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THE WRITING ON THE WALL: CHINESE-AMERICAN
IMMIGRANTS' FIGHT FOR EQUALITY:
1850-1943

by
Elizabeth Lyman

A thesis submitted to the faculty of
Brigham Young University
in partial fulfillment of the requirements for the degree of
Master of Arts

Department of Humanities, Classics, and Comparative Literature
Brigham Young University
August 2007

BRIGHAM YOUNG UNIVERSITY

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ABSTRACT

THE WRITING ON THE WALL: CHINESE-AMERICAN IMMIGRANTS' FIGHT FOR EQUALITY: 1850-1943

Elizabeth Lyman

Department of Humanities, Classics, and Comparative Literature

Master of Arts

Early in the 1850s, a greater number of Chinese immigrants began to enter the United States, leading to a Sinophobic frenzy that would continue for decades. Throughout the latter half of the nineteenth century and the first half of the twentieth century, Americans sought to exclude the Chinese literally and figuratively. Americans employed negative imagery to illustrate the necessity of excluding the Chinese in order to “protect” white America. The negative imagery that became Americans’ common view of the “Chinaman,” enabled them to enact discriminatory laws without compunction.

In the face of intense persecution and bitter discrimination, many would simply have given up and returned to their homeland. However, the Chinese were determined not to give in to Americans’ desire to exclude them. Though often viewed as a passive and stoic race, in reality

the Chinese were proactive and eloquent defenders of their rights, and used two primary means of resistance to resist American exclusion: legal appeals and poetry.

In response to their literal exclusion, the Chinese utilized the United States judicial system, litigating cases that either reduced the force of discriminatory laws or abolished them outright. In so doing, they managed to alter U.S. legal history, setting new precedents and requiring judges to rule regarding the rights of non-citizens and the balance of power between state and federal governments, especially with regard to immigration policy.

With regard to their figurative exclusion, the Chinese were similarly vehement in their own defense. On the walls of the Angel Island barracks, where many of the Chinese immigrants were incarcerated during the Chinese exclusion acts, Chinese inmates carved and painted poetry emphasizing their sense of self-worth and their anger at the American “barbarians.” The immigrants employed imagery that counteracted and even reversed the widely held negative images of the Chinese in American literature and speeches. As such, the poetry became a source of strength, a rallying cry providing the Chinese with the courage and determination to combat American prejudice. Previous studies have largely ignored the Angel Island poetry and none have brought the poetry into the discussion of Chinese legal battles, this thesis seeks to do both.

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I write this acknowledgment page with slight trepidation, fearing I will forget to name someone who, by all rights, should be named. I must first and foremost thank my Heavenly Father because without His help, this thesis would never have been completed. Next, I would like to thank my brothers and sisters for their love and support, with a special thanks to my parents, Reed and Kathryn Lyman, who have been my sounding board and my emotional ballast. There are many friends and family who lent their love, support, and prayers to this project, and who deserve recognition, they are too many to be named here, but they know who they are. Additionally, I am grateful to my thesis committee, for without their expertise, advice, and guidance I would certainly have floundered. I appreciate the time and effort that many professors at Brigham Young University have spent in furthering my education and guiding me to this particular topic. This has been an adventure for me, challenging and yet exciting, and I am truly grateful that I have had the opportunity to attend graduate school at Brigham Young University.

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Chapter One: Historical Background for the Chinese Immigrants' Resistance in the United States during the Chinese Exclusion Acts

Introduction

Americans have often viewed Chinese-American immigrants as a silent and passive group of people, who were willing to accept injustice rather than drawing attention to themselves and standing up for the rights they legally merit. Despite the Chinese immigrants' significant contributions to American law, legal historians formerly assumed that the legal experience of Chinese immigrants was "marginal to the history of American law" and did not bother to include it in their histories (Cole and Chin 325). Legal historians and other scholars did not give Chinese-American immigrants' late-nineteenth and early-twentieth century court battles the attention they deserved until the early 1970s.

However, notwithstanding these recent advances in acknowledging the Chinese immigrants' contribution to American history, there is one aspect of their struggle that scholars in general continue to overlook: the significance of the poetry carved into the walls of the Angel Island barracks where many of the Chinese immigrants involved in making United States legal history, were, at some point, incarcerated. Very little has been written about this poetry, notwithstanding the noteworthy insights it provides into the lives of Chinese immigrants and the relationship that exists between these private writings and the public resistance of the Chinese immigrants during this dark period of

Chinese-American history. I argue that this poetry illustrates, and is quite possibly the basis of, the Chinese immigrants' active and determined fight for equality.

In the following pages, I will begin by providing a glimpse of the imagery associated with the Chinese in late-nineteenth, early-twentieth century America. My purpose in doing this is to demonstrate the severe persecution and discrimination the Chinese immigrants were up against, thus bringing their struggle into sharp relief. I also do this to place the imagery used in the Angel Island poetry into context with the imagery that most Americans used to describe the Chinese, thus creating a sharper picture of the ways in which the Chinese immigrants directly responded to Americans' depictions of them. The Chinese immigrants countered Americans' negative image of them, as a disgusting and degraded race, with images demonstrating that they were, in fact, a sophisticated and cultured people. The Chinese immigrants also tended to depict the Americans using negative imagery that was similar to that used by Americans to describe the Chinese. The Chinese immigrants responded vigorously and defiantly to Americans' prejudice using a variety of methods.

In the chapter following this, I will focus on some of the actual court battles fought by the Chinese immigrants and the public writing of various Chinese immigrants and organizations. My intention in so doing is to make a stronger case for my assertion that the Angel Island poetry is not the subdued, passive, and self-incriminating voices of a subordinated people, but rather the vigorous, proactive, and self-assured voices of a people who were bent on, and believed in, the ultimate success of their fight for equality and justice. Public records of Chinese court cases and documents make the Chinese immigrants' proactive stance abundantly clear.

Having established this background of proactive resistance, I will, in the third chapter, turn to the actual poetry carved on the walls of the Angel Island barracks. I will examine the imagery and language used in various poems to establish my assertion that this poetry is a literary expression of the Chinese immigrants' deep commitment to obtaining equality. I will also explain the way in which the Chinese immigrants' long poetic tradition, a tradition illustrated through the Angel Island poetry, formed a basis of confidence that enabled the Chinese immigrants to combat intense discrimination despite the disadvantages caused by their lack of citizenship and regardless of the many discriminatory laws and ordinances established to keep them in an inferior position.

The United States and Chinese Exclusion

From 1852, up through the first half of the twentieth century, Chinese immigrants became synonymous with filth, degradation, and, ultimately, destruction in the American mindset. Their long association with these and other negative traits eventually led to their exclusion from the United States. In 1882, the United States federal government signed into law the first U.S. legislation to exclude a group of people based solely on race. The wording of this act illustrates the effect of the negative imagery long used to describe this group of immigrants. The law reads:

Whereas, in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore, Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That . . . until the expiration of ten years next after

the passage of this act, the coming of Chinese laborers to the United States be . . . suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or, having so come . . . to remain within the United States. . . . [Furthermore] that hereafter no State court or court of the United States shall admit Chinese to citizenship. (“An Act to Execute” 59, 61)

The opening line of this act shows that Americans had constructed the Chinese immigrants as an imminent, ideological threat to the United States. The Americans framed the Chinese as a group of people that supposedly endangered the good order of American culture. This exclusion act was the culmination of several decades of racist, xenophobic, and specifically Sinophobic tendencies that nearly consumed the United States prior to its enactment. In consideration of the lack of evidence to prove that the Chinese immigrants did anything to endanger the good order of the United States,¹ and a great deal of evidence to demonstrate that they were generally law-abiding inhabitants of the United States, it becomes quite clear that the supposed Chinese threat was more imagined than real, more constructed than innate. Since the Chinese immigrants were fundamentally peaceable, industrious residents of the United States, the reasoning behind the Chinese immigrants’ construction as a threat to the United States undoubtedly has a much more complex and complicated history than their contemporary Americans wanted to admit. This history of prejudice toward the Chinese began long before Chinese American exclusion acts and, as prejudice in general, it was most essentially based on differences of skin color.

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¹ A book published in 1886 called *The Other Side of the Chinese Question* was actually written in defense of the Chinese. It presents various reports written against the Chinese and then presents compelling evidence to disprove these wildly inaccurate reports and was written by “California’s leading citizens.”

Americans Orientalizing the Chinese

From Europeans first encounters with the Chinese, Europeans saw the Chinese as innately and unalterably different from themselves. In 1855, Régis-Evariste Huc explained, “From the thirteenth century, when the first notions of China were brought into Europe by the celebrated Venetian, Marco Polo, up to our own days, all parties seem to have agreed in regarding the Chinese as a very singular people – a people unlike all others” (Schurmann and Schell 22). The separation between the Europeans and the Chinese began early on. Europeans’ early images of the Chinese ranged from “an enchanting picture of China, its patriarchal manners, its paternal government, . . . its wise administration always entrusted to the most learned and virtuous men” to the opposite end of the spectrum with depictions of “a miserable abject race, crouching under a brutal despotism, and driven, like a wild herd, by the will of the Emperor” (22-23).

Whether positive or negative, the overall image of the Chinese was always one of a people distinct and separate from the Europeans, and, since most American citizens came from Europe, these European views of the Chinese were, by and large, transferred to the new nation. With little or no experience with actual Chinese people and with China located on the other side of the world, most Europeans and Americans found it easy to imagine the Chinese people as an exotic race, definitely abnormal, and, quite possibly, not even the same species.

Even prior to the arrival of substantial numbers of Chinese immigrants in the United States, a series of museum exhibits in eastern United States served to objectify, exoticize, and dehumanize the Chinese people. In 1784, Peale’s Museum in Philadelphia

opened an exhibit with various Chinese curiosities (Lee 28). Spoons, weapons, and other items were on display, although these items, which demonstrated similarities between U.S. and Chinese culture, received no special consideration. The items that attracted the most attention were “the collection of wrappings used to bind the feet of Chinese women and the tiny shoes and slippers that fit bound feet” (28). These items exoticized and set the Chinese apart from Americans. To the Americans, the bindings for Chinese women’s feet symbolized the backward, oppressive, and exotic character of China as a whole.

Another museum exhibit in Salem also led Americans to dehumanize and objectify the Chinese. It “featured life-size clay models of Chinese officials and the Cantonese Hong merchant Yamqua, in effect putting Chinese people on display” (Lee 28). Later Peale’s museum also exhibited similar models of “‘exotic’ peoples ‘dressed in their real and peculiar habiliments’” (28). Thus, through labeling and displaying the Chinese as an exotic people with peculiar habiliments, the Americans were able to make a clear distinction between themselves and the Chinese. The Chinese were exotic, they were peculiar, they were unlike the Americans. They were also entertainment; creatures intended to be gawked at like animals in a zoo, rather than living, feeling human beings.

These museum exhibits set the stage for later missionary and traveler reports that continued to verify the dichotomy between the Chinese and the Americans. Since the vast majority of Americans had never been to China and most had never even seen a Chinese person, missionary and traveler reports from these eyewitnesses in China became Americans’ primary source of information with regard to China and its people and customs. As missionaries wrote home to their congregations, they became “America’s hot line to China,” and since missionaries were among America’s primary informants on

Chinese culture, “it is not surprising to find that the American people judged China in the same moral terms as the missionaries in the field” (Schurmann and Schell 253).

The vast majority of the missionaries’ reports portrayed the Chinese as crafty, dishonest heathens; and this depiction became the dominant image of the Chinese in the minds of most Americans. In 1894, Arthur H. Smith, a missionary who spent thirty years in China, published an essay entitled *Chinese Characteristics*. In it, he described the Chinese in the following manner, “What the Chinese lack is not intellectual ability. . . . What they do lack is Character and Conscience” (Schurmann and Schell 255). In painting the Chinese as lacking in virtues such as character and conscience, missionaries constructed a situation, easily adopted by the rest of America, in which China’s “only salvation lay in ‘God’ and the ‘West’” (253). The missionaries constructed the Chinese as a people unable to help themselves, a people who depended upon the West for moral instruction and guidance.

In this way, the philosophy that Edward Said has termed “orientalism” began to take hold of the American mindset. Said defines “orientalism” most basically as, “a style of thought based upon ontological and epistemological distinctions made between ‘the Orient’ and (most of the time) ‘the Occident’” (2). The distinction Said describes is one that presents the Occident as natural and superior and the Orient as unnatural and inferior. In setting themselves up as the only means of salvation and guidance to this pitiful race of people utterly lacking in conscience, America was poised to reform Chinese immigrants as they saw fit. Furthermore, should reformation prove impossible, excellent reasons for excluding the Chinese were also now in place.

However, America was unprepared for the reaction of the Chinese immigrants, who were by no means supine in the face of such bigotry and discrimination. The Chinese saw themselves as superior to the Americans in most ways and were far from willing to accept the role of submissive converts waiting to be reformed. The Chinese immigrants were equally unwilling to accept the role of inferior sub-humans unworthy of citizenship and/or entrance into the United States. The Chinese immigrants numerous court cases and much of the Angel Island poetry demonstrates their unwillingness to accept the roles America wished them to play.

Anti-Chinese Sentiment Expressed in “Scientific” Terms

An increasing number of Asian immigrants arriving in the United States in the late-nineteenth century produced a growing fear that the “original” (i.e., the colonizing) Anglo race of the United States would be replaced by the “inferior” (i.e., non-white) races, thus polluting and degrading the American (i.e., white) way of life. Systematic studies that used scientific terms to explain and demonstrate the inferiority of the non-white races amplified fears of racial impurity and cultural contamination, while simultaneously adding veracity to Americans’ irrational prejudice against the Chinese. These racial fears and prejudices caused U.S. citizens to clamor for the protection of U.S. borders against “the rising tide of color”² that, they insisted, was threatening to wash them away.

In *Orientalism: Asian Americans in Popular Culture*, Robert Lee elucidates the reason that Americans saw the Chinese as contaminating. He explains, “Not all foreign

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² In 1920, Lothrop Stoddard wrote an entire book discussing the calamity of racial contamination and his solution to it. His book is called *The Rising Tide of Color Against White Supremacy*.

people or objects are pollutants, only those whose presence disrupts the narrative structure of the community. Pollutants are anomalies in the symbolic structure of society, things that are out of place and create a sense of disorder” (31). The Chinese imposed danger on American society because they were, in Americans’ perception, “out of place.” Previous museum exhibits and missionary reports had clearly confirmed the unalterable disparity between Chinese and Americans. As far as the Americans were concerned, there were irreconcilable differences between themselves and these aliens, and as such the Chinese became a pollutant in U.S. society, eternally “out of place” in American culture.

As scientists set out to confirm the validity of their prejudice through scientific experiments, a variety of scientific discourses and philosophies emerged in the late-nineteenth and early-twentieth centuries to further substantiate the purportedly irreconcilable differences between Chinese and Americans. These racial studies included the measurement of facial angles, cranial capacity, and hair texture, among other body parts, to determine differences between the various races, as well as the effects of those differences on mental capacity and development.³ Another study of slightly different scope was performed to reveal the relationship between “Orientals” (Mongols), the mentally retarded (Mongoloids), and orangutans. This study was published in 1924 under the title *The Mongol in Our Midst: A Study of Man and His Three Faces*. Most notable in this publication are the various illustrations and photographs included in the book, all used to demonstrate the “proof” of similarity between these three groups.

The so-called “disinterested” nature of science gave legitimacy to the prejudiced views held by the majority of Americans at that time. By scientifically “proving” that

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³ For further information on various studies conducted during the nineteenth century, refer to William H. Tucker’s *The Science and Politics of Racial Research* (1994).

there were differences between the bodies of various groups of people, which the scientists defined as race, scientists were able to corroborate the validity of treating various groups of racial bodies in dissimilar ways. Working from the hypothesis that northern and western European races were inherently superior to all other races, scientists of the late-nineteenth and early-twentieth centuries found multiple ways of demonstrating the legitimacy of this hypothesis.

Through this succession of scientific studies and experiments, the superiority of the white race soon became an “established fact” in the United States. Before long, books of nonfiction as well as fiction⁴ began to reflect theories of white supremacy. In the introduction to Lothrop Stoddard’s *The Rising Tide of Color Against White World-Supremacy*, Grant Madison, a loyal white supremacist, adds his voice to that of the author’s in expressing a fear of racial and societal degeneration and calling on whites everywhere to take action to preserve the purity of their race and culture. In his introduction Grant warns:

If this great [Nordic] race, with its capacity for leadership and fighting, should ultimately pass, with it would pass that which we call civilization. . . . Such a catastrophe cannot threaten if the Nordic race will gather itself together in time, shake off the shackles of an inveterate altruism . . . and reassert the pride of race and the right of merit to rule. . . . Fight it must . . . against the dangerous foreign races, whether they

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⁴ In addition to the two mentioned herein, nonfiction books of this nature include Eliza Morton’s *Morton’s Advanced Geography* (1901), Madison Grant’s *The Passing of the Great Race* (1916) and Seth Humphrey’s *Mankind: Racial Values and the Racial Prospect* (1917). Examples of similar fiction books include: M.P. Shiel’s *The Yellow Danger* (1898), Francis Doughty’s *The Bradys and the Drug Slaves: or, The Yellow Demons of Chinatown* (1902), and Sax Rohmer’s *The Return of Dr. Fu Manchu* (1916). Both Shiel and Rohmer wrote multiple books employing Chinese men as the archenemies of Western civilization.

advance sword in hand or in the more insidious guise of beggars at our gates, pleading for admittance to share our prosperity. If we continue to allow them to enter they will in time drive us out of our own land by mere force of breeding. (xxx)

Grant makes it perfectly clear that he feels that whites are superior to all other races, and that any act of charity or kindness shown to these “foreign races” is an act of self-destruction and stupidity.

The extent to which white supremacy had infiltrated the United States becomes obvious when examining period textbooks. In the section discussing race in both *Intermediate Geography* (1881) and *Morton’s Advanced Geography* (1901) white supremacy is touted as absolute fact. In the earlier book, Steinwehr and Brinton forthrightly proclaim, “The White race is superior to all the others in intelligence and civilization” (13). The textbook’s authors discuss the superiority of whites as fact, without apology and without reservation. In the later book, the declaration is a little more subtle, but no less invidious. Morton explains that there are levels of civilization: “The Indian, Negro, and Malay races include many savages. . . . Many tribes of the Negro, Mongolian, and Malay races are barbarians. . . . Many of the Mongolians are half civilized. . . . The greater part of the Caucasian race is civilized” (33). The writer describes each of these terms (savage, barbarian, etc.) in detail using scientific terminology so that children can understand, clearly and “objectively,” what makes the white race better than other races. The writers also informed the children that, “The most powerful nations of the world are of the white race,” thus further establishing in white children’s minds the superiority of their race over all others (32).

Despite the Americans' intense emotional and intellectual commitment to proving Chinese (and all other races) inferiority, the vast majority of these Chinese immigrants refused to accept their inferiority as "fact." For instance, in the Angel Island poetry, the Chinese immigrants decried the "tyrannical" and "despotic" health tests required for entrance into the United States, arguing against the scientific tests that sought to prove their unworthiness to enter. American superiority was far from fact in the minds of the majority of the Chinese immigrants. The hypocrisy of the American "justice" system, which the Chinese immigrants sought to expose in their court battles and in the Angel Island poetry, was one American characteristic that simply confirmed to the immigrants their own superiority. They recognized that their construction as a threat to the American way of life was a false and biased one and they sought to reveal its falsity in a number of ways, including letters addressed to both state and federal governments discussing the absurdity of the various claims against them⁵ as well as in the Angel Island poetry.

Anti-Chinese Sentiments Expressed in Economic Terms

In addition to the construction of the Chinese as a racial and social threat, many people, most of them white laborers, also sought to construct the Chinese as an economic threat. James Tyner points out that the often-touted concerns for purity of race cannot strictly be dissociated from economic concerns. He also argues that scientific studies and the control of populations in connection with monetary considerations have been, and continue to be, closely tied to the formation of nations, as well as to the construction of their immigration policies (Tyner 17). That Americans saw the Chinese as a threat not

⁵ These letters can be found in various sources, including *In Search of Equality: The Chinese Struggle Against Discrimination in Nineteenth-Century America* and *Chinese American Voices: From the Gold Rush to the Present*.

only socially but also economically, becomes obvious in the following excerpt from *History of California*, published in 1898. In it, Theodore Hittell declares:

As a class, [the Chinese] were harmless, peaceful, and exceedingly industrious; but, as they were remarkably economical and spent little to none of their earnings except for the necessities of life and this chiefly to merchants of their own nationality, they soon began to provoke the prejudice and ill-will of those who could not see any value in their labor to the country. (99)

This contemporary report reveals the ridiculous nature of Americans' prejudice with regard to Chinese immigrants. Herein, the author openly proclaims that the Chinese are "harmless, peaceful, and exceedingly industrious," despite the many contemporary reports asserting otherwise. Hittell recognizes that the Chinese are no more dangerous or detrimental to the United States than any other immigrant group, meanwhile he simultaneously points to the feature of the Chinese that may have been a more direct reason for the prejudice against the Chinese: they were too economical.

Because many of the immigrants were men who had come to America in hopes of raising enough money either to bring their family to America or to enable their family to live above the poverty line in China, the majority of them lived on as little money as possible. The fact that the Chinese spent little money on American amenities and sent most of it back to China, amplified the already intense racial prejudice against them. White laborers were concerned that the Chinese immigrants' willingness to do

disagreeable and difficult jobs (for less pay than anyone else would accept) would soon make white laborers unemployable.⁶

Along with Hittell, another contemporary writer also discusses the Americans' fear of economic competition from Chinese immigrants. This author declares, "The chief point against the Chinese, and that which was put forth as the ground of movements against them, was that they worked for less wages than white people, and thus took their labor, or compelled them to work for wages upon which they could not subsist their families and educate their children" (*Memorial* 51). Although the authors then proceed to debunk this claim against the Chinese immigrants, their defense appears to have had little effect on their contemporaries. The Chinese immigrants' economical way of life, added to the fact that they looked and behaved differently from the rest of the population, was "the gravamen of the complaint against the Chinese through the many phases of the anti-Chinese movement in California" and led to their persecution and eventual exclusion (McClain 10).

