

# **Immigration/Asian American Legal History Outline**

**Produced by the Asian Caucus of  
Bay Area Immigrant Rights Coalition (BAIRC), 2008**

1820 –

- A federal Commission reports arrival of first Chinese in the U.S.

1848 –

- The discovery of gold at Sutter's Mill starts the California gold rush. This brings many people from all over the world including Chinese.

1850 –

- On September 9, California gains statehood. The first U.S. Census taken after California's admission into the union shows 2 Chinese house servants listed as residents of Los Angeles: Ah Fou and Ah Luce.

1852 –

- 195 Chinese Contract Laborers land in Hawaii

1854 –

- *People V. Hall* (California Supreme Court) – Hall, a white man, was convicted of murder based on a testimony from a Chinese man. At the time, the Act Concerning Civil Cases stated that “No Black, Mulatto person or Indian, shall be allowed to give evidence in favor of, or against a white man.” The court found the Chinese man’s testimony inadmissible in court, and that the word “white” only applies to people of Caucasian descent.

1858 –

- California Law prevents further immigration of Chinese

1859 –

- Arrival of first Chinese woman to the United States. Chinese fishermen become established off Catalina Island.

1862 –

- Chinese Consolidated Benevolent Association, the Chinese 6 Companies, formed  
California passes a "police tax" of \$2.50 a month on every Chinese

1864-1865 –

- Thousands of Chinese men, the vast majority from Kwangtung Province in southeastern China, are Recruited by Central Pacific Railroad Co. for work on the western portion of the first transcontinental railroad.

1868 –

- China and the United States concluded the Burlingame-Seward Treaty in 1868 to expand upon the Treaty of Tianjin of 1858. The new treaty established some basic principles that aimed to ease immigration restrictions, and represented a Chinese effort to limit American interference in internal Chinese affairs.
- Japanese Contract workers arrive in Hawaii to work sugar plantations

1869 –

- The transcontinental Railroad is completed. Chinese labor constitutes 90% of the workforce on the Central Pacific side during the last stage of construction. With a rapid influx of white immigrants to the West Coast, Chinese become unwanted. They are mistreated and excluded

- The first Japanese colony on U.S. mainland, the Wakamatsu colony, established as a tea and silk farm near Gold hill, California.
- 1870 –
- Census: of 5,728 citizens in Los Angeles, 172 are Chinese. Chinese cemetery is established on Fort Moore Hill near current headquarters of Los Angeles School District.
  - Asians barred from U.S. citizenship by Naturalization Act
  - San Jose’s Chinatown burns in accidental fire and is rebuilt, only to be burned again in anti-Asian violence in 1887
- 1871 –
- "Chinese Massacre" leaves 18 Chinese dead in Los Angeles. On the evening of October 24, several white constables entered Chinatown to break up an argument between members of the tongs. Whether by anger or accident, a white man ended up dead by gunshot wound. Shortly thereafter, a mob of 500 non-Asian Angelenos began hunting down and assaulting every Chinese they could find. After five hours, the mobs had killed 19 Chinese men and boys (only one of the victims might have been implicated in the death of the white man). Chinese homes and businesses had also been looted. Eleven white men including Sheriff James Burns and prominent Angeleno Robert Widney had attempted to stop the mobs but were themselves overwhelmed. The mob even shot and killed one of the white men who was trying to protect the Chinese. The incident drew national attention and provoked a grand jury investigation. Seven men were held responsible and convicted for the riots, but only one actually served any jail time.
- 1875 –
- Chy Lung V. Freeman (Supreme Court) – Lung was a passenger on a vessel from China and held prisoner because the owner of the boat refused to give a \$500 bond (for support for 2 years). California at the time didn’t require a bond for all passengers from foreign countries, but only for “lewd and debached women.” The courts decided that laws regarding citizenship are a right held by Congress and not the States. Congress alone has power to regulate commerce with foreign nations, and this right is granted by the Federal Government.
  - Sixty seven Chinese arrive in Los Angeles to work on construction of Los Angeles & Independence Railroad.
- 1876 –
- The Southern Pacific Railroad connecting San Francisco and Los Angeles is completed by Chinese laborers; work includes 1.25-mile San Fernando tunnel. Chinese vegetable peddlers are required to acquire licenses.
- 1877 –
- Chinese Methodist Mission is established. Successful bidders for irrigation projects are not allowed to use Chinese laborers
- 1878 –
- In re Ah Yup – Ah Yup, a person on Mongolian descent petitioned for naturalization on the basis that he was white. The judge noted that Congress did not mean white in any other way than of Caucasian descent, so a native of China of Mongolian descent is not a white person.
- 1882 –

