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Asian Americans
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Legal and Legislative Actions that Suppressed Asian Americans

Looking back on the history of the United States, we have taken advantage of individuals from countries unlike ours. This is evident in the laws and court rulings passed which created inequality between citizens and Asians migrating to the United States. While businesses encouraged Asians to come work for them since they were cheaper, and they worked in worse conditions than the white workers, the public developed a fear and hatred to Asian Americans. With the increasing numbers Americans feared an uprising was going to occur, and the white citizens became angry they were losing “their jobs” to them. Public fear and anger caused legislation to further enforce the segregation and inequality(Spring).

In the 1850s the term “Mongolian” was used to classify all Asian immigrants despite the differences in their country of origin. However, while Asian Americans were described as Mongolian, they were considered other ethnicities for judicial reasons. In 1853 the case, *The People v. Hall* was brought to the California Supreme Court. The case was about whether or not Chinese individuals could testify in court and they ruled that the testimony of any Mongolian person was inadmissible because it fell under the 394th section of the Act Concerning Civil Cases. This specific section of this act was edited in 1850 and it stated that no black, mulatto, or Indian individual could testify for or against a white person. Mongolians are not specifically stated, so individuals of Asian descent fell under the term Indian or Native Americans as the judge argued the theory that native Americans were originally Asians who crossed the Bering

Strait. In addition to this citizenship was denied on the basis of skin color. In 1855, Chan Yong went to court to get citizenship, the the court ruled that according to the Naturalization Act of 1790, Yong could not obtain citizenship because he was not white. The Naturalization Act restricted citizenship to white people only. Even though he was white, he was not white enough and needed to be more European to be a citizen(Spring, “The People vs Hall”).

These racist acts and laws came from the fear and dislike of the Mongolians by the white public. When the Chinese came to America for the California Gold Rush, they were under the impression they would be able to go back after a few years, but instead they did not have enough money to go back forcing them to take other jobs. Compared to China, the jobs in America were well above the means, which is why Chinese and other Asian Americans stayed and work. White Americans’ jobs were taken because Asians would work for less and longer, causing the dislike toward them to build. Years of fear and anger built up and created the Anti Coolie Act in 1862 in California. This act was made to protect, “free white labor against competition with Chinese Coolie Labor.” Coolies are the stereotype of Asians at the time and it depicted them as Asians who would work for long hours, low wages, and in substandard living conditions. This act prevented the transport of Coolies into the country and any citizen helping to bring them into the country would be punished. This soon became the view of America, creating the Chinese Exclusion Act of 1882. This not only prevented Asian Americans from obtaining citizenship, but it also suspended all Chinese immigration for ten years. Then ten years later the United States renewed the act, and then in 1902 Chinese immigration was made permanently illegal(Spring, “Chinese Exclusion Act”, “Anti-Chinese Court Legislation and Cases”, Vong).

In 1906 the Naturalization Act was amended and individuals of African descent could now become citizens. If you think Asian Americans could become citizens now, you are wrong. Takao Ozawa v United States in 1914 tried to clarify the definition of white person. Ozawa was born in Japan yet had spent his whole life in the states, however he was denied citizenship because of the color of his skin. Ozawa challenged this in court, not to oppose it, but instead to get Japanese classified as white. Justice George Sutherland ruled that only caucasians were white, and Japanese individuals lacked the safety provisions of the Naturalization Act. Race was not only affecting citizenship of Asian immigrants, but also of some American citizens. In 1922, the Cable Act was put in place. The Cable Act took away citizenship of any American woman who married someone ineligible for citizenship. At the time, citizenship was determined by the color of your skin, meaning if you wanted to marry someone of Asian descent. By denying citizenship and restricting marriage, the white public felt like they were in control of this whole group of people(Spring, "Anti-Chinese Legislation and Court Cases").

All of the legal action and legislation has one common factor to define those who it affected. Skin color determined who was considered Asian, not the place where an individual was born. Even this is skeptical however though because while they were called Mongolians, they were also referred to as Native Americans. Out of fear, white Americans categorized minorities to control them, and each grouping was oppressed differently, but with Asians, they referred to them as anything except for white. This better classifies what a free white person in America was back then. A free white person is someone who is white and European, and even then not all Europeans were welcome. Categorizing individuals into minority groups, and denying them the unalienable rights is how the white public gained control to them and further

segregated all skin colors. Those who founded the country selectively picked who could be citizens and put laws in place to make sure everyone knew who was superior(Spring).

Works Cited

The People vs Hall(n.d.). Retrieved from http://cetel.org/1854_hall.html

Vong J.(n.d.). US Immigration Legislation. Retrieved from

http://library.uwb.edu/Static/USimmigration/1862_anti_coolie_law.html

Chinese Exclusion Act(2018). History. Retrieved from

<https://www.history.com/topics/immigration/chinese-exclusion-act-1882>

Anti-Chinese Legislation and Court Cases(n.d.). Retrieved from

<http://www.mocanyc.org/timeline/timeline.html>

Takao Ozawa V United States(n.d.). Laws. Retrieved from

<https://cases.laws.com/takao-ozawa-v-united-states>

Spring, J.(2013). *Deculturalization and the struggle for equality : A brief history of the education of dominated cultures in the United States*. New York, N.Y.: McGraw-Hill