In response to these and other similar accusations, the Chinese immigrants were quick to raise a defense. Via letters and through the courts, they called upon the U.S. government to defend Chinese immigrants' right to earn an honest living and they presented solid evidence of their industry, honesty, and innocence in order to bolster their defense. In 1876, Chinese leaders wrote to President Grant, presenting him with a substantial document that presented various American arguments against the Chinese and then countered each of them one by one, providing the president with specific counter

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⁶ Most of these immigrants came from the Canton province, an area that was desperately poor. Their destitute conditions in China meant that the lowest wages in the United States were better than their wages in China, thus causing them to accept wages no white laborer would dream of accepting. It was also due to their poverty that they continued to immigrate to the United States despite their unfavorable reception there.

arguments. In this way, they illustrated their determination to fight American discrimination. Rather than simply hoping that things would get better, they went directly to government officials that had the power to provide them with needed protection. Using logical, well thought out, and specific arguments, the Chinese immigrants attempted to sway legislators and even United States' presidents to consider their side of the situation.

The Chinese immigrants also worked with their own community to try to ameliorate the situation. Also in 1876, one of the main bodies of leadership in the Chinese community wrote to their community asking that immigrants write to their families and urge them not to come to America, since the arrival of more Chinese would likely lead to more harassment from the white community and would drive Chinese wages even lower (Yung, Chang, and Lai 25). In this way, the Chinese demonstrated not only their awareness of American sentiment, but also their resolution to take a proactive stance in fighting American prejudice. By taking matters into their own hands and attempting to de-escalate the problem through communication amongst themselves and with their compatriots back in China, the Chinese demonstrated their unwillingness simply to act as pawns in the hands of the Americans.

Anti-Chinese Sentiment Expressed in Political Terms

Despite the Chinese immigrants' numerous logical and well-written defenses, the vast majority of U.S. citizens remained convinced of the imminent danger of allowing the Chinese to remain within the United States. The idea of the Chinese as politically dangerous was almost as prevalent as the idea of the Chinese as economically and culturally dangerous. National, racial, cultural, and political preservation became the

paramount concern, and the United States eventually abolished many of the Chinese community's civil rights, including the right to subpoena witnesses to court, the general right to a writ of *habeas corpus*, the right to a judicial hearing, and so forth, all under the guise of safeguarding the "superior" race. State and national policies reflected the supposed need for national, racial, cultural, and even political protection from the Chinese.

Nearly every anti-Chinese ordinance and law instituted in the Western states in the mid-nineteenth century sought to render the Chinese impotent in terms of politics and beneficial to the United States in terms of economics. Every anti-Chinese law and ordinance, from the Foreign Miners' License Tax, which used racial discrimination to increase the state's revenue while putting the Chinese at a greater disadvantage, to the queue ordinance, which sought to ensure that the Chinese would choose to pay fines (increasing state revenue yet again) rather than submitting to a jail sentence that would result in the removal of their queue,⁷ sought to produce conditions that politically and socially limited the Chinese and financially empowered the Americans, all with the ultimate goal of completely freeing the United States from the Chinese presence. By structuring the laws that controlled the Chinese in these terms, "capitalists attempted to produce 'docile bodies' positioned simultaneously as productive in terms of economic power and unproductive in terms of political and social power" (Tyner 45).

Though initially unwilling to exclude the Chinese completely, due in part to the various treaties between the United States and China⁸ and in part to pressure from various

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⁷ The queue was a braided ponytail traditionally worn by Chinese men from the seventeenth century up through the early-twentieth century.

⁸ In 1880, the original treaty of 1868 was revised, supposedly to provide further protection for Chinese immigrants in the United States. The revised version declared, "... the Government of the United States

large companies that still benefited from cheap Chinese labor, Congress eventually began to enact various laws restricting Chinese immigrants' rights, especially in economic and political terms. For instance, the Page Law established in 1875 was a good compromise because it limited the immigration of Chinese women, while still allowing male laborers to enter the United States. In word this law was established simply to prohibit the entrance of Chinese prostitutes, but in application it could prevent the entrance of basically any Chinese women, whether prostitute, wife, or otherwise. It stated:

That it shall be unlawful for aliens of the following classes to immigrate into the United States, namely, persons who are undergoing sentence for conviction in their own country of felonious crimes other than political or growing out of or the result of such political offenses, and women "imported for the purposes of prostitution." Every vessel arriving in the United States may be inspected under the direction of the collector of the port at which it arrives, if he shall have reason to believe that such obnoxious persons are on board.⁹ ("An act supplementary")

The law's construction gave the collector unlimited power to decide which immigrant women had come as prostitutes and which had not. The criteria by which one commissioner decided to exclude Chinese women included, "his observations of the women's demeanor and manner of dress and on the evasive and unsatisfactory responses they had given to questions put to them about their marital status" (*In Search* 57).

will exert all its power to devise measures for [Chinese immigrants] protection." It also reaffirmed the original treaty's guarantee that Chinese immigrants residing in the United States would "be allowed to go and come of their own free will and accord" and promised them "all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation" (Treaty 827). As will be seen hereafter, the United States kept few, if any, of these promises.

⁹ This meant that ships that arrived bearing Chinese women were almost guaranteed to be searched for such "obnoxious persons" since most Chinese women were suspected of being prostitutes.

Because the Page Law identified no specific criteria for identifying women who were “imported for the purposes of prostitution,” the decision and guidelines to identify and exclude said “prostitutes” was wholly at the discretion of the collector. Thus, through choosing a prejudiced collector, the state could greatly limit the number of Chinese women entering the United States.

The law’s focus on prostitution enabled it to gain the support of politicians who were concerned about breaking the Burlingame Treaty. Framing the law in terms of morals also allowed Sinophobic politicians to gain support for a law that would otherwise have been vetoed by less prejudiced politicians. The Page law also gained support due to the projected economic benefits. Excluding Chinese women was economically beneficial in a number of ways. First, it ensured that the Chinese workers remained extremely mobile, without wife and children they were able to more easily conform to the role the Americans wished them to fill: that of the seasonal, transient, underpaid laborer. They also required less space, had more simple living conditions, and were less distracted by family concerns. Preventing the formation of Chinese families also guaranteed that Chinese immigrants would not be granted citizenship by birth, a situation that would have allowed them to gain greater social and political power.

By inhibiting the vast majority of Chinese immigrants from gaining citizenship, the U.S. government was able to continue to establish laws to ensure that the Chinese immigrants would remain impotent in terms of politics, while simultaneously conferring the highest possible economic benefits on the United States, since the only Chinese generally allowed to enter were those who could provide cheap labor, thereby providing the state with greater economic benefits. Thus “the reproductive costs of a degraded

Chinese laboring class would continue to be born by the sending country—China—while the economic benefits would be accrued by the United States” (Tyner 44). In this way, the Page Law, like most other anti-Chinese laws, worked to “ensure a politically docile class of racialized workers” (44).

However, the Chinese immigrants’ proactive stance made Americans’ attempts to squelch Chinese immigrants’ political power and retain them as a “docile class of racialized workers” next to impossible. The immigrants recognized that although Americans could deny them a voice in most normal modes of political expression, the court system was still open to them and was an excellent means of preventing the Americans from placing the Chinese immigrants in a position of complete political and social impotence. Throughout the late-nineteenth and early-twentieth centuries, the Chinese immigrants litigated case after case, thus demonstrating their refusal to accept the position of racialized workers with a complete lack of political power. In addition to frequent court battles, the Chinese immigrants also frequently communicated with government officials in meetings and through letters to try to bring their own side of the story to politicians’ attention.

Vilifying the Chinese through Negative Imagery

Despite the Chinese immigrants’ excellent defense, discriminatory laws continually linked the Chinese immigrants with filth and disease. For instance, an 1885 California state education law reads: “Trustees shall have the power to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for children of Mongolian or Chinese descent”

(McClain 142). The way in which the law is constructed associates Chinese children with filth and disease. Chinese children, like the children suffering from dangerous maladies, are to be excluded from the schools, as a threat to the well-being of other “normal” children. In the eyes of the legislators and many citizens, Chinese children were as great a danger to white children as infectious diseases.

As previously mentioned, Chinese immigrants began the process for gaining entrance to the United States with a series of medical examinations. The doctors would search for various parasitic diseases that would supply them with a basis for Chinese exclusion. “In this way medical officers were responding to and participating in the conflation of immigrant with disease, the widely held belief that the Chinese were a greater health risk than other racial groups” (Hoskins 104). Constantly associating the Chinese immigrants with plague, disease, and filth both directly and indirectly, allowed the United States to separate themselves from the Chinese for theoretically logical reasons and enabled them to frame the Chinese exclusion as a protection to their citizens.

The tendency to emphasize the dangers of the Chinese people and culture through negative imagery, and even direct accusations, is also visible in a variety of reports and statements associated with Sinophobic legislation of the late-nineteenth century. In 1854, one chief justice of the Supreme Court, Hugh C. Murray, decided to deny Chinese the right to take the witness stand in court. He declared that the Chinese are a people “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 . . . between whom and ourselves nature has placed an impassable difference” (*People*). Ignoring the many cultural and technological advances that the

ancient Chinese civilization had produced, Chief Justice Murray relegated the Chinese to a substandard position as a people who were unable to function on any but the most rudimentary levels. Without any substantial evidence of the Chinese immigrants' tendency to lie or of their inability to progress and learn anything beyond an elementary level, a supposedly inalienable right, the right to testify in court, provided to all "normal" residents of the United States, was frequently denied Chinese immigrants. Since even criminals are allowed the right to testify in U.S. courts, this denial of Chinese immigrants' testimony placed them in a position even lower than criminals, who were obviously considered more "normal" than the average Chinese person.

In 1856, two years after Murray made his bigoted statement, a report associated with legislation for the Foreign Miners' License Tax (a tax originally established to penalize Chinese immigrants, as a means of driving them out) further expressed the American invective against the Chinese. The reporting committee asserted that the presence of the Chinese was "neither beneficial nor desirable: but on the contrary, highly detrimental to the welfare, safety and happiness of the State;" it further described the Chinese as a "distinct and inferior race," "horribly depraved," and "verily a nation of liars . . . unworthy of credit" (McClain 20). The intent of the report was to contend that, as members of a race "highly detrimental to the welfare, safety, and happiness of the State," the Chinese should not only be banned from the witness stand, but also utterly banned from the state.

Since the Chinese were, according to this report and others like it, neither beneficial, nor desirable to the state of California, but rather the reverse, citizens and legislators alike argued that they should be prevented from entering the state and

encouraged to leave as vigorously as possible. As a “distinct and inferior race,” unalterably separated from the Americans due to their supposed depravity, mendacity, and inferiority, the state argued that it had no alternative but to eliminate the Chinese as quickly as possible, by whatever means necessary. The process of establishing the Chinese as deviators from the “natural” American way, a process that had begun with the late-eighteenth century museum exhibits, was coming to a climax that would eventually result in federal laws specifically established to exclude the Chinese immigrants.

When California legislators and citizens came to recognize that, due to Chinese immigrants’ frequent regress to the courts, they were unable to eliminate the Chinese presence on a state level, they set out to find another means of inhibiting Chinese immigration via appeals to the federal government. In 1858, the Committee on Federal Relations put together a report to demonstrate the detrimental effect of the Chinese on the welfare of the state of California, thus defending the state’s right to exclude them and enlisting the federal government’s aid in doing so.

The substance of the report argues that the Chinese “habits, manners, and appearance are disgusting in the extreme;” the report further “compared [the Chinese] influx into the mining districts to a visitation by the locusts of Egypt,” and declared “that California is peculiarly the country of the white man and that we should exclude the inferior races”(McClain 18). Couched in biblical terms that described the Chinese as one of the Egyptian plagues,¹⁰ this report sought to present Chinese exclusion as not only essential for economical, racial, and cultural reasons but also for spiritual reasons. The imagery of the Chinese as a plague that would destroy the superior culture and society of

¹⁰ Describing the Chinese as one of the Egyptian plagues is, interestingly, somewhat paradoxical, considering that in the Biblical text the Egyptian plagues were sent by God to punish a wicked people and, ultimately, to set God’s chosen people free.

the white race was one used repeatedly in politics and other reports. Appeals for the need to protect American morals from wicked and degrading Chinese customs were common and one of the main sources of gaining more moderate politicians' compliance with anti-Chinese legislation.

An unnamed spokesperson on the Joint Special Committee of Congress gathered the multitude of different accusations against the Chinese into one extended diatribe. He cries:

The burden of [San Francisco's] accusation against [Chinese immigrants] is that they come in conflict with our labor interests; that they can never assimilate with us; that they are a perpetual, unchanging, and unchangeable alien element that can never become homogenous; that their civilization is demoralizing and degrading to our people; that they degrade and dishonor labor; that they can never become citizens, and that an alien, degraded labor class, without desire of citizenship,¹¹ without education,¹² and without interest¹³ in the country it inhabits, is an element both demoralizing and dangerous to the community within which it exists.

(Anti-Chinese 25)

With such a detailed and logical explanation of the harmful effects of the Chinese on America and a barrage of similar complaints and reports, Congress could hardly help but respond. Though there was no real basis for these claims against the Chinese immigrants,

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¹¹ His complaint about the Chinese immigrants' lack of interest in becoming citizens is interesting considering that Chinese petitions to become citizens were generally rejected. Additionally, there is evidence that there were many Chinese immigrants with a desire to become citizens and permanently reside in the U.S. (See *McClain* 71).

¹² This claim is also questionable when one bears in mind that many Chinese immigrants had sought to have their children educated and had been denied the opportunity (see *McClain* 134-144).

¹³ This claim is also spurious in view of the constant political awareness demonstrated by the Chinese in court and in their communities.

nor was there any kind of substantial evidence to prove the veracity of the claims, the vehemence and frequency with which these claims began to appear urged the federal government into action.

The United States Protecting Itself from the Yellow Peril

Decades of constructing the Chinese people as a threat to nearly every aspect of American life finally led the federal government itself to label the Chinese as a threat, one that “endanger[ed] the good order of certain localities,” as explained in the 1882 Chinese Exclusion act. In this act, the Chinese were officially identified as a threat, a threat against which action must be taken. Tyner describes the federal government’s actions thus:

The authority to control immigration, and hence ‘protect’ the United States, fell into the hands of Congress largely by default.¹⁴ . . . Entrusted with protecting the United States from external threats, Congress approached the matter forthrightly. Senator Edmunds declared unequivocally that the purpose of Congress was to provide ‘for the safety and security of society in the States’ and to ‘cure the difficulty that . . . exists on every shore’ of the United States. (Tyner 35)

Americans had conclusively concurred that the Chinese were, in fact, a danger and a “difficulty” to “the safety and security of the States.” Having thus established this point, Congress felt it was left with little alternative but to enact laws to “protect” the United States from this imminent peril. If protecting the safety and security of society in the

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¹⁴ Numerous Chinese court cases had established the fact that only Congress had the right to control immigration (See *McClain* 7-133).

United States required Congress to enact laws to prevent Chinese immigration, Congress was willing to do so, despite previously formed treaties guaranteeing Chinese the right to immigrate. Hence, in 1882, Congress instituted the first act to suspend the immigration of Chinese laborers. Initially, this suspension was set for ten years; however, as each decade of exclusion came to a close, legislators continued to extend and even intensify laws to prevent Chinese immigration right up until 1943 when the Chinese joined World War II on the side of the Allies.

Conclusion

Meanwhile, in response to this bombardment of accusations, the Chinese constantly sought to re-present themselves and replace negative images of their people with positive images. They did this in a variety of ways including documents written to their own community, articles addressed to the white community, essays to various journals, magazines, and newspapers, public letters to government officials, and personal poetry. In their public writing, the Chinese immigrants address the white community, arguing their case in a clear and logical fashion, presenting themselves as moral, law-abiding, industrious residents of the United States, and demonstrating the veracity of their argument with specific details. In their more personal communication, particularly their poetry, the Chinese immigrants constantly refer to Chinese heroes and intellectuals, aligning themselves with these luminaries and demonstrating their confidence in their own eventual triumph. One poet even utilizes the image of Napoleon imprisoned on an island, prior to his rise to glory, as a means of expressing his confidence in the Chinese

immigrants' ability to rise above their current situation to achieve great things, while simultaneously demonstrating his awareness of Western culture and history.

From the forgoing discussion, it is apparent that, throughout their early immigration, Chinese immigrants labored against impressive odds in their struggle for equality. In the face of such intense prejudice, the courage and determination of these Chinese immigrants comes into sharp relief. These immigrants fought for their rights with undying resolve and purpose. Despite the unreasonable disadvantages heaped upon them, the Chinese refused to simply accept the position of subordinate inferior. In response to U.S. efforts to lock them into an inferior and impotent position, the Chinese immigrants utilized two primary means of re-presenting themselves and breaking free from their subordinate position: first, they utilized the U.S. court system, a literal form of resistance, and second they employed poetry, carved and painted on the walls of the Angel Island barracks, a more figurative resistance. In this way, the Chinese immigrants battled American prejudice on its two main fronts: literal exclusion via law and figurative exclusion via language. I will now turn to a discussion of the more public side of the Chinese immigrants' fight for equality: their court battles and public documents.

Chapter Two: The Chinese Immigrants' Public Resistance

Introduction

Though many scholars have written about the Chinese immigrants' resistance to the Chinese exclusion acts via the courts, none has brought the Chinese court cases into juxtaposition with the Angel Island poetry. In the following pages, I intend to juxtapose these two different means of resistance. Bringing them together here will, I hope, result in deeper insights regarding both aspects of this movement. Examining court records of Chinese immigrant cases and various public documents written by the Chinese, we can see the way in which the Chinese expressed themselves to the white community in general. We can also see the way they publicly resisted the negative imagery thrust upon them and how they sought to obtain equal rights.

Although their poetry tells a lingeringly silent and frequently ignored story of the way in which the Chinese immigrants expressed themselves to themselves, it echoes ideas of resistance to negative imagery and a desire for equal treatment and rights akin to the desire expressed by means of their numerous court battles and public documents. In the poetry carved and painted on the walls of the Angel Island barracks where the Chinese immigrants were incarcerated during most of the period of Chinese exclusion, the immigrants poured out their anger, frustration, and pain, and frequently called for justice to come upon their persecutors. They also call out to each other, give advice, and rally their fellow inmates' courage, simultaneously rallying their own courage as well. As

a result of these multi-faceted characteristics, the Angel Island poetry became an important aspect of the Chinese immigrants' resistance to American discrimination.

The Chinese immigrants' public documents and court cases are the foreground of their struggle for equality and justice. They are the visible means of resistance to the community at large. However, this poetry is the essential background to the Chinese immigrants' public resistance, supplying the immigrants with an outlet to express their feelings and to assert to themselves and to each other their worth as individuals and as a culture. In this way, the immigrants gained the courage and the confidence necessary to battle an entire government and nation resolved to exclude them. I will further discuss the role of the Angel Island poetry in the next chapter. In the following pages, I will provide a sampling of elements that I feel are central to the Chinese immigrants' public resistance, including court cases, public statements, and letters to government officials. These varied means of resistance demonstrate the various ways in which the Chinese took action and demanded justice.

The first fundamental part of the Chinese immigrants' effective defense of their rights was their understanding of the overall political environment of the United States. Charles McClain explains the extent to which the Chinese immigrants understood America's political environment. He states, "There is abundant evidence that the leaders of the Chinese community in America were, from the earliest days of immigration and throughout the nineteenth century, well attuned to the larger political milieu and that they consistently displayed shrewdness and intelligence in operating in that milieu" ("Chinese Struggle" 350). The Chinese immigrants' demonstrated their familiarity with the larger political scene and their awareness of the United States' ever-changing laws in sundry

ways, including their knowledge of slight changes in the wording of laws that might be used to their advantage and their awareness of court decisions that might grant them the desired outcome.

One example demonstrating Chinese immigrants' awareness of changes in American law was their quick reaction to changes in naturalization laws. In 1875, codifiers, likely inadvertently, left the phrase "being a free white person" out of the naturalization law and within several months of the change several Chinese immigrants began applying for citizenship (*In Search* 70-71). The time between this small change in wording, which allowed the Chinese a chance at citizenship, and the Chinese immigrants' effort to take advantage of that change was incredibly brief.

A case tried in 1883, a year after the institution of the first Chinese exclusion act, well illustrates the Chinese immigrants' awareness of court decisions from which they could benefit. This case involved a Chinese laborer in Massachusetts who won his case and gained entrance to the United States by demonstrating that, as a native of Hong Kong, he was actually a subject of the British monarch, and not of China and was therefore exempt from the Chinese exclusion acts. Although this case was tried on the east coast of the United States, within just a few weeks of the decision, Chinese immigrants in California also sought to gain admittance to the United States using a similar argument (*In Search* 155). These immigrants' paid close attention to anything in the law or in the courts that related to them in any way and they were quick to make the most of any legislation or decision that might work to their advantage in helping them achieve equal rights.

The Chinese immigrants' constant vigilance with regard to new legislation and recent court decisions and their careful study and understanding of the U.S. governmental system is one way in which they battled America's discriminatory laws. Their vigilance with regard to these aspects is also an excellent indicator of their decision to fight U.S. prejudice actively. Rather than simply waiting to be acted upon by new laws and verdicts, the Chinese earnestly sought out to understand and be aware of laws. This information enabled them to combat the forces that stood against them in a highly effective manner for several decades.

Fighting Discrimination via Organization and a Sense of Community

Another essential element in the Chinese immigrants' resistance of American prejudice was their habit of forming themselves into various organized groups for protection and support. This habit served the Chinese well in the face of American discrimination. In China several different types of mutual aid organizations existed, each of them with a slightly different focus. When the Chinese immigrated to the United States, they continued to found mutual aid associations based on these traditional Chinese organizations. Of the different organizations, one type, called *huiguan* (會館),¹⁵ became particularly visible to the white community. Although the *huiguan* in China normally separated into different groups according to dialect and native location, in America they were forced to combine their efforts in order to contend successfully with their larger opponent: the white community. Eventually six of the largest *huiguan* came together to

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¹⁵ These *huiguan* performed a variety of different services including: ensuring that members' last remains were returned to their homeland, helping members find employment and housing in their new environment, arbitrating arguments both between members and with rival associations, and organizing festivities in honor of traditional Chinese holidays (see Ma 150).

form what became known as the Chinese Six Companies, banded together they became a strong force in the Chinese immigrants' battle for equality.

