

# Reconceptualizing Asian Pacific American Identity at the Margins

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## INTRODUCTION

The central organizing question for this Essay is, what does Asian Pacific American identity look like if we start our investigation of it at the margins of the nation? The concept for this framework borrows from Asian American historian Gary Okihiro’s insight that

the core values and ideals of the nation emanate not from the mainstream but from the margins—from among Asian and African Americans, Latinos and American Indians, women, and gays and lesbians. In their struggles for equality, these groups have helped preserve and advance the

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principles and ideals of democracy and have thereby made America a freer place for all.<sup>1</sup>

This framework intentionally flips our conventional notions of the margins and the mainstream to highlight more clearly how much the mainstream—the stuff of traditional U.S. history and society—is actually made at the margins, oftentimes through processes of discrimination, inequality, and exclusion, and based on categories of gender, class, sexual orientation, and race. It is by examining the so-called margins—by investigating how people lived at the margins, how ideas about who belonged and who should have been excluded were determined at the nation's borders, and how ideas, people, and things moved across national lines in the periphery—that we see most clearly how Americans have understood and experienced the nation's proclaimed ideals of democracy and liberty in all of their diverse and contested ways.

This Essay draws upon recent understandings of transnational migration to reconceptualize the boundaries of the Asian Pacific American (APA) community and the role of immigration law in constructing APA identity. The Essay shifts our focus from California and the Pacific coast to the U.S.-Mexico border, showing how Chinese immigrants came to the border and established new social relations with Mexicans and African Americans in ways that do not easily fit a white/other binary racial model. By introducing a transnational and multiracial framework into the well-established body of literature concerning APA identity and the law, I argue that adopting different models of migration opens up new ways of understanding immigrant incorporation in the United States and, in turn, a broader conceptualization of APA identity. Reminding Asian Pacific Americans of the origins of a Pan-Asian American political identity, rooted in the civil rights struggles of the 1960s and 1970s, I call attention to the potential power of reframing APA identity as a political identity again, but this time defined by immigrant struggles that cross racial lines. Rather than defining APA identity based on anti-Asian discrimination, I ask what APA identity might look like if we based it on immigration law and forged connections with other immigrant minorities such as Mexican Americans and Mexican immigrants.

## I. ASIAN PACIFIC AMERICAN IDENTITY FORMATION

### *A. Birth of the Asian American Movement*

As the civil rights movement and student political activism turned to projecting more radical postures during the late 1960s, politicized Asian American activists were also generating a social movement of protest against social discrimination, political disenfranchisement, and racial injustices in the United

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1. GARY Y. OKIHIRO, MARGINS AND MAINSTREAMS: ASIANS IN AMERICAN HISTORY AND CULTURE, at ix (1994).

States. Inspired by their participation in the black civil rights movement, as well as the ideological commitments to freedom and racial justice that they shared with post–World War II Third World decolonization struggles, Asian American activists struggled to attain racial equality for Asian Americans and reform the conditions of their own ethnic communities by critiquing American society’s failure to live up to its egalitarian principles. One of the first places to witness the burgeoning political consciousness of the Asian American movement was San Francisco State College. As Gary Okihiro put it, “Asian American studies was built with the stones hurled through closed windows at San Francisco State in 1968.”<sup>2</sup> Inspired by the Black Panthers and their radical critique of U.S. imperialism, Asian Americans joined with other students of color in “Third World strikes” organized on the San Francisco State and University of California at Berkeley campuses, and rallied for self-determination, the need to eliminate institutional racism, and the common liberation of oppressed people of color in the United States and abroad.<sup>3</sup> One of their first demands was the establishment of ethnic studies programs, the central purpose of which was to equip students of color “with the knowledge, understanding, and commitment needed to solve the problems of their communities.”<sup>4</sup>

The struggle for equality in the United States dovetailed with liberation struggles outside of the United States, and Asian American student activists used the rhetoric of “decolonizing” college campuses and academia to promote new histories that made previously marginalized groups like African Americans, American Indians, Latina/os, and Asian Americans central to U.S. history.<sup>5</sup> Reclaiming a past went hand in hand with refuting racism and creating a positive Asian American identity and collective culture.<sup>6</sup> Not surprisingly, scholarship on Asian Americans flourished, producing broad historical syntheses of the Asian American experience as well as numerous monographs and articles focused on specific ethnic communities—most of the time Chinese Americans—and their participation in American economic, political, and legal life.<sup>7</sup>

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2. Gary Y. Okihiro, *Introduction* to REFLECTIONS ON SHATTERED WINDOWS, at xvii, xvii (Gary Y. Okihiro et al. eds., 1988).

3. WILLIAM WEI, THE ASIAN AMERICAN MOVEMENT 15 (1993).

4. *Id.*

5. GARY Y. OKIHIRO, THE COLUMBIA GUIDE TO ASIAN AMERICAN HISTORY 221 (2001).

6. WEI, *supra* note 3, at 54.

7. Treatments of Asian American history published during the 1960s and 1970s almost equaled the total number of such books published in the United States up to 1959, while the publications of the 1980s and 1990s more than doubled the record of the preceding two decades. OKIHIRO, *supra* note 5, at 220–21. Compare MARY ROBERTS COOLIDGE, CHINESE IMMIGRATION (1909) (representing works up to 1959), with ELMER CLARENCE SANDMEYER, THE ANTI-CHINESE MOVEMENT IN CALIFORNIA (1973) (representing works during the 1960s and 1970s), ALEXANDER SAXTON, THE INDISPENSABLE ENEMY: LABOR AND THE ANTI-CHINESE MOVEMENT IN CALIFORNIA (1971) (same), and SUCHENG CHAN, ASIAN AMERICANS: AN INTERPRETIVE HISTORY (1991) (representing works during the 1980s and following), SUCHENG CHAN, THIS BITTERSWEET SOIL: THE CHINESE IN CALIFORNIA AGRICULTURE, 1860–1910 (1986) (same), ANDREW GYORY,

The history of Chinese Americans in particular gained prominence, largely shaping the general periodization of Asian American history, which emphasizes three primary thematic arcs: the conditions of early immigration (1848 to 1882), the racism and discrimination of the immigration exclusion era (1882 to 1965), and the diversity of post-exclusion immigration (1965 to the present).<sup>8</sup> As the first people to migrate to the United States from Asia in large numbers, the Chinese were also the first ethnic group from Asia to be targeted as racial “others”—or more specifically, perpetual foreigners and aliens who could never be assimilated into American society.<sup>9</sup> Denied the right to naturalized citizenship and facing increasingly restrictive immigration laws, Chinese immigrants nonetheless resisted and struggled, both through their labor and in the courts, to secure a place in the United States, however tenuous that place might be. As scholars explored the legal activism of Chinese Americans who pushed back against the growing momentum of Chinese exclusion in the late nineteenth century,<sup>10</sup> they showed the critical role that Asian Americans have played in testing and expanding the United States’ commitment to its liberal ideals of democracy and equality. Asian American studies succeeded in not only showing that Asian Americans were there, too, but that they were necessary actors in the at-times illiberal process of defining American national identity.

### B. Asian American Jurisprudence

As historians and legal scholars began to emphasize the prominent role of law in shaping the Chinese American experience, they opened up new ways of thinking about Asian American identity and the law. The emergence of Critical Race Theory (CRT) in the 1980s, moreover, provided new theoretical lenses through which to interrogate the relationship between law and race for the APA community, deconstructing the central role of law in upholding white supremacy in the United States. In many ways, Asian American studies and CRT were a perfect fit. Both combined scholarly enterprise with a political vision that placed historically marginalized subjects at the center. And both were born of political struggle. As Kimberlé Crenshaw recently explained,

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CLOSING THE GATE: RACE, POLITICS, AND THE CHINESE EXCLUSION ACT (1998) (same), ERIKA LEE, AT AMERICA’S GATES: CHINESE IMMIGRATION DURING THE EXCLUSION ERA, 1882–1943 (2003) (same), LUCY E. SALYER, LAWS HARSH AS TIGERS (1995) (same), RONALD TAKAKI, STRANGERS FROM A DIFFERENT SHORE: A HISTORY OF ASIAN AMERICANS (1989) (same), SHIH-SHAN HENRY TSAI, THE CHINESE EXPERIENCE IN AMERICA (1986).

8. OKIHIRO, *supra* note 5, at 35.

9. *See infra* text accompanying notes 46–56.

10. *See, e.g.*, SALYER, *supra* note 7; Richard P. Cole & Gabriel J. Chin, *Emerging from the Margins of Historical Consciousness: Chinese Immigrants and the History of American Law*, 17 LAW & HIST. REV. 325 (1999); Christian G. Fritz, *A Nineteenth Century “Habeas Corpus Mill”: The Chinese Before the Federal Courts in California*, 32 AM. J. LEGAL HIST. 347 (1988); Charles J. McClain, Jr., *The Chinese Struggle for Civil Rights in Nineteenth Century America: The First Phase, 1850–1870*, 72 CALIF. L. REV. 529 (1984).

CRT was not, however, simply a product of a philosophical critique of the dominant frames on racial power. It was also a product of activists' engagement with the material manifestations of liberal reform. Indeed, one might say that CRT was the offspring of a post-civil rights institutional activism that was generated and informed by an oppositional orientation toward racial power.<sup>11</sup>

Within both the academy and society at large, CRT scholars reminded us how deeply issues of racial ideology and power were engrained in American life and how race relations in U.S. society were anchored in law.<sup>12</sup>

At the same time, the black/white paradigm of CRT left the experiences and needs of non-white/non-black minorities unaddressed. Fusing the ongoing work of Asian American studies and history with the theoretical insights of CRT, some Asian American law professors in the 1990s continued shaping a more defined body of specifically Asian American legal scholarship.<sup>13</sup> Robert Chang announced the arrival of the "Asian American Moment" in a pivotal article in 1993, ushering in a new era of Asian American jurisprudence.<sup>14</sup> As an intellectual response to the 1982 killing of Chinese American Vincent Chin by two white autoworkers in Detroit and the ultimate acquittal of both men, the development of Asian American jurisprudence proved an essential component of a revitalized Asian American political activism.<sup>15</sup>

The history of immigration exclusion has remained a vital component of Asian American jurisprudence, as attested to by its prominence in the scholarship and on Asian American jurisprudence course syllabi.<sup>16</sup> As Neil Gotanda recently summarized, the three major substantive themes in Asian American jurisprudence—immigration, citizenship, and race—are all heavily historicized narratives.<sup>17</sup> The role of immigration law in Asian American legal history and the

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11. Kimberlé Williams Crenshaw, *Twenty Years of Critical Race Theory: Looking Back to Move Forward*, 43 CONN. L. REV. 1253, 1260 (2011) (describing the political struggles of the CRT movement within the legal academy itself).

