# Inventing the Terms of Exclusion

## Immigration Policy and Racialization in the 19<sup>th</sup> Century

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## **ABSTRACT**

This paper examines the racialization of Asians in the United States, using a case study that focuses on congressional debates over the bill that became known as the Chinese Exclusion Act (1882). Asian racialization was a new development in the United States, as immigrants from that region did not fit into the existing black-white racial framework. Immigration law served as one important vehicle for the racialization of Asians, and congressional debates offer a window into efforts at that racialization—what Michael Omi and Howard Winant refer to as *racial formation*. My analysis focuses on how the bill's supporters tried to justify excluding the Chinese: the way they portrayed the Chinese as unfit for American society. While some seemed very comfortable relying on what would clearly be defined as racist arguments today, others seemed anxious to refute the charge of racial discrimination, a charge the bill's opponents frequently made. The alternative to explicit claims of racial inferiority were claims of cultural inadequacy. I use Rogers Smith's multiple traditions theis to frame the competing arguments, and also draw on anthropological concepts about boundary creation and the social order, concluding that the nineteenth century advocates of exclusion created a template still very much in use today.

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#### **INTRODUCTION**

This paper is part of a larger work exploring the racialization of Asians in America.

Although the focus of this paper is historical, the relevance is very contemporary. I look at Asian racialization through immigration policy, a policy that is once again at the center of bitter disagreements and the target of policy proposals that can work to racialize populations.

Understanding past Asian racialization can offer insights into racialization today.

Racial divisions have long been a central feature of American society. They have triggered a civil war, powerfully shaped party systems, structured housing patterns, and shaped a socioeconomic hierarchy. A first wave of scholarship on racialization helped us to understand how race was created in America, with European and African workers who were originally not that different gradually morphing into racial groups with yawning gaps between them. More recent waves are helping us to understand the *different* ways that populations have been racialized. Racialization of Asians presents even more opportunity to examine these differences, given the enormous diversity contained with the Asian category.

My focus in this paper is on how arguments over immigration restriction drew on and contributed to the racialization of Americans of Asian ancestry. Mae Ngai (2004) has argued that the Immigration Act of 1924 played a key role in defining those of Asian ancestry as fundamentally alien to the American community. But the 1924 law was only the most extensive and successful of a series of restriction efforts dating back over half a century. Most of those efforts were at least in part targeted at limiting immigration from Asia. To better understand Asian racialization, we need to look at the process over time. This paper focuses in depth at the debate over one of the most significant of the pre-1924 efforts, what came to be known as the Chinese Exclusion Act.

I am also interested in how racialization varies according to context. There is little question that restrictive immigration efforts were strongly shaped by contextual factors. Anglo-American efforts against Japanese immigration faced far more hurdles than similar campaigns against Chinese immigration, because discriminatory policies against citizens of Japan raised much more daunting foreign policy concerns (Atkinson 2016, 16–17; FitzGerald and Cook-Martín 2014). Because discriminatory policies make up some of the key components of racialization, and because those discriminatory policies were affected by contextual factors, racialization itself is likely to be shaped by contextual factors.

#### **The Concept of Racialization**

I use the term "racialization" to refer to the process of defining a population as fundamentally different. This is typically done to place that population at a substantial disadvantage, although it can also be done to create considerable advantages for another population (Allen 2012a).

In addition, marginalized groups can promote their own racialization as "a self-identifying act" by which they "express forms of resistance to the imposed racial hierarchy" (J. A. Smith and Abreu 2019, 609). Ethnoracial identity can be conceived the way Joane Nagel described ethnic identity, "a dialectic between internal identification and external ascription . . . a socially negotiated and socially constructed status that varies as audiences permitting particular ethnic options change" (Nagel 1996, 21). Groups help define themselves, but they cannot fully determine the way they are perceived by others, and sometimes they may have very little control over how they are externally defined.

My focus in this paper is only on externally driven racialization. This is not to suggest that "racialization is a one-way process dominated in every case and at all times by the more powerful of actors." Groups can "self-racialize . . . as a collective response to oppression"

(Garner 2019, 513; Parker and Song 2006). Here, however, I am concerned with efforts intended to place other populations at a disadvantage.

Michael Omi and Howard Winant refer to these efforts as a type of *racial formation* (Omi and Winant 2015). They define racial formation as "the sociohistorical process by which racial identities are created, lived out, transformed, and destroyed" (Omi and Winant 2015, 109). While some have challenged Omi and Winant's framework (e.g., (Feagin and Elias 2013)), they offer a very useful way of conceptualizing racialization, arguing that racial formation occurs through *racial projects*, "an interpretation, representation, or explanation of racial identity and means, and an effort to organize and distribute resources" (Omi and Winant 2015, 125).

The immigration restrictions enacted in 1924 could be understood as a racial project. The enactment of immigration law making national origins the basis of immigration quotas defined those of Asian ancestry as fundamentally different and outside the realm of the population that could be considered "American," Mae Ngai (2014) has argued. "At one level," Ngai concluded, "the law "differentiated Europeans according to nationality and ranked them in a hierarchy of desirability," but, at another level, it "constructed a white American race" (Ngai 2014, 24-5). "Thus," Ngai concluded, the national origins quotas "divided Europe from the non-European world" (Ngai 2014, 27). This, however, should not be seen as the consequence of the 1924 law alone, but rather was more the culmination of a half century of efforts. Nicholas J.G. Winter observes that "intergroup ideologies are further shaped through a social process of meaning formation in which members of a culture develop and maintain a shared understanding of group relations" (Winter 2008, 34). This shaping does not occur at once, but rather develops "gradually through time as members of a society attempt to understand and reshape group relations" (Winter 2008, 34).