- The Chinese Exclusion Act is passed by Congress. Further immigration of Chinese laborers is suspended. Chinese residents are denied of rights to become naturalized U.S. Citizens.

1886 –

- *Yick Wo V. Hopkins* (US Supreme Court) - San Francisco ordinance prohibited operating a laundry located in a wooden building without the consent of the Board of Supervisors; laundries in brick or stone buildings needed no comparable approval. At the time, over 95 percent of the 320 laundries in the city were located in wooden buildings, and of these, two-thirds had Chinese owners. The Supreme Court reversed the conviction, not because the ordinance specifically discriminated against Chinese -- it did not -- but because it was administered in a discriminatory fashion.

1888 –

- *Chae Chan Ping V. US* (Supreme Court) – Ping left the USA before the Chinese exclusion act, and returned on Oct 8<sup>th</sup> 1888. Chinese Exclusion Act passed on Oct. 1<sup>st</sup> 1888. He had a certificate prior to leaving to allow him re-entry into the United States. It was decided that the federal statute affects all legal contracts prior to the enactment of federal laws. They have the right to revoke licenses issued before the passing of new law.

1889 –

- *In re Kanaka Nian* – a revised statute allowed for persons of white or African races to become citizens and omitted persons of other races. In this case, a native of Hawaii would not be considered a citizen. The appellant was a native of Hawaii, and descended from the Kanakas. The courts decided that because 1) he did not possess the intelligence to be a citizen; 2) the applicant needed to declare an oath to the United States and 3) his moral character in the last 5 years could not be verified, that his application to naturalize was denied.

1893 –

- Chinese resident laborers must register under Geary Act and must obtain resident certificate. First Chinese deportee in U.S. is from Los Angeles.

1898 –

- First Chinese newspaper, *Wah Mei Sun Po* (Chinese American News) is founded in Los Angeles by Mg Poon Chew.
- *United States V. Wong Kim Ark* (Supreme Court of the United States) – the courts decided that an American-born person of Chinese Ancestry cannot be denied US Citizenship and be excluded from the country, even if his parents are not citizens.
- The Phillipines and Guam ceded to U.S. after Spanish-American war; their inhabitants are declared U.S. nationals, but not citizens.

1900 –

- An estimated 3,200 Chinese believed to reside in Los Angeles. Chinese in Los Angeles renounce the Boxer Rebellion, a movement in China aimed at destabilizing the increasingly weak Qing rulers. Chinese attempting to re-enter the United States during this period of unrest back in China encounter greater difficulties.