Although the members of the various *huiguan* within the Chinese Six Companies sometimes had serious disputes, and the *huiguan* heads often competed for prominence, intense persecution from the white community helped them to overlook differences amongst themselves when combating discriminatory laws. Using their combined efforts, the Chinese Six Companies frequently arranged legal defense for Chinese plaintiffs, and regularly acted as mediators between the immigrants and the government, both state and federal.¹⁶ They served as “the most important organ of social and economic control within the Chinese community” (Tyner 30) and “prove[d] themselves capable of acting vigorously to assert community rights when confronted with threats from the Caucasian world” (*In Search* 15).

Traditional Chinese *huiguan* were originally founded because “even within China . . . Chinese from one region tended to regard persons from another region as outsiders,” at least in part because of differences in dialects from one region to another (Ma 162). Because of this tendency to exclude those of different dialects, whenever Chinese people traveled to a new area (even within China), they would seek out people who were from the same region and who spoke the same dialect and together they would form a *huiguan* “to protect its members against harsh dealing and oppression by the authorities of the place” (Morse 45). Thus, the *huiguan* were an excellent means of dealing with the harshness of U.S. government authorities as well as state and federal

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¹⁶ Interestingly, having the *huiguan* arrange for legal defense was also a feature of the *huiguan* in China. According to Morse, the *huiguan* “undertakes to prosecute at law on behalf of its members, when satisfactory proof is produced of the equity of their claims” (quoting Macgowan, 45).

governments' oppression of the Chinese, since that was a typical reason for their existence.

The long-standing tradition of forming mutual aid societies served the Chinese well in the United States by providing them with a means of protesting discriminatory measures en masse, organizing delegations to meet with government officials, and generally challenging Americans' desire to relegate them to a subservient and inferior position. The necessity of forming *huiguan* even in their native land served the Chinese in yet another way: preparing them, at least in some degree, for the discrimination they encountered in the United States. Although the discrimination in the United States was more vehement and forceful than the discrimination they had encountered in their native land, attitudes about "outsiders" in China prevented them from being shocked into passivity and/or compliance at the expressions of distrust, discrimination, and disfavor from the Americans. As Ma explains in her study of Chinese organizations in both China and America, The "virulence [of the anti-Chinese movement] was not enough to produce fundamental differences in the nature of these social organizations . . . organizations that Chinese were already inclined to depend upon when in a nonnative environment" (Ma 162).

Because these ancient mutual aid associations offered a sense of community as well as a means of organized resistance, they were an important factor in the Chinese immigrants' struggle to obtain their rights. The Chinese immigrants' tendency to band together as a community when faced with a hostile environment created a united front from which they could battle America's harsh discrimination. It also gave them a way to

coordinate political movements, such as massive boycotts on discriminatory laws.¹⁷ Additionally, by unifying themselves and each donating a little, they were consistently able to collect the funds necessary to hire the best legal advocates in the United States for their most important cases. Their decision to work together is yet another indicator of their active resistance. Furthermore, through choosing to band together, they also created an environment where they could feel validated, thereby granting them the self-assurance to demand their rights despite their position as a minority faced with a hostile majority.

Fighting Discrimination via the U.S. Judicial System

In addition to their understanding of politics generally and their decision to unite their efforts, the Chinese immigrants' fight for equality was also bolstered by their deep understanding of the U.S. judicial system, which they used with dexterity and competence. Perhaps, their commitment to the fight for equal rights is best demonstrated through their regular use of the judicial system. As early as 1852, when the vast majority of Chinese immigrants had only been in the United States for about two years, many of the immigrants had already discovered the role of the judiciary branch in the U.S. governmental system and had begun to use it to their own advantage (Janisch 50). The Chinese immigrants understood the way in which the judiciary branch acted as a check to the legislative branch and, as McClain points out, they recognized early on that the "courts could be used to frustrate the Sinophobic impulses of the Caucasian majority, and they learned to repair to them when their interests were threatened" (*In Search* 279).

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¹⁷ The Chinese organized boycotts several times "in order to set up the mechanism for a constitutional test case" (Ma 150). For instance, In 1905 Chinese merchants ordered a boycott on American products, alarming the American business community. As a result of their boycott, many American businessmen "petition[ed] the Bureau of Immigration for more equitable immigration procedures" (Salyer 81).

In the opening pages of *In Search of Equality: The Chinese Struggle Against Discrimination in Nineteenth-Century America*, Charles McClain asserts, “During the second half of the nineteenth century, the Chinese mounted court challenges to virtually every governmentally imposed disability under which they labored” (3). He then offers hundreds of pages of evidence to back up his claim. It is from his research that I garnered much of my information regarding the Chinese resistance in the courts. This book was also the source of many additional sources that also documented Chinese immigrant court cases and of many public documents written by the Chinese community during nineteenth century.

Contemporary bipartisan literature corroborates McClain’s assertion about the Chinese immigrants’ adept use of the legal system during the nineteenth century (Cole and Chin 339). One writer, Reverend Speer, comments on the Chinese immigrants’ quick adaptation of the democratic system and their use of the Chinese Six Companies’ membership funds to support litigation (566-567). A contemporary newspaper commented that the Chinese “are better acquainted with the intricacies and elasticity of our laws than many lawyers, and evidences of their astuteness are frequent” (Janisch 117). Although contemporary Americans were often disgusted by the Chinese and generally felt that the Chinese were beneath them, they had to acknowledge, in disgruntlement, that, despite the odds, the Chinese were quite effective in defending themselves. The Chinese immigrants’ understanding and use of the American court system was a source of constant annoyance to those who wished to curtail and even eliminate the Chinese presence in the United States.

The Americans' claim about the Chinese immigrants' inability to assimilate to the drastically different American culture was one that the Chinese immigrants implicitly denied through their adept use of the judicial system. Though few of their American contemporaries would admit it, the Chinese were clearly capable of assimilating to American customs and of understanding American government. In fact, they were quite capable of besting the Americans at their own game, even while using American rules on American playing ground. With each succeeding piece of discriminatory legislation, the Chinese immigrants found new opportunities and methods of producing test cases and fighting for equal treatment via the court system. As Richard Cole and Gabriel Chin note, "In proportion to their small population Chinese immigrants filed an amazing number of lawsuits. Some of these records have been used by legal scholars throughout the twentieth century" (335). The Chinese immigrants' active defiance of the exclusion laws had a profound effect on the U.S. legal system while it simultaneously affected the outcome of their own resistance.

Fighting Discrimination in Court Prior to the Chinese Exclusion Acts

Because the Chinese immigrants recognized the importance of using the courts to defend their rights, they were particularly protective of their right to testify in court. In every instance wherein governmental legislation or judicial decisions sought to limit the Chinese immigrants' right to testify in court, whether in word or merely in application, the Chinese immediately appealed the resulting law or decision.¹⁸ They understood the importance of having access to the courts, as their primary means of combating the

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¹⁸ In 1872, the Chinese immigrants' constant and emphatic demand to have the right to testify in court finally led the California legislature to remove the ban they had previously placed on Chinese testimony against white people (*In Search* 42).

discrimination that boiled around them and they demanded that right in no uncertain terms. Furthermore, if they could not get a lower court to respect their right to testify and/or give them a favorable ruling, they would simply appeal to a higher court. Hence, the number of Supreme Court cases filed by the Chinese is astounding,¹⁹ especially when one considers the small number of Chinese immigrants living in the United States and the fact that the majority of them were denied the right of citizenship. These stubborn immigrants would not take no for an answer until they had exhausted every resource and consulted every authority. Although it is unfeasible to discuss all the cases the Chinese took to court, I will mention several particularly important cases in order to exemplify the way in which the Chinese immigrants handled their debilitating circumstances and the effect that their understanding of the U.S. government, combined with their ability to organize themselves, had on their own community and on the United States.

The Chinese litigated one such case in 1862 when the state of California enacted a new piece of discriminatory legislation. This new legislation came to be called the Chinese Police Tax, though its proper title makes the legislators' intentions clear. Its official title was "An Act to protect Free White Labor against competition with Chinese Coolie Labor, and to Discourage the Immigration of the Chinese into the State of California" ("California" 462). This new legislation levied a monthly tax of \$2.50 on all Chinese immigrants licensed to mine and on all those involved in producing or manufacturing sugar, rice, coffee, or tea. The monthly tax could also be levied directly against employers if their Chinese employees failed to pay, thus making it more difficult for Chinese immigrants to find jobs in these types of industries. The legislators hope was

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¹⁹ I have found record of at least seven Supreme Court cases filed by Chinese immigrants between 1888 and 1908.

that a harsh tax against two of the main sources of Chinese income would eventually lead the Chinese to seek other places of residence due to their inability to make a living.

The Chinese were, however, quick to respond to this new, economically disabling legislation. The record of the Chinese immigrants' response in a local newspaper, the *Sacramento Daily Record-Union*, reveals their understanding of how to gain access to the courts and how to use the courts to alter discriminatory laws. It also shows that Chinese organizations were quick to take charge of the situation in order to mitigate its effects. The newspaper declared, "The several Chinese organizations in this city and state are making arrangements to test in the Supreme Court . . . the constitutionality of the Police Tax Law" (*In Search 27*). The Chinese were not even willing simply to await the opportunity to test the law's constitutionality; they took matters into their own hands and actively set up the conditions necessary to ensure that there would be a case to test its constitutionality as soon as possible.

The Chinese immigrants' resolve to utilize the judicial system to combat discrimination resulted in a favorable outcome and, as often occurred during the nineteenth century, the California Supreme Court ruled on the side of the Chinese. They declared that, "The Chinese may be taxed as other residents, but they cannot be set apart as special subjects of taxation" (*Lin Sing*). The Court further stated, "Immigration, either temporary or permanent, is an ingredient of intercourse and traffic" and the power to regulate it "is exclusively a prerogative of the Federal Government, and no State can exercise any part of it, except, perhaps, as the Government may assent to its exercise in particular cases" (*Lin Sing*). Thus, due to their initiative and organization the Chinese obtained some measure of protection against the state's bitter intolerance. This protection

remained in force for several decades afterward, and was even helpful for a brief time after the establishment of the Chinese exclusion acts.

The Chinese immigrants' success in seeking protection against discriminatory taxation meant that legislators had to find new ways of attempting to remove the Chinese from the state. Recognizing that the Chinese could prevent legislation from explicitly excluding them, the legislature sought instead to make life miserable for the Chinese immigrants in hopes that they would choose to leave of their own accord. Soon legislators introduced new anti-Chinese ordinances, such as the Cubic Air Law, which declared that rooms must contain at least five hundred cubic feet of air for each adult person dwelling therein, and the Basket Carrier Ordinance, which prohibited walking on sidewalks carrying multiple baskets attached to a pole placed across one's shoulders (Lai, Lim, and Yung 10). These ordinances did not name the Chinese specifically, but the Chinese were clearly their target since they were the most likely to live in crowded conditions²⁰ and were the only ones who regularly used baskets to carry goods.

A few years later, when legislators discovered that the Chinese immigrants were willing to be jailed for the prescribed amount of time rather than pay the fine for their various misdemeanors, legislators enacted a new measure, the previously mentioned Queue Ordinance. This ordinance compelled all convicted prisoners to have their hair cut within an inch of their scalp. The ordinance was designated as the Queue Ordinance precisely because it was aimed at the Chinese, the only people who wore queues and the only ones who would care if going to jail meant getting their hair cut. At that time in China, having one's queue cut off meant one was in disgrace and the legislators who

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²⁰ The cubic air law was also more strongly enforced against the Chinese. At times of high anti-Chinese fervor, police often investigated apartments in the Chinese section of town while other overcrowded apartments were, almost invariably, ignored (*In Search* 65-66).

enacted the ordinance were decidedly aware that the vast majority of the Chinese would rather pay a fine than lose their queue (*In Search* 48).

Of course, the astute Chinese were as unwilling to accept these more subtle ways of excluding them, as they were to accept the more obvious exclusion of the preceding laws. Each time the legislature enacted an exclusionary legislation of any kind, the Chinese quickly arranged the necessary conditions to test the constitutionality of the new laws and ordinances. Though they did not gain reversals in all their cases, they did manage to mitigate the effects of the vast majority of exclusionary laws and ordinances. Most importantly, they demonstrated to the white population that they would not accept discrimination in any one of its many forms.

Cases brought up to combat the Basket Ordinance met with total defeat and the Chinese had to find ways of working around it, either by walking on the street as close to the sidewalk as possible or by slinging a single basket over their shoulder, rather than on a pole (47). In a case brought against the Cubic Air Law, the Court ruled that although the law was constitutional, its enforcement must be fair and impartial. They further declared that if the law were abused, the Chinese had “available remedies” to contest that abuse (69). This was not a complete victory, but it was partial victory.

In the case of the Queue Ordinance, the Chinese immigrants had greater success. The Court affirmed that this ordinance “exceeds the authority of the board of supervisors” and further maintained that, “it is special legislation imposing a degrading and cruel punishment upon a class of persons who are entitled . . . to the equal protection of the laws” (*How Ah Kow*). The Court further ruled that: “where an ordinance, though general in its terms, only operates upon a special race, sect or class, it being universally

understood that it is to be enforced only against that race, sect or class we may justly conclude that it was the intention of the body adopting it that it should only have such operation, and treat it accordingly” (*How Ah Kow*). The court’s ruling in the Queue Ordinance dispute was a decisive victory for the Chinese.

This series of cases illustrates the Chinese immigrants’ determination never to concede defeat. Despite their incomplete success in the first two cases, the Chinese continued to litigate against the State’s exclusionary tendencies. Their decision to do so eventually guaranteed the Chinese the equal protection of the Constitution and of the laws of the United States, despite their lack of citizenship. It also established a new precedent in judicial history, allowing judges not only to examine the wording of the law, but also to examine the application of the law in determining its constitutionality. This decision had far-reaching effects on this particular case as well as on many subsequent cases. In their resolve to obtain fair and equal treatment, the Chinese affected the outcome of cases that were in no way related to them. This ruling guaranteed that other non-citizens also received the equal protection of the laws and it curbed the enactment of discriminatory laws on all levels, implicit as well as explicit discrimination. Legislators could no longer plead innocence simply because a law discriminated only in application. The Chinese immigrants’ resolve to fight American prejudice had a far-reaching effect not only on their own community, but also on many other minority non-citizen groups.

The Chinese immigrants’ success in overturning prejudiced legislation led one disgruntled contemporary American to proclaim, “While the Chinese despise our laws and violate them . . . with impunity, they are not slow to invoke them in their own behalf, and in the case of every law which may work to their prejudice they call to their aid all

the resorts which our legal system provides” (*In Search* 104). The Chinese immigrants were clearly effective, as well as determined, in the defense of their rights. With the help of their lawyers, they were able to present their cases in a way that frequently caused judges to rule in their behalf, despite the judges own prejudicial desires to rule against the Chinese.²¹ Ironically, even Americans who felt that the Chinese were completely unable to assimilate to or comprehend U.S. culture and government were forced to admit that the Chinese were adept at utilizing the U.S. justice system. Even though the Chinese were unable to place themselves in a position of power over the Americans, they were able to ensure that the Americans’ power over them was restricted in every possible way.

One way in which the Chinese immigrants sought to limit America’s power over them was through actively choosing to make the most of every situation and turn it to their own advantage in every possible way. Even when they lost a case, the Chinese found ways to employ its outcome to their own benefit. The following example well illustrates the immigrants’ tendency to quickly accept and make the most of a situation. In September of 1885, rising violence against the Chinese reached a fever pitch and in Rock Springs, Wyoming, a white mob murdered twenty-eight Chinese laborers, wounded fifteen, and burned all the Chinese immigrants’ shacks to the ground (Yung, Chang, and Lai 48). Following this outbreak of violence, Chinese immigrant housing was burned and the Chinese were expelled in an additional thirty-three cities across Oregon and California (*Anti-Chinese* 97).

In addition to bringing these riots to the attention of the president of the United States,²² the Chinese immigrants were also swift to initiate criminal proceedings against

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²¹ See Fritz 49.

²² Chinese leaders’ communication with the president will be discussed below.

the perpetrators in a case that came to be called *Baldwin v. Franks*. However, despite their best efforts, the tide of justice had begun to turn and the protection that the courts had long granted the Chinese began to fail. The Supreme Court ruled that, “Congress has power, under the Constitution, to provide for the punishment of persons guilty of depriving Chinese subjects of any of the rights, privileges, immunities or exemptions guaranteed to them by the treaty of November 17, 1880; but Congress has not made such provision” (*Baldwin*). The Chinese were, therefore, without recourse to punish those who had perpetrated the violence and it would seem that they could do nothing but admit defeat and surrender to Americans’ desire to exclude them.

Supreme Court Justice Stephen Field, in his dissenting opinion, echoes this depressing view of the Chinese immigrant situation. He laments:

The result of the decision is, that there is no national law which can be invoked for the protection of the subjects of China in their right to reside and do business in this country, notwithstanding the language of the treaty with that empire. . . . Their only protection against any forcible resistance to the execution of these stipulations in their favor is to be found in the laws of the different states. Such a result is one to be deplored. (*Baldwin*)

Justice had been denied and it appeared that the Chinese were left without protection and without recourse. In view of the anti-Chinese legislation that was constantly being enacted in the various states, particularly in California, all concerned recognized that it was highly unlikely that the states would do anything to protect Chinese immigrants’ interest. However, despite this unfavorable decision, the Chinese were quick to take the decision and find a way to gain from it.

In its decision, the Court had admitted that although Congress had not exercised their power, Congress did possess the power to punish the Chinese immigrants' antagonists. Prior to this ruling, district courts had often stated that the national government was incapable of interceding for the Chinese when it came to state laws and benefits, the *Baldwin* decision made it clear that the federal government could, in fact, enact legislation to protect the Chinese, and Chinese leadership was quick to seek this protection.

Twelve days after the Supreme Court reached its decision in the *Baldwin vs. Franks* case the Chinese Minister, Chang Yin-huan, left a statement at the State Department, with a draft containing some provisions for a new treaty to be negotiated between China and the United States. Chang's provisions "envisioned a much more active role for the federal government in the protection of Chinese residents in America" ("Chinese Struggle" 372). The Chinese may have lost the battle, but they were determined not to lose the war. Having been forced to concede temporary defeat, they simply picked up the pieces and decided what they could make of their loss. When cases did not receive the outcome they had hoped, they merely changed tactics and sought new ways of obtaining their rights. Their changing tactic in the face of this defeat further reveals the Chinese immigrants' decision to fight exclusion and discrimination proactively.

The *Baldwin vs. Franks* case also reveals another important element of the Chinese resistance namely, the Chinese use of available resources. For this important case, the Chinese retained the well-known Hall McAllister as their legal consultant. McAllister "stood at the pinnacle of the California legal profession," and "was beyond

doubt, the greatest courtroom advocate of the era and stands out even today as one of the most impressive lawyers in the history of the California bar” (“Chinese Struggle” 360). The Chinese did not merely settle for an average lawyer to defend them, they aggressively sought out the lawyer was most likely to succeed. Rather than accept a court appointed lawyer, they united their assets and hired one of the best in the business. In fact, early on the Chinese “established a reputation for hiring skilled and eminent counsel to represent them” (McClain and McClain 14). The higher the stakes on a particular case, the better the lawyer hired. In trying to prove the unconstitutionality of the Geary Act,²³ the Chinese hired no less than six well-renowned and skilled lawyers with a wide range of legal backgrounds. They proved their resolve actively to defend themselves through performing the research necessary to discover and hire legal advocates who were competent, resourceful, and skilled.

Fighting Discrimination in Court Subsequent to the Chinese Exclusion Acts:

After the establishment of the first Chinese Exclusion Act, many of the Chinese court battles revolved around *habeas corpus*²⁴ cases. In these cases, immigrants sought to demonstrate their right to enter the United States as one of the exempt classes, which included citizens (only granted to the Chinese by actually being born in the U.S.), students, merchants, and diplomats. When collectors responsible for carrying out the exclusion act prevented Chinese immigrants from entering the United States, the

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²³ This act not only re-established all rules of previous exclusion acts, but also proclaimed that “it shall be the duty of all Chinese laborers within the limits of the United States . . . to apply to the collector of internal revenue . . . for a certificate of residence.” Those who failed to apply for said certificate were threatened with immediate deportation (Geary Act, 25).

²⁴ *Habeas corpus* literally means “you have a body” and a writ of *habeas corpus* “requires the person detaining the petitioner to demonstrate to the court that the confinement is lawful” (Salyer 64).

immigrants were swift to take “advantage of the opportunity for judicial review” and they soon established themselves as “tenacious and sophisticated litigators” (Salyer 59). The Chinese immigrants filed thousands of petitions for writs of *habeas corpus*; a Chinese immigrant filled the first such case only two weeks after the exclusion act initially went into effect (*In Search* 151). In fact, the Chinese immigrants filed such a high number of the *habeas corpus* petitions that the California district court in charge of handling the majority of these cases received the nickname, “habeas corpus mill” (Fritz 50).

Even prior to entering the United States, the Chinese proved their tenacity and their resolve to defend their rights and gain equal treatment. They refused to accept their exclusion simply as a matter of course and their dedicated, proactive response was not in vain. In January of 1888, when the exclusion acts²⁵ had already been in operation for almost five years, records show that, of the four thousand Chinese that had applied for writs of *habeas corpus*, the courts had allowed eighty-seven percent of them to enter the United States (Fritz 46). However, as the Chinese continued to utilize the court system to gain admittance into the United States, American citizens and politicians grew more and more determined to keep them out and began to seek new ways of doing so.

