywhere--north, south, east,  
west--  
Always obstacles along the way, pain knitting  
my brows.  
Worried, in silence.  
Ashamed, wishes unfulfilled.  
A reflection on the mirror, a sudden fright:  
hair, half frost-white.  
Frequent letters from home, all filled with much  
complaint.

### Document 1-C

Come to think of it, what can I really say?  
Thirty years living in the United States--  
Why has life been so miserable and I, so frail?  
I suppose it's useless to expect to go home.  
My heart aches with grief;  
My soul wanders around aimlessly.  
Unable to make a living here, I'll try it in the East,  
With a sudden change of luck, I may make it back to  
China.

**Document 1-D**

Look at that face in the mirror:  
My appearance so completely changed.  
Hair white as frost, long beard hanging;  
Disheartening are the bald spots sparkling  
    like stars.  
Old age has arrived.  
No longer is my face young and handsome.  
Without my noticing, I am already over forty.  
Shame is toiling in hardship, across the vast  
    and distant oceans.

**Document 1-E**

Life is like a vast long dream  
Why grieve over poverty?  
A contented life soothes ten thousand matters.  
Value the help from other people.  
In all earnest, just endure:  
You can forget about cold and hunger, as you  
    see them often.  
After lasting through winter's chill and snow's  
    embrace,  
You will find joy in life when happiness comes  
    and sorrow fades.

Source: Marlon K. Hom, ed. and trans., *Songs from Gold Mountain: Cantonese Rhymes from San Francisco Chinatown* (Berkeley: University of California Press, 1987), 94, 96-97, 102, 106. Originally published as *Jinshan ge erji* (San Francisco: Tsi Quong Company, 1915)

### Occupational Distribution of Chinese in San Francisco \*

Occupation	1860	1870	1880
Merchants/proprietors	136	165	692
Laundry workers	127	1,279	2,992
Food peddlers			241
Peddlers		223	948
Fishermen	428	143	
Miners		544	
Servants		989	2,471
Gardeners			122
Factory workers		206	
Clothing manufacturers		7	874
Cigar makers		1,610	2,724
Laborers	625	2,014	
Porters		79	142
Shoemakers		105	1,746
Tailors	43	183	721
Woolen makers		118	
Waiters		22	
Gamblers	263	222	
Prostitutes		1,404	435
Actors	9	87	
Musicians		21	
Bookkeepers		28	119
Clerks		96	
Opium dealers	12		
Druggists	34	28	
Interpreters		13	
Physicians		27	
Students		32	
Painters		26	
Cooks	56		
Carpenters	45	59	109
Other craftsmen		328	
“At home” workers			1,505
Miscellaneous	187	1,254	6,794
Unlisted/illegible	728	275	
<b>TOTAL</b>	<b>2,693</b>	<b>11,989</b>	<b>22,513</b>

\*Only larger occupation groupings are given in this table. Absence of any category in any year does not necessarily mean that no Chinese were engaged in that occupation at that time.



**Annual Wages of Chinese and Whites in  
Certain Industries, 1870**

	Chinese	Whites
Cigars	\$200-300	\$250-400+
Slippers	200-250	(Too few whites to estimate)
Shoes	200-350	700-900
Shirts	200-300	300 (women & children) 460 (men)
Clothing	300-400	600-900 (women) 900-1200 (men)
Woolens	330-500	600-1000

Unless otherwise noted, all wages given are for male workers. If data is available only for daily wages, annual wages are computed based on a 300-day working year. Ranges given are very approximate, since there was great variation according to a worker's skill, job description, number of days worked, labor/job shortages, and other factors.

NOTE: *The tables on pages 14–15 reflect the growth of one particular industrial economy.*

Source: June Mei, "Socioeconomic Developments Among the Chinese in San Francisco, 1848-1906." In Lucie Cheng and Edna Bonacich, eds., *Labor Immigration Under Capitalism, Asian Workers in the United States Before World War II* (Berkeley: University of California Press, 1984), 374 & 381.

