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**The War Against Chinese Restaurants**

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*Abstract*

*Chinese restaurants are now a cultural fixture, as American as cherry pie. Startlingly, however, there was once a national movement to eliminate Chinese restaurants, using innovative legal methods to drive them out. Chinese restaurants were objectionable for two reasons. First, they threatened white women, who were subject to seduction by Chinese men, through intrinsic female weakness, or employment of nefarious techniques such as opium addiction. In addition, Chinese restaurants competed with “American” restaurants, thus threatening the livelihoods of white owners, cooks and servers; unions were the driving force behind the movement.*

*The effort was creative; Chicago used anti-Chinese zoning, Los Angeles restricted restaurant jobs to citizens, Boston authorities decreed Chinese restaurants would be denied licenses, the New York Police Department simply ordered whites out of Chinatown. Perhaps the most interesting technique was a law, endorsed by the American Federation of Labor for adoption in all jurisdictions, prohibiting white women from working in Asian restaurants. Most measures failed or were struck down. However, Asians still lost; the unions did not eliminate Chinese restaurants, but they achieved their more important goal, extending the federal policy of racial exclusion in immigration from Chinese to all Asians. The campaign is of more than historical interest. As current anti-immigration sentiments and efforts show, even today the idea that white Americans should have a privileged place in the economy, or that non-whites are culturally incongruous, persists among some.*

# Introduction

This article explores a lost chapter in the history of racial regulation in the United States. For roughly thirty years, in the last decade of the nineteenth century and the first decades of the twentieth, a national movement sought to use the law to eliminate Chinese restaurants from the United States. This effort, described as a “war,”[[3]](#footnote-4) is largely unknown.[[4]](#footnote-5)

Chinese restaurants were “a serious menace to society” for two reasons.[[5]](#footnote-6) First, by employing Chinese workers and successfully competing with other restaurants, white unionists claimed the restaurants denied “our own race a chance to live.”[[6]](#footnote-7) Chinese restaurants were also morally hazardous to white women; one observer noted that “[b]eer and noodles in Chinese joints have caused the downfall of countless American girls.”[[7]](#footnote-8) Accordingly, many Americans recognized “the necessity for stamping out” the “iniquitous Chinese Chop Suey joints.”[[8]](#footnote-9)

The effort failed; “there are more Chinese restaurants in the United States than McDonald’s, Burger King, and KFC restaurants combined.”[[9]](#footnote-10) But the campaign, unsuccessful in its nominal goal, helped propagate the idea of Chinese as morally and economically dangerous, and contributed to the passage of the Immigration Acts of 1917[[10]](#footnote-11) and 1924,[[11]](#footnote-12) which almost completely eliminated Asian immigration to the United States.

The movement against Chinese restaurants was led by labor unions. Part I discusses early important techniques, riot and boycott.[[12]](#footnote-13) Boycotts were at best partially successful. Protection of white women from sexual exploitation emerged as a key rationale for suppression.[[13]](#footnote-14) Concern with the moral dangers of Chinese was dramatically escalated in 1909 after Elsie Sigel, granddaughter of a Union general, was murdered by a New York Chinese restaurant worker who had “seduced” her.[[14]](#footnote-15) The case made the problem of moral contagion presented by Chinese restaurants a prominent national issue, and prompted new efforts to regulate Chinese restaurants.[[15]](#footnote-16) Part II discusses the white women’s labor bill, which prohibited women from working for Chinese or patronizing Chinese restaurants. Other methods of regulation included police-enforced segregation, and discriminatory licensing and enforcement practices.[[16]](#footnote-17)

Part III discusses the end of the war.[[17]](#footnote-18) For the most part, the legal efforts to suppress Chinese restaurants failed, and Chinese restaurants became an accepted, even traditional, feature of American society. Yet, the primary goal of the unions was achieved. Congress enacted laws restricting not just Chinese but all Asian immigration, with the aim of permanently ending Asian competition with white labor.[[18]](#footnote-19)

The article concludes by exploring the implications of this episode for American race law.[[19]](#footnote-20) The story is of historical interest, but it also reflects continuing contemporary controversies. One issue is the persistence sense of some in the United States that the national policy should be dedicated to the benefit of whites. It also sheds light on the depth and persistence of racism and hostility toward immigrants in the United States.

# Labor Unions & The Chinese Restaurant Threat

A. Union Opposition to Chinese Restaurants.

For most of United States history, the borders were open.[[20]](#footnote-21) Although criminal conviction, disease and certain other characteristics disqualified a prospective immigrant, until 1921, there were no numerical limitations on immigration.[[21]](#footnote-22) The open-border policy applied to all races except Asians.[[22]](#footnote-23) Particularly in the Western United States, political, moral and economic considerations led to a perceived “Yellow Peril,” the danger that untold numbers of racially dangerous Asians could come to the United States and undermine its basic character. Thus, while immigration in general was not numerically limited, Asian immigration was tightly controlled. Of course, in the late Nineteenth Century, United States law also resolved the fate of other non-white racial groups, Indians and African Americans.[[23]](#footnote-24)

Congress passed the Chinese Exclusion Act in 1882,[[24]](#footnote-25) but it did not end hostility toward Chinese.[[25]](#footnote-26) A key reason the anti-Chinese movement did not declare victory was that Chinese Exclusion statutes were facially temporary. Because Congress had to reconsider the question periodically, Chinese exclusion was a continuing political issue until it was made permanent in 1902.[[26]](#footnote-27) Even then, the issue was not closed. By 1902, Japanese and other Asian immigrants were migrating to the United States, and their racial assimilability and therefore their right to immigrate became prominent public policy questions.[[27]](#footnote-28)

Those Chinese in the United States had limited opportunities for employment. Some jobs required licenses which were limited to U.S. citizens, a status immigrant Chinese could never achieve because of racial restrictions on naturalization.[[28]](#footnote-29) Even without law, social discrimination restricted employment opportunities.[[29]](#footnote-30) Accordingly, many Chinese were employed in services and small businesses, such as restaurants and laundries.[[30]](#footnote-31)

Because Americans seemed to like Chinese food, the restaurant business seemed promising. The popularity of “chop suey” and other Americanized or American Chinese dishes resulted in “the subsequent sprouting of Chinese restaurants.”[[31]](#footnote-32) Their numbers grew rapidly in the late 19th and early 20th century.[[32]](#footnote-33) In 1870, with 63,000 Chinese residents in the United States, Chinese restaurants employed only 164 Chinese persons.[[33]](#footnote-34) By 1920, despite a decline in Chinese population and employment,[[34]](#footnote-35) over 11,400 workers were employed by Chinese restaurants in the United States.[[35]](#footnote-36)

To be sure, Chinese restaurants were regarded as exotic and potentially dangerous. In 1887, an aficionado wrongly predicted that “visions of kittens and rats would keep the Chinese restaurant from being largely patronized.”[[36]](#footnote-37) The *Denver Post* reported that local Chinese restaurant served dog meat “in a Chinese dish called chop suey;”[[37]](#footnote-38) a Missouri paper reported an investigation of “chop suey restaurants” based on “suspicion that they do not use fresh rats.”[[38]](#footnote-39) A In Bisbee, Arizona a Chinese restaurant allegedly had human children on the menu.[[39]](#footnote-40) In Jerome, Arizona whispered insinuations that the Chinese restaurants served “refuse and tainted meats” procured from trash barrels of the butcher shops[[40]](#footnote-41) led to calls that the city should “punish the Chinks for serving unpalatable food,”[[41]](#footnote-42) and that the Chinese “should be driven from the camp and that furthermore no more should be permitted to enter.”[[42]](#footnote-43) Nevertheless, while there were many suggestions that Chinese restaurants were “not so good either in a moral or a culinary way,”[[43]](#footnote-44) few claimed that the food was unpalatable in principle, that is, if not prepared with rats or dogs.

Unions opposed Asian immigration in general and Chinese restaurants in particular. The Cooks’ and Waiters’ Union is an ancestor of the modern-day UNITE-HERE. Its members competed directly with Chinese restaurants, and the union was a powerful force; by 1903, their membership exceeded 50,000.[[44]](#footnote-45) They were affiliated with the American Federation of Labor, which by 1914 claimed nearly 2,000,000 members.[[45]](#footnote-46) The unions strongly supported Chinese Exclusion[[46]](#footnote-47) and expansion of the exclusion policy to all Asian races.[[47]](#footnote-48) A report in the *Mixer and Server*, the union publication, explained:

View this matter from every angle, without heat or racial prejudice, and the fact stares us in the face that there is a conflict between the American wage-earner and the workers or employers from the Orient. Our Government has been compelled to close its doors to Asiatics in recognition of this fact.[[48]](#footnote-49)

In his famous essay *Meat v. Rice: American Manhood Against Asiatic Coolieism, Which Shall Survive*,[[49]](#footnote-50) American Federation of Labor President Samuel Gompers put the conflict in decidedly culinary terms. Unions saw the lower wage scales in Chinese restaurants as a threat,[[50]](#footnote-51) but rather than trying to unionize Chinese restaurants and their employees, unions sought to eliminate the “unfair” competition by driving the restaurants out of business. In this, the interests of unions sometimes dovetailed with the business interests of restaurant owners who would profit from the closure of their competitors.[[51]](#footnote-52)

B. Riot and Boycott

Asians were generally barred from union membership. The Cooks’ and Waiters’ Union excluded even United States citizens of Asian ancestry, because they were “true to one principle — nothing doing with either Chinks, Japs or other Asiatics.”[[52]](#footnote-53) To fight the “iniquitous chop suey joints,” unions demanded as a contract term that Asians be discharged[[53]](#footnote-54) and barred union members from working with Asians;[[54]](#footnote-55) Asian owners were not allowed to display union house or bar cards.[[55]](#footnote-56) Dealing with the Chinese inspired union creativity; reportedly, “[t]he first union label was used by San Francisco Cigarmakers in opposing the product of Chinese Cigarmakers.”[[56]](#footnote-57)

Early methods of eliminating Chinese competition included threats and violence.[[57]](#footnote-58) For example, Chinese restaurant owners in Selma, California, were “driven out” by organized labor.[[58]](#footnote-59) The *Salt Lake Tribune* reported “laboring men” “sen[t] them out of town,” and “their businesses were closed.”[[59]](#footnote-60) Similarly, Silverton, Colorado, unions ordered seventy Chinese residents to leave.[[60]](#footnote-61) Two-thirds departed within ten days.[[61]](#footnote-62) Silverton had six to eight Chinese restaurants; two weeks later, only two remained.[[62]](#footnote-63) The U.S. Secretary of State wrote to the Governor of Colorado calling for “protection of their rights of person, business and property.”[[63]](#footnote-64) Nevertheless, the efforts in Colorado were apparently successful; in 1914 Colorado authorities reported that of the few Chinese remaining most “follow mostly the laundry business in the smaller towns  . . . There are one or two uptown Chinese restaurants in Denver that are patronized by people that fancy this sort of cooking for a change, but they can scarcely be called in competition with the American establishments.” [[64]](#footnote-65)

Boycott was another important tool. In the course of debating a resolution to extend Chinese Exclusion to other Asian races, one delegate to the Socialist National Convention of 1910 captured the history when, speaking of the 1880s, he noted: “[O]ur fear was the Chinaman; and we sent train loads of men across this continent with the cry, ‘The Chinese must go.’ We instructed our men to boycott the Chinese laundries, Chinese restaurants, Chinese servants of all kinds. We fought the Chinamen and their exclusion took place.”[[65]](#footnote-66)

Boycott was national union policy. At the 1914 AFL convention, a New Jersey delegate introduced the following resolution:

WHEREAS, Chinese restaurants and Chinese laundries give no employment to American labor;

WHEREAS, Chinese are not eligible to citizenship; and

WHEREAS, American laundries and American restaurants give employment to American labor; therefore be it

RESOLVED, That this, the Thirty Fourth Convention of the American Federation of Labor, requests its affiliated membership to give their patronage to American laundries and restaurants.[[66]](#footnote-67)

The convention modified the resolution, approving an exhortation to “patronize union restaurants and laundries” and reminding members of existing support for systematic Asian exclusion.[[67]](#footnote-68) Because Chinese were generally excluded from membership, the resolution as passed was tantamount to a national boycott.

Other unions also endorsed boycotts. In 1915, the Hotel and Restaurant Employees International Alliance and the Bartenders International League voted to boycott “Japanese and Chinese Restaurants and Chinese Laundries,” and decreed that “that no members of our International Union be permitted to work with Asiatics, and that no House Card or Bar Label or Union Button be displayed in such places.”[[68]](#footnote-69) Notably, some members argued that the wiser course would be to invite Chinese into the union.[[69]](#footnote-70) But the prevailing sentiment was that the union should “chase the slant-eyed celestials and the little brown skinned fellows back to the place where they belong.”[[70]](#footnote-71)

The *Mixer and Server* and other media reported boycotts in cities across the country,[[71]](#footnote-72) including in Phoenix, Tucson[[72]](#footnote-73) and Willcox,[[73]](#footnote-74) Arizona, San Francisco,[[74]](#footnote-75) Brockton, Massachusetts,[[75]](#footnote-76) Duluth,[[76]](#footnote-77) Minneapolis, and St. Paul,[[77]](#footnote-78) Minnesota, Butte, Billings and Deer Lodge, Montana,[[78]](#footnote-79) Tonopah, Nevada,[[79]](#footnote-80) Cleveland, Ohio,[[80]](#footnote-81) El Paso, Texas,[[81]](#footnote-82) Ogden, Utah,[[82]](#footnote-83) and Casper, Wyoming.[[83]](#footnote-84) There were probably others that did not make the news.

Chinese restaurants were inexpensive,[[84]](#footnote-85) and thus union members were tempted to patronize them boycotts notwithstanding. Leaders warned “thousands of these Asiatics find encouragement in this country” if their businesses are patronized, and eating Chinese food means “the continuation indefinitely of a terrible struggle against these barbarians.”[[85]](#footnote-86) Unions imposed fines to compel compliance,[[86]](#footnote-87) but, as one union organizer reported, “a lot of union men seem to have, I am sorry to say, a fancy for Chop Suey.”[[87]](#footnote-88)

Litigation in Cleveland, Ohio made clear that the boycotts of Chinese restaurants were of a different character than other sorts of labor action—not designed to recruit new union members or persuade businesses to sign a contract, they sought to render Asian workers unemployed, or shutter Asian businesses.[[88]](#footnote-89) In 1919, Cleveland unions recognized seriousness of “the Chinese situation” — “one small [Chinese restaurant] twenty years ago to all of 25 at the present time.”[[89]](#footnote-90) Union members picketed two new Chinese restaurants, the Golden Pheasant and the Peacock Inn;[[90]](#footnote-91) the latter responded with a lawsuit.[[91]](#footnote-92) Judge Martin A. Foran was uniquely suited to decide the case; he had been a member of Congress when the Chinese Exclusion Act was revised, and previously served as president of the Coopers International Union. He found that picketers encouraged patrons to eat elsewhere “on the ground that they are Chinamen and members of the yellow race, and that Americans should not patronize a Chinese restaurant, but should confine their patronage and support to restaurants operated by Americans or by white persons.”[[92]](#footnote-93)

Judge Foran enjoined the picketing and scolded the unions, noting “that all men, even including Chinamen residents of the United States, stand equally before the law.”[[93]](#footnote-94) He noted that the picketing was not an attempt to unionize the workers: “no persons can become members who are not citizens by birth or naturalization . . . It is admitted that Chinamen cannot belong to any local of defendants’ international union.”[[94]](#footnote-95) Accordingly, the real aim was to “compel[] the management to discharge Chinese waiters and employ white waiters, and in default of so doing, compel the restaurant to cease doing business.”[[95]](#footnote-96) Similarly, during the Minneapolis boycott of 1902-03, “[t]he Chinese proprietors say they were directed to employ union men only but that this is impossible as Mongolians are barred from labor organizations.”[[96]](#footnote-97)

Even when not enjoined, non-violent boycotts were rarely wholly successful. Judge Foran seems to have been right when he wrote:

the law of competition in business controls business relations as immutably as the law of gravitation controls matter. If a Chinaman can furnish better food at less cost than a white man, he will be patronized, and I know of no law that will compel or force any patron to pay a higher price for inferior food merely because it is prepared and served by a white man.[[97]](#footnote-98)

Since there was no law reserving the food business to whites, the unions sought to create one.

**II. Chinese Restaurants and the Law**

A. White Women and Chinese Restaurants

When boycotts failed, unions invoked another rationale for regulation: They harmed white women. Chinese restaurants were suspected of being locations for vice. Chinese restaurants and Chinatowns were often tourist attractions.[[98]](#footnote-99) Middle and upper class whites visited Chinatown restaurants out of “morbid curiosity” for an evening of “slumming.”[[99]](#footnote-100) Thus, the *Chicago Tribune* reported on an 1891 trip to New York’s Chinatown, where the English visitors admired the “cleanliness of the kitchen and cookery” of the restaurant; but, according to the article, they had only “seen the curious and clean side of Chinatown.”[[100]](#footnote-101) The visitors were then taken to the “dives of Chinese immorality” where “sternness and pity mingled in their faces” at the sight of young white girls smoking opium “face-to-face” with Chinese men.[[101]](#footnote-102) So-called “lobbygows” escorted and promised protection to Chinatown tourists, even hiring residents to act out stereotypical vices.[[102]](#footnote-103)

Newspapers offered lurid reports that Chinese restaurants were fronts for opium dens,[[103]](#footnote-104) and that Chinese men used opium “as a trap for young girls.”[[104]](#footnote-105) There were regular reports of young girls being “rescued from an opium den.”[[105]](#footnote-106) This statement from a Congressional hearing on regulation of opium is representative:

In the Chinatown of the city of Philadelphia there are enormous quantities of opium consumed, and it is quite common, gentlemen, for these Chinese or “Chinks,” as they are called, to have a concubine as a white woman. There is one particular house where I would say there are 20 white women living with Chinamen as their common-law wives. The Chinamen require these women to do no work, and they do nothing but smoke opium all day and night. A great many of the girls are girls of family, and the history of them is very pathetic. You will find those girls in their younger days out with sporty boys, and they got to drinking. The next step was cigarettes. Then they go to Chinese restaurants, and after they go there a couple of times and get a drink in them they want to ‘hit the pipe.’ They do it out of curiosity or pure devilishness.[[106]](#footnote-107)

The idea of white female victimization became a media trope. In 1899, *King of the Opium Ring* by Charles E. Blaney and Charles A. Taylor played at the Columbus Theater and the Academy of Music in New York.[[107]](#footnote-108) Later produced around the country, it featured a clown who rescued a young white woman from the balcony of a Chinese restaurant.[[108]](#footnote-109) Similarly, popular novelist Frank Norris exploited the “reputed Chinese fondness for slave girls . . . One of his white women characters, accompanied by her fiance, is kidnapped in broad daylight in a Chinese restaurant.”[[109]](#footnote-110) Movies depicted similar scenes,[[110]](#footnote-111) and renowned “realistic” artists painted Chinatown vistas.[[111]](#footnote-112) Thus, there was a popular perception that Chinese restaurants were purveyors of vice,[[112]](#footnote-113) and served as late-night substitutes for closed saloons.[[113]](#footnote-114) A modern analyst might approve of the evidence that rigid racial and gender codes of the time were relaxed in Chinese restaurants.[[114]](#footnote-115) Nevertheless, while flaunting exoticism and freedom generated patronage, the implication of something naughty or worse caused some to fear for the restaurants’ young white patrons.[[115]](#footnote-116)

As early as 1899, the question was asked: ‘“Can any means be devised to prevent the employment of white girls in Chinese restaurants?”[[116]](#footnote-117) One observer noted that “[b]eer and noodles in Chinese joints have caused the downfall of countless American girls.”[[117]](#footnote-118)

Labor unions exploited the fear that Chinese restaurants were sources of moral contagion.[[118]](#footnote-119) A 1904 *Labor World* cover story featured the “iniquitous Chinese Chop Suey joints” of Minneapolis, calling “the attention of the people to the necessity for stamping out” such establishments.[[119]](#footnote-120) The restaurants were intrinsically immoral, and caused vice through economic degradation. The labor unions argued: “These institutions will bring cheap labor into the city. That will compel other restaurants to hire cheap labor. This will demoralize the restaurant workers, compel them to work for low wages and put hundreds of young women into positions of distressing temptation.”[[120]](#footnote-121)

The *Bridgeport Herald* reported that “[m]any a young girl received her first lesson in sin in Chinese restaurants,”[[121]](#footnote-122) and the *Chicago Tribune* noted that

More than 300 Chicago white girls have sacrificed themselves to the influence of the chop suey ‘joints’ during the last year, according to police statistics . . . . Vanity and the desire for showy clothes led to their downfall, it is declared. It was accomplished only after they smoked and drank in the chop suey restaurants and permitted themselves to be hypnotized by the dreamy, seductive music that is always on tap.[[122]](#footnote-123)

Just as legal policy toward African Americans was driven by a concern about interracial relationships, some feared early Chinese restaurants because of the intense sexuality of Chinese men.[[123]](#footnote-124) Because of Chinese Exclusion, there were many more Chinese men than women in the United States.[[124]](#footnote-125) By some accounts, there were more than 25 males for every one female in 1890.[[125]](#footnote-126) Hence, it is not surprising that there was a demand for commercial sex in America’s Chinatowns,[[126]](#footnote-127) or that Chinese men sometimes married white women[[127]](#footnote-128) — a practice frowned upon even in jurisdictions not prohibiting interracial marriage.[[128]](#footnote-129) The *St. Louis Post* reported that Chinese Restaurants “are visited . . . often by respectable girls and women on sight-seeing expeditions, or [those] who have ‘the chop suey habit.’ The Chinese of these places soon find a way to form an acquaintance with young women customers who go to the place often . . . . In Hop Alley several Chinese have white wives.”[[129]](#footnote-130) A marriage certificate to a Chinese husband was “a frequent excuse” for a white woman’s presence in a Chinese restaurant,[[130]](#footnote-131) and a required one if she was to stay the night in New York’s Chinatown in 1909.[[131]](#footnote-132) Retired New York Police Commissioner William McAdoo claimed “[T]he so-called Chinese wives are probably, taken together, the most wretched, degraded, and utterly vile lot of white women and girls that could be found anywhere.”[[132]](#footnote-133) It “gave a girl a bad name” just to work in a Chinese restaurant.[[133]](#footnote-134)

Not all those visiting Chinatowns went for amusement or vice.[[134]](#footnote-135) Christian missionaries entered to evangelize, but sensational newspaper reports claimed that female missionaries too often succumbed to “the fatal lure of Chinese.”[[135]](#footnote-136) One clergyman explained: “I know the possible dangers of social intercourse between the races . . . so our Chinese school is watched very strictly.”[[136]](#footnote-137) A Kansas City detective thought that society should “prevent young girls from wrecking their lives by attempting to Christianize Orientals.”[[137]](#footnote-138) The oldest Chinese mission worker in New York stated that she did not “believe in young girls teaching Chinamen” because the Chinese continue to “hold a fascination for young American girls . . . after they once come in contact.”[[138]](#footnote-139) *Munsey’s Magazine* published “Woman’s Love of the Exotic” suggesting the public perception of the issue:

A DANGEROUS ASSOCIATION

[I]n the beginning, [they] were probably religious in their cast of thought; and they went down to Chinatown, at first, with the sincerest and most innocent motives. . . .