In 1888, the federal government instituted a new exclusion act aimed at permanently excluding all Chinese laborers. This act declared that no Chinese laborer who left the United States would be allowed to return, regardless of whether or not they had proof of prior residence. Furthermore, certificates that had originally guaranteed laborers already living in the United States readmission to the United States during

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²⁵ Since the 1882 exclusion act, legislators had instituted a new act, in 1884, to reduce some of the ambiguities inherent in the first act and to make it more difficult for laborers leaving the U.S. to gain readmittance (Fritz 40).

previous exclusion acts were now declared null and void (Act to Prohibit²⁶ 477-79). However, contrary to popular belief, this “did not mark . . . an effective end to Chinese immigration and to the use of the federal courts by the Chinese to establish their right of entry” (Fritz 48). The Chinese immigrants’ steadfastness in battling discrimination continued. They simply found new ways to subvert and circumvent this strict new act and, to the great surprise and annoyance of those of anti-Chinese sentiment, “the federal courts continued to land far more petitioners than they remanded” (49).²⁷

It became clear that to have any success in excluding the Chinese, the United States would have to “remove the courts’ jurisdiction to review the Chinese cases and expand the discretion of administrative officials” (Salyer 75). In 1894, a new law was established that did just that. It declared:

In every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made, the decision of the appropriate immigration or custom officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Treasury. (“Enforcement” 390)

Though the United States could never establish a law that would eradicate the Chinese immigrants’ desire for justice and equality, this law did place severe limits on the Chinese immigrants’ ability to gain admittance to the United States through access to the courts.

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²⁶ Because two of the Chinese exclusion acts referenced herein have exactly the same title, the earlier one will be referred using part of its official title (i.e., “Act to Prohibit”), the later one will be referred to using its sobriquet “The Geary Act.”

²⁷ “By 1891, Chinese had filed 7,080 petitions in the federal courts at San Francisco to challenge the collector’s decision to deny them entry and had won reversals in 85 to 90 percent of the cases” (Salyer 58).

In 1905, a Chinese case seeking to overturn this law finally reached the Supreme Court. However, the Supreme Court decision simply sustained the 1894 law. It declared, “due process of law does not necessarily require a judicial trial and Congress may entrust the decision of [the Chinese immigrant] right to enter to an executive officer” (*Ju Toy*). The Court further affirmed that the courts should abide by immigration officials’ decision and dismiss all petitions for *habeas corpus* “in the absence of any abuse of authority, even where citizenship is the ground on which the right of entry is claimed”²⁸ (*Ju Toy*). This decision meant that even Chinese who were actually American citizens could no longer prevent their exclusion through an appeal to the courts, thus the Chinese immigrants’ defeat in this case was a severe blow. Though they were as unwilling to accept exclusion as ever, it became much more difficult for them to combat Americans’ exclusionary tendencies.

Nevertheless, despite the overwhelming odds against them, the Chinese immigrants continued to fight, determined never to surrender. They continually found new ways of getting into the courts and arguing for fair treatment. However, after Supreme Court judges handed down their decision in *Ju Toy*, “attorneys for the Chinese had to construct new legal arguments to get into court” and the Chinese immigrants’ defense became much more difficult (Salyer 60). The *Ju Toy* decision forced Chinese immigrants’ legal counsel to focus on the *procedures* of the immigration agency, since they no longer allowed to present arguments on the *substance* of the agency’s decisions (60). Despite the difficulties, because of the Chinese immigrants’ insistence on obtaining equal rights, their lawyers persistently found new, creative ways of defending them.

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²⁸ Since the assertion of citizenship was Chinese immigrants’ most common grounds for claiming the right to enter the United States, this was a harsh blow.

The Chinese immigrants' frequent use of good lawyers points to another aspect of their active resistance of American prejudice: namely their financial ability to hire good lawyers. As previously mentioned, the Chinese immigrants were industrious and thrifty. They were also extremely resourceful and often created their own businesses. As a result of their financial competence, the Chinese immigrants had the funds necessary to litigate their cases throughout several decades of discrimination (*In Search* 279). Their resourcefulness led them to discover various courses of obtaining justice and their thrift provided them with the means to do so. Additionally, the Chinese immigrants' ability to hire lawyers of the highest caliber ensured that their legal advocates would constantly find original and clever ways of defending them. The very habits of the Chinese immigrants enabled them to take a proactive stance against American injustice.

Chinese Immigrants' Alteration of Legal History

Due to their proactive stance, the Chinese became "important contributors to legal history and constitutional development" (Janisch iii-iv). In their determined battle for equal opportunity, the Chinese brought several precedent-setting cases to the Supreme Court. Janisch mentions several such instances. He states:

[The Chinese] brought about one of the leading cases on the Fourteenth Amendment and equal protection; required the courts to resolve the clash between treaty and federal legislation; placed beyond doubt the primacy of treaty protection over state legislation; and in their long struggle against the arbitrariness of immigration officials, brought new judicially enforced standards to this area of wide executive discretion. (iv)

As they doggedly demanded equal rights and fair treatment for themselves, in addition to setting new precedents on the judicial scene, the Chinese immigrants also affected the rights and treatment of future generations of immigrants and changed U.S. immigration policy.

Whenever the Chinese immigrants recognized that they were being discriminated against, they, with the help of good legal counsel, were quick to find loopholes and contradictions in those laws, and they utilized the whole gamut of American rights, laws, and treaties to protect themselves. Although they were involved in many private law claims, the typical case litigated by Chinese immigrants living in the United States was “a challenge to an oppressive state statute, local ordinance, or administrative decision by a writ of habeas corpus that claimed a violation of rights based upon a federal treaty, statute, or the Constitution” (Cole and Chin 336). They were, of course, interested in gaining their individual rights, however, their focus was on making critical and lasting changes to American policy insofar as it pertained to themselves. Of the many cases the Chinese litigated, I will discuss two specific cases that made a lasting impression on United States legal culture, set a precedent for succeeding cases, and altered government policy.

In 1876, the ruling on one Chinese immigrant’s case served to delineate states’ rights to regulate foreign commerce (*In Search* 62). This case began with twenty-two Chinese women, excluded on the charge that they were prostitutes, and barred from the United States on the basis of a California law that detained any who were thought to be involved in unsavory professions (unless they could provide a \$500 bond). Initially labeled as the “Case of the Twenty-two Chinese Women,” it became known as *Chy Lung v. Freeman* by the time it reached the Supreme Court.

Previous cases had been much more ambiguous about states' limits of authority concerning immigration, however, with the *Chy Lung* decision, the Supreme Court declared unequivocally that "the responsibility for the character of regulations [with regard to foreign commerce], and for the manner of their execution, belongs solely to the national government" (*Chy Lung*). The Court further stated, "The passage of laws which concern the admission of citizens and subjects of foreign nations to our shores belongs to Congress, and not to the States" (*Chy Lung*). Prior to this ruling, the state had presumed the right to exclude immigrants they felt were undesirable, after the *Chy Lung* decision it became clear that any limitation on immigrants' ability to enter the United States had to come directly from Congress. The Chinese immigrants' insistence on attaining their rights changed American government, placing immigration policy and legislation wholly in the hands of the federal government.²⁹

This case and "its companion cases represented the most extensive and definitive Supreme Court opinions" with regard to states' control over foreign immigration "and decisions since then have added little to the principles the high court set forth in that case" (*In Search 62*). The Chinese immigrants' persistence in resisting American persecution resulted in the demarcation of state and federal powers and the establishment of new immigration policy. The Chinese immigrants had a marked impact on United States history and legal culture despite their lack of citizenship and their inability to vote.

The other precedent setting case I will discuss here reached the Supreme Court in 1885 under the title *Yick Wo v. Hopkins*. In this case, Yick Wo, a laundryman, litigated a case against a new San Francisco ordinance that required all new laundry buildings to be

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²⁹ Interesting, this eventually made it more difficult for the Chinese to defend their rights because once the federal government legislated against them the courts had less power to overturn that legislation due to previous decisions that placed all control over immigration in the hands of the national government.

built of brick or stone, with walls eight and half inches thick.³⁰ The ordinance also demanded that existing wooden laundry owners had to obtain a permit from a board of supervisors in order to continue operation (*Yick Wo*). This case reached the U.S. Supreme Court on appeal and focused on the “arbitrary will of the board of supervisors” to accept or deny business permits as they chose (*Yick Wo*). The Court argued, “An administration of a municipal ordinance . . . violates the provisions of the Constitution of the United States, if it makes arbitrary and unjust discriminations, founded on differences of race, between persons otherwise in similar circumstances” (*Yick Wo*). The Court based its ruling on the Fourteenth Amendment. It maintained, “The guarantees of protection contained in the Fourteenth Amendment extend to all persons within the territorial jurisdiction of the United States, without regard to differences of race, of color, or of nationality” (*Yick Wo*).

For the Chinese immigrants, this case was a major triumph. Due to their diligence in continually challenging discriminatory legislation, the immigrants succeeded in having the fourteenth amendment declared applicable to both citizens and non-citizens alike. This ruling gave the Chinese immigrants added protection in the face of American aggression. This case also represented another aspect of the ruling in *Ho Ah Kow*. In wording and in sense it was much the same as the previous ruling, declaring that judges could look at the application of laws as well as their wording, but the previous ruling came from the district courts and could easily have been overturned. This new ruling came directly from the Supreme Court of the United States and set a new precedent for future cases. In words similar to those of the district court, the Supreme Court stated,

³⁰ Chinese laundries were almost invariably built of wood because it was much cheaper than stone or brick. “Removing to premises with brick structures, assuming they could have been obtained, would probably have raised the cost of operations to a prohibitive point for most” Chinese immigrants (*In Search* 101).

“Though a law be fair on its face and impartial in appearance, yet, if it is administered by public authority with an evil eye and an unequal hand . . . the denial of equal justice is still within the prohibition of the Constitution” (*Yick Wo*). With this decision, the Supreme Court gave the courts permission to “look beyond the face of a law in evaluating it for constitutional purposes;” they also authorized the courts to “look at how a law was actually administered to determine whether it came up to constitutional standards” (McClain and McClain 15). Having the Supreme Court reaffirm the district court’s decision meant that future lawyers and judges would refer to this ruling. It also meant that the only court that could overrule it was the Supreme Court.

The Chinese immigrants’ resolve to defend their rights proactively once again resulted in a case that would affect not only their own future, but also the future of others who were also discriminated against. As Charles McClain declares, “*Yick Wo* took the Court an important step further in its interpretation of the equal-protection clause, and the case has ever since been one of the most cited decisions in discussions of that clause [i.e., the fourteenth amendment] of the Constitution” (15). Through this and several other cases, the Chinese helped to further define the rights of citizens and noncitizens. In fact, in many ways the Chinese immigrants “contributed far more to the ideals of democracy and republicanism upon which their adopted country was based than did their nativist antagonists” (Cole and Chin 362). Despite the Chinese immigrants’ inability to be naturalized or vote, they managed to have a significant impact on American law and immigration policy as a result of their refusal to accept the subordinate position offered them by the United States.

Fighting Discrimination via Effective Communication

In addition to their frequent recourse to the courts, the Chinese also used other arenas of communication to defend their rights. Their ability to communicate was another indispensable feature of their resistance of American prejudice. Chinese delegations used written documents, prepared speeches, and documented reports, often addressing government officials directly, in order to argue for fair treatment. As early as 1852, soon after a large number of the Chinese arrived in the United States, the state legislature passed a discriminatory tax measure, called the Foreign Miners' License Tax, aimed primarily at Chinese miners. This law forced Chinese miners to apply annually for a license to mine, an obligation that was not required of anyone who was either a citizen or had declared the intention of becoming a citizen (in other words, anyone who was white could be exempt from the tax). Though most of the Chinese were still fairly recent immigrants, Chinese leadership made an appearance before the state legislature the very next year, equipped with legal counsel and a prepared statement explaining the rights they felt they deserved due to their payment of taxes ("Report" 255). This was the first time that Chinese leaders publicly asserted community rights before a legislative body, but it would certainly not be the last.

The *California State Assembly Journals* attest to Chinese leadership's wisdom and their excellent communication skills. They had the good sense to retain legal counsel and they came to the meeting well prepared to defend their rights in terms that not only logically explained the reasons they deserved better treatment, but also presented the committee with excellent reasons for acquiescing to Chinese leadership's requests. During their meeting with the Committee on Mines and Mining Interests to discuss the

reduction of the Foreign Miners' License Tax, the Chinese delegates provided the committee with copious information regarding the Chinese community in California. They also fearlessly and forthrightly placed a list of their grievances before the committee. These grievances included complaints about the rising violence of the white community against the Chinese community and protests about the court's unwillingness to accept the testimony and statements of Chinese witnesses because of their skin color ("Report" 257). In arguing for equal rights and protection of the law, the Chinese representatives brought up an essential point regarding the payment of taxes. The committee explained that the Chinese argued that "their people are taxed by the State for the privilege of working in the mines, while at the same time the State does not . . . afford them that protection which is implied in the payment of taxes" (257). This argument makes it plain that the Chinese not only understood the explicit points of American law, but also the implicit points of American law. They realized that those who obediently paid taxes were implicitly promised the protection of the government to which the taxes are paid.

The Chinese were determined "that some settled and certain policy should be pursued towards their people [so] that their persons and property may in *fact* as well as in law, occupy that same position as persons and property of other foreigners" ("Report" 258). They recognized that to gain equal rights, they had to work not only to guarantee the establishment of equal laws but also to ensure an equal application of those laws. They understood early on that although laws could be worded in a seemingly unbiased way, this did not automatically ensure equal rights and/or equal protection and, as succeeding court cases would prove, they were dissatisfied with anything less than an

equal application of laws, regardless of the laws' wording. As a people, the Chinese were well accustomed to the use of allusion and subtle word play and their understanding of language and its many intricacies served them well, an aspect that I will further discuss in the next chapter.

As legislators tried different tactics to rid the United States of the Chinese, the Chinese sought better representation in the state as well as in the federal arena. In 1869, when an opportunity to bring their grievances directly to the attention of the federal government arose, the Chinese leadership was quick to take advantage of the situation (*In Search* 36). Members of the House Ways and Means Committee, Senator Roscoe Conkling, and ex-Senator Benjamin Wade had been sent on a fact-finding tour of the west coast and, as part of that tour, met with representatives of the Chinese community (37). At the meeting Fung Tang, a prominent member of the Chinese Six Companies, presented a well-crafted speech to the congressional delegation in behalf of the Chinese community.

In Fung Tang's speech, he addressed three issues of particular annoyance to the Chinese, the first two related to discriminatory taxes placed on the Chinese and the third concerned the ban on Chinese testimony in court (*In Search* 37). The Chinese immigrants' readiness to stand up for their rights in a competent manner produced the desired effect, and when Congress ratified the Civil Rights Act of 1870, it included three sections specifically aimed at protecting the Chinese from discriminatory legislation. These sections made it clear that all persons, citizens and noncitizens alike were to receive equal treatment with regard to taxation, protection, punishment, and civil rights ("Act to Enforce" 144). The Chinese immigrants' willingness to express themselves in

both written and spoken form despite their language barrier is yet another indication of their commitment to obtaining equal treatment.

An additional illustration of the Chinese leadership's ability to communicate in eloquent and convincing ways came after a series of violent outbreaks against the Chinese. The outbreaks began in September of 1885 with the aforementioned Rock Springs, Wyoming attack and ended with another attack in Seattle in February of 1886. In the face of the increasing violence, Chinese representatives "reacted quickly and forcefully," demanding protection and reparation for themselves and their compatriots (*In Search* 174). For instance, upon receiving word of the Rock Springs attack, the Chinese Minister, Zheng Zaoru, immediately sent three officials to investigate the situation. Just a little over two weeks after the incident occurred, on September 18,³¹ his committee submitted their, very thorough, report. Their report included eyewitness accounts and a detailed list of damages, which Zheng then submitted to Congress in an attempt to receive compensation for the damages to Chinese immigrants' lives and property (Yung, Chang, and Lai 48).

The committee's report points to a fundamental aspect of the Chinese immigrants' resistance of American prejudice: their regular inclusion of specific details and hard evidence in every communication of import, especially in documents addressed to government officials. Their record of the incident begins as follows: "On the morning of September 2, a little past 7 o'clock, more than ten white men, some in ordinary dress and others in mining suits, ran into Coal-pit No. 6, loudly declaring that the Chinese should not be permitted to work there" (Yung, Chang, and Lai 50). Rather than merely

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³¹ Taking into account the slowness of travel and communication by letter at this time, the speed with which the Chinese officials submitted their report is impressive.

submitting their subjective opinions with regard to the attack, the committee made sure to include meticulous details, including a description of the attackers' clothing and specific information about the place where the attack began, to substantiate the veracity of their claims, thus strengthening the effectiveness of their communication.

Though none of the rioters was ever punished by the United States government, "President Grover Cleveland was moved to convince Congress to appropriate \$150,000 to cover property losses" (Yung, Chang, and Lai 48). Cleveland also "issued an ultimatum to the territory's white inhabitants threatening to send troops if the disorders did not cease" ("Chinese Struggle" 354). The quick reaction from Chinese leadership in contacting President Cleveland was able to calm the violent outbreaks against the Chinese and resulted in at least some recovery of the damages.

The Chinese immigrants' deep understanding of language with its many layers and implicit meanings was an essential aspect of their ability to oppose American intolerance. Their ability to communicate in an eloquent and sophisticated fashion gave them a greater capacity to defend themselves and they were quick to utilize this skill in combating American injustice. In their communications, they sought to appeal not only to Americans emotions, but also to their logic. They recognized that any possibility of success lay in these two essential aspects of communication and they employed both to the best of their ability.

Chinese Awareness of and Rebuttal to America's Negative Imagery

In addition to writing official documents and speeches addressed to governmental officers, the Chinese also wrote documents addressed to the American public. They also

composed documents for members of their own community. In these documents, they expressed their awareness of the Americans' representation of them and re-presented themselves in a more positive light. They "wrote back"³² to the Americans in a very literal sense. The Americans regularly "wrote" the Chinese as a degenerate and inferior race, and the Chinese countered this representation with their own representation.

In 1852 the governor of California, John Bigler presented a special message to the legislature. According to Hittell's account in the *History of California*, Bigler felt that it was "very important to adopt measures to check the tide of Chinese immigration" (105). He argued, that as far as the Chinese immigrants were concerned "cupidity alone had brought them to this country" (106). Bigler also explained that, according to his study of "the constitutional questions involved," the state had the right to exclude those who were "deemed dangerous or injurious to the interests or welfare of its citizens," which, as he pointed out, clearly included the Chinese (107). He therefore recommended that a state taxation program be enacted that would fall heavily on the Chinese and thus discourage their presence (107). In response to Governor Bigler's bigoted message, Norman Asing, a local Chinese-American immigrant, wrote a letter directed to Governor Bigler addressing Bigler's prejudiced suggestions and accusations. A San Francisco newspaper, the *Daily Alta California*, published Asing's letter on April 25, two days after Governor Bigler sent his message (Yung, Chang, and Lai 9).

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³² I borrow the phrase "wrote back" from the postcolonial critics. Ashcroft et al. explain this notion of a dominated people "writing back" to their dominators. They state: "Directly and indirectly, in Salman Rushdie's phrase, the 'Empire [or previously colonized] writes back' to the imperial 'centre,' not only through nationalist assertion, proclaiming itself central and self-determining, but even more radically by questioning the bases of European and British [or in this case, American] metaphysics, challenging the world-view that can polarize centre and periphery in the first place" (33).

Asing recognized the effect that the governor's negative depiction of the Chinese would have on the Chinese in his community, and he called upon the governor to take responsibility for the harmful outcome of his words. Asing declares: "[T]he effects of your late message has been thus far to prejudice the public mind against my people, to enable those who wait the opportunity to hunt them down, and rob them of the rewards of their toil. You may not have meant that this should be the case, but you can see what will be the result of your propositions" (Yung, Chang, and Lai 10). Using a typical Chinese approach, the letter is not accusatory. In excellent rhetorical fashion, Asing gives Bigler the benefit of the doubt. Rather than outright condemning Bigler, Asing presents his case such that Bigler could gracefully declare that his intent had merely been misunderstood, or that he had not thought of the outcome. Asing's sophisticated rhetoric is evident throughout the course of the letter and exemplifies the Chinese traditional delicacy and tendency to save face. This characteristic enabled Chinese immigrants' to address issues in a courteous and refined way thus better garnering government officials' esteem.

In addition to bringing the governor's attention to the effects of his late message, Asing specifically refutes the governor's negative depiction of the Chinese as a degraded and inferior race. He argues, "You do not find us pursuing occupations of degrading character, except you consider labor degrading, which I am sure you do not" (Yung, Chang, and Lai 11). In the defense of his race, Asing again appeals to the governor's good sense, arguing that he cannot possibly think that labor is degrading in and of itself, thus simultaneously combating the negative image relating hard labor to racial inferiority.

Asing also addresses the governor's argument regarding Chinese people's ethnic inferiority. He reminds the governor that "when your nation was a wilderness, and the

nation from which you sprung *barbarous*, we exercised most of the arts and virtues of civilized life” (Yung, Chang, and Lai 10). He then goes on to describe some of these arts and virtues, providing his claim with further evidence of its veracity. Though still polite, Asing presents the governor with facts and details difficult to argue. He replaces the governor’s vision of a simple race focused only on money, with the image of the Chinese as an advanced race focused on enhancing their lives and the world around them through the advancement of the arts and sciences.

Like many of his compatriots, Asing was not only an ardent, but also a skillful, defender of his culture and people. The Chinese were well aware of the fact that their civilization and arts had existed long before the American nation came into being, and that they were just as valuable as anything the Americans had to offer (if not more so). The Chinese immigrants’ sense of self-worth and confidence, derived from a millennia-old civilization, provided them with another essential quality that enabled their active resistance of American discrimination, namely their belief in their inherent worth. Their decision to take a proactive stance no doubt developed out of their confidence in their own inherent value.