12. Kimberlé Crenshaw et al., *Introduction to CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT*, at xiii, xxxii (Kimberlé Crenshaw et al. eds., 1995).

13. See John Hayakawa Török, *Asian American Jurisprudence: On Curriculum*, 2005 MICH. ST. L. REV. 635, 657–61. The CRT movement also generated a new branch of "LatCrit" jurisprudence, extending the insights of CRT to the experiences of Latinos. Leslie Espinoza & Angela P. Harris, *Afterword: Embracing the Tar-Baby—LatCrit Theory and the Sticky Mess of Race*, 85 CALIF. L. REV. 1585, 1590–93 (1997).

14. Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CALIF. L. REV. 1243, 1245 (1993).

15. See *United States v. Ebens*, 800 F.2d 1422, 1425 (6th Cir. 1986); TAKAKI, *supra* note 7, at 481–84 (1987).

16. Török, *supra* note 13, at 645 (describing the development of Asian American jurisprudence); see, e.g., Robert S. Chang, *Syllabus: Asian Americans and the Law*, 10 ASIAN L. J. 105 (2003); Gabriel J. Chin, *Syllabus: Asian Pacific Americans and the Law*, 10 ASIAN L. J. 115 (2003).

17. Neil Gotanda, *New Directions in Asian American Jurisprudence*, 17 ASIAN AM. L.J. 5, 17–18 (2010).

racial construction of Asian Americans find echoes today, primarily in the experiences of South Asian Americans who have been mistaken for Muslims and have suffered immigration consequences and significant violence following the events of September 11, 2001.<sup>18</sup> Immigration law and practices, of course, also remain implicitly central in defining Asian Pacific Americans, since much of the legal and political issues confronting Asian Pacific Americans derive from their identities as immigrants or children of immigrants. Immigration law and history are fundamental to APA legal and political identity.

At the same time, as some scholars have noted, “Asian Americans are rarely identified as being engaged in the immigration debates.”<sup>19</sup> Mexican immigrants, instead, are seen as the central subjects of immigration law and policy today. A disconnect has emerged between the histories of immigration-based discrimination and the kinds of contemporary anti-Asian discrimination that fill the pages of Asian American jurisprudence today. Though the problems of anti-Asian violence, the “perpetual foreigner” stereotype, and the “model minority” myth all derive fundamentally from the immigrant origins of Asian Pacific Americans, immigration law itself has not been a driving concern or a focal point for APA political activism. The immigrant identity of the APA community has remained too far away at the peripheries of our political consciousness.

## II. RECONCEPTUALIZING ASIAN PACIFIC AMERICAN IDENTITY THROUGH TRANSNATIONAL IMMIGRATION HISTORY AND LAW

Recently, an exciting and new interpretive approach to Asian American studies has emerged with the publication of several books on transnational Chinese American migration and history. This Part focuses more narrowly on the Chinese American experience and offers a broad survey of the transnational turn in Chinese American history. I present this general introduction to transnational theory because I believe legal scholars have yet to fully engage with it in their own work. Applying a transnational perspective to the study of Chinese American history, moreover, may offer a new way of understanding Chinese immigration

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18. See, e.g., Muncer I. Ahmad, *A Rage Shared by Law: Post-September 11 Racial Violence as Crimes of Passion*, 92 CALIF. L. REV. 1259, 1261 (2004); Sameer M. Ashar, *Immigration Enforcement and Subordination: The Consequences of Racial Profiling After September 11*, 34 CONN. L. REV. 1185, 1185 (2002); Ming H. Chen, *Alienated: A Reworking of the Racialization Thesis After September 11*, 18 AM. U. J. GENDER SOC. POL'Y & L. 411, 414 (2010); Leti Volpp, *The Citizen and the Terrorist*, 49 UCLA L. REV. 1575, 1590 (2002). Though no motive was released, the killing of six people at a Sikh temple in Wisconsin was popularly been characterized as a case of mistaken anti-Islamic hate. *For Many Sikhs, Wisconsin Attack Has Troubling Echoes*, N.Y. TIMES (Aug. 6, 2012, 8:06 AM), <http://india.blogs.nytimes.com/2012/08/06/for-many-sikhs-wisconsin-attack-has-troubling-echoes>.

19. Michael Liu et al., *Interest and Action: Findings from a Boston-Area Survey of Chinese and Vietnamese American Attitudes on Immigrants, Immigration, and Activism*, 16 ASIAN AM. L.J. 173, 173 (2009); see also Pat K. Chew, *Asian Americans: The “Reticent” Minority and Their Paradoxes*, 36 WM. & MARY L. REV. 1, 4 (1994) (“Compared to the other major ethnic groups in this country, for instance, Asian Americans are less politically organized and vocal.”).

patterns, as well as a new window through which to explore different social and multiracial relations. With these historically informed perspectives in hand, we are better situated to reconceptualize APA identity.

#### *A. Transnational Perspectives*

Interestingly, the increase in demand for the *immigrants'* side of the story that accompanied the awakening of an Asian *American* identity—both products of the political activism of the late 1960s and the late 1970s—coincided with a new wave of immigration from Asian countries following important changes to U.S. immigration policy in 1965.<sup>20</sup> Thus, while Asian American activists and academics began to demand the inclusion of Asian Americans in U.S. history and press for the American-ness of Asians in the states, the United States experienced a reinvigorated period of Chinese and Korean immigration, as well as a significant influx of refugees from war-torn Vietnam, Cambodia, and Laos. Immigration would thus remain salient to the Asian American experience, but, as Arif Dirlik has observed, in a way that now challenged “the fundamental assumption that had guided the struggle for Asian America: the rootedness of Asian Americans in U.S. history.”<sup>21</sup>

Aside from its newly expanded scope and diversity of countries of origin, what made the migration since the 1970s so dramatic and novel was that it happened as the world entered an accelerated phase of technological communications and economic developments that marked the post-1960s period as substantially different from the late nineteenth and early twentieth centuries. China opened its markets to foreign investment, and the globalizing forces of capitalism made their way deeper into the Asia Pacific arena. With the rise of new centers of global economic power emerging out of Pacific Asian countries, and as economic interests in the United States and in Asia simultaneously posited Asian Americans as transnational bridge builders fortuitously positioned to link the Pacific Rim and connect Asia and America, Asian Americans faced a growing ambiguity about their positions as Asian *Americans*.<sup>22</sup> Since the 1980s, Asian Americans have been swept up in the catchall momentum of globalization that has hailed a new age of intensified and accelerated patterns of migration and trade.<sup>23</sup> A new era of globalization has dawned, and with it has come a new academic emphasis on the international, transnational, and/or diasporic.<sup>24</sup>

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20. Arif Dirlik, *Asians on the Rim: Transnational Capital and Local Community in the Making of Contemporary Asian America*, in *ACROSS THE PACIFIC: ASIAN AMERICANS AND GLOBALIZATION* 29, 36 (Evelyn Hu-DeHart ed., 1999).

21. *Id.* at 38.

22. Evelyn Hu-DeHart, *Introduction: Asian American Formations in the Age of Globalization*, in *ACROSS THE PACIFIC*, *supra* note 20, at 1, 9.

23. See Erika Lee & Naoko Shibusawa, *What Is Transnational Asian American History? Recent Trends and Challenges*, 8 J. ASIAN AM. STUD., at vii, vii (2005).

24. See THOMAS BENDER, *RETHINKING AMERICAN HISTORY IN A GLOBAL AGE*, at vii

The turn to transnationalism in academia has by no means generated a coherent, clearly defined field of study. Scholars of transnational studies often speak in the at-times confusing postmodern language of creolization, hybridity, globalization, displacement, disjuncture, decentering, diaspora, denationalized, and the postnational, as even leading scholars of transnational cultural studies readily admit.<sup>25</sup> But as Linda Bosniak points out, while proponents might mean a variety of different things by these terms, “[the terms] are usually meant as descriptive terms, intended to capture various cross-border identities, relationships, and allegiances that have been developing during the current period of intensive globalization.”<sup>26</sup> Transnationalism itself has generally signified the fluidity of movement of people, things, and ideas across national borders; it captures the “political, economic, social and cultural processes that extend beyond the borders of a particular state, [and] include actors that are not states, but are shaped by the policies and institutional practices of states.”<sup>27</sup> It is increasingly clear that, thanks to modern transportation and communications technologies, immigrants do not “pick up all roots and sever all ties—physical, emotional, economic, social, cultural—to one place before forming new ones in another; nor do they immediately transfer their allegiance from one to the other.”<sup>28</sup> Thus, for many academics, the time had come to interrogate and critique the assumed “centrality of the nation-state and . . . the nation-centered traditions of historical practice,” as David Thelen urged in a special issue of the *Journal of American History* in 1999.<sup>29</sup> Historians were encouraged to shake conventional notions of citizenship loose from the paradigm of the nation-state, as more and more it was asserted that “people’s rights should accompany them as human beings, not be bestowed on them as residents of a nation-state.”<sup>30</sup> America was to be seen as part of “a world system, in which the exchange of commodities, the flow of capital, and the

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(Thomas Bender ed., 2002); Shelley Fisher Fishkin, *Crossroads of Cultures: The Transnational Turn in American Studies*, 57 AM. Q. 17, 29 (2005); David Thelen, *The Nation and Beyond: Transnational Perspectives on United States History*, 86 J. AM. HIST. 965, 968 (1999).