1902 –

- Chinese Exclusion Act extended for 10 years

1905 –

- Sun Yat-Sen, an American educated doctor and one of the leaders of a campaign to establish a republic in China, pays a visit to Los Angeles.
- 1906 –
- San Francisco’s school board requires Japanese and Korean children to attend segregated “Oriental” public schools with Chinese.
  - San Francisco Earthquake and fire destroy City Hall and the Hall of Records enabling thousands of Chinese immigrants to claim residency and citizenship, enabling them to bring their family over from China.
- 1907 –
- Workers from India begin arriving on West Coast. They are initially classified as white, allowed to intermarry and become citizens. But a 1923 ruling bars further Indian immigration and naturalization.
  - President Theodore Roosevelt enters into “Gentleman’s Agreement” with Japan to limit Japanese immigration. It also bans immigration of Korean laborers, which opens Hawaiian farming jobs for Filipinos.
- 1910 –
- Angel Island opens as an official immigration station, processing approximately 175,000 Asian immigrants. The Chinese Exclusion Act of 1882 provided tough entry restrictions, so many immigrants waited on the island for as long as two years while they exhausted appeals.
- 1913 –
- Alien Land Law passes prohibiting "aliens ineligible for citizenship" (i.e. all Asian immigrants) from owning land or property, but permits three year leases.
- 1917 –
- Chinese Americans travel to Europe to fight in World War I.
- 1922 –
- *Tako Ozawa V United States* (9<sup>th</sup> Circuit Court of Appeals) – Courts re-affirmed that Japanese people cannot be considered citizens because the term white was to be used under racial terms and therefore, Japanese people could not be citizens.
- 1923 –
- *Terrace V. Thompson* (US Supreme Court) – The government did not allow the Terraces to lease their land to a Japanese national for 5 years. The court decided that the Alien Land Law does not violate due process and equal protection from the 14<sup>th</sup> amendment, and therefore the government could inflict government penalties to the Terraces for leasing to Japanese nationals.
- 1925-1929 –
- Filipinos are not eligible for U.S. citizenship unless they have served in the U.S. Navy for three years; Japanese are not eligible even if they have served in the military; and Chinese wives of American citizens are not allowed to come to America
- 1938 –
- 150 Chinese women garment workers strike for three months against the National Dollar Stores (owned by a Chinese).

1939 –

- The Filipino Agricultural Laborers Association has a significant victory with a strike against California asparagus industry. After a one-day stoppage, all 258 growers guarantee unprecedented worker rights. This prompts similar victories in other fields. By 1940, the association has nearly 30,000 members.

1940 –

- Angel Island is closed

1941 –

- In July, Washington declares a total economic embargo against Japan and freezes its assets. This and other policies triggers Japan's December 7th attack on Pearl Harbor in the U.S. territory of Hawaii. Washington declares its entry into World War II. The Flying Tigers, a volunteer troop of aviators led by American Claire Chennault, is formed in China to combat Japanese aggression.
- December 7 - Japanese planes attack Pearl Harbor, Hawaii. United States enters World War II.
- Congress passes law enabling Filipinos to serve in the U.S. Army; one-third of the Filipino men sign up.

1942 –

- President Franklin Roosevelt signs Executive Order 9066 authorizing internment of 120,000 persons of Japanese Ancestry. Three-fourths of the internees are American Citizens
- Congress repeals all Chinese exclusion laws, grants right of naturalization and a very small immigration quota to Chinese (105 per year)

1943 –

- Madame Chiang Kai-shek, the wife of China's leader, delivers an address at Los Angeles' Hollywood Bowl. During the East Coast leg of her American tour, the American educated Chinese First Lady asks Congress to repeal Chinese Exclusion laws. Her wish is granted.

1944 –

- Ex Parte Mitsuye Endo (US Supreme Court) – Endo was evacuated during the war from Sacramento to a relocation center. In July of 42, she filed a writ of habeas corpus asking that she be discharged and restored liberties. The Supreme Court decided that the United States government cannot detain a person that the government itself concedes is loyal to the United States. It would infringe on the 5<sup>th</sup> amendment rights.
- Kormatsu V. United States (US. Supreme Court) – courts found that detaining people of Japanese descent was constitutional because it is not a race issue. Rather, the courts saw this issue as a military urgency problem.
- Tule Lake placed under martial law.

1945 –

- August 6 - atomic bomb dropped on Hiroshima, Japan, ushering in nuclear age.

- August 14 - Japan surrenders, ending World War II.