Racism seemed to be one important influence on this reshaping. George Fredrickson suggests that we think of racism as issuing "from a mindset that regards 'them' as different from 'us' in ways that are permanent and unbridgeable" (Fredrickson 2002, 9). In the racial projects that I examine, this claim of difference is often prominent.

#### **Early Racialization in America**

Racialization has been a central element in American politics from the earliest years. American economic development rested heavily on a form of racialization that developed to a great extent in the Americas, where the practice of enslaving people increasingly collided with doctrines proclaiming the equality of all men. <sup>1</sup> While these ideas spread only fitfully, their claims posed a fundamental threat to the practice of placing humans in bondage and forcing them to toil for the benefit of others. Justifying slavery became even more problematic after the signing of the Declaration of Independence and the colonists' armed struggle against Great Britain. Some Americans took claims of individual equality and liberty seriously, leading to the abolition of slavery in northern states, and even loosening of some repressive laws in the South (R. Smith 1997, 103–4; Klinkner and Smith 1999, 10–23). Racialization, American style, provided the solution to the financially inconvenient idea that all people had a right to liberties that did not permit involuntary slavery. New world racialization invented the idea that some populations were so fundamentally inferior and different that they should be excluded them from that category of persons who were equally endowed by their creator with unalienable rights (Gossett 1997, chaps. 3 & 4; Dain 2002, chap. 2; Baum 2006, chap. 2). In addition, racism

<sup>&</sup>lt;sup>1</sup> I use the term as it was written in the Declaration of Independence, setting aside the complicated issue of how that applied to women. Addressing that complex question is well beyond the scope of this paper. Suffice to say "equality" for women was obviously far more limited, but white women seemed to share with white men some degree of equal right—e.g., the right not to be held in chattel slavery—and black women were far more unequal in that regard.

helped resolve a serious ideological problem for defenders of slavery: if all men were created equal and endowed by their creator with certain rights, how on earth could one person justly enslave another? George Fredrickson argues that doctrines of equal rights created a greater need for racist views, since only that could excuse what were otherwise unustifiable denial of human rights (Fredrickson 2002, 68).

As Ibram Kendi has noted, "ethnic and religious and color prejudiced existed in the ancient world," but "Constructions of *races*—White Europe, Black Africa, for instance—did not" (Kendi 2016, 18). New world racism may have had its roots in the religious discrimination of the late medieval and early modern periods, where harsh treatment of Jews and attacks on Muslims were justified by some of the characteristic elements of modern racism (Frederickson 2002, 19-20; Baum 2006, 23-4). However, religiously-based discrimination of those times was based on characteristics which were in principle subject to change, and some individuals were able to escape or evade persecution by converting to Christianity. While there were other grounds for dividing humanity, medieval ethnoracial differences were based mostly on "customs, language, and law rather than by descent," and the study of race relations in that era is the examination of "the contact between various linguistic and cultural groups, not between breeding stocks" (Bartlett 1993, 197).

Although racialization is built on a series of political and social developments, much of that has come from ad hoc responses to exigencies. Because the exigencies have been different at different times, the process of racialization is different for different populations.

For the involuntary African immigrants of the colonial period, the primary exigency was the frequent need for more labor. Africans were the victims of extraordinarily bad luck when white colonists searched for laborers to do the work that white Europeans were unwilling or unable to

do for themselves. Native peoples could more easily escape, and many were highly susceptible to European diseases (Nash 2006, 160). In addition, early colonists could ill afford to make bitter enemies of power indigenous nations, especially when they periodically sought the help of native peoples in capturing escaped Africans (Allen 2012/1997, ch. 3). While white Europeans retained some modicum of rights that enabled many to fulfill their contracts and escape their servitude, Africans, however, had few colonial defenders, and were on land as unfamiliar to them as it was to the European invaders (Morgan 1975). In addition, many of the Africans brought high levels of skills of great value to the colonies (Nash 2006, chap. 7; Davidson 1994, 53–59; Allen 2012b, 2:36–37). Enslaving them would be irresistable to Europeans fond of profit but not so enamored with working to earn said profit.

And, as Edmund Morgan has shown, the vicious subordination of Africans could effect a relative rise in the status of poor whites, hopefully reducing their dissatisfaction and reducing the chances that they would rebel against the Virginia elite (Morgan 1975, ch. 16). For example, protecting the property of white servants while seizing that of black slaves—and redistributing the proceeds to poor whites—could help create a psychic gulf between black and white, gradually creating the idea of an inferior race.

The extent to which these efforts simply reflected prejudices of the time versus helping to fuel those prejudices cannot be fully determined. The extreme disadvantage at which they placed black Americans was unmistakable, though, leading to lives that uncritical white Americans could view as racially different. By denying most African Americans access to education or economic opportunities, white Americans guaranteed that the lives of black Americans would be marked by poverty and grinding disadvantage that was markedly different from the white

mainstream. Those claiming a fundamental racial distinction could then point to these differences as "evidence" that blacks were of an inferior "race" (Nash 1992, 164-72).

