

**Chinese Exclusion and U.S. Empire in Hawai'i and Cuba, 1874-1943**

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## Acknowledgments

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conversations have been an imperfect replacement for playing our way through the pool tables in the Twin Cities, I always learn so much every time we are together.

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## **Dedication**

*To my parents, Dana and Pamela Weber*

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## **Introduction – Placing Chinese Exclusion as a Tool of U.S. Empire**

When I set out to research how the U.S. Chinese exclusion laws were applied to Cuba and Hawai‘i beginning in 1898, I did not expect to find Lin Sze Chen’s exclusion case file at the New York branch of the U.S. National Archives and Records Administration. The file listed every trip Lin, a twenty-six-year-old native of Fujian province in China, made into and out of the United States between 1918 and 1923. Lin was only allowed to stay in the United States because he was a university student, and every time he traveled U.S. immigration officers interrogated the young man about his student status, including when he returned to the U.S. in 1923 after visiting family in Havana, Cuba. Although we were separated by almost a century, we shared one particular characteristic. Like me, Lin was attending the University of Minnesota.<sup>1</sup> How was it that a Minnesota student came to experience the geographic spread of restrictive U.S. immigration laws that this dissertation, written at the same university, seeks to elucidate and explain? How does his story explain the ways that efforts to control, restrict, and exclude Chinese migrants from the United States created a web of immigration enforcement that spread through the Atlantic and Pacific oceans alongside the expansion of U.S. empire at the turn of the twentieth century?

Lin’s immigration file in New York, while brief, points towards the fact that the existence of Chinese exclusion anywhere signaled the presence of the U.S. state everywhere. When Lin arrived in New York in July of 1923, U.S. immigration inspectors

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<sup>1</sup> Exclusion Case File for Lin Sze Chen. Record Group 85, Records of the Immigration and Naturalization Service, Box 254, File 56/47. National Archives and Records Administration (NARA), New York.

had a full history of his whereabouts since he first arrived in San Francisco in 1918, to his attendance at the University of Minnesota, through his arrival at New York City from Havana, Cuba. With each arrival and departure from the United States, Lin had to reprove his right to enter and remain in the United States under the Chinese exclusion laws, a set of legislation in force between 1882 and 1943 that only allowed prescribed classes of Chinese people to enter the U.S. while barring and deporting all others. The laws represent the first time the United States named and discriminated against a group of people based on their race in immigration laws and established many features of the modern American immigration system we recognize today, including vetting, detention, deportation, residency cards, and the creation of the “illegal alien” as a legal concept.<sup>2</sup> Lin was able to land at New York because he was a student at a U.S. university, which in addition to merchants, travelers, teachers, and Chinese diplomatic officials, was a class of Chinese persons allowed to migrate to the United States under the exclusion laws so long as they could prove their status to immigration officials.

But Lin’s experience reveals that while the exclusion laws operated in the continental United States, those same laws were also enforced in Cuba and beyond. Lin had to move through exclusion systems in both countries, meaning that the regulation of Cuba’s national borders occurred in relation to border policing in the United States. His summer break in 1923 likely became more harrowing than he could have anticipated. His

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<sup>2</sup> Bill Ong Hing, *Making and Remaking Asian America Through Immigration Policy, 1850-1990* (Stanford, Calif.: Stanford University Press, 1994); Lucy E. Salyer, *Laws Harsh As Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law*, 2nd Edition (Chapel Hill: The University of North Carolina Press, 1995); Erika Lee, *At America’s Gates: Chinese Immigration during the Exclusion Era, 1882-1943* (Chapel Hill: The University of North Carolina Press, 2003).

cousin, who was a secretary in the Chinese consulate in Havana, had become seriously ill and Lin was probably the closest family relative able to help care for his indisposed cousin. Lin accompanied his cousin to New York to seek medical care when his cousin's condition did not improve. Once in New York, they had to establish their identities with immigration authorities as a returning student and a diplomatic officer before rushing to Roosevelt Hospital in an ambulance. The Chinese consulate in Havana helped Lin prepare the paperwork needed to enter Cuba and then return to the United States. The U.S. Vice-Consul in Havana approved Lin's paperwork for his return travel to New York and provided Lin with a certificate supporting his student status. At each step of the journey, from Minneapolis, to Havana, to New York, U.S. government officials had to approve Lin's travel and applied the U.S. Chinese exclusion laws to his case even from outside U.S. national borders.<sup>3</sup> Lin's travel to and from Cuba occurred within a system of exclusionary American immigration enforcement that extended U.S. power and influence beyond the nation-state to encompass other countries and territories.

This dissertation examines migration stories like that of Lin Sze Chen to argue that immigration control and imperial control evolved together in U.S. history. More than evolved together, the Chinese exclusion laws in particular acted as a vehicle to spread and solidify the expansion of U.S. state power in overseas territories from the beginning of the twentieth century. Focusing on U.S. expansion to Cuba and Hawai'i, and how the introduction of the U.S. Chinese exclusion laws enmeshed these colonial sites in a transnational web of immigration control, reveals that immigration laws worked to

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<sup>3</sup> Exclusion Case File for Lin Sze Chen, File 56/47, NARA New York.

further the goals of U.S. empire by organizing space and defining race through the policing of migrants and citizens crossing multiple borders. It was not a coincidence that Lin encountered the exclusion laws in Cuba. Twenty years before Lin came to Havana, the United States military governed the island after intervening in Cuba's last war of independence against the Spanish empire, and the military subsequently wrote the Chinese exclusion laws into Cuban national law. Although Cuba was an independent nation, the operation of the Chinese exclusion laws on the island sustained an American government presence there long after independence was achieved.

The extension of Chinese exclusion law to Hawai'i and Cuba was integral to the exertion of U.S. sovereign claims over these islands because the law defined and policed their colonial and national borders in relation to borders of the continental United States. Following the Spanish-American-Cuban-Filipino War in 1898, the U.S. state constructed a formal overseas empire in the Caribbean and Pacific through annexation, conquest, and international treaty.<sup>4</sup> Although Cuba did gain independence in 1902, the U.S. government limited Cuban national sovereignty through a system of indirect rule, which included the codification of the Chinese exclusion laws in Cuba, that maintained the predominance of American political and economic interests.<sup>5</sup> Hawai'i was annexed by the U.S. in 1898 after decades of growing American influence culminated in the overthrow of the Native Hawaiian monarchy that had governed the islands since the beginning of the nineteenth

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<sup>4</sup> In 1898, Hawai'i was annexed by Congress while the U.S. military established an occupation government in Cuba. The U.S. also gained possession of the Philippines, Guam, and Puerto Rico from Spain in 1898.

<sup>5</sup> Louis A. Pérez Jr, *Cuba under the Platt Amendment, 1902-1934* (Pittsburgh, Pa.: University of Pittsburgh Press, 1986); Frank Villafaña, *Expansionism: Its Effects on Cuba's Independence* (New Brunswick, N.J.: Transaction Publishers, 2012); Paul T. McCartney, *Power and Progress: American National Identity, the War of 1898, and the Rise of American Imperialism* (Baton Rouge: Louisiana State University Press, 2006).

century.<sup>6</sup> The exclusion laws were extended to Hawai‘i under the terms of annexation and further entrenched U.S. state power in the new colonial territory. Chinese exclusion law moved alongside American overseas empire to organize space and define race in the pursuit of U.S. colonizing missions. Spreading exclusion meant establishing American rule of law in foreign islands. When Chinese exclusion became the rule, it also became a conduit for American colonial rule.

By treating immigration law as a tool for empire, this dissertation combines histories of immigration and imperialism that scholars have until recently kept separate. But in reality, the twin forces of immigration and imperialism within U.S. history have never been distinct. As historians George Sanchez and Adam Goodman have both argued, Native dispossession, the enslavement of Africans, U.S. settler colonialism, and the racial exclusion of peoples from Asia all generated forms of migration to, within, and outside of the United States that have historically contributed to how the American nation-state has been constructed and reconstructed.<sup>7</sup> This study builds on this literature to emphasize how the legal parameters of Chinese exclusion have historically constituted the U.S. state as the size and scope of the nation have geographically changed in

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<sup>6</sup> Sally Engle Merry, *Colonizing Hawai‘i* (Princeton, N.J.: Princeton University Press, 1999); Noenoe K. Silva, *Aloha Betrayed: Native Hawaiian Resistance to American Colonialism* (Duke University Press Books, 2004); Dean Itsuji Saranillio, *Unsustainable Empire: Alternative Histories of Hawai‘i Statehood* (Durham: Duke University Press, 2018).

<sup>7</sup> George J. Sanchez, “Race, Nation, and Culture in Recent Immigration Studies,” *Journal of American Ethnic History* 18, no. 4 (July 1, 1999): 66–84; Adam Goodman, “Nation of Migrants, Historians of Migration,” *Journal of American Ethnic History* 34, no. 4 (2015): 7–16; Lisa Lowe, *The Intimacies of Four Continents* (Durham [North Carolina]: Duke University Press, 2015); Stacey L. Smith, *Freedom’s Frontier: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction*, Reprint edition (The University of North Carolina Press, 2015); Beth Lew-Williams, *The Chinese Must Go: Violence, Exclusion, and the Making of the Alien in America* (Harvard University Press, 2018); Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965* (Chapel Hill.: University of North Carolina Press, 2020).

order to situate Chinese migrants, Native Hawaiians, and Cubans alongside White American politicians and immigration bureaucrats to demonstrate that U.S. immigration control projected U.S. state power out from the North American continent.

A recent trend in immigration history has been to delineate to what extent various legal and social exclusions have historically constituted either a contradiction to the principles upholding American liberal democracy or have rather purposefully fashioned the shape of the national body of the U.S. state. These twin dynamics have influenced how individual states have treated newcomers and their most disadvantaged denizens, the tenuous inclusion of black Americans following emancipation, and the formation of whiteness and the white able-bodied male as the archetypal American legal subject.<sup>8</sup> Exclusions, on the basis of race, class, gender, and legal access only appear as contradictions because of how strongly the notion of the United States as an inclusive “nation of immigrants” has persisted. But as Erika Lee, David Scott FitzGerald, and David Cook-Martín have argued, xenophobia and racist immigration policy are just as much of an American tradition as anything else.<sup>9</sup> “Making foreigners” and policing national and international borders has become such a regular feature of America’s

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<sup>8</sup> Hidetaka Hirota, *Expelling the Poor: Atlantic Seaboard States and the Nineteenth-Century Origins of American Immigration Policy* (New York, NY: Oxford University Press, 2017); Edlie L. Wong, *Racial Reconstruction : Black Inclusion, Chinese Exclusion, and the Fictions of Citizenship*, *America and the Long 19th Century* (New York: New York University Press, 2015); Barbara Young Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States* (Cambridge University Press, 2010); Donna R. Gabaccia and Vicki L. Ruiz, *American Dreaming, Global Realities: Rethinking U.S. Immigration History* (Urbana: University of Illinois Press, 2006); Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, Mass.: Harvard University Press, 1999).

<sup>9</sup> Erika Lee, *America for Americans: A History of Xenophobia in the United States* (New York: Basic Books, 2019); David FitzGerald, David Cook-Martín, and Angela S. García, *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas* (Cambridge, Massachusetts: Harvard University Press, 2014).

immigration past and present that, as Mae Ngai argues, “the principle of immigration restriction has become an unquestioned assumption of contemporary politics,” even as such policies generate the legal difficulties they are meant to solve.<sup>10</sup>

This dissertation contributes to this immigration historiography by demonstrating that Chinese immigration exclusion also formed an important aspect of U.S. imperialism and colonialism and thus the expansion of the exclusion laws into the Caribbean and Pacific redrew and affirmed the borders of U.S. empire in each place. Moving and removing people often takes place within the context of empire. Chinese exclusion is certainly not the only feature of U.S. immigration history to have done this. Numerous scholars of migration, Native Studies, and Ethnic Studies have explored how the formation of the United States as an empire has generated different kinds of colonial migrations.<sup>11</sup> When we broaden our understanding of migration to include forced removals, exclusions, conquests, and enslavements, the relationship between migration and empire in U.S. history becomes much clearer. Literary scholar Amy Kaplan describes the nature of American imperialism as having two-faces in a way that mirrors conversations in immigration history around inclusion and exclusion. Kaplan argues that, “the American Empire has long followed a double impetus to construct boundaries and

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<sup>10</sup> Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, New Jersey: Princeton University Press, 2004), 4-5; Kunal M. Parker, *Making Foreigners: Immigration and Citizenship Law in America, 1600-2000* (Cambridge University Press, 2015); Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge, Mass.: Harvard University Press, 2010); Kelly Lytle Hernandez, *Migra!: A History of the U.S. Border Patrol*, First edition (Berkeley, Calif: University of California Press, 2010).

<sup>11</sup> In doing so, scholarship that addresses the confluences between migration and empire answers George Sanchez’s call for immigration historians to explore how empire generates different forms of colonial migrations. See Sanchez, “Race, Nation, and Culture in Recent Immigration Studies.”

patrol all movement across them and to break down those borders through the desire for unfettered expansion.”<sup>12</sup> And the U.S. empire has expanded greatly since its colonial origins on the Atlantic coast. The hunger for more land and more power historically entrenched the enslavement of African peoples in North America and furthered the genocide and removal of Native peoples from their land. America’s westward expansion, supported by a belief in Manifest Destiny, shaped the United States into a settler colonial nation that positioned Euro-Americans as the natural rulers of the continent.<sup>13</sup> This dissertation take the position that immigration history is fundamentally connected to histories of U.S. expansion and the processes that have made that expansion possible. Histories of European settlement in North America, and Asian migration and restriction, must be thought of together with U.S. settler colonialism, enslavement, the formation of racial hierarchy, and expansion of U.S. empire as a single story that animates U.S. history rather than as separate or unconnected sets of narratives.<sup>14</sup>

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<sup>12</sup> Amy Kaplan, *The Anarchy of Empire in the Making of U.S. Culture* (Cambridge, Mass.: Harvard University Press, 2005), 15.

<sup>13</sup> Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8, no. 4 (2006): 387–409; Ira Berlin, *The Making of African America: The Four Great Migrations*, Reprint edition (New York: Penguin Books, 2010); Jean M. O'Brien, *Firsting and Lasting: Writing Indians out of Existence in New England* (Minneapolis: Univ Of Minnesota Press, 2010); Lisa Kahaleole Hall, “Strategies of Erasure: U.S. Colonialism and Native Hawaiian Feminism,” *American Quarterly* 60, no. 2 (June 2008): 273–80.

<sup>14</sup> Manu Karuka, *Empire’s Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad*, American Crossroads (Oakland, California: University of California Press, 2019); Gunlog Fur, “Indians and Immigrants - Entangled Histories,” *Journal of American Ethnic History* 33, no. 3 (2014): 55–76; Eiichiro Azuma, “Japanese Immigrant Settler Colonialism in the U.S.-Mexican Borderlands and the U.S. Racial-Imperialist Politics of the Hemispheric ‘Yellow Peril,’” *Pacific Historical Review* 83, no. 2 (May 1, 2014): 255–76; Eiichiro Azuma, *Between Two Empires: Race, History, and Transnationalism in Japanese America*, 1 edition (New York: Oxford University Press, 2005); Karen V. Hansen, *Encounter on the Great Plains: Scandinavian Settlers and the Dispossession of Dakota Indians, 1890-1930*, *Encounter on the Great Plains* (Oxford University Press, 2013); Rick Baldoz, *The Third Asiatic Invasion: Migration and Empire in Filipino America, 1898-1946* (New York: NYU Press, 2011); Julie Greene, *The Canal Builders: Making America’s Empire at the Panama Canal* (New York: Penguin Books, 2010); Persia Crawford Campbell, *Chinese Coolie Emigration to Countries within the British Empire* (BiblioBazaar,

The current literature on the history of U.S. empire has demonstrated that the U.S. state has sought to resolve new areas of contested American sovereignty through numerous techniques. These have included the circulation of government officials, military personnel and the use of force, also well teachers, doctors, or other experts through imperial space to subdue and “domesticate” newly subjected lands and peoples.<sup>15</sup> Law has also given structure and definition to U.S. empire through determining to what extent new areas and people would be incorporated or excluded from the nation through citizenship and other legal designations.<sup>16</sup> Barbara Young Welke argues that law constructs “border of belonging,” helping to define not only individuals’ relationships to each other but also to larger structures of government and imperial power.<sup>17</sup> Just as I demonstrate that the overseas expansion of U.S. empire, and contests between empires,

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2009); Paul Spickard, *Almost All Aliens: Immigration, Race, and Colonialism in American History and Identity* (New York: Routledge, 2007); Catherine Ceniza Choy, *Empire of Care: Nursing and Migration in Filipino American History* (Durham: Duke University Press Books, 2003).

<sup>15</sup> Daniel Immerwahr, *How to Hide an Empire: A History of the Greater United States*, Illustrated edition (New York: Farrar, Straus and Giroux, 2019); Sarah Steinbock-Pratt, *Educating the Empire: American Teachers and Contested Colonization in the Philippines* (Cambridge, United Kingdom ; New York, NY, USA: Cambridge University Press, 2019); Sam Erman, *Almost Citizens: Puerto Rico, the U.S. Constitution, and Empire* (Cambridge, United Kingdom ; New York, NY, USA: Cambridge University Press, 2018); Adam D. Burns, *American Imperialism: The Territorial Expansion of the United States, 1783-2013* (Edinburgh, [Scotland], Edinburgh: Edinburgh University Press, 2017); Aaron Belkin, *Bring Me Men: Military Masculinity and the Benign Facade of American Empire, 1898-2001* (New York: Columbia University Press, 2012); Jodi A. Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: Univ Of Minnesota Press, 2011); Greene, *The Canal Builders*; Paul A. Kramer, *The Blood of Government: Race, Empire, the United States, and the Philippines* (Chapel Hill: The University of North Carolina Press, 2006); Laura Briggs, *Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico* (Berkeley: University of California Press, 2002); Eric T. L. Love, *Race over Empire: Racism and U.S. Imperialism, 1865-1900* (Chapel Hill: The University of North Carolina Press, 2004).

<sup>16</sup> Erman, *Almost Citizens*; Sam Erman, “Meanings of Citizenship in the U.S. Empire: Puerto Rico, Isabel Gonzalez, and the Supreme Court, 1898 to 1905,” *Journal of American Ethnic History* 27, no. 4 (2008): 5–33; Gerald L. Neuman and Tomiko Brown-Nagin, eds., *Reconsidering the Insular Cases: The Past and Future of the American Empire* (Cambridge, MA: Human Rights Program, Harvard Law School, 2015); Bartholomew H. Sparrow, *The Insular Cases and the Emergence of American Empire* (Lawrence, KS: University Press of Kansas, 2006); Christina Duffy Burnett and Burke Marshall, eds., *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution* (Durham: Duke University Press Books, 2001).

<sup>17</sup> Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States*.

generated and informed Chinese migrations from the middle of the nineteenth century, this dissertation adds to the historiography of U.S. empire by showing how immigration law and policy, through the Chinese exclusion laws, similarly worked to construct American power and control in Cuba and Hawai‘i. Immigration law and control has therefore also historically been used as a technique for the expansion and strengthening of U.S. empire. This approach towards immigration law as a tool for empire recasts the United States not as an immigrant receiving country, but as a country of shifting borders that encounters and defines the people and places it encompasses.

I take a transnational and transimperial approach towards the history of Chinese migrations to and between Cuba, Hawai‘i, and the United States to chart the geographic movement of American state power into the Atlantic and Pacific oceans through the spread of the U.S. Chinese exclusion laws. To do so, this dissertation relies on insights from Chinese diaspora and transnational migration scholarship and recent developments in the histories of Cuba and Hawai‘i. A global context of imperial expansion shaped Chinese migrations to many parts of the world beginning in middle of the nineteenth century, including South East Asia, the Pacific, and the Americas and motivated up to nineteen million Chinese people over the next hundred years to seek their fortunes abroad in the face of economic need and political instability caused the Western imperial encroachments at home.<sup>18</sup> But Chinese migrants did not leave the imperial contexts that

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<sup>18</sup> Elliott Young, *Alien Nation: Chinese Migration in the Americas from the Coolie Era through World War II* (UNC Press Books, 2014), 34; Kathleen M. López, *Chinese Cubans: A Transnational History* (Chapel Hill: The University of North Carolina Press, 2013), 6-7; also see Clarence Elmer Glick, *Sojourners and Settlers, Chinese Migrants in Hawaii* (Honolulu: University of Hawaii Press, 1980).

shaped their movement behind after they left China, they continued to exist within them transnationally.

Cuba and Hawai‘i are suitable locations for the focus of this study because they both became sites of Chinese transnational migration by the middle of the nineteenth century as they increasingly experienced U.S. imperialism. An imperial global context shaped Chinese migrations to Cuba and Hawai‘i. The forced opening of China to Western trade in the 1840s created an avenue for Chinese labor migrations to colonial economies around the world. As abolition gradually ended systems of slavery globally, the movement of Asian laborers under contracts to become pivotal to the global shift of economic capitalism based on free wage labor. About 150,000 Chinese workers arrived in Cuba, and about 30,000 in Hawai‘i, to work in plantation economies producing globally marketed products such as sugar, rice, cotton, and coffee.<sup>19</sup> Cuba and Hawai‘i therefore developed significant Chinese migrant communities prior to their experience with the U.S. Chinese exclusion laws. By covering the periods of contract worker migration to Cuba and Hawai‘i in addition to the advent of U.S. Chinese exclusion, this dissertation responds to historians Elliot Young and Kathleen López’s contention that histories of Chinese migration in the Americas and the Pacific are best understood across these two periods as a means to identify the continuities and disruptions that accompanied modern immigration control in the form of Chinese exclusion rather than considering periods of contract labor migrations and immigration restrictions as separate

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<sup>19</sup> Adam McKeown, *Chinese Migrant Networks and Cultural Change: Peru, Chicago, Hawaii, 1900-1936* (Chicago: The University of Chicago Press, 2001), 33; Young, *Alien Nation*, 32-34; Erika Lee, *The Making of Asian America: A History* (New York: Simon & Schuster, 2015), 34-35.

entities.<sup>20</sup> The U.S. exclusion laws mingled with local contexts in Cuba and Hawai‘i which at times fostered and hindered how the law was enforced, showing both the power and limits of U.S. overseas empire.

Examining Cuba and Hawai‘i together reveals that exclusion offered an adaptable system of corporeal control that aided U.S. colonial racial replacement projects in different contexts through the maintenance and deployment of Chinese as a racial category.<sup>21</sup> The Chinese exclusion laws helped shift the location of U.S. borders in ways that encompassed Hawai‘i and Cuba. As American borders stretched for empire, exclusion law made them permeable based on race, such that efforts to control Chinese migration defined new physical boundaries of the United States. But Cuba and Hawai‘i also experienced U.S. empire differently within the contexts of their own national and colonial histories. Exclusion’s legacy in the Hawaiian Islands, forming over time, betrays the gradual nature of U.S. imperialism in Hawai‘i. The first agency to be formed after annexation was the Hawaiian Bureau of Immigration, which was organized to administer U.S. style Chinese exclusion to prevent the entry of Chinese migrants into Hawai‘i and their travel from Hawai‘i to the continental United States even before the Hawaiian territorial government was established in 1900. Exclusion was therefore the harbinger of the U.S. state and became instrumental in territorializing Hawai‘i as “American” land alongside state sponsored immigration programs to “whiten” the islands. In Cuba,

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<sup>20</sup> Young, *Alien Nation*, 10.

<sup>21</sup> I draw from Omi and Winant’s conception of race as a social construction that forms in relation to multiple groups and as something that is consistently rearticulated and politically contested. Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s*, 2 edition (New York: Routledge, 1994); also see Claire Jean Kim, “The Racial Triangulation of Asian Americans,” *Politics & Society* 27, no. 1 (March 1, 1999): 105–38.

exclusion was a scar left by the U.S. military in Cuba, marking the presence of the United States in the absence of outright domination. In this indirect fashion, Cuban conversations about exclusion within their country worked to fracture the interracial alliances that had helped topple Spanish rule. In other words, Chinese exclusion in Cuba weakened the Cuban nation by causing internal division that could be exploited by American government and business interests. The same law served different purposes across American imperial space that nonetheless promoted the localized goals of empire in each context.

On one level, this dissertation combines research on Chinese contract migrations outside of the United States with the development of Chinese exclusion within the United States. Studies on Chinese contract labor emphasize that workers under contract were transitional figures in the changeover from slavery to wage labor even though these workers often experienced conditions that mimicked slavery.<sup>22</sup> Commentary on the position of Chinese workers within these economies and the conditions they faced gave rise to an international discourse of Chinese migrants generally as “coolies,” racialized bonded laborers that were economically expedient but considered socially and politically undesirable. Within the United States, the reasons for enacting the exclusion laws were related to these developments abroad but have often also been framed in strictly nation-based terms. The 1882 Restriction Act was preceded and followed by a violent anti-

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<sup>22</sup> Ronald T. Takaki, *Pau Hana: Plantation Life and Labor in Hawaii, 1835-1920* (University of Hawaii Press, 1984); Evelyn Hu-DeHart, “Chinese Coolie Labor in Cuba in the Nineteenth Century: Free Labor or Neo-Slavery?,” *Slavery and Abolition* 14, no. 1 (1993): 67–86; Lisa Yun, *The Coolie Speaks: Chinese Indentured Laborers and African Slaves in Cuba* (Philadelphia: Temple University Press, 2009); Benjamin Nicolas Narvaez, “Chinese Coolies in Cuba and Peru: Race, Labor, and Immigration, 1839-1886” (Ph.D., United States -- Texas, The University of Texas at Austin, 2010).

Chinese movement in the American west. Fears among white workers about Chinese competition in the western U.S. labor market following the California gold rush, the peddling of anti-Chinese Chinese sentiment nationally by U.S. politicians for their own advancement, and the designation and preservation of the U.S. west as a space for white American settler colonialism all played a part in creating Chinese exclusion.<sup>23</sup> But perceptions of Chinese migrants, and the potential of their economic benefit versus the potential threat they posed to the national purity of several countries, did not occur in national isolation. As historian Moon-Ho Jung explains, “cries against coolie competition in Hawai‘i, Cuba, and elsewhere on behalf of American workers and sugar reverberated against the backdrop of an expanding U.S. empire in the Pacific and Caribbean.”<sup>24</sup> By decentering the continental United States as a primary destination for Chinese migrants, I demonstrate how the control of Chinese migration patterns were a matter of national and interimperial competition prior to the extension of the U.S. exclusion laws to Hawai‘i and Cuba.

On another level, this dissertation contributes further to the significant historiography on Chinese exclusion in the United States. The original act to restrict Chinese laborers in 1882 represented a dramatic shift in the willingness of the U.S. government to control its borders. The act prohibited the migration of Chinese laborers

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<sup>23</sup> Lew-Williams, *The Chinese Must Go*, 2018; Andrew Gyory, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act* (Chapel Hill: The University of North Carolina Press, 1998); Elmer Sandmeyer, *The Anti-Chinese Movement in California*, First edition. Full number line. edition (Urbana: University of Illinois Press, 1991); Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley: University of California Press, 1975); Stuart Creighton Miller, *Unwelcome Immigrant: American Image of the Chinese, 1785-1882* (Berkeley: University of California Press, 1969).

<sup>24</sup> Moon-Ho Jung, *Coolies and Cane: Race, Labor, and Sugar in the Age of Emancipation* (Baltimore: Johns Hopkins University Press, 2008).

into the United States for a period of ten years, ending a U.S. tradition of open borders that became policed on the basis of evaluating Chinese migrants' race, occupational status, and gender. According to historian Roger Daniels, Chinese exclusion has become "the hinge upon which the legal history of immigration has turned."<sup>25</sup> While several scholars have argued that the 1882 act was intended to limit rather than strictly exclude Chinese migrants from entering the United States, additional amendments and renewals to the original law between 1888 and 1904 created a body of immigration laws intended to keep Chinese out of the United States, completing the transformation of the U.S. from a country of free migration to a "gatekeeping nation."<sup>26</sup> This dissertation refers to this body of laws as the Chinese exclusion laws, not to gloss over the transition from restriction to exclusion, but because when this particular form of immigration control traveled to Cuba and Hawai'i as a part of U.S. overseas empire at the end of the nineteenth century, the impulse to exclude had become codified in the laws and their practice.

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<sup>25</sup> Roger Daniels, "No Lamps Were Lit for Them: Angel Island and the Historiography of Asian American Immigration," *Journal of American Ethnic History* 17, no. 1 (Fall 1997): 3–18, 4.

<sup>26</sup> Lew-Williams, *The Chinese Must Go*; Beth Lew-Williams, "Before Restriction Became Exclusion: America's Experiment in Diplomatic Immigration Control," *Pacific Historical Review* 83, no. 1 (February 1, 2014): 24–56; Paul A. Kramer, "Empire Against Exclusion in Early 20th Century Trans-Pacific History," *Nanzan Review of American Studies: A Journal of Center for American Studies, Nanzan University* 33 (2011): 13–32; both Lew-Williams and Kramer urge historians to consider the importance of referring to 1882–1888 as a period of restriction instead of exclusion because international and diplomatic concerns caused the U.S. government to cautiously consider how it might restrict migration on a federal level. Lew-Williams further attributes ongoing popular and extralegal violence against Chinese in the United States as a primary motivation for the transition from restriction to exclusion. Nevertheless, the passage of the 1882 Restriction Act and its development into exclusion signaled the transformation of the United States into a "gatekeeping nation," which actively policed its borders and migrants within its borders. On gatekeeping and Chinese exclusion see Lee, *At America's Gates*.

As a gatekeeping nation, U.S. immigration control under the exclusion laws drastically changed. The exclusion laws caused the formation of an immigration bureaucracy that brought together customs collectors at ports of entry with immigration inspectors and medical professionals who all interviewed and examined arriving Chinese. Over time, exempt categories of Chinese migrants emerged, including students, teachers, travelers, merchants, and diplomats, whose status suggested they would not stay within the United States permanently. But the qualifications of who counted as members of these exempt statuses became more restricted over time and immigration enforcement became increasingly concerned with exposing fraudulent entries by harshly investigating those who they suspected of falsely claiming membership in an exempt category. In this way, enforcing Chinese exclusion also forced the U.S. government to identify illegal aliens and develop the means for deportation.<sup>27</sup> My dissertation builds on this scholarship by adding to the locations of Chinese exclusion enforcement by shifting the geographic focus to outside the North American continent. A well-established historiography has already examined Chinese exclusion in Canada and Mexico as part of U.S.-border making within the continent. This scholarship was the first to identify the transnational consequences of U.S. exclusion policy, the ways in which racism traveled across borders, and how conditions on local, national, and transnational levels all inform how Chinese

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<sup>27</sup> Sucheng Chan, ed., *Entry Denied: Exclusion and the Chinese Community in America, 1882-1943* (Philadelphia: Temple University Press, 1991); Salyer, *Laws Harsh As Tigers*; Lee, *At America's Gates*; Adam McKeown, "Ritualization of Regulation: The Enforcement of Chinese Exclusion in the United States and China," *The American Historical Review* 108, no. 2 (2003): 377–403; Estelle T. Lau, *Paper Families: Identity, Immigration Administration, and Chinese Exclusion* (Durham: Duke University Press Books, 2007).

exclusion operated regionally as an extension of U.S. state power and racial logics.<sup>28</sup>

Enforcing exclusion meant controlling Chinese migration throughout American imperial and colonial spaces both within the U.S. continent and beyond into the Pacific and Caribbean. The impulse to exclude therefore helped propel the outward expansion of U.S. imperial borders.

Recent scholarship on the history of Chinese migration has done much to further transnational approaches to understanding migration history. Transnational approaches to Chinese migration history decenter individual nation-states by concentrating on how Chinese migrants formed social, economic, and political connections and networks between multiple countries and often maintained close ties to their hometowns in China.<sup>29</sup> U.S. laws and differing histories of labor contacting and Chinese restriction in Cuba and Hawai‘i were not the sole features that defined migrants’ lives in each location. I demonstrate that Chinese migrants circulated through Cuba, Hawai‘i, and the United

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<sup>28</sup> Jason Oliver Chang, *Chino: Anti-Chinese Racism in Mexico, 1880-1940* (Urbana, IL: University of Illinois Press, 2017); Grace Delgado, *Making the Chinese Mexican: Global Migration, Localism, and Exclusion in the U.S.-Mexico Borderlands* (Stanford, California: Stanford University Press, 2013); Julia María Schiavone Camacho, *Chinese Mexicans: Transpacific Migration and the Search for a Homeland, 1910-1960* (Chapel Hill: The University of North Carolina Press, 2012); Robert Chao Romero, *The Chinese in Mexico, 1882-1940* (Tucson: University of Arizona Press, 2010); Patricia Roy, *The Oriental Question: Consolidating a White Man’s Province, 1914-1941* (Vancouver, B.C.: University of British Columbia Press, 2003); Patricia Roy, *A White Man’s Province: British Columbia Politicians and Chinese and Japanese Immigrants, 1858-1914* (Vancouver, Vancouver, B.C.: University of British Columbia Press, 1989); Lisa Rose Mar, *Brokering Belonging: Chinese in Canada’s Exclusion Era, 1885-1945* (New York: Oxford University Press, 2010); Lisa Rose Mar, “Beyond Being Others: Chinese Canadians as National History,” *BC Studies*, no. 156 157 (2007): 13; W. Peter Ward, *White Canada Forever: Popular Attitudes and Public Policy toward Orientals in British Columbia* (Montreal: McGill-Queen’s University Press, 1978); Erika Lee, “The ‘Yellow Peril’ and Asian Exclusion in the Americas,” *Pacific Historical Review* 76, no. 4 (November 1, 2007): 537–62; Erika Lee, “Orientalism In The Americas: A Hemispheric Approach to Asian American History,” *Journal of Asian American Studies* 8, no. 3 (2005): 235–256.

<sup>29</sup> Madeline Y. Hsu, *Dreaming of Gold, Dreaming of Home: Transnationalism and Migration Between the United States and South China, 1882-1943* (Stanford, Calif.: Stanford University Press, 2000); McKeown, *Chinese Migrant Networks and Cultural Change*; Young, *Alien Nation*.

States while often visiting China and maintained family and networks in each location even as the U.S. Chinese exclusion laws worked to circumscribe and control their movement. To paraphrase Historian Madeline Hsu, Chinese migrants existed beyond the confines of the U.S. nation-state.<sup>30</sup>

Histories of Chinese migration to the Americas have tended to utilize either transnational frameworks or nation-state centered approaches to explain migrant experiences, how borders were porous or became closed, and to describe identity and racial formation. These methods of conducting migration history have often been cast as mutually exclusive. For example, historian Adam McKeown has argued that “nation-based claims regarding the histories of Chinese migrants serve to obscure and confuse the transnational activities of those migrants,” while historian Erika Lee has contended that the “emphasis on the transnational rather than the national, however, has obscured the impact of the American nation-state and the exclusion laws in particular in structuring and circumscribing transnational migration, networks, and identities.”<sup>31</sup> Both of these statements are true and Lin Sze Chen’s travel between Fujian, Minnesota, and Cuba help explain how. He lived transnationally in his pursuit of professional and family activities across three countries, but his movement was also regulated through the exclusion laws in both the United States and Cuba.

I propose that centering the United States as an empire provides a way to breakdown the barrier that has formed between transnational histories of Chinese

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<sup>30</sup> Madeline Y. Hsu, “Transnationalism and Asian American Studies as a Migration-Centered Project,” *Journal of Asian American Studies* 11, no. 2 (June 2008): 185–97.

<sup>31</sup> McKeown, *Chinese Migrant Networks and Cultural Change*, 3; Lee, *At America’s Gates*, 8.

migration and nation-state focused histories of Chinese exclusion. Chinese migrants moved through American, Cuba, and Hawaiian territory, but the geographic borders of the U.S. state and the Chinese exclusion laws themselves were also things that moved. I build on historian Paul Kramer's concept of a "geopolitics of mobility" that embeds the Chinese exclusion laws as part of larger processes of American expansion where the control of Chinese migrants became vital to U.S. state "attempts to secure and organize power in a global area."<sup>32</sup> The geopolitics of mobility in terms of Chinese exclusion were also formed around global perceptions of Chinese as a racial category.<sup>33</sup> Negative perceptions and attitudes about Chinese as a race formed and circulated throughout Cuba, Hawai'i, and the United States since the beginning of the contract labor period. The codification and spread of the U.S. exclusion laws cemented the undesirability of Chinese migrants in each location while reinforcing the reach of U.S. empire. As a form of imperial and colonial technology the U.S. Chinese exclusion laws, to paraphrase legal scholars Mary Dudziak and Leti Volpp, drew dividing lines between American, Hawaiian, and Cuban national identities around American global power not only through the construction of borders established by legal controls on entry and exit, but also by defining the rights of citizens and noncitizens in each location as a means to legitimize the presence of American power.<sup>34</sup>

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<sup>32</sup> Paul A. Kramer, "The Geopolitics of Mobility: Immigration Policy and American Global Power in the Long Twentieth Century," *The American Historical Review* 123, no. 2 (April 1, 2018), 393–438: 396.

<sup>33</sup> According to Sociologist Howard Winant, there is a "globality of race," meaning that racial formations do not just take shape locally or nationally, but are also formed transnationally. Racial categorizations and meanings are formed globally. See Howard Winant, *The World Is a Ghetto: Race and Democracy since World War II* (New York: Basic Books, 2001); Lee, "Orientalism in the Americas."

<sup>34</sup> Mary L. Dudziak and Leti Volpp, eds., *Legal Borderlands: Law and the Construction of American Borders* (Baltimore, Md: Johns Hopkins University Press, 2006).

I further urge scholars to consider the ways in which U.S. immigration law and policy have had global consequences that shape world relations. Whether through transnational or nation centered methodologies, historians have continued to view immigration policy as a manifestation of domestic politics.<sup>35</sup> Historian Mae Ngai argues that nations articulate a vision of themselves through the formulation of immigration policy, which in turn served to signal their position in the world and describes their relationship with other nation-states. For Ngai, “this means that foreign policy invariably becomes implicated in the formation of immigration policy.”<sup>36</sup> By examining how the extension of the Chinese exclusion laws also changed state relations between China, Cuba, Hawai‘i, and the United States, I demonstrate that the reverse of this construction is also true: immigration policy in the form of Chinese exclusion also shaped how each of these countries conducted foreign relations with each other. In this construction of immigration policy as a form of foreign policy, it becomes clear that U.S. immigration legal history is not contained to the geography of the United States. This insight rings especially true today, as targeted immigration policies continue to project U.S. power globally.

This dissertation also seeks to connect Chinese exclusion to conversations about Hawaiian and Cuban national histories. Current Hawaiian historiography centers the voices and experiences Kānaka Maoli (indigenous Hawaiian people) as the primary

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<sup>35</sup> Kramer, “The Geopolitics of Mobility,” 394-395; Donna R. Gabaccia, *Foreign Relations: American Immigration in Global Perspective*, America in the World (Princeton, NJ: Princeton University Press, 2012).

<sup>36</sup> Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, New Jersey: Princeton University Press, 2004), 9.

drivers of Hawaiian history. Concentration on Kanaka agency has taken many forms, including an increasing reliance on Hawaiian language sources in official records, songs, and oral histories. Native Hawaiian-centered approaches to Hawaiian history show that Kānaka Maoli actively engaged and explored the world and the many ideas they found across geographic space.<sup>37</sup> Moreover, Kanaka people have actively resisted Western imperialism from the early days of the Hawaiian Kingdom through today. This can be seen from how Native Hawaiian peoples organized to resist the overthrow of the Hawaiian monarchy, the United States' annexation of Hawai'i, and continued protests in opposition to Hawai'i's U.S. statehood and unproblematic inclusion as a natural part of American territory and national political body.<sup>38</sup> This dissertation joins this body of scholarship in maintaining that Hawai'i is not and never has been U.S. land. The manner in which the exclusion laws were enforced actually recognized this fact. In addition to Chinese being excluded from Hawai'i under U.S. rule, Chinese faced further restrictions traveling from Hawai'i to the U.S. continent. The borders of exclusion created in Hawai'i, while pulling the Islands into the American polity, also distinguished Hawai'i from the United States as a separate space.

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<sup>37</sup> David A. Chang, *The World and All the Things upon It: Native Hawaiian Geographies of Exploration* (Minneapolis: Univ Of Minnesota Press, 2016); Kamanamaikalani Beamer, *No Makou Ka Mana: Liberating the Nation* (Kamehameha Schools Press, 2014); Adria L. Imada, *Aloha America: Hula Circuits through the U.S. Empire* (Durham: Duke University Press Books, 2012); Kealani Cook, "Kalakaua's Polynesian Confederacy: Teaching World History in Hawai'i and Hawai'i in World History" (World History Connected October, 2011).

<sup>38</sup> Jonathan K. K. Osorio, *Dismembering Lahui: A History of the Hawaiian Nation to 1887* (Honolulu: University of Hawaii Press, 2002); Silva, *Aloha Betrayed*; Stacy L. Kamehiro, *The Arts of Kingship: Hawaiian Art and National Culture of the Kalakaua Era* (Honolulu: Univ of Hawaii Press, 2009); David Keanu Sai, *Ua Mau Ke Ea Souverignty Endures: An Overview of the Political and Legal History of the Hawaiian Islands* (Daniel Ebuehi, 2011); Saranillio, *Unsustainable Empire*.

Enforcing the Chinese Exclusion laws within and across Hawaiian territory demanded that the U.S. state determine who was Chinese and who was not. But within a Hawaiian context, Western racial designations hold less meaning because the basis of Kanaka identity and society has historically focused much less on identifying racial and ethnic differences and has instead placed greater meaning on genealogy and family relationships as the primary mode for understanding group identification and inclusion.<sup>39</sup> Although many Chinese migrants arrived in Hawai‘i during the nineteenth century as temporary workers, many also stayed and lived in Hawai‘i either permanently or for long periods of time. A number of Chinese migrants naturalized as either subjects or citizens of Hawai‘i and married into Hawaiian families. Thus, in identifying who was Chinese and permitted to enter Hawai‘i through the application of the Chinese exclusion laws, the U.S. state also made determinations about who was Hawaiian. Extending the exclusion laws to Hawai‘i were not only about keeping Chinese migrants out and constructing borders to territorialize Hawaiian land as American land, but exclusion also aided and abetted additional state-sponsored colonial projects intended to understand and engineer the population of the Hawaiian Islands.<sup>40</sup>

Similarly, Cuban national historiography has recently centered narratives of Cuban national formation and survivance in the face of Spanish colonialism and U.S.

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<sup>39</sup> Nālani Wilson-Hokowhitu, *The Past before Us: Mo‘okū‘auhau as Methodology* (Honolulu: University of Hawai‘i Press, 2019); Halena Kapuni-Reynolds, “Mo‘okū‘auhau (Genealogies) of Care: Curating Ali‘i Collections at the Bernice Pauahi Bishop Museum,” *Studies in Arts and Humanities Journal* 3, no. 2 (2017): 84–108.

<sup>40</sup> Maile Arvin, *Possessing Polynesians: The Science of Settler Colonial Whiteness in Hawai‘i and Oceania* (Durham: Duke University Press, 2019); Christine Leah Manganaro, “Assimilating Hawai‘i: Racial Science in a Colonial ‘Laboratory,’ 1919-1939” (2012), <https://conservancy.umn.edu/handle/11299/134014>.

imperialism. A great deal of scholarship on Cuba, historian Louis Pérez argues, “has been fashioned around the problem of the nation and its principal corollary attributes of self-determination, national sovereignty, and national identity.”<sup>41</sup> These works document Cuban nationalists’ wars of independence against Spain, continued U.S. economic and political interference, and racial politics in an independent Cuba between mostly white and Afro-Cubans.<sup>42</sup> By focusing on Chinese migrants, I join historians Evelyn Hu-Dehart and Kathleen López in bringing attention to how Chinese migration factored into Cuban debates on national progress that envisioned Cuba as a harmonious multiracial modern nation. By focusing on the exclusion of Chinese from Cuba, I also demonstrate the limits of Cuban national sovereignty in the shadow of U.S. domination and the limits of national multiracial discourse.

The research base for the dissertation draws from primary records from multiple national archives that documents the twin spread of U.S. empire and Chinese exclusion. I draw widely from the papers of the U.S. Immigration and Naturalization Service housed in multiple U.S. national archives including in New York City, College Park, Washington D.C., and San Francisco. These include correspondences between immigration officials

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<sup>41</sup> Louis Pérez Jr, “Approaching Change and Changelessness in the Historiography of Cuba,” *Cuban Studies* 43, no. 1 (August 8, 2015): 130–34.

<sup>42</sup> Aisha Finch, Fannie Rushing, and Gwendolyn Midlo Hall, *Breaking the Chains, Forging the Nation: The Afro-Cuban Fight for Freedom and Equality, 1812-1912* (Baton Rouge: Louisiana State University Press, 2019); David A. Sartorius, *Ever Faithful: Race, Loyalty, and the Ends of Empire in Spanish Cuba* (Durham: Duke University Press, 2013); Gillian McGillivray, *Blazing Cane: Sugar Communities, Class, & State Formation in Cuba, 1868-1959* (Durham: Duke University Press, 2009); Lillian Guerra, *The Myth of José Martí: Conflicting Nationalisms in Early Twentieth-Century Cuba*, *Envisioning Cuba* (Chapel Hill, N.C.: University of North Carolina Press, 2005); Ada Ferrer, *Insurgent Cuba: Race, Nation, and Revolution, 1868-1898* (Chapel Hill, Chapel Hill ; London: University of North Carolina Press, 1999); Aline Helg, *Our Rightful Share: The Afro-Cuban Struggle for Equality, 1886-1912* (Chapel Hill: University of North Carolina Press, 1995); Louis A. Pérez Jr, *Cuba between Empires, 1878-1902*, (Pittsburgh, Pa.: University of Pittsburgh Press, 1983).

but also approximately 90 Chinese exclusion case files for individuals traveling between Havana and New York and approximately 150 exclusion case files, Board of Special Inquiry investigations, visa applications, and deportation case files that chart the enforcement of Chinese exclusion between China, Hawai‘i, and the United States. I also utilize many foreign relations records to show a range of concerns over Chinese migration that were not confined to the border alone. By consulting the Territorial Papers of Hawai‘i, U.S. Military Government records of Cuba, and U.S. consular and diplomatic communications, I demonstrate that immigration control and expanding U.S. state power into Hawai‘i and Cuba were fundamentally connected processes.

