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## **POLICY BRIEF**

### **"Eating Bitterness": The Impact of Asian-Pacific Migration on U.S. Immigration Policy**

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*Asian-Pacific migration to the United States has had a positive impact on immigration and refugee law by contributing to the demise of exclusion acts against non-whites and of the nationality-based quota system.*

The designation of May as Asian-Pacific American Heritage Month by Congress in 1990 symbolizes the extent to which both the experience of Asian-Pacific Americans and the nature of U.S. immigration law have changed over time. Early Asian immigrants often fled homeland tragedies only to encounter harsh repression and legalized discrimination upon their arrival in the United States. The experience of these first generations of Asian immigrants is aptly summed up by a Chinese saying that describes the constant enduring of suffering as "eating bitterness." In the late 1800s and early 1900s, popular backlash against Asian immigrants culminated in a series of laws which excluded all Asians from becoming naturalized citizens and barred further migration from Asian countries. However, the challenge of fighting World War II in the Pacific theater, together with the influence of the U.S. civil rights movement and declining immigration from Europe, eventually eroded these overtly discriminatory laws. In the 1970s, when facing the tragedy of millions of Southeast Asian refugees fleeing wars and communist regimes, the United States responded more humanely by enacting new refugee and asylum legislation to permit entrance into the country. Thus from a legacy of "eating bitterness," Asian-Pacific Americans have done much to overcome hostility and legal barriers in their adopted

homeland. In the process, they have played an important role in helping the United States become not only a more diverse but also a more accepting society.

#### **Early Asian-Pacific Migration**

Asian-Pacific migration to the United States has existed for as long as the nation itself. The first Asians documented on American shores were Filipinos, who deserted a Spanish ship in New Orleans and established themselves in the Louisiana bayou in 1763. The arrival of Indian Asians can be traced back to 1790 to a young Indian from Madras who worked on Massachusetts' wharves. However, the first "waves" of Asian immigration began in the mid-1800s with the arrival of contract workers, first from China, then from Japan, the Philippines, and Korea, as well as migrants from India. Driven out of their own lands by war, famine, and poverty, these workers were overwhelmingly male (e.g., the male to female ratio for Japanese in the United States was 59 to 1<sup>1</sup>) and without their families. They were concentrated primarily in Hawaii and California, where they met the need for cheap labor in agriculture, mining, and construction.

As early as the 1830s, Chinese peddlers could be found on the streets of New York City and Chinese agricultural contract workers were in the Hawaiian sugar cane fields. But it wasn't

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until the 1850s that large numbers of Chinese immigrants began to arrive, both in Hawaii and the U.S. mainland. The discovery of gold in California in 1848 and the subsequent Gold Rush attracted thousands of Chinese miners and contract laborers who worked in construction projects around mines. The Central Pacific Railroad recruited thousands of Chinese to work on the transcontinental railroad from 1865-1868.<sup>2</sup> According to the U.S. Census, there were only about 1,000 Asians on the U.S. mainland in 1850, but a decade later the number had grown to nearly 37,000.<sup>3</sup> The majority were poor farmers from Kuangtung Province in south China who were driven out of the country by a series of wars, rebellions, floods, and famines. Most were indentured servants (often called “coolies”<sup>4</sup>) who borrowed money for their passage and were required to repay the debt from their earnings.

Japanese laborers were brought to Hawaii to work the sugar plantations beginning in 1868, constituting the first mass emigration of Japanese overseas. In 1886 the Japanese government and Hawaiian sugar plantations made an agreement that brought 180,000 Japanese plantation workers to the Islands by 1908.<sup>5</sup> When their contracts expired, most either returned home or migrated to the mainland, while about one-third remained in the Islands. Japanese did not move in large numbers to the U.S. mainland until after the annexation of Hawaii in 1900 (which also represented the first major incorporation of Pacific Islanders into the U.S. population). The 1890 census recorded only 2,038 Japanese in the United States, half of whom lived in California doing agricultural work.