In time, familiarity brought about a new feeling, and made the interest a personal interest, quite as much as a religious one. The very fact that white men despise Chinese, and often ill-treat them, stirred what may be called a maternal instinct in the women who made themselves responsible for the welfare of their charges. Just as a mother loves most tenderly her most misshapen and ill-favored child, so these girls felt their hearts moved by the thought that their ‘converts’ had all the world against them. Then, again, the personality of the Orientals, with their insidious ways and fawning manners, made the appeal still stronger. Add to this the fact that religious emotion is very closely related to one that is physical, and we find a combination which explains why so many of these young women went astray, and why in their converts they ultimately found lovers.[[139]](#footnote-140)

Some worried young female missionaries would end up like other white women who “consort with the Mongolians for a thimble of the drug.”[[140]](#footnote-141)

1909 was critical for regulation of Chinese. In an era when many Americans used over-the-counter patent medicines containing opiates or cocaine,[[141]](#footnote-142) Congress passed the Smoking Opium Exclusion Act of 1909.[[142]](#footnote-143) And then, in June, 1909, came tragedy and disaster. As is recounted in Professor Ting Yi Lui’s award-winning book *The Chinese Trunk Murder*, Leon Ling, a New York Chinese restaurant worker, murdered Elsie Sigel, a young white missionary from a prominent family.[[143]](#footnote-144) In part because Ling was the subject of an unsuccessful national manhunt, the crime became a prolonged sensation.[[144]](#footnote-145)

Ms. Sigel was described as a Christian missionary seduced by her Chinese pupil.[[145]](#footnote-146) Lurid headlines such as *Was Strangled By Her Chinese Lover: Granddaughter of General Sigel Slain in the Slums of New York* captured public attention.[[146]](#footnote-147) Unfortunately for Chinese restaurants, not only was Ling a restaurant worker, but Ms. Sigel’s body was found in a trunk in Ling’s room above a Chinese restaurant, although one in Midtown Manhattan, not Chinatown.[[147]](#footnote-148) The subsequent “wave of suspicion” put Chinese restaurants across the country under the spotlight.[[148]](#footnote-149) An Oregon newspaper stated “that the Sigel revelations have disgusted the Americans, and at present it is considered bad form to eat in a Chinese restaurant.”[[149]](#footnote-150) Also, police and an alert citizenry often identified Asian men, more or less at random, as Leon Ling, and officers in all parts of the United States raided Chinese businesses looking for Ling or intercepting white female visitors.[[150]](#footnote-151) Describing a case of mistaken identity, a Connecticut newspaper reported that “[t]o be a Chinaman these days is to be at least a suspect in the murder of Elsie Sigel.”[[151]](#footnote-152)

The press followed the case for years. In 1911, the *Washington Post* and *The New York Times* made an obligatory reference to the Sigel murder in articles reporting on the capture of the then-notorious opium smuggler “Boston Charlie,”[[152]](#footnote-153) a case related to the Sigel murder only in that both cases involved Asians. The *Washington Post* stated that a “batch of letters” seized along with Charlie did not have “any bearing on the murder of Elsie Sigel by Leon Ling.”[[153]](#footnote-154)

The Sigel murder stimulated race-based regulation under the guise of “protect[ing] young women.”[[154]](#footnote-155) The *Washington Times* commented: “The Elsie Sigel case wasn’t enough . . . Every state in the union should pass laws that would prohibit a white girl from ever crossing a Chinaman’s threshold.”[[155]](#footnote-156)

1. The White Women’s Labor Law

After the murder, there was a national movement to keep women out of Chinese restaurants. Arizona, Iowa, Massachusetts, Montana, Oregon, Washington, Los Angeles, Pittsburgh, and San Francisco, considered legislation or decrees banning white women from patronizing Chinese restaurants or being employed there. A bill also became law in Saskatchewan, Canada.[[156]](#footnote-157)

The national nature of the effort is reflected by the following resolution of the American Federation of Labor to exclude white women from Chinese and Japanese restaurants across the United States:

WHEREAS the evils arising from the employment of white women and girls in establishments owned or controlled by Chinese and Japanese constitute, both morally and economically, a serious menace to society; therefore be it

RESOLVED, That the American Federation of Labor be requested to pledge its best endeavors to secure the passage of a law prohibiting the employment of white women or girls in all such establishments.[[157]](#footnote-158)

Notably, the text itself reflected the dual economic and moral motivation of the measure. In addition, it made clear that the menace was not presented by Chinese alone; other Asians were equally worthy of regulation.

It is not clear that the ban, proposed before the Nineteenth Amendment, was congenial to women themselves.[[158]](#footnote-159) An article in the *Arizona Republican* in 1916 reported that a wealthy woman “advertised for a cook and in thirty days one replied. In the same column of the paper was an ad for a girl cashier in a Chinese restaurant and forty answered in one day.”[[159]](#footnote-160) Nevertheless, the idea turned into legislation or other action in a number of jurisdictions.

The Pittsburgh City Council passed an ordinance in 1910 banning all women from Chinese restaurants as patrons or employees, and restricting their hours of operation. A supporter argued that many girls “are enticed into the restaurants on the plea of getting something to eat, and because of the novelty of the situation. Then they are persuaded to stay until it is too late for a girl to go a home, whose home rules are strict. The Chinese restaurants are only the opening wedge for worse resorts.”[[160]](#footnote-161) Notably, the police disagreed; the Captain of Detectives stated: “We have never had any trouble with those restaurants. The Chinese give us less trouble than any other class.”[[161]](#footnote-162)

Nevertheless, the City Council passed the measure 49-2.[[162]](#footnote-163) But in a virtuoso explanation of its legal defects, the Mayor vetoed the bill, explaining:[[163]](#footnote-164)

While the ordinance apparently treats the “Chinese” in an impersonal sense, it is plainly directed against the Chinese as a race . . . . The legal objections to this enactment are numerous and varied but I shall sum them up as to unreasonableness and discrimination as follows:

First: It invests the Director of the Department of Public Safety with unlimited discretion to grant or refuse said license, because he is not to grant the same “to any person who is not of good moral character,” and it need scarcely be said that what is or is not good moral character may be purely an arbitrary opinion.

Second: By implication it permits the Director to revoke said license in case of “the visit of disreputable persons to said restaurant or chop suey houses,” and here again the right to do business is subject to an arbitrary opinion of the director.

Third: The ordinance forbids the visit of women or girls to these restaurants, thus arbitrarily confining and limiting the business of the same.

Fourth: The hours for doing business at these places is fixed from six A.M. until midnight which is a restriction not imposed on any other restaurant in the city.

In short the ordinance contains throughout provisions which are unreasonable and plain discriminations and are clearly illegal and invalid under the laws of Pennsylvania as well as under the provisions in the Federal Constitution and have been so held in the courts both Federal and State.[[164]](#footnote-165)

Massachusetts saw a protracted effort to regulate Chinese restaurants. In 1910, Representative Donovan introduced the “yellow peril bill,”[[165]](#footnote-166) prohibiting all women under 21 from entering Chinese restaurants as patrons or employees, and requiring a non-Asian male escort for older women.[[166]](#footnote-167) Many legislators called the bill unconstitutional,[[167]](#footnote-168) some noting that the law applied to Chinese women married to Chinese men, and therefore forbade a Chinese woman from dining with her husband.[[168]](#footnote-169) Nevertheless, it passed a first reading 126 to 30,[[169]](#footnote-170) and a second reading 111 to 80.[[170]](#footnote-171) But Attorney General Dana Malone found that the bill “discriminates against the Chinese by reason of their nationality, and, therefore, if passed, would be unconstitutional and void.”[[171]](#footnote-172) This turned the tide; the House rejected the bill 117 to 53.[[172]](#footnote-173) After the bill was reintroduced in 1911,[[173]](#footnote-174) the House asked the Supreme Judicial Court for an advisory opinion,[[174]](#footnote-175) which unanimously found the law unconstitutional.[[175]](#footnote-176) The Court stated:

It subjects Chinese to an oppressive burden that deprives them of liberty which all others enjoy, and interferes with their right to carry on business, acquire property and earn a livelihood, and denies them the protection of equal laws. . . .

The classification of hotels and restaurants into those that are open to young women and those that are closed to young women is not founded upon a difference that has any just or proper relation to the professed purpose of the classification.[[176]](#footnote-177)

The bill was withdrawn the next day,[[177]](#footnote-178) although Representative Donovan pursued the idea in Boston in 1913.[[178]](#footnote-179)

Serious attention was given to the idea in other jurisdictions. In September, 1912, the *Los Angeles Times* reported that police chief and future Mayor Charles E. Sebastian “says he will recommend to the Police Commission that an order be issued barring all white female help from oriental eating places, with the penalty that if the order is not instantly complied with that their license be revoked.”[[179]](#footnote-180) Two years later, the *Los Angeles Herald* reported that “[t]he police commission gave its unanimous approval today to the plan of Chief of Police Sebastian to exclude white girls as cashiers or waitresses from restaurants and cafes run by Japanese or Chinese.”[[180]](#footnote-181)

San Francisco officials considered legislation preventing white women for working in Chinese and Greek restaurants.[[181]](#footnote-182) The City Attorney declared that while the legislation aimed at Greek restaurants amounted to “class legislation” and thus would be unconstitutional, validity of legislation aimed at Chinese restaurants “was a debatable question.”[[182]](#footnote-183) He reasoned that “if such places as generally operated are against the welfare of white women, it is more than probable that the constitutionality of the legislation as to them would be upheld on the ground of a reasonable exercise of the police power.”[[183]](#footnote-184) It does not appear that legislation was enacted.

The Montana State Federation of Labor at its 1915 convention proposed “to prohibit the employment of white women with, by or for males of the Chinese or Japanese races.”[[184]](#footnote-185) The delegates emphasized the proposal’s economic impact, noting: “this bill, if enacted into law, will go a long way towards decreasing the popularity of the Chinese restaurants in the State.”[[185]](#footnote-186) A bill was introduced making it “unlawful for any person . . . to employ in any restaurant, eating house, laundry or other occupations owned, conducted or controlled by persons of the Asiatic race, any female as a servant, waitress or employee therein within the State of Montana, except females of the Asiatic race.”[[186]](#footnote-187)

The Montana Senate approved the bill, entitled “An act to prevent the employment of females in restaurants, eating houses, laundries, and other similar occupations controlled, or conducted by persons of the Asiatic race” 31-0 with nine abstentions.[[187]](#footnote-188) The House Committee on Corporations other than Municipal recommended concurrence in the Senate bill on March 2, 1915.[[188]](#footnote-189) However, on March 3, the House reported back to the Senate that on that day the Committee recommended that the bill be rejected and the House agreed.[[189]](#footnote-190) on Marc However, the U.S. Secretary of State William Jennings Bryan wrote to the House opposing the bill.[[190]](#footnote-191) In April 1915 report in the *Mixer and Server* explained:

The bill passed the senate, but no sooner was it turned over to its proper committee in the house than the wheels of opposition began to turn, and they did not stop until they reached the ‘big house’ in Washington, D. C., from whence returned an administration mandate signed by ‘Grape Juice’ Bryan, to the effect ‘That legislation of that character was very objectionable to the ‘royal’ dignitaries from the Orient,’ also, that the Secretary of State of the United States, was very much opposed to the passage of the bill.[[191]](#footnote-192)

In 1919, the Oregon Senate considered S.B. 183, prohibiting the “employment of white help in Chinese restaurants.”[[192]](#footnote-193) The bill failed, 13-14.[[193]](#footnote-194) Members of the Arizona legislature reportedly considered introducing legislation prohibiting white girls from working in Chinese restaurants,[[194]](#footnote-195) but it does not appear that a bill was introduced. In January, 1913, the outgoing Governor of Washington recommended the prohibition of white female help in all Chinese and Japanese restaurants;[[195]](#footnote-196) a bill was introduced in the Washington Senate but did not get out of committee.[[196]](#footnote-197)

There is one report of a ban imposed by judicial action. Iowa District Court Judge De Graff reportedly issued an order enjoining the owner of a Chinese restaurant from serving women. However, he quickly reversed himself, finding that it was “not equitable to enjoin the owner of a chop suey restaurant to prevent women from going to the restaurants.”[[197]](#footnote-198) Despite complaints from the saloonkeeper in the story below the restaurant about the “rough house” caused by women upstairs, the judge found that it “was not fair” to exclude the women from the restaurant when men were permitted to dine.[[198]](#footnote-199)

By the 1920s, it seemed clear that legislation targeting Chinese restaurants as such was unconstitutional. Harvard Professor William Bennett Munro wrote:

The provisions of an ordinance must apply equally to all persons in the same category. For example, it would not be a discrimination to provide that all restaurants shall be closed on Sundays while hotel dining rooms are permitted to remain open for the use of bona fide guests; but to stipulate that all Chinese restaurants shall remain closed while other restaurants are privileged to remain open would be a clear case of discrimination.[[199]](#footnote-200)

The same logic suggests that women may patronize restaurants without discrimination.

But if blatantly discriminatory laws were prohibited, facially neutral ones had a better chance of succeeding. In Connecticut, the unions succeeded in passing a facially neutral law apparently aimed at suppressing Chinese restaurants. A *Mixer and Server* report stated:

We are also putting up a fight against the Chinese restaurants, of which there is a large number established in the city of Hartford — considering the size of the city — and are well patronized by the working class. It is going to take some time and energy to educate the union men and women that no white man can compete with the Chinese restaurants as their mode of living, the low wages and the long hours and other conditions prevailing in their establishments they can afford to sell at a lower price than a white man. It is to be regretted to see union men, sneaking in the side doors of Chinese restaurants.[[200]](#footnote-201)

The Connecticut Legislature passed a law limiting the hours of women and children in hair dressing and manicuring establishments, photograph galleries, restaurants, cafes, and barber shops, and prohibit their employment between 10:00 p.m. and 6:00 a.m.[[201]](#footnote-202) Authorities reported that “[a]s a practical proposition, the law affected the restaurants only . . . [and] with the exception of the Chinese restaurants, there were very few where women were employed at night,” and concluded that “[t]he effect of the law has been salutary and has justified the expectations of those in favor of it.”[[202]](#footnote-203)

2. Emergency Police Authority to Protect White Women

For the reasons articulated by the Mayor of Pittsburgh, the Massachusetts Supreme Judicial Court, and Harvard’s Professor Monroe, discriminatory legislation targeting Chinese restaurants by name was legally problematic. Nevertheless, the law kept white women from patronizing or working in Chinese restaurants. The tool was emergency police authority, which was apparently more potent than legislation.

Most prominently in the wake of the Sigel murder but also on other occasions, police simply ordered white women and girls out of Chinese restaurants or neighborhoods. The head of the Washington, D.C. Police Department issued orders forbidding all “young white girls” from entering Chinese restaurants.[[203]](#footnote-204) In 1909, the probation officer of Kalispell, Montana ordered that “all white girls under twenty years of age working in Chinese restaurants of the city surrender their positions.”[[204]](#footnote-205)

Not surprisingly, New York saw an intense police reaction. Police vowed to end the “slumming” expeditions and the tourist attractions of Chinatown.[[205]](#footnote-206) In 1910, New York Deputy Police Commissioner Driscoll announced that he was going to “force white women away from Chinatown and keep them away.”[[206]](#footnote-207) He went after the fraudulent opium joints where tourists “were taken to be shown white women rolling opium pills in company with decrepit Chinese,”[[207]](#footnote-208) and a “chop suey restaurant where white girls ate in company with Chinese residents of the community.”[[208]](#footnote-209) Officers also noted white women residing with Chinese men and prepared a list for “Tenement House Inspectors.”[[209]](#footnote-210)

The New York police commissioner also reinstated a former rule “that all whites are to be driven out of [Chinese quarter] and the restaurants and other places kept by Chinese are to be closed at midnight.”[[210]](#footnote-211) With policeman patrolling each block, all visitors were asked where they were going.[[211]](#footnote-212) Unless the visitor had a satisfactory explanation, they were asked to leave.[[212]](#footnote-213)

Newspapers reported that on April 14, 1918 the NYPD carried out “chop suey raids” all over the city.[[213]](#footnote-214) The *Washington Herald* reported: “Thirty chop suey restaurants in New York’s tenderloin, from Broadway and Forty-second streets, through the upper West Side as far north as 110th street, were entered early today by scores of police and detectives in one of the most spectacular raids ever made here.”[[214]](#footnote-215) The restaurant doors were blocked,[[215]](#footnote-216) and officers asked approximately 1000 people why they were in Chinese restaurants.[[216]](#footnote-217) Of those questioned, 178 were ordered to the police station for further investigation,[[217]](#footnote-218) including women failing to show a wedding ring to prove they were married to their male companions.[[218]](#footnote-219) The price of freedom was a promise that “he or she would not be found in a Chinese restaurant after hours.”[[219]](#footnote-220) District Attorney Smith claimed that he realized that the “chop suey places are the worst dives in the city” and that he didn’t “care a snap about the protest that may be made after these raids.”[[220]](#footnote-221) The raid led to no arrests; Smith wanted to collect evidence to prosecute “the real owners of certain Chinese restaurants.”[[221]](#footnote-222) Smith claimed that parents of the community called him to action by sending over 100 letters claiming that their daughters had “been lured to chop suey houses and have been evilly treated or menaced.”[[222]](#footnote-223)

By April, 16, 1918, the Chinese restaurant owners retained counsel.[[223]](#footnote-224) According the *New York Sun*:

An up to date tong war seems to be brewing between the allied Chinese restaurants proprietors of New York and the District Attorney’s office. Four of the most prosperous chop suey dispensers indicated through their counsel yesterday they propose to make a stand against the authorities for the raids on Sunday morning, which they consider unwarranted and illegal.

At the same time James E. Smith, Assistant District Attorney, who conducted the visiting parties to thirty establishments, took the first step against the proprietors by applying for the names of the owners of each of the buildings in which the restaurants are situated. When he obtains these names from the city records he will ascertain who owns the restaurants. Later, it is understood, the proprietors will be subpoenaed to the Criminal Courts Building. . . . District Attorney Swann replied last night to the statement that his raid on the chop suey places was illegal by one of his mysterious, uncommunicative smiles.[[224]](#footnote-225)

The attorney for the restaurants protested: “It was illegal to order persons that were dining who were dining peaceably in these restaurants to leave.”[[225]](#footnote-226) Prosecutors planned to charge each owner with maintaining a public nuisance and urged the Board of Aldermen to require licenses of chop suey restaurants.[[226]](#footnote-227) According to the *New York Tribune*, “[t]he explanation from [District Attorney] Swann and his office are ingenious and various. . . . There seems no reason why Mr. Swann’s chop suey uplift campaign shouldn’t keep right on forever.”[[227]](#footnote-228) The *Washington Herald* reported that “James E. Smith, assistant district attorney of the county of New York . . . has declared war to the death on the chop suey caravansaries.”[[228]](#footnote-229)

It is odd that police could force women out of Chinese restaurants when legislatures could not. Perhaps the explanation is exigency. Even today, there is a plausible argument that the police can order people to “move on” at their whim, and arrest them if they do not.[[229]](#footnote-230) Of course, police are free to act unilaterally, even forcibly, to protect lives and property in emergencies.[[230]](#footnote-231) Even today, authorities can discriminate on the basis of race when necessary to meet a pressing exigency.[[231]](#footnote-232) Police orders are temporary and specific, while laws are normally general and permanent (or at least open-ended) and thus represent a greater intrusion.

In addition, the war against Chinese restaurants was fought in a largely pre-modern era of law. Because many of the provisions of the Bill of Rights did not apply to the states, the police were much freer. In that era, police regularly made “arrests on suspicion,”[[232]](#footnote-233) i.e., without probable cause or reasonable suspicion.[[233]](#footnote-234) New York Police Captain Alexander Williams reportedly stated “There is more law in the end of a policeman’s nightstick than in a decision of the Supreme Court.”[[234]](#footnote-235) These factors may explain why police believed they had broad authority to force compliance with what they deemed important rules of conduct.[[235]](#footnote-236) If white women and girls placed themselves at great and immediate risk by consorting with Chinese, the police had the authority to order them away or arrest them. Or, the explanation may be that this was an era when police lawlessness was difficult to control.

C. Discrimination Against Chinese and Chinese Restaurants

1. Citizenship Discrimination

An easy way to eliminate Asian restauranteurs would have been to require citizenship for licensure or employment; as they were ineligible for naturalized citizenship, this would likely have been an insurmountable barrier to those not born in the United States.[[236]](#footnote-237) Four Chinese restaurants in Portland, Oregon were denied liquor licenses on the ground that the owners were “not citizens and under the charter cannot be permitted to sell liquor.”[[237]](#footnote-238) Newspapers reported that the “Chinese places fought” back, but it was the white-owned Pekin Restaurant that challenged the denial.[[238]](#footnote-239)

The media reported several attempts by Chicago officials to implement a citizenship requirement outlawing Chinese restaurants. In 1906, the City Council considered a bill requiring special licenses of “chop suey” restaurants:[[239]](#footnote-240) “It shall not be lawful for any person to keep, conduct or manage any place in this city where any fruit, ice cream or chop suey is sold . . . unless a license therefor is first obtained.” [[240]](#footnote-241) The *Chicago Tribune* reported “[w]hen it was pointed out that the Chinese would be barred permanently as they cannot become citizens,” Alderman Harkin said the city “could get along without any chop suey places.”[[241]](#footnote-242) In 1918, it was reported that “Chicago’s Chinese colony was given a severe jolt when it was announced at the city collector’s office that many of them owning chop suey restaurants and other eating places would have to go out of business through inability to obtain licenses.”[[242]](#footnote-243) By 1922, the Chicago Municipal Code required those seeking restaurant licenses to have “good character and reputation,” and be “suitable for the purpose,”[[243]](#footnote-244) leaving ample room for discretion. But there was no requirement that applicants be citizens.