The dissertation also draws significantly from the Hawai‘i State Archives in Honolulu and from the Archivo Nacional de Cuba in Havana and the Republic of Cuba state papers of the Colección Legislativa. My use of Cuban and Hawaiian diplomatic correspondences, laws, and press does demonstrate that Cubans and Native Hawaiians were active in considering and negotiating how Chinese migration and expanding U.S. power effected their national futures. I utilize Hawaiian and Cuban sources from across political eras and highlight the importance of Chinese migration to their individuals national and colonial objectives. There are significant records of Chinese migration in the Foreign and Executive files of the Kingdom of Hawai‘i and the Republic of Hawai‘i’s Chinese Bureau. Likewise, I utilize Cuban diplomatic papers and presidential records to link Chinese migration to Cuba’s shifting sovereignty as a Spanish colony to an independent nation under American influence. It is also through these sources that I am able to access a wider range of actions taken by Chinese state officials and migrants who

encountered the exclusion laws. The power and effectiveness of U.S. empire was rarely uniform or monodirectional. Expanding the dissertation's source base to include archives outside of the United States better captures the contingencies of empire and agency of multiple set of actors across varying imperial geographies.

The dissertation is divided into four chapters that recreate the larger world of migration and empire in the Caribbean, Pacific, and the United States between 1874, when questions of controlling Chinese migration became important to Cuban and Hawaiian political futures, and 1943, when the U.S. exclusion laws were repealed. Controlling Chinese migration, first through labor access and then through Chinese exclusion laws, was central to American imperial projects in the Atlantic and Pacific in the late nineteenth and early twentieth centuries. The movement of the exclusion laws aided the projection of U.S. state power overseas. By centering the analytical importance of the US as an empire, my project decenters standard narratives of Chinese exclusion history that solely focus on domestic factors to explain the law's creation and function to instead demonstrate how the law operated within a global context that took account of American foreign relations and desires beyond the changing continental bounds of North America.

Chapter 1 recounts the history of Chinese migration to Hawai'i and Cuba before the American exclusion laws were extended. I present the history of the contract labor system and how the control of Chinese contract workers became a matter of interimperial competition among the United States, Britain, Spain, and China. This chapter also serves to introduce Hawaiian and Cuban local contexts and relationships with Chinese

migration. Chinese contract workers were important to the development of Cuba and Hawai‘i’s agricultural economies that supplied global markets. The use of contract workers in Cuba and Hawai‘i also brought these places under increasing American economic and political influence, meaning that the U.S. had a strong imperial relationship with Chinese migration from the start.

Chapter 2 explains how the exclusion laws actually moved to Hawai‘i and Cuba and argues that the implementation of the laws abroad served U.S. imperial goals to organize and control new American colonial space. The exclusion laws were extended to Hawai‘i in the 1897 Newlands Resolution, which provided the legal basis for how the United States annexed the Hawaiian Islands. The U.S. enforcement of Chinese exclusion in Hawai‘i before the organization of the territorial government in 1900 demonstrates that the extension of U.S. power to Hawai‘i moved through the exclusion laws. In Cuba, U.S. military officers began enforcing immigration laws in 1898 following the Spanish-American-Cuban War. While exclusion was not initially in effect, Chinese migration was nonetheless a vexing issue for the military. Instead, the infrastructure to enforce exclusion was built in the absence of law to curtail the ability of Chinese in Cuba from secondarily migrating to the US. One of the final acts of the Military Governor was to make Chinese exclusion part of Cuban national law in May 1902. In both Cuba and Hawai‘i, U.S. immigration officers and military personnel circulated through American empire to establish Chinese exclusion regimes across U.S. imperial space.

Chapters 3 and 4 explore how the exclusion laws were enforced in Cuba and Hawai‘i following Cuban independence and the formation of Hawai‘i as a U.S. territory.

Despite the infrastructure built by the U.S. military in Cuba, the nature of indirect U.S. control in Cuba provided space for the Cuban government and Chinese diplomatic officials to modify and negotiate how the exclusion laws were enforced. The Chinese consulate in Havana, in particular, was able to control certain immigration duties in Cuba to further facilitate Chinese migration into the island and into the United States until the 1920s. In response to this uneven enforcement, U.S. immigration enforcement consistently monitored Chinese activity in Cuba and pushed the Cuban government to strictly enforce the exclusion laws and directly intervened in Cuban immigration affairs. Enforcing exclusion in Cuba therefore represented a site of contested sovereignty between China, Cuba, and the United States. In Hawai'i, annexation had the effect of making Chinese subjects of Hawai'i into American citizens. Because Asians were considered aliens racially ineligible to naturalize in U.S. law, these became a group of citizens that under any other circumstances should not have existed. Their citizenship complicated enforcement and necessitated state surveillance against "alien citizens."

Taken together, these chapters explain how Chinese exclusion spread and evolved in a global context of expanding U.S. empire. Controlling Chinese migration became an American imperial policy that shaped interstate and interimperial relations before exclusion became law. As the control of contact workers morphed into exclusion, the Chinese exclusion laws promoted U.S. state presence and intervention in Cuba and Hawai'i and worked as part of a larger U.S. colonial strategy to control territory overseas in tandem with plans to racially reform the populations in Cuba and the Hawaiian Islands. Just as an international context shaped the extension of the exclusion laws, global events

also caused their retraction. The laws were repealed during the Second World War when Cuba and the United States sought a military alliance with China. Enforcing exclusion expanded U.S. state power in the first half of the twentieth century, and this also remained true when the laws were terminated. Rather than only a domestic immigration policy, the Chinese exclusion laws defined the U.S. position in the world as it gradually became a global power.

## **Chapter 1 – Chinese Migration and the Advance of U.S. Empire before 1898**

Well before the U.S. Chinese exclusion laws began to spread across the hemisphere, the control of Chinese migration had already become an important topic for many countries and empires. In the second half of the nineteenth century, Chinese migration to Hawai‘i and Cuba, and concerns and regulations around Chinese migrants in those places, grew along with American political and economic influence in the hemisphere. Chinese migrants were already an essential part of society in Cuba and Hawai‘i before the U.S. physically took political control in 1898. As laborers, Chinese helped develop Cuba’s and Hawai‘i’s position within a growing system of global capitalism. As merchants, they connected local economies to international markets. As people, they formed relationships with neighbors of all kinds, whether they be Hawaiian ali‘i (chiefs) or enslaved African people.

Nevertheless, Chinese migrants became subjects of scrutiny by the final decades of the century. The turn from obtaining Chinese migrant workers to restriction, and eventually exclusion, took shape in response to local, national, and international events. Despite different contexts, recruiting then rejecting Chinese migrants in Cuba and Hawai‘i revolved around similar questions about plantation production and either continued colonial control or national sovereignty. In Spanish colonial Cuba, Chinese migration offered an opportunity to further expand sugar production while adding a human buffer between the Spanish administration and African slaves. Abolition and national independence movements had largely removed Spanish colonial rule from most

of the Americas by the middle of the century and Spanish colonial administration hoped a new reliance on Chinese labor could prevent the same from happening in Cuba. Similar economic concerns pervaded Hawai‘i, where recruiting Chinese for plantation labor became a flashpoint for control of the Islands’ social and political future. The plantation economy in Hawai‘i primarily enriched a group of white elites who sought to undermine and then overthrow Native Hawaiian rule. Turning towards Chinese labor in both places was therefore not just about economic incentives but was a choice that also had political ramifications.

The path towards using and then restricting Chinese labor in Cuba and Hawai‘i also took shape in response to events occurring in the United States, where the control of Chinese migration was becoming a cornerstone of American imperial ideology. The perception of Chinese workers abroad as “coolies,” a racialized term that associated Chinese with low paid labor in slave like conditions, caused the United States government to take various actions to control Chinese migration both within its own country and on the international stage. The U.S. government desired to deepen its influence in China while gaining supremacy within the western hemisphere. Controlling the flow of Chinese contract laborers was geopolitical strategy to accomplish both of these goals. Attempting to prohibit Chinese contract labor at home and abroad allowed the United States to present itself as a champion of free labor while weakening political rivals for dominance in China and within the Americas. Governments in Hawai‘i and Cuba responded to these actions as their own domestic and international relationships were formed in tandem with the presence of Chinese migrants within their borders.

In each of these locations, as well as in China, the control of Chinese migration was bound up with contests for the control of governments, economic resources, and international influence. The expansion of empires and maintenance of sovereignties hinged upon that control.

### Chinese Contract Laborers in the Western Hemisphere

There were many factors that motivated Chinese individuals to move abroad in the nineteenth century. Economic displacement and social unrest locally were often exacerbated by increasing European and American imperialism in China. As systems of slavery ended across European and American empires by the middle of the century, the practice of contracting Chinese workers developed as a viable alternative to sustain plantation economies in various parts of the world, especially in Cuba. Foreign contract labor has often been characterized as transitional in the development of global capitalism. Although contract workers were paid, their conditions more often mirrored enslavement than the free wage labor typically associated with modern capitalism.<sup>1</sup> Although slavery was not present in Hawai‘i, the contracting of Chinese labor also became an important activity there amid the rapid decrease of the Native Hawaiian population that followed the growing presence of foreign whites on the Islands. The local conditions that brought Chinese laborers to Cuba, Hawai‘i, and the United States were all a bit different but were

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<sup>1</sup> Lisa Yun, *The Coolie Speaks: Chinese Indentured Laborers and African Slaves in Cuba* (Philadelphia: Temple University Press, 2009); Benjamin Narvaez, “Chinese Coolies in Cuba and Peru: Race, Labor, and Immigration, 1839-1886” (Ph.D., United States -- Texas, The University of Texas at Austin, 2010).

linked together by the same imperial processes that made Chinese workers available and attractive to white plantation owners.

The vast majority of Chinese who migrated to the Americas and Hawai'i were from the Pearl River delta in China's southern Guangdong Province. A combination of pressures from population size, civil strife, and European incursion motivated families to send male members abroad in the hope of securing better opportunities. China's population tripled from one hundred and fifty million in 1700 to four hundred and fifty million by 1850. This incredible population pressure was acutely felt in Guangdong and the neighboring Fujian province in southern China where living conditions were often made more difficult by a series of calamities ranging from famine, to drought, and natural disasters. Periods of civil unrest, such as the Taiping Rebellion (1850-1864) and Red Turban uprising (1854-1864), and disaffection with the ruling Qing Dynasty (1644-1911) further sparked hopes that migration would help families cope with local difficulties.<sup>2</sup> Migration was not a novel strategy for southern Chinese families by this time. Already for centuries family members formed migration circuits that connected rural towns to urban centers and between southern China and Southeast Asia.

Significant migration outside of China and Asia, however, was directly caused by European imperialism. Europeans desire to trade with Asia eventually led to colonization. Understanding efforts to control Chinese migration are inseparable from this fact. The search for laborers from Asia overlapped with the growing Imperial presence European

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<sup>2</sup> Elliott Young, *Alien Nation: Chinese Migration in the Americas from the Coolie Era through World War II* (UNC Press Books, 2014) 32-33; Erika Lee, *The Making of Asian America: A History* (New York: Simon & Schuster, 2015), 46-47.

empires had formed in India, China, Southeast Asia, and the Philippines. The First Opium War (1839-1842) between the British and Qing Dynasty set global Chinese migration into motion. The British East India Company, fed up with running trade deficits for Chinese tea and manufactured goods, began to import and smuggle opium from India into southern Chinese ports. Qing laws prohibited the importation and sale of the substance. In retaliation to the attempts of Chinese officials to stop the traffic, the British Royal Navy began skirmishes in several southern Chinese ports and forced the Qing to capitulate and sign the Treaty of Nanking. The Qing Dynasty was forced to accept unfavorable trade relations, ceded the territory of Hong Kong to direct British control, and further allowed the British extraterritorial concessions in five additional port cities.<sup>3</sup> Other powers learned from Britain's victory and soon used the threat of their own military might to conclude similar unequal treaties with China. The United States signed the Treaty of Wangxia with China in 1844, which was modeled off of the British treaty. It allowed American merchants to operate in treaty ports on the same footing as their European counterparts, allowed them to buy land in those ports, and agreed that in case of trouble, Americans in China would be tried under U.S and not Chinese law.<sup>4</sup>

The forced opening of Chinese ports to European and American trade was accompanied by greater political influence and the destabilization of the Qing government. While local conditions in south China created plenty of motivation for

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<sup>3</sup> On the Opium War, see Haijian Mao, *The Qing Empire and the Opium War: The Collapse of the Heavenly Dynasty*, Cambridge China Library (Cambridge ; New York: Cambridge University Press, 2016); Stephen R. Platt, *Imperial Twilight: The Opium War and the End of China's Last Golden Age* (New York: Alfred A Knopf, 2018).

<sup>4</sup> John R. Haddad, *America's First Adventure in China: Trade, Treaties, Opium, and Salvation* (Philadelphia: Temple University Press, 2013), 136-159.

migration, the presence of Europeans and Americans created an outlet for those desires in the form of labor contracts. The demise of slavery around much of the world by the middle of the century caused a need for a labor solution that could be considered “free” and yet maintain the functionality of European colonial economies. There was an abundance of surplus labor in southern China and British, Spanish, and other European empires developed a system of labor to replace slavery by having migrants from Asia agree to work in their colonies for a specific number of years for a wage. Originally heralded as a free labor solution to economic problems of production, the contract labor system often reproduced many vestiges of slavery that included high mortality rates in transit and on plantations, severe forms of corporal punishment, and wages so low that workers often had no choice but to sign new contracts in the hope of making enough money to return home and escape exploitation.

Asian workers who agreed to these contracts were commonly called “coolies.” Coolies were generally considered to be Asians forced to labor in the Caribbean or in other European possessions in the Americas. But as historian Moon-Ho Jung explains, “Coolies were never a people or legal category. Rather, coolies were a conglomeration of racial imaginings that emerged worldwide in the era of slave emancipation.”<sup>5</sup> Indeed, while American cultural perceptions of Chinese migrants in the United States by the 1870s virtually identified all Chinese as coolies, the vast majority of Chinese who signed labor contracts arrived at destinations outside the United States. Nevertheless, the

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<sup>5</sup> Moon-Ho Jung, *Coolies and Cane: Race, Labor, and Sugar in the Age of Emancipation* (Baltimore: Johns Hopkins University Press, 2008), 5.

association of Chinese migrants as coolies became synonymous. By the end of the century perhaps as many as three quarters of a million Asians signed labor contracts with Europeans. Most of those migrants were from South Asia and bound for British colonies such as Guiana, Trinidad, and Jamaica. The British contracted about 18,000 Chinese workers for its colonies. Many more Chinese found their way to Cuba, Peru, and Hawai‘i. During the height of the contract labor system between 1847 and 1874, about 150,000 Chinese departed for Cuba, about 100,000 to Peru, and between 1878 until 1898 over 25,000 Chinese under contracts arrived in Hawai‘i.<sup>6</sup> Regardless of their destinations, contract workers experienced grueling conditions within plantation economies replete with coercion and violence.

The contract labor system began in earnest in 1847 when the merchant Pedro de Zulueta docked in Cuba with 206 Chinese from the British treaty port of Amoy. Cuba’s growing sugar and tobacco economy oriented the development of the island towards supplying global markets by the end of the eighteenth century. These activities enriched the Spanish Crown and required a significant number of laborers to maintain and expand production.<sup>7</sup> Zulueta already had notoriety from his trial in London for smuggling slaves several years earlier, and the association of Chinese contract labor with the slave trade and slavery more generally quickly formed.<sup>8</sup> Slavery existed in Cuba into the 1880s,

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<sup>6</sup> Adam McKeown, *Chinese Migrant Networks and Cultural Change: Peru, Chicago, Hawaii, 1900-1936* (Chicago: The University of Chicago Press, 2001) 33; Young, *Alien Nation*, 32-34; Lee, *The Making of Asian America*, 34-35.

<sup>7</sup> Margarita Cervantes-Rodríguez, *International Migration in Cuba: Accumulation, Imperial Designs, and Transnational Social Fields* (University Park, Pa: Penn State University Press, 2010), 48.

<sup>8</sup> Kathleen M. López, *Chinese Cubans: A Transnational History* (Chapel Hill: The University of North Carolina Press, 2013), 21-22.

much later than elsewhere in the Americas. The contract labor system in Cuba existed alongside slavery and took on many of its characteristics. The voyage from China to the Caribbean was often described as similar to the Middle Passage and ships transporting coolies were called “floating coffins.” During the slave trade, about twelve percent of Africans died on the journey across the Atlantic Ocean. This percentage was roughly the same for Chinese who traveled to Latin America between 1847 and 1874 and one out of every eleven ships carrying coolies experienced mutiny.<sup>9</sup> Plantations and firms in Cuba purchased contract laborers on auction blocks for them to serve as field laborers, domestic servants, miners, and as railroad workers. Contracts lasted for a period of eight years for wages around four pesos a month. Employers would provide food and a set of clothes but other necessities and often housing had to be procured by laborers themselves.

Historical narratives typically describe Chinese contract labor in Cuba as instrumental to Cuba’s transition from a slave society to a free society. But this transition was complicated and not always a linear path towards progress. In fact, the importation of slaves to Cuba during the Coolie Era actually increased. The number of slaves brought to Cuba between 1774 and 1865 has been estimated at about 700,000.<sup>10</sup> Furthermore, literature scholar Lisa Yun demonstrates the legal codes governing conduct of slaves and indentured workers were remarkably similar such that “coolie and slave economies were clearly concomitant and coproductive.”<sup>11</sup> Over the twenty-seven-year life of the Chinese

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<sup>9</sup> Young, *Alien Nation*, 28-30.

<sup>10</sup> Cervantes-Rodríguez, *International Migration in Cuba*, 61.

<sup>11</sup> Lisa Yun, *The Coolie Speaks: Chinese Indentured Laborers and African Slaves in Cuba* (Philadelphia: Temple University Press, 2009), 7.

contract system in Cuba, three sets of regulations were issued in 1849, 1854, and 1860 with amendments in 1868 and 1872. The regulations stipulated how Chinese workers could be punished, and that those punishments had to take place away from the view of African slaves. Chinese also had to carry identity documents called *cedula* indicating their legal status, and any Chinese found without these documents or away from their workplace without permission were subject to imprisonment and other penalties.<sup>12</sup> Harsh measures such as corporal punishment and forced recontracting became prohibited over time but no doubt still occurred through the end of the coolie system.

The practice of contracting Chinese laborers took longer to fully form in Hawai‘i but existed with interruptions through the 1890s. The Chinese presence in Hawai‘i began at a relatively early date. Hawai‘i’s geographic location in the Pacific helped to make the islands a waypoint for trade between China and North America. Although few in number, by the 1830s Chinese merchant houses in Honolulu facilitated transpacific trade while white planters recruited Chinese “sugarmen” for their mechanical and managerial expertise to develop the sugar industry.<sup>13</sup> For the first half of the century, Chinese in Hawai‘i were mostly managers, facilitators, and businessmen. The arrival of Chinese agricultural laborers to Hawai‘i evolved in tandem with similar developments around the world. The Hawaiian Board of immigration was established in 1850 to provide for the importation contract laborers under government sponsorship. The first 175 Chinese bound for plantation labor arrived from Fujian in 1852. Despite auspicious beginnings,

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<sup>12</sup> Young, *Alien Nation*, 75.

<sup>13</sup> McKeown, *Chinese Migrant Networks and Cultural Change*, 33.

the use of Chinese labor did not become popular among planters in Hawai‘i for another two decades. Between 1853 and 1875 fewer than 2,400 Chinese agricultural workers arrived in Hawai‘i.<sup>14</sup> Greater reliance on Chinese contract labor developed as the Hawaiian economy became increasingly tied to the United States following the American Civil War.

Although developing at slightly different times, the coolie system in Hawai‘i has received far less scholarly attention than in Cuba.<sup>15</sup> The 1850 Masters and Servants Act codified the contract labor system in the Hawaiian Kingdom. The law stipulated how contract laborers would be governed by providing that any person over the age of twenty could enter into a contract for a period of five years. Laborers could file complaints against their masters in court for ill treatment, but any work time missed would result in doubling the length of the contract for that amount of time absent. Masters could punish workers for not fulfilling their obligations through imprisonment and additional hard labor through the penal system.<sup>16</sup> While passed at a similar time as laws regulating the contract labor system in Cuba, the widespread use of foreign contract labor was slower to develop in Hawai‘i. The place of Hawai‘i within the global sugar market developed more slowly and accounts for this difference, but that changed quickly in response to world events. The Civil War in the United States repositioned Hawai‘i as the main sugar supplier for the U.S. West Coast. The agreement of a planter-oriented reciprocity treaty with the United States in 1875 renewed interest in Chinese contract labor because the

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<sup>14</sup> Ibid.

<sup>15</sup> Takaki, *Pau Hana*.

<sup>16</sup> An Act for the Government of Masters and Servants, Sec. 22-28. Kingdom of Hawai‘i, June 21, 1850.

treaty abolished tariffs on Hawaiian sugar and rice entering the United States, thus making Hawaiian agricultural enterprises much more profitable. As a result, plantation owners in Hawai‘i recruited nearly 3,000 Chinese contract workers each year between 1878 and 1885.<sup>17</sup> In a labor contract from 1870, a laborer agreed to “bind myself to labor on any of the said Islands, at any work that may be assigned me.”<sup>18</sup> Laborers agreed to work six days a week and men received six dollars a month while women received five dollars.

There were a number of similarities between contract labor systems in Cuba and Hawai‘i that point towards the function of the labor system and harsh conditions Chinese laborers experienced. Both systems were regulated by the state, meaning that the prerogatives of employers would always supersede the welfare and rights of the laborers. Employers is perhaps a generous term for referring to those who used contract labor. Contracts in Hawai‘i and Cuba consistently referred to employers as masters or owners. Physical coercion was common. When one white planter in Hawai‘i was asked how his supervisors gave instructions to his laborers, he responded, “By the toe of the foot. They could point and use the boot to the seat of the pants.”<sup>19</sup> In Cuba, laborers explained, “if on the sugar plantations the task assigned is executed at all slowly, the overseers at once inflicted several tens of blows, drawing blood, lacerating the skin, and causing inflamed swellings.”<sup>20</sup> The point of the contract labor system was control. And although some

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<sup>17</sup> McKeown, *Chinese Migrant Networks and Cultural Change*, 33.

<sup>18</sup> Clarence Elmer Glick, *Sojourners and Settlers, Chinese Migrants in Hawaii* (Honolulu: University of Hawaii Press, 1980), 25.

<sup>19</sup> *Ibid*, 28.

<sup>20</sup> Denise Helly, *The Cuba Commission Report: A Hidden History of the Chinese in Cuba. The Original English-Language Text of 1876* (Baltimore: The Johns Hopkins University Press, 1993), 50.

workers found legal recourse to remove domineering overseers, the consequences of those actions could be severe. Chinese laborers in Hawai‘i who raised such offenses were labeled as troublemakers and were themselves subject to imprisonment with hard labor or to deportation. The situation was not better in Cuba. Owners commonly withheld pay and *cedula* papers that signified a laborer had fulfilled their contract.<sup>21</sup>

Chinese laborers did not just accept these conditions, they also resisted their treatment in a number of ways. Some attempted to buy their contracts and therefore their freedom. Many others tried to escape the plantations and find work elsewhere in cities such as Havana or Honolulu. In Cuba, coolies often joined forces with African slaves to either run away or to stage rebellions against their owners. The Chinese government also created efforts to regulate or end the migration of contract laborers. The Cuba Commission was the best known of these actions when an international panel arrived on the island in 1874 to investigate the living conditions of Chinese laborers. The commission recorded the oral and written testimonies of over 2,800 Chinese contract workers in Cuba about their lives and treatment. The commission’s report, which will be discussed in greater detail in the next section, generated such findings that Spain eventually agreed to end the contract labor system in Cuba. While the same continued in Hawai‘i until it was annexed by the United States, occasional migration stoppages were enforced by the Qing government throughout the 1880s.<sup>22</sup>

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<sup>21</sup> Glick, *Sojourners and Settlers*, 31-32; López, *Chinese Cubans*, 36-39.

<sup>22</sup> Young, *Alien Nation*, 83-86; Edward C. Lydon, *The Anti-Chinese Movement in the Hawaiian Kingdom, 1852-1886* (San Francisco: R and E Research Associates, 1975), 67.

Although widespread use of Chinese contract labor was uncommon in the United States, similar connections still brought many Chinese to North America. The discovery of gold in California in 1848 prompted migrants from many places in the world to venture to the American West and Chinese were no exception. By 1880 the U.S. census counted 105,465 Chinese in the country with ninety-nine percent living in the West.<sup>23</sup> They arrived in San Francisco and other west coast ports on the same steamship lines that transported laborers from China to other parts of the world after the Opium War. In the West, Chinese worked as miners and for agriculturalists clearing land and planting crops. Through the 1860s many labored to complete the transcontinental railroad. American expansion westward was an imperial project in its own right. Removing native peoples and establishing viable industries and communications networks was all a part of American settler colonialism in the West.<sup>24</sup> The availability of Chinese labor aided in further completing that project through much of the second half of the century.

The movement of a substantial number of Chinese to the Americas and Hawai'i was shaped by imperial intervention in China and the demand for labor to maintain colonial plantation economies. In the age of emancipation, Chinese contract labor often became a stand-in for slavery even as the two institutions existed for a time side by side. The prospect of working abroad was attractive to many due to the upheavals taking place in southern China. Unfortunately, the contract labor system was hardly benevolent.

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<sup>23</sup> Beth Lew-Williams, *The Chinese Must Go: Violence, Exclusion, and the Making of the Alien in America* (Cambridge, Massachusetts; London, England: Harvard University Press, 2018), 26.

<sup>24</sup> Lew-Williams; Manu Karuka, *Empire's Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad*, American Crossroads (Oakland, California: University of California Press, 2019); Gordon H. Chang, *Ghosts of Gold Mountain: The Epic Story of the Chinese Who Built the Transcontinental Railroad*, Illustrated edition (Boston: Houghton Mifflin Harcourt, 2019).

Conditions were backbreaking and were dictated by profits rather than for the welfare of laborers. but as the next section will show, the insatiable demand for exploitable labor was not the only driving force behind the contract labor systems in Cuba and Hawai‘i. debates about contracting Chinese and about Chinese migration more generally were also contests of sovereignty.

### Debates about Chinese Migration

The prospect of Chinese migration, hiring contract laborers, and the introduction of a new group of people into differing racial hierarchies generated a substantial amount of conversation within Cuba, Hawai‘i, and the United States. Policies and public attitudes shifted between recruiting Chinese migrants to restriction and exclusion. The domestic politics of anti-Chinese movements in the United States and Hawai‘i, as well as Chinese participation in the Cuban Wars of Independence from Spain have been well documented.<sup>25</sup> What has received far less attention are the ways in which debates around the merits of Chinese migration also formed within a concrete international context and represented clashes over foreign relations. The foreign and domestic concerns over Chinese migration were often connected such that questions over whether Chinese migration offered a suitable source of labor, whether as individuals they would make

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<sup>25</sup> Alexander Saxton, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley: University of California Press, 1975); Elmer Sandmeyer, *The Anti-Chinese Movement in California* (Urbana: University of Illinois Press, 1991); Jean Pfaelzer, *Driven Out: The Forgotten War against Chinese Americans* (Berkeley: University of California Press, 2008); Lydon, *The Anti-Chinese Movement in the Hawaiian Kingdom, 1852-1886*; Evelyn Hu-DeHart, “Indispensable Enemy or Convenient Scapegoat? A Critical Examination of Sinophobia in Latin America and the Caribbean, 1870s-1930s,” *Journal of the Chinese Overseas* 5, no. 1 (2009): 55–90; Mauro García Triana and Pedro Eng Herrera, *The Chinese in Cuba, 1847-Now*, trans. Gregor Benton (Lanham Md.: Lexington Books, 2009).

good members of their new societies, or posed a threat to national integrity, played out both domestically and internationally.

The individual contexts within Cuba, the United States, and Hawai‘i were all a bit different but were nonetheless interconnected through the same set of imperial competitions that facilitated Chinese migration across the Pacific in the first place. Access to Chinese labor allowed the Spanish colonial government in Cuba to strengthen institutions of colonial rule but the Spanish empire also had to contend with imperial rivals Great Britain and the United States in order to bring this plan to fruition. The U.S. government focused its actions on attempting to ensure that Chinese migration abroad was “free” and “voluntary” in opposition to Spanish rule in Cuba. American agitation against the contract labor system was therefore both moral and geopolitical, aimed to weaken their rivals within the hemisphere by condemning coolieism in the name of abolition even while U.S. markets continued to benefit from the products of Chinese labor entering the country from Hawai‘i. Hawai‘i perhaps offers the best example of how recruiting then restricting Chinese migration was a direct conflict over sovereignty. White planters demanded Chinese labor in their quest for economic and political power while tying the country more closely to the United States. On the other hand, Chinese migration displaced Native Hawaiians from land and work, and even threatened to weaken Native Hawaiians’ grip on their own government. Conversations about Chinese migration in Hawai‘i were therefore bound up with the fate of Hawai‘i as a sovereign Hawaiian nation as it faced the advance of U.S. imperialism. Both domestic and international concerns shaped how individual governments responded to Chinese migration.

## Cuba and the United States

By the nineteenth century, the Spanish empire in the Americas was an embattled entity. The empire once ranged from Mexico through much of the Caribbean and South America. But after the first few decades of the century, Cuba became the largest of the empire's few remaining possessions. The Haitian revolution and successful Independence movements in Central and South America through the 1820s positioned Cuba as Spain's most important remaining colony in the region. Global struggles over emancipation and contests for imperial supremacy also caused the Spanish Empire to seek new sources of cheap labor for its Caribbean colony. The turn towards Chinese labor was therefore intertwined with Spanish attempts to maintain its colonial foothold within the region. Those attempts were also countered by U.S. policies designed to weaken Spanish rule and achieve ascendancy as the principle power in the hemisphere.

The end of the legal slave trade in the early nineteenth century caused European colonial empires in Latin America began to experiment with different sources of labor where the contracting of Chinese in Cuba is just one example. The British ended the slave trade within its empire in 1807 and worked to find consensus among other European powers to do the same. Spain, under pressure from Britain, agreed to treaties to terminate the slave trade within the Spanish empire in 1817 and 1835, although the illicit slave trade to Cuba continued into the 1860s. The continuation of slavery in Cuba as a legal institution and turn towards Chinese contract labor helped bring Spanish Cuba to prominence alongside regional geopolitical shifts in the Caribbean and Latin America. Cuba grew to become the world's chief producer of sugar. By 1870, Cuba became the

epicenter of global sugar production and the island produce 42% of the world's sugar supply.<sup>26</sup>

Spanish administrators learned from early efforts to transition away from slavery. In one early such experiment, the British ship *Fortune* brought 200 Chinese from Macao to the British colony of Trinidad in 1806.<sup>27</sup> The Spanish would adapt the thinking exhibited in Trinidad to try and maintain the institution of slavery in the absence of the legal slave trade. A letter sent from a British colonial official in Trinidad to the East India Company reveals how Chinese labor could be used to strengthen colonial authority. “No measure would so effectually tend to provide a security” against the danger of slave revolt, the official explained, “as that of introducing a free race of cultivators into our islands, who, from habits and feelings could be kept distinct from the Negroes, and who from interest would be inseparably attached to the European proprietors.” “The Chinese people,” he continued, “unite the qualities which constitute this double recommendation.”<sup>28</sup> British colonial officials desired to utilize Chinese labor as a foil to potentially rebellious African slaves by placing them as a buffer between slaves and the British. This was a political and economic project of “racial triangulation” that sought to firm up white British control in Trinidad.<sup>29</sup> Balancing race ratios was a central motivation

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<sup>26</sup> López, *Chinese Cubans*, 17-18.

<sup>27</sup> *Ibid*, 15-16.

<sup>28</sup> “Secret Memorandum from the British Colonial Office to the Chairman of the Court of Directors of the East India Company,” 1803, quoted in Lisa Lowe, “The Intimacies of Four Continents,” in *Haunted by Empire: Geographies of Intimacies in North American History*, ed. Ann Laura Stoler (Durham, N.C.: Duke University Press, 2006), 191–212: 193.

<sup>29</sup> See Claire Jean Kim, “The Racial Triangulation of Asian Americans,” *Politics & Society* 27 (March 1, 1999), 105 – 138.

for the British plan. Chinese were racially and culturally distinct and were more likely to be “attached” to the interests of their European contractors by receiving a wage.

Chinese contract laborers became the likely source to achieve similar goals in Cuba for several reasons. First, the use of Chinese labor in nearby British colonies and in the Spanish Philippines generated a familiarity in Cuba with Chinese migrants as a workforce. Secondly, Spanish officials shared British fears around race imbalance. The concern around a racial imbalance was so great in Cuba that an imperial commission was formed in Madrid as early as 1796 to strategize how to increase white settlement on the island. A royal ordinance issued October 21, 1817 further set a strategy to whiten the island by enticing migrants from Europe with land and the ability to naturalize as Spanish subjects following a five-year period of residence. Over several decades various experiments brought white migrants from depressed areas of Spain, such as Galicia, from Southern France and Northern Europe, and even from some cities in the United States. Collectively, strategies to increase the white population were called blanqueamiento policies, which means “bleaching out.”<sup>30</sup> Overall, attracting European migrants proved difficult, which only served to increase the interest in bringing Chinese to the island.

Chinese contract labor offered Spain a solution to local and international problems connected to colonial rule and the continuation of slavery in Cuba long after abolition across most of the Americas. Domestically, the presence of a large black population conflicted with Spanish notions of “blood purity” that drove desires to Hispanicize the island. “Since independence movements had succeeded throughout Latin America,

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<sup>30</sup> Cervantes-Rodríguez, *International Migration in Cuba*, 71-73.

support for the introduction of alternative sources of cheap labor in Cuba ultimately corresponded with the metropolis's objective of political control not only through economic means but also through ethnic, linguistic, and cultural hegemony."<sup>31</sup> Chinese laborers fit this purpose because if they desired to get married at any time or remain in Cuba after their contracts they were required to convert to Catholicism. Conversion placed Chinese in greater proximity to ethnic whiteness. Funding to bring Chinese workers to Cuba was initially provided by the island's white colonization fund and because of this, Chinese came to be legally classified as white as well. Their arrival corresponded with the height of the blanqueamiento movement in Cuba and their arrival was viewed in those terms.<sup>32</sup> The importation of Chinese labor therefore fit with plans to Hispanicize the island. Colonial authorities also feared the possibility of slave revolts and hoped the addition of Chinese laborers would mitigate against potential revolts in the same fashion British in Trinidad hoped Chinese labor would become more strongly bound to the interests of the white ruling class.

In an international sense, the incorporation of Chinese labor had the potential to shift the gaze of imperial rivals away from the continuation of slavery in Cuba. Pushing to abolish slavery in Cuba presented a moral justification for rival European powers to invade the island and threaten Spanish control. It was for this reason that policies aimed at white colonization included fortification building projects across the island. Chinese migration offered a buffer against both domestic and international problems by acting as

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<sup>31</sup> Ibid, 73.

<sup>32</sup> The 1841 colonial census in Cuba, just before the introduction of the contract labor system, recorded that persons of color made up 60% of the population. But white racial dominance was restored by 1861, when whites were 56% of the population and this trend held until the end of Spanish rule in 1898. Ibid, 74-80.

a bulwark against rebellion and international threats by at least appearing to lessen the Cuban economy's reliance on slavery.<sup>33</sup>

The United States also had major interests in the Cuban economy and, at first, in the transport of Chinese laborers under contract. Ties between Cuba and the United States grew increasingly close after the United States won independence. As the contract labor regime took off, American financial institutions had acquired major stakes in Cuban plantations, essentially underwriting the Cuban plantations economy. The transport of coolie labor was profitable on its own, but this was doubly true for American investors who also sought wealth from the growth of sugar and tobacco abroad. "Coolie labor was transported, sold, and utilized by American interests in an expanding Empire outside country borders."<sup>34</sup> The American relationship with Cuba in this way was not unique. Planters in Hawai'i also had strong ties to the United States or were themselves American or born in Hawai'i to American parents. The internationalization of American business interests was therefore also tied to the spread of the contract labor system.

The reality of American involvement in the coolie trade was complicated. It was big business, but American officials questioned its legality. U.S. shipping lines competed in the transport of Chinese laborers to the western hemisphere in the 1840s and 1850s. Thirty-four American ships engaged in transporting contract laborers to Cuba alone and accounted for thirteen percent of all contract laborers brought to Cuba.<sup>35</sup> The spread of American economic power globally, fueled by the contract labor system, was matched by

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<sup>33</sup> Ibid, 67.

<sup>34</sup> Yun, *The Coolie Speaks*, 23; also see Franklin W. Knight, *Slave Society in Cuba During the Nineteenth Century*, New Ed edition (Madison: University of Wisconsin Press, 1970).

<sup>35</sup> Yun, *The Coolie Speaks*, 22; López, *Chinese Cubans*, 24.

official attempts to end American involvement in the trade as a means to promote U.S. interests in China. In other words, participating in and condemning coolie labor was a conflict within U.S. international interests. This contradiction was best articulated by two American officials in China in the 1850s, the missionary-diplomat Peter Parker and U.S. minister William Reed. Parker had been instrumental in shaping the first U.S.-China treaty at Wangxia and in his capacity as a U.S. minister was caught between defending U.S. shippers facing legal rebukes from Chinese officials and criticizing the coolie trade as “replete with illegalities, immoralities, and revolting and inhumane atrocities, strongly resembling those of the African slave trade in former years.”<sup>36</sup> William Reed, who succeeded Parker, agreed that American participation in transporting contract workers was against the spirit of existing U.S. law prohibiting the slave trade. Reed’s stance to position the United States as a friend in China rather than an adversary successfully helped him gain concessions from the Chinese government to put the U.S. on equal commercial footing with other imperial powers in China.<sup>37</sup>

Despite Reed’s and Parker’s prescriptions, they had little authority to stem the tide. But mounting pressure from within the United States eventually led to legislation to end American involvement in trafficking contract laborers. The Act to Prohibit the Coolie Trade of 1862 made it a crime for U.S. ships and ship captains to participate in the transport of Chinese contract labor. Knowledge of the contract labor system in Cuba and Hawai‘i helped shape American cultural attitudes that linked coolies with slavery, and

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<sup>36</sup> Jung, *Coolies and Cane*, 23.

<sup>37</sup> Jung, *Coolies and Cane*, 25-26; Foster M. Farley, “William B. Reed: President Buchanan’s Minister to China 1857-1858,” *Pennsylvania History* 37, no. 3 (1970): 269–80.

that link served as the law's moral justification. Politically, condemnation of the contract labor system legitimized American diplomatic missions in Asia by joining the international movement to end the coolie trade. However, this diplomatic position was about more than claiming moral authority, but also about deepening commercial relations with China while checking imperial rivals' access to labor. William Reed supported this position as U.S. minister in China when stating that continued Chinese migration to Cuba would strengthen "the decaying institutions of colonial Spanish America," which ran against long term U.S. interests of expelling Spanish authority from the Caribbean.<sup>38</sup> Diminished Spanish power in the Caribbean would help open the path towards expanded American hegemony over the region. U.S. policy towards the coolie trade conformed to the strategy, which was set out in a secret communication called "the Ostend Manifesto." The Ostend Manifesto set long term U.S. strategy towards Cuba. It was a confidential diplomatic dispatch created between U.S. ministers in Spain, France, and Britain in 1854 that declared any failed American attempts to buy Cuba from Spain should be met with every effort diplomatic or otherwise to "wrestle it from Spain."<sup>39</sup> Additionally, the British empire also took steps to cut off treaty ports in China and the use of British ships to bring laborers to Cuba. American government actions therefore operated with international support and furthered U.S. imperial interests on two fronts, within Asia and the Americas.

The Act to Prohibit the Coolie Trade was an important piece of legislation, even though it was flawed. The law furthered U.S. ambitions abroad but was also influenced

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<sup>38</sup> Jung, *Coolies and Cane*, 19-20, 25.

<sup>39</sup> Cervantes-Rodríguez, *International Migration in Cuba*, 52-53.

domestically by raising anti-Chinese xenophobia that the language of the law reproduced. Chinese migrants in the United States quickly became targets of violence, racial hostility, and discriminatory laws following their initial arrival around the time of the gold rush. American orientalist ideology framed Asia, and therefore Chinese migrants, as an indistinguishable mass that was unmistakably different from and inferior to Anglo Americans.<sup>40</sup> The law reinforced public perceptions of Chinese migrants and coolies as inseparable by failing to define what a coolie was beyond someone who was Chinese. The law only prohibited the transports of Chinese subjects “known as coolies” with little other description.<sup>41</sup> U.S. consuls at Chinese ports were required to ascertain whether those Chinese leaving did so voluntarily as the mechanism to enforce the legislation. Verbal comment from migrants was all that was required to pass muster and thus practical enforcement of the law was difficult.<sup>42</sup> Furthermore, by failing to more thoroughly separate Chinese migrants from coolies, the law reified the association between the two and that racial stereotype became the bedrock of future U.S. legislation to restrict and eventually exclude Chinese migrants from the United States and beyond.

U.S. attempts to cut off Chinese contract labor migration to Cuba culminated with the Cuban Commission to investigate worker conditions in 1874. The commission was a major intervention and marked a turning point in the willingness of the Qing to act to protect subjects abroad. Overall, the Qing dynasty had a difficult time regulating the trade in contract laborers from the beginning. What is more, the authority foreign powers

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<sup>40</sup> Lee, *The Making of Asian America*, 25; Lew-Williams, *The Chinese Must Go*.

<sup>41</sup> Act to Prohibit the Coolie Trade of 1862, Section 1.

<sup>42</sup> Jung, *Coolies and Cane*, 37.

enjoyed in China's port cities limited the effectiveness of local Qing officials to address abuses. Riots in Fujian and Guangdong in the 1850s helped mobilize Chinese officials to take a stronger stance in protecting the rights of Chinese who were abused, kidnapped, or tricked into signing contracts.<sup>43</sup> The commission was led by Chen Lanbin, who was acting in the United States as a special commissioner of education building the relationship between U.S. schools and young Chinese students hoping to study abroad and then apply their American education towards Chinese modernization projects. Chen was also accompanied by French and British officials in what was an international effort. In Cuba, 2,841 laborers gave oral and written testimonies about their experiences and working conditions. Of those interviewed, only ninety claimed to have emigrated freely and only a couple stated they were treated humanely or freely signed a second work contract. As a result of the commission's report, the Chinese emperor decreed an end to the coolie trade and secured Spain's agreement in 1877. The report also resulted in twelve Chinese consular offices being established across the Americas with four of those consulates in Cuba.<sup>44</sup>

While the end of the coolie trade was a humanitarian victory, it was also a site of imperial conflict for the control of access to Chinese labor. Both the United States and Britain pressured the Spanish (and Portuguese) to end the trade while both continued to recruit laborers from Britain's Chinese territories. Importantly, the American condemnation of contract labor at home and abroad did not shut the United States off from reaping the benefits of Chinese labor either. The absence of a wide-scale state-

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<sup>43</sup> López, *Chinese Cubans*, 45-47.

<sup>44</sup> *Ibid.*

sanctioned contract labor system in the United States such as existed in Cuba should not hide the reality either through debts for transportation or other assistance, Chinese laborers in the United States often had to work off obligations to other migrants or American employers. Booms in California agriculture, the building of the transcontinental railroad, and even the survival of the Southern sugar industry all depended to a varying degree on Chinese labor. The continuation of the contract in Hawai‘i, especially because it entered its boom after the demise of the contract system in Cuba, demonstrates that “outlawing coolies” in one imperial theater was matched with its growth in another.

#### Hawai‘i and the United States

The rise of Chinese contract labor in Hawai‘i corresponded closely with the end of coolie importation in Cuba. While the Cuba Commission represented an imperial victory for the U.S. and British over their Spanish rivals, the growing economic relationship between the U.S. and Hawai‘i meant that U.S. markets could continue to benefit from the toil of Chinese contract labor elsewhere. The deepening of U.S. – Hawai‘i economic ties effected turns towards and away from Chinese as a source of labor in Hawai‘i. As the two countries’ economies became more entangled, so too did their political futures. Chinese migration became a battle ground where Native Hawaiians and white planter oligarchs clashed over Hawai‘i’s future. Because Hawaiian governments controlled immigration programs, those being the Kingdom of Hawai‘i (1810-1893) and the white planter controlled Republic of Hawai‘i (1893-1898), the contests over Chinese

migration also became contests for the control of government.<sup>45</sup> In those battles and debates, the specter of U.S. empire was always present. Hawaiian society and governments reacted to developments in the United States around Chinese migration to chart conflicting paths between the maintenance of Kānaka sovereignty, white elite takeover, and annexation by the United States. The planters and annexationists won out, forcibly overthrowing the monarchy with the aid of U.S. marines.

Contact with and adaptation to the world outside the Hawaiian Archipelago has been an important feature of Native Hawaiian society and politics. The Kingdom of Hawai‘i was established in 1810 under the rule of Kamehameha I, who was able to fully consolidate his rule by unifying all of the Hawaiian Islands under a single monarchical system. Hawai‘i’s location in the middle of the Pacific Ocean might suggest that Kānaka Maoli were a relatively isolated people prior to European contact in 1778, but this was not exactly the case. Several centuries before Hawaiians maintained skills in sailing and were connected to many islands in the Pacific, some as far as two thousand miles away.<sup>46</sup> The arrival of the English captain James Cook shifted the gaze of European and American empires towards the Hawaiian Islands. To Western empires, controlling Hawai‘i meant controlling the Pacific Ocean, holding a gateway to Asia, and offered new lands for colonization. But the arrival of new foreigners also provided Kānaka Maoli an opportunity to expand their world as well.

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<sup>45</sup> Lydon, *The Anti-Chinese Movement in the Hawaiian Kingdom, 1852-1886*, 8-9.

<sup>46</sup> David A. Chang, *The World and All the Things upon It: Native Hawaiian Geographies of Exploration* (Minneapolis: Univ Of Minnesota Press, 2016), 4-5.

Contact with the West was followed by the arrival of traders, missionaries, and navies but the kingdom was a strong political entity and could not be colonized in an outright fashion. Native Hawaiian accommodation to Euro-American cultural forms such as dress or systems of law and diplomacy reflects not only growing western influence in Hawai‘i by the middle of the nineteenth century but also purposeful adaptation on the part of Kānaka Maoli to preserve their sovereignty in ways foreigners would understand and respect.<sup>47</sup> Colonialism in Hawai‘i was therefore a slow process that worked “not through the naked seizure of lands and governments but through a slow, insinuating invasion of people, ideas, and institutions.”<sup>48</sup> By 1820 there were only 175 foreigners in the kingdom. This number gradually grew alongside Hawai‘i’s importance as a transshipment station across the Pacific. White foreigners, mostly American and British, began to occupy positions in government and as advisors to the king and were able to influence policy to a much greater degree than in proportion to their numbers.<sup>49</sup> Their presence in government was not necessarily malicious at first. Rather, their knowledge of western systems of law and diplomacy helped the Hawaiian kingdom present itself to the world as a country that was both sovereign and modern.

Circumstances started to shift by the 1850s around landownership and contract labor that directly led to the arrival of Chinese agricultural workers. The Kanaka population had become greatly reduced as a result of Euro-American contact, prompting

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<sup>47</sup> Noenoe K. Silva, *Aloha Betrayed: Native Hawaiian Resistance to American Colonialism* (Duke University Press Books, 2004), 15-16.

