

Challenging the System: Chinese Evade the Exclusion Laws

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In September 1924 a Chinese male immigrant named Lim Wah entered the United States illegally from Mexico. His goals were to find work and to join his father, a farm laborer in northern California. Legally excluded from the United States, Lim paid an

American \$200 to bring him from Mexicali, Mexico, to Calexico, California. They waited until night and then crossed the border, ending up in San Francisco three days later. The Chinese exclusion laws (in effect from 1882 to 1943) greatly hindered Chinese immigration to the United States, but as Lim Wah's case demonstrates, they did not serve as the total barriers that exclusionists had hoped for. Deteriorating political and economic conditions in south China, the availability of jobs in the United States, the U.S. Bureau of Immigration's harsh enforcement procedures at regular ports of entry such as San Francisco, and the Chinese belief that the exclusion laws were unjust—all had the unintended consequence of turning illegal immigration via the borders into a profitable and thriving business.

It is estimated that at least 17,300 Chinese immigrants entered the United States through the "back doors" of Canada and Mexico from 1882 to 1920. The number of Chinese entries pales in comparison with that of contemporary border migrants from Mexico, and recent scholarship has all but ignored this early history of Chinese exclusion in the northern and southern borderlands. Nevertheless, I argue that Chinese immigration to and exclusion from the United States had transnational consequences that transformed the northern and southern borders into sites of contest over illegal immigration, race, citizenship, immigration policy, and international relations. Considering Chinese immigration and exclusion from the vantage point of the borders illustrates both the racialization of U.S. immigration policy and the importance of the Chinese diaspora in the Americas. It also demonstrates how a seemingly national issue can sometimes be understood only in a wider, transnational context. Race, borders, and immigration policy in the United States, Canada, and Mexico became intertwined at the turn of the twentieth century over the issue of Chinese immigration and exclusion.

Prior to the 1870s, American immigration laws were aimed at recruiting, rather than restricting, foreign immigration. The Chinese Exclusion Act (1882) marks the first time in American history that the United States barred an immigrant group based on race and class....

When Chinese responded to exclusion by taking advantage of legal loopholes and cracks in the government's enforcement practices, they became the country's first illegal immigrants, both in technical, legal terms and in the context of popular and political representations.

The most numerous and earliest border crossings occurred along the Canadian border. Some of the first illegal border crossers were most likely Chinese residents of the United States who had immigrated to Canada to work for the Canadian Pacific Railway Company (CPR) in the 1870s and then found themselves excluded from the United States after the 1882 Chinese Exclusion Act. Others went straight to Canada from China with the intention of eventually entering the United States. The largely unguarded boundary between the United States and Canada made such border entries feasible and relatively easy to execute. Moreover, although Chinese immigrants in Canada were targets of racial hostility, Canada's Chinese immigration laws contrasted sharply with those of the United States. Instead of imitating the U.S. practice of direct exclusion of Chinese laborers, Canada's efforts to restrict Chinese immigration were indirect. In 1885 Canada's Chinese Immigration Act imposed a fifty-dollar head tax to be

collected by each ship captain at the point of departure. Thus, though the United States explicitly singled out all Chinese laborers (and, for all intents and purposes, most Chinese immigrants), Canada's early measures allowed entry to every Chinese provided that he paid the landing fee.

Although the intent was to restrict Chinese immigration, Canada's head tax system was not a sufficient deterrent. Canada was such a convenient back door into the United States that the tax reduced the appeal of immigration to Canada but did not reduce the appeal of secondary immigration to the United States through Canada.

Witnesses at U.S. congressional hearings in 1890 and 1891 estimated that 300 to 2,000 Chinese entered illegally each year. Even after Canada raised its head tax to \$100 in 1900, American officials complained that the Canadian laws "practically nullified ... the effective work done by the border officers."

Chinese border crossers took advantage of established smuggling networks involving opium and other contraband substances along the U.S.-Canadian border. The Vancouver Puget Sound area was known as a "smugglers' paradise" in the opium trade, and Chinese and their American or Canadian guides used the same smuggling boats and routes to make the journey to the United States. The cost of crossing the border along this route ranged from \$23 to \$60 in the 1890s. One decade later, border crossing through Washington State could cost up to \$300.