## Foreign Gold Miner Tax March 30, 1853

Over 600 national and state laws were passed to restrict the economic, political or social progress of early Chinese immigrants. The California Legislature approved the imposition of special taxes on foreign gold miners on March 30, 1853. On April 12 the legislature approved a measure authorizing the translation of several sections of the act into Chinese. Taxes were often collected at gun point or sometimes more than once a month since tax collectors could keep part of the revenue. This tax helped to discourage Chinese from coming to the U.S.

Section 1. That from and after the passage of this Act, no person, not being a citizen of the United States (California Indians excepted) shall be allowed to take gold from the mines of this State, unless he shall have a license therefor, as hereafter provided. . . .

Section 6. The amount to be paid for each license shall be at the rate of four dollars per month, and said license shall in no case be transferable. . . .

Section 10. The collector may seize the property of any person liable to, and refusing to pay such tax, and sell at public auction, on one hour's notice, by proclamation, and transfer the title thereof to the person paying the highest price therefor, and after deducting the tax and necessary expenses incurred by reason of such refusal and sale of property, the collector shall return the surplus of the proceeds of the sale, if any, to the person or persons whose property was sold: *Provided*, That should any person liable to pay such tax in any County of this State escape into any other County with intent to evade the payment of such tax, then and in that event it shall be lawful for the collector to pursue such person, and enforce the payment of such tax in the same manner as if no such escape had been made. Any foreigner representing himself to be a citizen of the United States, shall, in absence of his certificate to that effect, satisfy the collector of the correctness of his statement by affidavit, or otherwise, and that the collector be and is empowered to administer such oath or affirmation. All foreigners residing in the mining districts of this State shall be considered miners under the provisions of this Act, unless they are directly engaged in some other lawful business avocation. . . .

Section 17. Any person or company hiring foreigners to work in the mines of this State shall be liable for the amount of the licenses for each person so employed.

Section 20. That the Act entitled “An Act to provide for the Protection of Foreigners, and to Define their Liabilities and Privileges,” approved May fourth, one thousand eight hundred and fifty-two, and all laws or parts of laws conflicting with the provisions of this act be and the same are hereby repealed.

Source: California Statutes, 1853 as cited in Cheng-Tsu Wu, ed., “*Chink!*” (New York:

The World Publishing Company, 1972), 20-25.

### Chinese Testimony in Courts of Law

Chief Justice Hugh Campbell Murray of the Supreme Court of the State of California ruled that Chinese cannot testify against a white person as a witness. This ruling was based on an earlier law which provided that “no Black, or Mulatto persons, or Indian shall be allowed to give evidence in favor of, or against, a white man” (1849).

THE PEOPLE, Respondent, v. GEORGE W. HALL, Appellant.

Mr. Ch. J. Murray delivered the opinion of the Court. Mr. J. Heydenfeldt concurred.

The appellant, a free white citizen of this State, was convicted of murder upon the testimony of Chinese witnesses.

The point involved in this case is the admissibility of such evidence.

The 394th section of the Act Concerning Civil Cases provides that no Indian or Negro shall be allowed to testify as a witness in any action or proceeding in which a white person is a party.

The 14th section of the Act of April 16th, 1850, regulating Criminal Proceedings, provides that “No black or mulatto person, or Indian, shall be allowed to give evidence in favor of, or against a white man.”

The true point at which we are anxious to arrive is, the legal signification of the words, “black, mulatto, Indian, and white person,” and whether the Legislature adopted them as generic terms, or intended to limit their application to specific types of human species.

Before considering this question, it is proper to remark the difference between the two sections of our statute, already quoted, the latter being more broad and comprehensive in its exclusion, by use of the word “black,” instead of Negro.

Conceding, however, for the present, that the word “black,” as used in the 14th section, and “Negro,” in 394th, are convertible terms, and that the former was intended to include the latter, let us proceed to inquire who are excluded from testifying as witnesses under the term “Indian.”

When Columbus first landed upon the shores of this continent, in his attempt to discover a western passage to the Indies, he imagined that he had accomplished the object of his expedition, and that the Island of San Salvador was one of those Islands of the Chinese Sea, lying near the extremity of India, which had been described by navigators.

