

## **Teaching With Documents BACKGROUND:**

Although a very small number of Chinese immigrants came to the United States prior to 1850, it wasn't until news of the gold strikes in California reached China that large numbers of Chinese men, eager to earn money, sailed for "Gum San," or the "gold mountain." Western encroachment and civil unrest had led to inflation, starvation, and loss of land in southern China. Many young men emigrated to the United States as a last hope for their families. Among their occupations were mining, building the Central Pacific Railroad, laundering, cooking, farming, and, if successful, operating restaurants and becoming merchants.

Chinese men had been trapped as "coolies" or contract laborers bound for South America, Southeast Asia, and the West Indies for years before California became the more popular destination. A wage of \$1.00 per day could assist an entire family at home in China. Husbands left wives and children, and parents sent their sons. As a result, early Chinese communities in the United States were comprised almost entirely of bachelors. In 1850, approximately 450 Chinese men entered California; in 1852, 2,716 more arrived; and in 1852, 20,000 Chinese men crossed from China to the Pacific Northwest. By 1880, the ratio of male to female Chinese immigrants was approximately 20:1. They lived and worked in Chinatowns, in groups according to their district or region and dialect.

The early Chinese immigrants were begrudgingly accepted by Americans and were not the immediate targets of animosity or violence. However, taxes aimed at foreigners made earning wages difficult. California passed the foreign mine tax in the 1850s, which directly affected the majority of the Chinese immigrants who were working in the mines. In addition, they were required to pay an alien poll tax of \$2.50 per month until 1862, when it was declared unconstitutional.

Additional discriminatory legislation the Chinese faced during the latter half of the 19th century pertained to segregated schools, lodging ordinances, laundry licensing fees, prohibition of intermarriage with whites, and bans from sections of cities. In 1854, a California judge's ruling barred Chinese immigrants from testifying in court after the testimonies of Chinese witnesses resulted in the murder conviction of a white man. The judge reversed the verdict citing the Criminal Act of 1850, which had previously prohibited blacks, mulattos, and Indians from testifying for or against a white man. By 1855 Chinese merchants began organizing to protest these and other discriminatory acts. Eventually this organization became known as the Chinese Consolidated Benevolent Association, or the Chinese Six Companies. The Chinese Six Companies settled arguments within their own community, negotiated between the Chinese people and the federal and state governments, and hired lawyers to challenge unfair practices in court.

The main sources of anti-Chinese sentiment during this time were workers' groups who described the influx of Asian workers to the United States as "yellow

peril." In addition to widespread intolerance for people of color, many labor groups held that cheap immigrant labor would lower wages for American workers. In the 1870s, the Anti-Coolies Association and the Supreme Order of the Caucasians ran boycotts of Chinese businesses and laborers and caused riots in Chinatowns across the West. Many immigrants returned to China, while others fled to San Francisco, home to the largest Chinese community and Chinatown in the United States.

Fueling the anti-Chinese sentiment in the United States was the widespread economic depression of the 1870s. It was believed that overcapitalizing of railroads contributed to the Panic of 1873, and as a result the railroads, big businesses, and the Chinese laborers became targets. The public, upset with big business excesses and rampant unemployment, supported early labor organizations such as the Workingman's Party led by Denis Kearney, himself an Irish immigrant. Their particular scapegoat was the Chinese immigrant. In 1877, the Workingman's Party led several violent demonstrations in San Francisco alone.

Some courts did oppose attempts to harass and discriminate against the Chinese. In one San Francisco case, a judge denounced a ruling by the Board of Supervisors that required male prisoners' hair to be cut within one inch, unofficially referred to as the "Queue Ordinance." The judge described it as spiteful legislation intended to discourage immigration. He ruled that such a hair-cutting law purposely aimed at the Chinese, which was not enforced against any other prisoners, violated the Civil Rights Act of 1870, the 14th Amendment, and the Burlingame Treaty. However, local courts could not prohibit federal legislation such as the Chinese Exclusion Act, which, when passed in 1882, became the most devastating of all anti-Chinese legislation. It barred Chinese from entering the United States for 10 years, allowing only Chinese merchants, teachers, students, or travelers in, and only under strict regulations. It also required Chinese already residing in the United States to have a permit to reenter the country, and it granted all Chinese permanent alien status; this meant they could not become citizens. The Chinese Exclusion Act was extended two times, once in 1892 for an additional 10 years, and again in 1902 for an indefinite time period. It was finally repealed in 1943.

As Chinese workers who remained in the United States migrated eastward for work, discriminatory legislation and a poor economic climate accompanied them. Thus, they continued to be scapegoats for anti-immigrant labor organizations. The featured documents, an affidavit by two Chinese merchants in Butte, Montana, and the corresponding trade union flyers calling for a boycott of Chinese businesses in Butte, are evidence of the existence of this activity outside of California.

In 1884, labor unions in Butte ordered Chinese immigrants to leave town, with no results. In 1891-92 and again in late 1896 during another nationwide depression,

the labor unions boycotted Chinese-owned businesses as well as businesses employing Chinese, blaming the immigrants for the adverse economic climate. Union flyers promoting the boycott, several of which are featured as document 1, were one means of notifying members and encouraging the general public not to patronize these establishments.

While many Chinese fled Butte, some merchants retaliated in federal court. In *Hum Lay, et al. v. Baldwin*, also known as the Chinese Boycott Case, an injunction to stop the boycott was sought by Chinese merchants. The court paperwork lists 132 Chinese names. The affidavit of Huie Pock and Quon Loy, testimony in this case, is the second featured document. The case was heard in the Circuit Court of the United States, Ninth Circuit, District of Montana, and contrary to the prevailing public attitude of the time, the court ruled in favor of the Chinese plaintiffs. The defendants were "enjoined and refrained from further combining or conspiring to injure or destroy the business of the said complainants or any of them and from threatening, coercing or injuring any person or persons becoming or intending to become patrons of said complainants." The Chinese also recovered costs of \$1750.05 from the defendants for fees and expenses. The relief sought was injunctive, which is an equitable remedy, so the court "sitting in equity" rather than "at law" provided relief in the form of prohibiting (enjoining) certain behavior (injunction) or causing the defendant to perform certain actions (specific performance) rather than money damages. In other words, the federal court listened to the grievances of a hated minority and ruled based on fairness rather than race. The union was ordered to stop their activities.

## Resources

Daley, W. *The Chinese Americans*. New York: Chelsea House, 1987.

Yu, C. Y. *Who are the Chinese Americans?* In Gall, S. & Natividad, I., eds. Reference Library of Asian America, Vol. 1, pp. 41-62. Detroit: Gale Research, Thompson Publishing, 1996.

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