



DRIVEN OUT

THE FORGOTTEN WAR AGAINST
CHINESE AMERICANS



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• DRIVEN OUT: AFRICAN AMERICANS AND THE CHINESE

In June 1850, in the dry, hot foothills of Calaveras County, Argentinean miner Ramón Gil Navarro recorded in his diary, "The great company of Negro slaves has been replaced by another one just like it of Chinese laborers. All day long I see the stupid faces of these men who are so civilized and refined in the arts and so brutish in their customs and habits."¹⁰³

The call for "free labor" heard across California meant free white labor. Some ranchers conscripted Native Americans and forced them into the gold diggings, and scores of southerners brought their slaves to the mines.

Despite California's "free soil" constitution, by 1852 three hundred African American slaves worked in the gold diggings.¹⁰⁴ Some were runaways and desperate. Others, lured by the news of California's ban on slavery, left enslaved wives and children behind as hostages and headed west with hopes of discovering enough gold to buy their freedom.¹⁰⁵ Black freemen also traveled to the gold fields, seeking enough wealth to purchase their families out of slavery.¹⁰⁶ By 1850, one thousand free African Americans had traveled across the plains and mountains to California to pan for gold or escape slave catchers set loose by the new Fugitive Slave Act. *The Freeman*, Philadelphia's abolitionist paper, celebrated two freemen who returned to the East in 1851 with thirty thousand dollars after just four months in the gold fields. Many blacks pursued this dream and headed west.¹⁰⁷

Yet once there, they discovered that in fact California tolerated slavery. A slaveholder could safely bring his slaves into the state, force them to return to the South, or sell them if he could not afford the expense of their passage home.¹⁰⁸ In April 1852, California passed its own Fugitive Slave Law, declaring that all slaves who had escaped before California's admission into the Union were runaways who could be reclaimed. In the case of *In re Perkins*, the California Supreme Court ruled that although California was a

free state, Carter and Robert Perkins could reclaim three black slaves and compel them to return to the South.¹⁰⁹ In *Ex parte Archy* (1858), the court added that a master could keep his slaves in California if he declared that he was there as a temporary resident.¹¹⁰

Purges of African Americans shadowed those of Latinos in the gold fields. When a Georgia-born slave owner died in Placer County in 1852, his black slaves abandoned his mining claim and moved to town, where an "assembly" quickly forced their landlord to evict them. To challenge discrimination, three colored conventions met in San Francisco and Sacramento between 1855 and 1857 and pressed California to mete out justice "to all, without respect to complexion."¹¹¹

CHINESE RESISTANCE

The Sonora Union Democrat wrote: "Poor John; he is kicked and cuffed from one end of the state to the other. Even though he pays his foreign- and poll-tax promptly, he has to pack up and leave should he be so unfortunate as to hit upon a spot that pays him more than a couple of dollars a day, but 'might makes right,' so he dares not murmur."¹¹² But the Chinese did more than murmur. They purchased arms, created strong organizations to protect their jobs, and often refused to abandon their homes and claims. And despite overwhelming barriers, they turned to the legal system for redress.

Blocking their path, however, was the bizarre case of *People v. Hall* (1854). On August 9, 1853, George Hall, a white miner, accompanied by his brother and one other man, assaulted and robbed a Chinese placer miner on the Bear River in Nevada County. Hearing shouts, the miner Ling Sing left his tent to help but was shot and killed by Hall, who, with his companions, was arrested by the sheriff. Based on the testimony of a Chinese witness, the judge sentenced Hall to hang.

But twenty-nine-year-old Hugh C. Murray, chief justice of the California Supreme Court, overturned Hall's conviction. Murray ruled that long ago "Asiatics" migrated to the American continent across the Bering Strait and "descended" into Indians. The Indians were therefore Chinese and the Chinese were Indians, and thus unable to testify in court either "in favor of, or against a white man."

Even though Murray acknowledged that discoveries by "eminent arche-

ologists, and the researches of modern geologists" had established that tribal people were really American "aborigines" and not descended from Asians, he maintained that *race* was a "generic" term that excluded "every one who is not of white blood." Wrote Murray: "Indian as commonly used, refers only to the North American Indians, yet in the days of Columbus all shores washed by Chinese waters were called the Indies, therefore all Asiatics were Indians." The word *white*, he added, "necessarily excludes all other races than Caucasian."

Murray would "decide against admitting the testimony of the Chinese on the grounds of public policy" because "nature placed an impassable difference" between "us" and people "marked as inferior" and "differing in language, opinions, color and physical conformation." This "impassable difference" denied Chinese both "the right to swear away the life of a citizen" and "the privilege of participating with us in administering the affairs of our Government."¹³ It was better to release a convicted murderer than to tamper with white supremacy, asserted Murray.