25. See, e.g., LINDA BASCH ET AL., NATIONS UNBOUND: TRANSNATIONAL PROJECTS, POSTCOLONIAL PREDICAMENTS, AND DETERRITORIALIZED NATION-STATES 27 (Linda Basch et al. eds., 1994); see also Lee & Shibusawa, *supra* note 23, at viii–ix (delineating the differences between the terms “transnational,” “global,” “international,” and “diaspora”).

26. Linda Bosniak, *Citizenship Denationalized*, 7 IND. J. GLOBAL LEGAL STUD. 447, 449 (2000).

27. Lee & Shibusawa, *supra* note 23, at viii (quoting Nina Glick Schiller, *Transmigrants and Nation-States: Something Old and Something New in the U.S. Immigrant Experience*, in THE HANDBOOK OF INTERNATIONAL MIGRATION: THE AMERICAN EXPERIENCE 94, 96 (Charles Hirschman et al. eds., 1999)). The transnational turn has even influenced the field of international relations and diplomatic history, which has traditionally emphasized bilateral relationships between conflicting states and leaders. See, e.g., MATTHEW CONNELLY, A DIPLOMATIC REVOLUTION (2002) (applying a transnational perspective to the Cold War); MATTHEW EVANGELISTA, UNARMED FORCES: THE TRANSNATIONAL MOVEMENT TO END THE COLD WAR (1999) (applying a transnational perspective to examine the effects of the Algerian War).

28. Hu-DeHart, *supra* note 22, at 9.

29. Thelen, *supra* note 24, at 966.

30. *Id.* (footnote omitted).



iterations of cultures know no border.”<sup>31</sup> Thus, Arjun Appadurai’s directive early in 1993 “to think ourselves beyond the nation” began to collect ever-greater appeal.<sup>32</sup>

For Asian American historiography, this has resulted in a significant shift away from a U.S.-centered framework to an internationalized one. Critical of the unidirectional and assimilationist model of immigration studies upon which previous scholarship rested—which many Asian Americanists understood as implicit in the fundamental goal of asserting the American-ness of Asians—these more recent works on late nineteenth and early twentieth-century Chinese immigration to the Americas have adopted transnationalism as an integral component for understanding the history of Chinese migration, economic activity, and settlement. Indeed, as historians such as Madeline Y. Hsu, Sucheng Chan, Yong Chen, and Haiming Liu demonstrate, transnationalism is not strictly a modern trend.<sup>33</sup> Rather, transnational mobility can be traced back to the historical experiences of Chinese immigrants from over a century ago, when political and economic factors, both in China and in the new lands, spurred and facilitated Chinese migration to and throughout Southeast Asia, Africa, the Caribbean, Australia, and the Americas.<sup>34</sup> Although recent technology has made communication, contact, and the maintenance of ties with the home country much easier than in the past, many turn-of-the-century Chinese immigrants were also equipped to maintain close, regular, and lasting ties to the homeland. Letters, remittances, newspapers, friends, and family all became vehicles by means of which Chinese communities abroad retained and nurtured trans-Pacific relations with homeland communities. Some would eventually return to China, and others would send their children back for educational and career purposes.<sup>35</sup>

There are two particular features of transnational studies that I believe can help us to reconceptualize APA identity today. First, in emphasizing the multi-directional circuits of persons, ideas, and things, transnationalism offers us a powerful framework through which to reject interpretations of Chinese immigration as one-way voyages toward Americanization, with its heartrending accounts of Chinese victims mired in anti-Chinese hostility and racism. Rather, the transna-

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31. Fishkin, *supra* note 24, at 21 (footnote omitted) (quoting Paul Lauter).

32. Arjun Appadurai, *Patriotism and Its Futures*, 5 *PUB. CULTURE* 411, 411 (1993).

33. See, e.g., YONG CHEN, *CHINESE SAN FRANCISCO, 1850–1943: A TRANS-PACIFIC COMMUNITY* (2002) (describing immigration to San Francisco starting in the mid nineteenth century); *CHINESE AMERICAN TRANSNATIONALISM: THE FLOW OF PEOPLE, RESOURCES, AND IDEAS BETWEEN CHINA AND AMERICA DURING THE EXCLUSION ERA* (Sucheng Chan ed., 2006) [hereinafter *CHINESE AMERICAN TRANSNATIONALISM*] (describing transnational flow from China); MADELINE HSU, *DREAMING OF GOLD, DREAMING OF HOME* (2000) (describing migration to the United States starting in the late nineteenth century); HAIMING LIU, *THE TRANSNATIONAL HISTORY OF A CHINESE FAMILY 1* (2005) (describing the transnational history of one family starting in the late nineteenth century).

34. See *infra* note 40.

35. See LIU, *supra* note 33, at 5–7.

tional Chinese come out as agents of change, an empowering symbol for modern Asian Americans caught in and improvising at the crossroads of globalization. Second, the transnational framework descriptively captures the various cross-border identities, relationships, and allegiances that developed between immigrants while interrogating the power of nation-states to control mobility, demand allegiance, and shape identity. Reorienting Chinese American studies through a transnational framework has enabled an important shift “from a methodology that emphasizes the production of hegemonic discourse to one that seeks to understand contact, translation, exchange, negotiation, conflict, and other dynamics that attend the constitution of social relationships across cultural and national borders.”<sup>36</sup> It thus offers a different model for understanding not only migration, but also immigrant incorporation into the United States.

Let me now further develop these two new historical lenses and demonstrate how they may reframe our understanding of APA identity today.

*B. Asians in the Americas—Regulating Race and Immigration at the U.S.-Mexico Border*

For much of the nineteenth century, the desert lands that spanned the length of the U.S.-Mexico border from California to western Texas lay desolate and unoccupied, save for a few small frontier towns composed mostly of Mexicans and some Americans. In 1881, all of that changed with the arrival of the first railroad in El Paso, Texas. Once that first Southern Pacific train rolled into town, “[a]s from the skies men appeared.”<sup>37</sup> Following the growing railroad lines that intersected at the El Paso-Juárez hub and radiated from coast to coast and down to Mexico, thousands of industrialists, investors, railroad men and their families, and all classes of migrants sought to capitalize on the opportunities of the American Southwest and the mineral-rich resources of the Mexican North. And they came in all shades as well: Anglo-American, African American, Mexican, European, and Asian, especially Chinese. By 1889, El Paso had become, as some asserted, “the Chinese Mecca of the southwest.”<sup>38</sup>

Chinese immigration to the borderlands at the turn of the century was partially channeled by the financial incentives of this booming borderland economy. Chinese immigrants may have also been attracted to more remote places like El Paso for social reasons, as anti-Chinese sentiments were more muted there than in California, which had long been the favored destination point for Chinese immigrants.<sup>39</sup> Most importantly, however, immigration law and policy on both

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36. Mae M. Ngai, *Transnationalism and the Transformation of the “Other”: Response to the Presidential Address*, 57 AM. Q. 59, 60 (2005).

37. Hans Mickle, *El Paso, The Future Immense*, SAN ANTONIO DAILY EXPRESS, Feb. 4, 1883.

38. EL PASO HERALD, Feb. 5, 1889, at 2.

39. There were a few scattered demands made in local newspapers for the Chinese in El Paso to “be concentrated in given localities” for reasons of public health and property values, but it does not appear that any such plan for segregation came into effect. EL PASO HERALD, Feb. 7, 1889, at 2;

sides of the border played a decisive role in shaping the circuits of migration that would carry Chinese immigrants to the border. The passage of the Chinese Exclusion Act in 1882 coincided with Mexico's heavy recruitment of foreign capital—both monetary and human—and shifted the currents of Chinese immigration across the Pacific Ocean from the West Coast of the United States to Mexico.

### 1. *New Migratory Routes*

The oceanic routes that the Chinese followed to the United States were initially carved by U.S. trade ships that traversed the Pacific in the mid-nineteenth century, connecting U.S. harbors to the ports of Asia. Thereafter, Chinese migration seemed limitless; between 1840 and 1940, more than eight million Chinese followed the trail of capital and labor opportunities into Southeast Asia, Africa, the Caribbean, Australia, and the Americas.<sup>40</sup> Chinese immigration to the United States swelled in significant numbers following the 1848 discovery of gold in California.<sup>41</sup> Drawn initially to the goldmines of California, Chinese immigrants then began to fan eastward across the country, finding new work in railroads, agriculture, fishing, and other businesses.<sup>42</sup>

In 1868, the U.S. and Chinese governments formally encouraged this immigration, recognizing by treaty “the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one

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EL PASO HERALD, Feb. 8, 1889, at 2; EL PASO HERALD, Feb. 5, 1889, at 2. Nor were the Chinese in El Paso targeted for economic boycotts or exclusion from city limits. *See* EL PASO HERALD, Feb. 5, 1889, at 2 (suggesting that popular demand favored concentrating Chinese in centralized locations, rather than other forms of anti-Chinese actions.) In these respects, the prejudice that Chinese immigrants encountered in El Paso differed from that found on the West Coast as well as other parts of the Southwest. It never quite reached the institutional levels established elsewhere in Arizona, for example, where miners established “white man’s camps” to exclude Mexicans and Chinese from certain districts. KATHERINE BENTON-COHEN, *BORDERLINE AMERICANS: RACIAL DIVISION AND LABOR WAR IN THE ARIZONA BORDERLANDS* 82 (2009). From the 1860s well into the 1920s, Bisbee, Arizona, forbade any Chinese from living or working in the district, and Chinese truck farmers could sell their produce in town so long as they left by sundown. *Id.* In areas such as Tombstone and Silver City, New Mexico, where Chinese were permitted to live and set up businesses, they were still beleaguered by economic boycotts and threatened by anti-Chinese campaigns and political activities that called for their removal. *See id.* at 71–78, 82–83 (2009); LONE STAR (El Paso), Nov. 28, 1885, at 2 (describing a committee meeting in which some Chinese were asked to leave town); LONE STAR (El Paso), Dec. 2, 1885, at 2 (describing an anti-Chinese boycott).