Massachusetts legislators proposed to limit victualer’s licenses to citizens. A union report explained that “The Chinese question here is indeed a serious one;”[[244]](#footnote-245) two months later a bill was introduced providing that “only persons who are citizens be granted victualers’ licenses.”[[245]](#footnote-246) But the legislation failed.[[246]](#footnote-247) The *Mixer and Server* reported that it “received an unfavorable report from the committee on legal affairs: they claim that the bill aims at Chinese restaurants and as the Chinese are not citizens and cannot become citizens that the bill is unfair.”[[247]](#footnote-248)

State laws requiring citizenship to operate a restaurant were probably doomed. As early as 1880, a California court invalidated a statute providing that “[n]o license to transact any business or occupation shall be granted . . . to any alien not eligible to become an elector.”[[248]](#footnote-249) In *Asakura v. City of Seattle*,[[249]](#footnote-250) a 1924 case involving a Japanese immigrant, the Supreme Court invalidated a Seattle ordinance restricting pawnbroker licenses to citizens.

Another method to eliminate Chinese restaurants would have been to prohibit Chinese from working. In 1914, Arizona enacted the Anti-Alien Employment Act prohibiting businesses from employing more than 20% noncitizens in their workforces.[[250]](#footnote-251) Because Chinese restaurants typically employed Asians,[[251]](#footnote-252) and Asians were racially ineligible to naturalization, the law would likely have compelled the closure of most or all Chinese restaurants. The February, 1914 *Mixer and Server* reported that the Cooks’ and Waiters’ Local 631 of Phoenix, Arizona has “been able, through their systematic work, to close a few Chinese restaurants, and now have American ones instead.”[[252]](#footnote-253) The report predicted that “before long every restaurant in Phoenix will be conducted by white people instead of the Chinks, as has been the custom for many years in Arizona.”[[253]](#footnote-254)

Chinese restaurant workers sued[[254]](#footnote-255) but before their case could be heard, a federal court struck down the statute based on a suit by an Austrian restaurant worker.[[255]](#footnote-256) In a decision upheld by the U.S. Supreme Court, the district judge found that the right to labor was property and that the law violated equal protection.[[256]](#footnote-257) The November, 1915 Supreme Court decision presumably invalidated a similar Los Angeles ordinance passed in August, 1915 “designed to do away with the employment of Orientals in saloons and restaurants and give their places to citizens.”[[257]](#footnote-258)

2. Licensing Discrimination

The growth of the regulatory state meant that more activity could be conducted only with the permission of the government. Just as Chinese laundries were discriminated against, as reflected by *Yick Wo v. Hopkins*, Chinese restaurants were also targeted.

Court decisions and newspaper reports across the country reflect a policy of denying licenses to Chinese restaurants.[[258]](#footnote-259) Chicago imposed restrictive zoning. In 1911, a legislator asked the Corporation Counsel if Chinese restaurants could be excluded from Wabash Avenue. Counsel opined that “[t]he presumption that opium smoking and gambling will be indulged cannot be raised.” So long as the proprietors were law-abiding, “there is no warrant in the law of the land which would justify discrimination against the Chinese. Such is the opinion of the Supreme Court in the celebrated California laundry cases.”[[259]](#footnote-260)

Nevertheless, two weeks later, the City Council voted to order the Commissioner of Public Works and the Commissioner of Buildings “to refuse the issuance of permits for contraction or remodeling of any building or buildings by any Chinaman” in the district near Wabash Avenue and 23d Street; the resolution noted that “the Chinese in the city of Chicago are invading said neighborhood,” and their presence “will materially affect and deprecate the value of property in said vicinity.”[[260]](#footnote-261)

In El Paso, a boycott[[261]](#footnote-262) bore fruit when a number of Chinese restaurants closed.[[262]](#footnote-263) According to the American Federation of Labor’s journal: “There is a clear reason why” in El Paso in 1915 “six Chinese restaurants [were] replaced by Americans”; “Union men [were] appointed at the head of five departments in the city.”[[263]](#footnote-264) In Brockton, Massachusetts, unions also turned to regulators to oppose the renewal of the licenses of Chinese restaurants.[[264]](#footnote-265)

The courts also feared the moral qualities of Chinese. Illustrative is the 1891 rejection of a challenge to the city of Pittsburgh’s denial of incorporation to a Chinese club and restaurant. The court explained that incorporation was only authorized “where there is a worthy object, which cannot well be accomplished without incorporation” and “[c]onsidering who the subscribers are, and the purposes set forth in the articles of association, there would be great danger of the association being perverted to purposes injurious to the community.”[[265]](#footnote-266)

Similarly, in 1932 the New Jersey Supreme Court upheld the denial of a dance license to a Chinese restaurant because of the potential corruption of youth:

this license for music and dancing was desired by a corporation, some of whose officers were Chinamen . . . with the help entirely Chinese and the active management Chinese . . . . Now bearing in mind that the reason for the refusal to grant the license was, amongst other things, that it was detrimental to the young people of the neighborhood, it certainly cannot be said that there was an abuse of discretion.[[266]](#footnote-267)

While the reported cases do not always reflect racial considerations, they suggest that authorities had ample power to regulate Chinese restaurants using facially neutral statutes.[[267]](#footnote-268)

Regulatory boards and commissions reportedly denied licenses as a matter of policy. Los Angeles authorities denied a license to the Hong Kong Restaurant because “serving drinks with meals there [did] not meet the [police] chief’s approbation.”[[268]](#footnote-269) The *Los Angeles Herald* reported that “the police are opposed to Chinese chop suey restaurants outside of Chinatown,”[[269]](#footnote-270) because they have a “tendency to disturb the peace.”[[270]](#footnote-271) Similarly, the *San Francisco Call* reported on the denial of a license to a Chinese restaurant in Palo Alto: “There has never been a Chinese business house in Palo Alto and it has been the policy of the citizens to keep such places out at all hazards.”[[271]](#footnote-272)

The Omaha, Missouri excise board[[272]](#footnote-273) “issued an order closing all the chop suey restaurants, and giving as the reason for its action that the public sentiment appeared to be strongly opposed to such places.”[[273]](#footnote-274) The *Minneapolis Journal* reported that the liquor license of a Chinese restaurant owner had been revoked. “It is not likely that another license will be granted to a Chinese restaurant keeper as the mayor considers them incapable of handling boisterous, bibulous Americans.”[[274]](#footnote-275) The Mayor of Moline, Illinois reportedly “gave notice that no more chop suey houses would be allowed in Moline in connection with saloons and that the present one would have to close up.”[[275]](#footnote-276)

In March, 1914, the Massachusetts Commission for the Investigation of White Slave Traffic issued a damning report after investigating over 500 places, including many Chinese restaurants;[[276]](#footnote-277) a series of license denials followed. Yee Toy of Lynn was initially denied a license.[[277]](#footnote-278) The commissioners reasoned that “there should be no more Chinese restaurants in the city and that Chinese restaurants shouldn’t be allowed to compete with those of Americans as they have no interest here.”[[278]](#footnote-279) Mr. Toy successfully requested reconsideration, after presenting a a petition bearing 2,000 names.[[279]](#footnote-280) Mr. Toy received his license,[[280]](#footnote-281) but the following month, the police charged him with “assuming to be a common victualer.”[[281]](#footnote-282)

The Mayor of Malden, Massachusetts refused to sign a license because the restaurant employed no Americans.[[282]](#footnote-283) The Supreme Judicial Court issued a writ of mandamus requiring him to sign.[[283]](#footnote-284) In 1918, Charles Shue, one of Boston’s “best-known Americanized Chinamen” unsuccessfully applied for a restaurant license;[[284]](#footnote-285) the board decided that “no more licenses for Chinese restaurants would be granted.”[[285]](#footnote-286)

3. Discriminatory Enforcement

To be sure, some misconduct reported in Chinese restaurants, or for which Chinese restauranteurs were convicted of crimes, represented actual wrongdoing. However, the special focus of law enforcement on Chinese may well have played a part. There is little reason to believe that Chinese were disproportionately inclined to lawbreaking. As David Harris has observed, “there is a connection between where police look for [crime] and where they find it.”[[286]](#footnote-287) Thus, the many reports of apparent selective enforcement, or promises to place Chinese restaurants under particular scrutiny, suggest at least the possibility that Chinese were arrested or deprived of licenses for conduct which would not have led to adverse action if committed by members of other groups.

In 1899, the Boston Police commissioners ordered all Chinese restaurants to close by midnight.[[287]](#footnote-288) The *Boston Daily Globe* reported that the action was “part of the commissioners plan to drive the Chinese places from Boston.”[[288]](#footnote-289) A month later, the *Boston Daily Advertiser* debunked “a rumor, which somehow got about town yesterday, to the effect that the board of police commissioners is seriously considering the question of closing up those Chinese restaurants for good and for all. It is doubtful whether any power is vested in the board to issue an arbitrary order of that kind.”[[289]](#footnote-290) However, “[i]t goes without saying that public morals would be much promoted by shutting them up and keeping them shut.”[[290]](#footnote-291)

Chicago authorities also paid special attention to Chinese restaurants. In June 1905, the Chicago City Council considered a resolution calling for investigation of Chinese restaurants,[[291]](#footnote-292) and by October 1, the restaurants were under investigation by the State Attorney’s Office and the police.[[292]](#footnote-293) Officials were concerned about the presence of women during the night.[[293]](#footnote-294) They believed that the restaurants had taken the place of wine rooms, which had been banned by a previous mayor.[[294]](#footnote-295) The wine rooms and the restaurants could serve liquor at all hours, while saloons had to close by 1:00 a.m.[[295]](#footnote-296)

Reverend J. E. Copus reported in the *Rosary Magazine* that “[t]he police department has promised to ‘get after’ the ‘chop suey dump.’”[[296]](#footnote-297) The Chicago Police Chief ordered “[r]igid inspections at frequent intervals” of Chinese restaurants and ice cream parlors.[[297]](#footnote-298) Furthermore, the chief ordered “the prohibition of young girls or youths after reasonable hours.”[[298]](#footnote-299) A Chicago Police Lieutenant recommended revocation of the license of a Chinese restaurant for violating a midnight closing ordinance.[[299]](#footnote-300) The officer promised “a crusade on the many Chinese restaurants in his district.”[[300]](#footnote-301) In 1909, a Chicago Police Inspector noted that “Young white girls are daily insulted and even attacked by Celestials . . . .”[[301]](#footnote-302) The following year, the Chicago police chief issued a “special order” against the sale of liquor in Chinese establishments; this announcement was followed by raids.[[302]](#footnote-303)

The 1909 Elsie Sigel murder had continuing effects on policing.[[303]](#footnote-304) The St. Louis Police Chief stated: “The Chinese chop suey restaurants and Hop Alley will be closely watched by the police of St. Louis, who had their attention called to the Chinese problem in American cities by the murder of Elsie Sigel.”[[304]](#footnote-305) The Chief explained:

I cannot understand a white women’s desire to go into a Chinese restaurant and eat, but that is a problem for the women herself. We cannot molest her, and the restaurant has the right to stay open and the women the right to go there in preference to a white man’s restaurant if she desires.

But we can and will watch these places strictly. . . .

In my opinion, the immigration laws are too lax. There are too many Chinese of bad character permitted to enter the United States as things are now.[[305]](#footnote-306)

Given his attitude, it would hardly be surprising if police found violations in Chinese restaurants based on facts which would not have led to charges in other venues.

In 1909, the Chinese restaurants of Detroit were under close watch by the police.[[306]](#footnote-307) For example, the police “maintain[ed] a sharp lookout” on Sam Lee’s restaurant because there were “reports that white men and women have languished in the dark, smutty rooms under the restaurant and lived in the fumes of the opium rather than face the world as it is.”[[307]](#footnote-308) In 1911, the *Tulsa World* reported, “Two new enforcement officers . . . selected the much raided Chop Suey restaurant . . . for the scene of their first operations.”[[308]](#footnote-309) In January 1911, a *Pittsburg Press* reported headline reported “Big raid at Greensburg: Crusade against Chop Suey Dens and Foreign Restaurants.”[[309]](#footnote-310) In Washington, D.C. in 1914, the District Attorney advised officers to pay special attention to “restaurants where liquor is served to women, motion picture theaters, and Chinese restaurants.”[[310]](#footnote-311)

In May 1918, in Portland, Oregon the police raided over 65 establishments under the guise of an ordinance prohibiting “barred-doors” — the “victims of the anti-gambling crusade were mostly Chinese.”[[311]](#footnote-312) The lawyer for a Portland, Maine, Chinese restaurant closed by misbehavior by the soldiers, sailors and “lewd” women who patronized it,[[312]](#footnote-313) claimed that closing this restaurant, while ignoring misconduct in others, amounted to racial discrimination.[[313]](#footnote-314)

In Minneapolis, a facially neutral bill was amended to facilitate enforcement against Chinese restaurants. Minneapolis Mayor J.C. Haynes wrote to the City Council, then considering an ordinance regulating restaurants and hotels, requesting that the law include authority to revoke licenses because of “certain abuses in some of these places, notably certain cafes and so-called chop suey houses.”[[314]](#footnote-315) The ordinance as enacted provided that licenses “shall be subject to revocation at any time by the City Council, in its discretion, or by the Mayor.”[[315]](#footnote-316)

4. Prohibition of Private Booths

Chinese restaurants in the early decades of the 20th century typically had private booths consisting of small rooms with doors or curtains.[[316]](#footnote-317) A national movement to prohibit booths and private rooms was aimed at least in part in part at Chinese restaurants. The United States Public Health Service published a model ordinance prohibiting booths in restaurants, explaining:

recurring complaint was made that in “chop suey” places and in other types of refreshment places the boxes, partitions, and booths made favorable places of solicitation and operation for pimps and prostitutes. By requiring the partitions to be removed the entire establishment was thrown open to public gaze and opportunity of unlawful acts destroyed.[[317]](#footnote-318)

As the Supreme Court has noted, zoning requirements can impose a “substantial obstacle”[[318]](#footnote-319) on disfavored targets. But as late as 1971, the Supreme Court was reluctant to invalidate facially neutral laws because of discriminatory motivation. In *Palmer v. Thomson*, the majority wrote: “no case in this Court has held that a legislative act may violate equal protection solely because of the motivations of the men who voted for it.”[[319]](#footnote-320) Accordingly, laws prohibiting booths could be enacted with the frank purpose of disadvantaging Chinese restaurants. While *Yick Wo* prohibited discriminatory enforcement, those targeted would have to prove governmental misconduct.[[320]](#footnote-321)

Ogden, Utah saw a prolonged battle against Chinese restaurants and repeated tests of prohibitions on booths; a version of the prohibition ultimately sustained remains in force.[[321]](#footnote-322) An April 4, 1902 article in the *Ogden Standard* reported that for “some years past it has been difficult for the restaurants, owned by white men and in which none but white employes [sic] is hired to make enough profit.”[[322]](#footnote-323) There were four Chinese restaurants in the city, but the article warned that more were coming.[[323]](#footnote-324) The hotel and restaurant employees organized, hoping “that more of the laborers patronage will be turned to the restaurants owned by white men and employing white help.”[[324]](#footnote-325) The Central Trades and Labor Council declared a boycott,[[325]](#footnote-326) and asked the City Council to “prohibit girls under 18 years of age from going to these places and asks the Council to abolish the wineroom system in vogue in such places.”[[326]](#footnote-327)

The booth ordinance was passed, and it was predicted that it would require remodeling of a “dozen . . . Chinese restaurants on Twenty-fifth street alone.”[[327]](#footnote-328) The *Salt Lake Tribune* reported that the ordinance was “aimed at Chinese restaurants, as it appears, they were the only ones called upon to comply with the law.”[[328]](#footnote-329) On June 1, 1903, the *Salt Lake Herald* reported that Ogden’s Chinese restaurants were “hard to kill off” and “thriving in spite of opposition.”[[329]](#footnote-330) In March, 1904, Judge Rolapp of the District Court declared the booth ordinance invalid.[[330]](#footnote-331)

But the controversy did not end. The *Ogden Standard Examiner* continued to warn that danger “to the morals of young men and young women lies in the ‘chop suey’ houses.” [[331]](#footnote-332) In January 1918, Ogden considered a new booth ordinance[[332]](#footnote-333) Chinese restaurant proprietors claimed that the ordinance “represented racial prejudice, agitated by the restaurant trust and directed against all [O]rientals in that business here.”[[333]](#footnote-334) The ordinance was enacted and the police started a “crusade against the booths in the cafes and restaurants.”[[334]](#footnote-335) One Ogden citizen who rented space to a Chinese restaurant complained that this “appeared to him like persecution against the Chinese,” asking: “Why don’t you go after the white men who are violating the city laws as well as the Chinamen?”[[335]](#footnote-336)

In a test case, the proprietor of the Alhambra Café, a Chinese restaurant,[[336]](#footnote-337) was convicted;[[337]](#footnote-338) the Utah Supreme Court affirmed.[[338]](#footnote-339) The Court explained: “We know, as all men know, that the best and largest dining rooms everywhere are open, and that the respectable and law-abiding men and women do not seek closed booths or dark rooms when they go to a public eating place to eat their meals.”[[339]](#footnote-340)

Other booth regulations appeared across the country. In some cases, the regulations targeted Chinese restaurants. For example, the Mayor of Minneapolis ordered the closure of a Chinese restaurant for selling liquor without a license and concurrently ordered that “all booths be torn out of Chinese restaurants.”[[340]](#footnote-341) Given the major union boycott in Minneapolis,[[341]](#footnote-342) and the Mayor’s reported policy of denying liquor licenses to Chinese restaurants,[[342]](#footnote-343) this is hardly surprising. Following the “chop suey raids” of 1918, the New York District Attorney announced “the abolishment of private rooms in chop suey restaurants.”[[343]](#footnote-344) In other instances, news accounts, at least, do not make an explicit connection between the Chinese nature of the restaurant and the regulation. However, many jurisdictions banning booths also implemented or seriously considered other anti-Chinese restaurant measures, or had strong union activity against the restaurants, including Chicago,[[344]](#footnote-345) Los Angeles,[[345]](#footnote-346) Phoenix,[[346]](#footnote-347) Tucson,[[347]](#footnote-348) and cities in Massachusetts[[348]](#footnote-349) and Oregon.[[349]](#footnote-350)

III. Victory and National Immigration Policy

As the nineteen-teens turned into the twenties, something seemed to have changed. A 1919 union report indicated that in Boston there was “progress in the fight on the Chinese restaurants.”[[350]](#footnote-351) A 1921 report in the *Mixer and Server* from Detroit, Michigan suggests that by then union goals had been achieved: “I take pleasure in saying that the worst enemy that we have had to contend with here is beginning to wane and vanish, and we all wish him a speedy exit.”[[351]](#footnote-352)

If union members and competing restauranteurs sensed that the Chinese had been vanquished, they were correct. The Census, reported 107,488 Chinese in the continental United States in 1890, 89,863 in 1900, and 71,531 in 1910.[[352]](#footnote-353) The 1920 Census showed a further decline to 61,639.[[353]](#footnote-354) Anti-Chinese policies had reduced the population by almost half. And of course, ratification of the Eighteenth Amendment added a new set of legal tools to control Chinese restaurants.

The political goal sought by the unions had been almost fully realized. Members of races native to continental Asia had been barred by the Immigration Act of 1917.[[354]](#footnote-355) While Japanese immigration had been restricted by the Gentlemen’s Agreement of 1907-08,[[355]](#footnote-356) in 1924 they were explicitly barred by statute.[[356]](#footnote-357) In the Immigration Act of 1924, Congress tied immigration eligibility to racial eligibility to citizenship. The Naturalization Act of 1790 had limited eligibility to “free white persons,” people of African nativity and descent were made eligible after the Civil War.[[357]](#footnote-358) The Immigration Act of 1924 operated to provided that those racially ineligible to naturalization were also ineligible to immigrate.[[358]](#footnote-359) In addition the Immigration Act of 1921 had put temporary limits on European immigration,[[359]](#footnote-360) which in similar form would be made permanent in the national origins quota system included in the 1924 immigration law.[[360]](#footnote-361) For all of these reasons, native workers had reason to be confident that the problem of Asian immigration and competition with white workers had been permanently resolved.

Unions had argued that Chinese should not be allowed to compete with whites because they were not allowed to become citizens. Their precarious immigration and citizenship status made it easier for whites to expect that they were no threat. Indeed, keeping Chinese restaurants facilitated discrimination. Those suspected of being undocumented could be targeted by law enforcement. The Police raided New York’s Chinatown in 1925,[[361]](#footnote-362) resulting in the “largest seizure of Chinese under the Exclusion act ever made” in New York City.[[362]](#footnote-363) “More than 500 Chinese were gathered in by 100 detectives and half as many Federal agents, in Chinatown and environs.”[[363]](#footnote-364) *The* *New York Times* reported: “[t]he expulsion of so many Chinese badly crippled the Chinese chain restaurant and laundry business throughout the metropolitan district.”[[364]](#footnote-365) In addition, employers could threaten recalcitrant workers with deportation.[[365]](#footnote-366) As of 2017, Chinese restaurants continue to be immigration enforcement targets.[[366]](#footnote-367) Chinese immigration, and Chinese restaurants, had apparently been tamed.

