Foreword

The history of America is a history of immigration. Other than Native Americans and Native Pacific Islanders, who were here when white Europeans first sighted and landed in North America, all present-day Americans are “Americans” only because they or their predecessors came here from another part of the globe. Some were “pulled” here, lured by promises of economic success or personal freedom. Others did not come voluntarily and were instead “pushed” onto these shores as slaves or indentured servants. The point is that, whatever the reason, most contemporary Americans can trace their ancestral roots to other nations. Ironically, however, in this land of immigrants, the crossing of borders is one of the most contested national issues today. And the predominantly non-white recent immigrants—from Asia and Latin America—are feeling the brunt of this anti-immigrant anger.

The history of Asian Americans is intimately intertwined with U.S. immigration laws and policies. Beginning in the 1800s with the first Asian immigrants to American shores and continuing now with the boatloads of Chinese immigrants attempting to land on both coasts, immigration has shaped today’s Asian America. At the same time, Asian American history is also a history of exclusion, as laws and policies at both local and national levels have operated to exclude Asians from entering the United States and becoming full-fledged Americans.

Since 1965, when laws regulating Asian immigration were dramatically relaxed, the Asian population in this country has grown exponentially. Between 1980 and 1990 alone, the Asian American population more than doubled, jumping from 3.5 to 7.3 million persons.1 High rates of immigration are primarily responsible for this population explosion. Annually, over 40 percent of all immigrants to the United States originate from Asian nations.2 This has created an Asian America that is predominantly—over 62 percent overall3—first-generation immigrants. In fact, except for Japanese Americans, the Asian American experience today is overwhelmingly an immigrant experience.4

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2. Id. at 13.
3. Id. at 15.
4. The percentage of those who are currently foreign-born varies among the diverse Asian ethnic groups present in the United States. Except for the Japanese, who number 28.4 percent foreign-born and comprise the third-largest group of Asian Americans, the rest of Asian America is overwhelmingly immigrant. Id. The numbers range from highs of 93.9 percent for Cambodians and 93.7 percent for Laotians to relative lows of 63.3 percent for Chinese and 64.7 percent for Filipinos. Id.
Despite the important role of immigration in defining America, immigrants often engender resentment, fear, and hostility in those who feel threatened by newcomers. In the 1990s, as the world shrinks and borders separating nations and governments crumble, there has been a resurgence in nativism and anti-immigrant sentiment directed at those who dare to cross American borders—namely, those who are Asian or Latino. The sentiment is ostensibly directed at undocumented immigrants, but is in reality aimed at all recent immigrants. For example, while California’s recently-passed Proposition 187 was aimed at depriving undocumented immigrants of education and health care services, it has spawned rhetoric and action against legal immigrants as well, including congressional debates over substantially limiting welfare to legal immigrants. Regardless of how Congress ultimately resolves the welfare reform debate, the fact that legal immigrants are being threatened indicates the depth of current sentiment against those who cross national boundaries. The immigration debates are not just about “illegal” Asians or Latinos, but about the very legitimacy of these predominantly immigrant communities.

History moves cyclically, and so this is not the first time that immigrants have been so targeted. Asian immigrants have been subjected to anti-immigrant rhetoric and violence since they first arrived on American soil. Much of the modern sentiment is eerily similar to that of the late nineteenth and early twentieth centuries. However, what distinguishes the current anti-immigrant sentiment is its broad-based support. Whereas anti-immigrant sentiment arose out of a monolithic white society at the turn of the century, today’s anti-immigrant sentiment echoes from a diverse cross-section of America. For example, Proposition 187 supporters crossed nearly all lines, including race, gender, political affiliation, class, and age. While not every Proposition 187 supporter backed it to the same extent, the supporters were united in their belief that immigrant rights needed to be curtailed. The widespread support for Proposition 187 in California, a state that is home to many foreign-born, indicates the need for the various Asian American and other immigrant communities to grapple affirmatively with the issues surrounding immigration before they tear these communities apart.

Current debates concern more than who should be allowed to cross American borders. The debates also concern the more fundamental issue of who is “American.” Technically, acquiring citizenship defines one as an American, but substantively, acquiring equal rights and access to jobs, schools, homes, and community fulfills that definition. Yet, a recent proposal to strip automatic citizenship from the U.S.-born children of undocumented immigrants attempts to exclude even those who are native-born, and

6. Id.
thus redefine our conceptions of citizenship. Occurring at a time when immigrants are overwhelmingly non-white, such proposals appear as race-based attacks on all immigrant communities, including the Asian American community.