In 1909 one newspaper reporter found that two to four Chinese were brought into Buffalo weekly, at a price of \$200 to \$600. Chinese were also commonly brought from the Canadian border to Boston and New York City in groups ranging from two to seventy-five in number. Corrupt immigration officials and judges along the border facilitated the illegal entry of Chinese by either masterminding the routes or admitting Chinese immigrants into the country in exchange for money.

Thus, until 1923, when Canada passed a more complete exclusion bill, it remained a convenient route into the United States for anyone willing and able to pay the head taxes. This migration across the border prompted one Oregon magazine editor to complain that "Canada gets the money and we get the Chinamen," and reporters wrote about the growing "Chinese leak" coming in from Canada.

... [I]n Mexico immigration policies regarding Chinese contrasted sharply with American laws, creating another back door into the United States. When the United States passed its exclusion law, both Chinese and Mexican authorities were encouraging Chinese migration to Mexico. The Chinese government believed that Mexico and other Latin American countries were convenient alternatives to the United States, where racial hostility and discriminatory laws placed Chinese at risk. Likewise, Mexican officials believed that foreign immigration was an essential ingredient in the development and modernization of the country's infrastructure during the Porfiriato, the rule of President Porfirio Díaz from 1876 to 1911. Attempts to attract Europeans—considered the most desirable immigrant group—failed. Instead, Chinese came in significant numbers and increasingly moved into local trade and commerce, meeting new demands for goods

and services in the newly expanding society. After China and Mexico signed the Treaty of Amity and Commerce in 1899, Chinese immigration to Mexico increased. Like their fellow migrants in the north, the Chinese in Mexico also faced racial hostility, and an organized anti-Chinese movement developed in the early 1900s, reaching a climax during the 1930s. However, it did not result in the legal restriction of Chinese immigration. One reason was that though Mexican officials found Chinese immigrants "undesirable," they also admitted that Chinese labor was beneficial and necessary. Anti-Chinese sentiment in Mexico also did not hinder secondary migration to the United States. The open border continued to facilitate both Mexican and Chinese immigration to the United States.

Chinese immigrants choosing the circuitous route through Mexico usually disembarked in Ensenada, Manzanillo, Mazatlán, or Guaymas and then took either another steamer going north or the railroad, making sure to disembark well before the trains had reached the United States, where immigration officials were tracking passengers. Entry west of El Paso, Texas, was especially popular for those wishing to go to the West. In fact, the town was known as a "hot-bed for the smuggling of Chinese." Those headed to the eastern states might take a sea route to Florida, Louisiana, Mississippi, and other Gulf Coast states. Some Chinese simply walked across the line by themselves or hitchhiked a ride northward. Law Ngim, for example, found his way north, crossed the border, rested on the side of the road, and then waved down a car to take him to San Francisco in the 1920s. Others hired guides and engaged in highly organized plans. In 1903 one "band of fifteen to twenty Chinamen" was found camped out in a "safe house" about seventy-five miles southeast of San Diego. While the Chinese hid inside the building, their Mexican guides went into town to buy provisions and make further preparations. The average cost for a guide ranged from \$25 to \$75 in the 1890s, depending on where the crossing took place. By the 1930s, it had increased to \$200.

Crossings and Contact Zones in the Borderlands

The "banding together" of the Chinese of El Paso with the Chinese coming in from Ciudad Juárez, Mexico, reflects not only the transnational connections between and among Chinese immigrant communities in the United States and Mexico but also the fluidity of the border region for Chinese illegal immigrants. Indeed, much like contemporary migratory activity in the U.S.-Mexican borderlands, Chinese immigration and exclusion along both the northern and southern borders resembled "a world in motion" made up of shifting and multiple identities and relationships constructed for the purpose of illegal migration.

One of the best examples of that multiplicity involves racial crossings, attempts by Chinese to pass as members of another race in order to cross the border undetected. Even though Chinese migration to both Canada and Mexico dated from as far back as the middle of the nineteenth century, Chinese were not viewed as "natural" inhabitants of the northern and southern borderlands like Mexicans or Native Americans. Indeed, the mere presence of Chinese along

the border could raise suspicion among government officials. Some Chinese immigrants and their guides thus learned, beginning in the early 1900s, to try to pass as Mexican or Native American as they crossed the border. Although such elaborate strategies were by no means the only way to cross the border undetected, they were indeed effective. In 1904 the *Buffalo Times* reported that it was not uncommon for white "smugglers" to disguise the Chinese as Native Americans crossing from Canada to the United States in pursuit of trade. They would be dressed in "Indian garb," given baskets of sassafras, and rowed across the border in boats.