People v. Hall stimulated a rash of roundups, for now, with the promise of all-white juries and the absence of any Chinese testimony, conviction of a vigilante became virtually impossible. Not until five years later, in *People v. Elyea* (1859), did the California Supreme Court overturn the ban against Chinese testimony, declaring that the color of a man's skin was not a reliable measure of his competence to serve as a witness or to testify in court.¹⁴

Yet the Chinese persisted in turning to the courts in both criminal and civil cases, and occasionally they prevailed. In *Quam or Quang Chew v. Sales and Johnson*, a Chinese man in Nevada County proved to an all-white jury that he was a merchant and not a miner, and forced the tax collectors to return his money.¹⁵ Indeed, the Chinese residents of Nevada County were successful in 51 percent of the cases they initiated against whites, particularly when they hired white attorneys.¹⁶

The violence that hounded the Chinese in gold-rush towns reveals a painful paradox: Chinese emigration was threatening the very institutions it was supposed to protect—the Chinese family, the Chinese village, and the Chinese clan.¹⁷ To preserve a national identity under assault, Chinese miners, skilled in the traditions of rural community, formed kinship organizations, wore Chinese clothes, imported food, refused to cut off their queues, and maintained extensive correspondence with families in China.¹⁸ Another kind of Chinese resistance to the roundups and, indeed, to the



Chinese man with queue

painful rupture of immigration itself was to forge communities in the United States and, at the same time, create international families, with wives and family in China who faced the long or permanent absences of their sons, fathers, and husbands.¹⁹ Funds and letters (sometimes written by scribes) were carried by *shuikes* or "water guests" on visits to China and created a strong chain of intimate communication and financial commitment.

The Chinese miners were a transnational people, facing east and facing west, migrant and immigrant, sojourner and settler. In towns such as Grass Valley, French Corral, North San Juan, Washington, Bloomfield, and Nevada City, Chinese merchants sold goods that tied the miners to their homeland, providing rice, dried fish, mail from home, notices of jobs, and links to the Chinese Six Companies. In segregated Chinatowns near their diggings, they built temples and cemeteries, constructed levees to raise catfish and trap turtles for soup, planted lilies and trees of heaven, and opened brothels, gambling halls, and opium houses.

In the town of Sonora, Chinese stores were built protectively, side by

side. Off narrow alleys, merchants, laborers, and boarders shared small shacks and visited Chinese doctors, herbalists, barbers, launderers, vegetable peddlers, and cooks. Jinshanzhuang (Gold Mountain Firms) imported books and magazines, preserved lichees, pineapples, ginger, smoked flower fish, and dried blackfish and eels. By 1867 China had shipped more than eighteen million pounds of rice to the West Coast.¹²⁰ In 1855 a Chinese theater opened in Auburn's Chinatown. Many Chinese communities had their own gold buyers and assay offices; one group of miners even constructed a separate fort on Shepley Flat to protect their gold. In many Chinatowns, such as Antioch's, homes and stores were connected by a web of hidden underground tunnels—built for cold storage, for communication, and for escape.

By the winter of 1851, China Camp had become the commercial, social, and religious center for the Chinese in the southern Sierra Nevada and a depot for every item brought into the diggings. Stagecoaches, freight wagons, and mule trains arrived daily, laden with food, clothing, and tools. Fifteen hundred pack animals and five hundred wagons brought Chinese goods into the mountains. Ancient traditions of food preservation made it possible for Chinese miners to have a much more varied diet than white miners, who disdained the unfamiliar salted duck eggs, cabbage, and turnips, the dried fish and mushrooms, and the melons, squashes, and persimmons grown from seeds carried from China.

Christians hoped that mining areas would provide an evangelical stepping-stone to Asia, but eager home missionaries found no converts.¹²¹ China Camp, like Oroville to the north, had three temples to serve Buddhist, Taoist, and Confucian miners. White Americans' contempt for the endurance of Chinese culture emerged in the popular tune "John Chinaman," sung throughout the mining camps:

*I thought you'd cut your queue off, John
And don a Yankee coat,
And a collar high you'd raise, John,
Around your dusky throat.¹²²*

The Foreign Miners' Tax had cut the Chinese population by the thousands, but after a few years new arrivals equaled and quickly doubled the number of those who departed the Sonora foothills. Many of those who re-

turned to China stayed only temporarily.¹²³ Despite the ice and wind, the blackmail, the brutality, and the tax collectors, thousands of Chinese remained in the mother lode and thousands more continued to find their way. In Placer County, at the end of November 1856, there were 12,540 white men, 1,860 white women, 400 male and female Negroes, and 125 Indians. But there were more than 3,500 Chinese men and women, almost one fifth of the population.

Over the years Chinese refugees also returned to Shasta County. Many stayed until railroad work pulled them toward the Rocky Mountains. Indeed, despite the purges, the persecutions, and the lure of railroad work, during the Civil War over 80 percent of the Chinese population in California was still engaged in mining.¹²⁴