40. Erika Lee, *Defying Exclusion: Chinese Immigrants and Their Strategies During the Exclusion Era, in CHINESE AMERICAN TRANSNATIONALISM*, *supra* note 33, at 1, 3; Evelyn Hu-DeHart, *Immigrants to a Developing Society: The Chinese in Northern Mexico, 1875–1932*, 21 J. ARIZ. HIST. 275, 275 (1980); Robert Chao Romero, *The Dragon in Big Lusong: Chinese Immigration and Settlement in Mexico, 1882–1940*, at 30 (2003) (unpublished Ph.D. dissertation, UCLA) (on file with the University of California, Irvine Langson Library) [hereinafter Romero, *The Dragon*].

41. Lee, *supra* note 40, at 3.

42. *Id.* at 5.

country to the other, for purposes of curiosity, of trade, or as permanent residents.”<sup>43</sup> As Secretary of State William H. Seward explained more clearly, commerce between China and the West was “destined to great increase,” and “[t]he free emigration of the Chinese to the American [continent]” was the essential element of that trade and commerce.<sup>44</sup> Between 1870 and 1880, a total of 138,941 Chinese immigrants entered the United States.<sup>45</sup>

In the grand scheme of things, this was not a large number of immigrants; they consistently remained a small percentage of the country’s population, only comprising 4.3% of the total number of immigrants who entered the United States during that same period.<sup>46</sup> And yet they became the target of intense anti-immigrant campaigns fueled by racial animosity, discriminatory laws, and extralegal violence. These campaigns found their most virulent expressions in California, where white workers and union leaders blamed Chinese laborers for low wages and a depressed job market. Headed by Irish immigrant Denis Kearney, the Workingmen’s Party of California rallied around the cry, “The Chinese must go!” while anti-Chinese leaders widely criticized Chinese immigrants as racially inferior and slavish “coolies.”<sup>47</sup> Threatened by the economic progress of recent Chinese immigrants, white workers in California teamed with opportunistic politicians to push for Chinese exclusion.<sup>48</sup>

Despite some opposition by commercial and religious groups in the Northeast, the restrictionists ultimately won Congress over. On May 8, 1882, the United States adopted the Chinese Exclusion Act,<sup>49</sup> its first immigration exclusion policy based on race and nationality. The Act provided that Chinese laborers who had been in the United States for ninety days before the law was passed could remain, with the right to leave and return with appropriate documentation.<sup>50</sup> Otherwise, the entry of all other Chinese laborers to the United States was suspended for ten years.<sup>51</sup> Merchants, teachers, students, and travelers were exempted from exclusion, provided that they obtained certification of their exempt status from the Chinese government first.<sup>52</sup>

Whatever their class, though, the Act made all Chinese—laborers and merchants alike—ineligible for U.S. citizenship by naturalization, a feature of the

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43. Burlingame Treaty, U.S.-China, art. V, July 28, 1868, 16 Stat. 739.

44. *Hon. William H. Seward: His Departure from Hong-Kong—Reception and Speech at the American Consulate*, N.Y. TIMES, Feb. 25, 1871, at 2.

45. LEE, *supra* note 7, at 25.

46. *Id.*

47. *Id.* at 26.

48. *Id.* at 25–30; SALYER, *supra* note 7, at 8–12. For the role of politicians, see generally GYORY, *supra* note 7.

49. Chinese Exclusion Act of 1882, ch. 126, 22 Stat. 58 (repealed 1943).

50. *Id.* at 58–61.

51. *Id.* at 59.

52. *Id.* at 60.

restrictionist policy that had the effect, as many other scholars have pointed out, of racializing all Chinese as perpetual foreigners and inassimilable aliens.<sup>53</sup> Over the next twenty years, a series of additional acts renewed the duration and refined the terms of Chinese exclusion. The Chinese Exclusion Act was extended indefinitely in 1904,<sup>54</sup> just one year after the memorable verses penned by Emma Lazarus were emblazoned onto the Statue of Liberty: “*Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore, Send these, the nameless, tempest-tost to me.*”<sup>55</sup> Belying this celebration of the nation’s capacity to welcome and absorb immigrants, the racially restrictive Chinese Exclusion Act remained in effect until 1943.<sup>56</sup>

The impact of the Chinese Exclusion Act on Chinese immigration was immediate. Chinese admissions plummeted: in 1887, U.S. immigration officials admitted only ten Chinese immigrants, marking an all-time low.<sup>57</sup> Meanwhile, the number of Chinese departures following the passage of the Exclusion Act rose significantly, aided in no small part by surges of extralegal mob violence that erupted around the country, violence that gave physical expression to the legalized racial politics of Chinese exclusion. According to some estimates, nearly 11,500 Chinese residents left the United States in the first fourteen months after the Act was passed, and the trend continued throughout the 1880s.<sup>58</sup> As Congress continued to refine the restrictive policies of Chinese exclusion, the shrinking effect on the Chinese population in the United States was palpable, leading scholars such as Aristide Zolberg to observe that “this willful reduction of a national group stands to date as the only successful instance of ‘ethnic cleansing’ in the history of American immigration.”<sup>59</sup>

Legislated exclusion, however, was by no means a complete barrier to Chinese migration. As Erika Lee pointed out, as much as the Act was a legislative

53. *United States v. Wong Kim Ark*, 18 S. Ct. 456, 457 (1898). The Act of 1882 specifically prohibited “Chinese laborers,” broadly defined “to mean both skilled and unskilled laborers and Chinese employed in mining.” Chinese Exclusion Act, 22 Stat. at 61. By 1888, Congress excluded *all* Chinese except “officials, teachers, students, merchants, or travelers for pleasure or curiosity.” Act of Sept. 13, 1888, ch. 1015, 25 Stat. 476 (repealed 1943). For further details on subsequent changes to the Exclusion Act, see LEE, *supra* note 7, at 45–46.

54. Act of Apr. 27, 1904, ch. 1630, 33 Stat. 394, 428.

55. Emma Lazarus, *The New Colossus*, in OXFORD BOOK OF AMERICAN POETRY 184, 184 (David Lehman ed., 2006); *Emma Lazarus*, NAT’L PARK SERVICE, [www.nps.gov/stli/historyculture/emma-lazarus.htm](http://www.nps.gov/stli/historyculture/emma-lazarus.htm) (last visited Mar. 16, 2013).

56. Act of Dec. 17, 1943, ch. 344, 57 Stat. 600, 600.

57. LEE, *supra* note 7, at 31, 32.

58. *Id.* at 44. Although most of the anti-Chinese violence occurred in the American West, such as in Denver, Colorado; Seattle, Washington; Tacoma, Washington; San Francisco, California; and Rock Springs, Wyoming, mob violence also threatened Chinese in Midwestern cities such as Milwaukee. Victor Jew, “*Chinese Demons*”: *The Violent Articulation of Chinese Otherness and Interracial Sexuality in the U.S. Midwest, 1885–1889*, 37 J. SOC. HIST. 389, 389–410 (2003).

59. ARISTIDE R. ZOLBERG, *A NATION BY DESIGN: IMMIGRATION POLICY IN THE FASHIONING OF AMERICA 192* (2006).

watershed in U.S. immigration history, the number of Chinese who gained legal admission into the United States during the exclusion era (1882 to 1943) rivaled that admitted during the pre-exclusion era (1849 to 1882), though at a much slower rate.<sup>60</sup> Chinese immigrants proved particularly resourceful in using the federal courts to challenge the enforcement of the Act and general immigration laws, while others successfully gained entry as merchants, merchants' wives, and students exempted from exclusion under the Act.<sup>61</sup> In addition to these legal admissions, moreover, were the countless undocumented Chinese immigrants who entered the United States through what Lee described as "the back doors" of Canada and Mexico.<sup>62</sup>

In stark contrast to the situation in the United States, Chinese immigration to Mexico was actively encouraged by the Mexican government itself as part of its particularly aggressive agenda to modernize the country. After decades of civil unrest, Porfirio Díaz's ascendance to the presidency in 1876 catapulted Mexico through a staggering rate of capitalist development and nation-state formation.<sup>63</sup> In addition to commodifying land and labor, the Díaz regime focused relentlessly on building the national market and capital accumulation by appealing to foreign capitalists, protecting domestic capitalists with tax exemptions, encouraging domestic manufacturing, and developing communications and transport systems.<sup>64</sup> A significant amount of state energy was also spent on encouraging foreign immigration, and officials promoted colonization schemes inviting Europeans and Americans to settle and cultivate Mexico's agricultural potential. European,

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60. During the thirty-three year period before the passage of the Chinese Exclusion Act, 258,210 Chinese reportedly entered the United States. LEE, *supra* note 7, at 12. During the next sixty-one years of the Exclusion Era, an estimated 300,955 Chinese gained admission to the United States. *Id.*

61. Chinese immigrants successfully challenged decisions by administrative officials through the federal courts until 1905, after which the jurisdiction of the courts to hear Chinese and other immigration cases was sharply curtailed. See SALYER, *supra* note 7, at 89, 90, 188.

62. LEE, *supra* note 7, at 151. From 1882 to 1920, an estimated 17,300 Chinese immigrants entered the United States through Canada and Mexico, though this figure is still highly speculative and necessarily fails to capture the total number of immigrants who crossed the border undetected by immigration officials. *Id.*

63. Starting in the 1850s, Mexican elites had begun to design programs to place the nation on what they believed were modern foundations for economic growth and political stability, leading most significantly to the liquidation and privatization of church and communal village properties under the Ley Lerdo, which limited ownership and administration of real property by ecclesiastical and civil institutions to that directly used in day-to-day operations. See JOHN TUTINO, FROM INSURRECTION TO REVOLUTION IN MEXICO 258–67 (1986); Friedrich Katz, *The Liberal Republic and the Porfiriato, 1867–1910, in MEXICO SINCE INDEPENDENCE* 49, 49 (Leslie Bethell ed., 1991).