Moreover, the perception of Chinese restaurants was in the process of changing. In New York, the Health Commissioner said “that a report had been made to him that the Chinese restaurants were the cleanest in New York.”[[367]](#footnote-368) Connecticut authorities reported that “[t]he Chinese restaurant is a feature in all towns and it is clean in its kitchen, cleaner than many other sorts in its linen and gives a more varied menu at a lower price, invariably.”[[368]](#footnote-369)

On both coasts, the “Chop Suey craze” continued, but often, slumming had been replaced with glamour:

Broadway between Time Square and Columbus Circle was home to fourteen big ‘chop suey jazz places.’ One Chinese night club owner, a former Essex Street laundryman, supposedly wore a huge diamond ring, rode in an imported car, and squired around a bottle-blond burlesque dancer. In San Francisco, most of these new nightspots were in Chinatown . . . . Featuring all-Chinese singers, musicians, chorus lines, and even strippers, clubs like the Forbidden City attracted a clientele of politicians, movie stars, and businessmen out for an exotic good time.[[369]](#footnote-370)

Bing Crosby, Bob Hope, Ronald Reagan, and other celebrities patronized the Forbidden City, a glamourous nightclub in San Francisco’s Chinatown.[[370]](#footnote-371) The first major Chinese cookbook was published in English in 1945; Chinese food had been tamed enough to have around the house.[[371]](#footnote-372)

And yet, unions were right to fear that Chinese restaurants could be a Trojan Horse, an economic toehold giving the Chinese community a chance to grow. As Daniel Patrick Moynihan and Nathan Glazer noted in *Beyond the Melting Pot*, restaurants could be centers of economic activity for the larger community: “[t]he Chinese restaurant uses Chinese laundries, gets its provisions from Chinese food suppliers, provides orders for Chinese noodle makers.”[[372]](#footnote-373) In addition, a scholar explaining why Chinese Exclusion was partially repealed in 1943 noted

[a]n important factor . . . was their entrance into characteristic occupations held as a natural monopoly, notably, the hand laundry and Chinese restaurant . . . This occupational specialization destroyed ‘white’ labor’s fear of competition, while enjoyment of the Chinese cuisine and other services won for the “Celestial” the patronizing good-will, if not the friendship, of a substantial section of the American public.[[373]](#footnote-374)

Chinese restaurants not only provided Chinese people an opportunity to earn a living, they offered the possibility of somewhat more personal encounters with non-Chinese than was routine with a laundry.[[374]](#footnote-375)

**Conclusion: Remembering the War**

Recognizing that there was a war against Chinese restaurants offers several insights into American law. It is an example of how legal ideas can propagate. In this case, innovation occurred not through judges,[[375]](#footnote-376) international organizations,[[376]](#footnote-377) or colonial bureaucrats,[[377]](#footnote-378) or organizations of lawyers like the National Conference of Commissioners on Uniform State Laws or the American Law Institute. Instead, labor organizations and the motivated private citizens who belonged to them obtained hearings for their ideas.

The war on Chinese restaurants is also an example of what Douglas NeJaime has called winning through losing.[[378]](#footnote-379) Unions and law enforcement declared war on Chinese restaurants, and the Chinese restaurants won. The innovative tool invented for the fight, banning white women from eating in Chinese restaurants, became law almost nowhere, and was likely legally untenable. Yet, the unions had their cake and they ate it too; they had the benefits of Chinese restaurants and simultaneously restricted competition with Asian workers through federal immigration laws.

Because the states lost the battles but won the war, the episode is reminiscent of the SB 1070 saga.[[379]](#footnote-380) Arizona’s SB1070, enacted in 2010 and copied by many states, sought to impose state systems of regulation on undocumented immigrants.[[380]](#footnote-381) Unlike their predecessors in state legislatures in the first decades of the 20th century, modern legislators insisted on enacting the laws and subjecting them to judicial tests even though the statutes were palpably unconstitutional;[[381]](#footnote-382) the Supreme Court struck down SB 1070 in 2012.[[382]](#footnote-383)

Though a legal failure, SB 1070 was a smashing political success. It contributed to making immigration an important issue in the 2016 presidential campaign. SB 1070 attempted to allow state and local police to enforce federal immigration law; much of what it proposed to do is on the Trump Administration’s agenda. The failure and unconstitutionality of local measures did not make political impulses disappear, it channeled them to the branch and level of government with the power to act, just as the drumbeat of the economic and moral danger posed by Chinese restaurants and other Asian activities, and the inability to regulate them at the state level, contributed to a climate in which Asian Exclusion could dramatically expand in 1917 and 1924.

The episode also helps explain the idea of Asian Pacific Americans as a cognizable group. Of course, Chinese, Japanese, Koreans, Indians, Cambodians, Vietnamese, Pilipinos, and members of all other Asian national groups have different cultures and histories, often different languages, and sometimes distinct appearances. Yet, for legal purposes, they were often amalgamated as a single race, because the public perception of them was that they were all part of the same yellow peril. Concerned about Chinese, restaurant legislation, like federal immigration legislation, often targeted Asians as an undifferentiated group.

The story reveals that Asian Pacific American legal history, and, for that matter, history, has been under-investigated. It is no surprise that Arizona, California, Montana, Oregon, and Utah targeted Asians; those states enacted laws prohibiting Asians from intermarrying with whites,[[383]](#footnote-384) and owning land.[[384]](#footnote-385) Given their animus, additional discriminatory actions were predictable. But the eastern and midwestern states of Illinois, Massachusetts, Minnesota, New York, Ohio, and Pennsylvania had no race-based miscegenation or land laws. Yet, those states or cities within them carried on heretofore unexplored legal attacks on Chinese economic activity.

One advantage revealed by campaigns against Chinese restaurants is that the Chinese enjoyed some diplomatic protection of their interests. In 1901, the Chinese legation filed a claim for damages with the State Department for mistreatment by Americans.[[385]](#footnote-386) When the Pittsburgh City Council threatened discriminatory legislation, Chinese restaurant keepers could seek help from their ambassador, and invoke their treaty rights;[[386]](#footnote-387) a letter from the Secretary of State shut down an anti-Chinese restaurant bill in Montana.[[387]](#footnote-388) When Chinese men around the country were harassed by the police after the murder of Elsie Sigel, members of the community could call “on the Chinese Legation and afterward went to the State Department [to protest] the manner in which . . . the Chinamen of New York, Philadelphia, and other large cities of the country are being persecuted by police.”[[388]](#footnote-389) Of course, invoking diplomatic assistance hardly assured victory. But it was almost certainly better than nothing. By contrast, African Americans and Indians in the United States could rarely turn to an outside power for protection.

Perhaps the most important implication of the campaign is that it represents another chapter in the persistent, systematic economic exploitation of people of color in the United States. For example, the Constitution protected slavery, designed to derive advantage from involuntary African American labor.[[389]](#footnote-390) After the Civil War, Reconstruction, and Redemption, in many parts of the country African Americans were compelled to work by a compromised criminal justice system.[[390]](#footnote-391) Similarly, Latinos in the United States have often labored without the opportunity for equal treatment.[[391]](#footnote-392) The Indian tribes once possessed priceless real estate, now they do not.[[392]](#footnote-393) Later, the United States held a fortune in Indian property “in trust,” an obligation which, in the decades it has been in force, has been honored occasionally if at all.[[393]](#footnote-394)

Chinese Americans and other Asian Americans were also targeted by law, for economic reasons. On its face, the method was different. Southern planters and other business owners desired African American labor at below-market prices, illegally importing enslaved persons before the Civil War,[[394]](#footnote-395) and, even after the formal abolition of slavery, using law to prevent African American migration out of the South.[[395]](#footnote-396) With Chinese and other Asians, the concern was economic competition with workers on the Pacific coast, and the legal solution was exclusion, both of future competitors and of those already present in the United States, with little regard for their lawful presence or the fact that some were citizens.

California’s anti-Asian alien land law, which prohibited Asians from owning agricultural land, was intended “to discourage the coming of Japanese into this state.”[[396]](#footnote-397) Laws prohibiting land ownership by Asians, adopted throughout the West, were upheld by the Supreme Court.[[397]](#footnote-398) Targeting businesses owned by or employing Chinese would likewise encourage their departure.[[398]](#footnote-399) Discrimination against Chinese laundries is reflected in the celebrated case of *Yick Wo v. Hopkins*,[[399]](#footnote-400) which exemplifies the decades-long West Coast effort to prevent Chinese laundries from gaining an economic foothold and becoming permanent competitors.[[400]](#footnote-401) The effort to drive out lawful Chinese residents is reminiscent of the periods of economic difficulty when persons of Mexican ancestry, citizen and noncitizen alike, were “repatriated” to Mexico to ease their competition for jobs with whites.[[401]](#footnote-402) Although the specific techniques used against various non-white groups differed, they shared the underlying idea that public policy should be structured to benefit white Americans.

Even now, Chinese restaurants run for people of all races often by American-born U.S. citizens seem to contribute to the conceptualization of Asians as perpetual foreigners. During a moment of tension with China, “[a] radio station disc jockey in Springfield, Illinois suggested boycotting Chinese restaurants.”[[402]](#footnote-403) U.S. citizen Wen Ho Lee, a nuclear scientist of Chinese racial ancestry wrongly accused of spying for China may have been charged in part because of Chinese restaurants. A witness “noting something nefarious about the number of Chinese restaurants in Los Alamos;” an investigator reportedly said “just the fact that there are five Chinese restaurants here meant that the Chinese government had an interest.”[[403]](#footnote-404)

The Trump Administration’s actions and ideology seem to reflect traditional suspicion of Asians. The Department of Homeland Security recently proposed to collect social media information solely from people from one country, China.[[404]](#footnote-405) Steve Bannon, now a senior White House official, hosted a radio show in 2015; during an interview, Donald Trump said “You know, we have to keep our talented people in this country,” but Bannon disagreed, saying “When two-thirds or three-quarters of the CEOs in Silicon Valley are from South Asia or from Asia, I think. . . A country is more than an economy. We’re a civic society.”[[405]](#footnote-406) Bannon wildly overestimated the number of Asian CEOs; “A May 2015 study found that 27 percent of professionals working in Silicon Valley companies were Asian or Asian-American. They represented less than 19 percent of managers and under 14 percent of executives, according to the report.”[[406]](#footnote-407) Of course, many American citizens are of Asian racial ancestry. It is unfortunate, but, as this article shows, nothing new, that some believe that only white citizens can be a part of this nation’s civic society.[[407]](#footnote-408)

1. \* Edward L. Barrett Jr. Chair and Martin Luther King Jr. Professor of Law, UC Davis School of Law. We received helpful comments and other assistance from Susan Carter, Michael Chiorazzi, Mary Fan, Angela Harris, Andrew Hayashi, Victor Jew, Kevin Johnson, Thomas Jue, Chris Kwok, Erika Lee, Marc Miller, Jean Pfaelzer, Leticia Saucedo, Darien Shanske, Lea Shaver, Harley Spiller, Henry Tang, Anjali Vats, Leti Volpp, Jan Whitaker and her website, restaurant-ingthroughhistory.com, William Wiecek, the faculties of the UC Davis School of Law, the University of Hawaii, Richardson School of Law, the University of Virginia School of Law, participants in panels at Carroll College, the Social Science History Association and Association for Asian American Studies, the Chinese American Citizens Alliance, Los Angeles Lodge, the Museum of Chinese in America, and the Cracchiolo Law Library at the University of Arizona, the Gallagher Law Library at the University of Washington, and the Mabie Law Library at UC Davis. Thanks also to Dun Liu for excellent research assistance. This article is dedicated to my late grandmother, Oakland restaurateur Lilac Quan Chin, and to the Chicago Café in Woodland, California, the Far East Café in Chinatown, San Francisco, and the Pekin Noodle House in Butte, Montana, for, so far, preserving their booths. [gjchin@ucdavis.edu](mailto:gjchin@ucdavis.edu); 520 401 6586. [↑](#footnote-ref-2)
2. \*\* Member, California Bar, J.D., UC Davis School of Law. [↑](#footnote-ref-3)
3. *See* O. O. McIntyre, *New York Day By Day*, Wash. Herald, May 2, 1918, at 6 (New York district attorney’s office “has declared war to the death on the chop suey caravansaries”); *Labor Declares War on Chinese Restaurants*, Wash. Times, Feb. 16, 1913, at 7; *May Declare Boycott: Cooks and Waiters’ Unions Opposed to Chinese Restaurants*, St. Paul Globe, Mar. 22, 1902, at 7 (“The Cook and Waiters’ Union had decided to make war on the Chinese restaurants that are running in Minneapolis.”); *News of the Great West,* Omaha Daily Bee, June 6, 1891, at 11 (“A movement is on foot in Butte to carry on a war against Chinese restaurants.”); *see also* O.M. Boyle, *News of the Labor World*, S.F. Call, Mar. 19, 1910, at 7 (“The cooks’ helpers union, local no. 110, is still quietly engaged in carrying out the war against Asiatic employes. It hopes in a short time that employers will supplant the Japanese and Chinese in kitchens of restaurants, cafes and hotels. The organization is carrying out the wish of the San Francisco labor council in this matter.”); 20 Mixer & Server No. 5, May. 15, 1911, at 107 (noting application of union in Billings, Montana “to finance a crusade in opposition to Asiatic invasion; concurred in and remittance made”); 18 Mixer & Server No. 3, Mar. 15, 1909, at 59 (“Ogden sounded the first note in the battle against Chinese and Japanese restaurants, which will be relentlessly waged henceforth in Ogden.”); *After the Chinese: An Effort to Expel them from the Principal Cities of Montana*, Dakota Farmers’ Leader, Feb. 3, 1893, at 3 (“labor organizations of Butte, Anaconda and Missoula waged war against the employment of Chinese, and threats of a boycott were made against citizens employing them in any capacity or patronizing Chinese laundries or restaurants. . . . Already all but one Chinese restaurant have been closed.”). [↑](#footnote-ref-4)
4. For example, there are a number of recent, excellent histories of Asian Pacific America and of Chinese food in the Americas; it is unmentioned in them. *See* Yong Chen, Chop Suey, USA: The Story of Chinese Food in America (2014); Lily Cho, Eating Chinese: Culture on the Menu in Small Town Canada (2010); Andrew Coe, Chop Suey: A Cultural History of Chinese Food in the United States (2009); Erika Lee, The Making of Asian America: A History (2016); Anne Mendelson, Chow Chop Suey: Food and the Chinese American Journey (2016); Shelley Sang-Hee Lee, A New History of Asian America 131-33 (2014); Haiming Liu, From Canton Restaurant to Panda Express: A History of Chinese Food in the United States (2015); Eating Asian America: A Food Studies Reader (Robert Ji-Song Ku et al., Eds., 2013); Heather Ruth Lee, Entrepreneurs in the Age of Chinese Exclusion, Transnational Capital, Migrant Labor and Chinese Restaurants in New York City, 1850-1943 (Brown U. Ph.D. dissertation, 2014). [↑](#footnote-ref-5)
5. Report of Proceedings of the Thirty-Third Annual Convention of the American Federation of Labor held at Seattle, Washington Nov. 10-22, inclusive 1913, 370. [↑](#footnote-ref-6)
6. *Card to the Public*, Tonopah Bonanza (Nev.), Jan. 17, 1903, at 6. [↑](#footnote-ref-7)
7. *Chinese Restaurants in Madera*, Madera Mercury (Cal.), Jan. 20, 1912, at 2. [↑](#footnote-ref-8)
8. *Minneapolis Labor After the Chinese*, Lab. World (Minn.), Nov. 19, 1904, at 1. [↑](#footnote-ref-9)
9. Bethany R. Berger, *Birthright Citizenship on Trial:* Elk v. Wilkins *and* United States v. Wong Kim Ark, 37 Cardozo L. Rev. 1185, 1254–55 (2016) (citing Jennifer 8. Lee, The Fortune Cookie Chronicles: Adventures in the World of Chinese Food 9, 209 (2008)); *see also Let’s Eat Chinese Tonight*, 38 Am. Heritage No. 8, at 98 (1987). Thus, in her confirmation hearing, Supreme Court Justice Elena Kagan discussed the tradition of Jewish people eating Chinese food on Christmas. Adam Chandler, *Why American Jews Eat Chinese Food on Christmas*, The Atlantic, Dec. 23, 2014 (<https://www.theatlantic.com/national/archive/2014/12/why-american-jews-eat-chinese-food-on-christmas/384011/>). [↑](#footnote-ref-10)
10. Immigration Act of 1917, 39 Stat. 874. [↑](#footnote-ref-11)
11. Immigration Act of 1924, 43 Stat. 153. [↑](#footnote-ref-12)
12. *See infra* notes 48-95, and accompanying text. [↑](#footnote-ref-13)
13. *See infra* notes 96-138, and accompanying text. [↑](#footnote-ref-14)
14. *See infra* notes 141-153, and accompanying text. [↑](#footnote-ref-15)
15. *See infra* notes 154-200, and accompanying text. [↑](#footnote-ref-16)
16. *See infra* notes 201-347, and accompanying text. [↑](#footnote-ref-17)
17. *See infra* notes 348-372, and accompanying text. [↑](#footnote-ref-18)
18. *See infra* notes 352-358, and accompanying text. [↑](#footnote-ref-19)
19. *See infra* notes 373-405, and accompanying text. [↑](#footnote-ref-20)
20. “Neither Congress nor the states attempted to impose quantitative limits on immigration” until 1921. Gerald L. Neuman, *The Lost Century of American Immigration Law (1776-1875)*, 93 Colum. L. Rev. 1833, 1834 (1993) [↑](#footnote-ref-21)
21. Act of May 19, 1921, ch. 8, § 2, 42 Stat. 2 (temporary quota law). [↑](#footnote-ref-22)
22. Gabriel J. Chin, *The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965*, 75 N.C. L. Rev. 273, 279 (1996). [↑](#footnote-ref-23)
23. As the great historian Oscar Handlin explained, “By the end of the [nineteenth] century the pattern of racist practices and ideas seemed fully developed: the Orientals were to be totally excluded; the Negroes were to live in a segregated enclave; the Indians were to be confined to reservations as permanent wards of the nation . . .” Gabriel J. Chin & Daniel K. Tu, *Comprehensive Immigration Reform in the Jim Crow Era: Chinese Exclusion and the McCreary Act of 1893*, 23 Asian Am. L.J. 39, 41 (2016) (quoting Oscar Handlin, Race and Nationality in American Life 48 (1957)). Many believed the United States was intrinsically a white country, that is, that it should be run for the benefit of whites. Thus, U.S. Senator John Perceval Jones of Nevada argued in favor of the Chinese Exclusion Act:

    Does anybody pretend to tell me that it is a blessing to this country that [African Americans] are here? It is no fault of ours that they are here; it is no fault of theirs; it is the fault of a past generation; but their presence here is a great misfortune to us to-day, and the question of the adjustment of the relations between the two races socially and politically is no nearer a settlement now than it was the day Sumter was fired upon... [The Chinaman’s] race is socially more incongruous to ours and less capable of assimilation with us than is the negro race. . . What encouragement do we find in the history of our dealings with the negro race or in our dealings with the Indian race to induce us to permit another race-struggle in our midst?