The Chinese were quick to recognize discrimination and rebut its false charges in eloquent and logical ways. Two government reports prepared in the late 1850s endeavored to paint the Chinese in the most unflattering light possible. The substance of these two reports included the following accusations: the Chinese are “a nation of liars . . . unworthy of credit,” having “habits, manners, and appearance [that] are disgusting in the extreme,” “neither beneficial nor desirable . . . highly detrimental to the welfare, safety and happiness of the State,” “[a] distinct and inferior race,” and “horribly depraved”

(McCain 18, 20).³³ These reports provide a mere sampling of the derogatory language and negative imagery Americans employed to discuss the “Chinese problem” (as the Americans labeled the Chinese immigration issue).

In 1873, five Chinese, headed by Lai Yong, prepared a document, which they cleverly labeled, “The Chinese Question from a Chinese Standpoint.” As its title witnesses, this document directly addresses various American complaints and accusations regarding Chinese immigrants, including some of the accusations expressed above, then rebuts each of them in a clear and logical manner. As McClain points out, this is a document “bearing witness . . . to the deep sensitivity of many Chinese on the question of racial discrimination” (*In Search* 49). In this manuscript, the five men assert, “In California, Oregon, and Nevada laws, designed not to punish guilt and crime, nor yet to protect the lives and property of the innocent, have been enacted and executed discriminating against the Chinese” (Lai Yong et al. 4). In this statement, the writers confront the issue of discrimination directly. They recognize that these laws were not necessary to anybody’s protection, though that was often the way in which the laws were worded, and they said so in forthright terms. This clear statement of fact meant that their antagonists could no longer pretend that the Chinese were uneducated and unformed, too dense to notice the way that the laws had framed them. This document requires readers to account for their discrimination.

Lai Yong et al. further maintain, “the Chinese in this country have been for the most part peaceable and industrious” (12). In addition to pointing out their own good qualities, the authors also make a claim on the American public’s reason. They argue,

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³³ One report, compiled in 1856, sought to promote anti-Chinese legislation and the other endeavored to prevent the Chinese from winning the *People vs. Downer* case that was brought before the California Supreme Court in 1857.

“Our presence and labor on this coast we believe have made possible numerous manufacturing interests which, without us, could not exist on these shores” (12). The writers then back this statement up with a reminder of railroads built, fruit and grain harvested, and swamplands reclaimed through Chinese labor. Having established the veracity of their claim and the benefits reaped by the Americans due to the Chinese immigrants’ hard labor, the authors then inquire, “In view of all these facts we are constrained to ask why this bitter hostility against the few thousands of Chinese in America? Why these severe and barbarous enactments discriminating against us?” (13). The Chinese immigrants’ exceptional rhetoric left little room for reasonable argument.

“[I]n the name of our country,” Lai Yong et al. resume, “in the name of justice and humanity, in the name of Christianity (as we understand it), we protest against such severe and discriminating enactments against our people while living in this country under existing treaties” (Lai Yong et al. 14). In this ardent petition, Lai Yong et al. appeal not only to Americans’ Christian sympathies, but also to their nation’s (theoretically) underpinning virtues. They call upon the Americans to examine themselves in view of their basic religious beliefs, and even mention the Golden Rule specifically as reminder of how Christians are supposed to act (11). They present a depth of understanding with regard to American values and culture, then question the Americans concerning the discrepancy between their proclaimed beliefs and their actions, thereby revealing the Americans’ compromising and duplicitous position.

In this document, Lai Yong et al. also appeal to the Americans’ pocketbooks and their desire to encourage foreign commerce. The Chinese writers state:

Finally, since our presence here is considered so detrimental to this country and so offensive to the American people, we make this proposition and promise on our part, to use all our influence to carry it into effect. *We propose a speedy and perfect abrogation and repeal of the present treaty³⁴ relations between China and America requiring the retirement of all Chinese people and trade from these United States and the withdrawing of all American people, and trade, and commercial intercourse whatever from China.* (Lai Yong et al. 15)

Earlier on they had pointed out that just as Chinese laborers in America had, perhaps, endangered American jobs, Americans in China had also endangered native laborers there (8). These writers were determined to make it clear that the inconvenience and risk went both ways and that the resultant consequences should justly fall upon both parties as well.

Lai Yong et al. also wanted the Americans to remember that the treaty was two-sided and that if the Americans desired the removal of the Chinese to protect their interests, then the Chinese would also desire the removal of the Americans to protect their interests. They warned the Americans that they could not obtain their desire to exclude the Chinese without also taking some losses. They hoped that the mention of abolishing the Burlingame treaty, and, to all intents and purposes, putting a stop to open immigration and trade between the two countries, would cause the Americans to rethink their irrational intolerance of the Chinese people.

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³⁴ The treaty referred to is the Burlingame treaty, which, among other things, provided the United States the opportunity to trade with and work in China.

Regarding the abrogation of the Burlingame treaty, they add, sarcastically, “This, *perhaps*, will give to the American people an opportunity of preserving for a longer time their civil and religious institutions, which, it is said, the immigration of the Chinese is calculated to destroy!” (Lai Yong et al. 15). The Chinese were clearly aware of America’s tendency to label the Chinese as a threat. They were conscious of the fact that many Americans felt that the Chinese immigrants’ presence jeopardized the American way of life. They also recognized the absurdity of Americans’ claims about the dangerous nature of Chinese immigration and knew that these claims were based strictly on irrational prejudice, with little or no basis in reality. Recognizing all this, Lai Yong et al. attempt to help the Americans recognize their own irrationality through stating it in a way that makes its absurdity more obvious.

The Chinese immigrants’ clear understanding of American culture and philosophies, together with their ability to defend themselves in a well-constructed, rhetorical way, made them a formidable foe, despite their small numbers and their inability, as non-citizens, to vote. They were quick to utilize the power of words to incite and to move as a means of voicing their resistance to American prejudice. Rather than simply ignore Americans’ negative depictions of them, they sought to replace these negative images with positive ones, while simultaneously inviting Americans to see things from a different perspective. Their ability to present their arguments in this way was yet another vital characteristic of their resistance movement.

In addition to communicating in articulate and persuasive ways with the white community, the Chinese also communicated with each other in powerful and expressive terms. In 1891, after nearly ten years of Chinese exclusion, the U.S. federal government

established the Geary Act, legislation that surpassed all previous national discriminatory legislation. It placed the Chinese in a situation similar to that of the Jews in Nazi Germany at the beginning of World War II. Without the prescribed document on hand at all times, Chinese risked immediate incarceration and/or deportation. Failure to produce the required document was also punishable by a year's imprisonment at hard labor ("The Geary Act" 25).³⁵ This requirement applied to all Chinese residing in the United States, laborers, diplomats, and citizens alike. Regardless of their status in America, all Chinese were required to carry this document or risk deportation.

Needless to say, the Chinese did not remain quiescent in the face of such blatant discrimination. After seeking legal counsel to determine their chances at proving the Geary Act unconstitutional, the heads of the Chinese Six Companies issued a document "to all the Chinese in the United States" (*In Search* 204). This document asserts:

[The Geary Act] is an unjust law and no Chinese should obey it. The law degrades the Chinese and if obeyed will put them lower than the meanest people. It is a cruel law. It is a bad law. Read it and see how cruel the law is to our people. See how mean and contemptible it wants to make the Chinese. We do not want the Chinese to obey it. In making the law, the United States has violated the treaties. They have disregarded our rights and paid no attention to their promises, and made a law to suit themselves, no matter how unjust to us. No Chinese can read this law without a feeling of disgust. Many whites say the law is not right. Let us stand together. We

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³⁵ This was the first time illicit residence was punished as a federal crime in the United States (*In Search* 203).

hope all will work with us and then we can and will break this infamous law. (204-205)

This document illustrates many aspects of the Chinese resistance that have already been mentioned. As with previous documents, it appeals to its audience both rationally and emotionally.

First of all, this document expresses a sense of confidence and self-worth. In expressing the idea that the law degraded the Chinese, its writers rhetorically argue that they are above such degradation. They are not the “meanest people” and would only become such through obedience to such an unjust law. In this way, the writers express the high esteem in which they hold themselves and their expected audience. They appeal to Chinese immigrants’ emotion through appealing to their pride. In a sense it declares, The Geary law seeks to make the Chinese “mean and contemptible” but we know that we are above that. The Americans think they are superior, but they break their promises and disregard justice. The Chinese keep their part of the treaty and it gives them a “feeling of disgust” to read such a prejudiced and unjust law that abrogates treaty regulations and all sense of justice in order to “protect” the United States from a nonexistent threat.

This document also communicates the Chinese immigrants’ recognition of the power of numbers and confirms their confidence in their own collaborative efforts. Though none of the Chinese is capable of overturning this law on their own, as a combined community they have a chance. The writers of this statement call upon the Chinese community to “stand together.” Through united disobedience, they explain that they have an opportunity of presenting the Supreme Court with a test case regarding the law’s constitutionality, while simultaneously ensuring that the enforcement of the law

would present the United States with the overwhelming task of deporting all resident Chinese at the same time, thus ensuring that nobody would be deported until the case was decided.

As with their other documents, the Chinese immigrants were swift to supply their audience with proof of their statement's validity. Included with this document was a copy of the Geary Act translated into Chinese so that the immigrants could, as recommended in the statement, read the law for themselves. Rather than simply making an impassioned appeal to their compatriots, these leaders asked their people to examine the law for themselves, thus substantiating the writers' depiction of the Geary Act as cruel and unjust. This appeal to logic and fact strengthened the leaders' call to action.

In this article, the Chinese also exhibited their knowledge and comprehension of American laws and the U.S. judicial system. They understood the terms of the Burlingame treaty and recognized that those terms were being violated. They had also performed the research necessary to know that there were white people who agreed that this law was not right. Additionally, they had already consulted with legal advocates, who also assured them that the law was unconstitutional, went against treaty regulations, and that the Supreme Court would almost certainly decide in favor of the Chinese.³⁶ As with other discriminatory laws, the Chinese immigrants used their deep understanding of the American legal system to combat the waves of prejudice that raged against them.

In a final act of defiance, the Chinese leaders ended with the cry, "we can and will break this law" and they did. The Chinese immigrants actually worked together to

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³⁶ Unfortunately, this assurance proved false. The Supreme Court ruled that Congress could make laws that abrogated treaty regulations. They further declared that "it appears to be impossible to hold that a Chinese laborer acquired, under any of the treaties or acts of Congress, any right, as a denizen or otherwise, to be and remain in this country, except by the license, permission and sufferance of Congress, to be withdrawn whenever, in its opinion, the public welfare might require it" (*Fong Yue Ting*).

boycott the Geary Act. All Chinese immigrants residing in the United States refused to apply for the requisite document until the Supreme Court declared the law constitutional. Their declaration of faith in their ability to “break this law” points to one additional attribute the Chinese immigrants employed in their fight for equality, their enduring sense of hope. Their underlying belief that they would eventually succeed may be the paramount reason for their extended and vehement resistance to American prejudice.

Because of their belief in ultimate success through prolonged effort, the Chinese immigrants employed every resource and skill at their disposal. These immigrants had a millennia-long history assuring them that, as Chinese, they would eventually triumph. Despite the odds, the Chinese immigrants continued to fight relentlessly for the fair treatment and equal rights they knew they deserved, and despite its best efforts, America proved to be incapable of truly silencing this strong-willed people. The Chinese immigrants’ commitment to resisting American discrimination through their awareness of the political environment, their sense of community, their use of the justice system, and their effective communication skills enabled the Chinese to persistently combat America’s discriminatory laws against all odds. The Chinese immigrants’ refusal to allow America to silence them during this time of great persecution resulted in the alteration of American law, the establishment of new judicial precedents, and the revision of American immigration policy.

Conclusion

Considering the intense prejudice and the many political disabilities faced by Chinese immigrants during the late-nineteenth and early-twentieth centuries, their

extended resistance to American prejudice is astonishing. I feel that the duration and strength of the Chinese immigrants' resistance movement is, in large part, due to a strong sense of their own inherent worth combined with their belief in the ultimate success of their cause. As citizens of China, partakers of an ancient culture, they rarely, if ever, doubted the value of their culture and people, despite Americans' unrelenting declarations of Chinese inferiority. Through their poetic endeavors, these Chinese immigrants were able to remain connected to their homeland. This connection enabled them to continually remind themselves of the ancient tradition from whence they came and infused them with the confidence necessary to fight discrimination in the face of Americans' unremitting disparagement. The Chinese immigrants' connection to their culture also gave them confidence in the ultimate success of their cause. Many previous heroes and luminaries of China had triumphed despite initial problems and setbacks and these Chinese immigrants felt confidence that they would be no different.

Many of the characteristics that enabled the Chinese immigrants to battle American prejudice in the public arena also come to light in their private and personal communications. As I will demonstrate in the next chapter, the Chinese immigrants' unbending resistance on the public arena was, largely, the reverberation of their resistance in more private scenes. The language used in the poetry on the walls of the Angel Island barracks mirrors the language used in Chinese immigrants' unwavering public defense of their rights. In the Angel Island poetry, these Chinese immigrants reveal many of the same qualities exemplified in their court battles and in their public documents, including their sense of self-worth and community, their unbounded hope for success, and their ability to communicate eloquently and effectively.

Chapter Three: The Chinese Immigrants' Private Resistance

Introduction

As the foregoing pages have attempted to make clear, Chinese immigrants to the United States during the late-nineteenth and early-twentieth centuries were actively involved in defending their rights. It is, therefore, unsurprising to discover that the poetry they inscribed in the walls of the Angel Island barracks³⁷ demonstrates a similar commitment to struggle against the odds and fight for equality. This poetry is simply another witness of the Chinese immigrants' sophisticated and extended struggle. During their legal battles the Chinese generally fought as a group, however, their poetry was much more personal and individualized. Through the Angel Island poetry, Chinese immigrants expressed their feelings of frustration and turmoil and asserted to themselves and to each other the justice of their cause and their belief in its eventual success. To the Chinese, their poetry was proof of the refinement and education that, in their minds, placed them on par with, or even above, the Americans.

I believe that the Angel Island poetry played an important role in providing Chinese immigrants with the courage and the confidence to combat the American prejudice that threatened to overwhelm them through giving them an outlet to rally themselves and one another. Their poetry also provided them with a means of connecting

³⁷ Angel Island was the point of entry for some 175,000 Chinese immigrants who came to America between 1910 and 1940 (Lai, Lim, and Yung 8). The immigrants would be detained on Angel Island while awaiting the opportunity to demonstrate their right to enter the U.S. The immigrants' incarceration period lasted between two months to two years, depending on the strength of their claim as citizens or some other exempt class of Chinese, the amount of money they could afford to spend on legal fees, the number of times they chose to appeal, etc.

to their homeland and its ancient traditions. China's lengthy poetic tradition honed Chinese immigrants' linguistic abilities, which they then used to fight discrimination. The habitual use of allusion in Chinese poetry augmented Chinese immigrants' awareness of the effect that a slight change in wording or a subtle allusion can have on a situation. Considering this literary background, the Chinese immigrants' demand that policies be made to protect the Chinese "in *fact* as well as in law" is hardly surprising (Report 258). The Chinese immigrants well understood the potential of language to say one thing and mean another, in addition to their understanding of the obvious differences between words and actions. Their deep understanding of the power of language enabled them to use it to combat American discrimination, a power that is well illustrated throughout the Angel Island poetry.

China's poetic tradition stands as a symbol of the ancient Chinese culture and customs. Considering the lengthy duration of Chinese history, it is no wonder that the Chinese immigrants felt no need to back down to their would-be conquerors. They were aware that China had been practicing the arts and sciences long before America even existed, and they hardly felt the need to accept the Americans' presumption of superiority over them. Considering the Chinese immigrants' sense of history and the confidence that resulted from that sense of history, it is unsurprising to note that the Angel Island poets often used negative imagery very similar to what Americans tried to pin on them to describe the Americans. This image reversal, portraying the Americans as degraded barbarians and the Chinese as superior sophisticates, is visible in much of the Angel Island poetry and reflects the Chinese immigrants' confidence in themselves and in their

cause and their unwillingness to accept the subordinate role that Americans wished to give them.

Reasons for the Chinese Immigrants' Use of Poetry in Resisting Prejudice

Before looking at the actual poetry, I would first like to discuss a few of the reasons that the Chinese immigrants chose poetry as their primary means of expression on their barrack walls. As Stephen Owen points out, "If we choose to look to the relation between a literature and its society, we can hardly be surprised to discover that they support each other" (32). Hence, it is by no means surprising to discover that in the Chinese literary tradition, poetry has long been seen as the best way to express "people's feelings towards the government and expose social evils" (Liu 67). Some of the earliest Chinese critics asserted that poetry was an excellent way of bringing government officials' attention to a problem without directly criticizing the government. Although the Angel Island poets did not actually expect government officials to read their poetry, and they were by no means subtle in their criticism of the U.S. government, the notion of using poetry as a means of exposing social injustice in a constructive manner is one almost as ancient as the Chinese poetic tradition itself and is likely one of the reasons that the Chinese immigrants chose to use poetry to express their indignation.

Another reason the Chinese immigrants chose poetry as their primary means of expression amongst themselves is that, in the Chinese literary tradition, poetry has long been the most common mode of expression. From the Song dynasty (ca. 960-1279 A.D.) down through the nineteenth century, a long-standing practice existed among educated men to "gather together at regular meetings, compose verse on given subjects, and echo

(呼) each other's poems using the same meter and rhymes" (Liu 77). The use of poetry as the most common written communication in educated society makes the Chinese immigrants' poetic inscriptions on their prison walls quite expectable.

The *Shijing* (詩經), China's oldest poetry anthology, reveals the ancient origin of the Chinese poetic tradition.³⁸ The anthology was compiled sometime after 600 B.C. and it contains poetry written between 1000 B.C. and 400 B.C. The first few lines of the preface to this compilation illustrate the important role that poetry has long played in the minds of the Chinese people. The Great Preface³⁹ to this work declares, “詩者志之所之也. 在心爲志. 發言爲詩.” (Poetry, the place the will (heart and mind) goes. In the heart, it is desire (or will). Spoken, it is poetry).⁴⁰ According to the philosophy expressed herein, if an event or condition truly moves people and they choose to express that emotion or desire in words, their words will naturally come forth in the form of poetry. The Chinese people clearly saw poetry as a byproduct of heartfelt emotion and desire from early in their history.

Later on, Jin Shengtan (金聖嘆), a seventeenth-century Chinese critic, re-emphasized the view of poetry originally expressed in the “Great Preface” of the *Shijing*. He declared:

Poetry is a sudden cry from the heart, which comes to everyone, even a woman or a child, in the morning or at mid-night. . . . There is no one in the world, who, not having been moved in the heart, will utter a sound

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³⁸ The *Shijing* became the foundational text for all future poetry for over a millennium and remains influential to this day.

³⁹ Each of the poems has a small preface while the first poem has a larger preface that provides insights into Chinese critics' general outlook on poetry and how it is expected to affect the larger world.

⁴⁰ This is my own translation.

from his mouth; nor is there anyone who, having been moved in the heart, will remain silent. What moves the heart and is uttered from the mouth is called poetry. (Liu 74)

Although not all critics felt that poetry was so effortless and spontaneous, most of them agreed that poetry was the most obvious and the most instinctive way of expressing deep feelings. Hence, the Chinese immigrants' use of the poetic form in expressing intense emotions at their mistreatment was largely intuitive and was the result of a long poetic tradition that taught them to use poetry as an outlet for their emotion.

In addition to arguing that poetry is effortless and spontaneous, Jin Shengtian also asserts that it is impossible for someone who has "been moved in the heart" to "remain silent." The intense persecution facing the Chinese immigrants during and prior to the Chinese exclusion acts was certainly of a degree to incite and move the heart. It is interesting to note that when the Chinese were so moved they were, in fact, unable to remain silent. It is also worthy of note that these Chinese immigrants' refusal to remain silent in the face of discrimination was actually expressed in poetic form on the barrack walls, thus verifying that, at least for the Chinese, events and circumstances that move the heart truly do result in poetry. The Chinese people's long literary tradition is evident not only in the Angel Island barracks but also, as we have seen, in the eloquence of their public statements.

One final explanation for the Chinese immigrants' use of poetry lies in the Chinese ideology that poetry is the best means of leaving a record of one's self. Owens explains that in China, poetry was commonly seen as a "means to know" the poet, a way to introduce one's self to one's superiors, and a "substitute for historical biography" (77).

In fact, “Poetry was conceived as that by which a person could be truly known” (77). As a fundamentally misunderstood people, the Chinese immigrants felt a strong desire to reintroduce themselves and present a more accurate picture of their persons. Additionally, they felt a strong yearning to leave evidence of their existence in the United States. The very act of painting and carving their poetry on the walls of the Angel Island barracks, demonstrates the Chinese immigrants desire to leave evidence of their existence in the United States. Even deportees felt a desire to leave their mark on America, signifying that, though the Americans would not allow them to become residents, they were not insignificant and erasable. The Americans could keep them out of the United States, but they could not prevent them from leaving their mark on the United States. The Chinese immigrants’ poetry, permanently carved into the walls of their prison, symbolizes their unwillingness to be erased from the annals of American history.

Modern Criticism Regarding the Angel Island Poetry

Although the Angel Island poetry was rediscovered in 1970,⁴¹ there are, to date, very few critical articles written on the poetry and only one locatable article that provides an in-depth analysis of the poetry. It is entitled “Anonymity and Self-Laceration in Early Twentieth Century Chinese Immigrant Writing,” and, as can be seen from the title, the author, Cynthia Wong, focuses on the poets’ self-lacerating tendencies, thereby emphasizing the more passive, self-deprecating aspects of the poetry and of the Chinese

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⁴¹ In 1970, Alexander Weiss, park ranger for Angel Island, observed the Chinese characters covering the walls of the barracks. He contacted Dr. George Araki at San Francisco State University, who, with the help of Mak Takahashi, went to Angel Island and took pictures of the poems. Their work led to the preservation of the Angel Island barracks and its associated poetry (Lai, Lim, and Yung 9-10).

immigrant experience in general.⁴² She declares, “. . . the anonymous works⁴³ presented . . . give voice to the sense of Asian persecution and imposed self-effacements that also incorrectly confirmed the white American view of their authors as members of an ‘inscrutable’ and silent minority” (3).⁴⁴ She further states, “The lament in much of the writing depicts the hopelessness to which so many succumbed during this period” (3). Though Wong also discusses aspects of “self-reliance and dignity” in her article, her overall emphasis on self-laceration and hopelessness leads readers to envision a group of people who simply accepted Americans’ negative depiction of themselves and caved into the discrimination that surrounded them with minimal resistance. However, as can be seen by the Chinese immigrants’ many court battles and public assertions of their innocence, this view of the Chinese immigrants is a false one. There no doubt were Chinese immigrants who reacted in this way, but they were not in the majority.