<sup>48</sup> Jonathan K. K. Osorio, *Dismembering Lahui: A History of the Hawaiian Nation to 1887* (Honolulu: University of Hawaii Press, 2002), 3.

<sup>49</sup> Lydon, *The Anti-Chinese Movement in the Hawaiian Kingdom, 1852-1886*, 2.

King Kamehameha III to declare that the nation's prosperity demanded "a greatly increased cultivation of the soil which will not be possible without the aid of foreign capital and labor."<sup>50</sup> Foreign advisors persuaded the king that the inability of foreigners to own land would make it difficult to attract the necessary investors and laborers needed to bolster the economy. The Great Mahele (1846 to 1855), or land division, drastically changed land tenure in Hawai'i by introducing the concept of private property. The transition to private property was "a foreign solution to managing lands increasingly emptied of people." One of the government's intention in allowing individuals to holding land as private property was to tie Kanaka more tightly to the land as a method to preserve the Native Hawaiian population, and therefore national sovereignty. But new laws also resulted in the ability of foreigners to buy and hold land, which they did in increasing volume. By 1896 foreigners owned half of all taxable land.<sup>51</sup>

Changes in land tenure were accompanied by the introduction of the contract labor system. In June 1850, the Masters and Servants Act was enacted, providing the legal basis for the contract labor system. The law allowed persons twenty or older to bind themselves to service for a term of five years with a written contract. The law also set terms of punishment should a works fail to appear for fulfill their contract, including hard labor, imprisonment, and additional work up to double the time absent. The law's origin was likely in similar laws that existed around the same time in New England and New York. The connection to American legal precedents is not surprising because many of the

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<sup>50</sup> Ibid, 4.

<sup>51</sup> Osorio, *Dismembering Lahui*, 49; Lydon, *The Anti-Chinese Movement in the Hawaiian Kingdom, 1852-1886*, 6; Silva, *Aloha Betrayed*, 39-43.

Americans in Hawai‘i were from the U.S. East Coast.<sup>52</sup> The arrival of Chinese laborers soon followed.

The combination of land reform and the contract labor system had dramatic effects. Additionally, the Civil War in the United States accelerated Kanaka land dispossession and access to the labor market while tying the country more closely with the United States. King Kamehameha IV explained a Hawaiian perspective on Chinese labor before the legislature in 1855, lamenting, “It is to be regretted that the Chinese coolie immigrants, to whom has been given a trial of sufficient length for testing their fitness to supply our want of labor and population, have not realized the hopes of those who incur the expense of their introduction.”<sup>53</sup> The king believed initial experiments with Chinese labor to be troublesome, and indeed planters did not profit as much as they hoped. But the king also foreshadowed that the greatest expense for the importation of Chinese labor would ultimately be paid by Kānaka Maoli, the Native Hawaiian people, who would be driven from the plantation economy by planters’ reliance on foreign workers. Furthermore, the king doubted that Chinese would aid in rejuvenating the Native Hawaiian population.<sup>54</sup> The labor of Chinese workers thus helped provide white planters in Hawai‘i with economic power and political influence but at the expense of Native Hawaiians. The American Civil War also repositioned the plantation economy in Hawai‘i as a major provider of sugar, rice, and other food stuffs for the U.S. West Coast,

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<sup>52</sup> Kingdom of Hawai‘i 1850 For the Government of Masters and Servants, Secs. 22-29; Sally Engle Merry, *Colonizing Hawai‘i* (Princeton, N.J.: Princeton University Press, 1999), 97-98; Christopher D. Hu, “Transplanting Servitude: The Strange History of Hawai‘i’s U.S.-Inspired Contract Labor Law,” *Stanford Journal of International Law* 49, no. 1 (2013): 274–92.

<sup>53</sup> Lydon, *The Anti-Chinese Movement in the Hawaiian Kingdom, 1852-1886*, 24.

<sup>54</sup> *Ibid.*, 24-25.

further accelerating the expansion of plantations and interdependence with the U.S. economy.<sup>55</sup> Thus, American markets continued to reap the benefits of consuming products grown by Chinese contract laborers without being directly involved in the system itself. In this way, U.S. interests benefited from the entrenchment of the contract labor system in Hawai‘i while the U.S. government simultaneously sought to end the system in Cuba.

When David Kalākaua ascended to the Hawaiian throne in 1874, he inherited the difficult task of balancing economic growth, which brought Hawai‘i closer within the U.S. sphere of influence in the Pacific, with asserting the sovereignty of Hawai‘i as an equal and respected nation within global geopolitics, which included rebuilding the Native Hawaiian population. Kalākaua understood the nexus of the two issues facing the kingdom as a labor-population problem. Continued Chinese migration fit within the larger context of this balancing act because white planters continued to favor Chinese workers as a cost effective labor source but the predominantly male character of Chinese labor migrations did not fit well with the king’s desire to connect Hawai‘i with “cognate” peoples that would help permanently grow the Native Hawaiian population<sup>56</sup> The king thus considered migration and diplomacy to be interconnected issues. But this situation was complicated further when Hawai‘i and the United States agreed to a treaty of reciprocity in 1875, which was an agreement Kalākaua’s administration had also largely inherited. The free trade agreement allowed Hawaiian agricultural products, particularly

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<sup>55</sup> Jung, *Coolies and Cane*, 63.

<sup>56</sup> Ralph S. Kuykendall, *The Hawaiian Kingdom 1874 - 1893: The Kalakaua Dynasty* (Honolulu: University of Hawaii Press, 1967); Kealani Cook, “Kalakaua’s Polynesian Confederacy: Teaching World History in Hawai‘i and Hawai‘i in World History” (World History Connected October, 2011).

sugar and rice, to be imported to the United States duty free. White planters relied on Chinese workers to produce these crops and the economic advantages rendered by the reciprocity agreement only further entrenched that reliance. Kalākaua was not anti-Chinese, but he did hope to find mutual solutions to plantation labor demands and his goal of strengthening the Native Hawaiian population. To that end, his government proposed turning towards workers from Japan as a group more closely related to Native Hawaiians than the Chinese and also embarked on creating a pan-Polynesian confederacy with Tonga and Sāmoa that would deepen Hawai‘i’s connection to kindred peoples and cultures. The goal in creating the confederacy was twofold. Greater cooperation within the Pacific augmented the international standing of independent Polynesian states and also formed a united anticolonial front against American and European encroachment on the sovereignty of the individual states in a way that was legible on the international stage.<sup>57</sup>

Kalākaua’s strategy to balance the labor demands of the expanding economy with the promotion of Hawaiian sovereignty abroad was in part a reaction to the deeper consequences the reciprocity agreement with the United States had on the continued integrity of Hawaiian territory. The reciprocity treaty also prohibited the Kingdom from leasing land to any other nation except the United States. This agreement laid the foundations for the future growth of U.S. empire in Hawai‘i. It was through this provision that the U.S. was granted the use of Pearl Harbor in 1887 as a coaling and repair station.<sup>58</sup>

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<sup>57</sup> Cook, “Kalakaua’s Polynesian Confederacy: Teaching World History in Hawai‘i and Hawai‘i in World History.”

<sup>58</sup> Silva, *Aloha Betrayed*, 89.

The potential lease of Pearl Harbor had been an objective of the U.S. government from the early 1870s but the idea of a foreign power controlling a portion of Hawaiian territory and maintaining its own jurisdiction within the nation's borders had been strongly rejected by the king and Hawaiian nationalists.<sup>59</sup> The lease was only achieved in 1887 because a group of white American elites forced a new constitution on the king that greatly reduced the power of the monarchy. But even with the signing of the original treaty in 1875, the United States became the dominate foreign power in the Islands. Bit by bit Americans bought more land, expanded the contract labor system, and filled key positions within the Hawaiian Kingdom government.

The reciprocity treaty generated significant social and political backlash within Hawai'i that in part found expression in an anti-Chinese movement during the 1870s and 1880s that became a battle ground for Hawai'i's political future. The heaviest years of Chinese labor migration followed directly after the treaty went into effect. The anti-Chinese movement in Hawai'i was loosely organized and was made up of mostly middling whites – people who were managers, attorneys, and mechanics who feared labor competition with Chinese after the completion of their contracts – not the planter elites. Two important figures in Hawaii's anti-Chinese movement Henry Whitney, the son of missionaries and editor of the *Pacific Commercial Advertiser* newspaper, which was published for a mostly white audience, and Mormon missionary Walter Murray Gibson who succeeded Whitney as both editor of the *Advertiser* and leader of the anti-Chinese movement in the 1880s. At times, the movement to restrict Chinese migration also

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<sup>59</sup> Ralph S. Kuykendall, *The Hawaiian Kingdom 1874 - 1893*, 386-397.

enjoyed support from some Native Hawaiians. For example, at several meetings at the Kaumakapili Church in Honolulu between October 15 and 19, 1869, Native Hawaiians adopted several resolutions describing Chinese workers as “unsuitable persons” to improve Hawaiian society and that instead, the governments should attract people “of a cognate race with ourselves, as laborers, and to increase the population of our group.”<sup>60</sup> The fears expressed at these meetings echoed King Kamehameha IV’s statement about who incurred the expense of continued Chinese migration and foreshadowed King Kalākaua’s attempts to tie Hawai‘i more closely to Polynesian peoples in resistance to U.S. imperialism. At least for a few Native Hawaiians, Chinese migration offered no benefit to attempts to rebuild the Native Hawaiian population or preserve national sovereignty.

The anti-Chinese movement in Hawai‘i was also influenced by the anti-Chinese movement occurring in the United States. Both movements portrayed the Chinese as racially unassimilable, diseased, and as cheap degraded labor.<sup>61</sup> Anti-Chinese proponents in Hawai‘i came to view continued migration as an effect of closer ties with the United States. Around 8,000 Chinese laborers relocated to Hawai‘i from California between 1875 and 1884 , prompting the *Advertiser* to report “ the cry in California is, ‘The Chinese must go;’ with us it is ‘The Chinese are coming.’”<sup>62</sup> The anti-Chinese rhetoric that crossed the Pacific from the United States melded well with these local concerns, but

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<sup>60</sup> Lydon, *The Anti-Chinese Movement in the Hawaiian Kingdom, 1852-1886*, 38.

<sup>61</sup> Lee, *The Making of Asian America*, 101; Lydon, *The Anti-Chinese Movement in the Hawaiian Kingdom, 1852-1886*, 40.

<sup>62</sup> *Commercial Pacific Advertiser*, January 4, 1879; Lydon, *The Anti-Chinese Movement in the Hawaiian Kingdom, 1852-1886*, 60-61.

with a twist. While racial stereotypes of Chinese in the United States cast them as immoral, uncivilized, and as cheap labor to argue for their removal for the benefit of the American working class, these depictions in Hawai'i were used to reaffirm the natural order of a racially segregated economy. Haoles (white foreigners) desired for Chinese to remain as plantation laborers because their own influence as a group depended upon the success of the plantation economy.<sup>63</sup>

A series of restrictive laws were passed in the mid-1880s when anti-Chinese zealot Walter Murry Gibson gained immense power with the kingdom government. Gibson was first able to secure a position in the legislative assembly in 1878 on the back of his anti-Chinese rhetoric. He was then able to purchase the *Pacific Commercial Advertiser* in 1880 to further solidify his political position. He secured both the Premiership and held office as Minister of Foreign Affairs in 1882. In summer 1883, Gibson used his political clout to authorize the Minister of Foreign Affairs, being himself, to control and regulate the entire labor recruitment and migration process.<sup>64</sup> He enacted a series of regulations to restrict Chinese migration between 1883 and 1886. These included developing a passport system for Chinese, allowing only those given express permission to enter the country the ability to do so. The number of Chinese laborers arriving to Hawai'i was limited to twenty-five per steamship. In a concession to planters, Gibson authorized himself to admit more Chinese workers if in case of labor shortages.<sup>65</sup> Planters were further placated by Gibson's promises to locate new sources of

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<sup>63</sup> McKeown, *Chinese Migrant Networks and Cultural Change*, 228-230.

<sup>64</sup> Lydon, *The Anti-Chinese Movement in the Hawaiian Kingdom, 1852-1886*, 68-69.

<sup>65</sup> Ralph S. Kuykendall, *The Hawaiian Kingdom 1874 - 1893: The Kalakaua Dynasty* (Honolulu: University of Hawaii Press, 1967), 150-152.

contract laborers. Doing so took some time but by the middle of the decade Japanese contract laborers began to replace their Chinese counterparts.

The planters were willing to acquiesce to Gibson's restrictions of Chinese migration for a time, if only because international developments in China and the United States momentarily weakened their own political position. When Gibson came to power, the Chinese government temporarily prohibited immigration to Hawai'i as an extension of previous policies towards curbing the abuse of Chinese abroad, particularly by putting an end to contract labor migrations to Cuba and Peru. During much of this time Hawai'i's source of Chinese labor was restricted to California and British Hong Kong. The United States also began restricting Chinese migration in 1882, which forced planters to reevaluate their reliance on Chinese labor in relation to their economic dependence on U.S. markets. Planters were afraid that increasing Chinese migration, motivated by Hawai'i's developing economic relationship with the U.S., could backfire if the Chinese presence caused Congress to abandon reciprocity in light of U.S. restrictions on Chinese migration. Indeed, this line of thinking was expressed by U.S. officials in several instances. Secretary of State James G. Blaine commented that Hawai'i "cannot be joined to the Asiatic system" through migration. In 1882, the President even sent a message to the King expressing concern about the growing Chinese population, a sentiment reinforced by the U.S. Minister in Hawai'i James Comly, who stated the U.S. government "objected to seeing large numbers of Chinese introduced here."<sup>66</sup>

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<sup>66</sup> Lydon, *The Anti-Chinese Movement in the Hawaiian Kingdom, 1852-1886*, 60-61.

The U.S. government strengthened its stance on Chinese migration following the Act to Prohibit the Coolie Trade in 1862. The act did not ban contract labor in the United States, it only attempted to punish Americans who engaged in the traffic. But that changed in the Page Act of 1875, which explicitly excluded Asian migrants who had agreed to labor contracts and Asian women suspected of prostitution. The law was enforced by American consuls in China with the help of their British counterparts.<sup>67</sup> The Page Act was a transitional piece of legislation in U.S. immigration law because in addition to reiterating the ban on American trafficking of contract laborers, it also established a system for approving individual migrants selectively on a scale of desirability. The first law of what would collectively be called the Chinese Exclusion Acts, to restrict Chinese immigration outright, was passed in 1882. The restriction act ended Chinese labor migration to the United States for a period of ten years, prohibited Chinese naturalization to citizenship, and is largely credited with leading to the development of the concept of illegal immigration in the American legal code.<sup>68</sup>

The circumstance leading towards restriction in the United States were complex and their developments were followed closely in Hawai'i, which turned towards Japanese labor. U.S. politicians wanted to appease Western constituents who fomented the U.S. anti-Chinese movement and were also able to ride anti-Chinese xenophobia for their own political gains. Internationally, banning Chinese laborers only temporarily allowed the U.S. to preserve its position in China as a most favored nation while asserting its

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<sup>67</sup> Lew-Williams, *The Chinese Must Go*, 44-45.

<sup>68</sup> *Ibid*, 51-88.

sovereign right to control immigration through its borders.<sup>69</sup> Planters in Hawai‘i reacted to these developments by reaching agreements with the Japanese Empire to supply new laborers. With the help of Walter Murry Gibson, a collection of planters wrote the Japanese envoy in Honolulu that, “the situation of this country in its need of laborers for sugar plantations was mentioned,” by Gibson, “together with the objections which are felt by the United States government to further introduction on a large scale of Chinese laborers here.” Planters desired to maintain good relations with the U.S. while still obtaining the labor they needed. “The political future of the Hawaiian Islands” depended on that labor, they wrote, and “the introduction of Japanese immigration to this Kingdom would undoubtedly be regarded by the Great Powers as a very desirable political event.”<sup>70</sup> Over 28,000 Japanese laborers entered Hawai‘i between 1885 and 1894, sating labor demands and allowing for the continued restriction of Chinese migration.<sup>71</sup>

The detente between planters and the Gibson government did not last very long. Although, the precedent Gibson set of restricting Chinese migration continued to exist in some form up until Hawai‘i was annexed by the United States in 1898. After elections in January of 1887 reaffirmed Gibson’s leadership in the government, a collection of haole businessmen, attorneys, and sugar planters secretly formed the Hawaiian League with the goal to form a “good” representative government for themselves. Key leaders in the movement were Sanford Dole and William Castle, the sons of missionaries and

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<sup>69</sup> Gyory, *Closing the Gate*; Lee, *At America’s Gates*; Lew-Williams, *The Chinese Must Go*, 2018.

<sup>70</sup> “Planters’ Labor and Supply Company to the Japanese Envoy,” April 8, 1882. Records of the Foreign Office and Executive, Chronological Files, Box 29, Local Officials: Immigration Matters and Board of, March-August. Hawaiian State Archives.

<sup>71</sup> Kuykendall, *The Hawaiian Kingdom 1874 - 1893*, 172; Lydon, *The Anti-Chinese Movement in the Hawaiian Kingdom, 1852-1886*, 73.

prominent sugar families who wanted to preserve the interests of the planter class, and legislators Lorrin Thurston and William Kenney, who wanted to end the monarchy and achieve American annexation.<sup>72</sup> In June, these ringleaders organized an armed militia and seized King David Kalākaua, forcing him to sign a new constitution they had written or to be disposed. The Bayonet Constitution, as it is called, forced the monarchy to relinquish executive authority by further empowering the cabinet positions which these men demanded to hold. Gibson was dismissed from his offices, which included his position of control in dictating immigration policy, and he was then exiled to San Francisco. The new government renewed the reciprocity treaty with the United States and approved the lease of Pearl Harbor. Furthermore, suffrage became restricted to only Native Hawaiians and whites having either three thousand dollars in property or an annual income in excess of six hundred dollars. Foreigners also no longer had to naturalize in order to vote. Each of these provisions enlarged haole political power and oriented the Islands ever closer towards the United States.<sup>73</sup>

The Bayonet Constitution marked the beginning of the demise for the Hawaiian monarchy. Contests over Chinese migration played a significant role in this turn of events because it was the labor of Chinese workers that enriched the white planter elite and provided the basis for their economic and political power in the kingdom. Land reform, the legalization of contract labor, and the Treaty of Reciprocity aided the transition of power from Hawaiian to American hands that eventually led to the Bayonet Constitution. More Americans purchased land under the favorable economic conditions and maturity

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<sup>72</sup> Osorio, *Dismembering Lahui*, 235-236.

<sup>73</sup> Silva, *Aloha Betrayed*, 126; Osorio, *Dismembering Lahui*, 243.

of missionary children fueled desire within Hawai‘i to further colonize the islands from the inside. Each of these developments was important, because the whites who sought to wrestle power from Hawaiians were never a large enough group to achieve that goal democratically. Each development over the decades allowed them to gradually gain power outside of democratic means.

Yet Hawaiians and Chinese in Hawai‘i did not just accept the forced reduction of royal authority. In July of 1889, Robert Wilcox organized a rebellion to rescind the Bayonet Constitution and restore the power of the Monarchy. Wilcox was a half-Hawaiian politician and military officer of chiefly ancestry who was trained in Italy as part of one of Kalākaua’s plans to educate young Hawaiians abroad to deepen Hawaiian connections overseas and to gain specific expertise.<sup>74</sup> Once Wilcox had returned to Honolulu in early 1889, he organized several meetings and formed a plan to seize the Iolani Palace and ask the king to sign a new constitution that would again empower the monarchy. Several Chinese attended Wilcox’s meeting and it is believed they were the main financiers of the rebellion.<sup>75</sup> But the perpetrators of the Bayonet Constitution were also aware of Wilcox’s plan and with the help of nearby U.S. marines were able to surround the eighty-men strong force after they entered the palace grounds, forcing them to surrender. Although Wilcox failed to restore the monarchy, an all Native Hawaiian jury at his trial for treason and conspiracy also found him innocent of all charges.<sup>76</sup> He

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<sup>74</sup> Silva, *Aloha Betrayed*, 127-128.

<sup>75</sup> Kuykendall, *The Hawaiian Kingdom 1874 - 1893*, 425.

<sup>76</sup> Silva, *Aloha Betrayed*, 127-128; Kuykendall, *The Hawaiian Kingdom 1874 - 1893*, 429.

was guilty before the law but his acquittal suggests that Hawaiians, and perhaps the king, were sympathetic to his aim of protecting Hawaiian sovereignty.

### Annexation and the Spanish-American War

The end of the coolie trade to Cuba in 1877 and the Bayonet Constitution in Hawai‘i marked turning points in Cuban and Hawaiian political futures but these moments did not yet mark the fulfillment of American imperial ambitions nor end the importance of Chinese migration in each location. Through the 1890s Chinese in Cuba participated in the wars of independence from Spain, which ended with the U.S. invasion of the island and Cuba’s designation as an American protectorate. In Hawai‘i, the same group of men who forced the Bayonet Constitution on the king commanded power in the government for several years until they deposed the monarchy entirely and formed a republic. This new and illegitimate government sought annexation from the United States and approached Chinese migration from dual perspectives of preserving sugar plantations’ access to labor while bringing immigration laws into closer proximity to those in the United States.

In Cuba, the Spanish attempt to use Chinese laborers as a racial buffer between whites and blacks failed miserably. Global efforts to end the African slave trade combined with Spanish desires to acquire manual laborers and balance color in a majority black Cuba conspired together to facilitate Chinese migration.<sup>77</sup> Yet the harsh conditions

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<sup>77</sup> Duvon Clough Corbitt, *A Study of the Chinese in Cuba, 1847-1947*. (Wilmore, Ky: Asbury College, 1971), 1-4.

Chinese faced once in Cuba did not endear them to the colonial Spanish administration. In a series of three armed conflicts between 1868 and 1898, Chinese in Cuba joined the independence struggle alongside free and enslaved black and Cuban nationalists. Perhaps as many as 5,000 contract workers and free Chinese joined anti-colonial forces during the Ten Years War, the first Cuban war for independence. Their activity within the rebel faction was significant enough for the Spanish Crown to issue a decree temporarily suspending Chinese migration on April 27, 1871. Colonial administrators' original intention for utilizing Chinese contract labor presented a calculus between balancing imperial struggles around the continuation of slavery and domestic struggles for maintaining colonial authority. The decree from the Spanish crown acknowledged both goals were a failure, depicting Chinese as a source of disorder and obstacle to colonial control rather than as a help. The Spanish military eventually prevailed in the Ten Years War. Despite the duration of the conflict, the uprising did not move far beyond the eastern region of the island and thus the rebellion had a difficult time disrupting the heart of Spanish economic power without reaching a major sugar plantations in the center of the island. The conflict did however significantly weaken the institution of slavery in Cuba. Article 3 of the peace treaty between Spanish and rebel forces, The Pact of Zanjón, did grant freedom to insurgent slaves and indentured laborers who appeared on rebel army lists.<sup>78</sup> A wave of emancipation followed, showing that personal and national freedom could be possible through armed struggle.

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<sup>78</sup> López, *Chinese Cubans*, 119-121.

The figure of the Chinese freedom fighter in Cuba often served as a source of praise within the independence movement. Chinese were characterized as fierce in battle and their presence affirmed a multiracial coalition that fought for independence. But alongside emancipated slaves, Chinese also held subordinate positions that signaled that their inclusion was welcome as long as it did not come at the political expense of white Cuban revolutionaries. In addition to fighting in pitched battles and in gorilla maneuvers, many Chinese also provided rebel support as ditch-diggers, cooks, and performed other laboring tasks. Even many who did not participate directly in the struggle for independence at times also refused to cooperate with Spanish authorities by denying knowledge of the whereabouts of rebel groups or disposing of other information they had.<sup>79</sup> “The Chinese were great patriots; there is not one case of a Chinese traitor,” the father of Cuban independence José Martí wrote about Chinese participation in the struggle. “Even if they catch a Chinese, there is no danger: ‘I don’t know,’ no one can get him to say more than ‘I don’t know.’”<sup>80</sup> Martí’s praise was significant, but also came with a caveat. The patriotism and loyalty of Chinese rebels marked them for inclusion under the supervision of whites, as Martí argued, revolutionary leaders should admire them and “become a father to these Chinese.” Paternalism aside, some Chinese freedom fighters joined the struggle not as Chinese foreigners but as Cubans. After independence from Spain was secured, past military service was a way Chinese could gain citizenship in the new country. Manuel Yung Sao was one such individual. A veteran of both the Ten Years War and the 1895 revolution, Manuel Yung Sao claimed, “As a Cuban and a man,

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<sup>79</sup> Ibid, 119-123.

<sup>80</sup> Ibid, 125.

I joined the revolutionary movement in 1895 and returned to my shop in '98 with the stripes of a sergeant major and the respect due to an officer.”<sup>81</sup> With more than ten years of military service, Sao not only claimed inclusion as a citizen but also qualified to run for president when the Republic of Cuba was established in 1902.

The final struggle for independence was watched closely from the United States by exiled Cuban leaders like Jose Marti, in addition to the American press and politicians who viewed the independence war as an opportunity to end Spanish power in the Caribbean. The road towards U.S. involvement in the independence struggle in the form of the Spanish-American War of 1898 followed paths both within the United States and the Spanish Empire. The ever-expanding United States long had eyes for Cuba while the wave of Central and South American colonial independence movements in the early 1800s threatened to completely undo several centuries of Spanish domination in the Americas. In fact, the U.S. first tried to purchase of the island from Spain in 1808 and attempted six more time to buy the island until 1898. Each failed attempted echoed the policy set forth in the Ostend Manifesto, that at the very least the U.S. prevent the sale of Cuba to any other European power and eventually secure the direct session of Cuba from Spain.<sup>82</sup> This line of thinking came to embody the Monroe Doctrine which declared the western hemisphere as the United States’ sphere of influence. In February of 1898

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<sup>81</sup> García Triana and Eng Herrera, *The Chinese in Cuba, 1847-Now*, 24.

<sup>82</sup> Frank R. Villafana, *Expansionism: Its Effects on Cuba’s Independence* (New Brunswick, N.J: Transaction Publishers, 2011), 8-9.

President McKinley made a seventh and final attempt to buy the island for \$300 million dollars.<sup>83</sup>

The ideas that created the no transfer policy and Monroe Doctrine came to fruition on April 25, 1898 when the U.S. declared war on Spain in retaliation for an explosion that sunk the *Maine* in Havana's harbor. Cuba was already in the midst of war since 1895 and President McKinley sent the battleship *Maine* to Havana to protect American citizens and business interests in Cuban coffee and sugar plantations. Spanish guilt in the *Maine* explosion was never proven but was nonetheless used as a justification for Congress's declaration of war against the Spanish Empire.<sup>84</sup> The war was justified as retribution for the *Maine* and further sold to the American public on moral grounds as a liberation effort. Just as outlawing coolies portrayed the Spanish Empire as morally corrupt, war rhetoric positioned American intervention as a force for Cuban freedom. However, it is also clear that U.S. political leaders never really entertained the idea of a fully independent Cuba outside of American influence. As historian Kirstin Hoganson explains, "Although the United States entered the war proclaiming its intentions to liberate Cuba, the U.S. military virtually ignored the Cuban forces" and denied Cuban patriots a seat at the negotiating table.<sup>85</sup>

A combination of U.S. soldiers and Cuba freedom fighters claimed victory in just four months. The thirty-year struggle for independence in Cuba thus ended with an

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<sup>83</sup> Ibid, 14-17, 205.

<sup>84</sup> Kristin Hoganson, *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars* (New Haven: Yale University Press, 2000), 5; Villafana, *Expansionism*, 131.

<sup>85</sup> Hoganson, *Fighting for American Manhood*, 7.

American military occupation that lasted for three more years. Although an interracial alliance helped topple Spanish colonial rule, the U.S. occupation and internal political struggles fractured those unities. U.S. forces imposed voting restrictions based on literacy and property ownership, supposedly in an attempt to maintain political order. This sort of paternalistic thinking was characteristic of the occupation. The U.S. military also limited land distribution and ownership. American leadership desired to revive the Cuban colonial economy as soon as possible to fulfill the demands of U.S. consumers and manufactures while concentrating political power in Cuba within a body of white elites susceptible to U.S. pressures.<sup>86</sup> U.S. pressures often came in the form of treaties that heavily favored American interests. The first of these was the Platt Amendment to the Cuban constitution that was formalized in the Permanent Treaty in 1903. The Platt Amendment, further discussed in the next chapter, gave the U.S. government the right to intervene in Cuban domestic and foreign affairs, limiting Cuban national sovereignty. A Reciprocity Treaty was also signed that gave favorable trade concessions to the United States. Cuba was also forced to lease land in Bahia Honda and Guantanamo for the construction of U.S. naval bases. The U.S. intervention in Cuba's war for independence at once helped the island achieve freedom from one colonial power only to become ensnared by another.<sup>87</sup>

Hawai'i actually played a pivotal role in the Spanish-American War. The U.S. Naval Base at Pearl Harbor outside Honolulu was an important staging ground for U.S.

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<sup>86</sup> López, *Chinese Cubans*, 134-140.

<sup>87</sup> *Ibid*, 141.

operations in the Spanish controlled Philippines. American engagement actually began in the Philippines, and not in Cuba, signaling the importance of the war not just to end Spanish imperial authority but also as an opportunity to deepen American imperial presence in Asia.<sup>88</sup> The U.S. military presence in Hawai‘i grew right before the war began because the islands were annexed by the United States on July 7, 1898. Annexation was the ultimate goal of those whites who perpetrated the Bayonet Constitution, but it did not happen immediately. Over a period of about ten years the haoles dismantled and usurped the power the monarchy in an effort to achieve annexation. Restricting Chinese migration played an important part in annexation schemes because while planters desired to retain Chinese labor, the development of policies similar to U.S. Chinese exclusion allowed annexationist to argue the Hawai‘i was already under de facto American rule and the government’s ability to exclude Chinese meant that the Hawaiian Islands were also racially fit for American inclusion.

Queen Lili‘uokalani rose to the throne when her brother King David Kalākaua died in 1891. With the support of many Kanakas for reform, she attempted to undo the damage caused by the Bayonet Constitution. But her control of the situation did not last long. Many of the same men who attempted to depose her brother conspired against her rule. The coup took place in January 1893. The haole oligarchs worked with the U.S. Minister in Hawai‘i John L. Stevens to land a company of marines and occupy government buildings in Honolulu. The white oligarchy deposed the queen and declared

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<sup>88</sup> Villafana, *Expansionism*, 63.

a republic that was quickly recognized as legitimate by Minister Stevens.<sup>89</sup> Popular protest against the overthrow of the monarchy was immense in Hawai‘i. Steven’s action to recognize the government appears to have been unauthorized and placed the U.S. government in an awkward position on how to proceed. The goal of the new republic government was to obtain annexation to the United States as soon as possible. But President Grover Cleveland, who just came into office at the time of the coup, was an anti-imperialist and generally favored continued Hawaiian independence and sovereignty.

Cleveland sent Commissioner James Blount to investigate the coup against the monarchy and to establish the facts to whether the new republican government legitimately ruled the islands. When Blount arrived in Honolulu, he found U.S. troops patrolling the city and American flags over government buildings.<sup>90</sup> Blount accepted petitions and testimony from various sources, including the Hui Aloha ‘Āina, or Hawaiian Patriotic League, and their women’s branch that in total represented more than 11,000 Native Hawaiians. The Hui Aloha ‘Āina wrote to Blount that “the fate of our little kingdom is in your hands,” urging him to support the continued sovereignty of the Hawaiian monarchy.<sup>91</sup> Blount discovered Lorrin Thurston was the principle agitator who negotiated with U.S. Minister Stevens to land troops and to recognize the provisional government. In turn, Blount concluded Stevens acted wrongly in not only recognizing the new government but in actively supporting the coup. “Mr. Stevens consulted freely with

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<sup>89</sup> Silva, *Aloha Betrayed*, 129-130.

<sup>90</sup> *Report of U.S. Special Commissioner James H. Blount to U.S. Secretary of State Walter Q. Gresham Concerning the Hawaiian Kingdom Investigation*. 53<sup>rd</sup> Congress, Third Session. (Hereafter cited as Blount Report.)

<sup>91</sup> Silva, *Aloha Betrayed*, 131.

the leaders of the revolutionary movement,” Blount wrote the president, “these disclosed to him all their plans. They feared arrest and punishment. He promised them protection.”<sup>92</sup> “That a deep wrong has been done the Queen and the native race by American officials pervades the native mind and that of the Queen, as well as a hope for redress from the United States, there can be no doubt.”<sup>93</sup> Although Cleveland accepted Blount’s report, the president also failed to take further action to support the monarchy, leaving the decision to Congress instead.

Although Blount condemned the coup, he also did not speak directly against the prospect of annexation. Instead, Blount summed up the history of American influence in the islands. Foreigners “had wickedly become possessed of the soil, degraded free labor by an uncivilized system of coolie labor.”<sup>94</sup> The Treaty of Reciprocity was responsible for augmenting American influence in Hawai‘i. Likewise, the growth of Hawai‘i plantation economy resulted in “a new labor system,” and “an Asiatic population,” that led to “an alienation between the native and white races, an impoverishment of the former, an enrichment of the latter.”<sup>95</sup> In this sense, Blount commented on the racial inferiority of the population, a common talking point within the United States to argue against annexation. “The character of the people of these islands is and must be overwhelmingly Asiatic. Let it not be imagined that the Chinese, Japanese, and Portuguese disappear at

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<sup>92</sup> Blount Report.

<sup>93</sup> Blount Report.

<sup>94</sup> Blount Report.

<sup>95</sup> Blount Report.

the end of their contract term.”<sup>96</sup> Blount’s report effectively linked Chinese and other labor migrations to the deterioration of Native Hawaiian sovereignty.

The Republic of Hawai‘i government took several steps to address the negative impact Chinese migration would have on annexation. These included laws to exclude Chinese from migrating to Hawai‘i except as agricultural laborers and a written defense from Lorrin Thurston on why a Chinese presence in the island should not dissuade the United States from pursuing annexation. Thurston, in addition to coordinating the coup against the monarchy, also served as the head of immigration in the republic government. A law titled “An Act to Restrict Chinese Immigration” was enacted in 1892 and amended a year later after the coup was complete. It created a Chinese Bureau to manage Chinese migration. Only agricultural laborers were permitted to enter Hawai‘i and those admitted could only remain in the islands for a period of five years. The law also provided exceptions to women with relatives by marriage or blood and for children under the age ten with parents or guardians residing in the country. Clergy members, teachers, diplomats, and merchants already residing and doing business in Hawai‘i were permitted to remain. Once workers in domestic service or agriculture ceased to be employed, they had to return to China.<sup>97</sup>

It is significant that restrictions on Chinese migration Hawai‘i focused on labor acquisition while attempting to preserve business pursuits for whites and Hawaiians. Thurston depicted the future of Hawai‘i in these terms when he advised American readers

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<sup>96</sup> Blount Report

<sup>97</sup> Kuykendall, *The Hawaiian Kingdom 1874 - 1893*, 185, 545-546; Merry, *Colonizing Hawai‘i*, 125, 134; Edward D. Beechert, *Working in Hawaii: A Labor History* (University of Hawaii Press, 1985), 91-93.

in his pamphlet *A Handbook on Annexation in Hawaii* of the “coming struggle between the civilization and the awakening forces of the East and the civilization of the West.”<sup>98</sup> So even though the anti-Chinese movement in Hawai‘i was heavily influenced by the same in the United States, the reversal of who was a good or a bad Chinese migrant reveals the place of Hawai‘i within the American colonial landscape as a location of white domination still able to take advantage of Chinese labor.

Thurston was also well aware of American criticisms against Chinese migration in Hawai‘i and assured his readers they need not be concerned because “Hawaii has attempted to stay this invasion by adopting legislation against contract laborers and paupers, identical with that of the United States,” including the tradition of restricting Chinese migration. Republic of Hawai‘i laws therefore allowed annexation to “be consummated now with little or no friction.”<sup>99</sup> Furthermore, Chinese laborers were required to return to China once their employment was complete. “Shut off from the source of supply,” Thurston consoled his readers, “in ten years there will not be Asiatics enough left in Hawaii to have any appreciable effect.”<sup>100</sup> Thurston’s writing directly connects the issue of Chinese migration to the viability of annexation, revealing the Republic of Hawai‘i ultimate strategy of conforming its laws to those of the United States to facilitate incorporation into the United States.

On July 7 1898, the U.S. Congress adopted the “Newlands Resolution” for the annexation of Hawai‘i. The joint resolution was never drafted as a treaty to be signed

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<sup>98</sup> Lorrin A. Thurston, *A Handbook on the Annexation of Hawaii*, (circa 1897), 8.

<sup>99</sup> *Ibid*, 6, 8.

<sup>100</sup> *Ibid*, 32.

with a foreign country and it was never voted on by the people of Hawai‘i. The findings in Blount’s investigation supporting the illegitimacy of the Republic of Hawai‘i government were also pushed aside. Annexation occurred outside of American legal precedent and tradition, making the annexation of Hawai‘i an illegal act.

Thurston’s writing on the relationship between Chinese migration and annexation was more than mere bluster. Paragraph eight of the Newlands Resolution immediately extended the U.S. Chinese exclusion laws to Hawai‘i, as the next chapter explains in great detail. The U.S. military occupation government also set about constructing the Chinese exclusion laws in Cuba after the Spanish-American War, cementing the control of Chinese migration as a cornerstone of American imperialism. But even before the events of 1898, American contemplations on encouraging, controlling, and restricting Chinese migration were far from only a domestic concern. The control of Chinese migration informed geopolitical strategies that extended beyond the United States both before and after the Chinese Exclusion Act was passed. And this was not true for just the United States alone as many countries and empires vied for the recruiting, transporting, using, and restricting of Chinese laborers to suit both domestic and international objectives. Controlling Chinese migration was not only a central aspect of American anti-immigrant sentiments and pillar for the development of American immigration legal frameworks, but that these developments took shape in a complex international context of competing economies and imperial geopolitical interests.

## **Chapter 2: The Colonial Praxis of Extending Chinese Exclusion Law in the U.S. Empire**

Chiu Ying Fung arrived in Louisiana from China on Valentine's Day, 1901. Once in the Port of New Orleans, the immigration officials there issued the 51-year-old a travel certificate permitting him to dwell in the city for a few days while in route to his final destination beyond New Orleans. Complete with an identification photograph bearing the seal of the U.S. Collector of Customs for New Orleans, the travel permit described Chiu as five foot five and a half inches tall with a face of light brown complexion defined by gray hair and a receding chin; all of this was information that could be used to verify Chiu's identity. While this kind of certificate had become commonplace for Chinese traveling through the United States under the exclusion laws, two things make Chiu's permit remarkable. First, his final destination was Havana, Cuba, which was not a part of the United States but was at this moment governed by the U.S. military. Once in Havana, Chiu deposited his certificate with American military officers coordinating immigration enforcement in Cuba. Secondly, Chiu's travel document appears to be the only such permit to have survived from the U.S. military occupation of Cuba between 1899 and 1902.<sup>1</sup>

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<sup>1</sup> "Descriptive List of Chinese Person in Transit Through the United States" for Chiu Ying Fung. Record Group 140 Records of the Military Government of Cuba, Entry 83, Box 59 "Miscellaneous." National Archives and Records Administration (NARA), College Park, Maryland. Under the provisions of the Chinese Exclusion Act, travel permits were required for Chinese individuals transiting through United States' territory, especially for who were laborers or otherwise forbidden to permanently enter the United States.

Chiu's travel permit reveals the fact that Chinese migration posed a vexing problem for the U.S. Military Government of Cuba following Spain's defeat at the end of 1898. There should be many more permits housed in the U.S. National Archives. But there are not. If U.S. empire is best described as "anarchy," as Amy Kaplan suggests, an uneven set of power relations that shift across space, then empire's archive at best reflects the holes and inconsistencies of empire's past. The imperial archive has a "granular rather than seamless texture" replete with anxieties and uncertainties that accompanied attempts to imposed order in new colonial spaces.<sup>2</sup> The incompleteness of the historical record quite simply exposes that extending the Chinese exclusion laws outside the continental United States was a chaotic and uneven process. In both Cuba and Hawai'i, the introduction of U.S. Chinese exclusion laws presented legal holes which made it difficult for historical actors, and contemporary historians alike, to fully understand the process. What is more, the path that the exclusion laws travelled to Hawai'i and Cuba were almost mirror opposites of each other while also reflecting the geopolitical differences between annexation and occupation. The exclusion laws were brought to Hawai'i as part of the terms of annexation. The laws aided the administrative transfer of sovereignty from the Republic of Hawai'i to the United States as part of a process that led to the creation of the U.S. Territory of Hawai'i in 1900. In Cuba, Chiu Ying Fung's travel certificate points to the slow creation of a surveillance and enforcement infrastructure in the law's initial absence. But an independent Cuban Republic was forced to accept the exclusion laws in

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<sup>2</sup> Amy Kaplan, *The Anarchy of Empire in the Making of U.S. Culture* (Cambridge, Mass.: Harvard University Press, 2005); Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, NJ: Princeton University Press, 2009), 53.

1902 at the end of the U.S. military occupation. So, while the law helped bring the United States to Hawai‘i, it served as an instrument to exert U.S. influence in Cuba after American forces departed.

This chapter examines the first American occupation of Cuba and the annexation of Hawai‘i and investigates the people, structures, contingencies, and ambiguities that led to the creation of Chinese exclusion law in these islands. The construction of exclusionary Chinese migration regimes along different pathways reveals the varied nature of U.S. empire at the turn of the twentieth century. We can think of the extension of exclusion law *as* the actual extension of the United States across different colonial landscapes. Historian Erika Lee argues, that “the restrictions of Chinese immigrants became a central aspect of U.S. imperialism” in overseas territories reflected “both local conditions and new American power.”<sup>3</sup> Extending and enforcing exclusion became more than a feature of American imperial policy and thinking, it became a colonial praxis in Hawai‘i and Cuba. That is, extending and enforcing the Chinese exclusion laws was a method for the U.S. to exert state power in Cuba and Hawai‘i. That exertion of state power marked a transition from U.S. imperialism in influencing political economies in Cuban and Hawai‘i to outright colonial domination through the direct holding and ruling of land. The exclusion laws facilitated the bureaucratic arrival of the U.S. state in Hawai‘i by acting as the first institution of federal governmental authority. The presence of the exclusion laws in Hawai‘i represented an American claim to sovereignty over Hawaiian land by policing the borders of Hawai‘i as a part of U.S. national borders. Cuba, on the

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<sup>3</sup> Erika Lee, *The Making of Asian America: A History* (New York: Simon & Schuster, 2015), 100, 100-103.

other hand, was not annexed by the United States following the Spanish-American War.<sup>4</sup> Extending exclusion to Cuba by the end of the U.S. occupation meant the exclusion laws became a tool to continue the policing of independent Cuban borders in relation to the United States in the absence of American rule.

Calc. No. 571.  
Des. Cts. No. 10 of 1901.

ORIGINAL. No. \_\_\_\_\_

DESCRIPTIVE LIST OF CHINESE PERSON IN TRANSIT THROUGH THE UNITED STATES.

United States Customs Service,  
PORT OF \_\_\_\_\_  
Collector's Office, February 18, 1901

NAME.		AGE.	OCCUPATION.	LAST PLACE OF RESIDENCE.
Chiu Ying Fung		57	unknown	China
HEIGHT.	COMPLEXION.	COLOUR OF EYES.	PHYSICAL MARKS.	
5 5/2	S. B.	S. B.	Receding chin, grey hair wax left forearm	
ARRIVED.	VESSEL.	DESIGNATION.		
February 14, 1901	S. Pac. Ry	Havana		

Port of New Orleans, La.  
February 18<sup>th</sup> 1901

I have made a strict examination for, and noted the physical peculiarities of Chiu Ying Fung whose photograph appears hereon, and am satisfied of his bona fide intention to pass through and out of the United States, and have permitted him landing under bond, for that purpose.

*R. J. Wombolt* [SEAL.]  
Spl. Deputy Collector.

2-451

Age 57  
Height 5.5 1/2  
Chiu Ying Fung




Figure 1. “Descriptive List of Chinese Person in Transit Through the United States” for Chiu Ying Fung. Record Group 140 Records of the Military Government of Cuba, Entry 83, Box 59 “Miscellaneous.” NARA, College Park.

### The Exclusionary Shift in Hawai‘i

<sup>4</sup> The Teller Amendment, added to the congressional war resolution against Spain, prevented the U.S. government from annexing Cuba as a formal U.S. territory. The amendment represents a compromise between imperialist and anti-imperialist factions in Congress that allowed for the fruition of long-term policy goals of eliminating Spanish rule in Cuba at the cost of forgoing a European style colonial land grab. Additionally, Cuban agricultural industries posed competing for several U.S. states which shaped attitudes that annexation would not be most beneficial to local state economies. Cuba also had a large black population, which fueled arguments against annexation on the basis of racial desirability.

Hawai‘i became a U.S. territory in 1900, two years after the Republic of Hawai‘i formally ceded authority to the United States government in 1898. The previous chapter explains that white planters in Hawai‘i balanced their desire for Chinese agricultural workers with a flexible legal regime aimed to control migration. Efforts to more stringently limit Chinese migration happened alongside the enactment of exclusion in the United States in 1882 and was carried out to facilitate annexation following the overthrow of the Hawaiian monarchy in 1893. The Republic of Hawai‘i government efforts to control Chinese migration therefore aimed to continue the islands’ economic growth while more strongly orienting the islands’ political future towards the United States. The extension and enforcement of the U.S. exclusion laws in Hawai‘i was an important provision in the annexation agreement between the two countries. The Republic of Hawai‘i’s acceptance of Chinese exclusion was not merely a reflection of anxiety or concern among annexationists but also a condition for the transfer of the republic’s governmental authority to the United States.

The process of extending and then enforcing the Chinese exclusion laws in Hawai‘i was chaotic and involved many different sets of actors. While it has been widely acknowledged that the Chinese exclusion laws moved to Hawai‘i with annexation in the context of expanding empire, very little scholarly attention has explored the actual moment of annexation in connection how the extension of the exclusion laws took place, let alone how they facilitated the growth of American authority.<sup>5</sup> In the two year period

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<sup>5</sup> See Clarence Elmer Glick, *Sojourners and Settlers, Chinese Migrants in Hawaii* (Honolulu: University of Hawaii Press, 1980); Adam McKeown, *Chinese Migrant Networks and Cultural Change: Peru, Chicago, Hawaii, 1900-1936* (Chicago: The University of Chicago Press, 2001); Lee, *The Making of Asian America*.

between annexation and the formation of a U.S. territorial government, U.S. Chinese inspectors charged with enforcing exclusion mingled with Republic of Hawai‘i immigration officials, collectors of customs, and the Republic of Hawai‘i Supreme Court to effect the legal and bureaucratic assimilation of Republic of Hawai‘i offices into U.S. legal operation. The extension of the Chinese exclusion laws therefore spearheaded and facilitated the arrival of the U.S. bureaucratic state in Hawai‘i. Paired with programs to stimulate white European immigration during the territory’s early years, Chinese exclusion was key to plans for changing the racial makeup of the islands to "Americanize" them as a place for white settlement.