Filipinos and Koreans also came to the United States as contract agricultural workers on Hawaiian plantations. Although Filipinos fought with Jean Baptiste Lafitte and General Andrew Jackson in the Battle of New Orleans in 1815, the beginning of large-scale Filipino immigration is linked to the 1898 annexation of the Philippines by the United States. Filipino students came under the *pensionado* program for higher education beginning in 1903, but the majority were poor farmers who migrated to

Hawaii, some of whom then went on to California. The arrival of Koreans in the United States also is traced to 1903, when 7,500 contract laborers were brought to Hawaii. This migration only continued for two years before fighting on the Korean peninsula and its subsequent colonization by Imperial Japan ended all out-migration, and half of the Koreans in Hawaii returned to their homeland.

There were a few hundred Asian Indians in the United States by the 1880s, trading in silk, linens, and spices. However, immigration on a larger scale commenced in the late 1890s and early 1900s, as Punjabi farmers fleeing British exploitation came to the western United States, often via Canada. Most were Sikhs in their early 20s who took jobs in lumber mills and the railroad.

### Segregation, Exclusion, and Internment

With the rise in the number of Asians in the United States, a backlash grew among native-born “whites.” This rising tide of discrimination resulted in violence and a series of legal restrictions imposed upon Asian-Pacific immigrants. As far back as the Naturalization Act of 1790, the right of naturalization was reserved for “free white persons” only, in order to deny slaves the opportunity to become citizens. When confronted with Chinese and Japanese immigrants, who were neither white nor black, special laws were passed declaring them ineligible for citizenship and denying them the right to hold office, own land, or file mining claims.<sup>6</sup> Although the Naturalization Act of 1870 granted the right of naturalization to “aliens of African nativity and to persons of African descent,” Chinese immigrants would be forced to wait until 1943 before obtaining the right to become citizens. Filipinos and Indians would not gain the right of naturalization until 1946.<sup>7</sup>

Much of the early hostility towards Asian immigrants was directed against Chinese workers, who were attacked in mining camps and subjected to special onerous taxes and laws that excluded “Asiatics and South Sea Islanders” from mining activities. “Chinese Quarters” were established in cities. In 1860 California forbade

Chinese American children from attending public schools. Despite these enormous hardships, immigration continued, but with limitations negotiated by the Chinese and U.S. governments under the Burlingame Treaty of 1868. With the completion of the transcontinental railroad, California suffered an economic depression, and Chinese rail workers were blamed. Nineteen Chinese died in the Los Angeles Massacre of October 24, 1871, followed by anti-Chinese fires and riots throughout the state.

The first major discriminatory legislation enacted by Congress against any immigrant group was the Chinese Exclusion Law of 1882 (renewed in 1892 and 1902, then extended indefinitely in 1904) that barred Chinese laborers, both skilled and unskilled, from entering the United States. This was followed by the Scott Act of 1888, which barred re-entry of Chinese laborers who had gone back to China to visit their families. As a result of these new laws, Chinese immigration to the United States declined 40 percent between 1880 and 1890. Chinese were required to obtain certificates of residence, and raids were conducted by immigration authorities to arrest the undocumented. Miscegenation laws affecting all Asians were passed to deter inter-racial marriage. The harsh conditions of their working life and the intensity of discrimination caused many Chinese to see their American experience as temporary. After the collapse of imperial government and the establishment of a republic in China in 1911, many immigrants returned home.

The hostility towards the Chinese spread to other Asian groups. The formation of the Asiatic Exclusion League in San Francisco in May 1905 marked the beginning of the anti-Japanese movement. Agitation by labor unions, politicians, and white supremacists resulted in the “Gentlemen’s Agreement” of 1907, which curtailed further Japanese immigration except for “picture brides” and the children of laborers already in the country. After Filipinos joined with Japanese plantation workers in 1920 in striking for better working conditions in Hawaii and then California as members of the

Caballeros Dimas Alang, anti-Filipino rioting broke out, particularly during the 1930s. (By the 1960s Filipino farm workers would play a significant role in the farm labor movement championed by Cesar Chavez.)

