

One: The Oriental Menace Comes to the South

Anti-Alien Property Laws

Stephanie Hinnertshitz,
*A Different Shade of Justice: Asian
American Civil Rights in the South*
(Chapel Hill: UNC Press, 2017)

Although his name was Lue Gim Gong, Floridians knew him as the “wonder grower” or “citrus wizard.” A Chinese immigrant, Lue arrived in San Francisco in 1872 when he was twelve years old and quickly went to work with his uncle, an established merchant and labor contractor in the city. When Lue was sixteen, his uncle sent him to North Adams, Massachusetts, to work in a shoe factory. Lue’s easy demeanor and quick embrace of Christianity won him the affection of the powerful Burlingame family, who attended church with Lue. Solomon Burlingame offered Lue a job translating Chinese documents for his business, allowing Lue to strengthen his English language skills and become close friends with Solomon’s spinster daughter, Fanny Burlingame. Fanny became a mother figure to Lue and encouraged him to convert to Christianity and even assisted him with becoming an American citizen in 1877. In 1886, Fanny bequeathed five acres of land in Deland, Florida (near Daytona Beach), to Lue.¹

Lue thrived in Florida, making good use of Fanny’s investment. Lue diligently worked at developing hardier strands of citrus that could withstand the sometimes unpredictable Florida climate, and in 1888, he created the Lue Lim Gong orange. By 1911, the Lue Gim Gong orange was a nationwide success. Lue was well respected by the white population of Deland and surrounding areas in Florida, a significant achievement for a Chinese man after the Chinese Exclusion Act of 1882. Perhaps, in the midst of a nation growing increasingly anti-Asian by the 1920s, Florida and more generally the South could be seen as an island of relative tolerance.²

Or perhaps Lue’s success and popularity among Florida whites were the result of him merely being in the right place at the right time, before the state would join in a national attempt to limit Asian American property rights. In 1926, one year after Lue died, the state of Florida amended its constitution to include a passage barring aliens ineligible for citizenship from owning land. Although “aliens ineligible for citizenship” was a broad category, by 1925 the phrase was racially coded in American political discourse as generally referring to Asian immigrants barred from entering the United States under the Immigration Acts of 1917 and 1924 and prohibited from naturalizing under the Naturalization Act of 1906. If Lue had arrived in Florida in 1927, his ability to become a landowner would have been questionable: He was an American citizen, but he was associated with a racial group “ineligible for citizenship.” It is difficult to tell how he would have been received by Florida residents at this time and if he would have easily been able to own property and become the citrus king. Lue’s case is exceptional, but it raises questions of the position of Asian Americans in the South vis-à-vis their immigrant status and highlights the xenophobia present in southern racism and its connections to discriminatory movements against Asian immigrants in the West.

Rather than a significant turning point, Florida’s radical change in its constitution was a culmination of growing southern fears of a “yellow invasion” during the late nineteenth and early twentieth centuries. The Chinese labor experiment was short lived in southern states such as Mississippi, Louisiana, and Arkansas, but as soon as the fear of labor competition died down by the turn of the century, a new wave of fear over Japanese encroachment on land washed over the South in the early twentieth century. As Japanese immigrants settled in California, Washington, and Oregon following Chinese exclusion in the early 1900s and found work as migrant laborers or later became successful farmers and business owners, West Coast residents feared a Japanese takeover of their land. In response, California and Washington passed laws that barred aliens ineligible for citizenship from owning property in 1913 and 1921, respectively. As a result, whites in the South worried that a “yellow horde” of Japanese was headed their way, fleeing the racism and discrimination in the West. True, more Japanese and Chinese did begin to come to some southern states during the early twentieth century, but they were not refugees from western land laws and they did not come in larger numbers. However, southerners interpreted this small stream as the forerunners to a deluge. In response, southern states enacted their own anti-alien land laws or went so far as to amend their constitutions to deter Japanese Americans from settling within their borders.³ While the measures targeted Japanese, all Asian Americans became suspect in the South regardless of ethnicity.

Typical stereotypes of both Chinese Americans and Japanese Americans as heathens, dirty, diseased, shifty, and greedy also did little to convince southerners that Asian Americans would not drastically alter the racial or economic landscape of the South. When southern states passed laws that barred Asian Americans from owning property, they were not only protecting their land; they were protecting basic ideas of citizenship and defining the term in their own ways. Although the Fourteenth Amendment guaranteed the right to landownership for anyone living in the United States, southern states argued that such rights were basic tenets of American citizenship alone and not fit for Asian immigrants. Although African Americans were not the ideal citizens that whites had in mind, they were at least born in the United States, and unlike the heathen Chinese or the shifty Japanese, land and protection of property were guaranteed to them. In response, white southerners shaped the anti-Asian legal action in a region of the United States that actually held few Asian Americans.⁴

But Asian immigrants in the South, although few in number, did not easily accept this infringement on their property rights. From the late nineteenth through the early twentieth century, Asian immigrants in Mississippi, Arkansas, Louisiana, Texas, and Florida faced a form of legal discrimination that no other group faced in attacks on their rights to property and earning a living. While historians have pointed to the challenges of leasing land under the sharecropping system and restrictive housing covenants, Asian immigrants also faced violations of property rights, as southern states used landownership to define and codify citizenship as “white.” In response, some Asian American groups defied the laws by continuing to operate as usual, while others launched successful legal battles against state governments and their anti-alien laws.

Asian Americans faced unique legal challenges in the South, and the anti-alien land laws were not merely another form of Jim Crow for another race. Asian Americans were not separate but theoretically equal; the discrimination Chinese Americans and Japanese Americans faced in the South with landownership was a statement of their perpetual racial otherness and inability to assimilate and naturalize. The fear of what Asian immigrants *could* do as racial menaces more than what they actually *did* in the South shaped southern law. The amendments and laws were vague and problematic and did not immediately impact many Chinese American or Japanese American landowners; however, the anti-alien legislation discussed here codified Asian Americans as racial outsiders without citizenship rights, setting the stage for future legal activism.