Although Wong seeks to point out the flaws in the “white American” view of the Chinese immigrants, she simultaneously paints the immigrants into a corner, forcing them to accept the position of subservient weaklings, lacking the confidence to fight the overwhelming waves of aggression. Throughout her article, Wong discusses the ways that the Angel Island poetry demonstrates the Chinese immigrants’ desire “to exist and work without undue attention to the wretchedness of their conditions” (11). In making this declaration, Wong appears to ignore the range of different measures that the Chinese immigrants took to bring attention to and fight the wretchedness of their conditions.

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⁴² In conjunction with the Angel Island poetry, Wong also discusses a compilation of Chinese immigrant folksongs.

⁴³ Most of these poems have no personally identifying information associated with them (Lai, Lim, and Yung 23).

⁴⁴ Since very few whites actually knew the poetry existed until the 1970s, I’m not sure how the poetry, self-effacing or not, could either confirm or deny the white community’s view of the Chinese as “silent and inscrutable.”

Instead of seeking to avoid “undue attention” and simply accept their fate, the majority of the Chinese immigrants sought to fight the unfairness of their blanket exclusion.

While Wong places blame for the Chinese immigrants’ self-effacement squarely on Americans’ shoulders, she simultaneously ignores the ways in which the immigrants asserted themselves, rather than accepting Americans’ effacing and degrading view of them. By not expressly acknowledging the ways in which the Chinese immigrants fought against American prejudice, Wong inadvertently places the Chinese immigrants in a passive and submissive position, unable or unwilling to do anything more than accept the Americans’ view of the Chinese as a degraded and loathsome race. In some ways, this oversight echoes the tendency of Americans from the mid-1800s down through the mid-1900s to discount Chinese immigrants’ ability to make significant contributions to American society and control their own destiny.

Wong presents the poems as symbols of the extreme self-laceration in which, she contends, the Chinese immigrants were forced to participate. She states, “The physical conditions described in the writing correspond to a growing emotional anguish of the authors' exilic state, and their revelations offer a glimpse into the formidable self-laceration which characterized their experiences” (3). Though some of the poems can be interpreted in this way, they are not in the majority, and this interpretation is not the only possible reading of those poems. Throughout her article, Wong focuses on the poems that state, “There is nothing I can do/say” in various forms, seeming to ignore other aspects of the same poem that demonstrate the Chinese immigrants’ confidence. Several of the poems that Wong pegs as self-lacerating and hopeless also refer to the Americans as barbarians and align the Chinese with legendary heroes and/or demonstrate hope of

eventually achieving success. Although the Chinese undoubtedly felt exiled and dejected, they were rarely, if ever, reduced to self-laceration in their poetry, despite Americans' insistence of Chinese immigrants' inferiority. Most of their statements regarding an inability to do or say anything are rhetorical and idiomatic rather than factual.⁴⁵

In making self-laceration and despondency the most prominent feature of the poetry as a whole, Wong does not account for the Chinese immigrants' proactive resistance to American stereotypes. She also leaves little room for the individuality and personality of the specific poets. The fact that the majority of the poets are anonymous seems to lead Wong to embody the poets as a single voice, expressing a single emotion. In this way, Wong seems to obscure the Chinese immigrants' individuality in ways echoing that of late-nineteenth and early-twentieth-century Americans.⁴⁶

In contrast to Wong's overall assessment of the poems, I feel it is essential to recognize the proactive, self-confident aspects of this poetry, which, I believe, far outweigh the aspects of passivity and self-deprecation expressed in this poetry. Although the Angel Island poetry undeniably articulates a sense of persecution, in general it does not express a tone of self-effacement and utter despair. In the majority of the Angel Island poetry, a tone of defiance is much more common. There are many more poems that focus on Chinese immigrants' self-confidence and their assurance of eventual success, than there are poems that express utter despair, timidity, and insecurity.

Considering the Chinese immigrants' emphatic defense of their rights in the public arena,

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⁴⁵ “莫奈何” is the phrase most often used in the poems of supposed hopelessness and despair that Wong discusses. This is an idiomatic phrase meaning one does not know what to do. Although this can be an expression of absolute despair, it can also be a simple declaration of not knowing what to do at present. It is similar to the English phrase, “I just don't know what to do,” which can be uttered in despondence or in temporary disappointment and/or confusion.

⁴⁶ Wong does, of course, write about some of the more positive aspects involved in the act of writing this poetry, however, the main argument of her paper is based on the “self-lacerating” features of the poetry.

this latter interpretation of the poetry, as confident and assertive, is more consistent with the general attitude expressed in the Chinese immigrants' court battles and in their public documents.

The Angel Island Poetry as Active Resistance

As another bit of evidence demonstrating the active defiance evident in the Angel Island poetry, it is interesting to note that the Angel Island poetry was likely seen as an act of defiance even during the Chinese exclusion acts (Hoskins 99). In a letter addressed to the commissioner of immigration at Angel Island, Frank Hays, head of the Deportation and Detention Division wrote a sample notification attempting to prevent Chinese immigrants from disfiguring and destroying the barrack walls with their poetry. His notice read as follows: "This building belongs to the United States Government. It is unlawful to write on or disfigure the walls or to destroy any property on these premises" (99). This notice was meant to help the "aliens . . . understand the impropriety of injuring the property in this way" (99).

Regardless of its impropriety, the Chinese continued to carve and paint their poetry on the barrack walls and the walls were soon covered with poetic expressions of their feelings and complaints. The walls of the barracks became so crowded with poetry that one of the Angel Island immigrants complained, "It was not easy to find space on the wall to compose a poem" (Lai, Lim, and Yung136). The Chinese immigrants were thoroughly determined to retain their right to express themselves. The Americans could take nearly everything else from the Chinese immigrants, but these immigrants categorically refused to allow Americans to take from them their voice. The immigrants'

use of the barrack walls to write their feelings, despite Americans' posted notices regarding the disfigurement of government property, communicates their defiance and illustrates their determination to retain their right to speak.

Though largely powerless to alter the laws of exclusion or control a judge's decision on whether or not the United States would allow them to enter, these immigrants engaged in every demonstration of defiance they could discover. Wong herself declares, "Not surprisingly, many of the poems contained messages of self-reliance and autonomy from immigration officials" (6). The United States might be able to prevent the Chinese from disembarking on its shores and gaining equal treatment, but it could not prevent them from expressing their emotions. Nor could the United States squelch the Chinese immigrants' determination to fight for equal treatment.

The Effect of the Chinese Poetic Tradition on the Chinese Immigrants' Resistance

As shown in the previous pages, the Chinese immigrants' ability to communicate, a skill well illustrated by the Angel Island poetry and by their court battles and public documents, strengthened their capacity to fight American prejudice. The Chinese have traditionally placed great emphasis on learning to communicate ideas in an eloquent manner. This emphasis on communication, combined with their ancient literary tradition, enhanced the Chinese immigrants' ability to communicate in powerful and effective ways. Chinese poetry frequently presents ideas in a way that requires an intellectual investment in order to understand the poem's emotional essence; this is partially due to the frequent use of allusion.

In Chinese poetry, there are different levels of allusions; some allusions are very simple, some are more complex. Simple allusions simply refer to idiomatic phrases, called *chengyu* (成語). Complex allusions require readers to make complex connections with ideas articulated in renowned poetry from many different ages (though most frequently from the Shijing and the Tang dynasty). Two or three characters could come to represent an entire poem; hence, poets could add nuanced layers of meaning through employing the lyrics of other famous poems. Using key characters, poets could cause readers to reflect on the emotion or idea of the poem referred to, and thereby recall a similar emotion or thought using very few words.

It was, however, essential that the poet add his own twist to the poem, thus causing readers to reflect and rethink simultaneously. Poets often used these intricate, intellectual connections to deepen the emotional effect of a poem. The frequent use of allusion means that Chinese poetry can be short and pithy. It also means that readers must be well immersed in ancient Chinese poetry in order to understand the many allusions used therein. With the passage of time, poets' allusions become more and more complex as poets would refer to poets who were themselves referring to poetry in the Shijing, thus creating a double-layered allusion. The ability to use these intricate, well-placed allusions became the mark of a good poet; and as David Lattimore explains, in Chinese poetry, "allusions like metaphors need not merely decorate a poem; they can be crucial to its meaning" (406).

Because of the essential role played by allusion in Chinese poetry, Chinese poets are required to utilize both emotion and logic when composing poetry. There was a constant need for balance between these two parts. To be a good poet, one could be

neither too emotional, nor too logical. One Chinese critic, Li Mengyang (李夢陽) expressed it this way, “Words must have methods and rules before they can fit and harmonize with musical laws, just as circles and squares must fit with compasses and rulers” (Liu 80). Hence, good poetry was not only instinctual and emotional; it was also intellectual and logical. A poet had to be able to find a link between an idea or emotion expressed by an earlier poet and his own idea or emotion. Chinese poets were also expected to express their emotions, while following the complicated grammar, tone, and style rules that became essential aspects of Chinese poetry over the course of several centuries.

This long poetic tradition, with its emphasis on intellectual and emotional involvement, had taught the Chinese immigrants how to engage readers and listeners on multiple levels and they actively employed this skill in the defense of their rights. The employment of rhetoric, utilizing appeals to both emotion and logic, was hardly a new idea for the Chinese. They had long ago learned the power of engaging the intellect while pulling at the heartstrings. As shown in the previous chapter, the Chinese immigrants employed the skill of appealing to emotion and logic in their public documents to government officials and within their own community, in addition to using it in their poetry.

Let us now turn to the Angel Island poetry to investigate the ways in which it employs the power of logic, emotion, and allusion to communicate more fully the Angel Island inmates’ frustration and their contempt for the Americans. As we begin this examination, it is important to note that all of the poetry in the following pages is written from a male perspective. Although female inmates of the Angel Island barracks have

referred to poetry on the walls of their dormitory, the preserved Angel Island poems have no representative female voices because the female barracks burned to the ground in 1940, prior to the rediscovery and preservation of the poetry to which we do have access (Lai, Lim, and Yung 25).

The Angel Island Poets' Use of Allusion to Increase Emotional Impact

In the Angel Island poetry, one poet uses a simple allusion, combined with hyperbole, to intensify the emotional effect of his description of Americans' callous treatment of the Chinese. He begins by claiming that his unspeakable horror at Americans' insensitivity will not allow him to describe their insufferable treatment of the Chinese, and then in the remainder of the poem he attempts to describe that treatment. He ends with a simple, idiomatic allusion that re-emphasizes his inability to communicate his shock and disgust. He writes:

醫生苛待不堪言	The doctors' harsh treatment, unbearable to speak of.
勾蟲刺血更心酸	They draw blood for worms; ⁴⁷ Even more sadness. ⁴⁸
食了葯膏又食水	Take the medicinal cream, then drink water,
猶如啞佬食黃連 ⁴⁹	Just like a mute eating <i>huanglian</i> . ⁵⁰

(Lai, Lim, and Yung 101).

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⁴⁷ The initial step in gaining entrance to the U.S. involved a physical in which the Chinese were checked for various parasites. Any indication of a parasite was grounds for exclusion, whether curable or not.

⁴⁸ In my translations I will only use the personal pronoun if the poet himself uses it, or if the lack of the pronoun would cause too much ambiguity. The personal pronoun is rarely used in Chinese poetry. As Wai-lim Yip explains: "The lack of the use of personal pronouns is not just some 'curious habit of mind'; it is in tune with the Chinese concept of losing yourself in the flux of events, the Way (dao 道), the million changes constantly happening before us" (7).

⁴⁹ All Chinese versions of the poetry used come from *Island: Poetry and History of Chinese Immigrants on Angel Island, 1910-1940*. The English translations are my own.

⁵⁰ 黃連 (*huanglian* or *Coptis chinensis*) is a rhizome used in Chinese medicine.

In the first line of the poem, the poet mentions that his treatment is “unbearable to speak of,” then in the last line the poet makes reference to a mute eating *huanglian*, a bitter herb (*Coptis teeta*) sometimes used as medicine in China. The last line is a cultural allusion that reiterates and reemphasizes his supposed inability to speak of his intolerable treatment. According to Lai, Lim, and Yung, a mute person eating *huanglian* metaphorically represents “a victim who cannot voice his complaints to anyone” (100). In paralleling his forced consumption of the American medicine with a mute’s ingestion of *huanglian*, the poet magnifies the image of himself as the victim of insufferable usage, without the ability to express his contempt. In this way, the poet augments the effect of his brief description. Rather than painting a detailed picture of all his suffering, the poet provides a few simple details about drawing blood and taking medicinal cream. It is through leaving things unspoken and pronouncing his suffering as unspeakable that the poet underscores the intensity of his suffering. He allows his readers to employ their own imagination in filling in the particulars.

This poem does emphasize the inability to speak described by Wong; however, the poet’s claim of an inability to complain can hardly be taken literally since his very proclamation of an inability to speak or complain is disallowed as he writes the poem. He demonstrated his defiance at the Americans trying to take away his voice in the very act of carving his poem into the barrack walls. He may claim that he is a victim who cannot voice his complaints, but such is clearly not the case. Not only is he capable of voicing his complaints, he is capable of making that complaint eloquent and moving. Furthermore, in view of the aforementioned notice decreeing that writing on the walls was unlawful, the poet’s inscription was likely an act of literal, active resistance. These immigrants may

have had little control over the outcome of their application for entrance into the United States, but they remained proactive in their response to American prejudice in every way they could discover.

Another Angel Island poet used compound allusions to argue, indirectly, that the Chinese will eventually triumph over their enemies. His poem displays the Chinese poets' habitual use of allusion and layered meaning in their poetry. Rather than directly saying anything, the poet uses various allusions to express his sentiments.

菱里受囚何日休？
裘葛已更又一秋

滿腹牢騷難罄竹

雪落花殘千古愁

Taken prisoner at Youli, what day will it cease?
Winter and summer garments; already another
autumn.

Full of grievances, so difficult, exhaust bamboo
slips.

Snow falls, flowers mutilated, eternal sorrow.

(Lai, Lim, and Yung 57).

This brief poem is thick with allusions and cultural nuances. In the first line, the poet refers to imprisonment at Youli, a reference to a twelfth-century ruler, King Wen, who was incarcerated at Youli because a nearby king saw him as a threat. King Wen's son later defeated his father's enemy and re-established their line of kingship (56). The poet carefully selected this allusion, through it he aligns himself and his compatriots with a ruler who, though temporarily conquered, was not permanently disgraced. Like King Wen, the poet is currently incarcerated and even shamed; however, he remains confident that, also like King Wen, he and/or his posterity will one day victoriously subdue their enemies.

The second line uses a simple allusion, "winter and summer garments" connotes the passage of a year, to reveal a complex emotion. Winter coats have been exchanged for summer fabrics and now it is autumn once again. Autumn has special significance in

Chinese poetry. Owen explains it thus, “to know autumn is to know its correlatives in the cycle of human life, in the dynastic cycle” (23). According to Chinese philosophy, the cycle of human life, as well as dynasties, mirrors “the eternal cycle of birth, growth, decline, death, and re-birth that goes on in Nature” (Liu 49). Autumn then becomes a symbol of decline, a symbol usually associated with sadness, reflecting the poet’s view of his own circumstances. The absence of the personal pronoun allows the poet speak of nature, “all the while giving the impression of speaking of himself” (Cheng 40).

This concept of the eternal cycle of nature also shows up in the fourth line of the poem. Snow falls, flowers decay, autumn comes; sorrow is something that will always exist. However, these naturalistic symbols do not necessarily represent feelings of utter despair and hopelessness. The eternal cycle of life and nature includes times of decline and death, but it also has contains times of re-birth and renewal. The poet’s allusion to “imprisonment at Youli” illustrates his belief that his defeat at the hands of the Americans is no more eternal than King Wen’s defeat at the hands of his enemies. Just as winter does not last forever, sadness also has its end.

In this poem, the poet also uses a complex allusion to decry the Americans’ crimes against the Chinese. The poet’s allusion to bamboo slips in the third line refers to a proverb regarding “crimes so numerous they will not even fit on slips made from all the bamboo in the Zhongnan Mountains” (Lai, Lim, and Yung 56). The poet is so “full of grievances” regarding the crimes committed by the Americans that recording them all would exhaust the supply of bamboo from the Zhongnan Mountains. He feels strongly that the Americans have wronged him. He does not express the meek defeat one might expect of a prisoner. He is convinced that if crimes have been committed, the Americans

have been the perpetrators. Through his excellent use of allusion, the poet is able to express his frustration and disgust in a complex, eloquent way.

The Angel Island Poets Occidentalize the Americans

Although many of the Angel Island poets use the power of allusion to garner readers' sympathy, rather than presenting them with explicit details, there are some poets who choose to present readers with hard evidence of their mistreatment. One such poet provides a brief list of the Americans' crimes, illustrating their corruption by giving a list of their various faults.

詳恨番奴不奉公	Absolute hate for barbarian slaves; Don't work for the common good;
頻施苛例逞英雄	Carry out harsh regulations; Play the hero;
凌虐華僑兼背約	Oppress overseas Chinese, simultaneously breaking promises;
百般專制驗勾蟲	In every possible way despotic; Examining for worms.

(Lai, Lim, and Yung 101).

This poet feels no need to use subtle allusion in his condemnation of the Americans, his defiance and scorn is blatant. He describes the Americans' faults in terms that are hard to misunderstand. He decries the Americans as despotic and oppressive, and he joins many of his fellow poets in using the terms "barbarian" (番) and "slave" (奴) as sobriquets for the Americans. In fact, the Angel Island poets make use of the term "slave" at least nine times in different places throughout the poetry. Additionally, they use different words for "barbarian" twelve times in their poetry. In addition to the use of these derogatory terms

when referring to the Americans, the poets also employ words such as “devil” (鬼), “false” (偽), and “fierce” or “reckless” (蠻) to describe their oppressors.

Perhaps one reason the Chinese used the term “slave” to refer to Americans was because to the Chinese, the inability to see different a situation from different perspectives was a form of mental imprisonment. The capacity to see things from multiple angles is an essential aspect of Chinese philosophy and Chinese poetry. As Yip explains, Chinese poetry often operates such that readers are “viewing totality from different angles simultaneously,” and in this way readers “are liberated to see [spatial relationships] from different perspectives” (Yip 13). In view of Chinese people’s inclination to look at a wide variety of possibilities, the Americans’ stubborn refusal even to contemplate other possibilities was, to the Chinese immigrants, a form of mental imprisonment. Perhaps it was the Americans’ inability to open their minds to new ways of thinking about the Chinese and their way of life that, in the Chinese immigrants’ minds, placed the Americans in a position of slavery, despite their supposed authority.

Regardless of the reason, though the Chinese immigrants were physically incarcerated, they clearly felt their captors were the ones who were enslaved. In the Chinese immigrants’ minds, the Chinese were physically restricted, but the Americans were the ones who were truly enslaved. Despite the Chinese immigrants’ manifold attempts to demonstrate their merit and value to the Americans in a variety of different venues, the Americans remained largely unwilling to recognize Chinese immigrants’ intelligence and industry. In their blindness, the Americans refused to see the worth of the Chinese, as well as the worth of their millennia-old philosophies. Since the Chinese

culture had been around for many centuries longer than American culture, the Chinese found the American belief in their infinite superiority to be arrogant, as well as ridiculous.

Through using these various derogatory terms, the Chinese placed their antagonists in a position lower than themselves, which was, undoubtedly, where they felt the Americans belonged. The Chinese clearly felt that their subordinate position was only temporary and that eventually they would triumph over the Americans. To borrow a term from Edward Said, while the Americans sought to “orientalize”⁵¹ the Chinese, reducing them to near savages through their descriptions of them, this Angel Island poet and many of his compatriots sought to perform a similar transformation. They linguistically turned the tables on this orientaling nation through occidentalizing the Americans. There was no doubt in their minds about the identity of the true barbarians. The Americans’ refusal to work for the common good, their determination to carry out harsh laws, and their tendency to go back on their word were all traits that placed them in a position lower than the Chinese by the Chinese immigrants’ standards.

In contrast, to their frequent use of derogatory terms when referring to the Americans, the Angel Island poets used the term for “hero” (英雄) at least nine times in connection with themselves. The poem just cited is the only time the term “hero” is used in conjunction with the Americans and here the poet uses it sardonically. According to the Angel Island poets, while the Chinese actually are heroes, the Americans only “play the hero.”

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⁵¹ Edward Said used the term “orientalism” to describe “a style of thought based upon ontological and epistemological distinctions made between ‘the Orient’ and (most of the time) ‘the Occident’ . . . a basic distinction between East and West as the starting point for elaborate theories, epics, novels, social descriptions, and political accounts concerning the Orient, its people, customs, ‘mind’, destiny, and so on” (2-3).

The idea that the Chinese are the true heroes and the Americans are the barbarians is further emphasized through the number of poems communicating the conviction that the Chinese will eventually triumph over the Americans. At least eighteen of the poems contained in the Angel Island collection declare the poets' intent to one day return and conquer the "barbarians." These poems are stunning and, at times, even frightening in their venomous threats. For instance, one poet declared:

倘得中華一統日
定割西奴心與腸

Supposing that China's day of unification comes,
I will certainly sever the Western slaves' hearts and
intestines.

(Lai, Lim, and Yung 162).