1946 –

- Number of Chinese women entering the United States increases largely due to the passage of the 1945 War Brides Act and the 1946 Fiancée Act. These bills allowed Chinese American returning servicemen to bring back their China born brides, most of whom they had met while the men were fighting the war in Asia.
- Filipinos born in the U.S. are not eligible for citizenship; the 442<sup>nd</sup> Regimental Combat Team, all Japanese Americans, becomes the most decorated unit in World War II; all internment camps are closed.
- Wing F. Ong becomes first Asian American to be elected to state office in the Arizona House of Representatives.
- Filipino WWII veterans recruited in the Philippines and serving under U.S. command who were promised U.S. citizenship and U.S. Veterans Status are denied both by the Recission Act of 1946.

1948 –

- Oyama V. California (Supreme Court) – in California, people ineligible for citizenship could not own land. Kajiro Oyama, mother for Fred Oyama, bought 8 acres of land but put her son's name on the deed. The son was a citizen, although he was a minor. There was a question of the legality of Fred Oyama owning the land. The Supreme Court ruled that Fred's 14<sup>th</sup> amendment rights were violated, but did not overturn the California Alien Land Law.
- Takahashi V. Fish and Game Commission (US Supreme Court) – Takahashi was born in Japan and was a resident of California. During WWII, Fish & Game commission adopted a law to prohibit "Alien Japanese" from getting a license. This was later changed to "ineligible citizens." The Supreme Court ruled in this case that California has a right to bar people from fishing off its coast, but it does not have the power to prevent lawfully admitted aliens within its borders from making a living.

1949 –

- Chinese Communists win the bitter civil war that had plagued China since the defeat of Japan four years earlier. Mao Tse-tung and the Communists declare the establishment of the People's Republic of China on October 1st. The Nationalist Chinese government, led by Chiang Kai-shek, moves its republic to the province of Taiwan.

1952 –

- The California Supreme Court found the Alien Land Law of 1913 unconstitutional in *Fujii Sei v. State of California*. In 1956, all Alien Land Laws were repealed in California by popular vote

1957 -

- *Kam Ng V. Polliod* – established that you need to prove hardship to prevent deportation. The appellant did not show that he had hardship if deported to China. Further, in the 14 years he was in the USA, he did not establish solid family ties.

1959 –

- Chinese Confession Program was created by the INS to allow illegal Chinese people to administratively purge themselves from living a lie. The government supposedly pardons undocumented Chinese immigrants. People were misled with this program and over 2,000 were deported because of this.
- Judge Delbert Wong of Los Angeles is the first Chinese American appointed as judge in the continental United States. The appointment is recognized as a historic event, receiving national media attention. Later, Judge Wong helps form the Chinatown Democratic Club.

1962 –

- Kennedy Emergency Immigration Act leads to the acceptance of 5,000 Chinese immigrants into the United States during the period of "The Great Leap Forward" in the People's Republic of China.
- Daniel K. Inouye becomes U.S. senator and Spark Matsunaga becomes U.S. congressman from Hawaii.

1964 –

- Patsy Takemoto Mink becomes first Asian American woman to serve in Congress as representative from Hawaii.

1965 –

- Discriminatory immigration laws end, opening up thousands of slots for migrants from Asian countries. The new law sets a new quota of 20,000 persons from any country. The U.S. Immigration Act of 1965 opens the door to a wave of Chinese migration from Hong Kong and Taiwan.

1969 –

- Students at the University of California, Berkeley, strike for establishment of ethnic studies programs.

1972 –

- President Richard Nixon's trip to the People's Republic of China opens up diplomatic relations. The Nationalists in Taiwan, who had previously been recognized by Washington as the legitimate government of China, is marginalized. Taiwan eventually loses its seat as a standing member of the United Nations. The perception of "two Chinas" impacts community life among Chinese living overseas. Look Forward, Preserve the Past.

1974 –

- Lau v. Nichols rules that school districts with children who speak little English must provide them with bilingual education.
- March Fong Eu elected California's secretary of state.