64. See ANA MARÍA ALONSO, THREAD OF BLOOD: COLONIALISM, REVOLUTION, AND GENDER ON MEXICO'S NORTHERN FRONTIER 127 (1995); FLORENCE C. LISTER & ROBERT H. LISTER, CHIHUAHUA: STOREHOUSE OF STORMS 173 (1966); MIGUEL TINKER SALAS, IN THE SHADOW OF THE EAGLES: SONORA AND THE TRANSFORMATION OF THE BORDER DURING THE PORFIRIATO 139–48 (1997); MARK WASSERMAN, CAPITALISTS, CACIQUES, AND REVOLUTION: THE NATIVE ELITE AND FOREIGN ENTERPRISE IN CHIHUAHUA, MEXICO, 1854–1911, at 5 (1984).

American, and Asian immigrants answered the call: Mexico's immigrant population of 48,000 in 1895 steadily gained another 10,000 by 1900 and rose to 116,527 by 1910.<sup>65</sup>

Because the rate of American and European immigration lagged behind the government's expectations and needs for developing the northern frontier,<sup>66</sup> however, Mexican elites turned to Chinese immigrant labor. Supposedly docile, easily acclimatized to tropical conditions, cheap, and exploitable, the Chinese were perceived as ideal recruits for railroad construction and agricultural work.<sup>67</sup> Diplomatic official Matías Romero pushed for recruiting Chinese colonists as early as 1875, when he stated the following:

It seems to me that the only colonists who could establish themselves or work on our coasts are Asians, coming from climates similar to ours, primarily China. The great population of that vast empire, the fact that many of them are agriculturalists, the relatively low wages they earn, and the proximity of our coast to Asia, means that Chinese immigration would be the easiest and most convenient to both our coasts.

This is not an idle dream. Chinese immigration has been going on for years, and wherever it has occurred prudently, the results have been favorable.<sup>68</sup>

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65. See 2 MOISÉS GONZÁLEZ NAVARRO, *LOS EXTRANJEROS EN MÉXICO Y LOS MEXICANOS EN EL EXTRANJERO, 1821–1970* [FOREIGNERS IN MEXICO AND MEXICANS ABROAD] 122–34, 201 (1993). Sixty colonies were established throughout the regions of Mexico during the Porfiriato, including twenty in the north, and with Chihuahua holding the most number of colonies. *Id.* at 134. The Porfirian policy of privatizing land, privileging foreigners and American investments, and modernizing the country's transportation systems had the effect, however, of dramatically reorganizing the economic geography of wealth and land ownership throughout the country. Wealth and resources were concentrated in the hands of fewer and fewer families while over ninety percent of Mexicans were left landless by 1911, their communities destroyed, and millions of Mexican *campesinos* alienated and struggling in rural poverty. ALONSO, *supra* note 64, at 127–28; WASSERMAN, *supra* note 64, at 6; KATZ, *supra* note 63, at 94; see also DANIEL NUGENT, *SPENT CARTRIDGES OF REVOLUTION: AN ANTHROPOLOGICAL HISTORY OF NAMIQUIPA, CHIHUAHUA* (1993) (discussing the long struggle between peasants and the state in northern Mexico both before and after the Mexican Revolution of 1910–1920, and despite the revolution's official promises to restore control over land and local politics to the peasantry); EMILIO KOURÍ, *A PUEBLO DIVIDED: BUSINESS, PROPERTY, AND COMMUNITY IN PAPANTLA, MEXICO* (2004) (discussing the demise of communal landholding in Papantla). These conditions would encourage increased Mexican emigration for better opportunities across the border during the twentieth century. Between 1900 and 1930, approximately 1.5 million Mexicans migrated to the United States, most settling in the Southwest. GEORGE J. SÁNCHEZ, *BECOMING MEXICAN AMERICAN: ETHNICITY, CULTURE, AND IDENTITY IN CHICANO LOS ANGELES, 1900–1945*, at 18 (1993).

66. Romero, *The Dragon*, *supra* note 40, at 48.

67. Robert H. Duncan, *The Chinese and the Economic Development of Northern Baja California, 1889–1929*, 74 *HISP. AM. HIST. REV.* 615, 617, 622–23, 626–27 (1994).

68. Kennett Cott, *Mexican Diplomacy and the Chinese Issue, 1876–1910*, 67 *HISP. AM. HIST. REV.* 63, 65 (1987) (quoting Matías Romero, *REVISTA UNIVERSAL*, Aug. 20, 1875).

For elites fashioning Mexico's modernization, the United States—one of the places where Chinese immigration had “occurred prudently” and with favorable results—provided a tempting model. Indeed, some insisted on adopting U.S. economic practices, expertise, and technology, reasoning that, “by Americanizing ourselves, we Mexicanize ourselves more and more.”<sup>69</sup>

These efforts came to fruition in 1899, when China and Mexico entered the Treaty of Amity and Commerce, guaranteeing the right of “free and voluntary movement” between Mexico and China and the assurance that Chinese immigrants enjoyed the same legal rights as Mexican nationals.<sup>70</sup> In the face of legal exclusion and racial hostility in the United States, Chinese immigrants found economic opportunities and political conditions more expansive and promising south of the U.S.-Mexico border.<sup>71</sup> While fewer than 1,000 Chinese were living in Mexico in 1895, by 1910 the Chinese population in Mexico had grown to 13,200, and their number steadily grew to almost 18,000 by 1930, concentrated mainly in the northern frontier states.<sup>72</sup> They worked as hotel workers and cooks, shopkeepers and street vendors, fruit and vegetable truck farmers, and tailors and cobblers; they owned boardinghouses, canteens, laundries, and small manufacturing concerns.<sup>73</sup> Many married Mexican women and started their own Chinese Mexican families.<sup>74</sup>

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69. SALAS, *supra* note 64, at 132 (quoting *Quien vencera siempre es el progreso* [The Winner Dictates Progress], LA CONSTITUCIÓN, June 4, 1881, at 4).

70. Treaty of Amity and Commerce, China-Mexico, art. V, Dec. 14, 1899, No. 1899/7.

71. See James R. Curtis, *Mexicali's Chinatown*, 85 GEOGRAPHICAL REV. 335, 337 (1995); Duncan, *supra* note 67, at 616–17; Hu-DeHart, *supra* note 40, at 277; EL CIUDADANO, May 14, 1892, at 4; Romero, *The Dragon*, *supra* note 40, at 50–51.

72. See MARIO T. GARCÍA, *DESERT IMMIGRANTS: THE MEXICANS OF EL PASO, 1880–1920*, at 33–36 (1981); JOSÉ JORGE GÓMEZ IZQUIERDO, *EL MOVIMIENTO ANTICHINO EN MÉXICO (1871–1934): PROBLEMAS DEL RACISMO Y DEL NACIONALISMO DURANTE LA REVOLUCIÓN MEXICANA [THE ANTI-CHINESE MOVEMENT IN MEXICO: PROBLEMS OF RACISM AND NATIONALISM DURING THE MEXICAN REVOLUTION]* 55–64 (1st ed. 1991); Curtis, *supra* note 71 at 337; Evelyn Hu-DeHart, *Racism and Anti-Chinese Persecution in Sonora, Mexico 1876–1932*, 9 AMERASIA J. 1, 3 (1982); Raymond B. Craib III, *Chinese Immigrants in Porfirian Mexico: A Preliminary Study of Settlement, Economic Activity and Anti-Chinese Sentiment* 7–8 (Latin American Inst. at the Univ. of N.M., Paper No. 28, 1996), available at <http://repository.unm.edu/bitstream/handle/1928/7725/img024.pdf>. The northern states of Baja California, Chihuahua, Coahuila, Sinaloa, Sonora, and Tamaulipas had the highest concentration of Chinese immigrants in Mexico. See Roberto Ham Chande, *La migración china hacia México a través del Registro Nacional de Extranjeros* [Chinese Migration to Mexico through the National Register of Foreigners], in *DESTINO MÉXICO: UN ESTUDIO DE LAS MIGRACIONES ASIÁTICAS A MÉXICO, SIGLOS XIX Y XX* [Destination Mexico: A Study of Asian Migration to Mexico, 19th and 20th Centuries] 167, 183 (María Elena Ota Mishima ed., 1997). By 1910, Sonora had the largest Chinese population in all of Mexico. *Id.* at 180.

73. In places like Sonora, the Chinese commanded the local economy to the extent that Evelyn Hu-DeHart has referred to them as the “regional petite bourgeoisie.” Evelyn Hu-DeHart, *Huangong and Huashang: The Chinese as Laborers and Merchants in Latin America and the Caribbean*, 28 AMERASIA J. 65, 69 (2002); see also Evelyn Hu-DeHart, *Coolies, Shopkeepers, Pioneers: The Chinese of Mexico and Peru (1849–1930)*, 15 AMERASIA J. 91, 91, 95 (1989) (describing the role of Chinese immigrants in developing the commercial infrastructure in Sonora); Evelyn Hu-DeHart, *The Chinese of Baja California Norte, 1910–1934*, 12 PROC. PAC. COAST COUNCIL LATIN AM. STUD. 9, 14 (1986)



Mexico's northern region, of course, also held a special attraction for many Chinese immigrants during the ongoing years of Chinese Exclusion in the United States—that is, it presented miles and miles of unguarded borderlands and the tempting prospect of crossing undetected into the United States. Immigration officials worked to strengthen their hawkish surveillance of the border, but Chinese immigrants intent on entering the United States continued to devise a variety of strategies for crossing the border: some found points along the lengthy and unguarded boundary and crossed undetected; others tried to sneak past officers masked in Mexican garb; and still others paid to be smuggled into the country by a syndicate that included Mexican guides, black and white railroad employees, and at times even American immigration officials.<sup>75</sup> In fact, a lucrative business was built around the organized trafficking of Chinese into the United States through Mexico, and smuggling agents thrived in an elaborate black market of counterfeit papers that extended from China to Mexico, Cuba, New York, New Orleans, and San Francisco.<sup>76</sup>

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(noting Chinese immigrants' "active involvement in local commerce, to the point, in the case of Sonora and northern Sinaloa, of monopolizing the petit bourgeois sector of the economy").