The political future of Hawai‘i was tied to race. Specifically, the racial heterogeneity of the Islands and large Asian population cast doubt on whether Hawai‘i was racially fit for inclusion into the United States. Annexation depended on Hawai‘i becoming a place of white majority and domination. Lorrin Thurston admitted as much in his *Handbook on Annexation* when he explained the republic’s turn towards Chinese exclusion was a means to eliminate potential threats to whiteness and therefore to annexation.<sup>6</sup> Negotiations around white and Asian immigration to Hawai‘i came up several times when the Republic of Hawai‘i Foreign Minister Henry Cooper traveled to the United States in late 1896. Cooper was a California lawyer who came to Hawai‘i in the early 1890s. He befriended Lorrin Thurston and together with him was one of the main organizers of the 1893 coup. Cooper held several positions within the republic government and eventually became a U.S. circuit court judge after the formation of the

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<sup>6</sup> Lorrin A. Thurston, *A Handbook on the Annexation of Hawaii*, (Circa 1897), 6-8.

territorial government. During his travel in the United States, the Republic of Hawai‘i ambassador in Washington confessed to Cooper the importance of white migration to annexation. “If we are looking towards the welfare of the country and its people as a whole; if we are to make it a country fit for white people to live in,” the ambassador explained, “you cannot do it unless you have annexation.” Without the aid of the United States government, these men feared “the drifting in of Japanese and Chinese” would make Hawai‘i an “Asiatic colony.” The ambassador continued to confide in Cooper that public perception in the U.S. was that Asian migration was the greatest peril facing Hawai‘i and “if things are left to drift as they are the United States government will finally wake up to the fact that it is an Asiatic country after all.”<sup>7</sup> The census that year indicated 42% of Hawai‘i’s population was either Chinese or Japanese in a rough split.<sup>8</sup> Too much Asian immigration was a political and geopolitical problem for the Republic of Hawai‘i. Anti-Asian advocates argued that more Asians meant less economic and political influence for whites, and their “invasion” foreshadowed greater influence or control from the Chinese or Japanese state. If the United States did not annex Hawai‘i quickly, China or the Japanese Empire might do so instead motivated by their large number of subjects there.<sup>9</sup> Annexationists therefore tied the islands’ political future with anti-Asian racism by posing Asian migrants and Asian governments as a threat to white supremacy and ascendant American power in Hawai‘i. Annexation would help, the

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<sup>7</sup> “Interview of Minister Cooper with F. M. Hatch, Envoy Extraordinary and Minister Plenipotentiary, Washington, D.C.,” November 16, 1896. Records of the Foreign Office and Executive, Chronological Files, Box 46, Minister of Foreign Affairs July-Dec. Hawaiian State Archives (HSA).

<sup>8</sup> General Superintendent of the Census, Alatau T. Atkinson, and Hawaii. Dept. of Public Instruction, *Report of the General Superintendent of the Census, 1896* (Honolulu, Hawaiian star press, 1897), 34-36.

<sup>9</sup> Thurston, *A Handbook on the Annexation of Hawaii*, 3-8.

ambassador hoped, attract several thousand white farmers to Hawai‘i and thereby help secure a future of the islands that was both white and American.

Officials in the Republic of Hawai‘i seldom broached issues of the islands’ racial makeup publicly, and so these private communications demonstrate both how racial attitudes supported haole power and motivated political action. The potential for labor migration within American empire also helped resolve the hesitancy of planters who relied on Chinese and Japanese labor. They hoped support from the U.S. state would help them secure a similarly replaceable workforce, which it eventually did from the colonies of Puerto Rico and the Philippines.<sup>10</sup> Shortly after Cooper arrived in Washington, he also met with Massachusetts Senator Henry Cabot Lodge, who was a staunch annexationist and key figure on the Senate Foreign Relations Committee. Lodge was a vocal imperialist and pro-expansionist who believed that the growth and American power and influence depended on overseas expansion.<sup>11</sup> This included war with Spain in Cuba and the annexation of Hawai‘i. When posed with the question of migration, Lodge responded that whether full annexation was completed or not, he thought “it important that the general laws of the United States should be able to protect you from Asiatic immigration.”<sup>12</sup> Cooper’s diplomatic mission to the United States came at an opportune time. The U.S.

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<sup>10</sup> Adam McKeown, *Chinese Migrant Networks and Cultural Change: Peru, Chicago, Hawaii, 1900-1936* (Chicago: The University of Chicago Press, 2001), 250-252.

<sup>11</sup> Lisa Yun, *The Coolie Speaks: Chinese Indentured Laborers and African Slaves in Cuba* (Philadelphia: Temple University Press, 2009), 21-22; Kristin L. Hoganson, *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars*, 35456th edition (New Haven: Yale University Press, 2000), 37-38, 147-150.

<sup>12</sup> “Interview of Minister Cooper and Minister Hatch with Senator H. C. Lodge of Massachusetts, at Washington, D.C.,” November 29, 1896. Records of the Foreign Office and Executive, Chronological Files, Box 46, Minister of Foreign Affairs July-Dec. HSA.

presidential election that year replaced the anti-imperialist Grover Cleveland with the moderate William McKinley. The overall attitude of Congress and the Presidency changed that year to favor overseas imperialism to a greater degree than the previous administration.

On July 7, 1898, the U.S. Congress formally adopted the Newlands Resolution for the annexation of the Hawaiian Islands. With the agreement, the Republic of Hawai‘i consented to cede “absolutely and without reserve to the United States of America all rights of sovereignty.”<sup>13</sup> The authoritative tone of the resolution does not hide its illegitimacy. As explained in the last chapter, the Blount Report confirmed that the coup of Queen Lili‘uokalani was illegal, as were U.S. Minister Steven’s actions in supporting and recognizing the provisional government that became the Republic of Hawai‘i. Annexation within U.S. legal system also historically requires an international treaty and plebiscite to decide annexation, which never happened in Hawai‘i. A Congressional joint resolution alone is not enough to enact annexation. At least within the U.S. Congress, the decision to recognize the Republic of Hawai‘i functionally laid to rest any debate about the Republic’s sovereign ability to treat with the United States. Under the resolution, all public lands, ports, buildings, and equipment became the property of the United States government. All treaties between Hawai‘i and foreign governments were terminated. Until Congress could provide legislation to form a territorial government, authority in the islands remained with the officials of the Republic at the discretion of the U.S. President.

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<sup>13</sup> Newlands Resolution, Resolution no. 55, 2nd Session, 55th Congress, July 7, 1898; 30 Sta. at L. 750; 2 Supp. R. S. 895.

The white oligarchs in Hawai‘i celebrated that annexation would provide to economic and political stability they had long sought, in disregard to how the large population might have felt.

The one exception in the Newlands Resolution for the temporary continuation of Republic laws was the immediate extension of U.S. Chinese exclusion to the islands. Paragraph eight of the resolution states, “There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.”<sup>14</sup> The resolution made the U.S. Chinese exclusion laws applicable to Hawai‘i with the added prohibition of migration from Hawai‘i to the continental United States. The last provision closing the U.S. continent to Chinese migration from Hawai‘i was a concession to American labor organizations, among whom anti-Chinese and anti-Asian agitation was still strong.<sup>15</sup> But the same rule also suggests a way the annexation of Hawai‘i differed from other American territories. The right to remain in the United States also provided for the right of free movement between U.S. states and territories. By limiting the ability for Chinese to go from Hawai‘i to the States, the resolution for annexation also determined that “with respect to Chinese, the Islands are not to be

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<sup>14</sup> See paragraph eight, Newlands Resolution, Resolution no. 55, 2nd Session, 55th Congress, July 7, 1898; 30 Sta. at L. 750; 2 Supp. R. S. 895. The same version of the exclusion provision appears in Article 5 of the Republic of Hawai‘i Senate’s resolution for annexation.

<sup>15</sup> Lee, *Making of Asian America*, 102.

deemed a part of the United States.”<sup>16</sup> The extension of American power to Hawai‘i was matched with a retraction of freedom of movement principles characteristic of normative U.S. law. This change selectively limited movement within U.S. empire on the basis of race.

To say the provisions for annexation made the enforcement of the Chinese exclusion laws a straightforward endeavor would be a gross over generalization. Although the Republic had been orienting its own laws towards conformity with the U.S. system, through the creating of a passport system and residency and travel permits, the transition was anything but smooth. The Republic of Hawai‘i system had been predicated on regulating but still allowing for the entry of agricultural laborers to the further restricting of others, such as merchants, that the American system specifically allowed. Readjusting exclusionary conditions began the year before annexation when the Chinese Bureau altered its rules to exclude laborers. In the summer of 1897, Foreign Minister Cooper ordered that “no further application for Chinese laborers shall be entertained.”<sup>17</sup> Merchants found to have *bona fide* business interests in Hawai‘i could apply for entry permits that were valid for a period of six months and Chinese travelers would only be issued entry permits in cases of “urgent necessity.” Chinese residing lawfully in Hawai‘i could still apply for return permits if they went to travel outside the islands or visit China, but those permits would only remain valid for a one-year period instead of two as had

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<sup>16</sup> “Report of the Minister of Foreign Affairs to the President of the Republic for the Biennial Period Ending December 31st, 1899, Including the Period Between January 1st, 1900 and June 14th, 1900,” Appendix “D” Chinese Immigration (Honolulu: Hawaiian Gazette Company Print, 1900), 70.

<sup>17</sup> Diary of Activities, August 5, 1897. Series 493, Records of the Chinese Bureau, 1842-1902, Volume 8, 25. HSA.

been the previous practice.<sup>18</sup> Following the situation closely, the Chinese Consular Agent Goo Kim Fui quickly lodged a formal protest with the Hawaiian Foreign Ministry for the “intentions of the Government of the Republic of Hawaii in regards to Chinese immigration, and the assimilating of the laws of Hawaii to those of the United States.”<sup>19</sup> The protest was made against any action the Hawaiian government would make in preparing for annexation that would “impair or prejudice the persons, property or rights of His Imperial Chinese Majesty’s subjects resident in Hawaii, or residing abroad and connected to this country by the ties of kindred or commercial relations.”<sup>20</sup>

Goo Kim’s protest, given at the direction of the Chinese Minister in Washington to safeguard the rights of Chinese in Hawai‘i, correctly framed changes in Hawaiian immigration rules in connection with annexation. Goo Kim was a seasoned Honolulu resident who had acted as the Chinese commercial agent in Hawai‘i prior to his appointment as a consular agent. In his role as the commercial agent, Goo Kim assisted the Kingdom and republic governments contract Chinese laborers and acted as a point of contact to ensure they were treated well. He was well known within Chinese and governmental circles. Chinese officials were attempting to get in front of what they understood would be a shifting situation. The prospect of annexation generated several questions that were not immediately clear. To that end, Goo Kim requested that a set of translated regulations to be published in Honolulu Chinese newspapers to prevent

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<sup>18</sup> Ibid.

<sup>19</sup> “Letter from Chinese Consular Agency to Minister of Foreign Affairs,” August 3, 1897. Series 403, Correspondence with Foreign Officials in Hawai‘i, Box 3, Folder 42 China. HSA.

<sup>20</sup> Ibid.

misinformation and protect Chinese residents who might be affected by the changing rules.<sup>21</sup> The consular office also asked how else Chinese in Hawai‘i could be caught in shifting circumstances. Would other rights that Chinese enjoyed change? Would the Hawaiian citizenship of those naturalized or born in Hawai‘i continue to be recognized now and after an American territorial government was organized? Would outstanding permits issued for entry and exit to the islands still be valid after annexation? Would unfulfilled labor contracts still be carried out?<sup>22</sup> The same list of questions was asked by the Chinese Consular Agency more than a year later, just after the Republic of Hawai‘i transferred its authority to the U.S. on August 12, 1898.

It was only with annexation that the Republic of Hawai‘i Chinese Bureau began to clearly answer some of these lingering concerns. The Bureau maintained the line that “It would appear from an opinion of the Attorney General of the United States that the Newlands Resolution went into immediate effect in regard to Chinese in Hawaii.”<sup>23</sup> Yet at the same time the Secretary of the Bureau claimed that, “Notwithstanding this it is the intention of the present government to carry out all agreements made with individuals and all permits; certificates of birth, naturalization or of filing bonds, etc will be honored.”<sup>24</sup> Those Chinese already residing in Hawai‘i were officially allowed to leave and return to the islands and those with valid papers outside the islands could do the

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<sup>21</sup> “Letter from Chinese Consular Agency to Minister of Foreign Affairs,” August 6, 1897. Series 403, Correspondence with Foreign Officials in Hawai‘i, Box 3, Folder 42 China. HSA.

<sup>22</sup> “Letter from Chinese Commercial Agency to Minister of Foreign Affairs,” July 8, 1897. Series 403, Correspondence with Foreign Officials in Hawai‘i, Box 3, Folder 42 China. HSA.

<sup>23</sup> “Letter from Secretary Chinese Bureau to Acting Hawaiian Consul General, Hong Kong,” November 5, 1898. Series 493, Records of the Chinese Bureau, Diary of Activities Volume 9, 246. HSA.

<sup>24</sup> Ibid.

same, at least theoretically. Annexation brought the two different immigration systems together even though they had conflicting priorities.

The status of Chinese migration was further complicated by the arrival of U.S. Chinese Inspector Joshua K. Brown. Brown's arrival as United States Inspector of Chinese in Hawai'i on November 24, 1898 marked the formal closure of the republic's Chinese Bureau. His presence therefore initiated the transfer of Republic of Hawai'i government offices to U.S. bureaucratic control. The transfer of authority here is significant because no other republic office or department was subsumed by U.S. state control in this fashion. Brown had been the Chinese Inspector at the Port of New Orleans, the main U.S. port for Chinese traveling to and from Cuba. It was a common practice to move experienced immigration inspectors to new enforcement locations within the United States to build and conduct operations.<sup>25</sup> The expansion of the United States to Cuba and Hawai'i generated a similar movement of immigration bureaucrats outside of the continent. Brown was brought to Honolulu shortly after annexation to help bring the enforcement of Chinese exclusion in Hawai'i in line with the American model. His reassignment to Hawai'i was characteristic of how immigration officials began circulating within empire as the United States expanded overseas. This movement of immigration inspectors also occurred in Cuba during and after the U.S. military occupation.

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<sup>25</sup> Inspectors from the Port of San Francisco were typically seen as the toughest inspectors, their movement to different immigration stations in particular helped nationalize the stringent brand of enforcement developed in San Francisco. Erika Lee, *At America's Gates: Chinese Immigration during the Exclusion Era, 1882-1943* (Chapel Hill: The University of North Carolina Press, 2003), 63-64.

When Brown arrived at the Chinese Bureau in late November, he challenged the validity of republic issued documents to allow Chinese to leave and reenter Hawai‘i. Return permits were still being issued by the Bureau under the guidance of Republic of Hawai‘i law, but Brown regarded that the practice “was not sufficient and all permits issued to parties by outgoing steamer would not be recognized.”<sup>26</sup> Members of the Chinese Bureau complained that such a judgement would cause unnecessary hardship to returning migrants. Indeed, their criticism reflected how the Bureau differed in operation from U.S. immigration authorities, who were more interested in strictly restricting Chinese migration rather than merely managing it. Brown ceded that issued return permits could be recognized, but only if the holders qualified for entry “according to the requirements of the U.S. law.”<sup>27</sup> From annexation up to that time, the migration of Chinese laborers and travelers was no longer permitted, and any return permits previously issued offered no guarantee for reentry into the islands.<sup>28</sup>

The juxtaposition of the Republic of Hawai‘i’s immigration system – admission of laborers – with the introduction of Chinese exclusion – the prohibition of laborers – produced chaotic results for Chinese migrants. The two systems had different roles in their own political and social contexts. The republic’s Chinese Bureau did not share the

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<sup>26</sup> “Secretary of the Chinese Bureau, November 25, 1898.” Series 493, Records of the Chinese Bureau, Diary of Daily Activities Volume 8, 27. HSA; Edward Dawson, *Official Register of the United States Containing a List of Officers and Employees in the Civil, Military, and Naval Service on the First of July, 1897; Together with a List of Ships and Vessels Belonging to the United States, 1897*, <http://archive.org/details/officialregister01daws>.

<sup>27</sup> “Secretary of the Chinese Bureau, November 25, 1898.” Series 493, Records of the Chinese Bureau, Diary of Daily Activities Volume 8, 27. HSA.

<sup>28</sup> “Report of the Minister of Foreign Affairs to the President of the Republic for the Biennial Period Ending December 31st, 1899, Including the Period Between January 1st, 1900 and June 14th, 1900,” (Honolulu: Hawaiian Gazette Company Print, 1900), 12.

same impulse to exclude migrants the way Inspector Brown and American bureaucrats did. Their purpose was to keep track of and regulate the arrival of Chinese laborers, merchants, and others, but not to prevent entry and exit. There were several instances when the action of the two sets of officials conflicted to the detriment of migrants. For example, Brown ordered republic officials to refuse eleven return permits for travelers set to sail the next day on the steamship *Belgic* during his first visit to the Chinese Bureau under the logic that those documents would no longer be recognized. But before Brown had arrived that evening, many more Chinese return permits had been applied for and were already delivered to passengers looking forward to their departure.<sup>29</sup> On the day the ship set sail, eighteen more travelers learned their permits would be invalid and decided not to leave. They returned to Bureau to asking for the return of their fees for the permits, but were unable to recover their money.<sup>30</sup> A total of fifty-one permit holders boarded the *Belgic* and Brown declared that “permission to return thereon would not be granted,” despite appeals from travelers and by the Chinese Consul. Brown was emphatic in retelling the “Belgic incident” to the Treasury Secretary in Washington that “no hostility to the introduction of the United States Chinese exclusion acts” to Hawai‘i would be tolerated from either Republic of Hawai‘i or Chinese officials in the islands.<sup>31</sup> Brown had a clear mandate to harshly exclude Chinese migrants. Part of his tactic for doing so was

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<sup>29</sup> “Secretary of the Chinese Bureau, November 25, 1898.” Series 493, Records of the Chinese Bureau, Diary of Daily Activities Volume 8, 27. HSA.

<sup>30</sup> “Letter from Secretary of Chinese Bureau to Minister of Foreign Affairs,” December 6, 1898. Records of the Foreign Office and Executive, Chronological Files, Box 49, Local Officials: Chinese Bureau. HSA.

<sup>31</sup> “Letter from Joshua K. Brown, Chinese Inspector, to Hon. Lyman J. Gage, Secretary of the Treasury,” November 29, 1898. Record Group 85, Records of the U.S. Immigration and Naturalization Service, Chinese General Correspondence, Box 11, File 939. NARA, Washington, D.C.

in disciplining Chinese Bureau officials who were used to a regulatory rather than exclusionary approach towards Chinese migration to act in a stricter manner.

The example of the *Belgic* was not an isolated incident. The Republic of Hawai‘i Supreme Court heard a multitude of cases brought by other Chinese who found themselves in similar situations. Their experiences reveal how Brown’s arrival caused a chain of bureaucratic change that spread U.S. authority to Hawai‘i in the service of enforcing the Chinese exclusion laws. Wong Tuck and nineteen other laborers returned to Hawai‘i on the *Gaelic* on December 9, 1898 but were detained at the Mauiola quarantine station by the Republic of Hawai‘i’s Collector of Customs under the exclusion laws. Prior to Brown’s arrival, customs collectors did rule on the admissibility of migrants and foreigners to enter the Republic of Hawai‘i. In addition to this duty, Brown also ordered collectors to work closely with him in applying the exclusion laws akin to how U.S. collectors on the continent did.<sup>32</sup> Republic of Hawai‘i customs officers therefore became active in denying Chinese the right to land who held permits issued by the republic government.<sup>33</sup> Brown determined after inspecting Wong Tuck and the others that the group were laborers who did not qualify for admission under the exclusion laws. The reentry of labors was allowed but only for those who had property or were owed debts valued in excess of \$1,000 or who had wives, children, or parents residing in the country.

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<sup>32</sup> “Letter from Joshua K. Brown, Chinese Inspector, to Hon. Lyman J. Gage, Secretary of the Treasury,” November 29, 1898. Record Group 85, Records of the U.S. Immigration and Naturalization Service, Chinese General Correspondence, Box 11, File 939. NARA, Washington, D.C.

<sup>33</sup> “Report of the Minister of Foreign Affairs to the President of the Republic for the Biennial Period Ending December 31st, 1899, Including the Period Between January 1st, 1900 and June 14th, 1900,” (Honolulu: Hawaiian Gazette Company Print, 1900), 13.

Wong Tuck and the others did not meet this requirement.<sup>34</sup> Once at the quarantine station, the group, which consisted of fifteen men and five women, filed writs of habeas corpus to appear before the court and end their detention. They claimed the collector of customs had wrongly detained them and prohibited them access to friends and their attorneys while also threatening to deport them.<sup>35</sup>

The group made two arguments before the court to contest their refusal of admission. First, they argued that the U.S. Chinese exclusion laws had no force in Hawai‘i, and second that because they held return permits issued by the Republic of Hawai‘i, they were not actually immigrants and the clause of the Newlands Resolution prohibiting “further” Chinese immigration to Hawai‘i did not apply to them.<sup>36</sup> In other words, because they were residents of Hawai‘i their reentry to the islands did not constitute new immigration. The court ruled against Wong Tuck and the others in the first instances, citing the language of the Newlands Resolution and Brown’s appointment as Chinese inspector as evidence that the Chinese exclusion laws were immediately extended and enforceable. In the second instance, the court also ruled that the exclusion law applied to all Chinese entering Hawai‘i regardless of previous residence because that was how the law operated on the American continent. “In regards to the exclusion of Chinese,” the court decided, “applicants for admission are not exempt from the operation of such legislation solely by reason of the fact that they have resided in the United States

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<sup>34</sup> Lee, *The Making of Asian America*, 94.

<sup>35</sup> *In re Wong Tuck*. Hawaii Supreme Court, *Reports of Decisions Rendered by the Supreme Court of the Hawaiian Islands*, Hawaiian Reports Volume 11 (H.L. Sheldon, 1899), 602-603.

<sup>36</sup> *Ibid*, 605.

and left with the intention of returning.”<sup>37</sup> Previously issued return permits could therefore serve as part of a body of evidence that might persuade immigration officials to allow for someone’s reentry, but the permits alone offered no such right. The court further ruled that the Supreme Court in Hawai‘i was not yet a court of the United States because Congress had yet to pass any act that would further integrate the republic government and legal systems into the United States. As such the court dismissed the writs of habeas corpus and the migrants were returned to detention.<sup>38</sup>

The court’s position on its own jurisdiction changed in following cases, furthering the spread of U.S. authority in Hawai‘i. The ruling in *Wong Tuck* was strange because the court decided that the application of the exclusion laws was valid and that Brown’s actions in enforcing them were legal even though the court questioned its own ability to hear the case. But the court affirmed its ability to rule as a U.S. court when deciding *In re Ah Ho*. In January of 1899, the court heard the petitions of Ah Ho and one hundred and eighty other Chinese who had similarly been refused entry. Here the court reevaluated its ability to hear writs of habeas corpus in Chinese exclusion case on the basis that the Newlands Resolution dictated the functions of the republican government would continue, as long as those function were not in opposition to U.S. law, until Congress legislated otherwise. Because the Newlands Resolution extended Chinese exclusion to Hawai‘i, the court was compelled to act as a U.S. federal court so that the exclusion laws could properly operate.<sup>39</sup> This logic extended to the Republic of Hawai‘i Customs Service

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<sup>37</sup> Ibid, 618.

<sup>38</sup> Ibid, 626-630.

<sup>39</sup> *In re Ah Ho*, Ibid at 657-666.

in cooperation with Inspector Brown as well, even though Congress had not yet acted to make Hawai‘i into a U.S. customs collection district. *In re Ah Ho* was significant on one level because it provided Chinese migrants the right to challenge their detention and refusal of admission in court during a period of transition. The case also points to the importance of Chinese exclusion to the annexation of Hawai‘i because the petitions of migrants to challenge their detention forced the republic’s judiciary to consider legal questions surrounding the meaning of annexation more fully. In doing so, the court further affirmed the validity of the application of Chinese exclusion to Hawai‘i and the power of collectors of customs and Inspector Brown to execute the law, which included their abilities to refuse entry, to detain, and deport Chinese. The ruling was a serious blow to Chinese hoping to return to Hawai‘i who may have been unsure they could provide the necessary evidence the exclusion laws now asked of them to secure reentry.

The U.S. Treasury Department, which was charged with enforcing the exclusion laws, took further action in response to the *Wong Tuck* and *Ah Ho* cases. The department did provide Chinese with relief, instructing Brown that permits issued by the Republic of Hawai‘i government before Brown’s arrival on November 24, 1898 should be honored. The Treasury Department further agreed with the assertion made by Wong Tuck that the proper meaning of the exclusion clause in the Newlands Resolution “should be construed to apply only to actual additional immigration into the Islands, namely those coming of Chinese into the Islands for the first time after annexation and not to the return to the Islands of Chinese who have lawful residence there.” Those returning were “simply exercising the recognized right of returning after temporary absence to their businesses

and their homes.”<sup>40</sup> The confusion affected at least 340 return permit holders by the end of June 1900. Of those who had come back to Hawai‘i, 299 were allowed admission while nine were rejected. Fifty-eight individuals who had previously been given an extension to return before Brown’s arrival were also allowed to land.<sup>41</sup> While this was good news for Chinese traveling, there were also limits to the Treasury’s ruling. Any minor children with parents in Hawai‘i, or Chinese who had naturalized before annexation would have to qualify to enter under the exclusion laws. Brown further indicated after receiving these instructions that he would not extend the validity of any outstanding permits except for those “where exceptional cause was shown.”<sup>42</sup>

The effect of exclusion on migration was immediate in Hawai‘i. Moreover, over a year after Brown’s arrival there were still many old outstanding Hawaiian travel documents. Between the time when Brown came to Hawai‘i to January 1, 1900, 1,139 Chinese were landed while seventy-nine were denied admission and deported. Further, immigration inspectors reported 1,860 departures over the same period, meaning the Chinese population decreased by 642 during the first year when exclusion was enforced.<sup>43</sup> In the beginning of 1900, there were also a total 1,796 outstanding travel certificates that had been previously issued by the republic government.<sup>44</sup> For as long as the travel documents were valid the holders could rightly apply for admission, but the window for

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<sup>40</sup> “Report of the Minister of Foreign Affairs to the President of the Republic for the Biennial Period Ending December 31st, 1899, Including the Period Between January 1st, 1900 and June 14th, 1900,” (Honolulu: Hawaiian Gazette Company Print, 1900), 14.

<sup>41</sup> Ibid at 14.

<sup>42</sup> Ibid at 15.

<sup>43</sup> “Letter from Officer in Charge of Chinese Immigration to Minister of Foreign Affairs,” May 9, 1900. Records of the Foreign Office and Executive, Chronological Files, Box 52, Immigration. HSA.

<sup>44</sup> Ibid.

those migrants to return to Hawai‘i quickly diminished as extensions became harder to obtain. Even the courts became more difficult to utilize despite the ruling which allowed Chinese to bring their cases for admission. The Territory of Hawai‘i’s first ever District Judge, Morris March Estee notoriously dismissed all but one habeas corpus case for all of 1900 by finding technical or testimonial issues as reason to throw the cases out. Estee explained his racial motivation when denying a case in relation to emerging U.S. state power in Hawai‘i when commenting that Chinese migration was “dangerous to the American republic,” and “tends also to lower the standard of American manhood.”<sup>45</sup> Denying Chinese cases was so important to his vision of Hawai‘i as an unbreakable part of the United States that few Chinese in futures years even ventured to place their arguments before him.<sup>46</sup>

While the situation seemed bleak for Chinese in the new American regime, some experienced an unexpected windfall when the territorial government was finally formed on April 30, 1900. It took almost two years from annexation for the U.S. Congress to pass the law “To Provide a Government for the Territory of Hawaii,” which is commonly referred to as the Hawaiian Organic Act. The term “organic” refers to the act making the lands of Hawai‘i natural and therefore inherent to the United States. The Organic Act also did the same for many people in Hawai‘i through the extension of American citizenship. Article 4 outlined that any persons who were citizens of the Republic of Hawai‘i by the date of annexation, August 12, 1898, were now citizens of the United States.<sup>47</sup> The

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<sup>45</sup> McKeown, *Chinese Migrant Networks and Cultural Change*, 252-253.

<sup>46</sup> Ibid.

<sup>47</sup> Hawaiian Organic Act, Section 4.

extension of citizenship in this manner was not unusual in the history of U.S. annexation. The principle was first introduced for the Louisiana Purchase in 1803 and was used again when Texas joined the Union. In both cases, the government was able to absorb white residents into the body politic that firmed up new American control and quelled political dissent by shifting the official forums for such actions to institutions of American governance. This was true in Hawai‘i as well. Incorporation allowed the white ruling elite to maintain power while Native Hawaiian claims for sovereignty became filtered through the American political system.<sup>48</sup>

But the Organic Act also meant that Chinese who had been subjects or citizens of either the Kingdom or Republic of Hawai‘i now became U.S. citizens. They could leave or enter U.S. territory and had the right to bring spouses and children to Hawai‘i and even to the United States itself on that basis. Even though U.S. law prohibited the right of Asians to naturalize, perhaps up to 4,000 Chinese in the islands nevertheless became U.S. citizens.<sup>49</sup> This reality would confound the exclusion system in Hawai‘i until the law was repealed in the 1940s. The cash books of the Republic of Hawai‘i Chinese Bureau, which tracked the number of return permits, birth certificates, and naturalization papers issued to Chinese, reveals that many Chinese actually prepared for this eventuality around the time of annexation. Between March and November of 1898, the Bureau issued 1,459 certificates of Hawaiian birth to Chinese on the islands. About half of those certificates,

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<sup>48</sup> McKeown, *Chinese Migrant Networks and Cultural Change*, 250-251.

<sup>49</sup> “Oriental Exclusion – Some Reasons for a Modification of the Present Laws,” by E.W. Thwing. *The Pacific Commercial Advisor*, June 3, 1907. Record Group 126, Office of the Territories Classified Files, 1907-1951, Entry 1, Box 603, File 9/4/17 Hawaii, Immigration. NARA, College Park.

or 744, were issued in July when the Newlands Resolution was adopted for annexation.<sup>50</sup> The prospect of U.S. citizenship in the early moments of Chinese exclusion also provided optimism for those struggling with the shifting immigration system that both came with and animated annexation. Of the 1,796 outstanding permits in 1900, 1,479 were for those with Hawaiian birth certificates and an additional 48 were holders of Hawaiian certificates of naturalization.<sup>51</sup> Those certificates would serve as prima facie evidence to secure American citizenship. For those traveling outside Hawai‘i at the time exclusion came into force, citizenship offered the right to return despite the exclusion system.

The early moments of exclusion in Hawai‘i produced uncertainties and conflicts over differing immigration systems and the function they played. Chinese exclusion was nevertheless an important aspect of the annexation of Hawai‘i. The extension of the law facilitated the bureaucratic transfer of power from the republic to the American government. The extension of exclusion before any other U.S. laws or government departments forced an additional spread of U.S. legal and bureaucratic power the islands in order to support the enforcement of the law. Chapter four more thoroughly examines Chinese American citizenship and the enforcement of exclusion in the Territory of Hawai‘i alongside efforts to attract white immigrants from the mainland United States and from Europe. The question of Asian and white migration helped animate discussions around and the actual form of annexation. The extension of Chinese exclusion, especially with the arrival of Chinese Inspector Joshua K. Brown, helped to actively create an

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<sup>50</sup> Cash Book, 1896-1899, 62-90. Series 493, Records of the Chinese Bureau, Volume 4. HSA.

<sup>51</sup> “Letter from Officer in Charge of Chinese Immigration to Minister of Foreign Affairs,” May 9, 1900. Records of the Foreign Office and Executive, Chronological Files, Box 52, Immigration. HSA.

American border around the Hawaiian Islands and motivated changes in how customs officials and court judges operated to more deeply enmesh Hawai‘i within the American empire. The next section turns to examine parallel developments in Cuba, which was not annexed by the United States. The path towards exclusion in Cuba was similarly confusing and also tied Cuba into American empire even though it was not a territory.

### Reinvestigating the Cuban Occupation

Recent works on Chinese exclusion in Cuba tend to begin with Military Governor General Leonard Wood’s Order Number 155, which enshrined exclusion into Cuban law on May 15, 1902. Coming just five days before the U.S. military occupation ended, at time when a newly formed Cuban republican government was to assume sovereignty; the order was one of the military government’s final acts.<sup>52</sup> The order additionally recodified many aspects of general U.S. immigration law into the Cuban legal system that had been instituted in the early stages of the occupation. The newly created Cuban government had to accept Order Number 155 and other acts of by the U.S. military in order to end the occupation. Thus the order is important, not only because it formally extended exclusion to Cuba, but also because the order is a clear example of how the desire to control the movement of Chinese bodies in the hemisphere was intimately linked to U.S. colony making. This in turn led to the creation of a protectorate in Cuba that was independent in

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<sup>52</sup> See Kathleen M. López, *Chinese Cubans: A Transnational History* (Chapel Hill: The University of North Carolina Press, 2013), 144-146; David FitzGerald, David Cook-Martín, and Angela S. García, *Culling the Masses: The Democratic Origins of Racist Immigration Policy in the Americas* (Cambridge, Massachusetts: Harvard University Press, 2014), 191-195.

name only.<sup>53</sup> However, records from the Bureau of Insular Affairs, a section of the U.S. War Department, and from the Military Government of Cuba reveal that Order Number 155 should not be seen as a singular event but as the culmination of a process that began with the inception of the military occupation. Extending Chinese exclusion to Cuba, therefore, had a longer history that needs to be viewed in relation to U.S. colony making. In Hawai‘i, the extension of exclusion facilitated the spread of U.S. authority to a new territory. Building exclusion in Cuba worked to achieve the same goal but within an independent country during and after a period of direct U.S. rule.

The U.S. military government took control of Cuba on January 1, 1899, at the conclusion of the Spanish-American War. It was created under the War Department as an organ of the Bureau of Insular Affairs, which served as one of the most important governmental agencies at a time of rapid expansion. In addition to Cuba, the Bureau of Insular Affairs also constructed governments in Puerto Rico and the Philippines and thus acted as the primary agency for overseas colonial governance outside of Hawai‘i.<sup>54</sup>

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<sup>53</sup> This point is based on my reading of the Platt Amendment, which was introduced by Congress as an addendum to the 1902 Cuban Constitution. It placed the United States government as the final arbiter of Cuban domestic and foreign affairs and dictated all acts by the military government as lawful (which included Order Number 155). The acceptance of the Platt Amendment by the new Cuban state was the condition for ending the military occupation with the cost of sovereignty.

<sup>54</sup> The Spanish-American-Cuban-Filipino War is a more accurate name for what most readers might recognize as the Spanish-American War. There were many sides to the conflict, which we could say began as early as 1895 with the third Cuban war of independence. An armed anti-colonial revolution against Spanish rule began in the Philippines in 1896. The United States' involvement, probably best popularly remembered by the figure of Teddy Roosevelt and the Rough Riders charging up San Juan Hill in a decisive battle in southern Cuba, actually began with Commodore George Dewey's assault on Manila Bay in the Philippines on May 1, 1898. For more on the conflict, see Matthew McCullough, *The Cross of War: Christian Nationalism and U.S. Expansion in the Spanish-American War* (Madison, Wisconsin: The University of Wisconsin Press, 2014); Bonnie M. Miller, *From Liberation to Conquest: The Visual and Popular Cultures of the Spanish-American War of 1898* (Amherst: University of Massachusetts Press, 2011); Paul A. Kramer, *The Blood of Government: Race, Empire, the United States, and the Philippines* (Chapel Hill: The University of North Carolina Press, 2006); Paul T. McCartney, *Power and Progress: American National Identity, the War of 1898, and the Rise of American Imperialism* (Baton Rouge:

Hawai‘i had been formally annexed as a territory and followed the legal and political trajectory that status entailed whereas the United States held Cuba, Puerto Rico, and the Philippines as possessions, an entirely different sort of categorization. The very word “insular” to describe those possessions referred to their island geography but also implied the double impetus that governed American overseas possessions as they were both related to yet isolated from the United States proper. A series of Supreme Court cases referred to as the *Insular Cases* further categorized these territories as “part of the United States in an international sense, but foreign to the United States in a domestic sense.”<sup>55</sup> Although Cuba was not claimed by the U.S. as a possession, insular governance ensured it would follow a somewhat similar path as at once apart from and a part of American legal authority.

The military government in Cuba consistently advanced racist arguments for empire that justified their presence as a benevolent force aiding an inferior people. On the day the occupation commenced in Cuba, Major General John R. Brooke, who preceded

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Louisiana State University Press, 2006); John Lawrence Tone, *War and Genocide in Cuba, 1895-1898* (Chapel Hill: University of North Carolina Press, 2006); Virginia Marie Bouvier, *Whose America?: The War of 1898 and the Battles to Define the Nation* (Westport, Conn.: Praeger, 2001); Kristin L. Hoganson, *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars* (New Haven: Yale University Press, 2000); Louis A. Pérez Jr, *The War of 1898: The United States and Cuba in History and Historiography* (Chapel Hill: University of North Carolina Press, 1998); James C. Bradford, *Crucible of Empire: The Spanish-American War & Its Aftermath* (Annapolis, Md.: Naval Institute Press, 1993); Stuart Creighton Miller, *Benevolent Assimilation: The American Conquest of the Philippines, 1899-1903*, 2nd Revised edition (New Haven: Yale University Press, 1984).

<sup>55</sup> Christina Duffy Burnett and Burke Marshall, eds., *Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution* (Durham: Duke University Press Books, 2001); Gerald L. Neuman and Tomiko Brown-Nagin, eds., *Reconsidering the Insular Cases: The Past and Future of the American Empire* (Cambridge, MA: Human Rights Program, Harvard Law School, 2015); Kal Raustiala, *Does the Constitution Follow the Flag?: The Evolution of Territoriality in American Law* (New York; Oxford: Oxford University Press, 2011); Sam Erman, “Meanings of Citizenship in the U.S. Empire: Puerto Rico, Isabel Gonzalez, and the Supreme Court, 1898 to 1905,” *Journal of American Ethnic History* 27, no. 4 (2008): 5–33; Bartholomew H. Sparrow, *The Insular Cases and the Emergence of American Empire* (Lawrence, KS: University Press of Kansas, 2006).

Leonard Wood as the Military Governor of the island, declared “the object of the present Government is to give protection to the people, security to person and property, to restore confidence, to encourage people to resume the pursuits of peace, to build up waste plantations, to resume traffic, and to afford full protection in the exercise of all civil and religious rights.”<sup>56</sup> The Spanish colonial civil and criminal code were kept in place and modified when “found necessary in the interest of good government.”<sup>57</sup> The Spanish had failed to create “good government” and as a result the responsibility to do so fell on the U.S. military rather than on the Cubans they ruled. The creation of a civil government overseas was a new endeavor for the U.S. military that required the development of new bureaucratic and technocratic skills. The Military Governor of Havana, Brigadier General William Ludlow remarked that “the organization of a civil government in a foreign country, through the instrumentality of a military commander, holding warrant from the executive authority alone, and independently of other than military law is a new experience in our history.”<sup>58</sup> The success of such a task in Ludlow’s estimation required the knowledge of government “as understood in free countries and best elaborated in course of time by those of the Anglo-Saxon race,” for which the U.S. military was most capable to provide. From the beginning, the occupation coupled white supremacy with access to modernity through the idea of what Brooke called “good government.”

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<sup>56</sup> Military Governor Brooke, “Civil Report of Major General John R. Brooke, U.S. Army, Military Governor of Cuba.” (Havana, 1899), 7.

<sup>57</sup> Ibid.

<sup>58</sup> United States. Army. Department of Havana, “Annual Report of Brig. Gen. William Ludlow, U.S. Army, Military Governor of Habana, and Commanding Department of Habana for Period July 1, 1899 to May 1, 1900.” (USGPO, 1900), 38.

One of the early “modifications” the administration made was the creation of the Cuban Customs Service placed under the direct control of the U.S. Secretary of War. In addition to surveying and collecting duties on material goods entering and leaving the island, this department that was charged with enforcing immigration law. The Collector of Customs for both the city of Havana and the Island of Cuba was Major Tasker H. Bliss. Bliss offers an example of how military officers circulated in empire similar to Chinese inspectors. He utilized his intimate knowledge of the Cuban economy from his time as collector of customs to negotiate a favorable U.S.-Cuba reciprocity treaty in 1903 that gave American importations into Cuba free or reduced tariffs. Similar to the earlier reciprocity treat in Hawai’i, the agreement facilitated U.S. economic dominance in Cuba. Bliss later served as a military governor in the Philippines and was a U.S. representative and signee of the Treaty of Versailles in 1919.<sup>59</sup> An able administrator, a glance at customs personnel files suggests Bliss created a rather cosmopolitan agency based on the cooperation of civil employees and American military officers.<sup>60</sup> The Department of Customs utilized Spaniards who had served in the colonial administration, Cubans seeking work after years of war, Chinese interpreters, and even various Europeans sojourning in the Americas. They spoke English, Spanish, French, German, and a few spoke Chinese. They were men of age and experience and boys who had lost their families in the struggle for independence. The department divided the island into fourteen

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<sup>59</sup> Merrill Edwards Gates, *Men of Mark in America* (Washington, D.C., Men of Mark Publishing Company, 1905), 165-167.

<sup>60</sup> See index for Record Group 140, Records of the Military Government of Cuba, Entry 83 “Correspondences,” Box 1. NARA at College Park.

different customs districts, each lead by an American military officer who acted as the collector of customs and managed a multiethnic and multiracial staff.

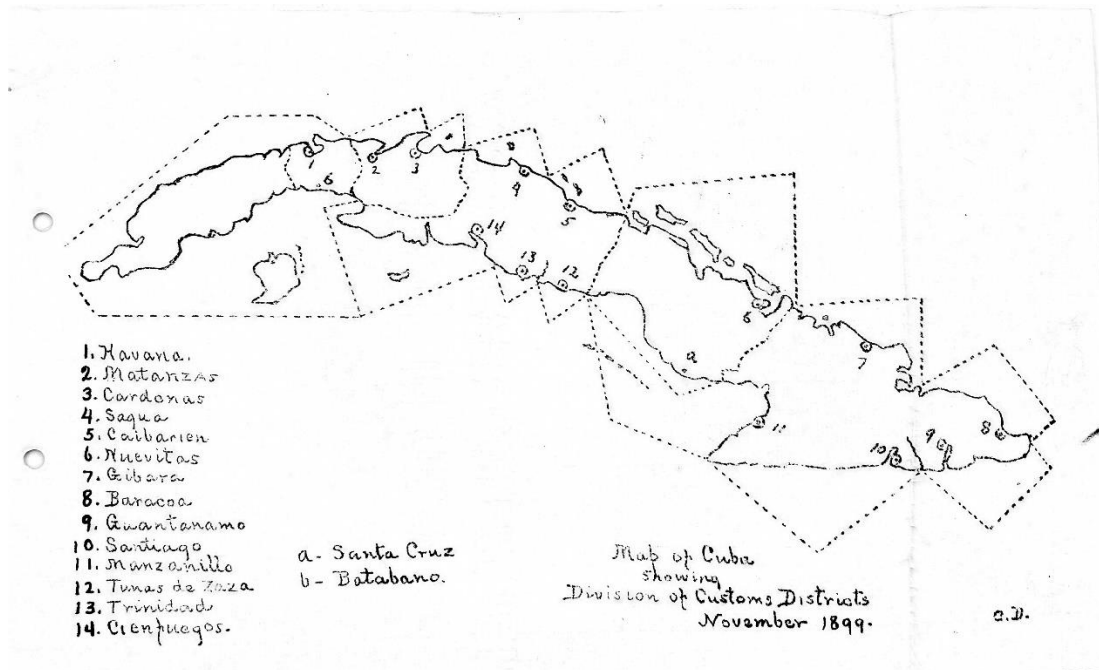


Figure 2. "Map of Cuba Showing Division of Customs Districts, November 1899," Record Group 140, Records of the Military Government of Cuba, E84, Box 1, File 0.64. NARA, College Park.

Building Chinese exclusion during the military occupation in Cuba had two parts. First, the relationship of Chinese attempting to enter the United States from Cuba had to be defined. Secondly, it had to be decided whether exclusion should also be enforced against Chinese wishing to enter Cuba. These decisions did more than outline the hemispheric contours of exclusion but also help us understand that as the U.S. expanded, exclusion changed to look different in different places. Taken together with Hawai'i, the exclusion laws were an adaptable tool to further the spread of U.S. power that reflected the flexible nature of U.S. empire.

The military government was immediately concerned with the prospect of Chinese migration from Cuba to the United States. Twelve days into the occupation, the War Department received orders from the U.S. Secretary of Treasury that steps be taken “to secure as far as practicable, the enforcement in Cuba of the laws of the United States excluding Chinese from this country.”<sup>61</sup> The U.S. Treasury Department controlled Immigration enforcement in the United States at this time. But in Cuba, the secretary made clear that the military government would have discretion in following these directions as long as the first Military Governor, John Brooke, kept the department updated on what actions were taken to prevent Chinese migration from Cuba to the United States. Tasker Bliss and the U.S. military officers under his command that served as the collectors of customs in Cuba thus became responsible for enforcing the exclusion laws against Chinese wishing to depart Cuba for the United States. They were tasked to carry out these orders by issuing the appropriate certificates facilitating or barring the entry of Chinese into the United States.<sup>62</sup>

The Treasury Department’s instructions to military collectors of customs limited the ability of Chinese to migrate from Cuba to the United States. In order to legally cross into U.S. territory, Chinese migrants needed what were called “section six” certificates. These certificates were so called after the titular section of an 1884 revision of the

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<sup>61</sup> “Letter from Assistant Secretary of War to Maj. Gen. John R. Brooke, Military Governor of Cuba,” January 17<sup>th</sup>, 1899. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185. NARA, College Park.

<sup>62</sup> “Letter from Collector of Customs for Cuba to Collector of Customs, At all Ports,” January 31<sup>st</sup>, 1899. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/5. NARA, College Park. The same letter was also furnished to the commanding Collector of Customs in San Juan, Puerto Rico and Manila, Philippines.