#### **Racialization of Asians in the United States**

Those of Asian ancestry were racialized in a very different era than the one which saw the beginning of aggressive racialization of those of African ancestry. Most notably, slavery was no longer allowed, although the idea of slavery was used by some as a device to racialize the Chinese (Jung 2005). Racialization is typically highly context-dependent, so the racialization of one population can follow very different dynamics than the racialization of a previous population—but previous instances of racialization can confound current ones. The original racial lines in America were drawn between black and white, confounding matters when Asians began immigrating in large numbers, since the newcomers of China didn't obviously fit in either of those two categories—and even more clearly were not "American Indians."

Another important change from early racialization is that the severe labor shortages of the colonial era were a thing of the past. While some employers still sought low-cost labor, others—most notably labor unions and their supporters—felt that the labor supply was adequate to meet the country's needs. While some labor needs did lead to considerable recruitment of Asian labor—perhaps most notably illustrated in the use of Chinese workers to help build the transcontinental railroad—there was not the long continuing reliance on Asian workers, as there had been on African American workers in the South.

Racialization of Asians therefore occurred in a different context than that of other groups racialized as nonwhite. Early racialization of African-ancestry workers was focused on maintaining the subordination of a subpopulation that was being used for its labor. Racialization of the indigenous peoples targeted populations who might or might not be absorbed by European

Americans, and who were deeply rooted in this continent. Racialization of Mexicans was another unique case, a more varied population that for decades moved easily through an open borderlands area. While there was a heavy reliance on Asian workers in Hawai'i, there was no region of the continental United States that depended on Asian labor the way that large parts of the South had depended on enslaved African American workers. While Asian—primarily Chinese—immigration had reached noticeable levels by the 1870s, the population was still relatively small, and entry of further Asian immigration could presumably be largely prevented, if policy dictated that it be.

For Asian Americans, then, immigration restriction was a central part of their early racialization. A wide range of other measures contributed as well, such as the 1790 act which limited naturalization to whites, alien land laws in several states, forbidding non-citizens from owning land (Daniels 1988, 139–46), and antimiscegenation laws (Pido 2016).

The historical context likely made immigration a more central battleground. The Civil War and the Thirteenth Amendment had settled the legal and constitutional questions over slavery. While immigrant workers arrived with varying degrees of freedom, it was no longer possible to subject anyone to legal intergenerational bondage. And, without the specter of a rebellion from enslaved Asians, there was never any need to go to extraordinary lengths to subordinate those already residing in the United States, as had been done with Africans and their descendants.

The international context also shaped racialization (FitzGerald and Cook-Martin 2014). Early racialization of Africans occurred at a time when there was no concern over the response that such harsh treatment might trigger in African nations. By the latter half of the nineteenth century, however, a much more imperially ambitious United States was much more attuned to international perceptions, and advances in communications and transportation made it easier for

those overseas to learn about how their co-nationals were being treated. Furthermore, with an expansionist United States interested in exploiting markets around the world, policy makers had to be mindful of the way that harsh treatment of immigrants might lead other countries to respond in like fashion toward American nationals.

The Chinese Exclusion Act continues to hold interest to us today. As the first major racially-based immigration act, it provides more insight into the way some Americans conceived of the United States as a racial hierarchy. It came, however, when memories of the Civil War were still fresh over the conflict that showed how deeply a commitment to racial domination could tear apart the country. In addition, it was debated at a time when America was increasingly concerned about developing and maintaining positive relations with potential trading partners—or, at least, potential consumers of American goods. On the other hand, it came at a time when there appeared to be considerable willingness of many European Americans to embrace ideas of racial superiority, attitudes which may be resurging in the United States today.

### IMMIGRATION RESTRICTION AND THE CHINESE EXCLUSION ACT

Efforts to restrict immigration grew over time, but the 1882 bill was widely seen as a watershed, by supporters and opponents of restriction. While far from comprehensive, the act created a much wider barrier to immigration than had previous measures, and its prohibition on immigration of a specific nationality was unprecedented.<sup>2</sup>

The 1882 legislation was far from the first effort at immigration restriction. Antiimmigrant and anti-immigration sentiment had deep roots in the United States, although the

<sup>&</sup>lt;sup>2</sup> The act didn't prohibit immigration for everyone of Chinese ancestry, of course, but people of Chinese ancestry were the only ones barred by the law, and most potential Chinese immigrants could no longer immigrate legally after its passage.

targets were initially European immigrants (Daniels 1988, 31-2; Hutchinson 1981, 41-2). Once Chinese immigration began growing in the mid-19<sup>th</sup> century, though, opposition to immigration began to grow on the west coast, and Congress began to consider a series of measures by the 1870s (Hutchinson 1981, 63–77). In early 1882, Congress passed a bill suspending immigration of Chinese laborers for twenty years, but President Arthur vetoed it on the grounds that the twenty-year period was excessive, calling on Congress to experiment with a shorter ban at first. Congress quickly complied, amending the law to shorten the exclusion to ten years, and Arthur signed it into law.<sup>3</sup>

Rogers Smith argues that American politics has been shaped by multiple traditions continually jostling for dominance in the public mind (R. Smith 1993, 1997). In his study of citizenship laws, Smith (1997) found overwhelming evidence that Americans had often embraced an inegalitarian ideology at sharp odds with the liberal tradition most famously described by Louis Hartz (1955), and also a far cry from the civic republican tradition that others argued had powerfully shaped American political history (Bailyn 1967; Wood 1972). Smith argues that liberal and inegalitarian traditions, as well as the democratic republican tradition, have coexisted and competed with each other throughout American history.