Racial violence against Asian Indians in 1907 in places such as Bellingham, Washington, led many Indians to move to central California as agricultural workers. They began to buy land, but lost it under the 1913 California Alien Land law, which made Japanese and Asian Indians ineligible for landownership. Indian college students in the United States in the early 1900s often were supporters of independence against the British, which led the American government, especially under President Theodore Roosevelt, to expel them back to India.

Asian Indians represented a unique case in terms of immigration restrictions. As Aryan descendants who therefore were “white,” they could not initially be prevented from immigrating based on their race. Regardless, the Barred Zone Act of 1917 excluded them. This was upheld in 1923 by the U.S. Supreme Court, which argued that Asian Indians did not fit the common man’s definition of “white,” and so could not be naturalized.<sup>8</sup> Indians who were citizens were de-naturalized, but attempts to deny citizenship to American-born Asian Indian children failed.

The wave of discrimination against Chinese, Japanese, Filipino, and Indian immigrants culminated in the Immigration Act of 1924, which denied admission to all Asians and established annual immigration quotas for other nationalities. Small exceptions to the law were carved out in the ensuing years. In the 1930s Congress allowed some Chinese wives married to U.S. citizens to be admitted and several hundred Asian veterans of World War I were permitted to apply for naturalization. However, the most egregious historical example of anti-Asian discrimination was yet to come, when more than 100,000 Japanese Americans, regarded as wartime threats, were placed in internment camps during World War II. Nonetheless, thousands volunteered for military service and fought in regiments that were among the most decorated units in U.S. history.

## A New Era in U.S. Immigration Policy

World War II proved to be a watershed event for Asian-Pacific immigration policies. As new enemies and allies emerged, the government stopped viewing all Asians as alike. The repressive Executive Order 9066 in 1942 setting up mandatory relocation camps for the Japanese stood in contrast to the 1943 repeal of all Chinese exclusion laws, in response to the U.S. alliance with General Chiang Kaishek's government against the Japanese. When the United States entered World War II and the Philippines assumed a crucial role in Pacific operations, about 80,000 Filipinos tried to enlist in the U.S. military. The Luce-Celler Act of 1946 rewarded those who had served with the right to naturalize, and established small Filipino and Indian immigration quotas. After the end of the U.S. military occupation in Japan in 1952, the McCarran-Walter Act allowed 100 Japanese immigrants to enter each year and completely lifted exclusions against all Asians.

At the same time international realignments were leading the U.S. government to revise the restrictions on Asian immigration, the U.S. civil rights movement of the 1950s and 1960s was advancing the cause of racial equality in general. Moreover, traditional migration from Europe was declining as western European countries recovered economically from World War II and migration from eastern European countries was closed off by communist governments. These trends culminated in the Immigration Act of 1965, which instituted a flat limit of 20,000 immigrants per year for every country outside the Western hemisphere regardless of race and nationality, thereby eliminating the small quotas imposed on the immigration of Asians and Pacific Islanders.

U.S. immigration law was further altered in response to the enormous flows of refugees from wars and ethnic cleansing in Southeast Asia in the 1970s. The U.S. government added special refugee and asylum provisions to immigration law to allow the entry of peoples suffering under

communist regimes or threatened with genocide. The IndoChina Migration and Refugee Assistance Act allowed the special entry into the United States of over 759,000 Vietnamese, 145,000 Cambodians, 186,300 Hmong, and 242,000 Laotians from 1975 through 2002.<sup>9</sup>