Chinese Exclusion Act that described the necessary information needed to enter the United States under the exclusion laws. An applicant was only allowed admission if they were identified as a member one of the exempt classes: either officials, merchants, students, teachers, or travelers for business or pleasure. They needed their status verified by either their own government or government of last residence and approved by a U.S. diplomat or consul. These certificates needed to detail in English a person's name, aliases, age, height, physical particularities, occupation and for how long pursued, the nature and estimated value of business, and place of residence.<sup>63</sup> Collectors of customs in the insular possessions, Cuba, Puerto Rico, and the Philippines, were further authorized to issue such certificates because these places lacked American diplomatic and consular representation. So, in addition to acting as immigrant inspectors, collectors also performed tasks as representatives of the state and were authorized to issue or if found "upon examination that said or any of the statements therein contained are untrue," refuse section six certificates to any Chinese migrant.<sup>64</sup> The section six certificates required a considerable amount of information and equally demanded from customs collectors a significant responsibility to verify that information. The U.S. Treasury could have made things easier for collectors by providing blank certificate forms for them to use, but it refused to do so. Collector of Customs Bliss had to create certificates for Chinese migrants leaving Cuba "the reason therefore being," according to the U.S. Treasury, "that

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<sup>63</sup> Collectors were also authorized to collect a \$2.00 fee for the War Department for issuing certificates, which was the same amount charged by a consular office. "Letter from the Secretary of Treasury to the Secretary of War," March 9<sup>th</sup>, 1899. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/8. NARA, College Park.

<sup>64</sup> Ibid.

it is not desirable to facilitate the entry of privileged Chinese into the United States in accordance with the Chinese exclusion act of 1884.”<sup>65</sup> The first step towards moving exclusion to Cuba was to shut Cuba off from the United States. Doing so did not require changing the law or the methods of enforcement, rather immigration authorities in the United States were happy enough to prevent the system from working properly as a means to stop Chinese migration from Cuba.

It is in the collectors of customs in Cuba that the work of empire and Chinese exclusion collided. They managed the arrival of military equipment and supplies, monitored all commerce into and out of the island, and surveilled the whereabouts and movements of Chinese in and out of Cuba. Sociologist Margarita Cervantes-Rodriguez argues that the military government’s attempts to build a comprehensive system for regulating customs and controlling migration reinforced U.S. institutionalized state racism through a discourse of modernity that targeted Chinese people and other Caribbean groups of color.<sup>66</sup> The work of customs collectors attempted to bring order to the chaos of regime change as Cuba lay at the crossroads of commerce and migration between Asia, Europe and North, Central, and South America. Tracking Chinese students, laborers, merchants, and diplomats was part and parcel of bringing order and “civilization” to Cuba.

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<sup>65</sup> “Letter from Assistant Secretary of War to Lieut. Col. Tasker H. Bliss, Collector of Customs, Havana, Cuba,” March 20<sup>th</sup>, 1899. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23 File 185/8. NARA, College Park.

<sup>66</sup> Margarita Cervantes-Rodríguez, *International Migration in Cuba: Accumulation, Imperial Designs, and Transnational Social Fields* (University Park, Pa: Penn State University Press, 2010), 124.

As the extension of U.S. Chinese exclusion was taking shape in Cuba, there was a great deal of confusion concerning whether or not newly arriving Chinese migrants would likewise be excluded from Cuba. In fact, General Brooke's original responses to the Treasury Department's instructions on preventing migration from Cuba went so far to state that customs collectors "have been instructed to enforce the provisions of the law relating to the exclusion of Chinese from the island of Cuba."<sup>67</sup> It appears this mix up became an operational assumption for collectors in Cuba, at least to the extent that others outside the island began to take notice. On April 13, 1899, the U.S. Consul General in Mexico City inquired to this end, asking if the U.S. exclusion laws were in force in Cuba. The local agent for the New York and Cuba Mail Steam Ship Company in Mexico City, according to Consul General Andrew D. Barlow, refused to sell tickets to Chinese passengers wishing to depart for Havana under the assumption they would be turned away upon disembarking.<sup>68</sup> On May 1, Tasker H. Bliss also had to inquire whether or not he should deport three Chinese laborers who had landed from New Orleans without transit papers. The laborers, who were denied admission under the exclusion laws, arrived in Havana from Hong Kong via rail between San Francisco and New Orleans, a very common route for travel between China and Cuba. "I assume," Bliss explained to the Assistant Secretary of War, "[the] Chinese Exclusion Act applies in Cuba, as well as

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<sup>67</sup> "Letter from Major General John R. Brooke to Assistant Secretary of War, Washington, D.C.," January 28<sup>th</sup>, 1899. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/4. NARA, College Park.

<sup>68</sup> "Letter from Andrew D. Barlow, U.S. Consul General at Mexico City to Assistant Secretary of State, Washington, D.C.," April 13<sup>th</sup>, 1899. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/11. NARA, College Park.

United States immigration laws.”<sup>69</sup> From Bliss’s point of view, laborers could not enter Cuba without the necessary papers showing they were entitled to land, and therefore the three ought to be sent back to New Orleans and possibly even to Hong Kong.

The source of confusion around to what extent the exclusion laws applied to Cuba revolved around the extension of all U.S. immigration law to the island. The day after questions began to emanate from Mexico City, the Bureau of Insular Affairs issued Circular Number 13 to extend U.S. immigration law to Cuba. The circular stated that until immigration stations under Cuban authority were established, “the laws and regulations governing immigration in the United States were declared to be in effect in the territory under government by the military forces of the United States.”<sup>70</sup> So, were the exclusion laws also to be applied? Bliss seemed to think so and there was nothing in the circular to suggest his assumption was wrong, as his response in the case of the Chinese laborers suggests. It took almost a week and several communications between Havana and Washington for the War Department to determine the exclusion laws had not yet been applied to Cuba, though the situation could change again if specific instructions were given to that effect.<sup>71</sup> But what seems like a smooth resolution to the question may

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<sup>69</sup> “Letter from Bliss to Assistant Secretary of War, Washington,” May 1, 1899. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/12. NARA, College Park.

<sup>70</sup> Military Governor Brooke, “Civil Report of Major General John R. Brooke, U.S. Army, Military Governor of Cuba,” 386. The genesis of Circular Number 13 came when the Collector of Customs for San Juan, Puerto Rico, refused entry to thirteen British subjects in mid-March 1899. The collector feared the immigrants were likely to become public charges and wanted to prevent their migration to the U.S. mainland. The collector’s actions were approved by the Treasury Department in Washington after the fact and resulted in the drafting of Circular Number 13 for application to all islands under U.S. authority. See Record Group 350, Records of the Bureau of Insular Affairs, Entry 8, File 346-C/1-5. NARA, College Park.

<sup>71</sup> “Memorandum for the Secretary,” War Department, April 12, 1900. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/22. NARA, College Park. Specifically, at this moment, the exclusion laws were not applied to Cuba or Puerto Rico, but they were in effect in the Philippines. The

not have been common knowledge to Chinese desiring to enter Cuba or to other U.S. government agencies outside the War Department. This situation remained unclear for a time within Cuba as well. A whole month later the Chinese consul in Cuba had to intercede to prevent the detention of six Chinese labors who arrived in Sagua la Grande to be held under suspicion of the exclusion acts.<sup>72</sup> The memorandum outlining this chain of events was produced a year later when the Washington, D.C.-based Chinese Minister, Consul General Wu Tingfang, pressed U.S. Secretary of State John Hay for a determination on the question.<sup>73</sup> Wu Tingfang was right to be alarmed. The Treasury Department had in fact drafted regulations to exclude Chinese migrants from all territories under military control as early as August 1899, but the regulations were never issued due to State Department suggestions that doing so might upset its own diplomatic initiatives.<sup>74</sup>

Despite the ambiguities surrounding the enforcement of exclusion in Cuba, the military government nonetheless set about the task of constructing general immigration procedures that were an exact copy of those in the United States. The U.S. Immigration Act of 1891 provided the legal prescriptions for the Cuban Customs Service to follow. The Act codified excludable categories including the mentally disabled, convicts, those

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Military Governor of the Philippines, General Otis, decided to enforce exclusion laws in the Philippines as a temporary precaution and a matter of "military necessity." For more on exclusion in the Philippines, see Irene Khin Khin Myint Jensen, *The Chinese in the Philippines during the American Regime: 1898-1946* (San Francisco, CA: R and E Associates, 1975).

<sup>72</sup> "Letter from Chan Yinfung, Chinese Consul-General, to Lt. Colonel Tasker H. Bliss, Collector of Customs for Cuba," June 6, 1899. Record Group 140, Records of the Military Government of Cuba, Entry 83, Box 5, File 1831/6B. NARA, College Park.

<sup>73</sup> "Memorandum for the Secretary," War Department, April 12, 1900. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/22. NARA, College Park.

<sup>74</sup> "Memorandum for the Secretary of War," August 10, 1900. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/26. NARA, College Park.

found in moral turpitude, and persons suffering from dangerous or contagious diseases. The law also created rules for deportation, building from initial provisions set forth in the 1882 Chinese exclusion act.<sup>75</sup> Collectors of customs, “authorized to act as immigration inspectors,” were to collect a duty of one dollar from every passenger entering the country, and if necessary, make a personal examination of any individual suspected of being ineligible to land. Collectors in Cuba were required to record the names of any immigrants prohibited to land and to notify the vessel they arrived on to arranged for their deportation from the island at the ship owner’s expense. If refused, immigrants had the right to appeal the decision against them and could seek the aid of friends or engage legal counsel to help change the outcome. Steerage passengers arriving from ports suspected of harboring contagious diseases had to accept a five-day detention period for medical observation at their port of embarkation and submit their baggage and personal effects for decontamination.<sup>76</sup> Ship masters were required to provide manifests upon arrival that addressed nineteen data points for each immigrant passenger that ranged from basic personal information such as name, age, marital status, nationality, and occupation

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<sup>75</sup> Erika Lee, *At America’s Gates: Chinese Immigration during the Exclusion Era, 1882-1943* (Chapel Hill: The University of North Carolina Press, 2003), 31, 43, 262.

<sup>76</sup> “Headquarters Division of Cuba, Office for the Collector of Customs in Cuba, May 2, 1899,” Record Group 140, Records of the Military Government of Cuba, Entry 84, Box 1. Nara, College Park. The prescribed methods the Military Government gave for decontaminating immigrants’ personal property seem particularly invasive from the view of a contemporary observer. Clothing, baggage, and personal effects could be subjected to boiling in water for thirty minutes or steam exposure for thirty minutes at a temperature between 112 and 239 degrees Fahrenheit. Leather or rubber goods could be subjected to submersion in a solution of carbonic acid. If any goods could not be subjected to these treatments, they would be immersed in a solution of bichloride of mercury of a strength intended to avoid poisoning the individual. Passengers might be subjected to these practices at a port considered free of disease too, if they had originally come from “infected localities.”

to more detailed questions such as who paid for the passage, how much money the person had, if they were a polygamist, and where and when they had previously been in Cuba.<sup>77</sup>

The immigration rules appear quite severe on the surface, but Bliss instructed his collectors of customs “to use a broad discretion” when evaluating new arrivals. “It is in nowise the intention of our Government to in any way hamper or interfere with the natural progress of the island,” Bliss notified his department, “by placing around the interpretation of the Immigration Regulations, any cast-iron limitations which will tend to embarrass those whose duty it is to decide whether or not any given immigrant is entitled to land.”<sup>78</sup> Bliss asked his staff to act as independent “judges” in immigration cases but to not be too strict. There are a few ways to construe Bliss’s statement that highlights the multiple concerns occupation officials had to juggle. As a foreign military force, the Occupation Government in no way desired to generate public ill-will through harsh policies, and this was doubly true for customs collectors who supervised both the flow of people and commerce. In cases involving contract labor for example, where U.S. immigration law would deny entry outright, collectors were instructed to use discretion if they believed the persons and skills would benefit economic development.<sup>79</sup> This was also true in Hawai‘i after annexation to an extent, but contract labor was only legal there

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<sup>77</sup> Ibid.

<sup>78</sup> “Letter from Major Tasker H. Bliss, Collector of Customs for Cuba, to all Collectors,” Havana, Cuba, February 17, 1900. Record Group 140, Records of the Military Government of Cuba, Entry 84, Box 1. NARA, College Park.

<sup>79</sup> Ibid; also see Moon-Ho Jung, “Outlawing ‘Coolies’: Race, Nation, and Empire in the Age of Emancipation,” *American Quarterly* 57, no. 3 (2005): 677–701. Jung argues Anti-contract labor laws in the United States developed around the negative discursive figure of the Chinese laborer, existing both in the United States and in places such as Cuba. Collectors decisions during the occupation therefore existed within a legal history and tradition that was already highly racialized, based upon a conception of “Chinese labor” as cheap, slavish, undesirable, and antimodern.

until the creation of the territorial government voided the Republic of Hawai‘i laws that allowed it. By asking these military officers to make choices in this way, to evaluate individual skills and as Bliss put it, to consider “the prosperity and general well-being of the community,” the admission of certain immigrants – especially a racialized labor force who could regenerate the tobacco, sugar, and other plantations of the colonial economy – took precedence over the strict enforcement of immigration laws.<sup>80</sup>

“Broad discretion” in the enforcement of immigration laws reproduced racial hierarchies that favored specific immigrants over others. With the harvest approaching in 1899 and in the years thereafter, American owned sugar plantations and U.S. consuls continuously inquired as to how they might gain the necessary labor force that had been depleted by years of conflict. Writing on behalf of a firm representing large planting and mining interests in Cuba, the U.S. consul in Aden, the modern capital of Yemen, relayed that “because most of the cheap labor (composed of Chinese and E. Indian Coolies) left the island at the outbreak of the war,” businesses needed advice on what class of migrant laborers, if any, could be brought to the island to bolster the workforce.<sup>81</sup> T. S. Todd & Company, a New York-based customs brokerage house also asked if Chinese or Filipino laborers could be brought to Cuba to likewise work on plantations and mines where the

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<sup>80</sup> “Letter from Major Tasker H. Bliss, Collector of Customs for Cuba, to all Collectors,” Havana, Cuba, February 17, 1900. Record Group 140, Records of the Military Government of Cuba, Entry 84, Box 1. NARA, College Park. An “especially liberal interpretation” of immigration regulations were to be taken with contract laborers seen as “experts,” having skills in construction such as in paving or building sewers and roads.

<sup>81</sup> “Letter from S. S. Cummings, U.S. Consul, Aden, Arabia, to David J. Hill, Assistant Secretary of State,” December 27, 1899. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 148, File 934/7. NARA, College Park.

firm had an interest.<sup>82</sup> The company even contracted the U.S. consul in Shanghai to ask if he might help in procuring one thousand laborers. The Planters Company, also based in New York, hoped to bring workers from Jamaica.<sup>83</sup> Rather than providing a strict yes or no, in each instance these questions were answered with a forwarding of Circular Number 13. Because the arrival of laborers under contract was forbidden in the United States, this response insinuated that the same was true in Cuba and these workers would not be allowed.

But of course, this was not true at all, or at least not for contracted laborers presumed to be of a more suitable nature. While some businesses hoped to hire workers from Asia or within the Caribbean, others lobbied for contract workers from the Canary Islands and the north of Spain. A petition written by Edwin Atkins of Boston, who owned a sugar estate in Cienfuegos, and signed by several American planting companies in Cienfuegos, Trinidad, and Manzanillo, asked for Circular Number 13 to be suspended or amended in order to contract Spanish labor.<sup>84</sup> These Spaniards, Atkins told the Secretary of War, “constituted, perhaps the best class of labor obtainable in Cuba” and enjoyed good wages and good conditions in sharp contrast to other laborers in places outside of Cuba.<sup>85</sup> These particular migrant workers were of the right sort and Tasker Bliss agreed.

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<sup>82</sup> “Telegram from T. S. Todd & Company to Honorable Secretary of War,” New York, November 27, 1899. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 148, File 934/8. NARA, College Park.

<sup>83</sup> “The Planters Company to Honorable Secretary of War,” New York, August 11, 1900. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 148, File 934/20. NARA, College Park.

<sup>84</sup> “Petition sent to Elihu Root, Honorable Secretary of War,” New York, September 20, 1899. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 148, File 934/3. NARA, College Park.

<sup>85</sup> “Letter from Edwin Atkins to Honorable Elihu Root, Secretary of War,” September 21, 1899. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 148, File 934/2. NARA, College Park.

From all reports, Bliss considered laborers from the Canary Islands as “just the class of people whose immigration should be encouraged.” The Spaniards were attractive in part because they remained on plantations and thus “do not add to the discontented, because more or less unemployed, class of labor in the cities.” Chinese and Caribbean labor was more prone to leave the fields either in search of better work or in protest of plantation conditions. Bliss coded his language to impart what was ultimately a racial preference. While the contracting of laborers posed a difficulty, Bliss happily stated that with respect to Canary Islanders, “no case of violation of the labor contract provision of the Immigration Laws has been reported to me.”<sup>86</sup> So while labor migration from Asia and the Caribbean was confounded, occupation authorities were quite willing to turn a blind eye to Spanish migrations of the same sort. In an odd way, the U.S. consul in the Canary Island compared laborers, when staying in the Canary’s, as akin to Chinese labor as “very cheap and drains the country.” But once in Cuba, the islanders contributed to economic development (or at least American profits) and improved the Canary’s through remittances.<sup>87</sup> Migration from the Canary Islands reached almost six thousand during the occupation’s first fourteen months, and the consul committed to do everything in his power “to encourage emigration as much as possible.”<sup>88</sup>

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<sup>86</sup> “Letter from Collector of Customs for Cuba to Adjutant General, Division of Cuba,” Havana, April 19, 1900. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 148, File 934/12. NARA, College Park.

<sup>87</sup> “Letter from Solomon Berliner, U.S. Consul at Teneriffe, to Honorable Th. W. Cridler, Assistant Secretary of State,” March 2, 1900. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 148, File 934/13. NARA, College Park.

<sup>88</sup> Ibid; “Letter from Solomon Berliner, U.S. Consul at Teneriffe, to Honorable Th. W. Cridler, Assistant Secretary of State,” May 29, 1900. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 148, File 934/18. NARA, College Park.

Racial preference was further shown in how collectors determined whether an immigrant was undesirable or likely to become a public charge. The most obvious cases of undesirability were those who had poor health or contagious illnesses. Similar to the United States at this time, the Occupation Government relied on the Marine Hospital Service to make medical inspections onboard vessels to detect those individuals who might be immediately excludable because of their health.<sup>89</sup> The Military's dependence on the Marine Hospital Service illustrates that although the individuals directing immigration enforcement were different in the United States and in Cuba, they nevertheless shared some structures that connected their operations. Another general concern for customs collectors was wealth, or the lack thereof. "It will be noted that although the immigration regulations require notation as to the money in the possession of the immigrant," Bliss continued, "these regulations to not fix any sum" as necessary for an immigrant to land.<sup>90</sup> While Bliss writes that not having money is not a singular reason to deny an immigrant admission, there is evidence that this interpretation could change within a framework of racial desirability. For example, a customs circular was issued in August 1900 demanding strict rules be applied against the arrival of migrants from Jamaica. In response to complaints from civil authorities in Santiago de Cuba about the undesirability of Jamaicans, Bliss instructed the collector of customs in Santiago to deny entry to anyone arriving with less than thirty dollars (\$30.00) cash or brought under

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<sup>89</sup> Ibid; "Letter from G. D. Meiklejohn, Assistant Secretary of War, to Major General Leonard Wood, Military Governor of Cuba," January 19, 1900. Record Group 140, Records of the Military Government of Cuba, Entry 84, Box 1. NARA, College Park.

<sup>90</sup> "Letter from Major Tasker H. Bliss, Collector of Customs for Cuba, to all Collectors," Havana, Cuba, February 17, 1900. Record Group 140, Records of the Military Government of Cuba, Entry 84, Box 1. NARA, College Park.

contract to work for mining or railroad companies. Such individuals, Bliss assumed, were likely to become burdens on public resources. All collectors at all ports were additionally advised to apply these more strict interpretations to not just Jamaicans, but to immigrants coming from any of the Caribbean islands.<sup>91</sup> Far from impartial, the Occupation Government consciously built an immigration system that combined a notion of “progress” with enforcing racial hierarchy.

Bliss’s desire to not “hamper or interfere” in immigration cases clearly had limits when interacting with black Caribbean and Chinese immigrants. Chinese also experienced a degree of tracking that further set them apart from other racialized groups. The tracking of Chinese movement in and out of Cuba took shape simultaneously with general immigration enforcement. Collectors of Customs were required to provide monthly immigration reports that paid attention to Chinese entries. They issued descriptive lists of Chinese travelers moving through U.S. ports, complete with their name, age, occupation, physical description, and a photograph. The lists certified migrants’ travel plans, noting through which locations and by what means they would travel. The lists were then produced in duplicate with one copy passed along to customs collectors at each stop along the journey and another copy remaining with the customs office in Cuba.<sup>92</sup> Each passenger was also issued a travel certificate to pass through the

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<sup>91</sup> “Letter from Major Tasker H. Bliss, Collector of Customs for Cuba, to Collector of Customs,” August 8, 1900. Record Group 140, Records of the Military Government of Cuba, Entry 84, Box 1. NARA, College Park.

<sup>92</sup> For examples, see “Descriptive Lists of Chinese Laborers in Transit Across the Territory of the United States,” Record Group 140, Records of the Military Government of Cuba, Entry 83, Box 1, Files 0.50-0.65. The lists did not innumerate laborers exclusively and also listed individuals as merchants and students. Also see “Letter from Major Tasker H. Bliss, Collector of Customs for Cuba, to Mr. A. W. Gumaer,

United States if their final destination was elsewhere, just as Chiu Ying Fang mentioned at the beginning of this chapter had to present his travel permit to the collector of customs in New Orleans to lawfully remain in the city while awaiting final passage to Havana. These lists could contain more than thirty individuals and detailed their travel plans from the point of departure through transit to their final destination. At times these lists could have just one name, such as that of sixteen year old Lu Mau Chun, who left Havana in April of 1899 on a boat to New York so he could catch a train bound for Montreal to attend school.<sup>93</sup> Though able to enter and reenter Cuba under the military occupation, individuals such as Lu Mau Chun and Chiu Ying Fang still came to be tracked as they entered a hemispheric web of exclusion.

Havana, Cuba *May 8<sup>th</sup>* 1899.

DESCRIPTIVE LIST OF CHINESE LABORERS IN TRANSIT ACROSS THE TERRITORY OF THE UNITED STATES.  
Certificate furnished by the Chinese Consulate General of the following Chinese Laborers crossing the United States to and from a Foreign Country.

PREPARED & PRINTED BY THE CHINESE CONSULATE GENERAL, HONG KONG.

NAME	AGE	OCCUPATION	Last Place of Residence	Date of Arrival	COMPLEXION	PHYSICAL MARKS	Place of Arrival	Height ft. in.	Place of Departure	Date of Departure	ROUTE TO BE TRAVELED
<i>Chang Lee</i>	<i>55</i>	<i>Labourer</i>			<i>Chinese</i>	<i>None</i>	<i>China</i>	<i>5-8</i>	<i>Havana</i>	<i>July 1<sup>st</sup></i>	<i>By steamer to New Orleans, there by rail to San Francisco &amp; thence to Hong Kong</i>
<i>Chang Fan</i>	<i>60</i>	<i>"</i>			<i>"</i>	<i>"</i>	<i>5-7 1/2</i>	<i>"</i>	<i>"</i>	<i>"</i>	
<i>Mr. Fat</i>	<i>53</i>	<i>"</i>			<i>"</i>	<i>"</i>	<i>5-1</i>	<i>"</i>	<i>"</i>	<i>"</i>	
<i>Mr. Fat</i>	<i>48</i>	<i>"</i>			<i>"</i>	<i>"</i>	<i>5-5 1/2</i>	<i>"</i>	<i>"</i>	<i>"</i>	
<i>Chang Lee</i>	<i>65</i>	<i>"</i>			<i>"</i>	<i>"</i>	<i>5-5 1/2</i>	<i>"</i>	<i>"</i>	<i>"</i>	
<i>Ho Wa Chuan</i>	<i>32</i>	<i>"</i>			<i>"</i>	<i>"</i>	<i>5-5 1/2</i>	<i>"</i>	<i>"</i>	<i>"</i>	
<i>Boo Man</i>	<i>30</i>	<i>blacksmith</i>			<i>"</i>	<i>"</i>	<i>5-3</i>	<i>"</i>	<i>"</i>	<i>"</i>	
<i>Yung Mui</i>	<i>52</i>	<i>Labourer</i>			<i>"</i>	<i>"</i>	<i>5-2 1/2</i>	<i>"</i>	<i>"</i>	<i>"</i>	
<i>Chang Lee</i>	<i>24</i>	<i>"</i>			<i>"</i>	<i>"</i>	<i>5-8</i>	<i>"</i>	<i>"</i>	<i>"</i>	

*This is to certify that the within described Chinese have been found to correspond with the description given above Port of Havana, Cuba, May 8<sup>th</sup> 1899*  
*Inspector*

We HEREBY CERTIFY that the Chinese Laborers to whom this certificate is issued, are entitled, in accordance with Treasury Department Circular dated January 23d, 1883, to cross the territory of the United States *From New Orleans, Collector of Customs for Cuba*  
This Certificate is to be presented to the Collector of the Port of Entry and Exit.

*Chang Lee*  
*Chinese Consulate General*

Figure 3. This is an example of the lists the Military Government produced that would travel with Chinese migrants when they left Cuba. It gives their names, ages, occupations, and physical characteristics. Their travel plans are detailed on the right-hand side as “By steamer to New Orleans, there by rail to San

Deputy Collector and Deputy Commissioner of Immigration, Havana, Cuba,” December 17, 1900. Record Group 140, Records of the Military Government of Cuba, Entry 83, Box 5, File 1831/A.

<sup>93</sup> “Descriptive List of one Chinese Laborer en route to New York,” April 12, 1899. Record Group 140, Records of the Military Government of Cuba, Entry 83, Box 1, File 0.52. NARA, College Park.

Francisco and steamer to Hong Kong.” The Chinese consul in Cuba also affixed his seal and signature to these documents to add further credence travelers were who they said they were. “Descriptive List of Chinese Laborers in Transit Across the Territory of the United States,” May 8, 1899. Record Group 140, Records of the Military Government of Cuba, E84, Box 1, File 0.64. NARA, College Park.

The presence of Chinese Inspector John H. Clark further crystalized the reach of exclusion’s net in Cuba. Similar to Joshua Brown in Hawai‘i, Clark was an experienced Chinese inspector who circulated in empire. He was originally an inspector in New York City and eventually became the top U.S. immigration official in Canada in the 1910s and 1920s, where he helped mold a Canadian system of Chinese exclusion as an extension of U.S. enforcement efforts.<sup>94</sup> In the records of Bureau of Insular Affairs, Clark also appears as the Chinese Inspector of Havana during the occupation. He surfaces in a particular moment to alert customs officials to the improper manifesting of Chinese passengers entering Cuba on the *S.S. Seguranca* on July 31, 1900. On that day, twenty-nine Chinese immigrants landed in Havana from Montréal. Upon inspecting the passengers, Clark was alarmed to discover that despite “the ship’s manifest reported them as all being newcomers to this island,” some had been former residents of Havana.<sup>95</sup> The discrepancy was referred to Tasker Bliss through the U.S. Commissioner-General of Immigration in Washington, demonstrating that even though the Treasury and War Departments had differing jurisdictions in the matter, indeed the Commissioner-General ceded the event was the Military Government’s to solve, the enforcement of the U.S. Chinese exclusion in the United States and immigration control in Cuba did overlap. It is easy to

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<sup>94</sup> Elliott Young, *Alien Nation: Chinese Migration in the Americas from the Coolie Era through World War II* (UNC Press Books, 2014), 168-169.

<sup>95</sup> “Letter from John H. Clark, Chinese Inspector, to Commissioner-General of Immigration, Washington, D.C.,” July 31, 1900. Records Group 350, Record of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/27. NARA, College Park.

characterize Clark's concern as that of an over eager Chinese Inspector. Afterall, the exclusion laws were not in force in Cuba. But Clark's concern was broader. If entry information could be manipulated in Havana, which could in turn alter basic data available to rule on an immigration case, the false information could potentially weaken attempts to enforce Chinese exclusion against migrants arriving in the United States not just from Cuba but from anywhere. The oversight Clark explained, "leaves the inspectors here unable to tell how many in a party are new arrivals, who might desire to find an entrance to the United States."<sup>96</sup> Bliss acknowledged Clark was right in his assumption but there was little the Cuban Customs Service could do in the absence of exclusion. "I have had several conferences with Mr. John H. Clark," Bliss notified the Secretary of War, "no one knows better than the Chinese Inspectors of the United States, how difficult it is to arrive at the truth in many of these cases." "I know of no effective remedy," Bliss resigned, "except for the application of the United States Chinese exclusion laws."<sup>97</sup> Beyond fining shipmasters for their errors, Bliss's department lacked the resources in both staff and budget to stretch their duties much further.

And Chinese migration questions were already straining the customs service's capacity. In the summer of 1899, it was reported that at least fifty Chinese laborers had engaged fishing boats to travel from Cardenas, on the north coast east of Havana, to try and enter the United States under the guise of merchants at Key West, Florida. The

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<sup>96</sup> "Letter from the Secretary of Treasury to Secretary of War," August 7, 1900. Records Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/27. NARA, College Park.

<sup>97</sup> "Letter from Major Tasker H. Bliss, Collector of Customs for Cuba, to Secretary of War," August 21, 1900. Records Group 350, Entry 5, Box 23, File 185/26. NARA, College Park.

Secretary of Treasury requested from Bliss all available information on how many certificates the Cuban Customs Service had issued to Chinese of the exempt class and how many Chinese in absolute numbers had left Cuba for places or port in the United States. That information was then transmitted to Chinese inspectors in the United States to try and prevent fraudulent entries.<sup>98</sup> Incidents like this were a constant concern for American immigration officials and the Cuban Customs Service alike. At its closest point, Key West is only ninety miles from Cuba, and the Collector of Customs for Cardenas, Capitan W. P. Evans, was fully aware the short distance could entice this kind of behavior. Evans was unable to find wrongdoing on this occasion, but he and Bliss had to admit one or two patrol boats would help mitigate these situations. Bliss stressed to his superiors “the necessity for one or two good revenue cutters along the coast” would do more to “put a stop to smuggling, and other irregular transactions.”<sup>99</sup> In other words, absence of evidence in the case was not the same as evidence of absence. The customs collectors did not have the resources to find out.

Concerns continued to build throughout the occupation that resulted in Chinese migrants experiencing different treatment than other arrivals. In late spring 1901, the immigration inspector in New Orleans notified the Commissioner-General of Immigration that in the span of a week almost one hundred Chinese migrants had arrived in the city bound for Havana. John A. Wright feared “their intentions are not bona fide

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<sup>98</sup> “Letter of Secretary of Treasury to Secretary of War,” June 5, 1899. Records Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/14. NARA, College Park.

<sup>99</sup> “Letter from Major Tasker H. Bliss, Collector of Customs for Cuba, to Assistant Secretary of War,” June 20, 1899. Records Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/18. NARA, College Park.

and that they have some way or ways by which they reach the United States clandestinely after their arrival in Havana.”<sup>100</sup> Wright was suspicious that Cuba might provide a platform for illicit migration, and was made more suspicious because some of the passengers were ticketed to continue from Havana to Merida, Mexico, where traveling to Havana seemed out of the way. The Military Government was further put on alert at the same time that one hundred and eleven Chinese on route to Havana had also just crossed over from Montréal into Plattsburgh, New York.<sup>101</sup> The Treasury Department wanted to ascertain how many of these migrants would remain in Cuba and how many might thereafter clandestinely attempt to enter the United States. Later that year, a U.S. Immigration Inspector in New York advised that a number of Chinese were planning to travel from Canada through New York City to either Cuba or Puerto Rico only to return. The end around allowed those coming back to the U.S. to claim they were not residents of China, enabling them to apply for admittance from a different jurisdiction. Those who engaged in this practice, the inspector feared, “seldom return to the United States themselves, but in their place came [sic] other Chinese who closely resembled them.”<sup>102</sup> Migration numbers to Cuba generally had dipped during and immediately after the war, and the movement of these larger groups offered evidence that migration patterns were changing.

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<sup>100</sup> “Letter from John A. Wright, Immigrant Inspector, to T. V. Powderly, Commissioner-General of Immigration,” May 20, 1901. Records Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/30. NARA, College Park.

<sup>101</sup> “Letter from Acting Secretary of Treasury to Secretary of War,” May 23, 1901. Records Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/29. NARA, College Park.

<sup>102</sup> “Letter from P. H. Stretton, Immigrant Inspector, to Robert Watchorn, Special U.S. Immigrant Inspector, Montréal, Canada,” December 20, 1901. Record Group 140, Records of the Military Government of Cuba, Entry 83, Box 5, File 1831/B. NARA, College Park.

In an attempt to allay the fears of immigration officials, the Cuban Customs Service instituted special measures to ascertain the trustworthiness of arriving Chinese. Once in Havana, migrants were detained and only released under the guarantee of “responsible business people in the island” who had been vetted by the Chinese Consul General. The system, Bliss told immigration officials, created a web of responsibility that would prevent Chinese from becoming public charges while creating records of their place of residence in case such information “may be found necessary.”<sup>103</sup> Although general immigration regulations asked all new arrivals about their finances and place of residence, no other group was detained in such a way that required personal and consular assurances to leave the custody. The Chinese were set apart as an immigrant group despite having the same rights on paper as all others. This system of detention was “not construed to include the Chinese exclusion act,” the Secretary of War forwarded to the U.S. State department in response to questions from other American consulates, but certainly constituted a kind of pseudo-exclusion.<sup>104</sup>

The final nail was struck on May 15, 1902, when Military Governor Leonard Wood issued Order Number 155, which completed the legal construction of the Chinese exclusion laws. First, the order reaffirmed the application of U.S. immigration law in

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<sup>103</sup> “Letter from Brigadier General Tasker H. Bliss, Collector of Customs for Cuba, to Adjutant General, Department of Cuba,” June 7, 1901. Records Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/30. NARA, College Park. Bliss noted that only 466 Chinese arrived in Havana for all of 1900 while 155 left. But only halfway through 1901, 392 Chinese had already arrived and only 47 had departed. By the end of November 1901, an additional 247 Chinese arrived in Cuba; “Letter from Major Tasker H. Bliss, Collector of Customs for Cuba, to T. V. Powderly, Commissioner-General of Immigration, Washington, D.C.,” January 3, 1902. Record Group 140, Records of the Military Government of Cuba, Entry 83, Box 5, File 1831/C. NARA, College Park.

<sup>104</sup> This line came in response to confusion expressed by the U.S. consul at Colon, Mexico, “Secretary of War to Secretary of State,” August 27, 1901. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/32. NARA, College Park.

Cuba originally outlined by Circular Number 13, issued in April of 1899. Order Number 155 also added two more sections that specifically addressed Chinese migration. Section VII explained that “None of the foregoing paragraphs shall apply to Chinese persons, the immigration of whom is prohibited, and during such prohibition it shall not be lawful for any Chinese laborer to come from any foreign port or place to Cuba.”<sup>105</sup> If found unlawfully within the country, Chinese laborers could expect to be deported at the expense of the Cuban government and any ship that knowingly brought Chinese laborers to Cuba would face a heavy fine. Section VIII stated that the restriction would not apply to diplomats, “whose credentials shall be taken as an equivalent to the certificate which will be required of merchants or other persons traveling for pleasure or business.” The exact wording of section eight is confusing because while it says a certificate for merchants and travelers will be required, it does not explicitly state that merchants or travelers were exempt from exclusion. Beyond an estimated value of business and a personal description, the exact parameters of the certificates are also not explained. Furthermore, those Chinese who had resided in Cuba before April 14, 1899, when Circular Number 13 was promulgated, were also exempt from exclusion granted they could establish their identity and residence.<sup>106</sup> Exclusion was therefore retroactive to the date of Circular Number 13, even though that particular order did not extend Chinese exclusion to Cuba at the time it was issued.

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<sup>105</sup> “No. 155,” May 15, 1902. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/36. NARA, College Park.

<sup>106</sup> Ibid.

In surprise to the order, and general lack of clarity in its writing, the Chinese consul in the United States Wu Tingfang wrote a lengthy letter demanding answers from the U.S. State Department. Military Governor Leonard Wood's actions left Chinese in a "peculiar condition" that departed from immigration regulation during both Spanish and American rule in Cuba and diplomatic practices between China and the United States. In reference to Section VIII, Wu Tingfang railed that the order could be interpreted to "absolutely prohibit the immigration of Chinese of any class, except diplomatic officers." A harsh interpretation based upon the order's lack of clarity bore "evidence of haste or want of legal deliberation in" the order's preparation that "put in operation against the Chinese a law, which had not before been in force in Cuba, and which is more severe and restrictive" than the exclusion laws in the United States.<sup>107</sup> Wood's action was unbelievable to Wu, who could not contemplate the premeditation of an order "so unreasonable, so unjust and so inhumane" as to tarnish the General's service, that he was convinced Wood was "deceived in some way into an act which neither he nor his government, upon deliberation, can approve."<sup>108</sup> The sloppy manner of issuing the order also had unintended consequences. Those who had left Cuba before the order was promulgated or who were already in transit to Cuba at the time the order was enacted, were refused admission. According to the Wu, "hundreds of Chinese" were refused entry

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<sup>107</sup> "Letter from Wu Tingfang, Chinese Consul General in Washington, to Alvery A. Adee, Acting Secretary of State," August 20, 1902. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/36. NARA, College Park.

<sup>108</sup> Ibid.

and had to return to China, including some who would have been admitted to the United States under existing laws.<sup>109</sup>

Additionally, General Wood's order damaged relations with China and placed Cuba in a colonial position to the United States. The original exclusion act resulted in a treaty between the U.S. and China that according to Wu, respected "the dignity of the nation" and saved "immigrants from undue hardship" through cooperation.<sup>110</sup> Issuing Order Number 155 without consulting Chinese authorities either in Havana or in Washington represented a break from diplomatic practice and was openly antagonistic. To make things worse, the order "placed the young Republic," meaning Cuba, "at the outset of its existence in hostility to the Chinese Empire, and in such a manner that the unwise act cannot be undone without the advice and consent of the Government of the United States."<sup>111</sup> Wu was an astute observer of U.S.-Cuba relations. His rationale for believing the order could not be independently changed by the Cuban government rested upon the addition of the Platt Amendment to the Cuban Constitution. The Platt Amendment, so named after Senator Orville Platt who introduced it, was created by the U.S. Congress as an addendum to the Cuban Constitution of 1902 and set several conditions for the withdrawal of the U.S. military from Cuba. The Cuban government had to "consent" to American interference in domestic and international affairs for "the preservation of Cuban independence," and make available certain lands, most notoriously

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<sup>109</sup> Wu was likely exaggerating the number of Chinese arrivals since the end of the occupation.

<sup>110</sup> "the nation" being China and the treaty referred to being concluded in 1884 that governed how exclusion in the United States was observed.

<sup>111</sup> Ibid.

Guantanamo Bay, for the use of American naval forces. All acts and orders carried out by the Military Government were also deemed “ratified and valid” and to be “maintained and protected.”<sup>112</sup> A shrewd reading of Platt justified Wu’s critique of American power in relation to exclusion in Cuba. The creation and implementation of the law united two phases of U.S. imperialism in the transition from occupation to indirect control.

The conclusion of extending Chinese exclusion law to Cuba was just as confounded as managing Chinese migration had been since the beginning of the occupation. While there is no single document that explains the rationale for including exclusion in Order Number 155, the regulations need to be viewed in the context of the occupation government’s slide towards restriction that became more serious over the course of several years. The demands of enforcing the exclusion law in the United States pressed the Military Government to continuously take further steps to surveil and contain Chinese migrants. As the occupation gave way to an independent Republic of Cuba, extending exclusion may have been the only means to ensure such work would continue in the absence of American rule. This was further buttressed by the application of the Platt Amendment to the Cuban constitution, the price the new Cuban government had to pay to assume sovereignty. This state of affairs, in Wu Tingfang’s opinion, made it

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<sup>112</sup> There were several other provisions in the Platt Amendment. One dictated that Cuba could not incur public debt, which tied its financial system to private interests in the United States and elsewhere. The Cuban government had to agree on plans for maintaining sanitation and public health. The title to the Isle of Pines, located just below the western portion of the island, was omitted from the boundaries of Cuba pending further negotiation (the island would later be recognized as a part of Cuba). And lastly, all the provision in the Platt Amendment would have to be agreed upon again through a treaty after independence was assumed, which was carried out in 1903. The Platt Amendment stayed in place until 1934. Fabian Hilfrich, *Debating American Exceptionalism: Empire and Democracy in the Wake of the Spanish-American War* (New York, NY: Palgrave Macmillan, 2012), 12.

highly unlikely the Cuban government would take any steps to modify or repeal the order.<sup>113</sup>

When Chiu Ying Fung arrived in Havana from New Orleans on February 18<sup>th</sup>, 1901, he encountered an island in transition from Spanish colonial rule to U.S. colonial rule. The occupation ended with Order Number 155, officially creating Chinese exclusion as law in the Republic of Cuba. Yet, the incorporation of Cuba into the boundaries of exclusion began at the outset of the occupation. In fact, section eight of Order 155 details the exempt status of diplomats, merchants, tourists, and importantly, those residing in the country on or before April 14, 1899, when Circular No. 13 first extended U.S. immigration laws to Cuba. Chinese Inspector Clark's concerns of claims to residency come to foreshadow the retroactive nature of exclusion in Cuba. If Chiu Ying Fung, who was 57 years old with an unknown occupation, ever tried to leave Cuba after the end of the occupation, it is most likely the tracking he experienced during the military government would mark him for exclusion from the new Republic of Cuba. While Chinese were not prevented from entering Cuba or leaving during the three and a half years of U.S. military rule, they nonetheless entered the hemispheric web of controls and surveillance that made exclusion stick.

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<sup>113</sup> "Letter from Wu Tingfang, Chinese Consul General in Washington, to Alvery A. Adee, Acting Secretary of State," August 20, 1902. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/36. NARA, College Park.

The modes of extending Chinese exclusion to Hawai‘i and Cuba were quite different, but both operated in support of expanding U.S. empire. The process was confusing and uneven, creating challenges to both migrants and American agents alike. Nonetheless, extending exclusion overseas was an American colonial praxis that expanded U.S. state power. In Cuba, extending exclusion was a long process that ended with the U.S. government’s retraction from the island. But the steps taken during the occupation gradually brought Cuba and the Chinese living there within the orbit of American exclusion enforcement. This process was reversed in Hawai‘i, where the appearance of exclusion marked the beginning of U.S. institution building and facilitated the transition to American sovereignty following annexation. Despite these differences, American and other officials in both places understood stopping Chinese migration as part of a larger colonial effort aimed towards improving Hawai‘i and Cuba through schemes of racial management where restricting the movement of Asians was important to achieving modernity and crafting both places as sites of white civilization. Hawai‘i and Cuba held different legal positions within U.S. empire as, which caused the same immigration laws to travel and become activated within their own contexts for achieving the goals of empire.

The next two chapters examine exactly how this played out following Cuban independence and the formation of Hawai‘i’s territorial government. White migration projects were popular in both places as a means to “bring civilization” after significant moments of national and political change. But at the same time, the conditions that brought Chinese exclusion to Cuba and Hawai‘i also created circumstances Chinese used

to adapt to, operate within, and circumvent the exclusion laws. Nothing worked the way it was supposed to.

### **Chapter 3 – Enforcing Exclusion in Cuba and the United States**

The 1902 withdrawal of the American Military Government from Cuba soon after Order Number 155 introduced the Chinese exclusion laws into Cuba raised numerous questions about how the laws would actually be enforced once the government of the Republic of Cuba took control. As Wu Tingfang's criticism of the order suggests, the application of the exclusion laws to Cuba was an unusual event. Only five days passed between May 15, 1902, when the order was issued, and May 20, when the occupation ended. On that day, the Cuban republican government gained sovereignty of the island while acknowledging the right of the U.S. government to supersede local authority. A three-way relationship between the Chinese, American, and Cuban governments subsequently characterized official communications and negotiations about the operation of the exclusion laws. Chinese diplomats in Cuba and the United States were very active in lobbying for the rights of Chinese migrants while American and Cuban officials worked to respond to Chinese government challenges and put in effect and enforce their own policies in relation to Chinese immigration through the 1920s.

The extension of the Chinese exclusion laws to Cuba connected the Cuban and American immigration systems for most of the first half of the twentieth century. The law served both American and Cuban government prerogatives. The U.S. wanted strong enforcement of the Chinese exclusion laws in order to prevent Cuba from becoming a back door for undesirable immigrants, especially Chinese, trying to enter the United States. At the same time, the white Cuban political and social elite also supported Chinese exclusion as a way of limiting Chinese migration in favor of European

immigrants who would “whiten” the island and better secure the country’s future as a “modern” and “civilized” nation. These two motivations helped strengthen the influence of anti-Chinese U.S. policies and ideas in Cuba, and U.S. government attempts to influence or directly control Cuban immigration laws, especially around Chinese immigration, developed as a strategy to continue efforts to control the Cuban state despite its independence from the United States.<sup>1</sup> The onset of the Great Depression and accompanying retraction of the Cuban economy largely ended significant immigration to Cuba from all sources, which eventually made Chinese exclusion unnecessary. Cuban immigration authorities practiced varying degrees of exclusion from 1902 until 1942, when the republics of Cuba and China agreed to equal immigration rights and to remove existing legal discriminations from their immigration laws.<sup>2</sup> But those forty years were also a time of momentous change for Chinese Cubans and Chinese migrants in Cuba. Once seen as partners in the struggle against Spanish colonial rule, Chinese immigrants and Chinese Cubans came to be recast as outsiders and threats to Cuba’s national progress. Much of this change in racial attitudes leading up to the Great Depression was the result of worsening economic conditions in Cuba that in turn motivated policy to enforce the exclusion laws more strictly. But the American exclusion laws also helped shape the emergence of a strong anti-Chinese movement in Cuban by the 1920s that

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<sup>1</sup> Kathleen M. López, *Chinese Cubans: A Transnational History* (Chapel Hill: The University of North Carolina Press, 2013), 144-145; Margarita Cervantes-Rodríguez, *International Migration in Cuba: Accumulation, Imperial Designs, and Transnational Social Fields* (University Park, Pa: Penn State University Press, 2010), 117.

<sup>2</sup> See the *Treaty of Amity between the Republic of China and the Republic of Cuba: Signed at Havana November 12, 1942* (Havana, 1942).

provided the language and legal framework to paint Chinese as undesirable and dangerous.