74. JULIA MARÍA SCHIAVONE CAMACHO, CHINESE MEXICANS: TRANSPACIFIC MIGRATION AND THE SEARCH FOR A HOMETLAND, 1910–1960, at 31 (2012); Julian Lim, *Chinos and Paisanos: Chinese Mexican Relations in the Borderlands*, 79 PAC. HIST. REV. 50, 72–74 (2010).

75. See, e.g., LEE, *supra* note 7, at 161–64; CLIFFORD ALAN PERKINS, BORDER PATROL: WITH THE U.S. IMMIGRATION SERVICE ON THE MEXICAN BOUNDARY 1910–54, at 11–12, 44–46 (1978); Grace Peña Delgado, *At Exclusion's Southern Gate: Changing Categories of Race and Class Among Chinese Fronterizos, 1882–1904*, in CONTINENTAL CROSSROADS: REMAPPING U.S.-MEXICO BORDERLANDS HISTORY 183, 198 (Samuel Truett & Elliot Young eds., 2004) [hereinafter Delgado, *At Exclusion's Southern Gate*]; Erika Lee, *Enforcing the Borders: Chinese Exclusion Along the U.S. Borders with Canada and Mexico, 1882–1924*, 89 J. AM. HIST. 54, 59–63 (2002); Robert Chao Romero, *Transnational Chinese Immigrant Smuggling to the United States via Mexico and Cuba, 1882–1916*, 30 AMERASIA J. 1 *passim* (2005) [hereinafter Romero, *Transnational Chinese*]; Grace Delgado, *In the Age of Exclusion: Race, Region and Chinese Identity in the Making of the Arizona-Sonora Borderlands, 1863–1943*, at 207 (2000) (unpublished Ph.D. dissertation, University of California, Los Angeles) (on file with Geisel Library, University of California, San Diego) [hereinafter Delgado, *In the Age of Exclusion*].

76. See PERKINS, *supra* note 75, at 44–46; Delgado, *At Exclusion's Southern Gate*, *supra* note 75, at 198–201; Romero, *Transnational Chinese*, *supra* note 75, at 3–4; Delgado, *In the Age of Exclusion*, *supra* note 75, at 207; Romero, *The Dragon*, *supra* note 40, at 91–97. The railroads made El Paso, in particular, the favored point of destination for Chinese immigrants, since all railroad travel between the United States and Mexico went through El Paso–Juárez. Irwin A. Tang & Anna L. Fahy, *Chinese El Paso, 1881–1941*, in ASIAN TEXANS: OUR HISTORIES AND OUR LIVES 49, 50–51 (Irwin A. Tang ed., 2d ed. 2008). From the 1880s to the 1930s, the number of Chinese counted in El Paso's population enumerations would range from the low hundreds to 1,000. *Id.* at 53–54. All the while, the number of Chinese immigrants arriving at Juárez from China and through Mexico's interior was beginning to swell the Mexican city's population. The U.S. consul in Juárez reported in late December, 1898 that the *El Paso Times* had printed that "five hundred Chinamen are idle in [Juárez] and watching for an opportunity to gain entrance to the United States." Letter from Charles W. Kindrick to David J. Hill, Assistant Sec'y of State (Dec. 28, 1898) (Dispatches from United States consuls in Chihuahua, Records of the Immigration and Naturalization Service, RG 59 (National Archives, Washington D.C., reel 6)). Although he suspected some exaggeration as to the exact number of Chinese in Juárez, Kindrick, the U.S. Consulate to Mexico, confirmed that "it is undoubtedly true there are a great many, and that their object in remaining here is to gain admission

In short, by the turn of the century, the combined forces of U.S. and Mexican immigration laws and policies were directing a significant flow of Chinese immigration to Mexico's northern border region. At this new crossroads, Chinese immigrants would help redefine ideas about race and the nation.

## 2. *New Multiracial Relations*

A transnational lens usefully renders problematic the power of nation-states to demand exclusive allegiance from individuals, challenging the legitimacy of nation-states to define the scope and content of people's real, lived, day-to-day lives. But, as Chinese immigrants crossed the Pacific and traversed borders and national boundaries, they did more than defy the prerogative of nation-states to circumscribe identities; they engaged in processes of identity construction that drew and built upon the new environment into which they had migrated as much as it extended the ties binding immigrants to their homelands.

As Chinese immigrants arrived and dispersed across the southwestern and eastern frontiers,<sup>77</sup> they encountered Anglo settlers and recent European immigrants moving westward in search of land and opportunities, African Americans fleeing the racist South and inhospitable North, Mexicans uprooted by the forces of capital and liberal land reform,<sup>78</sup> and American Indians struggling to retain their place in the rapidly changing landscape. As these different groups competed and cooperated within shared spaces, they blurred the hard lines of racial distinctions and made possible new multiracial configurations of cultural and political institutions, such as in the workplace and the family.

Undeniably, the historical archives include episodes of multiracial violence—for instance, of Apache Indians killing parties of Chinese miners in Arizona,<sup>79</sup> Mexican ranch hands ambushing Chinese coworkers in Texas,<sup>80</sup> or white and black locals plotting to steal Chinese workers' savings.<sup>81</sup> The Chinese fought back, using picks, shovels, and guns.<sup>82</sup> But these episodic confrontations may reveal more, generally, about life in frontier settlements—if not Americans' fascination with lurid tales of the “rough and tumble Wild West”—than reflect dynamics

to the United States.” *Id.* This image is in stark contrast to a Mexican government count in 1894 of Chinese nationals [“súbditos chinos”], which reported only twenty-two Chinese men and two women in Ciudad Juárez, most of whom could be found near the Central Mexican Railroad station. Report of Alberto Vargas (Apr. 6, 1894) (MF 513, Part 2, Roll 74, Book 2, Frame 255-256, Ciudad Juárez Municipal Archives, MF 513 (C. L. Sonnichsen Special Collections Department, University of Texas at El Paso)).

77. Arif Dirlik, *Mapping the Chinese Presence on the U.S. Frontier*, in *CHINESE ON THE AMERICAN FRONTIER*, at xv, xvii (Arif Dirlik ed., 2001).

78. See *supra* text accompanying notes 63–65.

79. See Daniel Liestman, *Horizontal Inter-Ethnic Relations: Chinese and American Indians in the Nineteenth-Century American West*, 30 W. HIST. Q. 327, 335–36 (1999).

80. *Duran v. State*, 14 Tex. Ct. App. 195, 196 (1883).

81. *Wells v. State*, 4 Tex. Ct. App. 20, 20–21 (1878).

82. See Liestman, *supra* note 79, at 336, 341.

particular to multiracial relations. Indeed, Chinese-on-Chinese violence in cities and frontier societies was just as prevalent. In one particularly gruesome incident in 1884, Hung Ah Hang, Hung Ah Ho, and Si King were indicted and charged with the killing of Chan Sing, whose body was found at the junction of the South and Middle Concho rivers in Texas, with his head, legs, and hands missing, identified only by his shirt.<sup>83</sup> Chan Sing and the defendants had worked and lived together on the farm of Jim Spears, raising vegetables they sold in San Angelo. They may have seemed a close-knit household, but witnesses against the defendants reported hearing loud blows and much fighting, crying, and screaming from the house the Sunday night immediately before Chan Sing went missing.<sup>84</sup>

While scattered moments of violence and conflict increase the drama of nineteenth-century frontier history, however, they also tend to overshadow the more mundane, everyday social relations and multiracial interactions that nonetheless developed and significantly shaped the West. For example, it should be noted that in the case involving Chan Sing's death, several of the witnesses against the defendants included non-Chinese neighbors, including some identified as Mexican. Indeed, Guadalupe Garcia, one of the Mexican witnesses that testified against Ah Hang, Ah Ho, and Si King, only "lived about one hundred yards from the Chinamen, and worked for them sometimes in their garden. [Garcia] was at the house of the Chinamen nearly every day," sometimes asking for vegetables.<sup>85</sup> In Dallas, 1877, it did not seem so extraordinary that a William Wells would ask his Chinese coworker Chin Chang "to go and see some girls," including "a negro woman" named Annie Shaw, with him.<sup>86</sup> And when a few Pima Indians entered the small grocery store of Don Sing, a Chinese merchant operating a small store on the Pima Indian reservation near Casa Grande in Arizona, and browsed for something sweet to eat, Sing was able to make a suggestion in plain Pima. He had grown up with Pimas and Papagos and could helpfully recommend a strawberry preserve: "Go 'ep sitoli we•nags i•da." (This is pretty good. It has syrup on it.)<sup>87</sup>

In his landmark study of black western history, Quintard Taylor highlighted this multiracial component of the western territories more generally:

There is a striking ambiguity about race in the West. Much of it stems from the presence of four groups of color—African Americans, Asian Americans, Latinos, and Native Americans—all of whom interact with Anglos in varied ways over the centuries and throughout the region. These groups also interacted both competitively and cooperatively among

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83. *Ah Hang v. State*, 18 Tex. Ct. App. 675, 675–76 (1885).

84. *Id.* at 678–80.

85. *Id.* at 678.

86. *Wells*, 4 Tex. Ct. App. at 20. That is, of course, until Wells and Shaw tried to rob Chang of his money. *Id.* at 20–21.