However, the increase in refugees from Asian countries does not account entirely for the large increase in the Asian-Pacific population over the last 50 years. South Asians, including Bangladeshis and Pakistanis, and Southeast Asians, such as Thais, Malaysians, and Indonesians, are among the newer immigrant groups that have added to the diversity of the mosaic. Burmese, Cambodians, Tamils, Hmong, Laotians, Tibetans, and Vietnamese have come fleeing political and religious persecution. Others such as Mongols, Samoans, Koreans, Taiwanese, Chinese, and Filipinos enter the country as college students, relatives of U.S. citizens, or skilled temporary workers. In 2002 Asians and Pacific Islanders numbered 12.5 million, comprising 4.4 percent of the U.S. population.<sup>10</sup> In fact, Asian nationalities make up three of the four largest foreign-born groups.<sup>11</sup> Chinese (including Taiwanese) still comprise the most numerous Asian American population at 2.7 million, followed by Filipinos at 2.4 million, and Asian Indians at 1.9 million. Japanese migration, which was high a century ago, has become less significant as Japan has prospered. About 46 percent of foreign-born Asians live in the metropolitan areas of New York, Los Angeles, and San Francisco.

It is fitting that Americans take the month of May to pay tribute to the multi-threaded fabric of cultures that is today's Asian-Pacific American community, and celebrate with them their contributions to American life. Their history in the United States is not only an enduring testament of overcoming hardships and discrimination, but has had a positive impact on immigration and refugee law by contributing to the demise of exclusion acts against non-whites and of the nationality-based quota system.

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## Endnotes

<sup>1</sup> According to the U.S. Census, 410 of 24,326 Japanese were females.

<sup>2</sup> Central Pacific Railroad Photographic History Museum.

<sup>3</sup> Campbell J. Gibson and Emily Lennon, "Historical Census Statistics on the Foreign-born Population of the United States: 1850-1990," Population Division Working Paper No. 29, February 1999.

<sup>4</sup> Coolies were contract laborers whose contracts included servitude or slavery. The U.S. Congress passed a "Cooly Traffic Law" prohibiting transportation and importation of Chinese coolies and prostitutes in 1862.

<sup>5</sup> "State of Hawaii Encyclopedia," Section F.

<sup>6</sup> For further discussion see Leonard Dinnerstein, "The Supreme Court and the Rights of Aliens," American Political Science Association, 1985.

<sup>7</sup> The Immigration Act of 1940 was amended on December 17, 1943, to extend eligibility for naturalization to Chinese persons or persons of Chinese descent. The act was amended again on July 2, 1946, to include persons of Filipino descent, persons of races indigenous to India, and descendants of races indigenous to North or South America or adjacent islands. On August 1, 1950, the Act was further amended to include Guamanians.

<sup>8</sup> United States v. Thind 261US204 (1923).

<sup>9</sup> Refugee arrival statistics for FY1975-1980 from Ruben G. Rumbaut, "Vietnamese, Laotian, and Cambodian Americans." In Min Zhou and James V. Gatewood, ed., *Contemporary Asian America: A Multidisciplinary Readers*. New York, NY: NY University Press, 2000, pg.182. Arrival statistics for 1981-2000 from Office of Refugee Resettlement Annual Reports to Congress, Administration for Children and Families, U.S. DHHS. 2001-2002 figures from the Bureau of Population, Refugees, and Migration, U.S. Dept. of State, in *Refugee Reports*, December 31, 2002. Hmong totals from U.S. Census Bureau, Census 2000.

<sup>10</sup> Terrance Reeves & Claudette Bennett, *The Asian and Pacific Islander Population in the United States: March 2002*, Current Population Reports, P20-540. Washington, DC: U.S. Census Bureau, May 2003.

<sup>11</sup> A. Dianne Schmidley, *Profile of the Foreign-Born Population in the United States: 2000*, Current Population Reports, P23-206. Washington, DC: U.S. Census Bureau, December 2001. The largest foreign-born groups, in descending order, are: Mexican, Chinese, Filipino, and Asian Indian.