This battle of ideas was vividly on display in the debate over Chinese exclusion. While some advocates of immigration restriction focused closely on economic interests, many justified it on the grounds of the fundamental inequality of the Chinese. Defenders, on the other hand, countered with the liberal idea that America should be a nation open to all willing to test their ability to succeed in a free society. In response, some exclusionists turned to democratic republic

<sup>&</sup>lt;sup>3</sup> Even supporters of the bill seemed to acknowledge international sensibilities. In practice, the bill was never referred as the "Chinese Exclusion Act," a title that would likely have added gratuitous offense to China. Instead, it was referred to as a bill "to enforce treaty stipulations relating to Chinese." The formal bill number was S. No. 71.

ideals and argued that the Chinese lacked the qualities necessary for citizenship. Exclusionists argued that these severe deficies were due to the inescapable imprint of their culture.

### **DEBATING CHINESE EXCLUSION**

In this paper, I analyze the debates over the 1882 bill. While there was obviously considerable sentiment in favor, there were vehement voices raised in opposition, leading to intriguing arguments over the rationale for the exclusion, the nature of American society, and the character of the Chinese. Through these arguments the racialization of the Chinese developed. I draw on the debates as printed in the *Congressional Record*, since I am interested in the public framing of the Chinese.<sup>4</sup> Given the ability of members to insert comments into the *Record*, and their awareness that the debate is being transcribed, it seems fair to assume that this accurately reflects the views they are willing to make public.

My concern is with the arguments made for and against the bill. To be sure, one could ask whether participants were fully expressing their own views or whether they were constrained by what they felt would be socially acceptable. However, my interest is in the views deemed to be acceptable for public airing, so I am not concerned with whether or not these are the "true" views of members of Congress.

#### **The Chinese Threat**

The most significant set of arguments were those that emphasized the threat posed by Chinese immigrants. Economic arguments against immigration are common, of course, and are not of primary interest in this paper. Instead, I focus on the numerous claims that the Chinese posed an

<sup>&</sup>lt;sup>4</sup> The debate over this bill was entirely within the thirteenth volume of the Congressional Record (CR), which holds records from 1882. Because of that, and to save space, I omit the volume number when providing citations to quotations and abbreviate "Congressional Record" as "C.R." I also omit the year, 1882, since all the quotations are from the same volume and therefore the same year.

existential threat to the United States. While such hyperbolic claims might be dismissed as simply artifacts of an earlier age, I argue later that their function helps us gain insight into anti-immigrant claims today.

Interestingly, advocates of exclusion portrayed the Chinese as almost superhuman. At the same time, these extraordinary capacities were portrayed as evidence of their subhuman character. Chinese laborers could work longer, endure more deprivation, and subsist on much less than workers of European ancestry, exclusionists contended. One of the leaders of the effort, Republican Senator John Miller (California) declared that the Chinese were "machine-like in every physical characteristic . . . little affected by heat or cold . . . with muscles of iron." On top of that, they could "dispense with the comforts of shelter and subsist on the refuse of other men, and grow fat on less than half the food necessary to sustain life in the Anglo-Saxon." These machines-as-men lacked the human sentiments found in Americans, Miller charged, and when "Men and women are sold into slavery," they went "into a bondage from which there is no escape except by death, without emotion or regret" (CR 1484).

Showing that superhuman immigrants would degrade your society is a tricky business, of course, given that one could easily come to the opposite conclusion. In an assessment not entirely unlike those of elite college admissions officers today, the exclusionists granted that the Chinese had some strengths, but insisted that their limits prevented them from ever becoming meaningful contributors to American society due to their lack of other desirable traits. James Farley (D-CA) told his fellow senators that "It is a well-known fact that the Chinese are not an ignorant class of people," but while they were "cunning" and "shrewed," they were only "imitators; they are not inventors." When reminded that the Chinese were credited with

inventions such as the printing press and gunpowder, Farley responded that he was referring only to "those Chinese who come to California" (CR 1582).

Arguments against the Chinese also described them as both unfit and an unstoppable force. John Morgan (D-AL) told the Senate that the Chinese were "an inferior race of men" (CR 2612). while Representative Albert Willis (D-KY) described these inferior beings as a dire threat, "an alien, indigestible, and destroying substance in our body-politic" (CR 1974). Thompson Murch (Greenback-ME) was one of many who saw Chinese immigration as a "barbarian invasion," also referring to it as a "poisonous influx" (CR Appendix 45). Thomas Brent (R-WA) portrayed the Chinese in ways that recalled Donald Trump's characterization of Mexican immigrants. "Most of them are criminals or prostitutes," declared Brent, "the very scum and dregs of the most degraded part of humanity—who bring with them all their barbaric and vicious manners, customs, habits, and practices, and maintain them here" (CR Appendix 39).<sup>5</sup>

Others likened the Chinese to vermin or a pestilence. Senator James Slater (D-(OR) referred to them as "hordes of heathens that swarm like rats in the cellar and live in filth and degradation" (CR 1636). Congressman William Calkins (R-IN) compared them to "mildew and rot," then showing some versatility with his biological metaphors, declared that they were "a cancer" in the United States "that will eat out its life and destroy it" (CR 1904). Congressman Benjamin Butterworth (R-OH) declared "I am told that these people are industrious. So are the locusts industrious . . . Not with my consent shall the young Republic be made the pest-house for all the world" (CR 2132-3).