Acting upon this hypothesis, and also perhaps from the similarity of features and physical conformation, he gave to the Islanders the name of Indians, which appellation was universally adopted, and extended to

the aboriginals of the New World, as well as of Asia.

From that time, down to the very recent period, the American Indians and the Mongolian, or Asiatic, were regarded as the same type of human species. . . .

. . . [T]he name Indian from the time of Columbus to the present day, has been used to designate, not alone the North American Indian, but the whole of the Mongolian race, and that the name, though first applied probably through mistake, was afterward continued as appropriate on account of the supposed common origin.

That this was the common opinion in the early history of American legislation cannot be disputed, and, therefore, all legislation upon the subject must have borne relation to that opinion.

Can, then, the use of the word "Indian," because at the present day it may be sometimes regarded as a specific, and not as a generic term, alter this conclusion? We think not; because at the origin of the legislation we are considering, it was used and admitted in its common and ordinary acceptance, as a generic term, distinguishing the great Mongolian race, and as such, its meaning then became fixed by law, and in construing statutes the legal meaning of words must be preserved. . . .

In using the words "no black or mulatto person, or Indian shall be allowed to give evidence for or against a white person," the Legislature, if any intention can be ascribed to it, adopted the most comprehensive terms to embrace every known class or shade of color, as the apparent design was to protect the white person from the influence of all testimony other than that of persons of the same caste. The use of these terms must, by every sound rule of construction, exclude everyone who is not of white blood.

The Act of Congress, in defining what description of aliens may become naturalized citizens, provides that every "free white citizen, etc., etc. In speaking of this subject, Chancellor Kent says that "the Act confines the description to 'white' citizens, and that it is a matter of doubt, whether, under this provision, any of the tawny races of Asia can be admitted to citizenship." (2 Kent's Com. 72)

We are not disposed to leave this question in any doubt. The word "white" has a distinct signification, which . . . excludes black, yellow, and all other colors. It will be observed, by reference to the first section of the second Article of the Constitution of this State, that none but white males can become electors, except in the case of Indians, who may be admitted by special Act of the Legislature. On examination of the constitutional debates, it will be found that not a little difficulty existed in selecting these precise words, which were finally agreed upon as the most comprehensive that could be suggested to exclude all inferior races.

If the term “white,” as used in the Constitution, was not understood in its generic sense as including the Caucasian race, and necessarily excluding all others, where was the necessity of providing for the admission of Indians to the privilege of voting, by special legislation?

We are of the opinion that the words “white,” “Negro,” “mulatto,” “Indian,” and “black person,” wherever they occur in our Constitution and laws, must be taken in their generic sense, and that, even admitting the Indian of this continent is not of the Mongolian type, that the words “black person,” in the 14th section, must be taken as contradistinguished from white, and necessarily excludes all races other than the Caucasian.

We have carefully considered all the consequences resulting from a different rule of construction, and are satisfied that even in a doubtful case, we would be impelled to this decision on grounds of public policy.

The same rule which would admit them to testify would admit them to all the equal rights of citizenship, and we might soon see them at the polls, in the jury box, upon the bench, and in our legislative halls.

This is not a speculation which exists in the excited and overheated imagination of the patriot and statesman, but it is an actual anti present danger.

The anomalous spectacle of a distinct people, living in our community, recognizing no laws of this State, except through necessity, bringing with them their prejudices and national feuds, in which they indulge in open violation of law; whose mendacity is proverbial, a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point, as their history has shown; differing in language, opinions, color, and physical conformation; between whom and ourselves nature has placed an impassable difference, is now presented, for them is claimed, not only the right to swear away the life of a citizen, but the further privilege of participating with us in administering the affairs of our Government.

These facts were before the Legislature that framed this Act, and have been known as matters of public history to every subsequent Legislature.