    13 Cong. Rec. 1744-45 (1882). [↑](#footnote-ref-24)
24. Chin, *supra* note 20, at 281. [↑](#footnote-ref-25)
25. For example, the Supreme Court found discrimination against Chinese laundries in San Francisco in *Yick Wo v. Hopkins*, 118 U.S. 356 (1886). [↑](#footnote-ref-26)
26. Chin, *supra* note 20, at 281. [↑](#footnote-ref-27)
27. Reflecting the pan-Asian nature of the issue, in 1907 the Japanese and Korean Exclusion League renamed itself the Asiatic Exclusion League. *See* Proceedings of the Asiatic Exclusion League 11 (Dec. 1907). There was, of course, respectable scholarly support for racially selective immigration. *See, e.g.,* Thomas C. Leonard, *Eugenics and Economics in the Progressive Era*, 19 J. Econ. Perspectives 207, 210 (2005) (noting that Edward A. Ross believed that while inferior, “’Latins. Slavs, Asiatics and Hebrews’ were better adapted to the conditions of industrial capitalism and thus would outbreed the superior Anglo-Saxon race.”). [↑](#footnote-ref-28)
28. *See, e.g.*, *In re* Hong Yen Chang, 24 P. 156 (Cal. 1890) (denying admission to the California bar based on Chinese race), *abrogated by In re* Hong Yen Chang, 344 P.3d 288 (Cal. 2015). [↑](#footnote-ref-29)
29. *See, e.g.,* Erika Lee, *supra* note 2, at 76 (Chinese were “[s]hut out from other jobs because of racial discrimination.”); Priscilla Spires Wegars, *Chinese in Moscow, Idaho, 1883-1909*, 52 The Historian No. 1 82, 96-97 (Nov. 1989) (describing hotels and restaurants advertising white-only employees); Proceedings of the Asiatic Exclusion League 3 (June 1909) (reporting that some employers “have changed their Asiatic help for whites [as] soon as the latter was obtainable”); Nathaniel Hilger, Upward Mobility and Discrimination: The Case of Asian Americans 11 (NBER Working Paper 22748) (“Asians faced similar or greater historical discrimination than blacks in pre-war CA in citizenship and suffrage, due process, employment, labor unions, land ownership and leasing, housing markets, public education, and of course internment and expropriation during WWII”). [↑](#footnote-ref-30)
30. Erika Lee, *supra* note 2, at 76 (“By the early twentieth century, restaurants were a mainstay for many immigrant families, who opened up chop suey houses catering to non-Chinese clientele across the country. As Chinese moved across the United States, so did Chinese laundries and restaurants.”); Ronald Takaki, Strangers from a Different Shore: A History of Asian Americans 240 (1989) (“By 1920, 58 percent of the Chinese were in services, most of them in restaurant and laundry work . . . .”); Samantha Barbas, *“I’ll Take Chop Suey”: Restaurants as Agents of Culinary and Cultural Change*, 36 J. Popular Culture 669, 673-74 (2003) (noting that the Chinese “had been forced out of the general labor market by hostile labor unions, exclusionary legal policies, and racial discrimination, and segregated into an ethnic labor niche. The new work opportunities . . . centered primarily around service occupations, such as laundry and restaurant work, based in Chinatowns and catering to largely Chinese customers.); Siegen K. Chou, *America Through Chinese Eyes*, 24 Chinese Students Monthly 81, 83 (1928) (“Restaurant and laundry business is synonymous with the Chinese.”); Huping Ling, *Family and Marriage of Late-Nineteenth and Early-Twentieth Century Chinese Immigrant Women*, 19 J. Am. Ethnic Hist. 43, 47-48 (2000). [↑](#footnote-ref-31)
31. B.L. Sung, The Story of the Chinese in America 202-03 (1967); *see also* Annual Report of the Commissioner General of Immigration to the Secretary of Labor 403 (1920) (“The bureau, of course, is well aware of the fact that throughout this district as well as the whole country Chinese restaurant and similar enterprises are growing in number, size, and evident prosperity.”);28 Mixer & Server No. 8, Aug. 15, 1919 at 63 (stating that Chinese restaurants were “springing up like mushrooms”); Andrew P. Haley, *The Nation before Taste: The Challenges of American Culinary History*, 34 Pub. Hist. No. 2, 74 (Spring 2012) (describing growth of Chinese restaurants in various U.S. cities). [↑](#footnote-ref-32)
32. Haiming Loi, *Chop Suey as Imagined Authentic Chinese Food: The Culinary Identity of Chinese Restaurants in the United States*, 1 J. Transnat’l Am. Studs. 12 (2009); *see* Barbas, *supra* note 28, at 674-76;John Jung, Sweet and Sour: Life in Chinese Family Restaurants 43 (2010). [↑](#footnote-ref-33)
33. Barbas, *supra* note 28, at 674-76; Ivan Light, *From Vice District to Tourist Attraction: The Moral Career of American Chinatowns, 1880-1940*, 43 Pac. Hist. Rev. 367, 385 (1974); Takaki, *supra* note 28, at 79. [↑](#footnote-ref-34)
34. This of course was due to the exclusion policy. [↑](#footnote-ref-35)
35. *See* Light, *supra* note 31, at 385. [↑](#footnote-ref-36)
36. Allen Forman, *The Chinese in New York*, Salt Lake Evening Democrat, Apr. 9, 1887, at 3. [↑](#footnote-ref-37)
37. *Society Eats Dog Hash*, Bourbon News (Ky.), Oct. 13, 1905, at 3; *see also Cat Chop Suey*, The Caucasian (N.C.), Sept. 19, 1907, at 1 (reporting from Baton Rouge on Chicago’s Chinese restaurants). [↑](#footnote-ref-38)
38. Monroe City Democrat (Mo.), Oct. 18, 1906, at 3. [↑](#footnote-ref-39)
39. *A Sensation at Clifton: Former Bisbee Man Brings Story of Finding Child’s Arm in Chinese Restaurant—Officers Raided Place*, Bisbee Daily Rev., Sept. 12, 1913, at 1. This rumor turned out to be false. *Sensation was a Poor Canard: Clifton Story of Finding Arm Child in a Restaurant is denied by City Clerk—Says it was a Joke*, Bisbee Daily Rev., Sept. 20, 1913, at 2. [↑](#footnote-ref-40)
40. *Libel Charge Preferred Against Woman*, Weekly Journal-Miner (Ariz.), Oct. 27, 1909, at 5. [↑](#footnote-ref-41)
41. *Faction War Over Chink Trouble*, Bisbee Daily Rev., Oct. 8, 1909, at 8. [↑](#footnote-ref-42)
42. *Id.*  [↑](#footnote-ref-43)
43. *See Chopstick Dinners, A Fad With Would Be Bohemians*, Daily Boomerang (Wyo.), Mar. 3, 1901, at 4; *A Chinese Restaurant*, Rochester Dem. & Chron., July 23, 1904, at 6; *In Washington’s Chinatown*, Sunday Star (D.C.), Aug. 6, 1905, at 6 (“The local Chinatown is not a motley, ill-assorted colony of celestials like that in Mott street, New York, but an orderly and well-regulated community. Lawlessness and disorder by Chinamen are unknown quantities there, and the police therefore rarely, indeed, have occasion to invade its quaint precincts for the purpose of arresting some offender.”) [↑](#footnote-ref-44)
44. 12 Mixer & Server No. 4, Apr. 15, 1903, at 20. [↑](#footnote-ref-45)
45. Report of Proceedings of the Thirty-Fourth Annual Convention of the American Federation of Labor, Held at Philadelphia, Pennsylvania November 9 to 21, Inclusive 1914, at 45. [↑](#footnote-ref-46)
46. *See* 25 Mixer & Server No. 4, Apr. 15, 1916, at 2 (“The American Federation of Labor was one of the first great organizations to appreciate and recognize the havoc which had been wrought by the competition of Asiatics, and it required . . . them to go unqualifiedly on record for Asiatic exclusion. They have allowed no opportunity to escape, they have been advocating and still continue to advocate, the exclusion from America of all Asiatic workers, for such workers are a menace to any peoples with ideals such as have become a part of the life of Americans.”); Report of Proceedings of the Thirty-Eighth Annual Convention of the American Federation of Labor held at St. Paul, Minn. June 10-20, inclusive 1918 at 110-13. The Mixer and Server published many articles on the dangers of Asian immigration. *See, e.g.*, *Chinese and Japanese in the United States*, 24 Mixer & Server No. 8, Aug. 15, 1915 at 4; *America or Japan, Which Will Rule?*, 22 Mixer & Server No. 7, July 15, 1913, at 4; *Japan’s Social Evil*, 16 Mixer & Server No. 3, Mar. 15, 1907, at 19; *The Yellow Peril*, 15 Mixer & Server No. 1, Jan. 15, 1906, at 36, *The Chinese Must Not Come*, 14 Mixer & Server No. 11, Nov. 15, 1905, 9; *The Chink and the Jap*,14 Mixer & Server No. 7, July 15, 1905, at 3. [↑](#footnote-ref-47)
47. Thirty-Third Annual Convention, *supra* note 3, at 304-05 (resolving that “the provisions of the present Chinese exclusion law be so extended as to apply to all Asiatics.”); Report of Proceedings of the Thirty-First Annual Convention of the American Federation of Labor, Held at Atlanta, Georgia November 13 to 25, Inclusive 1911, at 306 (adopting resolution “[t]hat we reaffirm our previous declaration that the Chinese Exclusion Act should be made to apply to all races natives [sic] of Asia.”); 25 Mixer & Server No. 3, Mar. 15, 1916, at 29; Proceedings of the Fifteenth General Convention Hotel and Restaurant Employees’ International Alliance and Bartenders’ International League of America. Held at Minneapolis, Minn., U.S.A., May 10, 11, 12, 13, 14 and 15, 1909, 18 Mixer & Server, No. 6, June 15, 1909, 147; Proceedings of the Thirteenth General Convention Hotel and Restaurant Employees’ International Alliance and Bartenders’ International League of America. Held at Industrial hall, Kansas City, Mo., U.S.A., May 8, 9, 10, 11, 12 and 13, 1905, 14 Mixer & Server, No. 6, June 15, 1905, 94-95 (accepting resolution to extend terms of Chinese Exclusion Act to Japanese and Koreans). [↑](#footnote-ref-48)
48. 25 Mixer & Server No. 7, July 15, 1916, at 4. *See also, e.g.,* 13 Mixer & Server No. 5, (May 14, 1904, at 76 (“such dishes as chop suey can only be digested by those who are opposed to organized labor.”) [↑](#footnote-ref-49)
49. S. Doc. No. 57-137 (1902). [↑](#footnote-ref-50)
50. For example, in 1905, a Chinese cook in San Francisco earned from $25.00 to $35.00 monthly working fourteen to sixteen hours, seven days a week. White cooks worked “merely” ten to thirteen hours, six days per week, earning in a week what a Chinese cook earned in a month. A.E. Yoell, *Oriental v. American Labor*, 34 Ann. Am. Acad. Pol. & Soc. Sci. 250 (1909). Accordingly, the demands of the union in Jan Jose in 1905 included “a day of rest each week, the exclusion of Chinese labor and the recognition of the union.” 13 Mixer & Server No. 2, Feb. 15, 1903, 70. “The bulk of the cooks [in hotels and boarding houses] are Chinese, but the local is determined to drive them out.” *Id*. at 71. Jere L. Sullivan, *The Booster and the Knocker*, 19 Mixer & Server No. 3, Mar. 15, 1910, at 4 (“The BOOSTER patronizes the Cook with the White Button. The KNOCKER can be found that the Chinese Chili-Con-Carne dump.”) [↑](#footnote-ref-51)
51. *One of the Tendencies*, Daily Honolulu Press, Sept. 12, 1885, at 2. (“Ask the restaurant keeper and he will tell you ‘We cannot compete with the Chinese restaurants.’”). [↑](#footnote-ref-52)
52. *See* Sixteenth General Convention, *supra* note 45, at 94-95. *See also* Heather Ruth Lee*, supra* note 2, at 188 (citing Louis H. Chu, The Chinese Restaurants in New York City 43 (NYU M.A. Thesis 1939));Charlotte Garden & Nancy Leong, *“So Closely Intertwined”: Labor and Racial Solidarity*, 81 Geo. Wash. L. Rev. 1135 (2013) (discussing racial exclusion policies in unions). There were labor unions made up of Chinese, such as the Mon Sang Association in Chicago. *See* Susan Lee Moy, *Chinese in Chicago: The First One Hundred Years*, 398 *in* Ethnic Chicago: A Multicultural Portrait (Melvin H. Holli & Peter d’A. Jones eds., 4th ed. 1995). [↑](#footnote-ref-53)
53. 22 Mixer & Server No. 7, July 15, 1913, at 35 (noting that one negotiating term of union in Victoria B.C. as “a demand for white cooks, as this has been a strong Chinese cook city heretofore . . . So you see we are sending a few Chinks back, back, back to old China town; and that is not the finish.”); 18 Mixer & Server No. 5, May. 15, 1909, at 14 (“As a result of their activities there is not an Oriental working in any of the bars, restaurants, or lodging houses of the city, and the Jap in San Jose is practically being eliminated.”); *Exclusion that Excludes*, 14 Mixer & Server No. 11, Nov. 15, 1905, at 30 (noting that in Vallejo and Santa Rosa, waiters’ and bartenders’ unions “served ultimatums upon the employers of Asiatic labor in the saloons and restaurants that they must either employ none but white union labor or be placed on the unfair list.”); *Boycott Raised*, L.A. Herald, Feb. 16, 1903 (reporting that Asian cooks were barred from unionized hotels and restaurants in Sacramento). [↑](#footnote-ref-54)
54. *After the Chinese*, *supra* note 6, at 1; *accord* 31 Mixer & Server No. 11, Nov. 15, 1922, at 9 (noting declaration that “no member of our International Union be permitted to work with Asiatics”); Boyle, *supra* note 1; O.M. Boyle, *News of the Labor World*, S.F. Call, Feb. 28, 1907, at 9 (“All but one of the restaurants in Palo Alto employ Japanese or Chinese cooks and dishwashers. These eating houses have been notified by their union patrons that they will take no more meals at them unless white help is substituted for the Mongolians.”). [↑](#footnote-ref-55)
55. Proceedings of the Eighteenth General Convention Hotel and Restaurant Employees’ International Alliance and Bartenders’ International League of America. Held at San Francisco, Cal., U.S.A., June 14, 15, 16, 17, 18 and 19, 1915, 24 Mixer & Server No. 7, July 15, 1915, at 95. [↑](#footnote-ref-56)
56. *The Union Label: Why We Favor it and Why it is Opposed*, 16 The Tobacco Worker No. 11, 12 (Nov. 1912). *See* Justin Seubert, Inc., v. Reiff, 164 N.Y.S. 522, 523 (Sup. Ct. 1917) (noting that “[i]f the manufacturer deals in ‘Chinese, tenement house, or scab cigars,’ or if his name appears upon a box containing such cigars, the label may be refused, at the option of the local union.”). [↑](#footnote-ref-57)
57. *See generally* Jean Pfaelzer, Driven Out: The Forgotten War Against Chinese Americans 99 (2007); Harry W. Laidler, Boycotts and the Labor Struggle: Economic and Legal Aspects 75 (1913) (“The greatest success of any boycotts waged during [1883-85] was found in those conducted in the Western States against the Chinese. . . . These boycotts however often involved more than mere boycotting. They were race wars . In Portland Oregon . . . [t]he agitation led to the discharge of 400 Chinese in 40 firms. In Squeak Valley on Puget Sound seven or eight coolies were reported to have been killed. In Tacoma Washington more than 700 Chinese were escorted from the city by prominent citizens. In Idaho and Oregon the workers threatened to hang any coolie who came their way. None came. In Montana these Orientals were forced by the Knights of Labor to leave their localities. The success is therefore not to be wondered at.”). [↑](#footnote-ref-58)
58. *Driving out Celestials*, Salt Lake Trib., Aug. 20, 1893, at 2. [↑](#footnote-ref-59)
59. *Id. See also Anti-Chinese Agitation: Two Restaurant-Keepers Ordered to Leave Selma*, Sacramento Rec.-Union, Aug. 21, 1893, at 1. [↑](#footnote-ref-60)
60. *Ban on Yellow Men*, Salt Lake Trib., Feb. 2, 1902, at 7. [↑](#footnote-ref-61)
61. *Id*. [↑](#footnote-ref-62)
62. *Id.* [↑](#footnote-ref-63)
63. *Chinese Want Protection*, Spokane Daily Chron., Feb. 12, 1902, at 5. [↑](#footnote-ref-64)
64. Fourteenth Biennial Report of the Bureau of Labor Statistics of the State of Colorado 22 (1914). [↑](#footnote-ref-65)
65. Proceedings of the National Congress of the Socialist Party Held at Chicago, Illinois May 15-21, 1910, at 96. Another example of the connection between restaurant competition and immigration policy occurred at the 1909 convention of the California Federation of Labor. At the same meeting where they resolved “that the terms of the Chinese Exclusion Act should be enlarged and extended so as to permanently exclude from the United States and its insular territory all races native of Asia other than those exempted by the present terms of that Act,” they cataloged the forms of competition by Asian workers, noting, among other occupations, that “Cooks have a problem to look after in these dear Jap boys and sly Chinese,” and that “[t]here are about twenty Chinese restaurants in San Francisco, employing about 180 Chinese, and seventy Jap restaurants with about 300 employes.” Proceedings, Tenth Annual Convention, California State Federation of Labor 8, 14 (1909). [↑](#footnote-ref-66)
66. Thirty-Fourth Annual Convention, *supra* note 43, at 294. [↑](#footnote-ref-67)
67. *Id*. at 469. [↑](#footnote-ref-68)
68. Eighteenth General Convention, *supra* note 53, at 155-56. [↑](#footnote-ref-69)
69. One delegate argued: “organize the Asiatics, put them into unions and you will have a chance to determine the question of wages, hours and conditions, otherwise the problem will be with you indefinitely and as difficult to solve as it seems to be now.” *Id*. at 155-56. *See also id.* (“We must either . . . drive them out of business or we must accept them as members. The Chinese waiters and cooks of New York City, I understand, a short time ago were on strike for the 12-hour work day for six days a week, . . . so it seems, no matter what creed or color the working men or women are, they are up against the same problems.”). [↑](#footnote-ref-70)
70. *Id.* at 155-56. *See also, e.g.,* Eileen V. Wallis, Earning Power: Women and Work in Los Angeles 1880-1930 75 (2010) (noting that Waitresses Union Local No. 98 “made discrimination against Asians a key part of its activities” and endorsed a boycott of Japanese restaurants); *Thoroughly Rout Typo Insurgents*, L.A. Herald, Aug. 17, 1911 (reporting that “[a] resolution was adopted . . . that all members of the union should refuse to patronize Chinese laundries, restaurants and other establishments.”); 25 Mixer & Server, No. 3, Mar. 15, 1916, at 28, 29 (reprinting resolution that “the California Federation of Labor again records itself as opposed to the patronizing or employing of Asiatics in any manner; and in favor of an extension of the Chinese Exclusion law so as to bar all Asiatics.”) [↑](#footnote-ref-71)
71. There was also at least one major boycott targeting Japanese restaurants. *See Japanese in the City of San Francisco, Cal.: Message from the President of the United States Transmitting the Final Report of Secretary Metcalf on the Situation Affecting the Japanese in the City of San Francisco Cal.*, S. Doc. No. 59-147, at 7 (Dec. 16, 1906) (noting that “[a] boycott was maintained in San Francisco from October 3 to October 24 by members of the Cooks and Waiters’ Union against Japanese restaurants.”) However, it was part of a larger effort; according to the report, the Japanese and Korean Exclusion League had requested “all affiliated unions to enforce the penalties imposed by their laws for patronizing Japanese or Chinese.” *Id*. at 8. [↑](#footnote-ref-72)
72. 25 Mixer & Server No. 6, June 15, 1916, at 56 (noting “the blighting effect of low wages and the rapid decaying process which sets in on the vitals of a community wherever the Oriental hand of avariciousness and cheap living gets its grip.”) [↑](#footnote-ref-73)
73. *Boycott Them*, Daily Tombstone, Mar. 15, 1886, at 3 (“There are today three Chinese restaurants in Willcox, all doing good business, while the two hotels in our town, conducted by ladies of our own race and color, are driven to the wall. Close the Chinese restaurants and our hotels would at once do a better business and could afford a better service.”) [↑](#footnote-ref-74)
74. *Special Message on Jap Question*, Santa Fe N.M., Dec. 18,1906, at 1 (reporting that “The unions of San Francisco from October 3 to October 24, maintained a boycott against Chinese restaurants in San Francisco, showing the feeling of the working class”). [↑](#footnote-ref-75)
75. 20 Mixer & Server No. 11, Nov. 15, 1911 at 22. *See also Refuse to Make Arrests*, Bos. Daily Globe, Nov. 22, 1911, at 10. Circulars were also sent out to “each and every member or organized labor” asking them to avoid patronizing the restaurants. 20 Mixer & Server No. 12, Dec. 15, 1911 at 16-17; 21 Mixer & Server No. 1, Jan. 15, 1912, at 17. *See also Labor Declares War on Chinese Restaurants*, Wash. Times, Feb, 17, 1913, at 7. [↑](#footnote-ref-76)
76. Sherri Gebert Fuller, Chinese in Minnesota 19 (2004). [↑](#footnote-ref-77)
77. *Boycott Against Chinese Stopped*, Indianapolis J., Apr. 22, 1902, at 4. *See also* *Organized Labor is Enjoined by Court*, Lab. World, Dec. 26, 1903, at 1; *More Pickets Enjoined: Wong Chong Gets an Order*, Minneapolis J., Apr. 19, 1902, at 6; *Threatens to Sue: Ye Sing may Fight Boycott in the Courts*, Minneapolis J., Mar. 24, 1902, at 7. [↑](#footnote-ref-78)
78. *Waiters form Union*, Billings Gazette (Mont.), Feb. 22, 1907, at 7 (“[I]t is understood that the main object of the association will be to do all in their power to discontinue the Chinese restaurants throughout the city”); *After the Chinese, supra* note 1, at 3; *Local Comment*, The New North-West (Mont.), Apr. 30, 1892, at 5 (“The two remaining Chinese restaurants have at last been frozen out of Deer Lodge”). *See generally* Stacy A. Flaherty, *Boycott in Butte: Organized Labor and the Chinese Community, 1896-1897*, 37 Montana: The Magazine of W. Hist. No. 1 34 (Winter 1987);Larry D. Quinn, *“Chink Chink Chinaman”: The Beginning of Nativism in Montana*, 58 Pac. Nw. Q. No. 2, 82-87 (Apr. 1967). [↑](#footnote-ref-79)
79. *Card to the Public*, *supra* note 4, at 6 (ad from union encouraging readers “to cease their patronage of Chinese restaurants, laundrys, and all places where Chinese labor is employed, thus giving our own race a chance to live.”). [↑](#footnote-ref-80)
80. Park v. Hotel & Rest. Emp. Int’l Alliance, (Locals Nos. 106, 107, 108, 167), 30 Ohio Dec. 64, 66 (Ct. Com. Pleas 1919). [↑](#footnote-ref-81)
81. 23 Mixer & Server No. 7, July 15, 1914, at 71-72; 22 Mixer & Server No. 12, Dec. 15, 1913, at 49. [↑](#footnote-ref-82)
82. 12 Mixer & Server No. 4, Apr. 15, 1903, at 20 (promising “a hot chase after the scalp of Chinks and Japs”). [↑](#footnote-ref-83)
83. 25 Mixer & Server No. 5, May 15, 1916, at 23. [↑](#footnote-ref-84)
84. *See* Chen, *supra* note 2, at 127-29 (discussing affordability and generous portions of Chinese restaurant meals); Liu, *supra* note 2, at 53 (“Chop suey’s marketability was due to its modest price”); *Chinese Restaurant Now Night Club ‘Yellow Peril*,*’* Brook. Daily Eagle, Oct. 31, 1928, at 1, 3 (noting “ridiculously” low prices); 25 Mixer & Server No. 5, May 15, 1916, at 23; *Oppose the Chinese: Asiatic Immigration League Members Give Views*, Wash. Evening Star, Aug. 21, 1908 at 4 (noting that advocate of immigration restriction “stated that Chinese prices in America are too low for competition by Americans.”); *Salt Lake City and Neighborhood*, Intermountain Cath. (Utah), Mar. 26, 1904, at 8 (noting that Chinese restaurants “are more cheaply conducted than others”). [↑](#footnote-ref-85)
85. 25 Mixer & Server No. 7, July 15, 1916, at 4; *see also* 22 Mixer & Server No. 8, Aug. 15, 1913, at 23 (noting that workers in Salt Lake City patronized Chinese restaurants). [↑](#footnote-ref-86)
86. *No Love for the Heathen*, Sacramento Daily Union, Jan. 29, 1892, at 1 (noting that Butte, Montana unions fined any member “who patronizes Chinese restaurants, laundries, stores, or any establishment where Chinese help is employed.”). *See also, e.g.,* 26 Mixer & Server No. 5, May 15, 1917 at 23 ($15 fine); 23 Mixer & Server No. 7, July 15, 1914, at 38 ($5 dollar fine); 21 Mixer & Server No. 1, Jan. 15, 1912, at 17 ($2-10 fine). [↑](#footnote-ref-87)
87. 17 Mixer & Server No. 4, Apr. 15, 1908, at 19. *See also* 17 Mixer & Server No. 1, Jan. 15, 1908, at 23 (reporting that In Vallejo, California, while fines were imposed “the movement is none too strong, and it is going to be a pretty hard problem to enforce.”). [↑](#footnote-ref-88)
88. *See generally* J.W.O., *The Boycott as a Weapon in Industrial Disputes*, 116 A.L.R. 484 (originally published in 1938) (discussing permissible and impermissible types and methods of boycotts). [↑](#footnote-ref-89)
89. 28 Mixer & Server No. 8, Aug. 15, 1919, at 63. [↑](#footnote-ref-90)
90. *Id*. [↑](#footnote-ref-91)
91. Park v. Hotel & Rest. Emp. Int’l Alliance (Locals Nos. 106, 107, 108, 167), 30 Ohio Dec. 64, 66 (Ct. Com. Pleas 1919). [↑](#footnote-ref-92)
92. *Id.* at 67-68. [↑](#footnote-ref-93)
93. *Id.* at 97. [↑](#footnote-ref-94)
94. *Id.* at 70-71. While Chinese were wholly excluded, the court noted that African Americans could join segregated locals: “In other words, while the colored brother may belong to the same church, he is not permitted to worship in the same pew.” *Id*. [↑](#footnote-ref-95)
95. *Id.* at 70-71. *See also id*. at 86 (“In the instant case, or the case now at bar, it is admitted freely and candidly that the purpose is to drive the Peacock Inn restaurant out of business”). *See also* 28 Mixer & Server No. 8, Aug. 15, 1919, at 63; 13 Mixer & Server No. 1, Jan. 15, 1904, at 62 (“A problem that is to confront the labor organizations of this country is the question of how to prevent the employment of Chinese cooks in the hotels and restaurants of the country.”). [↑](#footnote-ref-96)
96. *Court Order is Sweeping*, Lab. World., Dec. 26, 1903, at 1. [↑](#footnote-ref-97)
