

A HISTORY OF ANTI-ASIAN ANIMUS IN AMERICA

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INTRODUCTION

The current academic and economic success of Asian Americans masks the fact that they still face discrimination. Not until 1952 could Asian American immigrants become United States citizens. Even as late as the 1980's, U.C. Berkeley and UCLA discriminated against Asian Americans in admission decisions, analogous to the quotas imposed on Jewish students by elite Eastern institutions earlier in the twentieth century.

The history of voluntary immigration to the United States is a history of discrimination after the original British and Scottish immigrants as if immigrants had to prove themselves upon entry into the United States, starting with the Irish Catholics.[1] As late as 1900 the following sign was in Boston windows: "NINA," meaning "No Irish Need Apply." The Chinese, Japanese, Italians, Poles and Jews faced tremendous discrimination, as do Hispanics today. The elite Ivies and other private universities discriminated against Jewish students when we graduated from high school, just as they discriminate against Asian

American applicants today, using the same arguments they raised against the Jewish students, often referred to as "public high school" students.

The Irish immigrants fleeing the potato famine came to America on ships often called "coffin ships" because of their high mortality rates. These same vessels earlier transported slaves to the United States, but usually with a lower mortality rate. The slaves had economic value in the United States. The English simply wanted the Irish out of Ireland. Even today many 4th and 5th generation Irish Americans loathe the British just as generations of Armenian Americans hate the Turks.

Some of us took a California history course in high school. I'm not sure the text book covered the history of racial discrimination against Asians, but I read a lot of history on the outside and became familiar with the awful story.

Asian Americans faced discrimination in education, employment, immigration, law enforcement, housing, marriage, property rights, and voting. Racism started early in the West. The

California legislature enacted in 1852 a "Foreign Miner's License Tax" of \$3 per month to discourage Chinese miners.

San Francisco, beginning in 1850, prohibited Chinese from attending the public schools, and then followed the 1896 *Plessy v. Ferguson* [2] decision of "separate but equal" schools. A California school law of 1860 excluded "Negroes, Mongolians and Indians" from the public schools. The California Supreme Court held in 1854 that a Chinese could not testify against a Caucasian.[3] California's 1879 Constitution explicitly denied the vote to idiots, insane persons and "natives of China." [4] San Francisco banned "Chinese" laundries, but allowed "French" laundries.

A famous photograph of the meeting of the Central Pacific railroad and the Union Pacific Railroad in Promontory Point Utah has been widely published. The photo omits the Chinese laborers who did most of the construction of the Central Pacific.

Race riots and murder plagued Chinese populations throughout the 1800s. Scores of Chinese

were killed in two notable instances. On October 24, 1871, 18 Chinese men and boys were killed in riots by 500 Anglos in Los Angeles. Rock Springs, Wyoming, witnessed the Chinese Massacre of 1885, in which Caucasian miners killed 28 Chinese, wounded 15, and chased hundreds out of the town. Individual lynchings were widespread. Very few Caucasians were ever successfully prosecuted for murdering Chinese immigrants.

The 1882 Chinese Exclusion Act[5] initially suspended Chinese immigration for ten years and further held Chinese immigrants were ineligible to become naturalized citizens. It was renewed several times. The Japanese faced the same racism when they started immigrating to the mainland of the West Coast a century ago. Indeed, the Johnson-Reed Immigration Act (Japanese Exclusion Act of 1924) restricted all Asians from entering the United States.[6] Conversely, Congress extended "naturalization" to African-Americans in 1870.

California professional licensing measures excluded Asian non-citizens from

several professions and occupations, including attorneys, physicians, teachers, pharmacists, veterinarians, hairdressers, cosmetologists, barbers, funeral directors, peddlers, and hunters.

California also led the way for several western states in 1913[7] and 1920 by enacting Asian Land Exclusion Laws designed to preclude land ownership by “aliens ineligible for citizenship,” which under federal law meant Asian-Americans.[8] The penalty for violating the statutes would be forfeiture of the land to the State. (Sidebar, scores of Chinese Americans were able to claim citizenship because the San Francisco Earthquake and Fire of 1906 destroyed City Hall and the birth records. Who was to say they emigrated rather than being born in the U.S.?)

The culmination of the animus was the internment of Japanese American citizens in concentration camps in World War II pursuant to President Roosevelt’s Executive Order 9066.[9] The two major agitators for the internment were Lieutenant General John L. DeWitt of the Western Defense Command and California Attorney General Earl Warren – Yes, that Earl Warren. He never apologized for the internments. (Incidentally the large Japanese population in the Hawaiian Islands were not interned because they were the workforce on the islands).

The Japanese concentration camps were my first introduction to racism. I was 4 or 5 getting allergy shots at the Stanford Medical Center on Webster Street in the Fillmore. (It subsequently moved to the Stanford campus). My mom pointed out a Japanese American nurse in the far side of the large room. My mom said she was in a concentration camp in World War II. The way she said it made it clear the nurse had done nothing wrong but the country had.

I believe that if we adopt “cancel culture,” then Earl Warren’s name should be erased from the Berkeley campus.

San Francisco’s witnessed race riots led by the fire brand Denis Kearney and the Workingmen’s Party of California. They were upset that the Chinese workers would work harder for less pay. He ended every speech with “And whatever else, the Chinese must go.” July 23-23, 1877 was a pogrom against the Chinese. The riots killed 4 and caused over \$100 million in damages. 30 smaller communities in California had riots and often forced the Chinese out. Oregon and Washington weren’t much better.

San Francisco’s ban on Chinese laundries was struck down by the U.S. Supreme Court in 1886 in the famous case of *Yick Woo v. Hopkins*[10] on equal protection grounds.

Then came the Bubonic Plague of 1900-1904. The city saw the need to quarantine Chinatown, the center of the impacted area. The line was not drawn in a circle, square, rectangle, or parallelogram, but in a carefully drawn irregular line encompassing just the Chinese residents, but not any adjoining or neighboring non-Chinese residences or businesses. That too was struck down on equal protection grounds.[11]

The Asian immigrants and their progeny were also subject to the miscegenation laws and restrictive covenants in deeds prohibiting the sale of the property to Asians. Both restrictions were subsequently struck down by the Supreme Court.[12] An additional form of discrimination was the widespread use of racist slurs

The history of Asian immigration to the United States,

starting with the Chinese in the California Gold Rush, is an example of an ethnic minority persevering over a century of discrimination to reach equality in America.[13]



[1] Andrew Jackson was America’s first Irish American President, but he was Scotch Irish, which was common among the early immigrants from the British Isles.

[2] 163 U.S. 537 (1896).

[3] *People v. Hall*, 4 Cal. 399 (1854).

[4] Cal. Const. (1879) Art. II, §1.

[5] Pub. L. 47-126, 22 Stat. 58, ch.126

[6] Pub. L. 68-139, 43 Stat. 153.

[7] Webb-Haney Alien Land Law

[8] The California Supreme Court held the statutes unconstitutional in *Sei Fujii v. California*, 242 P.2d 617 (Cal. 1952).

[9] The Supreme Court upheld the interments in *Korematsu v. United States*, 323 U.S. 214 (1944).

[10] 118 U.S. 356 (1886).

[11] *Jew Ho v. Williamson*, 103 F. 10 (C.C.N.D. Cal. 1900).

[12] *Loving v. Virginia*, 388 U.S. 1 (1967) (miscegenation); *Shelley v. Kraemer*, 334 U.S. 1 (1948)(restrictive deeds).

[13] One exception is in college admissions to some elite universities.