87. GEORGE WEBB, *A PIMA REMEMBERS* 74–75 (1959).

themselves. Few western blacks at any point in history lived or worked in communities where they were the only people of color.<sup>88</sup>

African American gold miners in the 1850s thus often worked alongside Chinese, Latin American, and European miners, and even within a small predominantly black community called “Little Negro Hill,” black miners could be found socializing with other Chinese, Portuguese, and American-born white miners.<sup>89</sup> An early Chinese miner named Wong Ying recalled that “when he arrived in the territory in 1856, Indians supplied Chinese with food and directed them to rich placer gold beds in southern Idaho. He said the two peoples even speculated that they shared a common ethnic heritage.”<sup>90</sup>

In other words, people identified as Chinese, Mexican, American Indian, African American, and white or Anglo lived, worked, and played side by side. Chinatowns and Mexican barrios sprang up next door to each other in places like Santa Barbara,<sup>91</sup> Chinese merchants and families moved into Hispanic sections of the Old Pueblo in Tucson,<sup>92</sup> and the Chinese in El Paso lived throughout the community alongside Mexican and some Anglo neighbors.<sup>93</sup> As much as some white Americans increasingly complained about the Chinese resistance to assimilation, they also bemoaned the fact that “opium dens” in Chinatown were not only numerous and largely patronized, but that opium smoking was carried on everywhere.<sup>94</sup> This “vice,” some white observers warned, “is spreading steadily among our own people, and will some day become a public evil of far greater magnitude than dram drinking.”<sup>95</sup> Indeed, as Nayan Shah provocatively argued in his study of San Francisco’s Chinatown, behind the racist representations of Chinatown—frequently depicted as an immoral bachelor society of degenerate men crowded into opium dens—there lay an intense anxiety about the realization that the opium den in fact offered a prime site for sexual relations and social intimacies between white and Chinese and between middle-class and working-class bodies, creating a special intimacy between participants exactly by means of the bodily positions and the practices that accompanied smoking opium.<sup>96</sup>

As they lived, worked, and played side by side, then, members of different races could bend what may have initially been economic relations into other social

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88. QUINTARD TAYLOR, *IN SEARCH OF THE RACIAL FRONTIER: AFRICAN AMERICANS IN THE AMERICAN WEST 1528–1990*, at 18 (1998).

89. *Id.* at 85.

90. Liestman, *supra* note 79, at 330.

91. ALBERT CAMARILLO, *CHICANOS IN A CHANGING SOCIETY* 82 (1979).

92. Delgado, *In the Age of Exclusion*, *supra* note 75, at 274.

93. Anna Louise Fahy, *Chinese Borderland Community Development: A Case Study of El Paso, 1881–1909* (2001) (unpublished M.A. thesis, University of Texas at El Paso) (on file with University of Texas at El Paso).

94. Willard B. Farwell, *Why the Chinese Must Be Excluded*, *FORUM*, Oct. 1888, at 196, 202.

95. *Id.*

96. NAYAN SHAH, *CONTAGIOUS DIVIDES: EPIDEMICS AND RACE IN SAN FRANCISCO’S CHINATOWN 90–97* (2001).

relations of empathy, compassion, and friendliness. In taverns and saloons, opium dens and noodle shops, markets and the streets, they mixed and socialized with a frequency that is often obscured in much of the history of the West. Sometimes, moreover, such opportunities for socializing led to more intimate multiracial arrangements of the marital and extramarital sort. Although not a widespread practice, multiracial marriages and extramarital unions significantly altered the neat lines often perceived as necessary between the races and nationalities. Lee Sing, for example, liquidated his successful businesses in Tucson and Nogales, Arizona, to marry a Mexican woman he had long been engaged to, and moved south across the border into Sonora. He became a Mexican citizen and fathered three children with his wife.<sup>97</sup> Although less commonly documented, Chinese women married non-Chinese men as well. Lily Liu and her sister Amelia, for example, both married Mexican men in Tucson.<sup>98</sup>

Indeed, despite the prevalence of anti-miscegenation laws, it is not clear that all Americans were so vehemently adverse to multiracial unions, even between whites and nonwhites.<sup>99</sup> For example, in 1881, a white widow by the name of Mary Lee and a “Chinaman” named Lee Jim were arrested in Cheyenne, Wyoming Territory and charged with the crime of “living in an open state of fornication.”<sup>100</sup> Entering a plea of “not guilty,” the two attempted to avoid further prosecution by wedding, since the same statute under which they were charged also provided an exemption: “[I]t shall be in the power of the parties offending, to prevent or suspend the prosecution, by their intermarriage, if such marriage can be legally solemnized.”<sup>101</sup> Unfortunately, Wyoming statutes prohibited the intermarriage of white persons and persons of “one-eighth or more negro, Asiatic or Mongolian blood.”<sup>102</sup> Fortunately, however, Wyoming law recognized valid marriage contracts made outside the state.<sup>103</sup> Out on bail, Lee Jim and Mary Lee crossed over into Colorado—where “the inter-marriage of white and black, or, yellow persons” was not prohibited—and were legally married in Denver.<sup>104</sup> When they appeared in May before the District Court of Laramie County to be tried for “living in an open state of fornication,” they presented the record of marriage and

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97. See Delgado, *At Exclusion's Southern Gate*, *supra* note 75, at 187.

98. Delgado, *In the Age of Exclusion*, *supra* note 75, at 271 & n.80.

99. For more on antimiscegenation laws in U.S. history, see generally PEGGY PASCOE, *WHAT COMES NATURALLY: MISCEGENATION LAW AND THE MAKING OF RACE IN AMERICA* (2009). On antimiscegenation laws and Asian Americans, see Hrishika Karthikeyan & Gabriel J. Chin, *Preserving Racial Identity: Population Patterns and the Application of Anti-Miscegenation Statutes to Asian Americans, 1910–1950*, 9 *ASIAN L. J.* 1 (2002).

100. *Notes of Cases*, 3 *CRIM. L. MAG.* 93, 93 (1882).

101. *Id.*

102. *Id.*

103. *Id.*

104. *Id.* at 94.

the indictment was thrown out.<sup>105</sup> Mary Lee and Lee Jim were legally married and thus released from further prosecution.<sup>106</sup>

Although the editors of the *Criminal Law Magazine*, in which the case of Lee Jim and Mary Lee was reported, described the “Chinaman” as “extremely homely and obtuse,” and gave the misleading opinion that “Mrs. Lee was evidently not influenced by a romantic desire for marriage, but evidently by the necessities of the case,” it seems clear that the couple had been involved in some sort of intimate extramarital relationship before the option of marriage ever arose—a relationship, needless to say, for which they had been arrested and charged with a crime.<sup>107</sup> In any event, reports of their case apparently stirred a cause célèbre, inciting as much criticism about the injustice of such anti-miscegenation laws as it did about the administration of criminal jurisprudence in Wyoming. In fact, on May 15, 1882, J.C. Baird, the defense attorney for Lee Jim and Mary Lee, informed the editors of the *Criminal Law Magazine* that

[i]t may be of interest to state that the miscegenation law of Wyoming, which prohibited the intermarriage [sic] of white persons and persons of “one-eighth or more negro, Asiatic or Mongolian blood,” has been repealed by a recent act of the legislature. This was brought about by public criticism of the case against Mary Lee and Lee Jim . . . .<sup>108</sup>

While it may have been impossible for the magazine editors to comprehend why a “woman of fair education, and [who] comes of a good Mississippi family” would want to get involved with a “homely and obtuse Chinaman,”<sup>109</sup> the romantic relationship of Mary Lee and Lee Jim and the prohibition of their marital contract caused enough public outrage to stimulate the repeal of Wyoming’s anti-miscegenation law. With the law’s repeal, Mary Lee could now freely marry any person, regardless of “negro” or “Asiatic” blood. In fact, though, she married the “Chinaman,” Lee Jim.<sup>110</sup> For this good Mississippi woman, Lee Jim’s non-blackness may have indeed made him comparatively more *white*. The multiracial realities of U.S. society permeated politics, ideology, law, and social practices.

### *C. Politicization Through Multiracial Immigrant Relations*

A transnational approach to Asian American history can thus reframe our understandings of APA identity today, informed now by a broader sense of geographical connections and racial relations. I would now like to refocus our attention on what I mean by APA identity from the margins, and point to new ways of deepening familiar concerns.

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105. *Id.*

106. *Id.*

107. *Id.* at 93.

108. *Notes of Cases*, 3 CRIM. L. MAG. 559, 561 (1882) (quoting J.C. Baird).

109. *Notes of Cases*, 3 CRIM. L. MAG. 93, 93 (1882).

110. *Id.* at 94.

An obvious and frequently advocated position is to deepen the connections between the mainstream groups that dominate much of APA politics today—for example, Chinese, Koreans, and Japanese—and those who remain more on the peripheries—for example, Vietnamese, Hmong, and other Southeast Asian immigrants and refugees. By foregrounding the dynamics of human migration for all members of the APA community—incorporating both immigration law and the body of refugee law with which it frequently intersects<sup>111</sup>—a transnational model collapses some of the distance between those immigrant communities heralded as supposed “model minorities” and those who often come as refugees and are among the most poorly educated and impoverished communities in the country.

At the same time, I would also like to expand how we think of APA identity by pointing to Asian immigration to the Americas, and not just to the United States. The Chinese Exclusion Act effectively placed Asian immigrants outside of the national body politic—both literally and figuratively. But another important result of the Exclusion Acts was the re-routing of migratory paths to Mexico and the borderlands. Let us recall that Mexico’s northern frontier became a natural magnet for many Chinese immigrants during the exclusion era—that is, it presented miles and miles of unguarded borderlands and the prospect of crossing illegally into the United States. By 1904, the *El Paso Herald* warned that “[i]f this Chinese immigration to Mexico continues it will be necessary to run a barb wire along our side of the Rio Grande.”<sup>112</sup> Chinese immigrants were thus the first “undocumented” immigrants to cross the U.S.-Mexico border. To the extent that Mexican immigrants today are hounded by relentless U.S. immigration policies targeting them for exclusion, this is a legacy of early twentieth-century efforts by American border agents to go hunting for “Chinamen.”

Just as important to note, however, is that the exclusionary policies of the United States and the open-door policies of Mexico also encouraged Chinese settlement in Mexico itself. The fact of the matter is that—as was the case with the United States—many Chinese immigrants came to Mexico to find work and new economic opportunities. But, unlike what they experienced in the United States, many of those Chinese immigrants in Mexico also found new companions among local Mexicans, marrying Mexican women and forming many Chinese Mexican families (despite and in opposition to what the virulent anti-Chinese campaigns demanded).<sup>113</sup>

I bring this up to suggest that, in conceptualizing and constructing an APA identity, we need not strictly limit ourselves to the usual borders of the nation. But nor do we need to constrain ourselves to the usual boundaries of racial or ethnic

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111. See Julian Lim, *Immigration, Asylum, and Citizenship: A More Holistic Approach*, 101 CALIF. L. REV. 1013 (2013).