This declaration fundamentally repudiates Americans' widely accepted perception, one that existed even into the twentieth century, of the Chinese as a passive and complacent people. The poet quoted here clearly has no intention of calmly accepting his fate. If given the chance, he is ready and willing to wreak revenge on his oppressors. This poet also asks, rhetorically, 豈知西奴心理喪? (162). "Who would have thought that the Western slaves' hearts and minds were lost?" The poet plainly feels that the Americans have lost their minds and hearts. He argues, with some justification, that if the Americans had not lost their hearts and minds they would never have treated the Chinese as they did. His use of the term "slave" here may point to another reason for its use in connection with the Americans. The Americans' lack of sensitivity to the Chinese immigrants' virtues and culture is an additional sign of their slavish and degraded natures. In the poet's eyes, the Americans lack heart and soul, placing them yet another notch lower in his estimation.

Before discussing other aspects of the Angel Island poetry, there is one more poet whose violent expression of defiance and loathing demands attention. This poet utilizes

the power of allusion to emphasize the Chinese immigrants' virtue; he also uses it to insinuate that the Americans will eventually be defeated. He rallies and encourages himself and his compatriots, and urges them never to give up. He also strongly expresses his defiance of the Americans. His remarkable poem is as follows:

尙存一息志無灰	While one breath still remains, resolve must not turn to ash.
敬勸同堂眾楚材	Respectfully encouraging fellow prisoners, ⁵² the many talents of Chu.
知恥便能將恥雪	Having a sense of shame, thus able to take shame and wipe it away.
揮戈方可免必裁	Brandishing a spear, only then can one evade sure diminution.
莫道無謀芟醜虜	Don't say it is impossible to scheme to eradicate the ugly slaves,
思求有術把天回	Pondering, seeking is a method to seize the day again.
男兒十萬橫磨劍	Men, a hundred thousand, fiercely polishing swords,
誓斬樓蘭闢草萊	Swearing to behead the Loulan; breaking ground amongst wild grasses.

(Lai, Lim, and Yung 95).

This poet is extremely optimistic about the Chinese immigrants' opportunity for revenge and his determination to succeed echoes through nearly every line of the poem. He will never give up so long as there is one breath left in his body and he calls on his compatriots to take the same attitude of hope. In the first line of the poem, he expressly articulates his determination never to give up. At the same time, through choosing not to use a personal pronoun, his cry of determination also becomes a rallying call to his fellow prisoners to follow his example.

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⁵² The characters that I translated as "fellow prisoners" more literally mean "family living in the same house" and the poet's use of the term points to the closeness that existed among the Angel Island inmates.

In the second line, the poet makes an interesting allusion that shows his confidence in the worth of the Chinese immigrants. Lai, Lim, and Yung explain, “During the Spring and Autumn Period (770-476 B.C.) it is said that raw materials were produced in the state of Chu but were used by the state of Jin, meaning that native talent was used in a foreign land” (94). The poet aptly uses this allusion to emphasize the way that the Chinese immigrants have employed their “native talent” in the “foreign land” of America. These Chinese immigrants truly were the “Chu talents,” utilizing every skill they had to fight American prejudice and make a life for themselves in a hostile land. This poet reminds himself and his compatriots of their native ability to make use of their skills even while in a foreign country and “respectfully encourages” them to continue to do so.

In the third line of this poem, the poet illustrates the Chinese people’s habit of make the best of a bad situation by looking at it from a different perspective. He argues that, although the Chinese are in a position of shame, it is through experiencing that shame that they can gain the discernment necessary to eliminate it. Experience brings wisdom, he points out, without experiencing an emotion, it is difficult to know how to deal with it. If the Chinese never experienced shame, they would never know how to cope with it. Because of their decision to take a proactive stance, their experience, however unpleasant, has given them the opportunity to develop new skills. In and of itself, experiencing shame would not enable the Chinese to overcome it, but because they choose to take hold of it, “brandishing a spear,” they are able to prevent themselves from being truly diminished by the shameful experience.

The fifth and sixth lines of the poem make evident the poet’s determination to succeed in this trying situation. He conjures his readers, “Don’t say it is impossible to

scheme to eradicate the ugly slaves; / Pondering, seeking, there is a method to seize the day again.” He is confident that his intellectual resources, and those of his fellow citizens, will eventually provide them with the opportunity to “seize the day.” The Americans are “ugly slaves,” not glorious conquerors. Therefore, it is hardly possible that the Americans will long prevail over the Chinese. Eventually, through pondering and seeking, the Chinese will unearth some method of eradicating their tormenters. Using this logic, he optimistically urges himself and his compatriots to continue their fight, despite temporary setbacks.

The last line of the poem alludes to a group of people who were the main Chinese people’s subordinates. When the king of these people “exhibited an unfriendly attitude toward the Chinese,” the Chinese emperor ordered his assassination and the destruction of his court, after which the Loulan people came under his direct rule (Lai, Lim, and Yung 94). Considering the Angel Island poets’ frequent use of derogatory terms in connection with the Americans, it comes as no surprise that this poet would choose to align the Americans with a group of subordinates whom the Chinese eventually conquered. The poet implies that just as the Loulan king was assassinated for his unfriendly attitude toward the Chinese, the Americans will also suffer for their hostile and inhospitable attitude toward the Chinese. This poet implicitly asserts that the Chinese will ultimately “break ground” in these “wild grasses,” sowing American soil with the more cultured “grasses” of China. Rather than accepting Americans’ view of them as an inferior and degraded people, they saw themselves as a cultivated and cultured people who had a great deal to offer the young, “wild” Americans.

The Effect of Confidence in Culture and in Self on the Chinese Immigrants' Resistance

In addition to expressing a desire for vengeance, many of the Angel Island poets spend a great deal of time discussing eminent Chinese heroes and luminaries who also experienced adversity. They often rallied themselves and their compatriots by reminding each other of that they were not the first to experience hardship and that they would not be the last. They also frequently reminded one another that many of those who faced adversity later on rose to greater success. One poet claims, 自古英雄每厄先, "Since ancient times, heroes always faced difficulty first" (Lai, Lim, and Yung 62-63). As in Western fairytales, so also in Eastern legends, a person becomes a hero only through facing difficulty and conquering in the face of overwhelming difficulty. The Angel Island poets argue that, through confronting their trials, the Chinese immigrants become heroes, and that doing so gives them the right to align themselves with the heroes of days long past.

The Angel Island poets' continual references to Chinese heroes point to a characteristic that is visible in the vast majority of Chinese poetry namely, "a strong sense of history" (Liu 52). The Chinese immigrants' application of historical precedent for rhetorical purposes demonstrates the way that they drew on the ancient poetic tradition for inspiration and assurance. A large portion of the poems refer to at least one Chinese luminary, many refer to several. There are a few poems that allude to renowned people whose efforts proved futile, and it is clear that some of the Angel Island people felt that this was their destiny as well. These types of allusions are, however, in the minority. The majority of the Chinese luminaries referenced in the Angel Island poetry are heroes who failed first, only to rise to greater glory later on. Most of the Angel Island

poets relied on the Chinese poetic tradition to rouse themselves with positive images of success and provide themselves with confidence in their own eventual triumph. The greater part of the Angel Island poets felt that their failure was only temporary and their success was imminent.

Interestingly, several of the most affirmative and confident poems were written by immigrants who were about to be deported. One such poet writes:

梯航遠涉歷重洋	On a ship, made the long, arduous journey, experienced the wide oceans,
風餐露宿苦自嘗	Ate the wind, slept outdoors; hardships tasted for myself.
蘇武淪胡歸有日	Su Wu fell to the barbarians, but returned home one day.
文公遇雪嘆當年	Wen Gong encountered snow and sighed over the prime of life.
自古英雄多磨折	Since ancient time, heroes most frequently suffered.
到底男兒志未伸	In the end, this man's aspirations are not yet fulfilled,
滿腹苦哀聊代表	Full of bitterness, sorrow, for the time being, is represented.
留爲紀念勵同魂	Leaving this supportive memento, encouraging fellow souls.

(Lai, Lim, and Yung 123).

Bearing in mind that this man is about to be deported, this poem is amazingly positive. He has faced a long and arduous journey, tasted the hardships experience by all Chinese immigrants to the United States during this time, and, despite his best efforts, is now returning home empty-handed. However, notwithstanding his defeat, he encourages his fellow immigrants and reminds them that there is still a chance for them.

After using the first two lines to describe some of his hardships, this poet turns his readers' minds to others who also experienced adversity. In the third line, he refers to Su Wu who was a Chinese official during the Han dynasty (206 B.C.-24 A.D.). Su Wu was

detained by a nomadic tribe for nineteen years, but staunchly refused to renounce his loyalty to the Chinese emperor (Lai, Lim, and Yung 66). In using this allusion, this deportee quite possibly felt that he was a modern Su Wu, returning home from an extended stay among barbaric people, with his loyalty still intact. Although his aspirations have gone unfulfilled, his sorrow is only temporary because losing the opportunity to enter the United States means getting the chance to return home more speedily. For this poet's compatriots, those who were not being deported, this image could also serve as a reminder of someone who, through prolonged effort, eventually achieved his goal and returned home, despite the odds. Hence, this allusion can be a positive symbol to all of his fellow inmates, whether successful in their endeavor to enter the United States or not.

In the next line, he references Wen Gong, which is a less positive image. Wen Gong was exiled when he fell into disfavor with the emperor. On his way to the place of exile, "an undeveloped region of jungles and swamps," he encountered a snowstorm in a mountain pass (Lai, Lim, and Yung 122). In typical Chinese fashion, Wen Gong wrote a poem about the snowstorm expressing his feelings about the transience of life and lamenting days gone by. Considering the ease with which snow melts away, it was an excellent symbol of the transient nature of life. With his allusion to Wen Gong, the poet seems to be aligning himself, and his fellow immigrant poets, with another Chinese luminary who, in times of trouble, composed what was to become a well-known poem. Perhaps this immigrant poet hopes that his poem will one day be as famous as the poem by Wen Gong, a source for future Chinese poetic allusions. On the other hand, perhaps he is simply expressing his sadness at his failed hopes.

Regardless of his reasons for selecting these two luminaries, it is clear from the line following this that he regards them both as heroes and, in declaring that heroes have always been those who most frequently suffered, he aligns himself, and his fellow sufferers, with these heroes. Heroes of old were those who experienced suffering and made the most of it, and he is determined to do the same. Though his dreams have been thwarted, he is determined that his sadness will only be “for the time being.” In leaving a supportive memento for “fellow souls,” this poet encourages them to face their adversity in a similar fashion, maintaining a positive attitude regardless of their fate.

Another poet, who was likely facing deportation himself, writes an even more optimistic and hopeful poem. His poem repeatedly emphasizes his conviction that the Chinese will eventually succeed. Every line of his poem provides his compatriots with yet another reason to believe in the eventual triumph of the Chinese people. He writes:

寄語同胞勿過憂	Pass on a message to my compatriots: Don't worry excessively.
苛待吾儕毋庸愁	They harshly treat us, but we need not worry/sorrow.
韓信受禡爲大將	Han Xin suffered straddling and became senior general.
勾踐忍辱終報仇	Gou Jian endured disgrace and in the end took revenge.
文王囚羑而滅紂	Wen the King, was imprisoned at Youli and yet destroyed Zhou.
姜公運舛亦封侯	Jiang Gong's fate was contrary and nobility was conferred upon him.
自古英雄多如是	Since ancient times heroes are frequently this way.
否極泰來待復仇	The darkest hour is just before dawn; ⁵³ Wait for vengeance.

(Lai, Lim, and Yung 125).

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⁵³ Another possible translation for the Chinese idiom in the last line (否極泰來) is “peace/happiness comes out of the depths of misfortune.”

This poet's most repeated message is "Do not worry." Not only does he repeat it twice, but he also supplies his readers with myriad reasons to listen to his exhortation. "The Americans may mistreat us, but we have reason to hope," is his encouraging message throughout the poem.

Herein, the poet provides his compatriots with a list of four different Chinese heroes who first suffered adversity and later attained victory. For instance, in the third line he references Han Xin. When Han Xin was young, a bully humiliated him by forcing him to crawl between the bully's legs. However, despite this humiliating beginning, Han Xin eventually became an important general and he was even appointed to the nobility in his later life (Lai, Lim, and Yung 124). The next example, Gou Jian, was "ignominiously defeated" in 494 B.C., nevertheless, two decades later he returned to defeat his former conquerors (124). The third example, King Wen's imprisonment at Youli and his son's later triumph has already been mentioned in previous pages. Finally, in the sixth line, the poet refers to Jiang Gong. Jiang Gong was said to be seventy years old before his talents were recognized, and yet prior to his death he proved so useful to the king that he was appointed to the nobility (124). The underlying theme in all of these allusions is clear: many of China's greatest heroes experienced defeat and disappointment at some point in their life. Most of them also experienced humiliation at the hands of oppressors; however, their determined efforts, combined with a refusal to accept defeat, led to their eventual triumph.

Each image represents an additional reason for the Chinese immigrants to believe in their eventual success. As Han Xin was humiliated when he was weak, the Chinese are now being humiliated due to the weakness of their government. However, just as Han

Xin was eventually appointed general, the Chinese will also eventually obtain a position of power. Gou Jian may have been “ignominiously defeated,” but that did not stop him from eventually conquering his enemies. Similarly, the Chinese immigrants may have been shamefully defeated by the Americans, but in due course they will defeat their oppressors. The Chinese may be imprisoned, like King Wen, but even if they are unable to break free and obtain victory in this lifetime, their posterity will return to vanquish their parent’s adversaries, just as King Wen’s son returned to conquer his. Finally, just as the emperor eventually came to see the worth of Jiang Gong and reward him as he deserved, in time, the Americans will also come to appreciate the worth of these Chinese immigrants. It may take many years for the Americans to recognize the Chinese immigrants’ value, but ultimately it will come.

This poet’s declaration in the penultimate line makes the parallel between the ancient Chinese heroes and his fellow inmates even more apparent. He declares, “Since ancient times heroes are frequently this way.” He and his fellow prisoners are facing adversity, like their heroes of old, and they will eventually achieve success. In this way, the poet implicitly argues that since he and the other immigrants are the posterity of these heroes and members of the same race, they certainly have the ability to triumph over their enemies and overcome their trials. If they will await their opportunity for vengeance, they, like their predecessors, will ultimately achieve their goals and conquer their oppressors.

Additionally, as the poet illustrates in each of his allusions, and then overtly declares in the last line, “the darkest hour is just before dawn.” Just as many Chinese heroes faced their darkest moments prior to attaining victory, the Chinese immigrants can expect to be faced with their great trials prior to achieving success. In using this Chinese

idiom, the poet implores his readers to hold on just a little bit longer, reminding them that life often seems darkest when it is about to improve. In the face of great disappointment, the poet uses a well-established Chinese idiom to add credence to his claim of eventual success.

One fundamental reason for the optimistic and confident outlook in so many of these poems might well be the result of China's prolonged history. As a nation the Chinese had witnessed the rise and fall of many dynasties, they recognized that disappointment and failure are a natural part of life. They also understood that even bad things do not last forever. There had been times of adversity and misfortune in the past, and there would be trials and tribulations in the future, and just as former troubles had eventually come to an end, present and future ordeals would end as well.

The Chinese immigrants' extended history, combined with their sense of pride in their nation's many accomplishments in the arts and sciences, gave these immigrants a confidence strong enough to withstand years of American stereotyping and discrimination. In the Chinese merchant Norman Asing's letter to the governor of California in 1852, he mentioned, "when your nation was a wilderness, and the nation from which you sprung *barbarous*, we exercised most of the arts and virtues of civilized life" (Yung, Chang, and Lai, Lim, and Yung 10). As Asing's letter points out, these Chinese immigrants had little reason to accept Americans' harsh and demeaning depiction of them and every reason to feel that, while they were the heroes, the Americans were barbaric slaves. Their culture and society had existed for a much longer time than that of the Americans, and they had no reason to believe that, in such a short period of time, the American had managed to surpass them in any significant ways.

The Effect of a Sense of Community on the Chinese Immigrants' Resistance

The Chinese immigrants' connection to their homeland, as demonstrated in the many allusions to Chinese heroes, also demonstrates the sense of community that existed among them. The Chinese immigrants' connection to their homeland, combined with Americans' intense prejudice, provided them with the basis of unity necessary to make a relatively effective struggle. The immigrants quickly recognized that in order to combat American prejudice successfully, it was absolutely essential to combine their efforts, thereby increasing the power of their individual voices. As Wong points out, "The emphasis on community survival presided over individual necessity" (16). Chinese immigrants in America, whether on Angel Island or already residing in America, recognized that their only means of resisting American injustice with any degree of success lay in working together.

The Angel Island prisoners' commitment to working together was initially exemplified through the establishment of a group, similar to the *huiguan*, called the Self-Governing Association (自治會), "whose purpose was to provide mutual aid and to maintain self-order" (Lai, Lim, and Yung 19). This organization lobbied for better food and better treatment, among other things, much like their companion associations on the mainland. One Chinese immigrant, Mr. Tong, an elected president of the association, recalls, ". . . other people, such as Italians and Japanese, were provided with toilet paper and soap; just the Chinese didn't have it. . . . We thought this was not very fair, so with some other officers of the Organization, I went and successfully negotiated for toilet

paper and soap” (Lai, Lim, and Yung 96). The Chinese immigrants’ commitment to obtaining fair treatment clearly began long before entering the United States.

Mr. Tong’s example of the Angel Island inmates’ negotiation for fair treatment also underscores the Chinese immigrants’ characteristic ability to communicate effectively. Though the Angel Island residents were all recent arrivals to the United States, they began negotiating with officials to obtain equal rights soon after their arrival. The Chinese immigrants were quick to note, and use, any opportunity to lobby for equal treatment. As a result of their sense of history and community, they were also completely confident in their position as the Americans’ equals, despite their extended exclusion and incarceration, and they argued eloquently, and, on this occasion, successfully for equal treatment.

This sense of history and community is also illustrated in the Angel Island poetry. As previously mentioned, in the Chinese poetic tradition, it is customary for poets to borrow lines from and make allusions to previous great works; and the Angel Island poetry is no different. The Angel Island poets frequently allude to figures, ideas, and phrases of the Chinese literary tradition. In addition to their frequent references to the Chinese literary tradition, these poets also “borrowed liberally from one another, repeating each other’s phrases and allusions” (Lai, Lim, and Yung 24). Through borrowing phrases and allusions from each other, as well as from their predecessors, the Angel Island poets united their voices and created a greater sense of community. Wong discusses the Angel Island poetry’s unifying power when she declares, “. . . the writing sought to unite detainees, present and future, through a common concern for conquering the ruin of spirit” (14). The Chinese immigrants’ immersion in a collaborative poetic

tradition may well have enabled them to better cooperate in their fight against American prejudice. In their poetry, they were united in their complaints against harsh treatment and a desire to achieve equal rights; and by echoing each other's words and ideas the bond between them was strengthened. A strong poetic tradition was something they shared as citizens of China, regardless of their particular location within China.

Two particular poems in the Angel Island collection exemplify this bond created through poetry. Although some elements of the two poems that are different, they include two pair of lines that are character for character the same. In the first of the duplicate lines, the poets both admonish their readers not to steal across the border: 勸君切勿來偷關 (Lai, Lim, and Yung 122 and 168), "Advising you, gentleman, never try to secretly cross the border."⁵⁴ In the other set of replicated lines, the poets both proclaim: 斯言不是作爲閒 (Lai, Lim, and Yung 122 and 168), "These words are not to be regarded as idle." It is interesting that of all the lines to reproduce, the copying poet would select these two. The second poet appears to have borrowed the first line largely out of convenience. Both poets must have covertly attempted to cross American boundaries, experienced untoward results, and wished to admonish others to avoid having a similar experience.

The second borrowed line, however, illustrates the importance of words to both poets. As has been shown through the preceding pages, the Chinese well understood the power of words and sought to use that power to their own advantage. In the second repeated line of these two poems, both poets implicitly exclaim, "Listen to me; my words are not insignificant." It is likely that all of the Angel Island poets felt a longing to convey a similar message. During a time when Americans ignored so much of what the

⁵⁴ The character for "you" (君) in this line is a very formal expression of "you" and is often associated with the nobility.

Chinese immigrants said, these poets felt a great need to assert the importance of their words and, indirectly, themselves; and it is not surprising that more than one Chinese immigrant poet would conjure readers not to regard his words as idle.

Besides connecting with each other by means of their poetry, a number of the poets actually use their poetry to call upon their compatriots to unite. The immigrants recognized that their only hope for overcoming Americans' discrimination lay in combining their efforts to insist on fair treatment. One poet aimed at uniting his fellow prisoners proclaims:

兩經滄海歷風塵

木屋羈留倍痛深

國弱亟當齊努力

狂瀾待挽仗同群

Passed through the East China sea twice,
experiencing the wind and dust of travel,
Taken into custody in the wooden building,
redoubles, deepens pain/sorrow/hate.
China is weak, must exert ourselves in unison,
Raging tide requires drawing up weapons together
as a group.

(Lai, Lim, and Yung 89).

The first two lines of this poem appear largely rhetorical and merely serve to demonstrate the poet's credibility. As one who has twice crossed the sea and twice experienced the intense pain, sorrow, and hate that unites the Chinese immigrants against the Americans, he is someone to whom others should listen. After having established his authority to speak, the poet then calls his compatriots to action. He reminds them that China is presently weak and unable to oppose American injustice effectively, and calls upon them to exert themselves in unison, knowing that the only way to succeed in gaining victory of the American barbarians is through a united effort. The raging tide of prejudice requires that the Chinese immigrants fight together if they are to fight with any measure of success at all. If the immigrants draw their weapons as a group, they might stand a chance, the poet urges.

The Effect of Perpetual Hope on the Chinese Immigrants' Resistance

Besides exhorting one another to unite their efforts in combating American discrimination, the Angel Island inmates also used their poetry to provide other words of counsel and advice. Oftentimes, the writer presented his counsel such that it could apply to both himself and his readers simultaneously. In much of the counsel, poets instruct each other on the importance of remembering their time on Angel Island once they have finally left it behind. One poet supplies a poignant account of his journey and hardships, and then advises himself and his readers to remember always this time of hardship. He writes:

香山許生勉客題

Xu of Xiang Shan exhorting the traveler writes:

說去花旗喜溢顏

Talk of going to the Flowery Flag,⁵⁵ happiness overflows my face.