97. 30 Ohio Dec. at 71–72. [↑](#footnote-ref-98)
98. *See generally* Barbra Berglund, *Chinatown’s Tourist Terrain: Representation and Racialization in Nineteenth-Century San Francisco*, 46 Am. Studs. No. 2 5 (Summer 2005). [↑](#footnote-ref-99)
99. *See* Chen, *supra* note 2, at 105-07; William McAdoo, Guarding the Great City 171 (1906); Barbas, *supra* note 28, at 671-73 (stating that “slummers” visited San Francisco and New York Chinatown as early the 1870’s); Haley, *supra* note 29, at 73-74; Light, *supra* note 31, at 383; John Jung, *The Sour Side of Chinese Restaurants*, XXIX Chinese Am. F. (1) 18 n.5 (July 2013);Jung, *supra* note 30, at 39; *Barred from Chinatown*, N.Y. Trib., Oct. 25, 1910, at 7 (stating that the “rubber neck” men who come to visit Chinatown were barred by police); *Elsie Sigel’s Death Warning Against Fatal Lure of Chinese*, Spokane Press, June 26, 1909, at 6; *Opposes “Slumming”*, Wash. Post, Nov. 1, 1910, at 16. *See* *generally* *Claws of the Dragon Losing Grip on New York’s Famous Chinatown*, The Sun (N.Y.), June 15, 1913, at 3 (discussing New York’s Chinatown no longer presenting the spectacles it once had). [↑](#footnote-ref-100)
100. *Through the Slums: Lady Henry Somerset Visits the Dens of New York*, Chi. Daily Trib., Nov. 29, 1891, at 2. [↑](#footnote-ref-101)
101. *Id.* [↑](#footnote-ref-102)
102. *See* I.L. Nascher, The Wretches of Povertyville 134 (1909); Light, *supra* note 31, at 390; *see* *also* *The social, moral, and political effect of Chinese Immigration: Testimony taken before a committee of the Senate of the State of California* 151 (Apr. 3, 1876) (statement of JamesR. Rogers, San Francisco Chief of Police). [↑](#footnote-ref-103)
103. *See* *Citizens May Take the Law Into Their Own Hands*, S.F. Call, Dec. 27, 1899, at 1; *Conceal Opium in Chop Suey Bowls*, Weekly J.-Miner (Ariz.), Mar. 4, 1914, at 4; *Girls Frequent Opium Den*, L.A. Times, Nov. 23, 1908, at I4; *Mrs. Gooey Says White Girls Frequent Local Opium Dens*, E. Oregonian, Nov. 8, 1909, at 1. [↑](#footnote-ref-104)
104. *See Rescued from Opium Den*, Daily Ardmoreite (Okla.), Nov. 26, 1908, at 2; *accord Backroom of Saloon Takes Toll of Girls*, The Star, Apr. 3, 1914, at 2; *Even Doctors Are Victims*, Bos. Daily Globe, Mar. 6, 1911, at 8 (stating that “numbers of Boston young women who patronize Chinese restaurants because of a taste for chop suey . . . [became] confirmed opium smokers” in the “Chinese dives” on Harrison Avenue.); *White Girl Is Held Captive*, Bos. Daily Globe, Sep. 7, 1909, at 14. [↑](#footnote-ref-105)
105. *See, e.g.*, *Rescued from Opium Den*, *supra* note 102, at 2. [↑](#footnote-ref-106)
106. *Importation and Use of Opium: Hearing on H.R. 25240, H.R. 25241, H.R. 25242, and H.R. 28971 Before the H. Comm. on Ways and Means*, 61st Cong. 3d Sess. 71 (1911). [↑](#footnote-ref-107)
107. Marvin Lachman, The Villainous Stage: Crime Plays on Broadway and in the West End 155 (2014). [↑](#footnote-ref-108)
108. Dalles Daily Chron. (Or.), Oct. 6, 1900, at 4. [↑](#footnote-ref-109)
109. Judy M. Tachibana, *Outwitting the Whites: One Image of the Chinese in California Fiction and Poetry, 1849-1924*, 61 S. Cal. Q. No. 4, 379, 385 (Winter 1979). [↑](#footnote-ref-110)
110. Daniel Czitrom, *The Politics of Performance: From Theater Licensing to Movie Censorship in Turn-of-the-Century New York*, 44 Am. Q. 525, 541 (1992) (describing films depicting Chinatown, such as *Lifting the Lid* (Biograph 1905), and *The Deceived Slumming Party* (Biograph 1908)). [↑](#footnote-ref-111)
111. John X. Christ, *A Short Guide to the Art of Dining, Slumming, Touring, Wildlife, and Women for Hire in New York's Chinatown and Chinese Restaurants*, 26 Oxford Art J. 73 (2003). [↑](#footnote-ref-112)
112. *See* Light, *supra* note 31, at 368; *see also Girls Drink Beer At All Hours in Chop Suey Houses*, Chi. Daily Trib., May 16, 1914, at 1 (discussing a 1914 investigation of 26 Chinese restaurants in Chicago); *Girl Exposes Opium Den*, Indiana Star, Feb. 22, 1910, at 5; *Barred from Chinatown*, *supra* note 97, at 7; *Assails Board*, Bos. Daily Globe, Feb. 1, 1901, at 6 (“They have suffered to exist for a long time Chinese resorts [sic], frequented by both sexes, where the scenes of the most revolting character are nightly enacted under the eye of the police, with no effort on the part of the board to stop this evil.”) (quoting statements before the Massachusetts Legislature); *The Chinese Restaurants*, Bos. Daily Advertiser, Aug. 12, 1899, at 4; *Sunday Vice in Chinatown*, N.Y. Herald, Jan. 14, 1895, at 3. *But see* *Reform Chinatown Here; No Fights, No Opium Now; All Games Are Innocent*, Wash. Post, Mar. 25, 1917, at 2 (describing the Chinatown of the past while commenting on its recent reform). [↑](#footnote-ref-113)
113. *See To Make War on Restaurants Drinks*, El Paso Herald, Oct. 5, 1913, at B4; *see, e.g.*, *Chop Suey Dealer Is Fined*, Omaha Sun. Bee, Oct. 16, 1910, at F8 (reporting fine for selling liquor after 8 o’clock); *Three Killed and Nine Wounded in Political Riots at Rock Island*, El Paso Herald, Mar. 27, 1912, at 5 (“The whole trouble from its inception may be traced to the fact that I favored the law against disorderly saloons and chop suey joints.”). [↑](#footnote-ref-114)
114. Chen, *supra* note 2, at 107 (“The ambiance was not the only reason that attracted [African Americans] to the Chinese restaurant; it was one of the few public places that welcomed them.”). As one newspaper reported: “Whites, blacks, and Mongolians mingled without sign of prejudice.” *Two Mott Street Restaurants: Open All Night—Free Tea and Mixed Company*, N.Y. Sun, Feb. 28, 1892, at 21. *See also* *In Washington’s Chinatown*, *supra* note 41, at 6 (“Another of the original chop suey and yet quo mein restaurants in Chinatown is familiarly known as Moy’s. . . . These resorts a do rushing business after the bells have tolled the midnight hour, and often a motley array of customers are to be found in them while the city sleeps — men, women and boys, black, white and yellow and all shades of morality, some drunk, some sober and others who eat great quantities of yet quo mein in their efforts to get sober, as the dish is said to have quite a sobering effect on the whiskey-soaked rounder of the night.”). [↑](#footnote-ref-115)
115. *See* Berglund, *supra* note 96, at 17 (“In the tourist literature, Chinese restaurants, for example, were portrayed as violating norms of public health as well as various food taboos.”); Light, *supra* note 31, at 383; *Police Capture 178 In Chop Suey Raids*, N.Y. Times, Apr. 15, 1918, at 8 (quoting an assistant district attorney as stating “there are many persons left in this city who believe that the Sabbath should be observed. Chop suey restaurants at 2 o’clock or later in the morning are not fit places for young girls 16 or 17 and there were several of this age detained”); *300 Arrested as N.Y. Police Raid 30 Joints*, Wash. Herald, Apr. 15, 1918, at 8 (“Many young girls evidently not out of their teens were found in the raid. In most of these cases as soon as the police entered the man escorts of the girls deserted them.”); 26 Mixer & Server No. 5, May 15, 1917, at 23 (noting “the demoralizing effect the behavior permitted in those places is liable to have on the community.”); 24 Mixer & Server No. 4, Apr. 15, 1915 at 29-30 (noting that sponsor of anti-Chinese restaurant measure reported that ‘I have been called upon to attend many young girls who have become addicted to the use of drugs. Questioning disclosed the fact that the ‘habit’ had been contracted in so-called Chinese restaurants, operating in this state.’ He also stated that he believed ‘The moral features of the bill should receive the support of each and every person interested in safeguarding young womanhood’); *see also* 24 Mixer & Server No. 3, Mar. 15, 1915 at 32 (stating “this bill, if enacted into law, will go a long way towards decreasing the popularity of the Chinese restaurants in the State”). [↑](#footnote-ref-116)
116. *Children’s Society*, Sacramento Daily Union, May 9, 1899, at 4. [↑](#footnote-ref-117)
117. *Chinese Restaurants*, *supra* note 5, at 2. [↑](#footnote-ref-118)
118. 18 Mixer & Server No. 8, Aug. 15, 1909, at 42 (As far as the restaurants in Duluth are concerned, conditions are deplorable. I find more Chinese running restaurants in this city and white women working for them than I ever seen in all my career”); Chinese restaurants reportedly employed children. *See* Minutes of the Newark Conference of the Methodist Episcopal Church 65 (1911); *Report from the Child Labor Committee*, 169 *in* Proceedings of the Annual Meeting of the National Child Labor Committee (1911) (stating that Chinese restaurants sometimes used children as “night messengers” for immoral purposes); *Redskins Hot After Scalp*, L.A. Times, July 9, 1903, at 13 (stating that “in many instances [Chinese restaurants] employed as waiters on table, Indian boys”). [↑](#footnote-ref-119)
119. *After the Chinese*, *supra* note 6, at 1. [↑](#footnote-ref-120)
120. *Id*. [↑](#footnote-ref-121)
121. *Chinese Dens of Iniquity That Are Well Protected by the Authorities*, Bridgeport Herald (Conn.), Aug. 28, 1904, at 11. [↑](#footnote-ref-122)
122. *Suey ‘Joints’ Dens of Vice*, Chi. Trib., Mar. 28, 1910, at 2. [↑](#footnote-ref-123)
123. “Chinese men were thought to lust after White women, ‘seeking to assuage their perilous hunger by luring these women behind the partitions of their laundries or restaurants into their private lairs, then seducing them with wine and opium so that they could have sexual relations with them.’” Sandra Ka Hon Chu, *Reparation as Narrative Resistance: Displacing Orientalism and Recoding Harm for Chinese Women of the Exclusion Era*, 18 Can. J. Women & L. 387, 394 (2006) (quoting Tania Das Gupta, *Families of Native People, Immigrants, and People of Colour* 146 at 153, *in* Canadian Families: Diversity, Conflict and Change (N. Mandell & A. Duffy, eds., 2000)). [↑](#footnote-ref-124)
124. *See* Sucheng Chan, Entry Denied: Exclusion and the Chinese Community in America 95-146 1882-1943 95 (1991); McAdoo, *supra* note 97, at 171. [↑](#footnote-ref-125)
125. *See* Light, *supra* note 31, at 375; *see also* Takaki, *supra* note 28, at 239. [↑](#footnote-ref-126)
126. The House of Representatives of Massachusetts, Report for the Investigation of the White Slave Traffic 16 (1914) (“Certain White Prostitutes solicit exclusively in Chinese Restaurants, and cater only to Chinese patrons.”); Light, *supra* note 31, at 370. [↑](#footnote-ref-127)
127. “Chinese-Irish marriages were sufficiently noticeable in New York City to merit regular comment in the city’s newspapers.” John Kuo Wei Tchen, *Quimbo Appo’s Fear of Fenians: Chinese-Irish-Anglo Relations in New York City* 129 *in* The New York Irish (Ronald H. Bayor & Timothy J. Meagher eds. 1996). [↑](#footnote-ref-128)
128. *See* Jung, *The Sour Side of Chinese Restaurants*, *supra* note 97, at 18 n.12; Huping Ling, *“Hop Alley”: Myth and Reality in the St. Louis Chinatown*, 28 J. Urban Hist. 184, 209 (2002) (noting “nationwide antagonism against the interracial sexual relationships between European Americans and Chinese”); *Calls Police an Abomination . . . White Wife Excites Policeman’s Suspicions*, Or. Daily J., Apr. 18, 1906, at 10; *Committee Kills Bills Presented on Miscegenation: Detroit Negroes Elated over Failure of House to Get Vote*, The Broad Ax (Utah), Mar. 22, 1913, at 2 (“Agitation which resulted in the determination to press the inter-racial marriage prohibition [in Michigan] began immediately after the Jack Johnson-Lucile Cameraon union, and received a local impetus when a Chinese restaurant keeper married a White girl.”); *see also Another ‘Friend’ of Hing To Be Deported*, Ariz. Republican, Oct. 2, 1909, at 3; *Believe Admirer of White Wife May Have Slain Chinamen*, Pittsburg Press, Aug. 4, 1913, at 1 (“[W]ealthy Chinese restaurant man found hacked to death in his bed yesterday, was the victim of a disappointed sweetheart of his young white wife . . . . [They met when she] was working [as a mission worker] in the Chinese section when Elsie Sigel was murdered in New York.”); *Detroit Chinaman and White Girl to Marry*, Detroit Free Press, Mar. 27, 1907, at 8 (“Charlie Jinwing, First Celestial to Sell Chop Suey Here, Inaugurates Another Innovation by Securing License to Wed Miss Evelyn G, Clark.”); *Finds Wife a Chinaman’s Bride; Charges Bigamy*, St. Louis Post, June 7, 1907, at 4 (“When told that . . . her daughter married a Chinaman, Mrs. McGraw fell back in her chair with a Groan.”); *In Washington’s Chinatown*, *supra* note 41, at 6 (“This celestial is not the only citizen of Chinatown who married a white wife. Several others have taken unto themselves Caucasian brides, and have half-breed children. . . . Most of these white wives are said to follow their husband’s example and become hitters of the opium pipe.”) [↑](#footnote-ref-129)
129. *St. Louis Police Will Regulate Chinese Resorts*, St. Louis Post, June 21, 1909, at 3. [↑](#footnote-ref-130)
130. The House of Representatives of Massachusetts, Report for the Investigation of the White Slave Traffic 16 (1914). [↑](#footnote-ref-131)
131. *Fatal Lure of Chinese*, *supra* note 97, at 6. [↑](#footnote-ref-132)
132. McAdoo, *supra* note 97, at 171. [↑](#footnote-ref-133)
133. *Free Labor Bureau Helps Young Girls*, Lab. World, Mar. 9, 1912, at 1, 3.But sexual immorality was not limited to Chinese men. The 1914 Wisconsin Vice Committee reported that “couples who are desirous of indulging in immoral practices [enter Chinese restaurants because] they serve as convenient meeting places for who are yet ashamed to enter wine rooms and saloons. . . .  The appearance of innocence . . . lead[s] inexperienced young people to enter . . . meeting [them] with the strongest sexual temptations.” State of Wisconsin, Report and Recommendation of the Wisconsin Legislative Committee to Investigate the White Slave Traffic and Kindred Subjects 57 (1914). [↑](#footnote-ref-134)
134. *See* Mary Ting Yi Lui, The Chinatown Trunk Mystery, Murder, Miscegenation, and Other Dangerous Encounters in Turn-of-the-Century New York City 111-43 (2005). [↑](#footnote-ref-135)
135. *Fatal Lure of Chinese*, *supra* note 97 at 1, 6 (“The police say the Chinamen go to Sunday school only to learn English and to associate with well bred white girls. . . The high caste Chinamen flock to the Sunday school that has the prettiest teacher.”). Lui, *supra* note 132, at 42-44; Nascher, *supra* note 100 at 134 [↑](#footnote-ref-136)
136. *Chinese Resorts*, *supra* note 127, at 3. [↑](#footnote-ref-137)
137. *Follow Trail Set By The Black Book*, Wash. Times, Sept. 8, 1913, at 2. [↑](#footnote-ref-138)
138. *Fatal Lure of Chinese*, *supra* note 97, at 6. [↑](#footnote-ref-139)
139. Lawrence Burt, *Woman’s Love of the Exotic*, Munsey’s Mag., Sept. 1909 at 831-32, *available at* http://www.unz.org/Pub/Munseys-1909sep-00831. [↑](#footnote-ref-140)
140. *See* Nascher, *supra* note 100, at 134. [↑](#footnote-ref-141)
141. David F. Musto, The American Disease: Origins of Narcotic Control 3 (3d ed. 1999) (“Opiates and cocaine became popular—if unrecognized—items in the everyday life of Americans”). [↑](#footnote-ref-142)
142. *See* Cheryl L.Chambers, Drug Laws and Institutional Racism; The Story Told By the Congressional Record (2011); *see, e.g.*, *Dreamers Who Hit the Pipe*, Wash. Post, Mar. 7, 1909, at M1; *Fight on Opium Led by America*, Chi. Daily Trib., Apr. 19, 1909, at 1; *Opium Barred After April 1*, N.Y. Times, Mar. 28, 1909, at 3; *Opium Barred by New Statute*, S.F. Chron., Mar. 28, 1909, at 39; *Opium Barred Except for Medical Use*, L.A. Times, Mar. 28, 1909, at I2; *Opium Riots Spread*, L.A. Times, Dec. 29, 1908, at I1; *Sent Trouble Over Opium Law*, S.F. Chron., Mar. 21, 1909, at 21; *State Officers are After Opium*, S.F. Chron., Apr. 24, 1909, at 7; *Riot Against Opium Edict*, Wash. Post, Dec. 28, 1908, at 4. [↑](#footnote-ref-143)
143. *See generally* Lui, *supra* note 132; *see, e.g.*, *Chinese Resorts*, *supra* note 127, at 3 (asking the chief of police what he would do in light of their “attention [being] called to the Chinese problem in American cities by the murder of Elsie Sigel”). [↑](#footnote-ref-144)
144. *See generally* Lui, *supra* note 132. [↑](#footnote-ref-145)
145. *See e.g.*, *Fatal Lure of Chinese*, *supra* note 97, at 1, 6; *Girl Found Murdered in Chinatown’s Room a Sigel*, Wyo. Semi-Weekly Trib., June 6, 1909, at 1. [↑](#footnote-ref-146)
146. *Was Strangled By Her Chinese Lover*, S.F. Chron., June 19, 1909, at 1. [↑](#footnote-ref-147)
147. *See Girl Found Murdered*, *supra* note 143, at 1; *Fatal Lure of Chinese*, *supra* note 97, at 1, 6. [↑](#footnote-ref-148)
148. Guernsey Gazette (Wyo.), Oct. 22, 1909, [no reported page]. [↑](#footnote-ref-149)
149. Sunday Oregonian, July 18, 1909, at 2; *see also Chop Suey Profits Lessen*, Logansport Pharos Trib. (Ind.), Aug. 23, 1909. [↑](#footnote-ref-150)
150. *See* Lui, *supra* note 132, at 12-16; *see* *also Thinks Elsie Sigel To Blame*, Wyo. Stockgrower & Farmer, July 7, 1909, at 4 (“It is a mistake to send attractive young women down to the slums to teach these classes in mission schools.”). [↑](#footnote-ref-151)
151. *These are Hard Days for Chinese*, Bridgeport Evening Farmer (Conn.), June 22, 1909, at 1. [↑](#footnote-ref-152)
152. *Alleged Opium Chief Held*, Wash. Post, Jan. 31, 1911, at 3; *Hold Chinaman as Head of Opium Ring*, N.Y. Times, Jan. 31, 1911 at 1. *See also, e.g., Elsie Siegel Case is Recalled: Murder of girl by Chinaman brought to Mind by Chink’s Arrest*, Daily Missoulian, Sept. 3, 1911, at 7 (reporting, after immigration arrest, that “[a]lthough the authorities declined to explain what connection, it any, the arrest had with the Siegel case, it was reported today that the police had found an important clue.”). [↑](#footnote-ref-153)
153. *Alleged Opium Chief Held*, Wash. Post, Jan. 31, 1911, at 3. [↑](#footnote-ref-154)
154. *Protection of Young Women Urged by Research Workers*, S.F. Chron., Oct. 23, 1916, at 3. [↑](#footnote-ref-155)
155. *Follow Trail Set By The Black Book*, Wash. Times, Sept. 8, 1913, at 2. [↑](#footnote-ref-156)
156. Constance Backhouse, *The White Women’s Labor Laws: Anti-Chinese Racism in Early Twentieth-Century Canada*, 14 L. & Hist. Rev. 315, 326-30 (1996). The Supreme Court of Canada upheld the law. Quong Wing v. The King, 49 S.C.R. 440 (1914). *See also* Paul Yee, Saltwater City: An Illustrated History of Story of the Chinese in Vancouver 102 (Rev. ed. 2006) (“The Women and Girls Protection Act of 1924 allowed the police chief to force employers to discharge white females from work that damaged their moral fibre, and in the fall of 1935, three Chinatown café owners were ordered to fire their white waitresses.”) [↑](#footnote-ref-157)
157. Thirty-Third Annual Convention, *supra* note 3, at 370; *see also* Thirty-Fourth Annual Convention, *supra* note 43, at 90 (noting that “[t]his question is one that should be considered by state legislatures and city councils, where organizations in the pacific and intermountain states are doing their utmost to carry out the purposes contained in this resolution.”); *Resolutions Acted on by Convention at Fairbault*, Lab. World (Minn.), July 28, 1917, at 2 (noting recent AFL resolution “that the executive council of the Federation be instructed to work out some plan that will prevent the employment of white women in ‘chop suey’ or ‘noodle’ houses.”). [↑](#footnote-ref-158)
158. As Professor Mae Quinn noted, “[a]nxiety about the changing role of women led to new forms of regulation of their conduct.” Mae C. Quinn, *From Turkey Trot to Twitter: Policing Puberty, Purity, and Sex-Positivity*, 38 N.Y.U. Rev. L. & Soc. Change 51 (2014). [↑](#footnote-ref-159)
159. *Rich: Why Try to be Popular*, Ariz. Republican, Mar. 25, 1916, at 8. [↑](#footnote-ref-160)
160. *Mrs. Masters Is Fighting the Chinese Restaurants*, Pittsburgh Press, Sept. 12, 1910, at 1. [↑](#footnote-ref-161)
161. *Id.* at 2; *Chinese Will Not Obey Restaurant Ordinance*, Pittsburgh Press, Nov. 30, 1910, at 9. [↑](#footnote-ref-162)
162. 43 Minutes and Proceedings of the Council of the City of Pittsburgh at 221, 323, 989 (1910); *Chop Suey Ordinance Passed*, Gazette Times, Dec. 28, 1910, at 1. [↑](#footnote-ref-163)
163. Minutes and Proceedings, *supra* note 160, at 343. [↑](#footnote-ref-164)
164. *Id*. at 343-44. *See also* *Mayor Magee Gives Advice to Councils*, Gazette Times, Jan. 10, 1911, at 2. [↑](#footnote-ref-165)
165. *Yellow Peril Bill in Bay State*, The Telegraph, Mar. 22, 1910, at 3. [↑](#footnote-ref-166)
166. *See* Journal of the House of Representatives of Massachusetts 224 (1910) (showing a bill introduced by Mr. Donovan on January 27, 1910); *City Solicitor Appeared At Hearing In Boston Today*, Lowell Sun, Feb. 25, 1910, at 13. [↑](#footnote-ref-167)
167. *Dr. Eliot Opposes Actors*, N.Y. Times, Feb. 26, 1910, at 8. [↑](#footnote-ref-168)
168. *No Exception Made*, Bos. Daily Globe, Feb. 28, 1910, at 8. [↑](#footnote-ref-169)
169. Journal of the House of Representatives of Massachusetts 687-88 (1910); *House Adopts Donovan Bill*, Bos. Daily Globe, Mar. 22, 1910, at 7. [↑](#footnote-ref-170)
170. Journal of the House of Representatives of Massachusetts 838-39 (1910). [↑](#footnote-ref-171)
171. *Opinion of April 11, 1910*, in The Commonwealth of Massachusetts,Report of the Attorney General for the Year Ending January 18, 1911, at 18. [↑](#footnote-ref-172)
172. Journal of the House of Representatives of Massachusetts 1015 (1910); *Donovan Bill Killed*, Bos. Daily Globe, Apr. 23, 1910, at 8. [↑](#footnote-ref-173)
173. Bos. Daily Globe, Jan. 15, 1911, at 51. [↑](#footnote-ref-174)
174. Journal of the House of Representatives of Massachusetts 595, 611-14 (1911); *Debate in the Senate*, Bos. Daily Globe, Mar. 10, 1911, at 13; *see also* Lowell Sun, Apr. 26, 1910, at 29; *Chinese Restaurant Bill*, Bos. Daily Globe, Mar. 11, 1911, at 5. [↑](#footnote-ref-175)
175. Journal of the House of Representatives of Massachusetts 748-51 (1911); *Prohibited by Constitution*, Bos. Daily Globe, Mar. 23, 1911, at 15; *Chinese Restaurants*, The Sun (N.Y.), Apr. 27, 1911, at 8. [↑](#footnote-ref-176)
176. *In re Opinion of the Justices*, 94 N.E. 558, 560 (Mass. 1911). [↑](#footnote-ref-177)
177. Journal of the House of Representatives of Massachusetts 779 (1911). [↑](#footnote-ref-178)
178. *Asks Mayor to Limit Chinese*, Bos. Daily Globe, Apr. 6, 1913, at 8. [↑](#footnote-ref-179)
179. *Segregation Orders: Police May Prevent White Women from Working for Chinese or Japanese Restauranteurs*, L.A. Times, Sept. 4, 1912, at II7. [↑](#footnote-ref-180)
180. *Bar White Girls as Jap Waitresses*, L.A. Herald, Mar. 10, 1914, at 3. *But see* *To Draw Race Line: Councilman Complains of Conditions in Oriental Cafes and Would Put White Men in Charge*, L.A. Times, Sept. 29, 1917, at I9 (“when the Japanese or Chinese proprietors play to the trade of Americans and employ white girls to assist them there should be a stop to the practice.”) [↑](#footnote-ref-181)
181. *May Prohibit White Chop Suey Waitresses*, S.F. Call, Oct. 4, 1913, at 3; *see also Advises Against Passage of Proposed Ordinance,* Municipal Record, City and County of San Francisco, Vol. 6, No. 41 Oct. 9, 1913, at 323. [↑](#footnote-ref-182)
182. *Employment of Females in Greek and Chop Suey Restaurants*, Sept. 29, 1913, at 428 *in* Official Opinions of Percy V. Long, City Attorney of the City and County of San Francisco, State of California (1917). [↑](#footnote-ref-183)
183. *Id.* [↑](#footnote-ref-184)
184. 24 Mixer & Server No. 3, Mar. 15, 1915, at 32. [↑](#footnote-ref-185)
185. *Id*. [↑](#footnote-ref-186)
186. 25 Mixer & Server No. 7, July 15, 1916, at 4. [↑](#footnote-ref-187)
187. Senate Journal of the Fourteenth Legislative Assembly of the State of Montana 527 (1915). [↑](#footnote-ref-188)
188. House Journal of the Fourteenth Legislative Assembly of the State of Montana 584 (1915). [↑](#footnote-ref-189)
189. Senate Journal, *supra* note 185, at 607. [↑](#footnote-ref-190)
190. 24 Mixer & Server No. 4, Apr. 15, 1915, at 30. [↑](#footnote-ref-191)
191. *Id*. [↑](#footnote-ref-192)
192. *White Help With Chinese*, 16 Or. Voter 399 (1919). [↑](#footnote-ref-193)
193. *Id*. Oddly, according to the Journal of the Oregon Senate, on February 20, 1919 the “bill failed to pass” with 14 yeas, 13 neas, 2 absences, and 1 excused. Oregon Legislative Assembly, Proceedings of the Senate, Journals of the Senate and House 256 (1919). [↑](#footnote-ref-194)
194. *Special Session of the Arizona Legislature Appears a Certainty*, El Paso Herald, May 7, 1912, at 5. A 1916 report from Arizona in the *Mixer & Server* claimed, “Arizona should have such a law on its statute books” and that it “must come sooner or later.”25 Mixer & Server No. 7, July 15, 1916, at 4. [↑](#footnote-ref-195)
195. *Thousands Greet Governor Lister*, Morning Oregonian, Jan. 16, 1913, at 7. [↑](#footnote-ref-196)