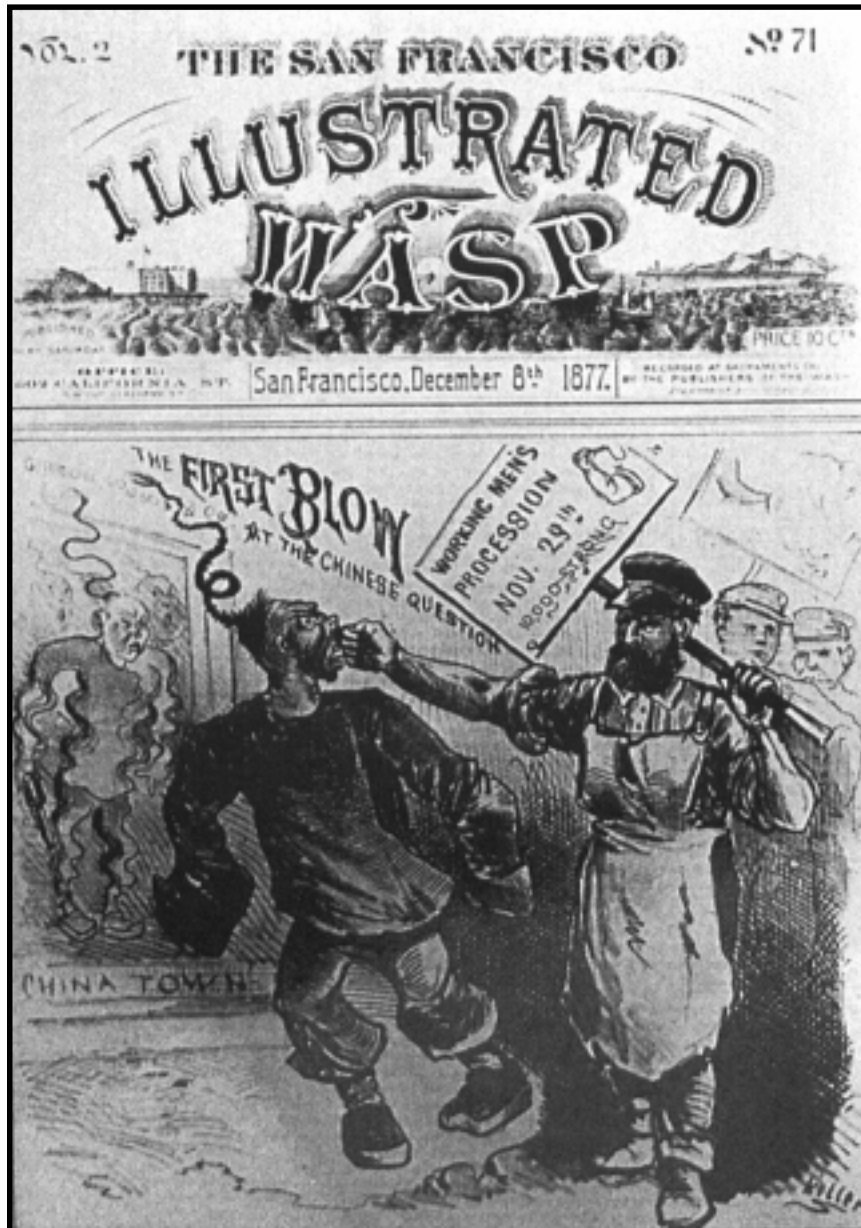
There can be no doubt as to the intention of the Legislature, and that if it had ever been anticipated that this class of people were not embraced in the prohibition, then such specific words would have been employed as would have put the matter beyond any possible controversy.

For these reasons, we are of opinion that the testimony was inadmissible.

The judgment is reversed and the cause remanded.

Source: *Reports of Cases Argued and Determined in the Supreme Court of the State of California*. 1854.