This chapter investigates the workings of the Chinese exclusion system in Cuba, and between Cuba and the United States, as anti-Chinese sentiment slowly grew over the first several decades of the twentieth century in Cuba. Enforcing Chinese exclusion between Cuba and the U.S. was as much of a contest of sovereignty as it was about mobility. The contours of the U.S. empire's indirect control in Cuba provided skilled Chinese diplomats with an opening to push back against the exclusion laws. With their help, migrants developed several strategies that facilitated lawful entry into Cuba and the United States. Although the U.S. military had built the Cuban immigration service and customs service to be able to enforce exclusion by the end of the occupation, Cubans were ultimately ill equipped to do so. Instead, experienced Chinese diplomats were able to influence how the exclusion system would work in Cuba to a considerable degree through the 1920s. This development was significant because migrants and diplomats exposed the limits of U.S. hegemony and migration control in the Americas by adapting to the exclusion laws in unexpected ways. However, the U.S. Immigration and Naturalization Service (INS), which was charged with enforcing the exclusion laws in the United States, also maintained some enforcement powers in Cuba and used covert agents and conducted investigations to catch those who tried to bend, or break, exclusion's barriers. Those facing exclusion had to adapt to the presence of growing American hemispheric surveillance and police power. But enforcing the laws was ultimately a negotiated endeavor between American, Chinese, and Cuban officials. In addition to

controlling migration, contests over the exclusion laws were contests over sovereignty, oversight, and the extent of U.S. hegemony.

### Early Clarifications about Exclusion

The confusion of shifting to an exclusionary immigration system in Cuba occurred after the U.S. military left the island. The departure of the military marked the beginning of indirect U.S. control in Cuba. Chinese diplomats were able to take advantage of the diminished U.S. presence on the island to ameliorate, and even control, how the Chinese exclusion system would take shape. The occupation years were full of their own doubts and ambiguities to be sure, but the situation after the occupation ended was similar to the early moments following the implementation of Chinese exclusion in Hawai‘i, when changes to the Republic of Hawai‘i’s immigration system around Chinese exclusion were not always clear to bureaucrats and migrants, resulting in Chinese migrants becoming caught in transit between two immigration systems. The main difference between the two locations was that those leading the changeover in Hawai‘i were U.S. personnel, most noticeably the Chinese Inspector Joshua K. Brown, whose actions furthered the incorporation of Hawai‘i into a U.S. territory. This was not the same in Cuba. The military customs officers and Chinese inspector John H. Clark left the island when the occupation end. This differing circumstance resulted in numerous negotiations between American, Cuban, and Chinese officials on the particulars of exclusion but also created room for Chinese diplomats to challenge and change exclusion in Cuba.

Chinese officials understood the extension of exclusion in Cuba to be a part of the colonial relationship between Cuba and the United States. Wu Tingfang in Washington and the Chinese Consul in Havana, Liao Ngantow, were both immediately active in pressing the U.S. and Cuban governments for clarity on Order No. 155 and for details on its implementation. Liao Ngantow's appointment to the Chinese consulate in Havana in March 1903 occurred as part of several Chinese diplomatic changes within the Americas that circulated official expertise through Cuba, San Francisco, Washington, and Peru, though Liao would make Cuba his home for at least two decades.<sup>3</sup> Wu began pressing for clarifications when he confronted the U.S. State Department, condemning the order as "so harsh, so unjust, and so inhumane," in addition to being "somewhat difficult to understand just how they are to be enforced."<sup>4</sup> Leonard Wood received Wu's protest as well, but declined to personally explain the order and instead answered Wu's accusations through a subordinate. In reply, his office stated defensively that the Military government had contemplated "duplicating" the exclusion laws since 1900, and as a duplication the act was no harsher than the laws existing in the United States. Wood's office also gave conflicting advice about the state of the order which reinforced the colonial nature of the extension of exclusion to Cuba. Wu charged the act could not be repealed or modified without the consent of the United States' government because the Platt Amendment, that provision added to the Cuban constitution that gave the U.S.

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<sup>3</sup> In addition to Liao's appoint to Havana, his predecessor Cow Tzechi moved to become the Consul at San Francisco. Chen Tung Liang Cheng took over for Wu Tingfang in Washington but retained key members of his staff to maintain continuity. Their appointments were announced in several U.S. newspapers including *Morning Oregonian*, March 27, 1903, page 6; and *Indianapolis Journal*, March 27, 1903, page 5.

<sup>4</sup> "Letter from Wu Tingfang, Chinese Consul General in Washington, to Alvery A. Adee, Acting Secretary of State," August 20, 1902. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/36. National Archives and Records Administration (NARA), College Park.

government the right to intervene in Cuban domestic and foreign affairs, also gave U.S. military orders the force of law in the new republic once the occupation ended. Wood's office maintained the Cuban government could take action to modify Order No. 155, but "that the act cannot be undone without the advice and consent of the United States is not for this office to discuss."<sup>5</sup> Wu understood the U.S. had curtailed Cuban sovereignty, and Wood's reply confirmed that fact by failing to provide a direct answer to Wu's explanation of the situation. Leonard Wood gave Wu the run around as to whether the Cuban government could do anything about the order.

In the meantime, Cuban officials adopted an understanding of the law in line with U.S. officials. In discussing the order with American and Chinese officials, for example, the Cuban Secretary of State and Justice, José García Montes, simply referred to it as the Immigration Law of 1902, meaning regardless of Wood's understanding of the order, the Cuban government operated on the principle that the order carried the weight of law. García Montes had been a revolutionary exiled to New York during Cuba's final war of independence against Spain and held several prominent positions within the republic government including Secretary of the Treasury. As the Secretary of State, García Montes was the Cuban state's chief diplomatic actor. In his view, Order No. 155 "enacted the aforementioned Immigration Law." The two were one in the same, the substance of the order was the law. When the military occupation ended, signs emerged that exclusion would be seriously enforced. García Montes demanded the exclusion law be interpreted

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<sup>5</sup> "Captain, 7th Cavalry, For and in the absence of Brigadier General Wood," September 23, 1902. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/35. NARA, College Park.

in a restrictive sense. “The Secretariat is resolved that the text of said Act must be interpreted in a restrictive sense, as that which forbids the immigration of all kinds of Chinese, with the exception of diplomatic officers.”<sup>6</sup> García Montes meant that diplomats would not be scrutinized before the exclusion laws in the way others would. He acknowledged “the aforementioned Immigration Law permits the entry into the Republic of the Chinese who come to this country for business or who travel for pleasure,” but only if they were able to prove beyond a doubt that they were members of these exempt classes.<sup>7</sup> Just as in the United States, entry was not a privilege automatically given to anyone except for diplomats. Between June and the end of September 1902 only nine of the 54 Chinese migrants landing in Havana were permitted entry.<sup>8</sup>

Yet, Wood’s admission that Chinese exclusion in Cuba was to be the same as in the United States did provide an important avenue for Wu and Consul Liao to press for further clarifications regarding Chinese exclusion in Cuba. The real problem was that sections seven and eight of Order No. 155 which extended exclusion to Cuba were brief and did not give details on how enforcement would occur. Section seven prohibited the entry of all Chinese laborers and prescribed fines and possible jail time to any ship captain who knowingly brought Chinese laborers to Cuba. Section eight listed Chinese diplomats, merchants, and travelers as exempt from the law as long as they could provide proper identification but did not describe what forms that identification needed to take.<sup>9</sup>

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<sup>6</sup> Colección legislativa: Departamento de Estado, Vol. 2, 1902-1905. Republica de Cuba: Habana, 1907. Pp. 22-23.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> “No. 155,” May 15, 1902. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/36. NARA, College Park.

Following Wu Tingfang's lead, Consul Liao in Havana wasted little time writing to García Montes asking how exclusion would be enforced. Liao asked García Montes, in matters of legal discrepancy, for example, would the law written in English be authoritative over the official Spanish translation? Would those Chinese residing in Cuba since the occupation but now found without documentation face deportation retroactively to the date U.S. immigration laws first became affective in Cuba? "Who will provide certificates to those who are included in any of the exceptions established in the same Law?" What exact documents would Chinese wishing to visit the island need to provide? And lastly, "what requirements must be met by the Chinese who wish to leave the Republic and return to it, in order to find no difficulty at all?"<sup>10</sup> Such basic questions about the law's operation were essential for Chinese officials' understanding of how they could intercede in the system. Learning how the system would work was the first step in understanding how it could be maneuvered.<sup>11</sup> And luckily, the Cuban State Department's response provided several avenues through which this could be done.

García Montes replied both to Wu's letter of criticism to the U.S. State Department and directly to Liao in Havana. In doing so, he tied the operation of Chinese exclusion in Cuba to exclusion in the United States. García Montes agreed at the suggestion of Liao that the 1884 treaty between the United States and China, which allowed and regulated exclusion between those two countries, would likewise be used by

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<sup>10</sup> Colección legislativa, Vol. 2. Pp. 12-14.

<sup>11</sup> It was common for immigrants and others to try and understand the exclusion system in the hopes of making it work more in their favor. For examples of Hong Kong and the United States see Adam McKeown, "Ritualization of Regulation: The Enforcement of Chinese Exclusion in the United States and China," *The American Historical Review* 108, no. 2 (April 1, 2003): 377-403; Estelle T. Lau, *Paper Families: Identity, Immigration Administration, and Chinese Exclusion* (Durham: Duke University Press Books, 2007).

Cuban immigration officials in their application of Order No. 155 within Cuba. Linking the law in Cuba to its construction in the United States acted, in García Montes's words, "in order to fix said requisites" necessary for Chinese traveling to and from Cuba.<sup>12</sup> Essentially, those seeking to enter Cuba had to obtain what U.S. immigration officers called a section six certificate, named so after that particular section of the treaty between China and the United States that listed the certificate requirements. The only group absolved from obtaining a section six certificate after exclusion came into force were those Chinese who were already in transit to the island at the time Order No. 155 was promulgated.<sup>13</sup> García Montes acknowledged that under the 1884 treaty between China and the United States that changes in regulations would be accompanied by a grace period of ninety days so those in transit could avoid the hardship of being held to regulations they could not have known were implemented. But in this instance Cuba did not follow the U.S. precedent and did not provide a ninety-day grace period. Instead, relief from the exclusion law was only given those who were in physical transit between the dates of May 20, when the occupation ended, and June 5, 1902, when the law went into effect.<sup>14</sup>

The section six certificates for Cuba were to be obtained from either the Chinese government in China or from the government where the prospective migrant last lived. They needed to record the facts that supported the holder's entry into the country as a

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<sup>12</sup> "Letter from José M. García Montes, Acting Secretary, to Mr. F. Steinhart, Agent of the War Department & Official in Charge of Archives of the Military Government of Cuba," September 21, 1902. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/41. NARA, College Park.

<sup>13</sup> "Letter from John Hay, Secretary of State, to Secretary of War," June 14, 1902. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/33. NARA, College Park.

<sup>14</sup> Colección legislativa, Vol. 2. Pp. 23-24.

member of one of the exempt classes, either as a merchant, traveler, or Chinese government employee. The certificates were also required to list the holder's age, height, and description of physical characteristics, "mentioning any particular mark for identification purposes," as well as their present and past occupations and the locations and estimated value of their current business affairs.<sup>15</sup> Once the form was complete, it would then need to be visaed or legalized by a consul or diplomatic representative of Cuba. If there was no Cuban representative present in the country or port of departure, then a consul or diplomatic representative of the United States would perform the function of approving the certificate instead.<sup>16</sup> The involvement of U.S. diplomatic representatives in this way was indicative of the U.S. government's position as the final arbiter of Cuban foreign affairs under the Platt Amendment. Furthermore, those wishing to leave Cuba and return were to be issued a certificate by the Chinese Consulate in Havana that then had to be endorsed by a local judge.<sup>17</sup> Any documents concerning Chinese migration or travel had to be written in either English or Spanish and made in duplicate with one form traveling in the migrant's possession and the other, closed and sealed, sent to Cuban immigration officials through the steamship captain transporting the

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<sup>15</sup> "Letter from José M. García Montes, Acting Secretary, to Mr. F. Steinhart, Agent of the War Department & Official in Charge of Archives of the Military Government of Cuba," September 21, 1902. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/41. NARA, College Park.

<sup>16</sup> Ibid. It took several years for the Cuban Republic to send a diplomatic mission to China, which meant for the most part that any migrants leaving China for Cuba had to work through U.S. Consulates, on the development on Cuban diplomatic representation in China see Mercedes Crespo Villate, *Legación cubana en China, 1904-1959: primeros consulados diplomáticos cubanos y vivencias históricas con la nación asiática* (Ciudad de La Habana: Editorial Si-Mar, 2004).

<sup>17</sup> Colección legislativa, Vol. 2, 13-14.

migrant.<sup>18</sup> This way, immigration officers could check the sealed document against the one the migrant presented to prevent fraud. García Montes and the Chinese diplomats agreed that the English language U.S. version of the law was the paramount guiding authority if any discrepancy resulted from interpreting the Cuban version of the exclusion law laid out in Order No. 155. There does not appear to have been significant debate about this concession from within the Cuban government. García Montes understood exclusion to be an American creation in the first place and it was likely more convenient to adopt a set of regulations that already existed.

In conforming to U.S. law, the Cuban government also adopted the racial prescriptions of U.S. Chinese exclusion and those prescriptions also fit with the residual racial ideologies about Asians that existed in Cuba as a result of Spanish colonialism. The language of the October 12, 1903 circular set the guidelines for Cuban Chinese exclusion certificates reinforced the racial nature of exclusion similar to that in the United States. The order described the use of certificates for “Chinese people” as opposed to Chinese citizens or nationals, meaning that exclusion was applied against Chinese as a race instead of as a national or political designation. The use of this language in Cuba means that the exclusion system on the island acted as an extension of U.S. exclusion enforcement efforts throughout the empire, which attempted to control the movements of Chinese people everywhere. Furthermore, the designation of Chinese as a broad racial category fit within Cuban understanding of the word “chino,” the Spanish word for

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<sup>18</sup> “Letter from José M. García Montes, Acting Secretary, to Mr. F. Steinhart, Agent of the War Department & Official in Charge of Archives of the Military Government of Cuba,” September 21, 1902. Record Group 350, Records of the Bureau of Insular Affairs, Entry 5, Box 23, File 185/41. NARA, College Park.

Chinese, inherited as a legacy of Spanish colonialism as a catchall racial category for all Asians. The circular described that the exclusion law could be applied to “any individual of the yellow race, subject to be identified as an individual from China based on his ethnic characteristics.”<sup>19</sup> This meant that if a migrant appeared to be Chinese because of how they looked, they would be treated as Chinese under the immigration regulations unless they could prove otherwise. The circular stated, that anyone “to be confused with a Chinese who fails to meet these requirements, will be considered Chinese for the purposes of the Immigration Law, and as such will be re-embarked for the country of origin.”<sup>20</sup> In general, non-Chinese Asian migration to Cuba was very small, but the racial interpretation of exclusion did effect at least one Korean migrant in 1903 who was deported on the suspicion of being Chinese. Chang Chi-Wa attempted to travel to Havana that year with documentation from the Korean Minister in Washington. Immigration officers suspected the document to be fraudulent and deported Chang because the “ethnic characteristics” of Koreans were “the same of those of the Chinese.” The onus was on persons from Asia “who presented all the characters of the Chinese race” to prove their nationality in “an unequivocal way” to avoid suspicion under the exclusion law.<sup>21</sup> Thus in the application of the exclusion laws in Cuba, Chinese as a racial category carried a meaning of presumed guilt where Asian migrants either had to prove they were not Chinese at all or were nonetheless entitled to admittance as Chinese of an exempt class.

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<sup>19</sup> Cervantes-Rodríguez, *International Migration in Cuba*, 124.

<sup>20</sup> Colección legislativa, Vol. 2, 207-208.

<sup>21</sup> Colección legislativa, Vol. 11, *Secretaría de Hacienda, 1 de Junio A 31 de Diciembre 1903*, Republica de Cuba: Habana, 26.

Wu Tingfang and Liao Ngantow worked to clarify how the enforcement of Chinese exclusion would operate in Cuba. The results of this labor threatened to reproduce the harshest elements of U.S. Chinese exclusion in Cuba but also provided these Chinese officials with a working base from which they could further ameliorate just how harshly exclusion in Cuba would be administered. This tactic had several consequences that will be further explored in the rest of the chapter. First, although García Montes signaled to U.S. officials that Cuban enforcement of exclusion would be as restrictive as possible, his willingness to accept recommendations from Chinese officials about the law's operation suggests that he was not a fervent exclusionist. As an important leader in a new government, he was likely more interested in maintaining good relations with both the United States and China. The indirect nature of U.S. control in Cuba helped create the space for Cuban officials to accommodate the suggestions of Chinese diplomats as well. Second, deference to the American law placed Chinese officials in Cuba at a distinct advantage opposite their Cuban counterparts. Exclusion had already existed in the United States for twenty years at this point and Chinese officials in North America, such as Wu Tingfang, had significant experience in dealing with the immigration system. In moments of conflict or discrepancy, Chinese officials would offer solutions to the Cuban government based on their knowledge of the immigration system in the United States. The results of those interactions helped mold the Cuban exclusionary system more towards the favor of Chinese migrants hoping to enter the country.

## The Influence of the Chinese Consulate and Migration to the United States

Chinese officials in Cuba came to play a significant role in regulating migration to and from the island into the 1920s. They were gradually able to gain more responsibilities to actively mold areas of enforcement, particularly around the entrance of Chinese merchants and students into and Cuba and the United States, which allowed them to challenge the exclusion system in both places. The role of Chinese diplomats in the exclusion system in Cuba has generally been overlooked because Cuban migration statistics from the first two decades of the twentieth century point to a dearth of Chinese migration to Cuba. For example, between 1902 and 1907, the Cuban government recorded only 318 Chinese entries, and between 1908 and 1918 official statistics recorded only seven entries. However, those numbers conflict greatly with those of the Chinese consulate in Havana, which during roughly the same period recorded a total of 6,258 entries.<sup>22</sup> The discrepancy in these numbers has led to an assumption that there was likewise a general lack of exclusion enforcement in Cuba and that it was ineffective. This is true to an extent, but further Cuban diplomatic correspondences and Chinese exclusion cases files between Havana and New York City reveal the Chinese Consulate in Havana commanded considerable power in managing migration that went beyond what its typical responsibilities entailed. Chinese exclusion in Cuba was ineffective, but not because of a lack of enforcement. Rather, the Chinese consulate in Cuba was able to shift the location and management of enforcing exclusion to its own office. The work of the consulate

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<sup>22</sup> The Cuban government recorded 0 entries between 1908 and 1917, and 7 in 1918. The consulate on the other hand logged 6,258 entries between 1903 and 1916. See Kathleen M. López, *Chinese Cubans: A Transnational History* (Chapel Hill: The University of North Carolina Press, 2013), 146; Duvon Clough Corbitt, *A Study of the Chinese in Cuba, 1847-1947*. (Wilmore, Ky: Asbury College, 1971), 93-99.

crossed national boundaries and challenged the exclusion system in both Cuba and the United States.

Two cases involving merchants arriving in Cuba help illustrate how the consulate began to shape the immigration system by facilitating the entry of merchants. First in July of 1903, the Chinese Consul Liao Ngantow requested that “certain formalities” be adopted for the special admission of two Chinese merchants. The two merchants identified only as K.Y. and H.K.L. in official correspondence, were coming to Havana to replace two other Chinese merchants in the same trading company who were leaving the island. Liao suggested that a system be created to expediate the admission of merchants who were arriving to replace other merchants as part of already established businesses. Instead of presenting their section six certificates to immigration officers alone, Liao suggested that the two arriving Chinese furnish the consulate with the forms, who in turn would secure their admission from Cuban immigration authorities. García Montes agreed “these certificates must be sent to the Consul of China in Havana, who, in turn, will notify the Ministry of Finance of the next arrival of these individuals.”<sup>23</sup> Furthermore, the consulate was allowed to keep possession of the original entry documents for each Chinese merchant admitted into the country in this manner. “Once this has been done,” García Montes continued, “the Ministry of Finance may grant permission for the disembarkation of the merchants in Havana,” after reviewing “a certified translation of the original document, which will be accompanied by an initialed portrait of the same

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<sup>23</sup> Colección legislativa, Vol. 2, 120.

person.”<sup>24</sup> The consulate therefore gained the exclusive ability to receive and maintain records for Chinese merchants wishing to enter Cuba under the provision that the arriving merchants were replacing other individuals.

The ability of the Chinese consulate to secure the admission of merchants who were replacing other merchants created a new avenue for entry that did not exist in the continental United States or in Hawai‘i under American rule. The development of this particular mode of merchant migration exposed the limits of indirect U.S. power to control immigration matters in Cuba. José García Montes confirmed the right of the merchants to enter in this way when he transitioned roles from the Acting Secretary of State to become the Cuban Secretary of Treasury, whose office was in charge of immigration matters. In his official capacity, García Montes made Liao’s suggestion an operational rule. He ordered that Chinese merchants who had never been to Cuba but were members of trading houses already established could request permission to visit or reside in Cuba “directly from the Government of the Republic, through the Representative of China.”<sup>25</sup> A dedicated form was created explicitly for this purpose, giving Chinese consular officials the power to visa merchants directly into the country with the approval of Cuba immigration authorities. Merchants hoping to enter Cuba in this way had to provide immigration authorities with a \$500 bond and promise not to engage in any manual labor outside what was necessary for operating their business. The bond and promise to not participate in manual labor mirrored U.S. enforcement policies

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<sup>24</sup> Ibid.

<sup>25</sup> Colección legislativa, Vol 11, 165-167.

at this time that were more concerned with identifying who was a laborer rather than strictly evaluating whether claims to merchant status were genuine. Once the Chinese consulate furnished the form to immigration authorities, the approved form would be returned with “a certificate stating that the applicant has proved his right to be admitted to Cuba, prior to his identification” and landing in Havana.<sup>26</sup> Within this system the consulate was able to secure a preapproved status for merchants coming to Cuba that guaranteed their entry before the individual migrants even came face to face with an immigration inspector. Nothing the same as this existed in either the U.S. continent or in Hawai‘i, where individuals had to continually substantiate their status during each moment of entry or exit. It is strange that the Cuban Immigration Bureau would agree to implement these procedures given that they reduced immigration inspectors’ ability to render judgements in Chinese immigration cases. García Montes explained that the decision to approve Consul Liao’s suggestion had everything to do with the spirit of the immigration law and the benefit of saving time in carrying out the exclusion provisions. Having read the proposed changes carefully, García Montes believed that “they do not affect the purpose that the government proposes with this procedure, and instead, time is gained with them.”<sup>27</sup> In other words, in addition to saving time, García Montes decided

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<sup>26</sup> Ibid. The bond was used to pay for the costs of deportation in the event an applicant broke the terms of the arrangement by working as a laborer. Any remaining funds were then collected by the Treasury Department as a fine.

<sup>27</sup> Ibid. at 271-272. In the final letter confirming the system to replace merchants, the Cuban Immigration Bureau made a further concession that allowed incoming merchants sign and complete the paperwork for entry upon arriving in Havana, as opposed requiring the Chinese Consulate to furnish the completed forms ahead of time. This was an important change because the Cuban immigration department was then approving entry forms for merchants provided by the Chinese Consulate based on the authority of the consulate and without otherwise knowing definitively the identity of the replacement merchants who showed up in the port of Havana. See “To the Secretary of Hacienda, Havana, October 17, 1903,” in *Colección legislativa*, Vol 11, 271-272.

that allowing merchants to change places with each other was compatible with Chinese exclusion because the action did not result in any increase in either Chinese laborers or the overall Chinese population on the island. Through this arrangement Chinese officials greatly augmented their ability to help merchants come to Cuba.

In another case, the Chinese Charge d’Affairs in Havana, Li Yung Yew, recommended Cuban immigration officials adopt practices to allow Chinese in transit through Cuba that were used in the United States. Li was interceding on behalf of Wong King Yong, who had been detained at the Tricornia immigration facility in Havana harbor. Tricornia was built by the U.S. military during the occupation and served as the Cuban Republic’s main immigration processing and detention facility. Wong was a merchant based in Torreon, Mexico and received a section six certificate from the Cuban Consulate in Tampico to travel through Cuba on a business trip to Jamaica. Yet, policy as to whether Chinese merchants in transit could move through Cuba was unclear and he was held in Tricornia by immigration officials, “deprived of freedom and to continue his trip to Jamaica, all with serious damage to their interests and annoyances to their person.”<sup>28</sup> Li wrote the Cuban Minister of the Interior, “I have examined the Legislation in force in this Republic regarding Chinese immigrants and I have observed that there is no mention in it of the individuals that have to disembark in Cuba in forced transit to another country and this has made me think that this is not prohibited.”<sup>29</sup> Li argued the issue was not the person of Wong as a Chinese business traveler, but the lack of clarity in

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<sup>28</sup> “Letter from the Legation of the Chinese Empire in the Republic of Cuba,” May 23, 1908. Archivo Nacional de Cuba, Secretaría de la Presidencia, Legajo 121, Numero 25.

<sup>29</sup> Ibid.

the law. The Charge d’Affairs wrote, “the law is silent,” and Li urged the Cuban government to conform the law more closely to that of the United States, where such provisions did exist. Internal transit through the U.S. was “allowed to Chinese day laborers, who come and go from Cuba to China and from Mexico to Canada and vice versa.”<sup>30</sup> In taking this line of argument, Li Yung Yew successfully clarified enforcement by tying it more closely to the practices of the United States, where travel through the country to reach a destination elsewhere was not unusual. Official calls for protections and clarifications therefore enabled rather than hindered Chinese transnational mobility within North America and the Caribbean.

The consulate selectively sought to suggest enforcement procedures similar to with those in the United States that they found workable or suitable, as Wong King Yong’s case shows, but they also helped develop new methods for migration that fit the needs of local and regional Chinese. The ability of merchants to swap places or safely transit through Cuban territory were the results of two different strategies for ameliorating exclusionary practices that worked together to protect the rights of Chinese migrants. Even though Cuba was an American protectorate, U.S. oversight of the exclusion system was also distant enough during these early years that Chinese officials could exert their own national sovereignty when representing the rights of Chinese subjects before their Cuban counterparts. In this sense, the U.S. replication of Chinese exclusion in Cuba was neither exact nor totalizing. But U.S. interest in exclusion enforcement in Cuba did grow overtime in response to these Chinese diplomatic actions.

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<sup>30</sup> Ibid.

Chinese diplomats' strategies also reflected that Chinese living in or traveling through Cuba did not do so in isolation but were a part of a transnational and regional diasporic community. Wong King Yong's travel from Mexico, through Cuba, to Jamaica serves as just one example of these regional connections that often extended to students and travelers in addition to merchants. The actions of Chinese diplomats in Cuba therefore also fit within a larger Chinese state goal of achieving equal right to freedom of movement for Chinese subjects abroad as a way to improve China's international standing as a sovereign and modern nation on the same footing as other world powers.

In addition to Chinese officials, individual Chinese migrants also exercised their own agency to cross Cuban and American borders through the exclusion system. Cuba was an important place of business and transit for merchants who had connections in many places. Sometimes those connections helped individuals reach the United States by working together. The merchant Lai Yen, for example, accrued interest in mercantile firms in Mexico, Cuba, and the United States over a fifteen-year period and often traveled between these places. Lai was not a pauper, but his real wealth was in his relationship in these places that helped him get ahead. Those connections mattered greatly well before he even left Gow Gang village in Guangdong province for Cuba. Lai's father passed away when he was a boy and his merchant uncle in New York City financially supported Lai and his mother for many years until Lai became established. He arrived in Havana in 1911 where he dealt in silks and Japanese goods. He then tried to open a branch business in Sonora, Mexico and traveled between Cuba and Mexico for some time before saving enough money to attempt to enter the United States in 1914. Lai's uncle was a ginseng merchant in New York City and helped Lai invest several thousand dollars in the

company so he could move as a merchant from Cuba to New York where the two could be reunited. Although his original travel documents from the Chinese consulate in Havana identified Lai Yen as a traveler instead of a merchant, U.S. immigration inspectors became convinced of his status and allowed Lai to land as a merchant anyway.<sup>31</sup> Two years later Lai and his uncle prepared to take a trip to China and told immigration officials they expected one of their partners from Havana to come to New York and help maintain the daily operation of the ginseng business while they were gone.<sup>32</sup> The Chinese consulates in the United States did not have the same power to facilitate the entry of merchants the same way the consulate did in Havana, but individual migrants could help each other move through the exclusion system by maintaining transnational business partnerships like Lai and his uncle did. The two were essentially able to affect an exchange of merchants between Cuba and the United States through different means.

Sometimes the consulate's ability to help merchants enter Cuba worked in tandem with transnational business connections and social networks among Chinese between Cuba and the United States. This was the case for Wong Chong Woo, who came to Havana in 1908 to succeed his father in a grocery and dry goods business. After Wong became established in Cuba, he was then able to craft connections that allowed him to become a merchant in the United States ten years later. He explained to U.S. immigration inspectors that the business in Cuba "was owned by my father, and when he died it was

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<sup>31</sup> Exclusion Case File for Lai Yen. Record Group 85, Box 207, File 29/421. NARA, New York.

<sup>32</sup> Ibid.

worth ten thousand dollars, so I went there and succeeded him.”<sup>33</sup> Wong was able to claim the status of a merchant arriving to work as part of an already established company with the investment he inherited from his father. The Chinese consulate in Havana was therefore able to help him land without complications, even though he had no connection with the firm until he arrived. He was then able to meet a porcelain dealer based in New York and made an investment in the company while he was still in Cuba. The consulate again helped Wong draw up the paperwork to enter the United States in 1918 as a merchant already doing business in New York City.<sup>34</sup> From that point forward, Wong Chong Woo was able enter and leave Cuba and the United States as an established merchant.

In a different sort of example, Chee Yau Ng identified Cuba to American immigration inspectors as a possible destination should he either fail to find suitable work in the United States or be denied admission altogether. Chee left From Hong Kong and traveled across Canada where he made his way to Trinidad and Tobago in the British West Indies. Unlike other merchants who found ways to present themselves as members of established businesses, Chee went to Trinidad to see if conditions were good for opening a commercial enterprise there and met with several Chinese trading companies to find that out. “I went there expecting to look for business,” Chee explained, but “when I went there I couldn’t find any suitable business, so I made out a paper to come here” to New York.<sup>35</sup> His section six certificate from the American consul in Trinidad described

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<sup>33</sup> <sup>33</sup> Exclusion Case File for Wong Chong Woo. Record Group 85, Box 193, File 25/1252. NARA, New York.

<sup>34</sup> Ibid.

<sup>35</sup> Exclusion Case File for Chee Yau Ng. Record Group 85, Box 215, File 30/576. NARA, New York.

him as a merchant in so far as he was passing through New York to get to Havana. When pressed on whether he intended to remain in the United States, Chee told inspectors “After I locate a business here I will settle here, otherwise I might go to Havana.”<sup>36</sup> Despite not having been to Cuba, Chee claimed to have sent around five hundred dollars to a friend there who would help him invest his funds. He also stated he could borrow money from friends in New York in order to get established in that city. Chee was ultimately able to remain in New York by describing his relationships between Trinidad, the United States, and Cuba which convinced immigration inspectors that while he was not currently a member of merchant house, he was nonetheless a credible merchant who possessed transnational ties.

The ability of the consulate to help generate the proper forms for entry and the circulation of businesses connections were sometimes further enhanced by the oversight of American consular officials, especially in Havana. Ensuring strict adherence to the exclusion laws was not always the top priority for American diplomats in Cuba, whose energies were more focused on influencing Cuban politics and economic development, especially around the Cuban sugar economy, in ways that were advantageous to the United States.<sup>37</sup> For Chinese wishing to come either to Cuba or the United States, they needed to have their paperwork approved by a Cuban or American consulate in a migrant’s place of last residence. Chee Yau Ng’s travel from Trinidad bears this out, as he obtained approval to travel to the United States from the American consul in Trinidad. The ability to visa merchants into Havana represented a deviation from this rule on the

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<sup>36</sup> Ibid.

<sup>37</sup> López, *Chinese Cubans*, 145.

Cuba side of the equation. But those wishing to move from Cuba to the U.S. required the U.S. consulate in Havana to sign off on any paperwork the Chinese consulate generated, and sometimes American officials in Cuba were not so diligent in reviewing all the facts of a particular case in detail.

Wong Wai's travel between the United States and Cuba offers a glimpse of how the American consul in Havana might miss fine details and errors in a specific exclusion case that provided more latitude for migrants and Chinese officials to maneuver through the American exclusion system from Cuba. U.S. immigration inspectors could have a hard time sorting through small discrepancies and often found it difficult to reject an arriving Chinese who had already been approved by an American consular official. In these instances, Chinese officials and individual migrants defended their status as merchants to demand that their right to be present in the United States be acknowledged. This was the case with Wong Wai. Wong Wai had been a merchant in Shanghai traveling through the United States to Cuba towards the end of 1917. He arrived in San Francisco and then sailed to Havana from Tampa, Florida. Shortly thereafter he arrived in New York as an established merchant from Havana. Wong Wai's arrival in New York surprised immigration inspectors because of the timing. He had only been in Cuba for two months between coming from Tampa and arriving in New York, hardly enough time to become truly established as a merchant. Wong Wai claimed to have been a merchant in Havana for three months but his section six certificate, prepared by the Chinese consulate and approved by the American vice-consul in Havana, had been issued only a month and a half after he landed in Cuba. His application to enter the U.S. was based on his claim to being a merchant in Cuba, although, the U.S. immigration inspectors observed that the

American “Vice Consul does not indicate any investigation was made to determine the truthfulness of this claim.”<sup>38</sup> This discrepancy between how long Wong Wai resided in Havana and the duration of how long he claimed to be a merchant there was enough of an error for U.S. Chinese inspectors in New York to initially deny Wong Wai admission to the United States. He ended up gaining entry on appeal to the U.S. Secretary of the Treasury on the basis that he was an invested member of the firm Mee Kee & Co. in the city.<sup>39</sup> Immigration inspectors continued to be suspicious of Wong Wai even after he secured admission. The next year when the son of the manager at Mee Kee & Co. arrived in New York on a visit from Havana inspectors asked him whether he knew Wong Wai. Cuan only commented, “no, maybe I have seen him,” but he could not say for sure.<sup>40</sup> Regardless of whether Wong Wai was a bona fide merchant, the American consulate’s lack of attention to Wong’s personal details made it difficult for inspectors to ultimately deny him entry.

In a similar example, the American consulate in Havana approved a section six certificate to Wong Kuin Shun to travel to the United States without definite plans to stay or leave. The inspector in charge noted that it appeared Wong Kuin Shun was “one of the most prominent and wealthy Chinese merchants in Havana,” but according to the certificate signed by the U.S. Consul General, the inspector was “unable to say whether it showed the purpose for which Mr. was coming to this country.”<sup>41</sup> The U.S.

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<sup>38</sup> Exclusion Case File for Wong Wai. Record Group 85, Box 220, File 32/238. NARA, New York.

<sup>39</sup> The conclusion of Wong Wai’s appeal to his rejection is not covered in his actual immigration file but is instead explained in the file for Cuan Pan as part of his interview with immigration inspectors. See Exclusion Case File for Cuan Pan. Record Group 85, Box 222, File 32/404. NARA, New York.

<sup>40</sup> Ibid.

<sup>41</sup> Exclusion Case File for Wong Kuin Shun. Record Group 85, Box 222, File 32/425. NARA, New York.

Commissioner of Immigration reprimanded the inspector for this lack of information, demanding that section six certificates provide in detail the travel or business plans of arriving Chinese. And yet the error had already been committed; there was little the Chinese inspector could do but allow Wong Kuin Shun to land.

The uncertainty U.S. Chinese inspectors faced often caused them to intensely interrogate the holders of certificates denoting merchant status. The ability of the Chinese consulate in Havana to provide merchant certificates confounded the efforts of U.S. inspectors in the United States to accurately determine an individual's merchant status, which in turn weakened Chinese exclusion enforcement within the United States. When Wong Tun appeared in front of immigration authorities in New York to apply for a return certificate as a merchant in the spring of 1914, there was confusion about how he originally entered the country from Cuba in the first place. Wong Tun had traveled from China to Cuba through Canada and only stayed in Cuba for one or two months before arriving in New York City. He had a merchant certificate from the Chinese consulate in Havana to join a merchant house in New York but was unable to produce the original document when he applied for a return permit. Inspectors pressed Wong Tun about the nature of his business, asking how much money Wong had invested in the original company he worked for in New York. Merchants wishing to enter or leave the United States had to have at least one thousand dollars invested in a business, but Wong told inspectors, "I had no interest there; I just worked there." "I got a merchant's papers," Wong explained, "but after I came to New York I didn't invest my money here." Again, inspectors asked Wong, "Were you as a matter of fact a bona-fide merchant when you obtained your paper?" To this question Wong Tun could only respond "No; I thought I

would come to New York and start a business, but after I came here I didn't.”<sup>42</sup> In fact, he could not produce any immigration document showing he was residing lawfully within the United States and immigration inspectors were equally unable to find any record of his first arrival in New York. Nonetheless, Wong Tun supported his claim to merchant status and to a return permit on the evidence that he was now an authentic merchant at the grocery firm Quong Tuck Wing & Co. of 61 Mott Street. He supplied a list containing the names of the company's seventeen members, the amount of money each had invested in the business, and when they had become active members. Wong Tun's own investment was one thousand dollars and he worked as the firm's bookkeeper. Two white witnesses who did business with the grocery store selling paper and bags also testified they had known Wong Tun for several years and knew him to be the bookkeeper. He did receive his return permit, with the inspector noting he was a real member of a mercantile firm, “although I might state that we have been unable to verify his original admission into the United States.”<sup>43</sup>

Student migration was another avenue young Chinese pursued to enter Cuba and the United States. Of 85 U.S. exclusion case files between Havana and New York City, approximately 14% were students. Almost without exception their certificates to enter the United States came from the Chinese consulate in Havana. Chung Ah Noi explained to U.S. immigration inspectors in New York in 1926 that he had entered Cuba to live with his uncle as a student, but only remained there for six weeks before similarly arriving in

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<sup>42</sup> Exclusion Case File for Wong Tun. Record Group 85, Box 250, File 47/487. NARA, New York.

<sup>43</sup> Ibid.

the United States as a student.<sup>44</sup> Chung Ah Noi remained a student for two years in New York before bouncing around as a member of several merchant firms. When he appeared before immigration inspectors in 1926, he had been working as a cook and was able to obtain a laborer's return permit to visit China to get married. Once in the United States, it was common for Chinese students to quickly adjust their status and become merchants or legally domiciled laborers, which allowed them more freedom to enter and leave the country.

When asked to reproduce their student certificates at a later date, many responded they no longer had them. Chang A Chu told immigration officials in 1928 that he had only been a student in the U.S. for four months and given his student certificate to his lawyer three years earlier and thus did not have it.<sup>45</sup> Lee Sag reported that when he arrived in New York, the student certificate issued by the Chinese Consulate in Havana was never returned by U.S. immigration inspectors.<sup>46</sup> Lem Tong Sing simply stated, "I had a document Issued to me by the Chinese Consul in Havana specifying that I was a student, but I lost that paper."<sup>47</sup> In each of these cases, these men were able to change their status to that of a merchant and maintained rights to leave and reenter the United States despite not being able to locate the original documents issued by the Chinese consul on Havana that allowed them to enter the United States as students. The lack of documentation supporting their initial student status often cast doubt on whether they had actually been students in the first place or were actually now genuine merchants.

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<sup>44</sup> Exclusion Case File for Chung Ah Noi. Record Group 85, Box 351, File 105/855. NARA, New York.

<sup>45</sup> Exclusion Case File for Chang A Chu. Record Group 85, Box 340, File 105/185. NARA, New York.

<sup>46</sup> Exclusion Case File for Lee Sag. Record Group 85, Box 180, File 25/574. NARA, New York.

<sup>47</sup> Exclusion Case File for Lem Tong Sing. Record Group 85, Box 174, File 25/283. NARA, New York.

Chinese coming to the United States from Cuba surely used their relationships with each other and the Chinese consulate in Havana to help secure their entry. Chinese diplomats in Cuba had a substantial influence in assisting Chinese merchants and students enter both Cuba and the United States, thereby successfully challenging the American imposition of Chinese exclusion in Cuba. They were able to influence how the exclusion system was regulated in Cuba from an early date when the fine details of exclusion were still open to interpretation. They simultaneously found way to conform Cuban enforcement to American precedent when beneficial but also proposed new rules and policies that allowed Chinese to enter Cuba in unique ways with less oversight. The consulate's work usually took place in two phases. First, though negotiating with Cuba officials the consulate was able to provide entry documents for merchant desirous of coming to Cuba. From there, similar paper could be drawn up to support merchants' attempts to further come to the United States. This type of action helped students as well and at times both Chinese merchants and student remained in Cuba for only a brief period before traveling to the United States. The inability of immigration inspectors in New York to always verify the personal details of Chinese arriving from Cuba worked in those migrants' favor as they were typically allowed to land even if inspectors doubted their claims to an exempt status under the Chinese exclusion law. In this way the consulate was very successful in intervening in and helping shape how the exclusion system functioned in both places.

#### Anti-Chinese Backlash from Cuba and the United States

The power of the Chinese consulate in Havana to control migration was the result of the space U.S. indirect control in Cuba as a protectorate provided. Although the consulate and migrants found different ways to get through the exclusion laws, their activities also did not go unnoticed. Spectators and government bureaucrats in Cuba and the United States became increasingly suspicious of Chinese migrants coming to and from Cuba and, by extension, became suspicious of the Chinese consulate itself. Cuban acceptance of exclusion and programs designed to bring white migrants to the island strongly rejected any notion that Chinese and Chinese Cubans were a part of the Cuban national imagination. And while restrictions on Chinese labor migrations at times loosened in response to economic conditions and the demands for workers during World War One, Cuban society became increasingly hostile towards Chinese migration by the 1920s. Additionally, notions of Chinese criminality and undesirability were reinforced by American attitudes and actions that further positioned Chinese as a dangerous element that used Cuba as a means to reach the United States. By the 1920s U.S. immigration enforcement began to actively surveil Chinese in Cuba and intervene in efforts to curb their freedom of movement in ways that characterized Cuba as an American colonial space.

Before U.S. authorities took a more active role in Cuban immigration management, the Cuban government also took steps to reform the island's racial makeup. The legislature approved an immigration law in 1906 that relied on a one-million-dollar budget to stimulate immigration from continental Europe and the Canary Islands. Twenty percent of the funds were used to attract agricultural workers, or *braceros*, from

Scandinavia, Switzerland, and Northern Italy. Agricultural businesses in Cuba also took on private labor recruitment campaigns in the Spanish press. Spanish migrant groups and associations within Cuba also lobbied the government to implement incentives to make immigration from Spain easier, such as reducing or coving transportation costs to Cuba. Cervantes-Rodriguez argues the regional preferences in the 1906 immigration law mimicked conversations around national origins quotas in the United States, which similarly came to favor migrants from Northern and Western Europe as the most racially and socially desirable migrants.<sup>48</sup> The Cuban economy experienced a general boon after the wars for independence and the labor market readily absorbed new arrivals. Immigration accounted for approximately 1.3 million of Cuba's 1.9 million population growth between 1904 and 1934, or almost two thirds of the total population growth. The number of Spanish nationals living in Cuba over a similar period rose by 625,500 alone.<sup>49</sup> The Cuban President Tomás Estrada Palma heralded the new bill both for the effect it could have on continued economic expansion but also for the improvements European immigration would have on Cuban national culture. Cuba was one of many Latin American countries that embraced a racialized national ideology in its attitudes towards immigration and many other countries such as Argentina, Brazil, Chile, and Mexico implemented similar immigration strategies as part of national programs to move on from historical legacies defined conflict and slavery. In Cuba, where Chinese contract labor had been strongly prevalent before independence, such migration schemes also distanced

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<sup>48</sup> Cervantes-Rodríguez, *International Migration in Cuba*, 119-120; López, *Chinese Cubans*, 147.

<sup>49</sup> Cervantes-Rodríguez, *International Migration in Cuba*, 117-118.

the purported future of the republic away from a history of Chinese migration associated with bondage.<sup>50</sup>

The desire to make Cuba whiter through immigration was a policy that needs to be understood in concert with Chinese exclusion. The two represented different sides of the same coin where facilitating European migration could only achieve its intended goal when paired with the effort to keep out migrants perceived to be racially inferior. Indeed, plans to stimulate white immigration directly contradicted the idea of a multiracial Cuba that coalesced during the contests for independence.<sup>51</sup> The twin rationales of Chinese inferiority and European migration as national progress were articulated by none other than Francisco (Frank) Menocal, the Cuban Commissioner of Immigration. Menocal was a Cuban medical doctor who served as a surgeon in the U.S. Marine Hospital Service during the military occupation and became the head of the Republic of Cuba's immigration division for its first decades. During the occupation, Menocal was responsible for treating yellow fever and responding to outbreaks in Havana and at the Tricornia immigration facility. His expertise as a doctor and experience with immigration and disease control during the occupation often influenced his administration as the Cuban commissioner of immigration. Responding to a petition sent from the Chinese consulate to the Cuban Congress to repeal Order No. 155 in July of 1909, Menocal wrote to his superior, the Secretary of the Treasury, strongly denouncing any prospect of more open Chinese migration to the island. Similar calls for the repeal of

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<sup>50</sup> López, *Chinese Cubans*, 147-148.

<sup>51</sup> Ibid; Ada Ferrer, *Insurgent Cuba: Race, Nation, and Revolution, 1868-1898* (Chapel Hill ; London: University of North Carolina Press, 1999).

exclusionary laws were also given by Chinese officials to the governments of the United States, Canada, Australia, and “other Caucasian countries.” Menocal was quick to inform the Secretary that those appeals had all been firmly rejected.

Menocal laid out numerous points in arguing why Cuba should avoid any amelioration of the Chinese exclusion laws. He connected reasons concerning the Cuban economy, society, and racial desirability, while also citing public health and diplomatic issues associated with Chinese migration. The Chinese, Menocal argued, “live grouped in colonies of manifest social inferiority with respect to the other Caucasian inhabitants,” which resulted in “a source of moral and material infection for the people.” If left unchecked, the Chinese population in Cuba would lower the wages and social character of native workers, thereby halting Cuba’s progress towards becoming “a more advanced civilization.”<sup>52</sup> Economically, Menocal criticized Chinese frugality and niche commercial pursuits arguing “the Chinese do not consume, and therefore, they do not produce any profit” for the nation. Socially, the distance of Chinese customs, religion, and language prevented their assimilation into Cuban society which caused the Chinese presence to be anathema to notions of a coherent Cuban nation. Racially, Menocal continued, “the Chinese race does not mix with the white race, nor with the black race, but producing, as I said before, an offspring whose vitality is poor, and consequently inferior to the current average of vital resilience of the population.”<sup>53</sup> Menocal’s answer to the national dangers Chinese migration posed the Cuban economy, society, and racial makeup was the

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<sup>52</sup> “Letter from Comisionado de Inmigración to Sr. Secretario de Hacienda,” September 1, 1909. Secretaria de la Presidencia, Legajo 121, Numero 74. Archivo Nacional de Cuba.

<sup>53</sup> Ibid.

continued enforcement of the Chinese exclusion laws. His arguments closely connected Chinese migration with the fate of Cuban national progress that was better served in the hands of Caucasians.