Others claimed that the continued flow of Chinese workers was tantamount to reintroducing slavery. Joseph Burrows (Greenbacker-MO) told the House that the Chinese came "as serfs and

<sup>&</sup>lt;sup>5</sup> See Reilly (2016).

slaves" (CR Appendix 21). Congressman George Hazelton (R-WI) described Chinese immigration as "a deportation of the lowest class of Chinese servile laborers . . . under contract for the benefit of speculators as base as the promoters of the African slave trade" (CR 2208 .

It was striking to see how exclusionists appealed to the hard-fought lessons of the Civil War. While it seems logical that advocates of more open immigration would appeal to principles that shaped the Thirteenth, Fourteenth, and Fifteenth amendments to the Constitution, it was more surprising that those seeking to perpetuate racial exclusion would cite the war in support of their cause. Cite it they did, though, arguing that the introduction of another profoundly different racial population would trigger a divide that could lead to a conflagration similar to that of the 1860s. Albert Willis (D-KY) warned the House that allowing more Chinese immigrants could "invite another contest, fiercer, more fatal, more insidious and uncertain . . . than both the others combined" (CR 1975).<sup>6</sup> A key lesson of the Civil War, racist members of Congress argued, was that the United States should strive to be as racially homogeneous as possible.

This view echoed throughout the arguments of exclusionists, although some focused more on the supposed inability of the Chinese to assimilate. Senator Thomas Bayard (D-DE) spoke for a widely expressed view when he said "They are of a different race and possess an entirely different civilization, and, in my opinion are incapable of being brought into assimilation in habits, customs, and manners with the people of this country" (CR 1587. Burrows of Missouri went so far as to claim that the Chinese were unique in that respect, claiming that they were "alone the exception" in their inability to adapt to new customs. "American life and influences are powerless to move or change this peculiar race," (CR Appendix 21).

#### Racial Difference, Hierarchy, and White Supremacy

<sup>&</sup>lt;sup>6</sup> In addition to the Civil War, the other "race conflict" to which Willis refers is presumably the Dakota Conflict, a short but brutal clash between Dakota Indians and federal troops while the Civil War was still raging.

One could see a battle over racialization as the debate unfolded. On one side were those still clinging to liberal principles which had experienced a surge of expression in the wake of the Civil War (discussed further below). Opposed to them, advocates of Chinese exclusion sought to define the Chinese as racially different and inferior. Some exclusionists, especially those from the South, sought to reassert racial supremacy in its rawest form, while others painted a racial hierarchy different from both Claire Jean Kim's racial triangulation and Eduardo Bonilla-Silva's tri-racial order (Kim 1999, Bonilla-Silva 2006). Opponents of exclusion noted how nativist sentiments had been directed against European immigrants who then demonstrated the groundlessness of those fears. Charles Williams (R-WI) called into question this effort to racialize the Chinese, recalling as a child seeing European immigrants along the Erie Canal that "were filthy, some were vermin-eaten, and all were repulsive in their personal appearance," and he observed that they too were the targets of "oaths . . . and coarse epithets, called things such as "'Irish and Dutch cattle' and 'Swedish and Swiss and Norwegian hogs," but their children were now some of the "brightest jewels" of the country (CR 2039).

Although advocates of exclusion would soon turn against immigrants from southern and eastern Europe, exclusionists embraced the European immigrants of the day and defined them as racially superior to the Chinese. Emory Speer (Independent Democrat-GA) declared that "the benefits of the emigration of the people of Europe to our shores is incalculable," and declared Irish and German immigrants to be welcome additions, vastly preferable to "these miserable Chinamen" (CR 2029). Oregon's Slater called for the "Caucasian race" to stick together in its "struggles . . . with the hordes of Asia," although Slater wasn't clear about who qualified as "Caucasian" (CR 2029).

Other members pointed out that racial lines could be fuzzy. John Sherman (R-OH) raised the issue when addressing a Senate amendment that would explicitly forbid Chinese from naturalizing, noting that in the antebellum era, some men with some African ancestry were deemed closer to white and therefore eligible to naturalize (CR 1749).

Peter Deuster (D-WI) was slightly clearer in his racial categorization, arguing that the "European immigrant" of that era was "akin in race to the population of the American colonies" (CR 2030). With our contemporary racial categories, members did not always use the language familiar to us today, but one could see today's classification system evolving in their language. Andrew Curtin (D-PA) asserted the preference for European immigrants: "We take the German, the English, the French, the Irish, the Scandinavian, people from all nationalities of Western Europe" (CR 2220). Of course, over the next four decades, a fierce struggle would develop to get the nationalities of southern and eastern Europe included in that preferred category as well (e.g., Jacobson 1999, Roediger 2005).

In addition, several exclusionists placed the Chinese in a racial hierarchy where they fell below African Americans. Slater found that the "colored man is, in every element of manhood, far superior to the Chinamen" (CR 2029). In a perverse version of inclusion, Slater even drew a comparison to native peoples, declaring that the Chinese were a far greater threat than "noble red man or any other untutored savage or child of the forest" (CR 2027). James Farley (D-CA) was another who envisioned a nineteenth century tri-racial hierarchy, telling his fellow senators that "It is my judgment . . . that the African people . . . are a superior people to the Chinese in many respects" (CR 1582).