1975 –

- Fall of Saigon. The first wave of southeast Asian Refugees arrive, primarily educated, professional Vietnamese.

1976 –

- President Gerald Ford rescinds Executive Order 9066, 34 years after WWII.

1978 –

- Second wave of more rural, less educated Vietnamese refugees begin to arrive, known as “boat people” for escaping refugee camps in fishing boats.

1980 –

- Congress establishes commission to determine if any wrongs were committed by WWII internment of Japanese Americans.
- U.S. The Socialist Republic of Vietnam and the United Nations High Commissioner for Refugees set up an Orderly Departure Program to enable Vietnamese to emigrate legally.

1981 –

- INS V. Wang – Lower courts does not have the jurisdiction to re-open cases that the Attorney General closed.
- Commission on Wartime Relocation and Internment of Civilians (set up by Congress) holds hearings across the country and concludes the internment was a "grave injustice" and that Executive Order 9066 resulted from "race prejudice, war hysteria and a failure of political leadership."

1982 –

- California State Legislature passes the Chinese Roast Duck Bill, AB2603, which stemmed from concerns about Chinese roast ducks and other protein items prepared in the restaurants of Los Angeles Chinatown. The bill ensures that Chinese culinary traditions be maintained despite some concerns at the time that meat and other protein items were not being handled in manners that were in compliance with Los Angeles County health codes.

1983 –

- Lily Lee Chen of Monterey Park becomes the first Chinese American female to serve as Mayor of an American City.
- Redress Commission calls for official apology for internment camps and payment of 20,000 to each surviving former internee
- Fred Korematsu, Min Yasui, and Gordon Hirabayashi file petitions to overturn their World War II convictions for violating the curfew and evacuation orders.

1984 –

- Korematsu V. United States (United States Northern District of California) – the court decided that Korematsu was entitled to a writ of coram nobis (correction of error of facts) because the Supreme Court deliberately omitted relevant information and provided misleading information.

1986 –

- United States V. Ebens (United States Court of Appeals, 6<sup>th</sup> Circuit) – Vincent Chin was beaten to death in 1982 by Ebens and his friends. The first court in 1984 the men found Ebens guilty and sentenced him to 25 years in prison; Nitz was acquitted. After an appeal, Ebens' conviction was overturned on a legal technicality in 1986—a federal appeals court found an attorney improperly coached prosecution witnesses
- Immigration Reform and Control Act imposes civil and criminal penalties on employers who knowingly hire undocumented aliens.

1988 –

- President George Bush signs into law an entitlement program. Civil liberties act passes promising to pay \$1.25 billion to 60,000+ survivors of the Japanese internment camps.
- U.S. agrees with Vietnam allowing political prisoners to immigrate to U.S.

1989 –

- Fragante V. Honolulu (9<sup>th</sup> circuit court of appeals) – Fragante applied for a clerk position in Honolulu DMV and scored the highest in a written exam out of 721 test takers. During an interview, the interviewers found that his accent would interfere with his performance of the job. The court held that Accent Discrimination is not a violation of the Civil Rights Act, because his accent has a deleterious effect on his ability to communicate orally.
- U.S. executive order allows students from the People's Republic of China to stay in the United States following the Chinese government's crackdown on demonstrators in Beijing's Tiananmen Square. The several week-long stand-off between masses of mostly students and soldiers from China People's Liberation Army revolved around calls for China's Communist Party to reform.

1990 –

- Reparation checks and apology issued to Japanese interned families.
- 3<sup>rd</sup> and smallest wave of Vietnamese immigration begins, mostly middle-age former prisoners of re-educated camps.

1991 –

- People V. Wu (Court of Appeal of California, 4<sup>th</sup> district) – Wu was charged with 2<sup>nd</sup> degree murder of her son after she attempted a murder-suicide. In her culture, it would be worse to commit suicide and leave the son in a bad world. Court of Appeal reversed her murder conviction because the jury was not informed of her cultural beliefs.