Menocal further linked Chinese people and China more generally with contagious diseases that constituted a serious threat to the Cuban national body and continued sovereignty. “China can be called the mother of plagues,” he wrote, “The bubonic plague of America, which exists today in a sporadic form in San Francisco of California, Chile, and Peru, and which also developed in Mexico, was imported directly from China.”<sup>54</sup> In this formulation the Chinese migrant becomes an even more insidious figure as a spreader of disease. Any increase in Chinese migration to Cuba would only increase the chance of a dangerous public health event. He even looked towards Hawai‘i as an example of how such an event could come to pass. “When the bubonic plague broke out in Honolulu,” Menocal explained, “it was necessary to destroy the Chinatown by means of fire,” causing almost one million pesos of damage.<sup>55</sup> There was an outbreak of bubonic plague in Honolulu in 1900 and the fear of illness caused U.S. territorial health officials there to indiscriminately burn large sections of the city’s Chinatown. But the authorities in Honolulu inflicted that damage on their own accord. The prospects of a public health event had direct implications on Cuban sovereignty under American influence. Section five of the Platt Amendment demanded the Cuban government to maintain a high level of public sanitation to protect American economic interests. There was a general fear among Cuban health professionals following the first military occupation that public health

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<sup>54</sup> Ibid.

<sup>55</sup> Ibid.

failures could result in yet another U.S. invasion.<sup>56</sup> Historic and contemporary notions of the Chinese body as a site of contagious illness were in no way limited to Menocal's views or to Cuba as a place. The description in this case followed a long line of racialized stereotypes about the Chinese body that justified popular and state sanctioned discrimination, which in turn reinforced the idea of the Chinese body as dangerous.<sup>57</sup> Rather than consider how discriminatory regimes helped produce the conditions Chinese lived in that Menocal criticized, such as those that relegated Chinese to economic niches or deterred them from intermingling more freely with their neighbors, he squarely laid the blame at the feet of Chinese themselves. The lifestyle of "coolies makes them completely ignore hygiene, crowded together in unhealthy rooms," where they lived among piles of garbage was a better explanation of Chinese lifeways for Menocal than considering that Chinese pooled their financial and social resources to survive in a hostile environment.

Lastly, Menocal insisted that any deviation from Chinese exclusion would evoke the ire of the United States. Diplomatically, he warned "Cuba, for its situation, for its

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<sup>56</sup> The full section of the Platt Amendment reads: "That the government of Cuba will execute, and as far as necessary extend, the plans already devised or other plans to be mutually agreed upon, for the sanitation of the cities of the island, to the end that a recurrence of epidemic and infectious diseases may be prevented, thereby assuring protection to the people and commerce of Cuba, as well as to the commerce of the southern ports of the United States and the people residing therein." Platt Amendment, Section V; Jose Amador, *Medicine and Nation Building in the Americas, 1890-1940* (Vanderbilt University Press, 2015), 54-57.

<sup>57</sup> See Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Berkeley: University of California Press, 2001); Erika Lee, *At America's Gates: Chinese Immigration during the Exclusion Era, 1882-1943* (Chapel Hill: The University of North Carolina Press, 2003), 81-83. The 2020 COVID-19 pandemic has similarly been accompanied by a wave of anti-Chinese and anti-Asian xenophobia that continues to show the association with the Chinese body with illness is as strong in current times as it had been in the past. For examples see, Suyin Haynes, "As Coronavirus Spreads, So Does Xenophobia and Anti-Asian Racism," *Time*, March 6, 2020; Yasmeeen Serhan and Timothy McLaughlin, "The Other Problematic Outbreak, As the Coronavirus Spreads Across the Globe, So too Does Racism," *The Atlantic*, March 13, 2020.

commercial and political relations with the United States, must ensure that its laws are, as far as possible, homogeneous with American laws.”<sup>58</sup> Lax enforcement could cause the United States to “adopt against Cuba what means of defense it deemed appropriate,” to prevent Chinese from using Cuba as a steppingstone to reach the United States “in violation of the law.”<sup>59</sup> In exhibiting sensitivity to how the United States might react to changes in Cuban dedication to exclusion, Menocal effectively tied Chinese exclusion to continued Cuban national sovereignty.<sup>60</sup> The timing of Menocal’s letter is important to consider here, because it came at the end of a second U.S. occupation of the island designed to increase Cuban political stability and orientation towards the United States. Any action to encourage continued sovereign interference was best to be avoided. Menocal believed Cuba was already on shaky grounds in this respect, accusing Chinese laborers, banned from entering either Cuba or the United States, as coming to Cuba in great numbers “undoubtedly disguised as merchants or students.”<sup>61</sup> Menocal concluded by stating the exclusion system should be reformed, but not to make it more lenient. “Although it restricts Chinese immigration to a certain extent, it does not avoid it as it should be done, in accordance with Sections VII and VIII of Civil Order No. 155 of 1902.”<sup>62</sup> The best solution for advancing the progress of the Cuban nation and to avoid running afoul of the United States was stricter enforcement, not less.

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<sup>58</sup> “Letter from Comisionado de Inmigración to Sr. Secretario de Hacienda,” September 1, 1909. Secretaria de la Presidencia, Legajo 121, Numero 74. Archivo Nacional de Cuba.

<sup>59</sup> Ibid.

<sup>60</sup> López, *Chinese Cubans*, 151-155.

<sup>61</sup> “Letter from Comisionado de Inmigración to Sr. Secretario de Hacienda,” September 1, 1909. Secretaria de la Presidencia, Legajo 121, Numero 74. Archivo Nacional de Cuba.

<sup>62</sup> Ibid.

Efforts to further alter the island's racial composition were met with additional legislation and budgetary appropriations in 1911. But further whites only immigration schemes were stymied by Cuba's expanding labor market and the wartime demands of World War One. Cuba needed workers and where they came from mattered less in the wartime moment than ensuring continued labor growth. Sugar planters heavily preferred agricultural workers from Spain during the Republic's early decades, but in times of labor shortages they also readily turned towards the importation of Haitian and Jamaican workers in addition to lobbying the government to relax restrictions on Chinese labor. Perhaps predictably, U.S. support for white migration to Cuba came to be undercut by the desire protect American companies in Cuba and financial interest tied to the island's sugar industry, especially when those companies supported the introduction of more bracero regardless of their origins, including from China, so long as their labor helped further transfer the material wealth of Cuba to "El Norte," to the north.<sup>63</sup> Racialized labor from the Caribbean and China helped facilitate the United States' extraction of goods and capital from the Cuban economy while the presence of those migrants served as a further justification for continued American colonial stewardship of Cuba.

Facing a need for additional labor to support wartime demand for Cuban manufactured sugar, alcohol, and explosives, a Cuban presidential decree temporarily suspended Order No. 155 in 1917 and allowed for Chinese laborers to enter the island for up to two years following the conclusion of the war, or for the next four years in total. Some American businesses, such as the United Fruit Company, welcomed this increased

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<sup>63</sup> Cervantes-Rodríguez, *International Migration in Cuba*, 122-123.

access to Chinese workers. It is difficult to track just how many Chinese workers entered Cuba at this time, but between 1917 and 1924 the Chinese consulate in Havana recorded 17,473 entries for merchants and students exempt from the exclusion laws.<sup>64</sup> Samplings from the shipping pages of the *Havana Post* in 1920 show that several thousand laborers once arrived in Havana during a period of just ten days. Overall, the total Chinese population in Cuba more than doubled from 11,217 in 1907 to 24,674 in 1931.<sup>65</sup> The number of arrivals triggered an investigation within the U.S. Immigration and Naturalization Service as to the status of exclusion in Cuba. In February 1923, a U.S. immigration report noted that controls had been restored and the migration of Chinese laborers “had been effectively checked, if not stopped.”<sup>66</sup> Not content to simply observe from afar, INS actually sent personnel to Cuba during the war years to investigate Chinese entry and bust up any smuggling attempts to reach the United States. Frank Menocal’s warning about attracting the watchful eye of the United States appeared to come true.

American and Cuban immigration officials gained a renewed interest in the “Chinese Question” with the relaxation of regulations accompanying the onset and aftermath of World War I. U.S. officials less concerned about the effects of Chinese migration in Cuba but very concerned that Chinese migrants who entered Cuba would

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<sup>64</sup> Miriam Herrera Jerez and Mario Castillo Santana, *Identidades, espacios y jerarquías de los chinos en La Habana republicana, 1902-1968* (Havana: Centro de Investigación y Desarrollo de la Cultura Cubana Juan Marinello, 2003), 28.

<sup>65</sup> Corbitt, *A Study of the Chinese in Cuba, 1847-1947*, 97-98.; López, *Chinese Cubans*, 155-156; Cervantes-Rodríguez, *International Migration in Cuba*, 126.

<sup>66</sup> “Letter from William S. Howell, Jr., Charge d’Affaires ad interim to the Secretary of State, Washington,” Havana, Cuba, October 15, 1923. Record Group 85, Subject and Policy Files, 1893-1957, Box 136, File 51648/3A. NARA, Washington, D.C.

then try to clandestinely attempt entering the United States proper. Reaching Cuba during this period often required Chinese laborers to transit through the United States first. In 1918 alone over 38,000 Chinese transited through the United States towards Cuba, Mexico, and France to work in various wartime industries.<sup>67</sup> Some subsequently tried to reenter the United States without authorization. Fears of unlawful entry led to enhanced border policing along U.S. borders with Canada and Mexico, as well as within the Gulf of Mexico and the waters around Cuba. Investigations into migrant smuggling out of Havana began as early as 1909 after Chinese stowaways were discovered on several steamships arriving in Gulfport, Mississippi from Progreso on the Mexican Gulf Coast. The U.S. Chinese inspector and Chinese translator investigating these events traveled to Havana undercover to find that the city had become a hub for regional efforts to clandestinely send migrants to the United States.<sup>68</sup> During the 1910s, suspicions of Chinese smuggling operations in the Caribbean led to expanded INS investigations in Jamaica and Trinidad in addition to Cuba. Just as Chinese transnational and regional business and social ties helped facilitate their movement within the Americas, U.S. immigration enforcement similarly reached into other countries either with or without the cooperation of their state or local governments. Frank Menocal, still acting as the Cuban Commissioner of Immigration into the 1920s not only cooperated with American officials but sometimes also actively sought their assistance. In 1917 Menocal suspected the Chinese minister in Havana of fraudulently assisting Chinese merchants enter Cuba

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<sup>67</sup> Elliott Young, *Alien Nation: Chinese Migration in the Americas from the Coolie Era through World War II* (UNC Press Books, 2014), 158-159.

<sup>68</sup> Young, *Alien Nation*, 180.

and requested that American immigration officials furnish him with lists of Chinese merchants traveling through the United States to Cuba in an effort expose illegal activity. Again in 1920, Menocal reaffirmed his partnership with North American officials when he agreed to deploy Cuban detectives in Havana to uncover illicit immigration activity among Chinese at the request of U.S. immigration inspectors.<sup>69</sup>

Immigration and Naturalization Service plans to stop unlawful migration from Cuba also exceeded official cooperation. A Chinese man named Chin Yuk served as an uncover agent in Havana between 1917 and 1920 and provided the immigration service with real time information on smuggling attempts to bring Chinese laborers unlawfully to the United States and was central to these furtive schemes. Chin had originally tried to enter the United States in 1916 with the help of smugglers through the Canadian-U.S. border. He was caught and decided to help INS apprehend the individuals he hired to make the crossing. In return, he was offered a job to expose similar cases in Cuba, earning \$100 a month under the direction of the Chinese Inspector in Los Angeles named Richard H. Taylor. Taylor had cut his chops in the immigration service by investigating smuggling operations and had done so at least since 1909 when he traveled to Mexico to examine how Chinese moved from Oaxaca, Mexico City, and into the United States.<sup>70</sup> Taylor commented that “Chin Yuk unearthed complete information regarding the manner in which Chinese coolies are being smuggled into the United State from Cuba and the large extent to which that traffic is now being carried on.”<sup>71</sup> For his services rendered in

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<sup>69</sup> Young, *Alien Nation*, 187-188.

<sup>70</sup> Young, *Alien Nation*, 176.

<sup>71</sup> Exclusion Case File for Chin Yuk. Record Group 85, Box 8, File 6/321. NARA, New York.

furthering the hemispheric reach of exclusion, Chin was allowed to land at Key West, Florida and was admitted to the United States as a returning laborer.

Increased American surveillance and mounting pressure from Cuban officials and the public concerning the Chinese combined in 1922 to strip the Chinese consulate in Havana of the augmented immigration powers that Menocal had long been suspicious of. “In the atmosphere of the Chinese Consulate, a series of interests has been formed,” reported the Havana paper *La Discusión*, “as to the true character of those coming from the Orient, and which they cleverly cover by the untrue and false label of rich merchants and college students.”<sup>72</sup> Cuban president Alfredo Zayas reinforced this new wave of anti-Chinese xenophobia by issuing two decrees in 1922 and 1924. The first formally stopped Chinese officials in Cuba from issuing immigration documents as it had done over the past two decades. The second further suspended Cuban consulates from issuing visas on Chinese passports except for Chinese government officials, thereby cutting off the two avenues migrants could pursue to enter Cuba with proper authorization. These new orders attempted to strengthen enforcement by placing authority more squarely in the hands of the Cuban department of immigration. Doing so would prevent further American intervention but also acted to limit the power of the Chinese consulate to intervene in immigration matters.

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<sup>72</sup> “The Problem of Undesirable Immigration Resolved by Enforcing Order 155,” *La Discusión*, May 10, 1924. Transcribed in “Immigration Laws of Cuba,” Record Group 85, Subject and Policy Files, 1893-1957, Box 136, File 51648/3A. NARA, Washington, D.C.

Prior to the end of consular authority, Chinese officials were still able to exploit opportunities to shape the immigration system for two decades. They negotiated, adapted, and found ways to challenge the law, and along with it, the American colonial power structure in Cuba. While Chinese officials challenged the system in an official capacity, Chinese migrants also showed ingenious agency in moving through both the American and Cuban exclusionary systems. They pooled their resources and social capital to enter the United States from Cuba and U.S. immigration inspectors had a difficult time stopping them even when they did suspect foul play. The relaxation of labor restrictions during World War One also presented a major opportunity to Chinese because it opened a window for a legal labor migration that otherwise could not have happened. But there was also an equally powerful backlash against Chinese migration by the Cuban and United States governments and increasing pressure within Cuba to enforce the exclusion laws more strictly. The exclusion regime became re-entrenched in the 1920s. While the Chinese consulate and migrants proved that exclusion could be challenged, U.S. immigration enforcement worked hard to ensure it could not be totally defeated. Intervention in immigration matters instead reaffirmed Cuba as a site of U.S. power and a location for its exclusionary immigration regime, even if control was exercised inconsistently.

From this point forward Chinese in Cuba would have to assert that despite the exclusion laws they were still a formative part of Cuba's national body. The legal reforms that strengthened exclusion were accompanied by a spiraling of the Cuban economy as the overproduction of sugar after the war sent prices falling and rippled negatively through most sectors. The rising xenophobia that resulted from economic depression

characterized Chinese much the way Frank Menocal had done so earlier – as outsiders to Cuba’s national future and path towards prosperity. The demise of the consulate’s influence in the 1920s preceded further economic misfortune when the Great Depression in the United States sent shockwaves around the global economy. Under the Platt Amendment, U.S. businesses had gained increasing control of Cuban finances and industry, so the depression hit Cuba hard as U.S. businesses and financial institutions were crippled. Migratory flows from Europe and the Americas, which had been so important to the republic’s growth transformed from a steady stream to barely a trickle in the 1930s and with it the era of large-scale immigration to Republic of Cuba ended.

## **Chapter 4 – Exclusion in Hawai‘i and Alien Citizenship**

Au Tam Shee arrived in Honolulu aboard the *S.S. Siberia* on May 8, 1905. She made the journey alone by steamship from Hong Kong to be reunited with her husband. Her spouse, Au Hook Yuen, appeared before immigration officials just the month prior and notified them that his wife would soon be joining him in the new U.S. territory. Au Hook Yuen had been born in Hawai‘i, and so as a U.S. citizen he was allowed under the exclusion laws to bring his wife to live with him in the United States. When Au Tam Shee completed her several week trip across the Pacific Ocean, she was able to convince immigration inspectors of her marriage to Au Hook Yuen, corroborating the information her husband had provided the month before. Au Tam Shee landed without incident and the happy couple soon after held another marriage ceremony. This time, they were married under the laws of the U.S. Territory of Hawai‘i. The ceremony proved the two were lawfully wedded and affirmed beyond a doubt that Au Tam Shee was the wife of a U.S. citizen and was therefore exempt from the exclusion laws because of her relationship to her husband.

Less than a month later, on June 5, Au Tam Shee had been arrested and was set to be deported back to China. Her crime was, most simply, that she was married to the wrong man. Au Hook Yuen was in fact not her real husband, even though the two had married under American law. The U.S. Attorney’s Office in Honolulu discovered that Au Tam Shee was really the wife of a different man, an immigrant named Chang Chee. Although Chang Chee had been a merchant, he had lost his merchant status sometime

before his wife began her travels to Hawai‘i. Recognized by authorities as a laborer, Chang Chee lost the privilege to bring family to Hawai‘i, a privilege which his merchant status would have afforded. Considering his altered status, Chang Chee entered into an agreement with Au Hook Yuen to help Au Tam Shee enter Hawai‘i as the wife of a U.S. citizen.

Robert W. Breckons, the United States Attorney in Hawai‘i, spent a great deal of time and effort to uncover the means by which Au Tam Shee was able to enter the territory. An anonymous tip led him to investigate the three parties involved and he did so by staking out their residence for a week, observing their behaviors and interactions unseen. Observing all three was an easy task because Chang Chee and Au Hook Yuen were neighbors. They lived in two apartments side by side in a partitioned framed house that was much like a row home or a duplex. With the aid of U.S. marshalls, Breckons entered the apartments on Tuesday morning, May 30 with warrants, and found letters Chang Chee had written indicating that Au Tam Shee was indeed his wife. Marshalls also found a trap door between the apartments that “was carefully concealed, in a manner difficult to explain, except by the use of a diagram.”<sup>1</sup> The two men kept up public appearances by entering their own apartments. Once inside, they used the door to swap places and reunite the true married couple within their own living quarters.

Because Au Tam Shee was the wife of a laborer, there were little means to prevent her deportation. The men were both charged with conspiracy for bringing a

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<sup>1</sup> “Letter from United States Attorney, District of Hawai‘i, to The Attorney General, Washington, D.C.” June 3, 1905. Record Group 60, Department of Justice Central Files, Entry 112, Straight Numerical Files, Box 194, File 59125. National Archives and Records Administration (NARA), College Park.

Chinese person not permitted to land in the U.S., and Chang Chee was further charged with adultery, even though Au Tam Shee was his actual wife. Breckons considered the marriage in Hawai‘i between the other two as a way “of further throwing dust in the eyes of the officials” they had deceived, and perhaps charging the true husband with adultery was the U.S. attorney’s way of doing the same.<sup>2</sup> Breckons’ indignation at the fake marriage revealed his true concern with the events as they unfolded, which was less about the transgressions of the two migrants than about the bestowal of U.S. citizenship on Au Hook Yuen, which was what made the plan possible in the first place.

Breckons viewed Au Hook Yuen’s involvement as “a new wrinkle” in Chinese immigrants’ attempts to evade exclusion; his involvement was the reason Breckons wrote the U.S. Attorney General about the case in such detail. “Under the terms of the Organic Act of the Territory,” Breckons explained, “all citizens of the Republic of Hawaii became citizens of the United States, a provision which resulted necessarily in making a large number of Chinamen American citizens.”<sup>3</sup> That extension of citizenship, which followed the application of the Chinese exclusion laws to Hawai‘i, allowed citizens of Chinese descent to use their new status to reunite with family living outside the bounds of the United States. The extension of U.S. citizenship to Chinese in Hawai‘i occurred at a moment when immigration authorities on the U.S. continent were increasingly suspicious of and tried to deny Chinese citizenship claims. Even though the exclusion laws prevented Chinese from naturalizing as American citizens, the U.S. Supreme Court

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<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

decided in *Wong Kim Ark v. United States* just before Hawai‘i’s annexation, that Chinese born in the U.S. were legal citizens by virtue of birth. For immigration inspectors, potentially fraudulent claims to birth citizenship represented an avenue to subvert the exclusion laws. Furthermore, the 1906 San Francisco earthquake destroyed many original Chinese immigration files, which made disproving claims of U.S. birth more difficult and caused immigration officials to view all Chinese American citizens as frauds.<sup>4</sup> Breckons viewed Au Hook Yuen in the same manner, explaining to the attorney general that Au had appeared before immigration authorities and “convinced them that he had been born in the Hawaiian Islands, and by virtue thereof, was an American citizen.”<sup>5</sup> Breckons believed Au Hook Yuen was able to help Au Tam Shee enter Hawai‘i not because he was a citizen by right, but because he was able to persuade immigration officials that he was. Breckons feared that if the new rights Chinese American citizens enjoyed were used to take advantage of the immigration system, then their presence as citizens threatened to undermine the U.S. rule of law in Hawai‘i.

This chapter focuses on how the expansion of U.S. citizenship to Chinese born in Hawai‘i convoluted the enforcement of the Chinese exclusion laws there, and thereby complicated the ability of the U.S. state to more thoroughly “Americanize” the Hawaiian Islands with white immigrants. The integration of Hawai‘i into the United States was a settler colonial project. Similar to programs undertaken by the Cuban Republic,

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<sup>4</sup> Erika Lee, *At America’s Gates: Chinese Immigration during the Exclusion Era, 1882-1943* (Chapel Hill: The University of North Carolina Press, 2003), 103-109.

<sup>5</sup> “Letter from United States Attorney, District of Hawai‘i, to The Attorney General, Washington, D.C.” June 3, 1905. Record Group 60, Department of Justice Central Files, Entry 112, Straight Numerical Files, Box 194, File 59125. NARA, College Park.

immigration exclusion and white immigration projects were important tools used to alter Hawai‘i’s racial composition. But the consequences of annexation also created a group of citizens that otherwise would not have existed. American citizens of Chinese descent in Hawai‘i constituted a group that historian Mae Ngai has calls “alien citizens.” They were lawful citizens but were continuously considered as foreigners by the state and by mainstream American culture.<sup>6</sup> The sheer volume of cases concerning American citizens within the records of the Hawai‘i Chinese exclusion case files reveals that U.S. citizenship did not automatically supersede how these individuals were perceived and treated on account of their racial background – rather than their citizenship status – before the immigration laws. They were considered aliens first, citizens second. Their proximity to non-citizen family and friends reinforced immigration and law enforcement officials’ belief that this group was wrongly bestowed citizenship. They were citizens by mistake.

### Transforming Hawai‘i into America

The concern with extending American citizenship to Chinese in Hawai‘i was a manifestation of larger fears about Hawai‘i’s racially diverse population. These fears emanated within white society in Hawai‘i and from the American continent, so concerns about citizenship and racial composition revolved around more than just fears about Chinese inclusion locally. The combination of extending the Chinese exclusion laws to Hawai‘i, followed by the extension of citizenship that marked Chinese Americans in

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<sup>6</sup> Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, New Jersey: Princeton University Press, 2004), 2-3.

Hawai‘i as alien citizens, formed part of a larger settler colonial strategy to transform the islands’ racial makeup. Similar to Cuban policies that favored immigration from Spain and the rest of Europe, the federal and Hawai‘i territorial government also engaged migration programs to bring white immigrants to Hawai‘i alongside the enforcement of Chinese and Asian exclusion. In this way, immigration policy formed a vital tool for how the United States would colonize Hawai‘i after annexation. However, the extension of citizenship, coupled with Hawai‘i’s past immigration policies, stymied how effective this strategy of racial replacement could ultimately be. Nevertheless, there was no lack of effort amongst white territorial leaders, many of whom had been members of the Republic of Hawai‘i government who had lobbied for annexation, to transform the islands into a place for white settlement.

Programs to simultaneously induce white settlers and enforce Asian exclusion were crucial parts of the white settler colonialism in Hawai‘i that continued after annexation. The arguments in favor of whitening the islands took several forms but tended to revolve around the idea that it was imperative that Hawai‘i “develop along traditional American lines”, as was frequently said, for the sake of both local and national prosperity. A larger white population would materially strengthen local white political and economic dominance while shaping the islands as a reliable bulwark for the preservation of American national security interest in the Pacific. The traditional reliance on East Asian migrant workers in Hawai‘i meant that Chinese and Japanese together formed the majority of the population after annexation, and this course had to be corrected as soon as possible. One observer described Hawai‘i as an “Oriental American

Territory,” which could become “a menace to the whole Nation unless we in turn drive out the Asiatic civilization which it holds and which holds it, by reinstating our own.”<sup>7</sup> The preservation of democratic institutions and the power of American rule were best served by pairing Asian exclusion, which would close “the back door against the racially unfit” for citizenship, with opening “wide the front door” to citizens from the continental United States and immigrants from Europe.<sup>8</sup>

Asian immigration exclusion and the promotion of white migration furthered the project of achieving racial fitness in Hawai‘i but they were also not the only settler colonial projects of this kind. Whitening Hawai‘i as a means to Americanize the islands was also bound up with the territory’s progression to U.S. statehood. There has never been an incorporated U.S. territory that did not become a state. Hawai‘i and Alaska were the final territories to achieve statehood in 1959. That process took more than sixty years in Hawai‘i because the islands’ racial makeup caused doubt within Congress about whether a majority nonwhite territory should be admissible to statehood. A University of Hawai‘i sponsored racial research lab founded in the 1920s to explore the consequences of racial mixture and U.S. public education curriculums introduced after 1900 were also designed to assimilate the nonwhite population into a modicum of cultural Americanness through programs promoting biological and ideological improvement. These strategies of exclusion and absorption emphasized different aspects of U.S. settler colonialism to make

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<sup>7</sup> Jared G. Smith, “A Citizen Population,” *The Pacific Commercial Advertiser*, May 18, 1907.

<sup>8</sup> *Ibid.*

room for continued white settlement and Native Hawaiian dispossession.<sup>9</sup> Nonwhite white peoples could be physically removed through racial immigration exclusion or they could be ethnically and culturally removed through strategies peddling absorption into respectable white American lifeways. The intended result was to create a racially acceptable society in Hawai‘i that deserved statehood, the status of which in turn denoted the attainment of that achievement.

The territorial government formed the Board of Immigration in 1905 to induce white settlement. Initial efforts revolved around assisting Portuguese families to migrate from the Azores. Attracting Portuguese immigrants was an obvious choice because prior to annexation, plantation owners in Hawai‘i relied upon Portuguese laborers alongside those from China and Japan. Hawai‘i was therefore known to the Portuguese and a sizable number of them were already living in Hawai‘i. In the first two decades of the territorial period, Portuguese migrants and their descendants comprised about 11% of the total population, which was only slightly higher than the number of Chinese in Hawai‘i.<sup>10</sup> By 1906 the territorial Board of Immigration had concluded plans to bring 1,315 families from the Azores to settle in Hawai‘i and work in agriculture. They were provided them with one acre of land to live on, provided either from the plantations or from the lands

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<sup>9</sup> Maile Arvin, *Possessing Polynesians: The Science of Settler Colonial Whiteness in Hawai‘i and Oceania* (Durham: Duke University Press, 2019); Dean Itsuji Saranillio, *Unsustainable Empire: Alternative Histories of Hawai‘i Statehood* (Durham: Duke University Press, 2018); Christine Leah Manganaro, “Assimilating Hawai‘i: Racial Science in a Colonial ‘Laboratory,’ 1919-1939” (University of Minnesota, Ph.D. Dissertation, 2012).

<sup>10</sup> 1910 Census, Vol. 3, Population Reports by States, 1159-1160; 1920 Census, Vol. 3, Population, 1172-1173.

owned by the territorial government, in addition to their pay.<sup>11</sup> The intention to bring these families was not just for the benefit of their labor but to encourage them to settle permanently in Hawai‘i. The sugar plantations leased large swaths of public land for cultivation and the territory’s own land holdings had been inherited from the dispossession of the Hawaiian Crown. The land once used for the maintenance of Native Hawaiians and Hawaiian sovereignty was repurposed for white settlement. This shift to settlement represents a difference from Kingdom and Republic immigration policies aimed towards attracting laborers on contract who would either continue to work or leave when their contracts expired. The board of Immigration thereby sought to use its means to begin changing the character of the population.

Whitening the islands was the very reason the territorial Board of Immigration was founded. It is important to note that this scheme to induce Portuguese immigrants, the first of the Board’s actions, was conducted with the aid of the U.S. federal government across several branches. Whitening the islands was part of federal plans for Hawai‘i and had support from the President of the United States, Theodore Roosevelt, and the U.S Commissioner-General of Immigration Frank Sargent. Sargent advised the territorial legislator to craft policies that did not interfere with U.S. federal immigration laws and communicated with Roosevelt the importance of bringing white immigrants to Hawai‘i. “Above all else,” Sargent advised the President, “the need is felt in the Territory for the building up of a substantial white middle-class population – an element which will

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<sup>11</sup> “Territorial Board of Immigration to E R. Stackable, Agent of the Board of Immigration,” May 7, 1906. Record Group 85, Records of the Immigration and Naturalization Service, File 51389/14 Induced Immigration to Hawaii. NARA, Washington, D.C.

be attached to the soil and make good, law abiding, citizens.”<sup>12</sup> The goal of Hawai‘i’s Board of Immigration was to thus attract white immigrants from Europe who could become citizens and replace laborers from Asia, who were barred from citizenship and considered by Sargent to be generally “untrustworthy.” This particular plan to attract families from the Azores was also supported by the U.S. Department of Justice. Robert W. Breckons, the United States Attorney in Hawai‘i who was responsible for deporting Au Tam Shee, wrote the territorial bill to attract immigrants from the Azores and create the Board of Immigration.<sup>13</sup> When the Portuguese families finally arrived in Honolulu, President Roosevelt marked the event with adulation. The President wrote Sargent that “we are to be congratulated upon what that shipment to Hawaii shows. By George; we shall succeed in turning Hawaii into the right kind of island!”<sup>14</sup>

In addition to enticing European migration and enforcing Chinese exclusion, racial reform was further supported when President Roosevelt reached a diplomatic agreement with the Japanese Empire to end the migration of Japanese laborers to the continental United States and Hawai‘i in 1907. A further executive order, drawing from the enforcement of Chinese exclusion in Hawai‘i, stopped the migration of Japanese with

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<sup>12</sup> “F. P. Sargent, Commissioner-General, to President Theodore Roosevelt,” December 28, 1906. Record Group 85, Records of the Immigration and Naturalization Service, File 51389/14 Induced Immigration to Hawaii. NARA, Washington, D.C.

<sup>13</sup> “F. P. Sargent, Commissioner-General, to A. L. Atkinson, Secretary of Hawaii,” March 23, 1905. Record Group 85, Records of the Immigration and Naturalization Service, File 51389/14 Induced Immigration to Hawaii. NARA, Washington, D.C.

<sup>14</sup> “Theodore Roosevelt to F. P. Sargent, Commissioner-General of Immigration and Naturalization,” November 5, 1906. Record Group 85, Records of the Immigration and Naturalization Service, File 51389/14 Induced Immigration to Hawaii. NARA, Washington, D.C.

passports to Hawai‘i from continuing to the continental United States.<sup>15</sup> The “Gentlemen’s’ Agreement” was met with mixed reactions in Hawai‘i. When sugar planters turned away from Chinese labor before annexation, Japanese migrants had quickly become the dominant agricultural workforce in the islands. Migration from Japan had been so successful during and after the Republican period that Japanese consistently made up over 40% of Hawai‘i’s total population.<sup>16</sup> However, while Japanese labor was recognized as necessary, it was still considered by many whites to be racially undesirable. The territorial governor George Carter summed up this position well when lobbying the federal government to continue favoring European immigration to Hawai‘i: “At present the large proportion of the population which the Japanese constitute is thought by some to be a nuisance.”<sup>17</sup> Carter warned that the Japanese were “incessantly forcing themselves into positions other than that of common labor, being exceedingly ambitious,” bringing them into “competition with white men in positions which require skilled labor, which is the one field admitted by all to be open to and should be kept for American citizens.”<sup>18</sup> Similar to the Chinese, Japanese in Hawai‘i were racialized as a group of noncitizens that threatened Hawai‘i’s progress towards white Americanization. Different from the Chinese, however, Japanese were numerically larger and could collectively influence the

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<sup>15</sup> The Gentlemen’s Agreement was concluded on February 15, 1907. Informally ending migration to the United States allowed the Japanese Empire to avoid the same humiliation China faced as a result of legal exclusion. Also see “Executive Order, March 14, 1907.” Records of the Territorial Governors, Box 2, Folder 7, Carter – U.S. Departments, State. Hawai‘i State Archives (HSA).

<sup>16</sup> In 1910 Japanese numbered 79,675 or 41.5% of the population and rose to 109,274 or 42.7% of the population in 1920. 1910 Census, Vol. 3, Population Reports by States, 1159-1160; 1920 Census, Vol. 3, Population, 1172-1173.

<sup>17</sup> “Governor to John Hay, Secretary of State,” October 29, 1904. Records of the Territorial Governors, Box 2, Folder 7, Carter – U.S. Departments, State. HSA.

<sup>18</sup> “Governor to John Hay, Secretary of State,” November 1, 1904. Records of the Territorial Governors, Box 2, Folder 7, Carter – U.S. Departments, State. HSA.

labor market to a greater degree. Prior to the Gentlemen's Agreement, Governor Carter unsuccessfully tried to persuade the federal government to allow for the entry of ten thousand Chinese laborers if Europeans could not be secured quickly, reasoning that "offsetting one race against the other so that neither would be in a position to dominate," would preserve American power.<sup>19</sup> Although Chinese labor migration was not allowed, the idea coupled with the restriction of Japanese migration and encouragement of European settlers demonstrated how immigration policy could be used in different combinations to serve the American colonial goal of racial change.

In the long run, attracting enough European immigrants proved difficult. Diversifying the population, or as Carter put it, offsetting one race against another, became a more prominent strategy for maintaining American political and economic predominance. This shift in strategy also became necessary with changes in federal immigration laws that made the Board of Immigration's methods of operation obsolete. In almost two years the Board of Immigration succeeded in assisting close to five thousand European settlers reach Hawai'i. In addition to the Azores, the Board also began plans to attract immigrants from the northern Italy and possibly Dutch settlers from Indonesia. These plans ultimately met with failure, causing the Board to reevaluate its strategy. A new federal immigration law in 1907 forbade the kind of assisted immigration on which the territorial government depended. The funds the Board relied on largely came from the Sugar Planters' Association.<sup>20</sup> The use of corporate money to induce

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<sup>19</sup> Ibid.

<sup>20</sup> "President, Board of Immigration, to Hon. Geo. R. Carter, Governor, Territory of Hawaii," May 7, 1907. Records of the Territorial Governors, Box 2, Folder 6, Carter – Board of Immigration. HSA.

immigration became illegal. Not only could the territorial government no longer assist European migrants by paying for transportation costs through the Sugar Planters' Association but advertising the benefits of immigration and the availability of potential employment in foreign countries also became strictly forbidden under the new law.<sup>21</sup> The territorial and federal governments shared the desire for white migration to Hawai'i. Yet at the same time, the white elites in the islands did not always receive special treatment from Washington.

This setback forced the territorial government to develop a two-part strategy that needs to be understood with the context of empire. First, the Board began placing an emphasis on attracting colonial labor from Puerto Rico and the Philippines while trying to bolster the number of white American citizens from the continental United States. The governor of Hawai'i explained that, "owing to the extension of the Chinese Exclusion Laws to Hawaii at the time of annexation," and "the limitations placed on Japanese immigration" through the Gentlemen's Agreement, labor demands were met more conveniently and more cheaply by obtaining "immigrants from the mainland of the United States and Porto Rico and the Philippines," as opposed to just from continental Europe.<sup>22</sup> The arrival of a few white American citizens fit neatly within the conceived desire to racially reform Hawai'i. But the arrival of Puerto Ricans and Filipinos in significant numbers reveals the importance of the circulation of colonial labor to Hawai'i.

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<sup>21</sup> *An Act to Regulate the Immigration of Aliens into the United States*, Public Law 59-96, U.S. Statutes at Large 34 Stat. 898. Sections four, five, and seven on transportation and advertisement closed the loopholes the territorial Board of Immigration previously exploited to attract and obtain new immigrants.

<sup>22</sup> "Governor to the Honorable Secretary of the Interior," June 1, 1909. Record Group 126, Office of the Territories Classified Files, 1907-1951, Entry 1, Box 603, File 9/4/17 Hawaii, Immigration. NARA, College Park.

By the end of World War I, over five thousand Puerto Ricans and over twenty thousand Filipinos had come to Hawai‘i.<sup>23</sup> Within the territory’s racial hierarchy, Puerto Ricans and Filipinos were neither white nor Asian but were colonized people of color brought to labor in another colonized space.<sup>24</sup> What made these migrants special was that they occupied a strange legal status as U.S. Nationals, a polite term used for colonial subjects within the U.S. empire. They were not U.S. citizens, considered too dark and racially unfit for American inclusion, but at the same time they were not legally considered foreign immigrants either. Because they were not immigrants, the federal immigration laws which hampered the territorial government’s ability to assist white immigrants did not apply to the Puerto Ricans and Filipinos who came to Hawai‘i to work in the sugar industry. American citizens arrived in only low numbers, but the turn toward colonial labor from other parts of the empire nonetheless weakened the Hawaiian labor market’s reliance on workers from East Asia. American officials were not exactly pleased with sugar planters’ reliance on colonial labor. The U.S. commissioner-general of immigration reported in 1910 that the turn towards colonial labor threatened to slow the Americanization of Hawai‘i. The commissioner explained that, “the standards of living of the American, and of the European also, are very much higher than those of the Oriental, the Porto Rican, or the Filipino.”<sup>25</sup> While the commissioner believed sugar profits

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<sup>23</sup> The 1920 Census recorded 5,602 Puerto Ricans and 21,031 Filipinos in Hawai‘i. See 1920 Census, Vol. 3, Population, 1172-1173.

<sup>24</sup> JoAnna Poblete, *Islanders in the Empire Filipino and Puerto Rican Laborers in Hawai‘i*, Asian American Experience (Urbana: University of Illinois Press, 2014), 6.

<sup>25</sup> United States Bureau of Immigration, *Annual Report of the Commissioner-General of Immigration to the Secretary of Commerce and Labor for the Fiscal Year Ended June 30, 1910* (U.S. Government Printing Office, 1910), 122.

deserved to be protected, the continued reliance on cheaper nonwhite labor meant that “the sugar planters are either insincere in their declared desire to Americanize the islands or else their efforts are at cross-purposes with their ambition.”<sup>26</sup> The commissioner’s doubtful remarks highlight the federal government’s sustained concern over increasing Hawai‘i’s white population as essential to the islands’ continued colonization. But the turn towards colonial labor was just one part of the territorial immigration plan that was ultimately aimed at stimulating white migration. Sugar profits were key to funding further white migration and less expensive colonial labor in the short term was designed to facilitate continued white settlement.

The second part of the territorial government’s strategy to further racial change revolved around revising how the Board of Immigration was funded so it could continue trying to attract white immigrants. The territory passed an act in March 1909 to levy a special income tax to fund the Board’s activities. As public funds, the tax allowed the Board of Immigration to operate without direct corporate sponsorship, allowing assisted migration to continue without infringing on the 1907 U.S. Immigration Act even though the majority of income taxes paid in Hawai‘i came from the agricultural plantations. Perniciously, the wording of the act compelled the tax to be paid by all. “Its burdens fall alike on those who are and those who are not directly interested in securing immigration,” special agents of the Board of Immigration explained to Washington, “but

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<sup>26</sup> Ibid.

the ultimate purpose and result of the legislation is for the general public benefit.”<sup>27</sup> This language allowed the Board to legally sidestep federal immigration law. Additionally, the “public benefit” of securing white immigration also had to be paid by the very people the territorial government hoped to replace, whether those be Native Hawaiians, Chinese, Japanese, or other minorities.

The overall impact of these migration and settler policies were mixed. By 1940 the white population more than doubled, but the white proportion of the total population only slightly increased to approach one quarter. The territory achieved greater success diversifying the population alongside Asian immigration exclusion. The Puerto Rican, and especially Filipino, share of the population swelled to comprise one fifth of the total population. The proportion of people who were enumerated as at least part Hawaiian was reduced by about a quarter in 1940 while those who were counted as fully Kanaka dropped from 13.6% in 1910 to only 3.4% in 1940. Additionally, the Japanese share of the population was reduced by about a tenth and the proportion of Chinese in Hawai‘i was almost halved.<sup>28</sup> These figures indicate that racial change did occur to an extent, even if not to the scale or in the way proponents of racial replacement had hoped. Greater racial diversity did not result in numerical white supremacy as was intended. The growth of U.S. citizenship in Hawai‘i greatly affected these plans. By the middle of the century, Hawai‘i comprised of a mostly Hawaiian-born citizen population of many diverse

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<sup>27</sup> “A.J. Campbell, Special Agent Board of Immigration, Territory of Hawaii, to Charles Nagel, Secretary of the Department of Commerce and Labor,” June 24, 1909. Record Group 126, Office of the Territories Classified Files, 1907-1951, Entry 1, Box 603, File 9/4/17 Hawaii, Immigration. NARA, College Park.

<sup>28</sup> These figures are calculated by comparing the 1910 and 1940 census population reports. See Leon E. Truesdell, Sixteenth Census of the United States, 1940: Population, Second Series: Characteristics of the Population, Hawaii, 1943, 1.

backgrounds. So too then, the goal of raising a permanent citizen population was also achieved, if not exactly according to plan. For many Chinese in Hawai‘i, plans to change the population pushed them into a space between citizenship and exclusion.

### Making Citizens, Making Aliens

The annexation of Hawai‘i coincided with new questions about Chinese exclusion enforcement on the U.S. continent more generally. The application of the exclusion laws to Hawai‘i played a significant role in bringing the islands administratively into the United States, as recounted in chapter 2. But at a similar moment, questions around how to determine and rule in immigration cases involving U.S. citizens of Chinese descent began to alter the operations of immigration officials everywhere. Chief among these questions was how to treat such persons under the exclusion laws and if, as citizens, immigration inspectors had the authority to treat them as immigrants. These questions also took a particular shape in Hawai‘i because the islands’ incorporation as a U.S. territory was followed by a collective granting of citizenship. However, the acceptance of Chinese citizenship, in either Hawai‘i or in the continental United States was not without difficulty or disagreement. After all, Chinese American citizens were not the white settlers upon which many believed the future of Hawai‘i rested. Chinese were forbidden to naturalize as U.S. citizens, and so their status in Hawai‘i presented a unique question that rested upon what terms the nation-state might recognize a group of people it had purposefully and expressly excluded.

Citizenship was an important area of the law for immigration officials in Hawai‘i to understand because the extension of citizenship under the Organic Act for Hawai‘i in

1900 accepted a number of people of Asian descent as American citizens at a time when the naturalization of Asians under U.S. law was highly restricted. The Chinese Exclusion Acts forbid the naturalization of Chinese, reaffirming the ban on the naturalization of nonwhite immigrants first put in place in 1790.<sup>29</sup> Even the recognition of citizenship acquired by birth in the United States was new for Chinese Americans at this time. Birth-right citizenship as laid out in the Fourteenth Amendment was only confirmed a few months prior to Hawai‘i’s annexation, when the U.S. Supreme Court settled *Wong Kim Ark v. United States* on March 28, 1898. Wong had been born in San Francisco in 1873 to Chinese parents and was detained after returning from a visit to China in 1895. He sued for admittance on the grounds that he was born in the United States, and therefore had the right to reenter the country as a citizen. The Supreme Court ruled in his favor, confirming both his citizenship and the wording of the Fourteenth Amendment, which states “All person born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”<sup>30</sup> Wong’s legal victory opened an avenue for Chinese to become American citizens by birth even though the Chinese exclusion laws forbid any other form of naturalization.

The *Wong Kim Ark* decision provided a legal framework for the children of Chinese parents born in the United States to defend their legal rights as citizens, but

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<sup>29</sup> *An Act to Execute Certain Treaty Stipulations Relating to Chinese*, Public Law 47-126, U.S. Statutes at Large 22 Stat. 58, Chapter 126. Section fourteen of the original Exclusion Act reads, “That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.”

<sup>30</sup> *United States v. Wong Kim Ark*, 169 U.S. 649 (1898); also see Erika Lee, “Wong Kim Ark v. United States: Race, Law, and Citizenship,” in *Race Law Stories*, ed. Rachel Moran and Devon Carbado, (New York, NY : St. Paul, Minn.: Foundation Press, 2008), 89-109; Brook Thomas, “China Men, United States v. Wong Kim Ark, and the Question of Citizenship,” *American Quarterly* 50, no. 4 (1998): 689–717.

immigration officials sought to fight the decision at every level. Immigration authorities wanted to further restrict Chinese migration and considered those who claimed citizenship by birth categorically as frauds. Chinese who attempted to return to the United States as citizens were subject to the same exhaustive interviews and investigations as noncitizen Chinese. Those claiming citizenship had to demonstrate fluency in English and inspectors judged their appearance and dress to confirm their own cultural assumption of what an American citizen should look like.<sup>31</sup> The U.S. Bureau of Immigration also took steps to further restrict the application of the *Wong Kim Ark* decision. In 1904, the Department of Commerce and Labor issued a ruling to limit Chinese citizenship claims by declaring U.S. Chinese citizens abroad forfeited their citizenship if they did not declare their intent to remain a citizen by the age of eighteen.<sup>32</sup> “This construction has, it is believed, prevented many violations of the law by the alleged native class.”<sup>33</sup> The ruling was designed to limit the ability of U.S. born Chinese who were raised in China to reenter the United States by purposefully recasting American born Chinese abroad as fake citizens.

The Organic Act created an exception to the rule barring Asians from citizenship outside of birth but also merged with the evolving perception of U.S. Chinese citizens as unequal citizens and perpetual foreigners. The act allowed those who possessed citizenship in the Republic of Hawai‘i or who had naturalized under the laws of the

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<sup>31</sup> Lee, *At America’s Gates*, 105-107.

<sup>32</sup> “Department Decision No. 60 Limiting Application of Decision in Wong Kim Ark Case,” *Congressional Serial Set* (U.S. Government Printing Office, 1906), 119-120.

<sup>33</sup> *Ibid*, 121.