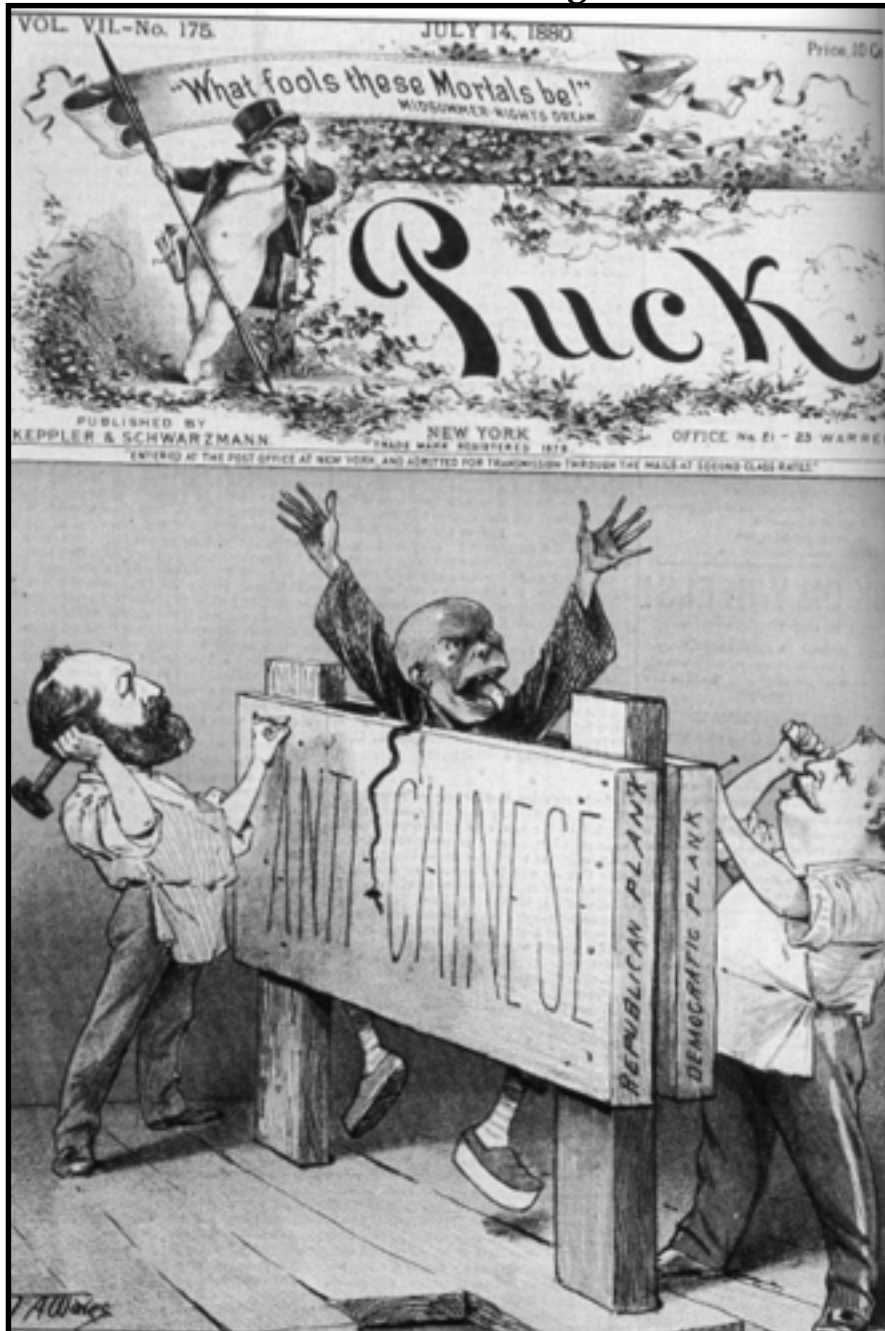
The political cartoons in **Documents 1-I, 1-J, and 1-K** appeared in the popular press and reflect the anti-Chinese sentiment prevalent in late nineteenth-century American society.



Cartoon by Keller  
*The San Francisco Illustrated Wasp*

December 8, 1877

Where the Platford Agree—



Cartoon by J.A. Wales  
Puck



July 14, 1880

### The Pigtail Has Got to Go



Cartoon by Wolnynple  
*Puck*

This is an excerpt from an OAH-NCHS teaching unit entitled *Early Chinese Immigration and the Process of Exclusion: A Unit of Study for Grades 8-12* by Vivian Wu Wong and Yoshihisa Tak Matsusaka. The complete teaching unit may be purchased online from the Organization of American Historians: <http://www.indiana.edu/~oah/tunits/> or by calling (812) 855-7311.