112. EL PASO HERALD, Jan. 11, 1904, at 4.

113. See Delgado, *At Exclusion's Southern Gate*, *supra* note 75, at 187.

group identity. By now it has become an old adage to say that race is a social construction, and not grounded in any physical, biological reality. Race is, as Barbara Fields explained in her 1982 essay “Ideology and Race in American History,” neither natural nor transhistorical, but instead a social category mediated by social context: “[P]hysical impressions are always mediated by a larger context, which assigns them their meaning, whether or not the individuals concerned are aware that this is so. It follows that the notion of race, in its popular manifestation, is an ideological construct and thus, above all, a historical product.”<sup>114</sup> In other words, the supposed nonwhiteness and racial formation of African Americans, Native Americans, Asians, and Latina/os has never been a transhistorical given, but rather a historically contingent process, forged and transformed over time and through political struggle.<sup>115</sup>

As I hope the preceding discussion demonstrates, multiracial history is American history.<sup>116</sup> Robert Chang noted in his seminal 1993 article, “Toward an Asian American Legal Scholarship,” that “Asian Americans are differently situated historically with respect to other disempowered groups. But . . . in spite of these historical differences, the commonality found in shared oppression can bring different disempowered groups together to participate in each others’ struggles.”<sup>117</sup> To the extent APA political identity calls upon history, that political identity should remain malleable enough to incorporate the multiracial dimensions of our history.

At times, this requires unraveling the many layers of racial ideologies and multiracial interactions present at a given time. As Devon Carbado recently urged, “the question would not be whether we have moved from discussing Black/white relations to, for example, discussing Asian/white relations. Rather, the question would be whether our racial analyses integrate the experiences of multiple racial groups.”<sup>118</sup> U.S. history and race relations have been shaped by

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114. Barbara J. Fields, *Ideology and Race in American History*, in REGION, RACE, AND RECONSTRUCTION: ESSAYS IN HONOR OF C. VANN WOODWARD 143, 150 (J. Morgan Kousser & James M. McPherson eds., 1982).

115. For the theorization of racial formation, see, for example, MICHAEL OMI & HOWARD WINANT, RACIAL FORMATION IN THE UNITED STATES: FROM THE 1960S TO THE 1990S (2d ed. 1994), and Laura E. Gómez, *Understanding Law and Race as Mutually Constitutive: An Invitation to Explore an Emerging Field*, 6 ANN. REV. L. SOC. SCI. 487, 491 (2010). For examples of historical and legal explorations of race as socially constructed, see, for example, LAURA E. GÓMEZ, MANIFEST DESTINIES: THE MAKING OF THE MEXICAN AMERICAN RACE (2007), ARIELA J. GROSS, WHAT BLOOD WON’T TELL: A HISTORY OF RACE ON TRIAL IN AMERICA (2008), LEE, *supra* note 7, IAN HANEY LÓPEZ, WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE (rev. and updated, 10th anniversary ed. 2006), and MAE M. NGAI, IMPOSSIBLE SUBJECTS: ILLEGAL ALIENS AND THE MAKING OF MODERN AMERICA (2004).

116. See Gary B. Nash, *The Hidden History of Mestizo America*, 82 J. AM. HIST. 941 (1995) (describing multiracial history in various regions and eras of American history).

117. Chang, *supra* note 14, at 1249.

118. Devon W. Carbado, *Critical What What?*, 43 CONN. L. REV. 1593, 1627 (2011). Examples of such multiracial scholarship, mostly by historians, include NEIL FOLEY, THE WHITE SCOURGE:



other forces in addition to white and black, even if the specters of whiteness and blackness were never completely erased from the picture.<sup>119</sup> The California labor movement and the national politics that resulted in the Chinese Exclusion Act, for example, were solidified by a racial ideology that layered the anti-black racism of the Northeastern and Southern white migrants with anti-Chinese hostility.<sup>120</sup> There is no uniform, monolithic ideology of white supremacy. Indeed, as Barbara Fields astutely recognized, racial ideology comprised “a set of political programs, differing according to the social position of their proponents. Prejudices fed into them, naturally; but so far from providing a unifying element, they were as likely as not to accentuate the latent possibilities for discord.”<sup>121</sup>

The importance of multiracial history lies, then, in providing not simply a more factually accurate reflection of the diverse world of historical Americans, but also in its potential to illuminate the construction, transmission, and transformation of racial ideologies as systems of racial thinking and practices that were moved between groups and across social borders. As Thomas Holt observed, if race, racism, and ethnicity are historically contingent as opposed to fixed, static identities, “then their further analysis requires mapping the relations of power, the patterns of contestation and struggle out of which such social constructions emerged.”<sup>122</sup> For scholars of race, including Evelyn Brooks Higginbotham,

MEXICANS, BLACKS, AND POOR WHITES IN TEXAS COTTON CULTURE (1997); GÓMEZ, *supra* note 115; GERALD HORNE, BLACK AND BROWN: AFRICAN AMERICANS AND THE MEXICAN REVOLUTION, 1910–1920 (2005); SUSAN LEE JOHNSON, ROARING CAMP: THE SOCIAL WORLD OF THE CALIFORNIA GOLD RUSH (2000); SCOTT KURASHIGE, THE SHIFTING GROUNDS OF RACE: BLACK AND JAPANESE AMERICANS IN THE MAKING OF MULTIETHNIC LOS ANGELES (2008); KAREN ISAKSEN LEONARD, MAKING ETHNIC CHOICES: CALIFORNIA’S PUNJABI MEXICAN AMERICANS (1992); ALLISON VARZALLY, MAKING A NON-WHITE AMERICA: CALIFORNIANS COLORING OUTSIDE ETHNIC LINES, 1925–1955 (2008); Arnold Shankman, *Black on Yellow: Afro-Americans View Chinese-Americans, 1850–1935*, 39 *PHYLON* 1 (1978); Quintard Taylor, *Blacks and Asians in a White City: Japanese Americans and African Americans in Seattle, 1890–1940*, 22 *W. HIST. Q.* 401 (1991). It should be noted that there exists a larger body of research on Native American and black relations.

119. See TOMÁS ALMAGUER, RACIAL FAULT LINES: THE HISTORICAL ORIGINS OF WHITE SUPREMACY IN CALIFORNIA 1–2 (1994).

120. See SAXTON, *supra* note 7, at 19–20, 23–24, 26 (1971). See generally NAJIA AARIM-HERIOT, CHINESE IMMIGRANTS, AFRICAN AMERICANS, AND RACIAL ANXIETY IN THE UNITED STATES, 1848–82, at 7 (2003) (“It is thus reasonable to assume that the starting point in explaining Chinese exclusion lies in the racist ideology that was deeply embedded in American society and had actually served to color the Chinese stereotype.”); MOON-HO JUNG, COOLIES AND CANE: RACE, LABOR, AND SUGAR IN THE AGE OF EMANCIPATION 5–6 (2006) (explaining how Americans in the late nineteenth century equated unskilled Chinese laborers with slaves in the age of emancipation, thus “enabling anti-Asian forces to present Chinese exclusion as an antislavery, pro-immigrant measure”); DAVID R. ROEDIGER, THE WAGES OF WHITENESS: RACE AND THE MAKING OF THE AMERICAN WORKING CLASS 179–80 (1991) (Describing how, during the California labor movement, anti-Chinese and anti-black attitudes “were lumped together, with the [Chinese] being cast as nonwhites, as ‘slaves’ and even as Black.”).

121. Fields, *supra* note 114, at 156.

122. THOMAS C. HOLT, THE PROBLEM OF RACE IN THE TWENTY-FIRST CENTURY 18 (2000).

Michael Omi, and Howard Winant, race in the end represents highly contested “relations of power between social categories by which individuals are identified and identify themselves,”<sup>123</sup> an “unstable and ‘decentered’ complex of social meanings constantly transformed by political struggle.”<sup>124</sup>

Based on my transnational and multiracial research, I suggest that APA identity be transformed by placing immigration at the center of the contemporary experience and by using it as the platform for a broader and more multiracial APA political project. By recovering the history of Chinese immigrants in Mexico and the multiracial borderlands, I seek to find common ground between Asian American struggles and Latina/os’ struggles, even if these two groups often seem to occupy the opposite ends of the socioeconomic spectrum. Through this history, I seek to help stretch out the boundaries of APA identity—an identity born out of the political struggles of the 1960s—to incorporate some of the most politically and legally salient struggles affecting immigrant communities today.<sup>125</sup>

#### CONCLUSION

Nations and borders are, like race, socially and historically constructed, and there is no inherent reason to frame identity solely within the parameters of one nation—especially an identity that is largely formed through migration across and through national borders. A transnational immigrant framework, then, can bring us back to the fundamental premises of the Asian American movement, which began with the shattered windows of San Francisco State’s working-class commuter campus as a national struggle for Asian American equality, informed in part by global liberation movements. As John M. Liu reminds Asian Pacific Americans, “[T]he concept of Asian American meant at its inception: a *political choice*. Asian American studies arose from a *commitment* to build a common identity and a common culture,” one that was originally understood as grounded in the shared experiences of oppression of people of Asian descent in the United States.<sup>126</sup> Today, a transnational framework can help us to destabilize the unilinear assimilationist presumptions of past narratives, while illuminating processes of multiracial relations and identity construction that may serve to support broader multiracial political alliances today. As long as immigrant communities continue to

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123. Evelyn Brooks Higginbotham, *African-American Women’s History and the Metalanguage of Race*, 17 SIGNS 251, 253 (1992).

124. OMI & WINANT, *supra* note 115, at 55.

125. One real concern that emerges from an APA-Latino alliance is the potential exclusion of African American political struggles. In a separate project, I am in the process of recovering the lost history of African American immigration struggles at the U.S.-Mexico border in the early twentieth century, and exploring how immigration may again serve as a bridge for a broader black-APA-Latino political identity.

126. John M. Liu, *The Relationship of Migration Research to Asian American Studies: Unity and Diversity Within the Curriculum*, in SHATTERED WINDOWS, *supra* note 2, at 117, 123.

suffer at the margins of the nation, we will need to reconceptualize Asian Pacific American identity to meet those ongoing challenges.