<sup>&</sup>lt;sup>7</sup> Prior to the Civil War, of course, naturalization was limited to those defined as white.

Some exclusionists argued that the United States was created only for one race, an argument remarkably similar to that of critical race theorists today, with the notable difference that those making the argument in 1882 proudly embraced those racist principles. James George (D-MS) offered this interpretation, suggesting that it also justified the efforts of white southerners to deny rights to the African American population in their midsts:

The Constitution was ordained and established by *white* men, as they themselves declared in its preamble, "to secure the blessings of liberty to themselves (ourselves) [sic] and their (our) [sic] posterity," and I cannot doubt that this great pledge . . . will be as fully redeemed in favor of the white people of the South, should occasion for action arise, as I intend on my part . . . to redeem it this day in favor of the white people of the Pacific Slope . . . (CR 1638; emphasis added)

Samuel Maxey (D-TX) agreed, telling the Senate "The 'posterity' which was meant in that Constitution was the pure, unmixed Caucasian race" (CR 1583). Senator LaFayette Grover (D-OR) agreed with George and Maxey, adding that when the founders "declared that all men were created equal . . . they undoubtedly meant all men like themselves" (CR 1546). The declarations of human equality were not meant to be applied to all people, claimed Grover. He noted that the indigenous peoples of the United States had been decimated, and that "A quarter of a million . . . now only remain as sad witnesses that the teeming millions of their progenitors . . . were the rightful proprietors of this magnificent . . . inheritance" (CR 1546). But Grover stressed that he did "not cite these facts . . . for the purpose of vindicating the rights of Indians," but rather to show that founders of the United States had no intention of granting equal rights to the aboriginal peoples either.

Grover and others pointed to slavery at the time of the founding in support of their position.

Congressman George Cassidy (D-NV) pointed out that "there were more than a half million of

human beings in slavery when the Declaration was adopted." The conclusion one should draw, he argued, was that "the equality clause was not written with a view to the equality or non-equality of the various races on earth" (CR 1978).

Aylett Buckner (D-MO) celebrated the bill as the death-knell of the post-Civil War civil rights era, and, implicitly, a refutation of the declaration of Abraham Lincoln in the Gettysburg Address.

This bill is a reversal of the action of this Government for the last thirty years. It consigns to the grave all sublimated sentiment as to the equality of the races of men. It performs the last funeral rite over the dead body of that false and nonsensical dogma of governmental policy that "all men are created equal." (CR 2138)

Buckner suggested that the passage of Chinese exclusion should be followed by an effort to remove African Americans, "whose inferiority to the white race is an admitted fact," from the United States. Buckner, embraced a slightly different tri-racial hierarchy, finding African Americans to be somewhat inferior to the Chinese "in some respects," although he insisted that he "[yielded] to no one in kindliness of feeling to the colored man" (CR 2139).

Senate Republican Henry Teller (CO) drew additional distinctions in his vision of racial hierarchy:

The Caucasian race has a right, considering its superiority of intellectual forces and mental vigor, to look down upon every other branch of the human family; a portion of the Anglo-Saxon race has claimed for itself the right to look down upon others of the Caucasian race . . . We are the superior race to-day [sic]. (CR 1645)

John Jones (R-NV) suggested that American workers "may agree to the incoming and competition of European laborers, men of their own race," but "little brown men" (Chinese) and other "inferior races" were not welcome (CR 1743). And, while he claimed "nothing but the very kindliest feeling toward the negro," he also asked the Senate "Does anybody suppose for an instant that if the African were not in this country to-day we should be anxious to welcome him?" (CR 1744).

#### **Counterarguments**

While my primary concern is with arguments for Chinese exclusion, it is useful to look at some counterarguments. Critics of exclusion both appealed to liberal principles and pointed out fallacies in the exclusionist reasoning.

Defenders of Chinese immigration often cited the Declaration of Independence and liberal principles of equal rights for all. In an extensive critique of exclusionist argument, George Hoar (R-MA) told the Senate that "The prejudices of race [were] the last of human delusions to be overcome," and called upon them to reject efforts to draw "legal distinctions between individuals based upon a race" (CR 1516). Hoar's colleague Henry Dawes (R-MA) noted that California's desire to exclude the Chinese resembled earlier efforts against African Americans, telling the Senate "I had hoped that with the fire and conflict of war this people had been taught that there were rights as broad as the human family" (CR 1672). William Moore (R-TN) praised the country as a "recognized champion of human rights" and decried how the exclusion act would contradict those principles (CR 2035). Charles Skinner (R-NY) declared that "every man, whether he be white, black, red, or almond-colored, was created by one Almight Being and in His own image . . . and is entitled to all the rights" belong to all people (CR 2042).

Senator Orville Platt (R-CT) challenged the racist interpretations of the Declaration.

Observing that others in the Senate had insisted that unalienable rights were "for the white man alone," Platt spoke to the liberal principles at stake: "Sir, it does not make much difference possibly what becomes of the Chinese in America, but it makes an immense difference what becomes of the Declaration of Independence" (CR 1705). Platt, like Hoar and Dawes, emphasized the racial basis of the bill. The rationale for exclusion, he observed, was that "A Chinaman is not a white man," and because of that, immigration was banned, "no matter how skillful he be, no matter how honest he be, no matter how industrious, no matter how frugal . . . I cannot accede to any such proposition" (CR 1705).