Racial crossings were common along the southern border as well. In 1907 special government inspectors reported on a highly organized, Chinese- and Mexican-run illegal immigration business headed by the Chinese Mexican José Chang in Guaymas....

One of the most important steps in Chang's operation involved disguising the newly arrived Chinese as Mexican residents. The Chinese cut their queues and exchanged their "blue jeans and felt slippers" for "the most picturesque Mexican dress." They received fraudulent Mexican citizenship papers, and they also learned to say a few words of Spanish, especially "Yo soy mexicano" (I am Mexican).

Racial crossings were not confined to the northern and southern borders. One government report on the illicit entry of Asian and European immigrants via Cuba described a particularly successful strategy of "painting the Chinese black" to disguise them as part of the steamship's crew. They apparently "walked off the steamer in New Orleans without trouble." In Mobile, Alabama, an immigrant inspector reported a project to bring in newly arrived Chinese from Mexico and then "disguise the Chinamen as negroes." Mobile was apparently a popular destination point because it was home to one man—referred to by fellow Chinese as "Crooked Face"—whose specialty was disguising Chinese immigrants as African Americans.

The San Francisco-based weekly illustrated journal the *Wasp* was one of the first publications to articulate and illustrate fears of Chinese illegal immigration from Canada and Mexico with a two-page, color illustration entitled "And Still They Come!" Printed in 1880, while anti-Chinese politicians were still laying the groundwork for the eventual passage of the 1882 Chinese Exclusion Act, the cartoon played on fears of future Chinese illegal immigration from the north and south. Having just failed to enact the 1879 Fifteen Passenger Bill that would have limited to fifteen the number of Chinese passengers on any ship coming to the United States, the supporters of Chinese exclusion worked tirelessly to keep the specter of an alien Chinese invasion alive and well. "And Still They Come!" articulated the Chinese exclusion message perfectly. It portrays two endless streams of slant-eyed "Johns" or Chinese coolies disembarking from overcrowded steamships and flowing into the United States.

Chinese immigrants may have been the first immigrants to enter the United States illegally, but by the early 1900s they were joined by a much larger number of immigrants of other origins who also chose the border as an alternative to the rigorous immigration inspection at American seaports.

Syrians, Greeks, Hungarians, Russian Jews, Italians, and some "maidens" from France, Belgium, and Spain were the main groups entering through Canada and Mexico. All were suspected of having been denied entry at the Atlantic ports of entry, but the back door of Canada offered them a second chance. In the late nineteenth and early twentieth centuries Canadian immigrant inspection processes were considerably less rigorous than U.S. procedures and consisted mainly of a limited health screening. Both European and Asian immigrants quickly learned to buy steamship tickets for Canada and then attempt a border crossing into the United States.

By 1909 general immigration via the Canadian and Mexican borders was so great that the U.S. Bureau of Immigration identified them as gateways second in importance only to New York.

Even though both Europeans and Asians were illegally crossing the borders into the United States, the discourses concerning the immigrant groups differed sharply, reflecting an existing American racial hierarchy that viewed European immigration—even illegal immigration—as more desirable than Asian immigration.

The racialization of Chinese immigrants as "illegal" also contrasted sharply with the government's treatment of Mexican immigrants crossing the U.S.-Mexican border. Compared to the estimated 17,000 Chinese who entered the country illegally from 1882 to 1920, approximately 1.4 million Mexicans migrated largely unrestricted into the United States from 1900 to 1930. Though some nativists argued that the large influx of "Mexican peons" entering the country in the 1920s was just as dangerous as the "Chinese invasion" of earlier years, before 1924 anti-Mexican nativism worked differently, in practice, than the anti-immigrant sentiment targeting Asians. Instead of excludable aliens, Mexicans were more often characterized as long-term residents of the Southwest or as "birds of passage" who returned to Mexico after the agricultural season ended.