1992 –

- Jessica McClintock Inc. garment contractor Lucky Sewing Co. filed for bankruptcy, leaving the company's twelve seamstresses with \$15,000 of bad checks. These seamstresses worked 10-12 hours per day and 6-7 days a week with no benefits.

1995 –

- Nhia Bee Vue V. INS (9<sup>th</sup> Circuit Court of Appeals) – immigrant refugee of Hmong ancestry is charged with deportation for possession of Opium. He had this substance

because in his Shamanist culture, opium is used to treat stomach disorders. Lower immigration judge decided he should be deported for possession, but 9<sup>th</sup> circuit ruled that the immigration judge didn't give adequate consideration to Vue's conviction.

1996 –

- Asian Immigrant Women Advocates signed an historic agreement, mediated by the Secretary of Labor Robert Reich, with Jessica McClintock, Inc. to endorse worker protection.

1997 –

- Malee Bureerong V. Tavee AVAWAS (US District Court Central District California) – Immigrant garment workers involuntarily held and employed in a complex. The courts found that there was adequately alleged claims of false imprisonment and invasion of privacy.
- Soko Bukai V. YWCA (Superior Court of San Francisco) – the San Francisco YWCA made an agreement with the Japanese YWCA during the Alien Land Law era to hold the land permanently for the Japanese people. In 1996, the SF YWCA decided to sell this land. The case was brought to court, but in the end the Japanese American community Groups agreed to purchase the building for \$733,000 in February of 2002.
- NIKE and other American corporations are found to be using child labor for their products. An estimated 250 million children are currently working in factories and workplaces around the globe. In the United States alone, 230,000 children are working in agriculture and an estimated 13,000 illegal immigrants are toiling in domestic sweatshops.

1998 –

- Chinese or Indian-run companies make up 29% of total silicon Valley high-tech start-ups.

1999 –

- Prosecution of Wen Ho Lee – Lee was fired from his job at Los Alamos National Laboratory in March, and in December he was charged with 59 counts of mishandling classified information and leaking information to China. After Lee had spent 9 months in solitary confinement, the prosecution agreed to dismiss the case if Lee plead guilty to a single count of mishandling classified information.

2000 –

- Yong Ho Choi V. Randall Gaston – Yong Ho Choi (5'7" 32y.o. Korean male) was stopped and confined in jail as police were looking for a suspect (5'10" Phu Nguyen 18y.o. male).
  - Courts decided that the plaintiff's 4<sup>th</sup> amendment rights were violated.

2001 –

- Rivera et. Al V. NIBCO (US District Court for the Eastern District of California) – plaintiffs were residents of Fresno, California, and fired after their employer, NIBCO, administered an exam entirely in English, even though many of them were limited English proficient. They were under the impression that there would be no negative consequences, and their jobs required little to no use of the English language. The court decided that NIBCO violated Title VII of the Civil Rights Act.

2003 –

- Gonzalez et. Al V. Abercrombie & Fitch Co. – various plaintiffs of minority descent (Hispanic, Asian etc) were denied a position at Abercrombie & Fitch at various times. They were denied “brand representative” positions, but were offered stocking room positions. Abercrombie & Fitch settled this case out of court for \$40 million dollars.
- Charles Demore V. Hyung Joon Kim – respondent came to the United States from South Korea in when he was 6 year old (1984), and became an LPR 2 years later. In 1996, he was convicted of first-degree burglary in California. He was detained by INS, but the courts found the detainment unconstitutional and made INS issue a bond. They found that the courts had jurisdiction over this case and that the government was not consistent with the due process clause when detaining the respondent for the time necessary for his removal proceedings.

2004 –

- Chai Vang – incident where Vang was hunting in Wisconsin. He was approached by a private party and told to leave the property. There were two different aspects to the story, one where the party shot at Vang first and Vang shot back. The other story was that Vang walked 100 feet away, turned and shot at the party. He was charged with 6 counts of murder and sentenced 60 years in prison for each of the 6 murders.