Opponents of exclusion also noted the glaring shortcomings in the exclusionist argument. For example, some opponents of the Chinese drew at least superficially on democratic republican traditions and had claimed that the Chinese not only were unable but also were unwilling to become citizens. For instance, Joseph Burrows (D-MO) charged that of the "one hundred and odd thousands" of Chinese in the country, "none . . . become citizens" (CR Appendix 21). In response, noted the absurdity of the claim.

Congressman Joseph Taylor (R-OH), for example, responded scornfully:

They do not assimilate! Here they have been for thirty years, ever since they commenced coming to this country. have they ever been invited to assimilate? Have they been treated in California at any time as if they ever could assimilate? For thirty years in the life-time of a nation they have been there and the ban has been upon them. Thirty years in the life of the Chinese nation, surrounded with the wall that it is proposed now to erect around the United States . . . and because they have not become

acquainted with our language and race . . . when they were laboring under all the disadvantages that have been imposed upon them by onerous restrictions and hostilities, we are told that they do not "assimilate." (CR 1981)

Taylor issued a challenge that laid bare the hypocrisy behind the claim. If the problem was the Chinese were unwilling to assimilate, why not "strike out that part of the bill which prohibits the naturalization of the Chinese?" (CR 1981).

#### MAKING SENSE OF IMMIGRATION EXCLUSION, THEN AND NOW

Taken at the simplest level, arguments for Chinese exclusion were about economic and cultural protection. While economists debate the economic effects of immigration (e.g. Borjas 2006; Peri and Sparber 2011), it was easy to see why some workers opposed competition from newcomers willing to work for less than the prevailing wage.

However, a closer look at the cultural arguments reveals greater complexity in exclusionist arguments, both in the late nineteenth century and today. Aristide Zolberg argues that international migration and its regulation can be seen as a complex calculation about maximizing utility, but stresses that "utility' encompasses not only a population's economic value, but also its putative value in relation to cultural and political objectives" (Zolberg 2006, 12). Cultural and economic concerns worked together in a larger calculation about the desirability of the Chinese.

#### **Assessing the Arguments for Chinese Exclusion**

Looking more closely, one can see that exclusionists were trying to justify barriers against the Chinese. The economic argument alone was weak, given that virtually no one at that time wanted to end all immigration. In fact, many of the advocates of Chinese exclusion explicitly supported

European immigration. The argument for barriers, then, could not emphasize economic competition in general, but a particular type of competition, or a particular type of threat.

That threat was cultural and racial one. Given the inchoate conception of race at the time, we should be very careful of simply defining the threat as "racial," since racial meanings were evolving at the time, and racial formation continued over the next decades. Arguments for Chinese exclusion played a central role in this racial formation, though, as advocates of exclusion worked to defend the need for barriers against a particular type of immigrant.

Fredrik Barth argues that these barriers are critical in the definition of an ethnic group. The "cultural stuff" inside the boundaries is less essential for defining a group's identity than the lines that enclose that stuff, Barth contends (Barth 1994, 15). In the arguments for Chinese exclusion, we can see anti-immigration forces working to both defend and define those boundaries.

For some, the task must have been simple. Whatever the Chinese were, they were not white, and some members were not shy about declaring that America was a country for whites only. But, even then, many seemed to feel the need to respond to counterarguments built on liberal principles, and their response drew on what Rogers Smith has defined as the democratic republican tradition, one that emphasizes the need for participation in the collective life of the community (R. Smith 1993;1997). Most exclusionists may have been strongly committed to what Smith has labeled inegalitarian ascriptivism—the view that some populations are inherently inferior by nature—but the power of the liberal tradition cited by their opponents was too great to dismiss. So, many turned to the democratic republic tradition and tried to make the case that the Chinese were incapable of ever becoming acceptable citizens.

Smith's framework provides a useful way of interpreting the broad contours of the exclusionist argument, but it gives less guidance to the specific type of claims that were made. Given that those claims were made in service of defining and defending boundaries around the imagined American community (Anderson 1991), it is helpful to look more at how communities are defined.

Mary Douglas's ideas about pollution and the social order (Douglas 2013) can help make greater sense out of the specific charges made by the exclusionists. Douglas argued that things that were out of place were defined as polluting, or seen as dirt (Douglas 2013). "Out of place" is always relative to some standard, of course, and the normative standard that Douglas examined was ideas about the social order. Although Douglas was primarily focused on examining similarities between religious and secular thinking, her emphasis on pollution provides a useful way of framing the arguments of those pressing for Chinese exclusion. Douglas argued that "some pollutions [sic] are used as analogies for expressing a general view of the social order" (Douglas 2013, 3). Douglas implied that this was part of *imposing* a social order, but such language could presumably be used in the service of *maintaining* a social order as well, when confronted by perceived threats.

Viewed through this lens, the logic of exclusionist arguments seems clearer. From the perspective of the social order they recognized, Chinese immigrants were strikingly dissonant, or "anomalous," to use Douglas's term. While Douglas focuses on the reactions to anomalies, or social rules governing anomalies, those arguing for exclusion were striving to enact governmental rules they saw as necessary to prevent those anomalies from growing in the social order.