In this context, *Asian Law Journal* presents our second volume, which examines facets of the ongoing struggle of Asians to immigrate to this country and gain legal and political acceptance within its institutions. All four of the pieces in this volume are linked by the interrelated themes of immigration, citizenship, and the search for access to legal and political systems.

Two of the pieces explore dark chapters in the history of Asian immigrants. Immigration and citizenship laws have often been nothing but another name for exclusionary policies. In his article *Tortuous Path, Elusive Goal: The Asian Quest for American Citizenship*, Professor Charles McClain examines attempts by early Asian immigrants to circumvent laws which prohibited them from becoming American citizens. Underlying the Asian struggle to obtain citizenship was the immigrant hope of finding a place in America’s political and social structure. Knowledge of this history is important because of history’s tendency to repeat itself. The nineteenth-century anti-Asian discriminatory laws and court decisions described by Professor McClain are not that far removed, considering Proposition 187 and other current anti-immigrant proposals which hark back to earlier eras of anti-Asian sentiment.

In a related vein, Professor Robert Berring offers a glimpse of nineteenth-century anti-Chinese discrimination through his review of the book *In Search of Equality: The Chinese Struggle against Discrimination in Nineteenth-Century America* by Charles McClain. In addition to providing a detailed history of Chinese legal struggles in America, the book and the review also break down misconceptions about Chinese immigrants. Professor Berring’s review brings to light a counter-stereotypical image of Chinese immigrants as unafraid to challenge the laws and the courts, despite the best efforts of the legal and judicial systems to deny them basic rights. These early Chinese immigrants provide inspiration to those who continue to battle for immigrant and Asian American rights today.

The other two pieces in this volume focus on modern-day Asian American struggles. In the past century, national boundaries and international relations have changed dramatically. In particular, wars affecting Asian Americans have been fought all across the globe. U.S. military involvement in Asia has created Asian refugee and immigrant communities in this country that did not exist a century ago, including a new population of Amerasian children, born of U.S. servicemen and Asian women. These children have only recently entered into the debates surrounding Asian immigration to the United States, but there is nevertheless a need to recognize Amerasians as part of a globalized Asian American community. In her
comment entitled *Moral Responsibility to Filipino Amerasians: Potential Immigration and Child Support Alternatives*, Elizabeth Kolby examines the United States’ responsibility to protect the interests of Filipino Amerasian children, and she offers possible alternatives in aiding these children. Kolby focuses on Filipino Amerasians because although the United States has moved to include many Amerasians in its immigration laws and policies, Filipino Amerasians have been excluded. By examining the situation of Filipino Amerasian children, Kolby helps to enlarge the discussion of immigration law and policy as it applies to Asians.

Immigrating and gaining citizenship are not the only struggles facing immigrants. Gaining citizenship is mostly a technicality—if you meet certain requirements, you can become an “American.” Yet America is built on visions of equal rights and equal access, and becoming truly American requires that one have these rights and privileges. Once recent immigrants surpass the hurdle of naturalization, they need to be able to vote, pursue education, have jobs, and otherwise participate socially and politically in order to find a place within the larger national community. William Tamayo examines this aspect of the immigrant experience in *When the "Coloreds" are neither Black nor Citizens: The United States Civil Rights Movement and Global Migration*, in which he urges the Civil Rights Movement to champion the rights of recent immigrants. Currently outside the civil rights agenda, recent immigrants are not only overwhelmingly from Asian and Latin American countries, but are often pitted against African Americans despite their common enemy: racism. Tamayo adds a necessary voice to current immigration debates by articulating the need to bring together immigrants and other non-whites to refocus the Civil Rights Movement. Tamayo thus offers a forward-looking vision for Asian America.

American society always seems eager to hold someone responsible for anything that goes wrong, and the scapegoating and exclusion of those who have little or no voice often serves this purpose. Immigrants have become the latest scapegoats, thereby placing the predominantly immigrant Asian American community in the direct line of fire. In a nation where immigration and citizenship are being regarded less and less as sacred rights, the editors and members of *Asian Law Journal* hope that this volume will not only add to the existing body of knowledge on Asian American immigration and citizenship struggles, but also prompt new directions in the ever-evolving discussions of immigration, citizenship, and inclusion in the national community.

-Karin H. Wang, Editor-in-Chief