The U.S. Constitution & Asian Americans: A History of Exclusion & Incarceration

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Lecture Outline

• Background: Legal & Supreme Court History
  • CITIZENSHIP/EXCLUSION
    – 1790 Naturalization Law & 1882 Exclusion Law
    – 1898 (Supreme Court)
    – U.S. vs. Thind (1923)
  • EXCLUSION: 1917 & 1924 Immigration Act
  • EXCLUSION: 1934 Tydings-McDuffie Act
  • DEPORTATION: 1935 Repatriation Act
  • INCARCERATION: Executive Order 9066

America for “free white” people only: 1790 Naturalization [Citizenship] Act

[Text continues with historical references and dates]

1882 Chinese Exclusion Act

• First immigration law that was directed against a particular race…ASIAN
• Otherwise, anyone can enter the United States…without any restrictions
• Passed as a result of the Great Depression (1870s)

1882 Chinese Exclusion Law

Excluded all Chinese labor immigration
Merchants & diplomats exempted

* Violence against Chinese (Rock Springs, WY 1885)
* Beginning of Japanese labor migration
* Recruited by Hawaii sugar plantations
1885 Japanese Immigration: Excluded by laws in 1917 & 1924

U.S. Supreme Court Case
U.S. vs. Wong Ark Kim
1898

As an American-born Chinese, is he a U.S. citizen or not?

1898 Supreme Court Ruling
• Jus Soli (birth)
• Anyone born in the United States
• 14th Amendment (1865) to the U.S. Constitution
  – Constitutional change was for admitting African Americans to citizenship
• Jus sanguinis (blood)
• Roman Law tradition
• English Common Law
• One or Both parents
  – Both these interpretations still hold true today
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Race, Citizenship & Exclusion
• Takao Ozawa v. US (1922)
  – Court: “white” (1790 Law) = “Caucasian”
  – Thus, Asians are not “white” (not “Caucasian”)
• US v. Thind (1923)
  – Bhagat Singh Thind
  – Court: “white” is not “Caucasian”
  – “white” means the color white
• 1924 Immigration Act
  – “aliens ineligible for citizenship”
  – Excluded from America

1918
Bhagat Singh Thind
Indian/Sikh American

ALL ASIANS are excluded… except Filipinos

During the Great Depression
Filipino “Race riots” became national news…

New York Times
Washington Post
Prof. J. Sobredo

Filipinos & White Women

When Hilario Met Sally: The Fight Against Anti-Miscegenation Laws

Alan S. Fabros, Jr.

The simple act of falling in love is in itself a fight we take for granted today. Where we live and how we love is no longer questioned for the most part, nor is the issue of the object of our desire a major legal barrier. For the preceding generation of 70 years ago, however, the right to fall in love was one of the battles in their long fight for civil rights in the country.

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Filipinos were racially constructed as the "Third Asiatic invasion"

-U.S. Congressman Richard J. Welch
-Labor Unions
-Nativist Organizations (America is for native white “Americans” only)

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1934 Tydings-McDuffie Act = FILIPINO EXCLUSION and then…

1935 Filipino Repatriation Act = an attempt to DEPORT Filipinos

*Bill sponsored by Congressman Welch

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By 1934… ALL Asians are Excluded from America

Racial ideology of Social Darwinism:

*Filipinos & Asians were an “inferior race”


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Connection to Sac State

EUGENICS IN CALIFORNIA

Charles Matthia Goethe

Görbel was also a significant, and largely overlooked, advocate of eugenics both in California and beyond. In 1908, he founded the Biologische Gesellschaft, which had the explicit goal of educating and enriching human life, with the help of the environment. In this role, he focused on the development and protection of the eugenical aspects of the nation’s myriad genetic systems.

World War II: Exec. Order 9066
450 Japanese Americans returning from an internment center in 2,000 miles away in Rohwer Center, Arkansas to their homes in Sacramento. Source: The Bancroft Library. University of California, Berkeley.

Total of 120,000 Japanese in America were incarcerated
70,000 American-born (jus soli) were American citizens
10,000 Japanese incarcerated
Manzanar Internment Camp
Sierra Nevada Mountains
Owens Valley

Photo #8: Military police detail, Manzanar War Relocation Center; photo by Clem Albers, April 22, 1942;
RG 210, Still Pictures Branch. National Archives and Records Administration.

Manzanar Pilgrimage with Prof. Wayne Maeda & JACL

Lecture Review

- Background: Legal & Supreme Court History
- CITIZENSHIP/EXCLUSION
  - 1790 Naturalization Law & 1882 Exclusion Law
  - 1898 U.S. vs. Wong Ark Kim (Supreme Court)
- CITIZENSHIP: Ozawa vs. U.S. (1922)
  - U.S. vs. Thind (1923)
- EXCLUSION: 1924 Immigration Act
- EXCLUSION: 1934 Tydings-McDuffie Act
- DEPORTATION: 1935 Repatriation Act
- INCARCERATION: Executive Order 9066
What Next?

The fight for American Citizenship continues…

The fight for the Dream Act continues…

And an Asian is at the forefront of that fight.

Salamat Gid
Maraming Salamat
Muchas gracias
Si Yu'us ma'ase
Thank you

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Jose Antonio Vargas video