What was needed was an argument that could persuade others that a threat existed. For those comfortable with racism, this was easily expressed: "these people are of a different race, therefore they are unacceptable." For those hesitant to openly embrace such explicitly racially inegalitarian thinking, however, the task was more difficult. Liberal principles seemed to suggest that people should be judged by individuals, and therefore entire populations could not be branded as unacceptable—only individuals could be labeled that way. Pointing to cultural differences and appealing to the democratic republic tradition was the alternative. Exclusionists unwilling to openly call for racial discrimination would instead argue that the Chinese were molded by a culture which left them unable to fulfill their roles as democratic republican citizens.

It might be like the dog whistle that Ian Haney Lopez (Haney-Lopez 2015) finds used in racial politics today, but the silent alert may be in a different pitch. Or, to complicate the metaphor, it may be a dog whistle's dog whistle. The implicit appeal being made may have been to racial difference, but it may have be as much to cultural concerns—group boundaries being breached by polluting elements. Over time, the definition of the boundaries being breached evolved to be seen as solid racial lines.

#### Limits of Racialization of Asians in America

Ironically, the approach taken by the exclusionists may have contained the seeds of its own destruction, to paraphrase Marx. Exclusionists went to great lengths to explain the specific factors which made the Chinese so different. While similar approaches could be taken for other groups, new definitions would presumably need to be found, if the Chinese were indeed so distinctive. While this might not seem like much of a problem, it could cause difficulty for those committed to a broader racialization of others of Asian ancestry. Theodore Allen has argued that

The hallmark of racial oppression in its colonial origins and as it has persisted in subsequent historical contexts is the reduction of all members of the oppressed group to one undifferentiated social status, a status beneath that of any member of any social class within the oppressor group. (Allen 2012b, ch. 10)

Exclusionist might succeed in defining the Chinese as fundamentally different from European Americans, but a highly distinctive Chinese population would be harder to lump together with those from other Asian countries. And, while a pan-anti Asian vision could certainly be developed, this weakly bonded amalgam could be cracked in many ways. And, cracks in the anti-Asian wall could threaten the entire edifice, as would be seen as the twentieth century unfolded.

Later efforts to exclude Japanese and Filipinos illustrated this. While some degree of Japanese exclusion was accomplished through the Gentlemen's Agreement in the early twentieth century, anti-Japanese forces were not able to simply draw on the arguments they had made against the Chinese. Racially lumping the Japanese and Chinese together would likely have been very helpful for the anti-Asian cause, but there was already a too-widely held perception of significant differences between the populations (Aoki, 2017). Eventually, of course, the partial exclusion of the Japanese left openings big enough to allow for a substantial growth of the Japanese American population, and the citizenship that was automatically bestowed upon those born in the United States. A few decades later, as efforts grew to exclude Filipinos, their ambiguous racial status in the United States allowed them a basis to challenge alien land laws (Pido 2016). Eventually, alien land laws, antimiscegenation statutes, and the Tydings-McDuffie Act worked to reshape Filipino identity into a more clearly Asian category, but restriction of immigration took much longer. Some of that was due to the different political status of the Philippines, but the inability

to lump them into a large, despised, and undifferentiated "Asian" race meant that discriminatory efforts would take much more work.

#### CONCLUSION: IMMIGRATION AND RACIALIZATION

The debate over Chinese exclusion is remarkable in many ways. Reading the debates it is hard not to see a strong resemblance to arguments over immigration today. And, in an era when the memory of the Civil War and embrace of liberal principles was still strong, we can see that exclusionists of that era helped to develop a template that could be used by anti-immigrant forces today in response to critics who condemned immigration restriction as a violation of liberal principles. In the earlier era, some members could more openly invoke racist principles, but today, even in the age of Trump, it is difficult for prominent elected officials to personally endorse white supremacy.<sup>8</sup>

Donald Trump's approach seems much less novel in this light. While Trump has toyed with an embrace of white supremacy, even he has yet to go so far as to openly embrace a doctrine proclaiming inherent inequality between ethnoracial groups. But, Trump's language reveals his close kinship with the nineteenth century exclusionists who sought to portray their position as uninfluenced by racial concerns. The people of countries such as Haiti may not be labeled as racially inferior, but they're from a "shithole" country (Daugherty 2018), and why would we want such people in the United States? For both Trump and those who advocated for Chinese exclusion, the key seems to be evoking fears of pollution of the social order, fears effectively activated through language emphasizing the anomalous nature of certain newcomers and

<sup>&</sup>lt;sup>8</sup> Steve King (R-IA) has arguably done so, but his party found that a bridge too far to the open racism of the past, and stripped him of his committee assignments (Gabriel, Martin, and Fandos 2019).

<sup>&</sup>lt;sup>9</sup> Of course, Trump has denied his "shithole countries" remarks (Morin 2018).

depicting them as threatening (drug dealers, rapists) and unclean. Well over a century after the

Chinese Exclusion Act, the exclusionist method of racialization lives on.

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#### **Data Sources**

All congressional debates on Chinese exclusion were gathered from volume 13 of the Congressional Record (CR), and all the debates occurred in 1882. The brief citations only give the page number, since the volume and year is the same for all in this paper. "Congressional Record" is abbreviated "CR" in the brief citations.

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