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Chew Heong v. United States: Chinese Exclusion and the Federal Courts

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Chinese Exclusion Act of 1888

By 1886, both the Chinese and the U.S. governments were unhappy with the exclusion policy, though for different reasons. The Chinese government was particularly frustrated by the growing violence against Chinese in the 1880s, culminating in the 1885 "Rock Springs Massacre" in Wyoming in which twenty-eight Chinese laborers were killed. Frustrated by the unwillingness of the U.S. government to protect Chinese subjects and to provide compensation for the victims of anti-Chinese mobs, the Chinese government approached the U.S. Department of State with a proposal for a new treaty. China would agree to greater restrictions on Chinese immigration in exchange for the American government's promise to provide better security for Chinese living in the United States. The administration of Grover Cleveland, under growing pressure from exclusionists and judges alike to make the exclusion laws more effective and stringent, entered into extensive negotiations with China, resulting in a new treaty which forbade the immigration of all Chinese laborers for twenty years, including prior residents unless they had parents, wives, or children living in the United States or property or debts worth at least \$1,000.

The treaty was never ratified, however, as the Chinese government balked when mass rallies and newspaper articles bitterly condemned the new restrictions. Congress, frustrated and angry, passed an even more stringent law in October 1888 known as the Scott Act, which clearly violated the 1880 treaty. Under the new law, no Chinese laborers could enter the United States, regardless of prior residence. The residence certificates were declared void, and the exclusion of Chinese laborers was made without time limit. The policy would remain in place, with some amendments, until 1943.

[Document Source: *U.S. Statutes at Large* 25 (1888): 504.]

An act a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the sixth day of May eighteen hundred and eighty-two.

. . . it shall be unlawful for any chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart, therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States.

SEC. 2. That no certificates of identity . . . shall hereafter be issued; and every certificate heretofore issued in pursuance thereof, is hereby declared void and of no effect, and the chinese laborer claiming admission by virtue thereof shall not be permitted to enter the United States.

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