196. *An Act prohibiting the employment of females of the white or Caucasian race by Chinese, Japanese or other Mongolians, and providing for the punishment thereof*, S. 146, 13th Leg., Reg. Sess. (Wash. Jan. 27, 1913). [↑](#footnote-ref-197)
197. *Women May Eat Chop Suey*, The Bee: Omaha, Oct. 11, 1911, at 2. [↑](#footnote-ref-198)
198. *Id.* [↑](#footnote-ref-199)
199. William Bennett Munro, The Government of American Cities 118 (4th ed. 1926). [↑](#footnote-ref-200)
200. 28 Mixer & Server No. 1, Jan. 15, 1919, at 22-23. [↑](#footnote-ref-201)
201. *An Act Concerning the Hours of Employment of Minors and Women*, Ct. Pub. Acts Ch. 300, at 2433 (1917). [↑](#footnote-ref-202)
202. State of Connecticut, Report of the Dep’t of Factory Inspection for the Two Years ending Sept.30, 1918 12 (1918). [↑](#footnote-ref-203)
203. *Officers Keep Eye on Restaurants*, Wash. Times, Aug. 6, 1909, at 13; *Practice Broken Up: Girls No Longer Visit Chinese Restaurants Alone*, Wash. Evening Star, Aug. 6, 1909, at 2; *Opposes “Slumming”*, *supra* note 97, at 16. [↑](#footnote-ref-204)
204. Harlowton News (Mont.), Aug. 13, 1909, at 1 (stating the move “will be heartily endorsed by everyone who knows of the degrading influences surrounded by any establishment operated by an oriental”). [↑](#footnote-ref-205)
205. *See First-Vice Attack Made on Chinatown*, N.Y. Times, Oct. 24, 1910, at 1. [↑](#footnote-ref-206)
206. *Raids By Driscoll Fill Night Court*, N.Y. Times, Oct. 26, 1910, at 18. [↑](#footnote-ref-207)
207. *Id.* [↑](#footnote-ref-208)
208. *Id.*  [↑](#footnote-ref-209)
209. *Id.* [↑](#footnote-ref-210)
210. *New York Closes Chinatown to Night Tourist*, Toledo News Bee, Oct. 24, 1910, at 5. [↑](#footnote-ref-211)
211. *Barred from Chinatown*, *supra* note 97, at 7. [↑](#footnote-ref-212)
212. *Id*. [↑](#footnote-ref-213)
213. *Police Capture 178*, *supra* note 113, at 8. [↑](#footnote-ref-214)
214. *300 Arrested*, *supra* note 113, at 8. [↑](#footnote-ref-215)
215. *Chop Suey Uplift*, N.Y. Trib., Apr. 17, 1918, at 12. [↑](#footnote-ref-216)
216. *Police Capture 178*, *supra* note 113, at 8; *300 Are Captured in Chop Suey Raids*, The Sun (N.Y.), Apr. 15, 1918, at 14; *300 Arrested*, *supra* note 113, at 8. [↑](#footnote-ref-217)
217. *Police Capture 178*, *supra* note 113, at 8. [↑](#footnote-ref-218)
218. *300 Arrested*, *supra* note 113, at 8. [↑](#footnote-ref-219)
219. *Police Capture 178*, *supra* note 113, at 8. [↑](#footnote-ref-220)
220. *Id*. [↑](#footnote-ref-221)
221. *Id*. [↑](#footnote-ref-222)
222. *Id*. [↑](#footnote-ref-223)
223. *Raided Chop Suey Men Hire Counsel*, The Sun (N.Y.), Apr. 16, 1918, at 6. [↑](#footnote-ref-224)
224. *Id*. [↑](#footnote-ref-225)
225. *Id.* [↑](#footnote-ref-226)
226. *Chop Suey Uplift*, *supra* note 213, at 12; *Raided Chop Suey Men*, *supra* note 221, at 6*; Swann to Proceed Against Owners of Chop Suey Places*, N.Y. Trib., Apr. 17, 1918, at 9. [↑](#footnote-ref-227)
227. *Chop Suey Uplift*, *supra* note 213, at 12. [↑](#footnote-ref-228)
228. McIntyre, *supra* note 1, at 6. [↑](#footnote-ref-229)
229. Stephen E. Henderson, *“Move on” Orders As Fourth Amendment Seizures*, 2008 B.Y.U. L. Rev. 1 (2008). [↑](#footnote-ref-230)
230. Brigham City, Utah v. Stuart, 547 U.S. 398, 403 (2006). [↑](#footnote-ref-231)
231. Johnson v. California, 543 U.S. 499, 512 (2005). [↑](#footnote-ref-232)
232. William O. Douglas, *Vagrancy and Arrest on Suspicion*, 70 Yale L.J. 1, 13 (1960). *See, e.g.,* Chambers v. Florida, 309 U.S. 227, 238 (1940) (describing “the drag net methods of arrest on suspicion without warrant” where dozens of young African American men were taken into custody and interrogated based on a crime committed by one unknown person). [↑](#footnote-ref-233)
233. *See, e.g.,* *Chinese Woman Allowed to Go*, Ogden Standard (Utah), July 17, 1917, at 7 (reporting that Chinese woman was acquitted of vagrancy after an arrest for visiting the Alhambra Café at 2:00 a.m. and then going to the room of a male “childhood friend” along with another Chinese man). [↑](#footnote-ref-234)
234. Yale Book of Quotations 810 (Fred Shapiro ed. 2006). [↑](#footnote-ref-235)
235. *Cf.* Risa Goluboff, Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s (2016) (discussing police authority, and its curtailment, in the mid-20th century). [↑](#footnote-ref-236)
236. For older non-citizen licensing cases, see G. V. I., *Constitutionality Of Discrimination Against Aliens In Legislation Relating To Licenses*, 39 A.L.R. 346 (1925). [↑](#footnote-ref-237)
237. *Licenses of Chinese Taken*, Morning Oregonian, Dec. 22, 1911, at 18. [↑](#footnote-ref-238)
238. *See Chinese Places Fought*, Morning Oregonian, Jan. 20, 1912, at 7; *Licenses to Be Given*, Morning Oregonian, Jan. 11, 1910, at 16 (stating that the Pekin’s lawyer said it was owned by whites). [↑](#footnote-ref-239)
239. *Law Will Check Chinese*, Chi. Daily Trib., Apr. 28, 1906, at 5. [↑](#footnote-ref-240)
240. Proceedings of the City Council, Chicago. Illinois Regular Meeting, Mar. 5, 1906, at 2836-37. *See also* Proceedings of the City Council, Chicago. Illinois Regular Meeting, Monday, Feb. 5, 1906, at 2504. [↑](#footnote-ref-241)
241. *Id. Chop Suey for Citizens: Chicago Ordinances May Drive Chinese and Greeks Out of Business,* Evening Statesman (Wash.), May 8, 1906, at 8. [↑](#footnote-ref-242)
242. *Chicago Law to Bar Chinese Restaurants*, Bemidji Daily Pioneer (Minn.), Apr. 12, 1918, at 1. [↑](#footnote-ref-243)
243. *The Chicago Municipal Code of 1922* § 3452 (Samuel Adams Ettelson, ed.). [↑](#footnote-ref-244)
244. 26 Mixer & Server No. 11, Nov. 15, 1917, at 19. [↑](#footnote-ref-245)
245. 139 Journal of the House of Representatives of the Commonwealth of Mass. 76 (1918). [↑](#footnote-ref-246)
246. *Id.* at 462. [↑](#footnote-ref-247)
247. 27 Mixer & Server No. 4, Apr. 15, 1918 at 59. [↑](#footnote-ref-248)
248. People v. Quong On Long, 6 P. Coast L.J. 116, 117 (Cal. Super. Ct. 1880). [↑](#footnote-ref-249)
249. Asakura v. City of Seattle, 265 U.S. 332, 340 (1924). *See also* Poon v. Miller, 234 S.W. 573, 576 (Tex. Civ. App. 1921) (Chinese person entitled to license to sell fish; citizenship requirement void). [↑](#footnote-ref-250)
250. Raich v. Truax, 219 F. 273, 275 (D. Ariz.), *aff’d*, 239 U.S. 33 (1915). [↑](#footnote-ref-251)
251. *See New Tong Murders; 500 Chinese Seized*, N.Y. Times, Sep. 19, 1925, at 1 (stating that deportations “would cripple their businesses, as a shortage of Chinese cheap labor could not be filled with white help.”). [↑](#footnote-ref-252)
252. 23 Mixer & Server No. 3, Mar. 15, 1914 at 35. [↑](#footnote-ref-253)
253. *Id*. [↑](#footnote-ref-254)
254. *Phoenix Aliens Bring Test Fight Against “80” Law: Chinese Restaurant Proprietors Apply for Temporary Injunction Claiming that New Statute violates Treaties*, Bisbee Daily Rev., Jan. 3, 1915, at 3. [↑](#footnote-ref-255)
255. 23 Mixer & Server No. 3, Mar. 15, 1914 at 35. [↑](#footnote-ref-256)
256. Raich v. Truax, 219 F. 273, 275 (D. Ariz.), *aff’d*, 239 U.S. 33 (1915); *Arizona’s New Alien Law Void*, El Paso Herald, Jan. 7, 1915, at 7 [↑](#footnote-ref-257)
257. *Citizens’ Hands Across the Bar: Only American Employees in Saloons, Says Police Commission*, L.A. Times, Aug. 5, 1915, at II-1. [↑](#footnote-ref-258)
258. Of course, blanket denial of licenses was not a universal policy. In Havre, Montana in 1905, unions requested that the city issue no licenses to Chinese; city officials refused for fear of lawsuits. *From the Standpoint of the Optimist*, Havre Herald (Mont.), May 12, 1905, at 1. [↑](#footnote-ref-259)
259. Opinion of Dec. 6, 1911, in 4 Opinions of the [Chicago] Corporation Counsel and Assistants, from April 1, 1911-December 31, 1912 486 (1914). [↑](#footnote-ref-260)
260. J. Procs. of the City Council of the City of Chicago for the Council Year 1911-1912, 2035-36 (Dec. 18, 1911). [↑](#footnote-ref-261)
261. 23 Mixer & Server No. 7, July 15, 1914, at 71-72. [↑](#footnote-ref-262)
262. 24 Mixer & Server No. 7, July 15, 1915, at 44; 24 Mixer & Server No. 9, Sept. 15, 1915, at 28. [↑](#footnote-ref-263)
263. 23 Am. Federationist 617 (1915). [↑](#footnote-ref-264)
264. *Licenses to Chinese*, Bos. Daily Globe, Apr. 22, 1913, at 9. [↑](#footnote-ref-265)
265. Chinese Club, 1 Pa. D. 84 (Ct. Com. Pleas, Allegheny Co. 1891). *See also, e.g.,* *Legal News*, Butler Citizen (Pa.), Apr. 17, 1902, at 3 (noting that saloon-owner “was refused [a license], and it is thought that the refusal is occasioned by the fact that [he] rents a portion of the building he occupies for a Chinese restaurant.”). [↑](#footnote-ref-266)
266. Hudson Royal Rest. v. Mayor & Aldermen of Jersey City, 160 A. 218 (N.J. 1932) (per curiam). [↑](#footnote-ref-267)
267. Commonwealth v. Wallace Y. Hong, 158 N.E. 759, 759 (Mass. 1927) (upholding conviction for allowing underage actress to perform in Chinese restaurant); Chung Mee Rest. Co. v. Healy, 171 A. 263 (N.H. 1934) (upholding denial of dance license) (criticized in Counties-Dance Halls, 1934 Ops. Wisc. Atty. Gen. 478, 481); State *ex rel.* Lamey v. Young, 234 P. 248 (Mont. 1925) (upholding closure of Chinese restaurant and related premises as a nuisance). [↑](#footnote-ref-268)
268. *Police Oppose Liquor in Chop Suey Places*, L.A. Herald, Mar. 6, 1907, at 4. [↑](#footnote-ref-269)
269. *Id.* [↑](#footnote-ref-270)
270. *Id.* [↑](#footnote-ref-271)
271. *Do not Relish “Chop Suey”: Citizens of Palo Alto Oppose Opening of Chinese Restaurant in College Town*, S.F. Call, July 29, 1905, at 6 (describing denial of license to Mok Wo & Co.). *See also Ready to Appeal*, S.F. Call, Oct. 7, 1905, at 6 (noting that “[t]he sentiment of the people is strongly against the Chinese.”); *Palo Alto is Aroused*, S.F. Call, July 6, 1905, at 6 (“The citizens have never permitted a Chinese business place of any sort to become established in Palo Alto. This has ordinarily been prevented by peaceful means, but on one occasion both the Chinaman and the landlord were given twenty-four hours to leave town—and they went.”). The *International Chinese Business Directory of the World* (Wong Kin Ed., 1913), lists no Chinese businesses of any kind in Palo Alto or Stanford. [↑](#footnote-ref-272)
272. *Chinese Sues Pastor for Defamation*, St. Louis Post, Dec. 17, 1911, at 14. [↑](#footnote-ref-273)
273. *Id*. [↑](#footnote-ref-274)
274. *Chinaman Loses License: Sam Jay Was Unable to Keep his International Café Orderly*, Minneapolis J., Feb. 13, 1905, at 6. [↑](#footnote-ref-275)
275. *Moline’s Mayor Taboos Chop Suey*, Rock Is. Argus (Ill.), Jan. 22, 1912, at 10. The “chop suey joint” was closed as a public nuisance; the attached saloon remained open. *Grants Writ to Close Up Joint*, Rock Is. Argus (Ill.), Feb. 27, 1912, at 3. [↑](#footnote-ref-276)
276. *Politicians Blamed for White Slavery*, Wash. Herald, Mar. 1, 1914, at 1; *see* The House of Representatives of Massachusetts, Report for the Investigation of the White Slave Traffic 16 (1914). [↑](#footnote-ref-277)
277. *Deny Chinaman License*, Bos. Daily Globe, June 3, 1915, at 9. [↑](#footnote-ref-278)
278. *Id*. Massachusetts law provided that issuance of a license was “not . . . required” but was left to “the sound judgment of the licensing board.” Liggett Drug Co. v. Bd. of License Comm’rs of City of N. Adams, 4 N.E.2d 628, 634 (Mass. 1936). [↑](#footnote-ref-279)
279. *Petition with 2000 Names*, Bos. Daily Globe, June 16, 1915, at 2. [↑](#footnote-ref-280)
280. *See Old Blue Law Invoked*, Bos. Daily Globe, July 27, 1915, at 3. [↑](#footnote-ref-281)
281. *Id*. [↑](#footnote-ref-282)
282. *Summon Mayor Blakely*, Bos. Daily Globe, June 11, 1915, at 15. [↑](#footnote-ref-283)
283. *To Ask Mandamus Writ*, Bos. Daily Globe, July 1, 1915, at 3. [↑](#footnote-ref-284)
284. *Oppose Licensing of a Chinese Restaurant*, Bos. Daily Globe, Nov. 24, 1915, at 8. [↑](#footnote-ref-285)
285. *See id*. [↑](#footnote-ref-286)
286. David Harris, *The Stories, the Statistics, and the law: Why “Driving While Black” Matters*, 84 Minn. L. Rev. 265, 301 (1999). [↑](#footnote-ref-287)
287. *No Chop Suey After 12*, Bos. Daily Globe, July 3, 1899, at 17. [↑](#footnote-ref-288)
288. *Id*. [↑](#footnote-ref-289)
289. *The Chinese Restaurants*, Bos. Daily Advertiser, Aug. 12, 1899, at 4. [↑](#footnote-ref-290)
290. *Id*. [↑](#footnote-ref-291)
291. *Attack Segregation of Vice*, Chi. Daily Trib., June 10, 1905, at 7. [↑](#footnote-ref-292)
292. *Ordered to Fight Vice*, Chi. Daily Trib., Oct. 1, 1905, at 2. [↑](#footnote-ref-293)
293. *See id.* [↑](#footnote-ref-294)
294. *See id.* Similarly, in New York in 1900, when larger resorts were closed; there was “a flocking of women to cheap Chinese restaurants.” *Police Grant New License*, N.Y. Times, Mar. 19, 1900, at 2. [↑](#footnote-ref-295)
295. *Ordered to Fight Vice, supra* note 290. [↑](#footnote-ref-296)
296. Rev. J. E. Copus, *Chicago’s Under-World The Criminal Aspect*, 27 Rosary Mag. 457 (1905). [↑](#footnote-ref-297)
297. *Mayor Defended By Foe*, Chi. Daily Trib., Nov. 9, 1905, at 3. [↑](#footnote-ref-298)
298. *Id.* [↑](#footnote-ref-299)
299. *May Close Chop Suey Place*, Chi. Daily Trib., Dec. 8, 1905, at 2. [↑](#footnote-ref-300)
300. *Id.* [↑](#footnote-ref-301)
301. *Search for White Slaves*, Marion Daily Mirror, Dec. 31, 1909, at 1. [↑](#footnote-ref-302)
302. *See Chinese Men Mix Sin with Chop Suey*, Chi. Daily Trib., Mar. 27, 1910, at 3; *Search for White Slaves*, Marion Daily Mirror, Dec. 31, 1909, at 1. [↑](#footnote-ref-303)
303. Huping Ling, *“Hop Alley”: Myth and Reality in the St. Louis Chinatown*, 28 J. Urban Hist. 184, 209 (2002) (stating that more than a year after the murder, St. Louis Police raided a Chinese restaurant in hopes of finding Leon Ling). [↑](#footnote-ref-304)
304. *Chinese Resorts*, *supra* note 127, at 3. [↑](#footnote-ref-305)
305. *Id*. [↑](#footnote-ref-306)
306. *Chinese Fear That Sing Pui, Denied Dream Drug, Will Die*, Detroit Free Press, Aug. 1, 1909. *See also Chink Arrested for Opium Sale*, Detroit Free Press, May 23, 1909, at 1. [↑](#footnote-ref-307)
307. *Chinese Fear*, *supra* note 304. [↑](#footnote-ref-308)
308. *New Enforcers Raid Chop Suey*, Tulsa Daily Word Sun. Morning, Aug. 8, 1911, at 5. [↑](#footnote-ref-309)
309. *Big Raid at Greensburg: Crusade Against Chop Suey Dens and Foreign Restaurants*, Pittsburg Press, Jan. 20, 1911, at 15. [↑](#footnote-ref-310)
310. *Drastic Orders to Make Washington Morally Clean City*, Wash. Times, Feb. 9, 1914, at 1, 10; William Leavitt Stoddard, *Red Lights of Washington D.C.*, 31 Pearson’s Mag. 233-40 (1914). [↑](#footnote-ref-311)
311. *100 Doors Smashed by Axes of Police*, Morning Oregonian, May 9, 1919, at 21. [↑](#footnote-ref-312)
312. *See* Gary W. Libby, *Historical Notes on Chinese Restaurants in Portland, Maine*, Chinese Am. Hist. & Perspectives 47, 48 (2006). [↑](#footnote-ref-313)
313. *Id*. [↑](#footnote-ref-314)
314. 36 Proceedings of the City Council of the City of Minneapolis, Minn. from January 1, 1910 to January 1, 1911 810 (1910). [↑](#footnote-ref-315)
315. *Id*. at 1063. [↑](#footnote-ref-316)
316. *See* Jan Whitaker, *Restaurant Booth Controversies*, Restaurant-ing Through History (Aug. 27, 2012 7:13 PM), http://restaurant-ingthroughhistory.com/2012/08/27/restaurant-booth-controversies/; *see also* *After Chinese Restaurants*, Salt Lake Trib., Apr. 28, 1903, at 3 (referring to the “wineroom” system in Chinese restaurants); *License Denied Six*, Morning Oregonian, Dec. 21, 1909, at 15 (stating that the liquor licenses of two Chinese restaurants may be granted provided “the horrid boxes are removed”); *Humor Is Not Beyond the Stoic Chinaman*, Logansport Reporter (Ind.), Aug. 14, 1911, at 8 (quoting the Mayor of Minneapolis as ordering that “all booths be torn out of Chinese restaurants”);G.F. Rinehart, *Regulation a Failure*, Ariz. Republican, July 8, 1914, at 12 (discussing the failure of liquor regulation due to, *inter* *alia*, closed booths in Chinese restaurants); *Girls Drink Beer At All Hours in Chop Suey Houses*, Chi. Daily Trib., May 16, 1914, at 1 (stating that “nearly the entire floor space” of a Chinese restaurant in Chicago had a “series of private booths”); *To Make War*, *supra* note 111, at B4; *see also* State v. Ito, 131 N.W. 469, 469 (Minn. 1911) (“This is a Chinese restaurant and chop suey house. We went into a private booth and ordered a meal, which was served to us by the defendant.”); *Chinese Obey Law*, Morning Oregonian, Aug. 25, 1908, at 14 (quoting the Chief of the Portland city bureau for the protection of girls and women stating in regards to booths that “I will never vote again to grant a liquor license to any restaurant that puts up screens . . . whether it is a Chinese restaurant or the finest white restaurant in town”). [↑](#footnote-ref-317)
317. U.S. Public Health Service, Venereal Disease Ordinances 29 (1919). According their critics, closed booths allowed them to “defy regulation” with nothing more “than a flimsy curtain between the hilarious and a possible policeman.” Rinehart, *supra* note 314, at 12*;* *see also To Make War*, *supra* note 111, at B4*.* *Police Commissioners Make Good Their Threats to Punish Saloon Men by Suspension of Many Licenses*, Daily L.A. Herald, Sept. 2, 1900, at 5 (The Woman’s Christian Temperance Union stated: “We, representing the motherhood of our beloved state, do beseech you to listen to our appeals and that of all good citizens to abolish the stronghold of Satan called the booth.”). [↑](#footnote-ref-318)
318. Whole Woman’s Health v. Hellerstedt, 136 S. Ct. 2292, 2316 (2016). [↑](#footnote-ref-319)
319. Palmer v. Thompson, 403 U.S. 217, 224 (1971). *See also, e.g.,* Yee Gee v. City & Cty. of San Francisco, 235 F. 757, 760 (N.D. Cal. 1916) (upholding San Francisco ordinance limiting hours of laundries; “[s]o long as the act is fair upon its face, and capable of even-handed and impartial application to all who come within its terms, the mere motive actuating its enactment cannot be inquired into as a ground for avoiding it.”) (citations omitted). [↑](#footnote-ref-320)
320. *See, e.g., Ex parte* Quong Wo, 118 P. 714, 716 (Cal. 1911) (upholding laundry zoning ordinance). [↑](#footnote-ref-321)
321. Ogden Municipal Code (Utah) § 5-3D-4(H). [↑](#footnote-ref-322)
322. *Chinese Restaurants*, Ogden Standard (Utah), Apr. 4, 1902, at 5. [↑](#footnote-ref-323)
323. *Id*. [↑](#footnote-ref-324)
324. *Id.;* *see also* 12 Mixer & Server No. 4, Apr. 15, 1903 at 20. [↑](#footnote-ref-325)
325. *Boycott Inaugurated*, Salt Lake Trib., Apr. 10, 1903, at 7; *Boycott on Chinese Restaurants*, Deseret News, Apr. 10, 1903, at 8; *Utah State News*, Davis Co. Clipper (Utah), Apr. 17, 1903, at 2; Ogden Standard (Utah), Mar. 22, 1904, at 8; *Are Union Men Unfair*, Salt Lake Herald, Mar. 21, 1904, at 5. *Salt Lake City and Neighborhood*, Intermountain Cath. (Utah), Mar. 26, 1904, at 8. [↑](#footnote-ref-326)
326. *After Chinese Restaurants*, Salt Lake Trib., Apr. 28, 1903, at 3. [↑](#footnote-ref-327)
327. *Screened Booths Unlawful*, Deseret Evening News, Oct. 13, 1903, at 1. [↑](#footnote-ref-328)
328. *Ogden Restaurant Keepers Win Case*, Salt Lake Trib., Mar. 5, 1904, at 5. [↑](#footnote-ref-329)
329. *Hard to Kill Off*, Salt Lake Herald, June 20, 1903, at 7. [↑](#footnote-ref-330)
330. *Ogden Restaurant Keepers Win Case*, Salt Lake Trib., Mar. 5, 1904, at 5. [↑](#footnote-ref-331)
331. *Reform in Ogden*, Ogden Standard Examiner (Utah), Feb. 10, 1906 at 4. [↑](#footnote-ref-332)
332. *See Private Booths in Restaurants*, Ogden Standard (Utah), Jan. 23, 1918, 4 PM edition, at 7. [↑](#footnote-ref-333)
333. *Chinese Protest Ban on Booths*, Salt Lake Herald, Jan. 29, 1918, at 2. [↑](#footnote-ref-334)
334. *Crusade Starts on Chinese Restaurant Booths*, Ogden Standard (Utah), Apr. 3, 1918, 3:30 edition, at 6; *May Issue Warrant to Test Booth Ordinance*, Ogden Standard (Utah), Apr. 6, 1918, at 32. [↑](#footnote-ref-335)
335. *Id*. [↑](#footnote-ref-336)
336. The Alhambra Café was a Chinese restaurant in the sense that owner John Doe Leo was Chinese. *Stamping out the Liquor Offenses*, Ogden Standard (Utah), Feb. 22, 1916, at 3. In addition, Chinese people were among its patrons and employees. *See supra* note 231; *Chinese Cook, Hit by Auto, Dies on Way to Hospital*, Ogden Standard (Utah), Oct. 25, 1918, at 10 (reporting death of Lee Hun Poye, Alhambra Café cook). However, the restaurant advertised “regular dinner served every day. Short orders served any time.” *E.g.,* Ogden Standard (Utah), Jan. 16, 1915, at 2. Therefore it is not known if it served Chinese food along with its American cuisine. [↑](#footnote-ref-337)
337. *City Wins Fight on Private Booths*, Salt Lake Telegram, Feb. 27, 1919, at 9. [↑](#footnote-ref-338)
338. *Booths Must Go Now That Supreme Court Has Decided in Favor of City of Ogden*, Ogden Standard (Utah), June 27, 1919, at 14. [↑](#footnote-ref-339)
339. Ogden City v. Leo, 182 P. 530, 532-33 (Utah 1919). [↑](#footnote-ref-340)
340. *Humor*, *supra* note 314, at 8. [↑](#footnote-ref-341)
341. *See supra* note 75, and accompanying text. [↑](#footnote-ref-342)
342. *See supra* note 272, and accompanying text. [↑](#footnote-ref-343)
343. *Police Capture 178*, *supra* note 113, at 8. [↑](#footnote-ref-344)
344. *Chicago Council Knocks Out Another Saloon Adjunct*, Bemidji Daily Pioneer, July 1, 1904, at 4; *see also* Proceedings of the City Council of the City of Chicago 2219-20, 2652 (1904); *Bishop Sumner Urges Action: Advises Enforcement of Laws*, S.F. Chron., Jan. 27, 1917, at 4. [↑](#footnote-ref-345)
345. *Police Commissioners Make Good Their Threats to Punish Saloon Men by Suspension of Many Licenses*, Daily L.A. Herald, Sept. 2, 1900, at 1. *See also Police Chief Will Now Act*, L.A. Herald, Sept. 8, 1900, at 5.Other California cities banned booths. *Mayor Approves Box Ordinance*, S.F. Call, Nov. 22, 1910, at 8 (Oakland); *See also San Rafael May Bar Restaurant Booths*, S.F. Call, May 15, 1911, at 3. San Francisco considered by apparently never adopted a ban. *Vice Commission Appointed*, S.F. Chron., Feb. 23, 1917, at 7N; *Protection of Young Women Urged by Research Workers*, S.F. Chron., Oct. 23, 1916, at 3; *Scandal Draws Toward Close*, S.F. Call, Dec. 9, 1904, at 16; *No Dark Places*, S.F. Call, July 7, 1893, at 3. [↑](#footnote-ref-346)
346. *No More Sequestered Drinks*, Ariz. Republican, Jan. 21, 1909, at 6. [↑](#footnote-ref-347)
347. *Curtained Booths Must Go*, Ariz. Republican, Mar. 21, 1921, at 4. [↑](#footnote-ref-348)
348. *Review of Liquor Laws Passed by States This Year*, St. Louis Post, June 21, 1915, at 14; *see also* El Paso Herald, June 21, 1915 at 6; *Great Progress Is Made In Prohibition Legislation*, Bismarck Daily Trib., June 23, 1915, at 6. [↑](#footnote-ref-349)
349. *License Denied Six*, Morning Oregonian, Dec. 21, 1909, at 15. *Licenses to Be Given*, Morning Oregonian, Jan. 11, 1910, at 16. *See Licenses Opposed First, Then Given*, Morning Oregonian, Dec. 30, 1909, at 11; *Private Boxes Doomed*, Morning Oregonian, Apr. 28, 1911, at 3; *see also* *Boxes Ordered Removed From Dalles Restaurants*, East Oregonian, Apr. 28, 1911, at 7; *Ordinance No 110*, Oregon Mist, June 2, 1911, at 1. [↑](#footnote-ref-350)
350. 28 Mixer & Server No. 2, Feb. 15, 1919, at 38. [↑](#footnote-ref-351)
351. 30 Mixer & Server, No. 9, Sept. 15, 1921, at 63. [↑](#footnote-ref-352)
352. Bureau of the Census, Chinese and Japanese in the United States 7 (Bulletin 127 1910). [↑](#footnote-ref-353)
353. III Fourteenth Census of the United States taken in the Year 1920: Population 11 (1922). [↑](#footnote-ref-354)
354. Chin, *supra* note 20, at 281 (citing \*\*\*). [↑](#footnote-ref-355)
355. *Id*. [↑](#footnote-ref-356)
356. *Id*. (citing \*\*\*) [↑](#footnote-ref-357)
357. *Id*. (citing \*\*\*). [↑](#footnote-ref-358)
358. *Id*. (citing \*\*\*) [↑](#footnote-ref-359)
359. *Id*. [↑](#footnote-ref-360)
360. *Id*. [↑](#footnote-ref-361)
361. *New Tong Murders*, *supra* note 249, at 1. [↑](#footnote-ref-362)
362. *Id.* [↑](#footnote-ref-363)
363. *Id. See also, e.g., Smugglers Caught: Entry of Chinamen from Canada Checked*, Republican News Item, Nov. 29, 1900 (describing arrests in Chinese laundry and restaurant by “Chinese Inspector” and local police). [↑](#footnote-ref-364)
364. *72 More Chinese Ordered Deported*, N.Y. Times, Sept. 20, 1925, at 1. [↑](#footnote-ref-365)
365. *Chinese May Organize*, Wash. Evening Star, May 24, 1919, at 2 (noting “underlying motive for these arrests [of restaurant workers] was membership in the union.”). [↑](#footnote-ref-366)
366. Jenny Jarvie, *More than 50 Detained in Immigration Raids at Asian Restaurants in Mississippi*, L.A. Times, Feb. 23, 2017 http://www.latimes.com/nation/la-na-mississippi-immigration-raids-20170223-story.html; David Hutter, *Two Days After Raids, Chinese Restaurants Open for Business*, Pine Bluff Commercial (Ark.), Nov. 4, 2016 <http://www.pbcommercial.com/news/20161104/two-days-after-raids-chinese-restaurants-open-for-business>; Note, *Temporary Detentions of Aliens for the Purpose of Interrogation are subject to the Terry Doctrine*, 72 Colum. L. Rev. 593 (1972) (discussing immigration raids on Chinese restaurants). Being Asian near a Chinese restaurant can be a component of probable cause; as the D. C. Circuit explained:

     [the officer’s] attention was initially drawn to petitioner and his companion by their distinctively oriental appearance and their clothing. We do not in any way intend to suggest that the appearance of being oriental is in any respect “suspicious”, and we wish to state in unequivocal terms that we could never condone stopping or questioning an individual simply because he looked to be of oriental descent. Nonetheless, we need not be so naive as to blink at the reality of the fact that many of the aliens who illegally enter the United States each year are oriental seamen who desert their ships at such major seaports as New York, Philadelphia, and Baltimore in our geographical area. Nor do we need to ignore the fact that many such illegal entrants find employment in and around food service establishments, particularly those specializing in oriental cuisines where other employees are likely to be conversant in their native languages.

     Cheung Tin Wong v. INS, 468 F.2d 1123, 1127 (D.C. Cir. 1972). [↑](#footnote-ref-367)
367. 3*,000 N.Y. Chinese in Protest Parade*, N.Y. Herald, Sept. 17, 1921, at 6. [↑](#footnote-ref-368)
368. State of Connecticut, Report of the Department of Labor and Factory Inspection for the Year 1921-22, at 132 (1922). *See also, e.g.,* Charles C. Dominge & Walter O. Lincoln Fire Inspection and Underwriting (6th ed. rev. enl. 1948) (reporting that “CHINESE RESTAURANTS, generally speaking, are cleaner than the usual run of restaurants.”); Emanuel B. Halper, *Food Service Lease and Exclusive Use Clauses*, 32 Real Prop., Probate & Trust J. 455, 509 (1997) (“Chinese restaurants maintain a more attractive environment than most”). [↑](#footnote-ref-369)
369. Coe, *supra* note 2, at189. [↑](#footnote-ref-370)
370. Harley Spiller, *Late Night in the Lion’s Den: Chinese Restaurant-Nightclubs in 1940s San Francisco*, 4 Gastronomica No. 4 94-101 (Fall 2004). [↑](#footnote-ref-371)
371. Charles W. Hayford, *Open Recipes, Openly Arrived at: “How To Cook And Eat In Chinese” (1945) And the Translation of Chinese Food* / 食譜的開放與普及：《中國菜的烹調與食用方法》及其翻譯問題, 45 J. Oriental Studs., No. 1/2 67 (2012). Yet, Chinese restaurants are still exotic enough that some believe “MSG syndrome” or “Chinese Restaurant Syndrome” is a racial-psychological rather than physical phenomenon. *See* Jennifer L. LeMesurier, *Uptaking Race: Genre, MSG, and Chinese Dinner*, 12 Poroi No. 2 (2017). [↑](#footnote-ref-372)
372. Nathan Glazer & Daniel Patrick Moynihan, Beyond the Melting Pot: The Negroes, Puerto Ricans, Jews, Italians, and Irish of New York City 31 (2d ed. 1970). [↑](#footnote-ref-373)
373. Fred W. Riggs, Pressures on Congress: A Study of the of Chinese Exclusion 29, 30 (1950*). See also* Ivan Light & Charles Choy Wong*, Protest or Work: Dilemmas of the Tourist Industry in American Chinatowns*, 80 Am. J. Sociology 1342 (1975). [↑](#footnote-ref-374)
374. Pfaelzer, *supra* note 55, at 99 (“Despite segregated housing and jobs, white and Chinese men and women interacted closely in rural towns in the West—at popular Chinese restaurants” and in other areas). [↑](#footnote-ref-375)
375. Anne-Marie Slaughter, *A Typology of Transjudicial Communication*, 29 U. Rich. L. Rev. 99, 99 (1994) (“Courts are talking to one another all over the world.”) [↑](#footnote-ref-376)
376. David M. Trubek et. al., *Global Restructuring and the Law: Studies of the Internationalization of Legal Fields and the Creation of Transnational Arenas*, 44 Case W. Res. L. Rev. 407, 478 (1994) (international organizations and agencies “spread Western legal ideas throughout the periphery”). [↑](#footnote-ref-377)
377. Anthony Lester QC, *The Overseas Trade in the American Bill of Rights*, 88 Colum. L. Rev. 537 (1988) (noting that western “legal ideas and systems were … spread, through imperial rule, to other continents”). [↑](#footnote-ref-378)
378. Douglas NeJaime, *Winning Through Losing*, 96 Iowa L. Rev. 941 (2011). [↑](#footnote-ref-379)
379. *See generally* Strange Neighbors: The Role of States in Immigration Policy (Carissa Byrne Hessick & Gabriel J. Chin eds., 2014). [↑](#footnote-ref-380)
380. Gregory S. Schneider & Gabriel J. Chin, *Double Trouble: Double Jeopardy's Dual Sovereignty Exception and State Immigration Statutes*, 28 Ariz. J. Int'l & Comp. L. 363, 363 (2011); Gabriel J. Chin et. al., *A Legal Labyrinth: Issues Raised by Arizona Senate Bill 1070*, 25 Geo. Immigr. L.J. 47 (2010). [↑](#footnote-ref-381)
381. Gabriel J. Chin & Marc L. Miller, *The Unconstitutionality of State Regulation of Immigration Through Criminal Law*, 61 Duke L.J. 251 (2011). [↑](#footnote-ref-382)
382. Arizona v. United States, 132 S. Ct. 2492 (2012). [↑](#footnote-ref-383)
383. Hrishi 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, 15 (2002). [↑](#footnote-ref-384)
384. McGovney, *supra* note 394, at 7-8. [↑](#footnote-ref-385)
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