Kingdom of Hawai‘i to gain U.S. citizenship. But the act also reinforced the provisions of the Chinese exclusion law by barring any further naturalization of Chinese in Hawai‘i.<sup>34</sup> Yet the effects of the Organic Act on the Chinese population were significant. The 1910 U.S. Census indicated that almost a third of Hawai‘i’s Chinese population had been born there, or about 7,200 individuals. When that number is considered with the more than seven hundred and fifty to have naturalized before the overthrow of the Hawaiian monarchy, the actual number of citizens of Chinese descent in Hawai‘i was likely even higher.<sup>35</sup>

With the decision of the *Wong Kim Ark* case, questions surrounding citizenship occupied a great deal of time for the immigration inspectors at the Port of San Francisco. At the time of annexation, San Francisco was not only home to the largest Chinese community in the United States but was also the branch of the immigration system in charge of operations in Hawai‘i. In a bid to strengthen the exclusion laws, the Attorney General issued orders in 1898 to limit entry by placing the burden on Chinese to prove they were members of an exempt class under the law.<sup>36</sup> This became true for citizens as

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<sup>34</sup> Hawaiian Organic Act, Section 4, and Section 5.

<sup>35</sup> One estimate in 1908 placed the number of Chinese citizens closer to 8,500. The first Chinese migrant was naturalized in the Kingdom of Hawai‘i in 1842. Approximately seven hundred and fifty-two Chinese had naturalized as Hawaiian subjects by the time the monarchy was overthrown in 1893. See “Territory of Hawaii: Immigration (Part 2), From June 24, 1908 to December 7, 1908,” Record Group 126, Office of the Territories Classified Files, 1907-1951, Entry 1, Box 603, File 9/4/17 Hawaii, Immigration. NARA, College Park; U.S. Census for 1910, Vol. 3, Population Reports by States, 1159-1160; Maude Jones, “Naturalization of Orientals in Hawaii Prior to 1900,” *Forty-First Annual Report of the Hawaiian Historical Society*, May 1933, 66–69; Clarence Elmer Glick, *Sojourners and Settlers, Chinese Migrants in Hawaii* (Honolulu: Univ of Hawaii Press, 1980), 294.

<sup>36</sup> “Letter from Collector of Customs to the Secretary of the Treasury,” July 1898. Record Group 36, Records of the United States Customs Service, Collection District of San Francisco, CA, Copies of Letters Sent by the Collector to the Secretary of the Treasury, June 1, 1861 – October 5, 1912, Box 30, File 70-72. NARA, San Bruno.

well, and the Collector of Customs in San Francisco developed a means for handling such cases that became general practice. The collector required “to be filed with the Chinese Bureau here at least two affidavits of persons conversant with the fact of the birth, place where and time when, and any other circumstances connected therewith calculated to impress that fact upon their memories.”<sup>37</sup> In other words, witnesses in citizenship cases had to have exact knowledge of the birth by either having been there or by having direct contact and information from the parents from around the same time and place of the birth. Those witnesses then had to appear before immigration authorities to be examined and cross examined by inspectors. Thereafter, the collector continued, “I exercise my judgement as to whether the proofs are consistent and convincing; and, if there be no serious contradictions, and the witnesses have proven to be credible persons, I have no other recourse than to admit the petitioner: where I have serious doubt, however, I deny the application.”<sup>38</sup> Those denied entry could file a writ of habeas corpus to have their citizenship claims settled in federal court.

Not everyone in the service, including those in San Francisco agreed with this process. The collector allowed fellow Chinese to act as witnesses in cases involving citizenship, whom special agents regarded as unreliable. The special agents charged that for those admitted as citizens “the only evidence was that of Chinese – alleged fathers, uncles, cousins, friends, or even acquaintances,” whom immigration inspectors

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<sup>37</sup> “Letter from Collector of Customs to the Secretary of the Treasury,” September 2, 1898. Record Group 36, Records of the United States Customs Service, Collection District of San Francisco, CA, Copies of Letters Sent by the Collector to the Secretary of the Treasury, June 1, 1861 – October 5, 1912, Box 30, File 175-177. NARA, San Bruno.

<sup>38</sup> Ibid.

considered untrustworthy. To this the collector responded, “I must naturally ask: Who else would be likely to have the knowledge required as a witness in a case of native birth, if not those closely related to the party born? It would certainly be absurd to expect a stranger to know such facts. It is a rule of law that the best evidence obtainable should always be required.”<sup>39</sup> While the collector’s stance was legally sound, and might even be considered as reasonable, the general distrust of Chinese applicants and witnesses resulted in the suspicion of all parties involved. Rather than the state recognizing and protecting its own members, Chinese of American birth were instead considered aliens until they could without doubt prove otherwise. This was perhaps best exemplified when at the end of 1899, the Chinese Inspector in San Francisco became backlogged with the number of applications for Chinese of native birth and asked the collector of customs “to deny pro forma, and without examination of witnesses, some 55 cases, being about one-half of those in the “Detention Loft,”” where arriving Chinese were kept while their applications for entry were investigated. The collector assented to the request, denying each applicant “indiscriminately and without knowing anything of the parties, their relationships, or Attorneys,” seriously delaying their ability to prove their lawful status.<sup>40</sup>

The “alien citizen” status of Chinese Americans was further cemented by a ruling from the U.S. Treasury Department in 1900. Fearful that immigration officials

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<sup>39</sup> “Letter from Collector of Customs to the Secretary of the Treasury,” March 1899. Record Group 36, Records of the United States Customs Service, Collection District of San Francisco, CA, Copies of Letters Sent by the Collector to the Secretary of the Treasury, June 1, 1861 – October 5, 1912, Box 30, File 167-194. NARA, San Bruno.

<sup>40</sup> “Letter from Collector of Customs to the Secretary of the Treasury,” January 4, 1900. Record Group 36, Records of the United States Customs Service, Collection District of San Francisco, CA, Copies of Letters Sent by the Collector to the Secretary of the Treasury, June 1, 1861 – October 5, 1912, Box 31, File 29-31. NARA, San Bruno.

determining citizenship had no legal justification, the collector in San Francisco complained “that I have no legal authority or jurisdiction in the premises of deciding upon the nativity of an American citizen, be he white, black, yellow, or copper-colored.”<sup>41</sup> “The Chinese Exclusion law in their letter and import,” he continued, “deal entirely with “Chinese aliens,” and nowhere therein are there any words, phrases or, as I conceive, inferences or intent to confer upon the Collector the judicial function of deciding as to the nativity of any person, Chinese or other.”<sup>42</sup> And yet, the Treasury issued guidance instead that it was the duty of all immigration officials to inspect every arriving passenger regardless of nativity. Inspectors were therefore directed “to make usual examination of all arriving Chinese.”<sup>43</sup> It had already been established that the exclusion laws applied to all Chinese as a race, regardless of where they were from, but now that logic extended to American citizens as well. There is perhaps no better example of how Chinese Americans constituted a group of alien citizens, because before the law even when their citizenship was acknowledged, they were categorically treated as a group marked for exclusion. Wong Kim Ark’s own story tragically proves this to be true. Even with winning a landmark Supreme Court case that still shapes the operation of naturalization laws in the United States today, he continued to be detained after subsequent trips abroad and later decided to retire to China and leave the United States

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<sup>41</sup> “Letter from Collector of Customs to the Secretary of the Treasury,” April 25, 1900. Record Group 36, Records of the United States Customs Service, Collection District of San Francisco, CA, Copies of Letters Sent by the Collector to the Secretary of the Treasury, June 1, 1861 – October 5, 1912, Box 31, File 342-344. NARA, San Bruno.

<sup>42</sup> Ibid.

<sup>43</sup> “Letter from Collector of Customs to the Secretary of the Treasury,” May 9, 1900. Record Group 36, Records of the United States Customs Service, Collection District of San Francisco, CA, Copies of Letters Sent by the Collector to the Secretary of the Treasury, June 1, 1861 – October 5, 1912, Box 31, File 384-385. NARA, San Bruno.

permanently, fed up with being treated as a noncitizen in spite of his victory before the law.<sup>44</sup>

While processes to recognize Chinese citizenship took shape in the continental U.S., albeit with errors in practice, the status of Chinese in Hawai‘i attracted greater scrutiny. The sections of the Organic Act conferring citizenship seemed straightforward, but some U.S. officials disagreed with this policy. The Solicitor General of the U.S. Treasury argued vehemently that Chinese citizens of Hawai‘i should not and could not be considered American citizens by virtue of annexation. Responding to questions about Chinese entry to Hawai‘i from Terrance Powderly, the Commissioner-General of Immigration and a staunch proponent of Chinese exclusion, the solicitor strongly answered that outside of birth within the United States, Chinese could not be citizens. “It is hardly to be conceived that Congress intended to admit to the full rights of citizenship a class of persons in a distant land,” he wrote, “who, if they had been domiciled in our midst, could, under no circumstances, ever become citizens of the United States.”<sup>45</sup> The solicitor’s description of Hawai‘i as a distant land reaffirmed the notion that the islands were a nonwhite and therefore non-American space that would drift further from whiteness with the recognition of Chinese citizenship there. The Organic Act imposed what he saw as a conflict between the right of Congress to implement a uniform rule for naturalization, the exclusion laws, which formed an exception to Congress’s uniform rule by barring Chinese from citizenship as a race, and the goal of U.S. colonialism in Hawai‘i

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<sup>44</sup> Erika Lee, “Wong Kim Ark v. United States: Race, Law, and Citizenship.”

<sup>45</sup> “Letter from The Solicitor of the Treasury to the Secretary of the Treasury,” September 1, 1900. Records of the Territorial Governors, Box 1, Folder 2, Dole – U.S. Departments, Treasury. HSA.

to reform the islands as a place of white settlement. He explained, “They are the only people who are excluded from the United States as a race, and they are the only race of foreign born people who can never become citizens of the United States.”<sup>46</sup> Even though the Organic Act gave U.S. citizenship to former citizens of Hawai‘i, the solicitor argued that because the exclusion laws were already in effect in Hawai‘i before the organic Act was passed, then those provisions preventing their naturalization were also already in effect. “I cannot for one moment suppose it possible that Congress meant that a race of people who are expressly and exceptionally prohibited from the privileges of naturalization in the United States,” he argued, “although residing and having business interests here, might with propriety be admitted en masse as citizens of our country because they were citizens of a country annexed to ours.”<sup>47</sup> So while the solicitor’s opinion about Chinese citizenship in Hawai‘i was based on racial exclusion, he admitted that the extension of citizenship to Chinese conflicted with his understanding of how annexation should happen and what it should mean. Bestowing U.S. citizenship on Chinese in Hawai‘i ran counter to absorbing Hawai‘i into the United States as a site of white domination.

The solicitor general’s opinion mattered because he was the administrator who provided legal guidance to the Treasury Department, and therefore to immigration enforcement. His opinion shaped their actions and interpretations of the law. He was asked on several occasions how to treat immigration cases involving Chinese in Hawai‘i

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<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

claiming citizenship. He advised immigration inspectors to reject every such case using the reasoning that the laws of the United States prevented Chinese citizens of Hawai‘i from naturalizing under the Organic Act. Two instances towards the end of 1900 demonstrate this refusal. The first involved a fifteen-year-old boy who had been born in Hawai‘i and was returning from a trip to China. He claimed the right to enter on the basis that because he had been a citizen of Hawai‘i, he was now a U.S. citizen. Another instance concerned the entry of the wife and children of a man who had been naturalized in 1887 in the Kingdom of Hawai‘i. The wife and children claimed the right to entry based on being married to or being the children of a U.S. citizen. The solicitor explained in each case “that in my opinion they cannot enter.”<sup>48</sup> He maintained that the Organic Act did not apply to Chinese citizens of Hawai‘i: “that persons who were citizens of Hawaii on August 12, 1898, shall be citizens of the United States of the Territory of Hawaii, did not apply to Chinese citizens of Hawaii.” Such persons “had no right to come and go as American citizens.”<sup>49</sup>

But before the solicitor’s decisions could become precedent, the U.S. attorney general became involved in both aforementioned cases. He affirmed their rights as citizens, which in turn provided legal standing to all Chinese in Hawai‘i who were now eligible to obtain U.S. citizenship. Rather than dwell on the conflict between Chinese exclusion and naturalization laws, the Attorney General instead reasoned that there were numerous instances when Congress had used its power to effect collective naturalization.

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<sup>48</sup> “Letter from The Solicitor of the Treasury to the Secretary of the Treasury,” December 4, 1900. Records of the Territorial Governors, Box 1, Folder 2, Dole – U.S. Departments, Treasury. HSA.

<sup>49</sup> Ibid.

For example, such was the case with the Louisiana Purchase, and with the annexations of Texas, Florida, and Alaska. “I cannot conceive there is any doubt,” the Attorney General stated of Congress’s intent in Hawai‘i, because the language of the Organic Act “is positive and unqualified and leaves nothing to construe.”<sup>50</sup> The Attorney General also invoked the ruling in *Wong Kim Ark v. United States* to argue that those born in the United States, which Hawai‘i now was, were citizens of the United States on the one hand. But on the other hand, the ruling also affirmed the power of Congress to deny the right of naturalization to Chinese people outside of birth. Both these aspects of *Wong Kim Ark* factored into how the Attorney General interpreted the Hawaiian Organic Act. Those born in Hawai‘i were to be considered as born in the United States and therefore as American citizens because Hawai‘i was now a part of the United States through annexation and the Supreme Court had affirmed the principle of birthright citizenship. But also, Congress could have qualified access to citizenship if it had desired. The *Wong Kim Ark* decision, in his view, validated the power to Congress to decide who could and could not be citizens. Congress then, through the Organic Act, “admitted the Islands as a Territory, established a Territorial government, and did not withhold or limit the privilege of citizenship, which was within its competence to do”<sup>51</sup> Because the Organic Act was not restrictive, the Attorney General concluded, “Congress said a very plain thing, and must be understood to have meant what it said.”<sup>52</sup>

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<sup>50</sup> “Letter from The Attorney General to the Secretary of the Treasury,” January 16, 1900. Records of the Territorial Governors, Box 1, Folder 2, Dole – U.S. Departments, Treasury. HSA.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

With the question of citizenship settled, immigration inspectors in Hawai‘i went about implementing the same system of examination that had been created in San Francisco. In this way, immigration procedures developed on the continent were duplicated as a part of U.S. imperialism in Hawai‘i. The immigration office emphasized that a certificate of Hawaiian birth or naturalization alone did not constitute proof of nativity but only as evidence that a claim to birth or naturalization was credible. The testimony of witnesses was held to be the most persuasive. The Chinese inspector in Hawai‘i wrote that in such instances, “the best evidence is that of some resident of the Islands, either white, Hawaiian or Chinese (white testimony always preferred, if obtainable) who knew the parents of the claimant intimately and were neighbors or intimates of the family and knew of the birth of the claimant.”<sup>53</sup> Just as in the continental United States, documentary proof alone was not enough for Chinese to have their American citizenship acknowledged. Furthermore, although Chinese witness testimony was accepted, it was considered the third best credible behind those of whites and Native Hawaiians. The examination system reinforced the colonial racial hierarchy in Hawai‘i that placed whites at the top and Chinese near the bottom, which reemphasized the place of U.S. Chinese citizens as potentially fraudulent and undesirable.

Chinese citizens of Hawai‘i were ultimately recognized as American citizens. But whether or not that status would extend to them as Hawai‘i was incorporated in the United States as a territory was not immediately clear and was subject to rejection in

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<sup>53</sup> Memorandum in “Letter from Chinese Inspector in Charge to Acting Governor of the Territory of Hawaii,” July 14, 1904. Records of the Territorial Governors, Box 2, Folder 6, Carter – U.S. Departments, Immigration. HSA. Emphasis original.

some instances. The language of the Organic Act and the restrictiveness of the Chinese exclusion laws left some room for debate. Arguments for continuing to deny Chinese citizenship, either by birth or by annexation, and the general distrust of Chinese claiming citizenship cast Chinese American citizens as a suspicious group of alien citizens. Questions about Chinese American citizenship also began to complicate the enforcement of exclusion in the continental U.S. around the same time that annexation occurred. The process for admitting Chinese American citizens did so through the mechanisms of the Chinese exclusion laws which treated all arriving Chinese as aliens regardless of their citizenship status.

#### Citizenship in Hawai‘i Exclusion Case Files

Hawai‘i presents many unique cases in terms of how the Chinese exclusion laws were enforced. The large proportion of Chinese in Hawai‘i who qualified for citizenship after annexation altered the character of exclusion enforcement. Instead of being mainly concerned with the entrance of merchants and students or in uncovering smuggling rings as was the case in Cuba, enforcement activities in Hawai‘i shifted to focus more directly on the validity of citizenship claims. Between 1909 and 1924 over forty-six percent of all Chinese seeking admittance to Hawai‘i were U.S. citizens.<sup>54</sup> Although the proportion of citizens entering Hawai‘i was comparable to the North American continent, the

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<sup>54</sup> This figure is tabulated from statistics in the U.S. Department of Commerce and Labor, *Annual Report of the Commissioner-General of Immigration* (Washington: Government Printing Office, 1908-1911); U.S. Department of Labor, *Annual Report of the Commissioner-General of Immigration* (Washington: Government Printing Office, 1912-1924).

proportion of Chinese U.S. citizens in Hawai‘i was much greater than anywhere else. Official immigration statistics only enumerated those citizens who crossed national borders and therefore do not account for the impact Hawai‘i’s proportionally larger Chinese citizen population had on the minds of immigration officials who adopted the deep suspicion of citizenship claims developed by immigration authorities on the continent. This became increasingly true over time too, as the Chinese population in Hawai‘i became predominately Hawaiian born. While the 1910 U.S. census shows that almost a third of the Chinese population had been born in Hawai‘i , that proportion rose to over 83% in 1940, just before the exclusion laws were repealed three years later.<sup>55</sup> The main subject of exclusion over this timespan passed from the earlier immigrant and naturalized Hawaiian citizen population to more squarely concern Hawaiian-born sons and daughters of Chinese families. Even those who were not citizens were likely to have citizens in their immediate families. The enforcement of the exclusion laws against citizens reinforced the alien citizen status of Chinese in Hawai‘i in support of white settler colonialism. This was true because the exclusion laws structured their race, rather than their citizenship status, as the primary sieve in determining their admissibility. Citizenship was not something to be accepted but something that had to be proved, meaning that before the exclusion laws, these citizens were Chinese first and American second. Their claims to citizenship and family relationships were subject to intense scrutiny.

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<sup>55</sup> Leon E. Truesdell, Sixteenth Census of the United States, 1940: Population, Second Series: Characteristics of the Population, Hawaii, 1943, 1

Comparatively, Hawaiian geography and demographics made exclusion enforcement there quite different from either Cuba or the continental United States. Citizenship no doubt played an important role in shaping these differences. About 17,000 Chinese arrived in Hawai‘i between 1894 and annexation in 1898 but in the early exclusion years the population dropped by 15% by 1910. About 1,300 Chinese left each year between 1900 and 1905. A total of 11,400 Chinese, including those who were U.S. citizens, arrived in Hawai‘i between 1907 and 1924. Exclusion did result in lowering the number of Chinese in Hawai‘i but at the same time the overall rates of rejection were also lower in Hawai‘i than in the continental United States. In total, 459 persons were barred from the pool of 11,659 applicants, or 3.9% of arrivals. This percentage was much larger on the continent, where 6.8% of 112,972 applicants faced rejection.<sup>56</sup> There were a number of reasons why these rates were different. Even though immigration inspectors did not accept citizenship at face value as a reason for admittance, accompanying documents such as passports, birth certificates, and naturalization papers did form strong evidence that someone was entitled to land. Additionally, Hawai‘i’s location in the Pacific was far from the North American continent and neighboring countries, which made different forms of illicit migration logistically more difficult than in other locations, such as between Cuba and the American eastern seaboard. Attempts certainly were made to evade the exclusion laws, but as Au Tam Shee’s experiences shows these attempts more likely revolved around access to citizenship than through activities like smuggling.

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<sup>56</sup> Adam McKeown, *Chinese Migrant Networks and Cultural Change: Peru, Chicago, Hawaii, 1900-1936* (Chicago: The University of Chicago Press, 2001), 35-36.

The usefulness of citizenship also had the effect of making inspectors even more suspicious of citizenship claims. The immigration file of Tong Tim and his four brothers and sister demonstrate this. Their father and mother had been successful rice planters and cattle ranchers in Hanalei on the island of Kauai before annexation. The siblings had all been born near Hanalei and became U.S. citizens after annexation. The siblings made at least four trips outside of Hawai‘i to China and North America between 1905 and 1911. In each instance they had to continuously reprove their claims to U.S. citizenship. When Tong Tim applied for a return permit to visit China in 1905, for example, the twenty-four-year-old calmly stated that “plenty of people know” he was born in Hawai‘i.<sup>57</sup> One of his father’s coworkers satisfied inspectors that he had seen Tong Tim “every day from the time he was born until he was thirteen years of age,” when his father passed away.<sup>58</sup> In an attempt to acquire even more evidence, inspectors also interviewed Tong Tim’s older half-brother with whom he had a poor relationship. Inspectors considered the half-brother’s testimony corroborating Tong Tim’s birth to be “of the highest value, he being unfriendly to his half-brother Tong Tim, and the most of his testimony was given before he knew it had any connection with Tong Tim.”<sup>59</sup> That the investigation into Tong Tim’s birth was disingenuous on the part of immigration inspectors points to how far they were willing to go to disprove whether citizenship claims were genuine. In each instance of travel, the siblings had to repeat the examination process. This required continuously answering questions about their family history, providing witnesses to testify, and

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<sup>57</sup> Exclusion Case File for Tong Tim. Record Group 85, Records of the Immigration and Naturalization Service, Honolulu District Office, Box 8, File C/603. NARA, San Bruno.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

identifying each other by photographs the immigration bureau kept on file from each prior investigation. Inspectors were never satisfied by the evidence they already had, even though they consistently compared new testimony against that information, and so the process was repeated in full every single time.<sup>60</sup>

Illustrating the rigor with which citizenship claims were dealt with, Chinese exclusion cases involving citizenship were often taken up by the Board of Special Inquiry, the tribunal within the U.S. immigration system that prepared additional investigation of immigration cases and provided a final ruling on entry if immigration inspectors' initial examinations were inconclusive or incomplete. Special inquiry meetings in Hawai'i Chinese exclusion cases were common exactly because proof of citizenship required evidence beyond documentation. But with proper documentation and witnesses, these additional examinations could be brief and were more of a review than a serious investigation. This was the case for Ja Chack Tong and his wife and eleven-year-old son, who returned to Honolulu from a trip to China in April 1906. When the Chinese inspector asked on what basis Chack Tong claimed admission, the man said, "I am a citizen on the United States, I have citizenship papers, and have a passport."<sup>61</sup> Ja was a merchant and had his citizenship papers from when he naturalized in the Kingdom of Hawai'i in 1892. He also had a U.S. passport issued by the American legation in Beijing as well as affidavits from the American consulate in Canton attesting that he was a U.S.

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<sup>60</sup> The Tong family's experience was far from unique and many individuals had to constantly reprove their citizenship. For additional examples see exclusion case files: Luke Hoo, File C/343; Ng Fun, File C/515; Chin San, File C/919. NARA, San Bruno.

<sup>61</sup> Cases of (Ja) Chack Tong, wife Kow She, and child (Ja) Tsock Coy. Record Group 85, Records of the Immigration and Naturalization Service, Honolulu District, Transcripts of Board of Special Inquiry for Chinese Applying for Admission, 1904-1924, Box 2, Letter Book 5, File 97-100. NARA, San Bruno.

citizen. While any one of these items would not have convinced inspectors of his citizenship, together they formed a body of evidence that left “no doubt as the right of these people to enter the United States,” and they did so without further trouble.<sup>62</sup>

Sometimes the proceedings were straightforward.

Sometimes however, inspectors reviewed cases carefully to find any evidence that could prevent citizens from landing. This was the case for Chun Wo, whose examination occurred on the same day directly after that of Ja Chack Tong and his family. Chun Wo like many others had received a Hawaiian birth certificate soon after the Newlands Resolution precipitated annexation. But his case was a tricky one. He was born in the Manoa Valley in 1883 but had lived most of his life with family in China and had only returned to Hawai‘i once before to secure his birth certificate. He claimed American citizenship but had been away from Hawai‘i for most of his life. Chun Wo was now twenty-three years old and because he was an adult, inspectors denied him entry by arguing he had forfeited his citizenship. Chun Wo’s age and time away from Hawai‘i placed him in a special category designed to limit the application of birthright citizenship. Following Wong Kim Ark’s legal victory, additional cases determined that those outside the country without a residence in a state or territory and who did not make known their intent to retain their citizenship when reaching adulthood were assumed to have abandoned their nationality.<sup>63</sup> This was the case with Chun Wo, who inspectors explained “now at the age of twenty-three year seeks to avail himself of a status, which, had he ever

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<sup>62</sup> Ibid.

<sup>63</sup> “Department Decision No. 60 Limiting Application of Decision in Wong Kim Ark Case,” *Congressional Serial Set* (U.S. Government Printing Office, 1906), 119-120.

possessed it, would have been forfeited by reason of his staying in China from infancy until two years past majority.”<sup>64</sup> The careful questions inspectors asked about the young man’s personal history, where he was born and how long he had been away, gave immigration authorities the information they needed to not only deny Chun Wo’s entry but also deny his right to citizenship.<sup>65</sup>

Annexation had made many Chinese in Hawai‘i U.S. citizens, but the enforcement of the exclusion laws could also unmake them. A single unsatisfactory answer to an inspector’s question could have profound negative consequences. And with many questions being repeated in every instance of travel, such as with the Tong siblings, gaining admission once offered no assurance that future examinations would be any easier. Furthermore, being admitted as a citizen offered no guarantee of a continued right to remain in Hawai‘i. Au Tam Shee, for example, remained a figure of suspicion even after she had entered Honolulu as the wife of a citizen.

Chinese American women often faced the double impact of exclusion before the immigration laws on account of their race and their gender. Hawai‘i differed greatly from Cuba and the U.S. continent in terms of gender parity. Chinese women in Cuba never surpassed 4% during the exclusion era and their numbers in the continental United States peaked at 26% of the population in 1940. In sharp contrast, Chinese in Hawai‘i reached

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<sup>64</sup> Case of Chun Wo. Record Group 85, Records of the Immigration and Naturalization Service, Honolulu District, Transcripts of Board of Special Inquiry for Chinese Applying for Admission, 1904-1924, Box 2, Letter Book 5, File 104-106. NARA, San Bruno.

<sup>65</sup> For more examples of rejected citizenship claims, also see: Case of Leong Hung Tong, Letter Book 6, File 172; Lau Sam Kai and Lau Sun Fong, Letter Book 12, File 1, Transcripts of Board of Special Inquiry for Chinese Applying for Admission, 1904-1924, NARA, San Bruno; and Deportation Case File for Leong Chee Chang and Fong Sing, Files 4280/222 and 4280/240; Deportation Case File for Dung Koon Kam, File 4280/457, Deportation Case Files, 1913-1944. NARA, San Bruno.

gender parity in births by 1920, and by 1940, over 40% of the population were women.<sup>66</sup>

The figures are numerically significant in regard to the different character of the population in Hawai‘i but they also mean that the principle means for maintaining the Chinese community in Hawai‘i was not new migration but the growth of families.

Chinese American women were also citizens in their own right. At times that right was challenged in ways different from what men experienced. Marriage could complicate their legal standing and as women, immigration inspectors more inclined to consider them as likely to become public charges.

Irene Mark’s travel to visit her sister in Iowa helps explain some of the pitfalls women had to navigate living in Hawai‘i. She was born in Honolulu in 1894 and became a citizen through annexation. She married a domiciled merchant and the couple raised a large family of three sons and two daughters, who were all born in Honolulu as well. Her application to travel to Iowa caused some debate amongst immigration inspectors about how to treat her request. All Chinese in Hawai‘i had to secure permission and travel certificates to visit the continental United States. What gave inspectors pause was in deciding how to classify her. In 1907, Congress passed the Expatriation Act which dictated that in the eyes of the U.S. government American women who married foreigners adopted the nationality of their husbands and surrendered their U.S. citizenship by virtue of their marriage. This rule became harsher in the 1922 Cable Act, which

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<sup>66</sup> Margarita Cervantes-Rodríguez, *International Migration in Cuba: Accumulation, Imperial Designs, and Transnational Social Fields* (University Park, Pa: Penn State University Press, 2010), 126; Kathleen M. López, *Chinese Cubans: A Transnational History* (Chapel Hill: The University of North Carolina Press, 2013), 259; Adam McKeown, *Chinese Migrant Networks and Cultural Change: Peru, Chicago, Hawaii, 1900-1936* (Chicago: The University of Chicago Press, 2001), 30-37.

forcibly revoked the citizenship status of any American women who married a man barred from U.S. citizenship because of their race.<sup>67</sup> Because she had married a Chinese noncitizen, her husband's status as "an alien ineligible for citizenship" had also caused her to forfeit her American citizenship. Mark had never left Hawai'i and therefore her status before immigration laws was strange, as inspectors stated, because "she strictly is not an immigrant previously admitted to this country."<sup>68</sup> But her marriage made her legally an alien even though she had always been in the United States. Chinese American women in Hawai'i could occupy a precarious position because their citizenship was more vulnerable. Inspectors also pushed her to reveal her financial standing, travel plans, and asked her what she would do if she encountered difficulties and needed assistance. While these questions were not inherently malicious, they did cast doubt to what extent Mark was individually capable on account of being a woman.<sup>69</sup>

Others experienced this suspicion towards their citizenship as well. Siu Mee Kim had already been in Hawai'i for six years before being visited by immigration officers. They asked him his race and if he had a certificate of residence indicating he was a

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<sup>67</sup> Leti Volpp, "Expatriation by Marriage: The Case of Asian American Women," in *Feminist Legal History*, ed. Tracy A. Thomas and Tracey Jean Boisseau, Essays on Women and Law (NYU Press, 2011), 68–83: 68, 72–73,

<sup>68</sup> Visa Application Case for Irene Mark. Record Group 85, Records of the Immigration and Naturalization Service, Honolulu District, Visa Application Case Files of Chinese Merchants, Students, Teachers, Travelers, and Clergy Seeking Admission to the Continental United States from Hawaii, 1917-1942, Box 1, File 4388/58. NARA, San Bruno.

<sup>69</sup> Mark's experience losing her citizenship was extreme but there are many more examples of how Chinese American citizen women were treated differently in immigration proceedings on account of their gender. Immigration inspectors were highly critical of both single and married women. See Chang Lee See, File C/943; and Wing Nyet Law (Margaret Higgins), File C/1318, Records of the Immigration and Naturalization Service, Honolulu District Office. NARA, San Bruno. See also Phoebe Kui Chin Kong, File 4388/17; Shin Kam Chew, File 4388/59; Eunice Shui En Lyen, File 4388/60; and Edith Ching, File 4388/67, Visa Application Case Files of Chinese Merchants, Students, Teachers, Travelers, and Clergy Seeking Admission to the Continental United States from Hawaii, 1917-1942. NARA, San Bruno.

legally domiciled Chinese person. After 1892, every Chinese person in the United States had to register where they lived with the federal government under the Geary Act, which was a practice that extended to Hawai‘i through the Organic Act. Siu Mee Kim did not have a certificate of residence, but he did have identifying papers indicating that he was born in Hawai‘i and the son of a mother and father who were also citizens but living in China. Even though he had originally been admitted through the Board of Special Inquiry, immigration officials did not consider his identity papers to be enough, and Siu Mee Kim was arrested and brought before the district court and deported. “The rule is this:,” the judge in the case explained to the court, “The minute that the government shows that a man is Chinese or of Chinese descent, the presumption is that he was born without the United States.”<sup>70</sup> Siu Mee Kim was unable to mount a better defense and the court ruled that he was not a citizen. The judge pointed out that Chinese, Hawaiian born or not, occupied a contradictory position within U.S. legal codes, for “alienage is a matter of proof by the government, except in cases under the Chinese exclusion law, where, when alienage is alleged, then it is incumbent upon the defendant himself to prove his birth in the United State to the satisfaction of the Court.”<sup>71</sup> “It is hard, I admit, for a man to do it,” the judge concluded, “but the law is there and it has been upheld.”<sup>72</sup> These statements amount to an acknowledgement that Siu Mee Kim could well have been telling the truth about citizenship status but that the court could not be certain. This reasoning fit Chinese citizens in Hawai‘i into a box where they were Chinese first and

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<sup>70</sup> *The United States v. Siu Mee Kim*. Record Group 21, U.S. District Court, District of Hawaii, Chinese Deportation Case Files, 1927-1940, Box 1, Deportation No. 8. NARA, San Bruno.

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

Americans second. The presumption of alienage thus effected all Chinese in Hawai‘i who claimed citizenship. That presumption was written into law and was practiced by immigration authorities at the border and in the interior of U.S. national and colonial space. Immigration inspectors visited Siu at his place of business years after he reentered Hawai‘i, meaning that the U.S. government’s recognition of his citizenship had never been safe.

Regardless of gender, Chinese claims to citizenship were typically met with suspicion. Their race qualified their treatment as noncitizens under the Chinese exclusion laws. Citizenship claims often required additional investigation on the part of immigration inspectors and proof of citizenship status likewise required a body of evidence including witnesses and documentation showing the validity of citizenship claims. The burden of proof was on Chinese American citizens in Hawai‘i to substantiate their claims rather than on the government to acknowledge the breadth of its citizenry. While these demands were difficult, they also did not stop Chinese from traveling to and from the islands and from forming families that defied federal and territorial desires for a stable white citizen population.

Colonization efforts in Hawai‘i after annexation relied heavily on attempts to bring white Americans or Europeans who could naturalize to the islands for permanent settlement. Enlarging the white population was viewed as essential to consolidating American political and economic authority in the islands. White small landowners would raise families, regain control of the labor market, and participate in the growth of

American political institutions in ways that were preferable compared to the larger racially diverse population. The desire for white migrants was complimented by the exclusion of Chinese and eventually other East Asians. Exclusion ensured that even though the Organic Act bestowed American citizenship to many in Hawai‘i, indeed helping in part to achieve the goal of a permanent citizens population, that status and inclusion into American society would also be filtered by race. The immigration laws treated Chinese as suspect citizens who needed to be examined, surveilled, and policed. Chinese American citizens had to continuously reprove their status as citizens because they were treated as aliens. If Chinese citizenship created many “new wrinkles” to the enforcement of the exclusion laws, then immigration authorities were determined to iron them out.

Yet neither white colonization nor Chinese exclusion were as total as some would have wished. Attracting white settlers proved difficult, and although the exclusion laws created strong barriers to Chinese migration, the laws did not stop people from living their lives. Almost a year after Au Tam Shee’s deportation, she and Chang Chee and Au Hook Yuen appeared again before the Board of Special Inquiry. Au Hook Yuen had returned from a trip to visit his parents in China. It was the first time he had seen them in thirteen years. He once again had to “convince” immigration inspectors of his Hawaiian birth and mustered three witnesses who confirmed the validity of his Hawaiian birth certificate. With witnesses and documentation, Au Hook Yuen was landed without

trouble as a Hawaiian born U.S. citizen.<sup>73</sup> This time, Au Tam Shee was also able enter as the wife of her husband Chang Chee. In their year apart Chang Chee was able to reestablish his status as a merchant, allowing Au Tam Shee to enter Hawai‘i and for the couple to be reunited.<sup>74</sup> Whether citizens or not, the positive conclusions to these stories demonstrate the determination of Chinese in Hawai‘i to overcome the exclusion laws despite the fact that they were designed for and enforced to facilitate their removal. Colonial racial replacement had limits in Hawai‘i and Chinese in the islands did their best to retain and use their legal statuses in a growing U.S. Empire.

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<sup>73</sup> Case of Au Hook Yin (Yuen). Record Group 85, Records of the Immigration and Naturalization Service, Honolulu District, Transcripts of Board of Special Inquiry for Chinese Applying for Admission, 1904-1924, Box 2, Letter Book 5, File 1-3. NARA, San Bruno.

<sup>74</sup> Case of Au Tam Shee. Record Group 85, Records of the Immigration and Naturalization Service, Honolulu District, Transcripts of Board of Special Inquiry for Chinese Applying for Admission, 1904-1924, Box 2, Letter Book 5, File 110-112. NARA, San Bruno.

## Conclusion

The extension of the Chinese exclusion laws to Hawai‘i and Cuba powerfully projected U.S. state power into the Pacific and Caribbean from the late nineteenth century through the first half of the 1900s. The control of Chinese migrant workers within and outside of the continental United States before exclusion became law furthered U.S. foreign policy goals abroad by diminishing imperial rivals regionally while deepening U.S. political and economic interests in Asia and the Pacific. As restriction became exclusion, U.S. laws prohibiting the free migration of Chinese also became entangled with the expansion of U.S. empire in Cuba and Hawai‘i. The Chinese exclusion laws facilitated the spread of U.S. state power by defining the borders of Cuba and Hawai‘i in relation to the continental United States. Exclusion brought the U.S. administrative state to Hawai‘i and also legitimized indirect U.S. control and intervention in Cuba after independence. Despite the differing position Cuba and Hawai‘i held within U.S. empire, the Chinese exclusion laws were a tool to exert American authority in both places.

The presence of Chinese exclusion in Cuba and Hawai‘i also raises many more questions for future research to consider. What did Native Hawaiians and Cubans think about the Chinese exclusion laws at the time of their extension? In addition to moments of invasion, occupation, and ongoing colonialism, did they consider how the imposition of new immigration laws tied their countries to U.S. empire? What were the experiences of multiracial Chinese of Native Hawaiian or Cuban descent with the exclusion laws how might they have understood and used their multiple racial, familial, and national affiliations cope with life under exclusion and U.S. empire? Questions such as these

deepen the need to continue research across Cuba, Hawai‘i, and the United States while placing greater attention on source that exist outside of official national archives. This dissertation demonstrates how powerful state generated sources can be when considering the spread of Chinese exclusion. And yet, future attention on the perspectives and experiences of Native Hawaiians and Cubans does have the possibility to enlarge the historical social fields that existed among Chinese and their Native Hawaiian and Cuban counterparts as they encountered, resisted, and lived within U.S. empire.

The Chinese exclusion laws were repealed in Cuba in 1942, and in Hawai‘i and the United States in 1943. When the U.S. naval base at Pearl Harbor was attacked by the Japanese in December 1941, the Republic of Cuba declared war on Japan the day after the United States and both countries entered World War Two as combatant nations. But just as an international context shaped the creation and spread of the Chinese exclusion laws, it was similarly in response to global events, rather than an internal recognition that the laws were unjust, that resulted in the retraction and repeal of exclusion. Theodora Chan Wang, president of the Chinese Women’s Association in New York, simply summed up this context when Congress was considering the Magnuson Act for the repeal of Chinese exclusion. She wrote the U.S. House of Representatives Committee on Immigration and Naturalization, “in occupied China today, the morale of the Chinese people is being savagely assailed by the irrefutable claims of the Japanese that those who would accept us as their brothers-in-arms yet regard us as strangers within their gates.”<sup>1</sup>

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<sup>1</sup> “Theodora Chan Wang to Mrs. Franklin D. Roosevelt,” February 18, 1943. *Repeal of the Chinese Exclusion Acts: Hearings before the Committee on Immigration and Naturalization, House of Representatives, 78th Congress, 1st Session, on H.R. 1882 and H.R. 2309, Bills to Repeal the Chinese*

China had become an ally of the United States and Cuba during the war, and the repeal of exclusion served to cement the new ties in opposition to the Axis Powers. The repeal of exclusion was undeniably a positive step in making U.S. immigration laws more equitable. But the framing of the Magnuson Act as a wartime measure to improve relations with an important ally also underscores that the control of Chinese migration, even though becoming more liberalized, continued to serve U.S. state goals abroad just as the control of Chinese labor migrations and spread of the exclusion laws overseas had done before.

The language used in the Cuba-China Treaty of Amity and the U.S. Magnuson Act repealing the exclusion laws also reflected the different positions Cuba and Hawai'i occupied within U.S. empire by the start of the Second World War. With the 1942 Treaty of Amity, the Republic of Cuba established formal diplomatic relations with China "based on the principles of equality and mutual respect of sovereignty."<sup>2</sup> The two countries agreed that their citizens "shall be at liberty to enter or leave the territory of the other under the same conditions as the nationals of the other countries" and that their governments would "not establish discriminatory provisions against the nationals of each other."<sup>3</sup> By establishing relations with China and repealing exclusion before the United States did, the Republic of Cuba flexed its own national sovereignty. Changes in Cuba's relations with the United States helped make this possible. A new convention on U.S.-

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*Exclusion Acts, to Put the Chinese on a Quota Basis, and to Permit Their Naturalization : May 19, 20, 26, 27 and June 2, 3, 1943.* (Washington, 1943), 6.

<sup>2</sup> *Treaty of Amity between the Republic of China and the Republic of Cuba.*

<sup>3</sup> *Ibid*, Article 6.

Cuba relations in 1934 abrogated the Platt Amendment, which provided for U.S. indirect control in Cuba, as part of President Franklin Roosevelt's "good neighbor" policy to improve American relations with Latin American countries by ending U.S. armed interventions in the region in favor of bolstering American influence abroad through diplomacy and trade. Although the U.S. naval base at Guantanamo still remained then as it does today, Cuba did gain a greater measure of national sovereignty in foreign and domestic politics that allowed for the end of the Chinese exclusion system. Despite these gains, the continued threat of U.S. invasion following the 1959 revolution and during the Cold War, as well as the continued use of Guantanamo as a base by the U.S. military and as a prison, also demonstrate that while Cuba has gradually moved further out of the orbit of U.S. empire, the country is still not completely free from U.S. influence and power.

The language of the Magnuson Act repealing Chinese exclusion in the United States and Hawai'i affirmed Hawai'i's position of occupation within the U.S. nation state. In addition to rescinding each substantive Chinese exclusion law between 1882 and 1893, the Magnuson Act also specifically annulled the Chinese exclusion provision of the Newlands Resolution annexing Hawai'i that stated "there shall be no further immigration of Chinese into the Hawaiian Islands except upon such conditions as are now or may hereafter be allowed by the law of the United States; and no Chinese, by reason of anything here contained, shall be allowed to enter the United States from the Hawaiian Islands."<sup>4</sup> Additionally, the repeal act also addressed provisions from the Hawaiian Organic Act forming Hawai'i as a U.S. territory by removing sections requiring Chinese

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<sup>4</sup> Newlands Resolution, Sec 1, July 7, 1898.

in Hawai‘i to register with the government and empowering immigration enforcement to execute the exclusion laws in Hawai‘i.<sup>5</sup> Each of these various provisions extended U.S. state power to Hawai‘i, and their specific repeal continued to recognize that Hawai‘i was ruled over by the United States. That exclusion in Hawai‘i was specifically addressed in the Magnuson Act betrays the truth that Hawai‘i is not a natural part of the United States. No place is. The act exposed that the unity of American national borders is a fiction and indeed there is no U.S. national territory outside of colonialism and no U.S. law that exists outside the context of conquests.<sup>6</sup> The occupation of Hawai‘i was not a break from but a continuation of U.S. settler colonialism on the continent.

Even though the Chinese exclusion laws were repealed, they did normalize restriction and exclusion not only in the formation of U.S. immigration laws but also in how the United States has continued to interact with the world through immigration policy. Nor was the Magnuson Act a true liberalization of U.S. Chinese immigration restriction. While the law did allow Chinese in the United States to naturalize as citizens, it also set an annual quota of 105 for Chinese entry into the United States until the U.S. immigration system was reformed in 1965.<sup>7</sup> But the Immigration Act of 1965 also place limitations on migration from the Americas and replaced racial preference in immigration laws with a greater emphasis on economic and family status, which were intended to

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<sup>5</sup> *Repeal of the Chinese Exclusion Acts*.

<sup>6</sup> Mark Rifkin, *Manifesting America: The Imperial Construction of U.S. National Space* (Oxford ; New York: Oxford University Press, 2009); Manu Karuka, *Empire's Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad* (Oakland, California: University of California Press, 2019).

<sup>7</sup> *Repeal of the Chinese Exclusion Acts*.

reproduce many of the same discriminations that race-based immigration policies championed.<sup>8</sup>

As more recent waves of xenophobia have gripped the United States, immigration policy similarly dictates U.S. relations with other countries. Donald Trump's administration has made repeated attempts to limit the protected status of migrants in the United States seeking reprieve from natural disasters and conflicts at home, to stall and stop the resettlement of refugees and asylum seekers from Africa and South and Central American countries and forcing them to stay in other nations, and has ban travel to the United States for nationals of several Muslim majority countries. "Why do we want these people from all of these shithole countries here?," Trump has remarked, "We should have more people from places like Norway."<sup>9</sup> Clearly, racial prejudice continues to thrive in immigration policy, pointing the fact that xenophobia and white supremacy are living American traditions.<sup>10</sup> Such a position is not far removed from the role of Chinese

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<sup>8</sup> Eithne Lubheid, "The 1965 Immigration and Nationality Act: An 'End' to Exclusion?," *Positions* 5, no. 2 (1997): 501–22.

<sup>9</sup> Jen Kirby, "Trump Wants Fewer Immigrants from 'Shithole Countries' and More from Places like Norway," *Vox*, January 11, 2018, <https://www.vox.com/2018/1/11/16880750/trump-immigrants-shithole-countries-norway>. ON recent immigration policy, see: Amy Pope, "Immigration and U.S. National Security: The State of Play Since 9/11," *migrationpolicy.org*, April 7, 2020, <https://www.migrationpolicy.org/research/immigration-us-national-security-since-911>; Sarah Pierce, "Immigration-Related Policy Changes in the First Two Years of the Trump Administration," *migrationpolicy.org*, May 6, 2019, <https://www.migrationpolicy.org/research/immigration-policy-changes-two-years-trump-administration>; Randy Capps Pierce Doris Meissner, Ariel G. Ruiz Soto, Jessica Bolter, Sarah, "From Control to Crisis: Changing Trends and Policies Reshaping U.S.-Mexico Border Enforcement," *migrationpolicy.org*, August 2, 2019, <https://www.migrationpolicy.org/research/changing-trends-policies-reshaping-us-mexico-border-enforcement>; Sarah Pierce Selee Jessica Bolter, Andrew, "U.S. Immigration Policy under Trump: Deep Changes and Lasting Impacts," *migrationpolicy.org*, July 18, 2018, <https://www.migrationpolicy.org/research/us-immigration-policy-trump-deep-changes-impacts>; Demetrios G. Papademetriou Benton Kate Hooper, Meghan, "In Search of a New Equilibrium: Immigration Policymaking in the Newest Era of Nativist Populism," *migrationpolicy.org*, November 7, 2018, <https://www.migrationpolicy.org/research/immigration-policymaking-nativist-populism>.

<sup>10</sup> Erika Lee, *America for Americans: A History of Xenophobia in the United States* (New York: Basic Books, 2019).

exclusion in Hawai‘i and Cuba to whiten the populations in service to U.S. empire. Many of these current developments have been accompanied by U.S. government pressure on foreign governments to reform their own border policing, passport systems, and further cooperate with U.S. authorities in actions to protect American national security abroad. The extension of Chinese exclusion to Cuba and Hawai‘i offers a reminder then as now that although U.S. borders are typically thought of in strictly national terms, those borders also extend globally beyond the confines of the state to enforce U.S. rule of law internationally.

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