As the cases of Canada and Mexico illustrate, the projection of American interests—in the form of anti-Chinese nativism and legislation—extended beyond the United States and its territories. Through an increasingly rigid set of Chinese exclusion laws, the United States had protected itself from the menace of Chinese immigration, yet it still remained vulnerable because of the lax supervision of immigration in Canada and Mexico. Increasingly, the United States began to assert its right to extend its immigration agenda to neighboring sovereign countries. One immigration official justified tough measures at the border by citing the "law of self-preservation." If Chinese illegal immigration through Canada was indeed "a threat against our very civilization," as the U.S. commissioner-general of immigration said in 1907, then extending the American legal reach into a foreign country to control the threat was a logical outcome.... U.S. officials employed a variety of other measures to extend U.S. immigration control into the interiors of its northern and southern neighbors and to induce both countries to cooperate with the United States by adopting compatible immigration laws. The United States achieved that through two new arms of imperialism in modern America: border diplomacy and border policing.

In 1903 [Commissioner-General of Immigration Terence] Powderly successfully negotiated a new agreement with official of the Canadian Pacific Railway Company, which operated both the transcontinental Canadian railway and the main line of passenger and cargo ships between China and Canada. Unlike the earlier 1894 agreement, the new initiative placed more border controls on Chinese immigrants exclusively. The agreement first required the CPR to examine all Chinese persons traveling on its steamships to determine "as reasonably as it can" that United States-bound passengers claiming to be admissible were in fact entitled to enter under U.S. law. CPR officials in effect agreed to interpret and enforce U.S. immigration law. Second, the company agreed to deliver all Chinese passengers seeking admission into the United States under guard directly to U.S. inspectors stationed at four designated ports along the Canadian border (Richford, Vermont; Malone, New York; Portal, North Dakota; and Sumas, Washington). By having the CPR hand over the Chinese immigrants directly to the U.S. government and by processing the Chinese at the designated immigration stations, the U.S. Bureau of Immigration was able to control the movements of Chinese immigrants more closely and to mirror the rigid procedures and detention conditions governing Chinese immigrants at American seaports.

Believing that compliance with such an agreement would be detrimental to its profitable trans-Pacific steamship business, the Canadian Pacific Railway Company was at first reluctant to agree to the U.S. government's demands. Threats that the entire border would be closed unless the CPR agreed to the proposed terms, however, eventually led the company to sign the agreement. The Canadian government itself was not a formal party to the agreement but certainly consented to its terms and means of enforcement. Relations had been strained between the two countries over the issue of border enforcement. The agreement, American officials noted, was mutually satisfactory. The United States gained protection "from the evils of unrestricted immigration," and Canada realized "the extensive benefits" resulting from the loss of friction with its southern neighbor.

Another explicit goal of American border policy in the north was to "induce" Canada to adopt immigration laws similar to those of the United States. Agreements with Canadian transportation companies were effective but could only extend U.S. control to immigrants who were destined for the United States. Chinese increasingly claimed Canada as their final destination and then crossed the border surreptitiously. As a result, American officials grumbled that the relaxed attitudes toward immigration in Canada were detrimental to the United States. Full control of the borders required *transnational* efforts.

In 1903 both homegrown anti-Chinese sentiment and "patient and persistent" pressure from U.S. Bureau of Immigration and Department of Justice officers motivated Canada to increase its head tax on Chinese immigrants from \$100 to \$500. The increased head tax proved a strong deterrent to potential Chinese border crossers. In 1912 Canada also agreed to end the practice of admitting Chinese immigrants into the country if they had already been denied entry into the United States. Finally, in 1923, Canada drastically transformed its regulation of Chinese immigration to mirror U.S. law more closely. The 1923 Exclusion Act completely abolished the head tax system and instead prohibited *all* people

of Chinese origin or descent from entering Canada. Consular officials, children born in Canada, merchants, and students were exempted.

Unlike earlier acts, the 1923 Canadian bill was finally the effective barrier to Chinese exclusion that American immigration officials had supported. During the next twenty-four years, only fifteen Chinese persons were admitted into Canada. The bill was repealed in 1947. The reach of American regulation of Chinese immigration into Canada was thus made complete with the 1923 bill. That Canada's 1923 exclusion law closely resembled the U.S. regulation of Chinese immigration was no coincidence. Pressure from both anti-Chinese activists within the dominion and from their neighbors to the south resulted in the convergence of American and Canadian policies. Border diplomacy based on a shared antipathy toward Chinese immigration in defense of the Anglo-American nation proved effective and finally closed the border to Chinese immigration.