千金羅掘不辭艱

Doing all one could to raise a thousand gold pieces; Did not decline hardship.

親離有話喉先哽

Leaving parents, had the words, but the throat choked up first.

妻別多情淚對潸

Wife's goodbye, full of affection, tears face to face with tears.

浪大如山頻駭客

Waves big as mountains frequently frightened the traveler.

政苛似虎備嘗蠻

Government's harshness resembles a tiger; Made preparations to taste their barbarities.

毋忘此日君登岸

Don't forget this day when you go ashore.

發奮前程莫懶閒

Work vigorously for the future; Don't be lazy or idle.

(Lai, Lim, and Yung 43).

Despite the number of hardships this poet has experienced, he remains astonishingly optimistic. His admonition, in the last two lines of the poem, reveals his confidence in the eventual success of himself and other fellow prisoners. He appears to have no doubt that

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⁵⁵ "Flowery Flag" is a Cantonese colloquial term for the United States (Lai, Lim, and Yung 40).

he and many of his compatriots will one day enter the United States, and he merely focuses on advising them about what to do when they achieve their goal.

The poet prefaces his admonition with the details of his journey. In presenting his account, he is careful to point out his industrious nature as well as his sensitivity. In the second line of the poem, he discusses his efforts to earn money and his willingness to accept hardship in order to travel to the United States. In so doing, he not only provides readers with reasons to believe in his eventual success, but also demonstrates his ability to be independent and self-sufficient. He did not depend upon the Americans to get to the United States and, he seems to say, he will not be dependent on them after he enters. He is perfectly capable of earning his keep and is not afraid to accept hardship and hard labor.

In the third and fourth lines, he presents readers with a tender account of his departure. His terse way of describing the grief of saying goodbye, underscores the difficulty of parting that he articulates in these lines. When parting with his parents, he had the words ready but was unable actually to get them past the lump in his throat, just as he is unable to do more than briefly describe this experience in his poem. When saying goodbye to his wife, he did not even attempt words but simply let the tears flow between them. Words in this situation are insufficient and the poet is sparing in his use of them. In fact, he well illustrates Chinese poets' inclination to express powerful emotions through the very absence of words. Yuan Renlin (袁仁林), another seventeenth-century Chinese critic describes this Chinese tendency to augment feeling through eliminating words in their poetry. He declares,

In its economy of form, poetry is called upon to dispense with empty words [personal pronouns, prepositions, conjunctions, most verbs, adverbs,

and modal particles]. . . . Without being present, they are nevertheless there Thus the [ancient] poet was thrifty with empty words in his poems; it was for the reader to restore them. . . . The art of empty words in poetry is not so much in their actual use as in their absence, which preserves all their vital power. (Cheng 39)

In emphasizing the intensity of his parting emotions through an absence of words, the poet allows the reader to “restore” the missing words and thus preserves their vital power to impart emotion.

The poet’s sensitivity and discretion, made evident through expressing his intense emotions in this poetic and delicate way, is a stark contrast to his depiction of the Americans’ harshness and barbarity. The poet presents himself as tearfully bidding loved ones farewell and courageously facing an intense and difficult journey. Meanwhile he presents the Americans as akin to tigers, unable to experience anything beyond the animalistic emotions of anger, fear, and defensiveness. As far as the poet is concerned, Americans have done very little to demonstrate that they even possess sensitivity or compassion. The poet’s harsh comparison between himself and the Americans emphasizes his belief in the barbaric tendencies of his American oppressors.

Perhaps, after facing the frightening waves of the Pacific, this traveler felt he was prepared to meet the Americans’ barbarities; however, the Americans’ intense prejudice proves to be more strenuous to the traveler than the waves as big as mountains. In the second line of the second stanza, the poet alludes to an anecdote in the Confucian *Book of Rites*. In this story, Confucius sees a woman weeping near a gravesite, when questioned as to the reason for her wailing, the woman replies, “My father-in-law and my husband

were killed by tigers. Now my son is also killed by a tiger.” Confucius then inquires why the woman did not choose to leave this dangerous place and she answers “. . . that it was because there was no oppressive rule here.” Confucius then acknowledges, “Oppressive rule is surely fiercer than any tiger” (Lai, Lim, and Yung 42).

In alluding to this story, the poet infers that the Americans are oppressive and that their rule is worse than living with tigers. To emphasize further the connection between Americans and tigers, in that same line, the poet employs the character *man* (蠻) to describe what he prepares to find in the United States. In addition to connoting “barbarities,” this character can also mean “uncivilized,” “unreasonable,” “rough,” “fierce,” and “reckless.” It is clear that this traveler had very low expectations regarding the treatment he would receive in the United States, and he clearly felt that the Americans’ caliber was well below the Chinese. The poet accentuates this belief in Chinese superiority as he contrasts his own deep and poignant feelings with America’s harsh oppression, his sensitivity with their insensitive barbarity.

It is, perhaps, this poet’s confidence in the Chinese people’s superiority to the Americans that causes him to be so convinced of his own, and other Chinese immigrants,’ eventual success. With their industry and erudition, how can the Chinese help but succeed against this barbaric nation? As far as this poet is concerned, Chinese success is merely a matter of time and vigorous effort; so long as he and his readers follow his advice to work hard and not be lazy, the poet is completely confident that they will succeed. Having established reasonable belief in the eventual success of the Chinese people, the poet ends by exhorting and encouraging his fellow travelers on what to do when they are actually allowed to enter the United States.

Another poet displays a similar attitude of confidence in the eventual victory of the Chinese immigrants. He uses two different allusions to reveal the stark contrast he sees between the Chinese and the Americans and to establish his conviction in the ultimate success of the Chinese. He states:

蛟龍失水螻蟻欺
猛虎遭囚小兒戲

被困安敢與爭雄
得勢復仇定有期

(Lai, Lim, and Yung 93).

A flood dragon leaving water, tiny creatures bully.
A fierce tiger encountering imprisonment, small
children tease.

Struck by disaster, how to dare vie for supremacy?
Opportunity to get the upper hand and avenge
certainly can be expected at some point.

Like the above-mentioned poet, this poet is convinced that the Chinese will ultimately gain the upper hand, due their inherent superiority to the Americans. In his poem, the flood dragon⁵⁶ and the fierce tiger symbolize the Chinese, while the tiny, insignificant creatures and small children represent the Americans. Though legendarily able to cause floods and storms while in the water, out of the water the flood dragon loses all power. In coming to the United States, the Chinese “dragons” have metaphorically left their native water. As a result of their departure from their native land, the Chinese immigrants' currently lack sufficient power to wreak havoc on their oppressors, and the tiny, insignificant Americans are able to bully them.

Similarly, when placed behind bars, little children dare to tease the fierce tiger, just as the childish Americans dare to “tease” the Chinese during their literal and symbolic imprisonment. However, in using these metaphors, the poet implies that the Chinese are powerful beasts with latent power. Despite these beasts inability to punish their weak antagonists in specific situations, the poet implicitly warns his oppressors and

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⁵⁶ Dragons have positive connotations in the Chinese tradition.

reminds his fellow inmates that neither beast has permanently lost its power. The dragon and the tiger may be provisionally disabled, but the force that represses their power to wreak havoc is only temporary. The day will come, the poet assures himself and his readers, when opportunity will again give the Chinese people, his symbolic beasts, the upper hand. Though they dare not “vie for supremacy” at this point, opportunity to gain the upper hand and wreak revenge will come. The confidence expressed in these two poems is a mere sampling of the confidence that radiates from much of the Angel Island poetry. These Chinese immigrant poets possessed an ardent conviction in the eventual triumph of the Chinese people and they ardently encouraged their compatriots to believe as they did. China had been around for millennia while America was hardly a century old; and as members of an ancient society with a long history of success, the Chinese immigrants possessed an infinite confidence in themselves and in the ultimate success of their endeavors, a confidence that is reflected in much of the Angel Island poetry as well as in the many Chinese court battles.

Conclusion

Throughout the Angel Island poetry, the Chinese immigrants use the power of rhetoric and allusion to encourage their fellow prisoners to trust in the ultimate success of the Chinese people. Over and over, they present images of the Americans as weak and barbaric, unable to long withstand the Chinese people’s inherent strength and heroism. The Chinese immigrants’ private writing,⁵⁷ especially the Angel Island poetry, surely

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⁵⁷ The Angel Island poetry was obviously not completely private, since it was read by the other inmates. I use the term “private” because, although these poets recognized that other inmates would read their poetry, it was written with a very select group of people in mind, people who were closely tied by mutual

strengthened and reinforced the immigrants' prolonged public battles for fair treatment and equal rights. In their poetry, as well as in the courts and in public documents, the Chinese immigrants responded vehemently to the orientalizing Americans who sought to place them in a position of inferiority.

In the Chinese immigrants' response to Americans' discrimination, they not only disputed the white Americans' worldview of themselves as the superior and central race, but actually claimed that role for themselves, while relegating the Americans to the position of slave and barbarian. This role reversal is not surprising when one considers that the Chinese people's own term for China (中國) actually means middle country or kingdom, thereby placing the Chinese people at the center of civilization in the very naming of their country. As citizens of the Middle Kingdom, the Chinese immigrants felt no need to bow to anyone; and their poetry, carved permanently into the walls of their prison, becomes a symbol of their determination to stand firm as stone in demanding their rights as equal human beings. These poems, in conjunction with their numerous court records, become an emblem of Chinese-American immigrants' resolve not to be erased, their resolution not to be silenced.

experience; thereby distinguishing it from documents that were written to an entire community and/or to government officials.

CHAPTER FOUR: CONCLUSION

As the foregoing pages have attempted to make clear, early Chinese-American immigrants were not passive in any sense of the word. The immigrants were active in defending their rights whenever they felt those rights were being infringed. Whether they were residents who had lived in the United States for years or detainees who were still seeking admittance to the United States, the Chinese immigrants were quick to utilize every available method to obtain those rights. However, despite the Chinese immigrants' active resistance, the notion of the Chinese people as stoic, passive individuals is one that still resides in the minds of many Americans to this day. Although Americans no longer seek to describe the Chinese as an inferior, degraded race, incapable of further development, the view of the Chinese as a fundamentally silent, conforming group of people still exists—for example, the idea of Asians as the model students who study the sciences and are more focused on school than friends.

In addition to the silent, studious stereotype that often exists with regard to the Chinese people, there is also a false understanding about America's treatment of the Chinese over the past hundred years. At this point, relatively few Americans know that there was a period of Chinese exclusion in the United States; most assume that the Chinese have always received equal treatment. Even fewer Americans know about the vigorous and ardent response voiced by the Chinese immigrants. The United States has come a long way in providing equal rights to all human beings; however, although this

progress is good, it is essential that we not to create historical blind spots because doing so would increase the likelihood of repeating past mistakes. We must always remember that equal treatment and freedom for people of color did not come without a fight. During the first century and a half of American history, people of color were oppressed and discriminated against, despite Americans' theoretical belief in "freedom and justice for all." Freedom for people of color became a reality only through the efforts of many brave people who were willing to stand up for their rights in the face of great adversity and hardship.

Chinese immigrants of the late-nineteenth and early-twentieth centuries are among those people who fought for their rights in the face of intense discrimination and prejudice. The Chinese immigrants' many court battles and public documents, combined with the Angel Island poetry, provide some important details of their fight for equal treatment. These documents reveal a dark time in American history, a time when xenophobia led white Americans to treat other human beings as less than themselves. Additionally, the court and public documents provide an important account of the forthright actions of the Chinese immigrants during this crucial and difficult time, while the poetry gives readers a glimpse into the hearts and minds of this courageous people.

By means of their poetry, the Chinese immigrants were able to encourage and rally one another, providing each other with reasons to continue their seemingly endless fight for equality in the public arena. The confidence displayed in the Chinese immigrants' poetry is echoed in their many court battles and public documents. To the immigrants, their poetry stood as a constant reminder of their connection to an ancient, well-established nation that had already made many important contributions to society.

As such, the poetry united them as a people, while simultaneously using allusion to remind the immigrants of the many Chinese heroes who had triumphed after a period of weakness and failure similar to their own. The Angel Island poetry is a symbol of the deep confidence that existed among this group of people, a confidence that rested on the bedrock of ancient tradition, a confidence that enabled them to make important contributions to American history and law despite their many difficulties. These were, after all, people of the Middle Kingdom, heroes in their own right, people who would eventually triumph over all their foes. In the words of one of the Angel Island poets, 自古英雄每厄先, “Since ancient times, heroes always faced difficulty first” (Lai, Lim, and Yung 62-63).

Works Cited:

An Act to Enforce the Right of Citizens of the United States to Vote in the Several States of this Union, and for Other Purposes (Brief title: Civil Rights Act of 1870).

Public Laws. Vol. 16, Ch. 114, Sec. 16. 31 May 1870. 140-146.

An Act to Execute Certain Treaty Stipulations Relating to the Chinese (Brief title:

Chinese Exclusion Act). *Statutes at Large*. Vol. 22, Ch. 126, Sec. 1 and 14. 6 May 1882. 58-61.

An Act to Prohibit the Coming of Chinese Persons into the United States. *Statutes at*

Large. Vol. 25, Ch. 1015. 13 September 1888. 476-479.

An Act to Prohibit the Coming of Chinese Persons into the United States (Brief title: The

Geary Act). *Statutes at Large*. Vol. 27, Ch. 60. 5 May 1892. 25-26.

Baldwin v. Franks. 120 U.S. 678. Supreme Court of the United States. 7 March 1887.

An Act Supplementary to the Acts in Relation to Immigration (Brief title: The Page law).

Statutes at Large. Vol. 18, Ch. 141, Sec. 5. 3 March 1875. 477-478.

Ashcroft, Bill, Gareth Griffiths, and Helen Tiffin. *The Empire Writes Back: Theory and*

Practice in Post-Colonial Literatures. New York: Routledge, 1989.

California State Assembly. Act of April 26, 1862. Statutes, Ch. 339. *Statutes and*

Amendments to the Codes 1862. 462. <http://192.234.213.35/clerkarchive/>.

Accessed 1 May 2007.

Cheng, François. "Some Reflections on Chinese Poetic Language and Its Relation to

Chinese Cosmology." *The Vitality of the Lyric Voice: Shi Poetry from the Late*

Han to the T'ang, ed. Shuen-fu Lin and Stephen Owen. Princeton: Princeton University P., 1986. 32-48.

Chy Lung v. Freeman et al. 92 U.S. 275. Supreme Court of the United States. 20 March 1876.

Cole, Richard P. and Gabriel J. Chin. "Emerging from the Margins of Historical Consciousness: Chinese Immigrants and the History of American Law." *Law and History Review* 17.2 (Summer 1999): 325-364.

“大序” (Da Shu or Great Preface). 叢書集成簡編 (Congshu Jicheng Jianbian or Concise Integrated Anthology). 台北市(Taibei City) :臺灣商務印書館印行 (Taiwan Publishing Company), 1944. 1-2.

Enforcement of the Chinese Exclusion Act. *Statutes at Large*. Vol. 28, Ch. 301. 18 August 1894. 390.

Fong Yue Ting v. United States.; *Wong Quan v. United States.*; *Lee Joe v. United States.* Nos. 1345, 1346, 1347. 149 U.S. 698. Supreme Court of the United States. 15 May 1893.

Fritz, Christian G. "Due Process, Treaty Rights, and Chinese Exclusion, 1882-1891." *Entry Denied*, ed. Sucheng Chan. Philadelphia, PA: Temple U. P., 1991. 25-56.

George Smith, Plaintiff in Error, v. William Turner, Health-Commissioner of the Port of New York.; *James Norris, Plaintiff in Error, v. The City of Boston.* 48 U.S. 283 (7 How 283). Supreme Court of the United States. 7 February 1849.

Hittell, Theodore H. *History of California*. Vol. 4. San Francisco: N. J. Stone and Company, 1898.

Ho Ah Kow v. Nunan. No. 6, 546. Circuit Court, D. California. 7 July 1879.

- Hoskins, Gareth. "Poetic Landscapes of Exclusion: Chinese Immigration at Angel Island, San Francisco." *Landscape and Race in the United States*. Ed. Richard H. Schein. New York: Taylor and Francis Group, 2006.
- Janisch, Hudson. "The Chinese, the Courts, and the Constitution: A Study of the Legal Issues Raised by the Chinese Immigration to the United States." Dissertation University of Chicago, 1971. <http://proquest.umi.com.erl.lib.byu.edu/pqdweb?did=754832131&sid=1&Fmt=1&clientId=9338&RQT=309&VName=PQD>. Accessed 30 April 2007.
- Lai, Him Mark, Genny Lim, and Judy Yung. *Island: Poetry and History of Chinese Immigrants on Angel Island, 1910-1940*. Seattle: U. Washington P., 1980.
- Lai Yong, Yank Kay, A Yup, Lai Foon, and Chung Leong. "The Chinese Question from a Chinese Standpoint." Trans. Reverend Otis Gibson. San Francisco: Cubery and Company, Printers, 1874. <http://content.cdlib.org/ark:/13030/hb929006d1/?order=2&brand=oac>. Accessed 2 May 2007.
- Lattimore, David. "Allusion and T'ang Poetry." *Perspectives on the T'ang*, ed. Denis Twitchett and Arthur F. Wright. New Haven: Yale U. P., 1973.
- Lee, Robert G. *Orientalists: Asian Americans in Popular Culture*. Philadelphia: Temple U. P., 1999.
- Lin Sing v. Washburn*. 20 Cal. 534. Supreme Court of California. July 1862.
- Liu, James J.Y. *The Art of Chinese Poetry*. Chicago: U. Chicago P., 1966.
- Ma, L. Eve Armentrout. "Chinatown Organizations and the Anti-Chinese Movement, 1882-1914." *Entry Denied*, ed. Sucheng Chan. Philadelphia, PA: Temple U. P., 1991. 147-169.

McClain, Charles J. and McClain, Laurene Wu. "The Chinese Contribution to the Development of American Law." *Entry Denied*, ed. Sucheng Chan. Philadelphia, PA: Temple U. P., 1991. 3-24.

McClain, Charles J., Jr. "The Chinese Struggle for Civil Rights in the 19th-Century America: The Unusual Case of Baldwin v. Franks." *Law and History Review* 3.2 (Autumn 1985): 349-373. <http://links.jstor.org/sici?sici=0738-2480%288523%293%3A2%3C349%3ATCSFCR%3E2.0.CO%3B2-8>. Accessed 22 January 2007.

McClain, Charles J. *In Search of Equality: The Chinese Struggle Against Discrimination in Nineteenth-Century America*. Berkeley, CA: U. California P., 1994.

Morse, Hosea Ballou. *The Gilds of China with an Account of the Gild Merchant or Co-Hong of Canton*. New York: Longmans, Green and Company, 1909.

Owen, Stephen. *Traditional Chinese Poetry and Poetics: Omen of the World*. Madison: U. Wisconsin P., 1985.

People v. George W. Hall. 4 Cal. 399. Supreme Court of California. October 1854.

"Report of the Committee of Mines and Mining Interests." Assembly Committee on Mines and Mining Interests. Doc. No. 25, California Assembly, 1853 Session. Appendix to Regular Session. *California State Assembly Journals*. <http://192.234.213.35/clerkarchive/> Accessed 27 April 2007.

Said, Edward. *Orientalism*. New York: Vintage Books, 1979.

Salyer, Lucy E. "'Laws Harsh as Tigers': Enforcement of the Chinese Exclusion Laws, 1891-1924." *Entry Denied*, ed. Sucheng Chan. Philadelphia, PA: Temple U. P., 1991. 57-93.

- Sandmeyer, Elmer Clarence. *The Anti-Chinese Movement in California*. Chicago: U. of Illinois P., 1991.
- Sandmeyer, Elmer C. "California Anti-Chinese Legislation and the Federal Courts: A Study in Federal Relations." *The Pacific Historical Review*, Vol. 5, No. 3. (Sep., 1936). 189-211. <http://links.jstor.org/sici?sici=00308684%28193609%295%3A3%3C189%3ACA%3E2.0.CO%3B2-R>. Accessed 22 January 2007.
- Schurmann, Franz and Orville Schell, eds. *Imperial China: The Eighteenth and Nineteenth Centuries*. Middlesex, England: Penguin Books, 1968.
- Speer, William. *The Newest Empire: China and the United States*. Cincinnati: National Publishing Company, 1870. <http://galenet.galegroup.com.eri.lib.byu.edu/>. Accessed 27 April 2007.
- Madison, Grant. "Introduction." *The Rising Tide of Color Against White World-Supremacy*, Stoddard, Lothrop. New York: Charles Scribner's Sons, 1920.
- Memorial: The Other Side of the Chinese Question: Testimony of California's Leading Citizens*. San Francisco: Woodward and Company, 1886.
- Treaty of November 17, 1880. *Statutes at Large*. Vol. 22. 1883. 826-830.
- Tyner, James A. *Oriental Bodies: Discourse and Discipline in U.S. Immigration Policy, 1875-1942*. Oxford, UK: Lexington Books, 2006.
- Wong, Cynthia. "Anonymity and Self-Laceration in Early Twentieth Century Chinese Immigrant Writing." *Melus*. 24.4 Asian American Literature (Winter 1999): 3-18. <http://links.jstor.org/sici?sici=0163-755X%28199924%2924%3A4%3C3%3AAA%3E2.0.CO%3B2-Q>. Accessed 1 April 2006.

Yick Wo v. Hopkins, Sheriff.; Wo Lee v. Hopkins, Sheriff. 118 U.S. 356. Supreme Court of the United States. 10 May 1886.

Yip, Wai-Lim, ed. and trans. *Chinese Poetry: An Anthology of Major Modes and Genres.* Durham: Duke U.P., 1997.

Yung, Judy, Gordon H. Chang, and Him Mark Lai. *Chinese American Voices: From the Gold Rush to the Present.* Los Angeles: U. California P., 2006.