As Chinese immigration and exclusion along the northern border did, Chinese illegal immigration through Mexico set in motion an American assertion of national sovereignty through the imposition of American nativism, immigration laws, and enforcement practices along the border and in Mexico. However, due to the different immigration goals in the United States and Mexico and the tense relations between them, the form and content of border enforcement in the south contrasted with the practices along the northern border. Unlike Canada, Mexico did not have extensive or consistently enforced immigration laws aimed at Chinese or other immigrants. Mexico also did not require any examination of aliens entering the country, and in general its immigration policies were designed to recruit, not restrict, labor. Although Chinese were targets of periodic racial hostility, they played a vital role in the economy from which both Mexican and American businesses operating in Mexico benefited. The United States could not simply "piggyback" or extend its own immigration policies onto an already existing framework in Mexico as it had in Canada.

Lower-level Mexican officials also resisted U.S. efforts to track Chinese immigrants entering from Mexico. In 1907 U.S. officers in El Paso tried to send inspectors over to Ciudad Juárez every day to meet the incoming trains. They were instructed to "take a good look at every Chinaman who arrived," so that they might be able to identify him in case he should later be caught in the United States. As one official reported in 1907, however, the surveillance of Chinese in Mexico had to be abandoned because the authorities in Ciudad Juárez "threatened our officers with arrest if they should take pictures or descriptions of any Chinamen to come through." Mexican transportation officials also showed little inclination to assist American immigration officials in the quest to bar illegal Chinese entries.

In response, the immigration service increased the number of immigrant inspectors every year. The first patrol officer in the south was Jeff Milton, who in 1887 resigned from the Texas Rangers and became a mounted inspector with the U.S. Customs Service in El Paso. In the early 1900s, Milton was hired by the immigration service as a U.S. immigration border guard in the El Paso district. His primary duty was to "prevent the smuggling of Chinese from Mexico into the United States." With a territory covering the vast stretches of border

from El Paso to the Colorado River, he was known as the "one-man Border Patrol." By 1904 there were an estimated eighty mounted inspectors patrolling the border for illegal Chinese entrants.

Border surveillance, policing, and deportation proved successful in stemming illegal Chinese border entries from Mexico. The numbers of Chinese arrested and deported for unlawful residence in the United States increased. In 1899 the ratio of Chinese admitted to Chinese deported was 100:4. By 1904 the ratio was 100:61. Border enforcement also became more centralized. In 1907 the border states were consolidated and reorganized into the Mexican Border District, containing Arizona, New Mexico, and most of Texas.

Different Chinese immigration goals and policies in the United States, Canada, and Mexico as well as different relationships between the United States and its neighbors led to the evolution of distinct border policies. While the northern border was eventually closed through U.S.-Canadian border diplomacy and a mutual antipathy toward Chinese immigration, southern border enforcement policies were the product of conflicting Chinese immigration policies in the United States and Mexico as well as inconsistent cooperation between the two countries. Border diplomacy thus gave way to border policing designed to deter and apprehend illegal Chinese immigrants...

In the wake of the terrorist attacks on the United States on September 11, 2001, issues of transnational immigration policies and border control have been pushed to the very forefront of U.S. and international policy. Several of the suspected hijackers who took control of the commercial flights that crashed into the World Trade Center in New York City and the Pentagon in Washington, D.C., spent time in Canada and allegedly entered the United States from the north. In the months following the attacks, policy makers have renewed their focus on increased border security, especially along the northern border. Like critics of Canada's allegedly lax Chinese immigration policies during the 1890s, contemporary American politicians blame Canada for allowing foreigners to enter with false or no passports, apply for asylum, travel freely, and raise funds for political activities while their asylum applications are pending. Canada's open doors, it is argued, increase the risk to American national security. Likewise, the racialized categorization of Arabs and Muslims as "terrorists" follows on the heels of racialized characterizations of Chinese and later Mexicans as "illegal immigrants." ... [I]n the United States' "new war" against terrorism, transnational border enforcement and immigration policies will undoubtedly remain central issues facing the United States, Canada, and Mexico in the twenty-first century, just as they were over one hundred years ago.

FURTHER READING

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