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Commentary on Chy Lung v. Freeman

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Chapter 2

Commentary on *Chy Lung v. Freeman*

Julie Dahlstrom

Although often an overlooked Supreme Court decision, *Chy Lung v. Freeman* played a significant role in contributing to the growth of federal immigration power that took root in the so-called Chinese Exclusion cases of the late nineteenth century.[1] In *Chy Lung*, the Supreme Court struck down a patently racist and gendered California law that had allowed officials to exclude Chinese female passengers found to be "lewd" and "debauched" from entering into the United States.[2] In the decision, Justice Samuel Miller, writing for the unanimous Supreme Court, expressed grave concerns about state corruption and the abuse of power at the border.[3] In particular, Justice Miller worried that this California law granted officials excessive power to label any Chinese woman "lewd" and prevent them entry into the United States. To mitigate these concerns, the Court held that the federal government, not the states, should retain the exclusive power to make laws related to immigration and foreign relations. Over a century later, the *Chy Lung* decision still provides an important window into how immigration officials have historically exercised discretion at the intersections of race and gender. Indeed, the *Chy Lung* decision exemplified how the Supreme Court could have—but did not—respond to similarly discriminatory federal exclusion laws aimed at Chinese immigrants.[4]

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[1] Chy Lung v. Freeman, 92 U.S. 275 (1875); *see, e.g.*, Gerald Neuman, *The Lost Century of American Immigration Law*, 93 COLUM. L. REV. 1833, 1887 (1993) (examining the series of exclusionary laws passed by Congress in 1882 to bar Chinese workers from entry into the United States).
[2] Chy Lung, 92 U.S. at 277.
[3] *Id.* at 280.
[4] Immigration Act of 1882, 22 Stat. 214 (Aug. 3, 1882) (establishing race-based exclusion measures aimed at Chinese immigrants); Chae Chan Ping v. United States, 130 U.S. 581 (1889) (rejecting challenge to the Chinese Exclusion Act and deferring to plenary power as basis for federal government's authority to establish immigration policy).

Professor Stewart Chang's feminist opinion provides a different vision of *Chy Lung,* one firmly grounded in the application of the Fourteenth Amendment and the Civil Rights Act of 1870.[5] Professor Chang artfully explores how the Court might have fully acknowledged the realities of race, gender, and class that animated the California law. The feminist judgment provides a constitutional and statutory framework grounded in equal protection and due process, which, unlike the Court's approach, offers more enduring solutions for immigrant litigants at the border, and indeed in deportation cases as well. Ultimately, the Court failed to adopt Professor Chang's reasoning. Thus, the real legacy of *Chy Lung* and its progeny, sadly, is one of rising federal immigration power, extreme judicial deference, and persistent anti-Chinese racism: forces that would continue to sustain harsh immigration measures at the border and within the United States.

Case Background

Chinese immigration was a key tool to maintain white supremacy after the Civil War. As slavery came to an end, wealthy white southerners faced a shortage of workers and turned to Chinese immigrants, whom they believed would offer a cheaper source of labor to exploit.[6] At the same time, the Burlingame-Seward Treaty of 1868 opened up new pathways for labor migration from China to the United States. The Treaty provided that Chinese immigrants would enjoy "the

[5] U.S. Const. amend. XIV; Civil Rights Act of 1870, ch. 114, §§ 16-17, 16 Stat. 140, 144.
[6] Mae Ngai, *Racism Has Always Been Part of the Asian American Experience*, THE ATLANTIC (Apr. 21, 2021); ANDREW GYORY, CLOSING THE GATE: RACE, POLITICS, AND THE CHINESE EXCLUSION ACT 39 (1998); Kathleen Kim, *The Thirteenth Amendment and Human Trafficking: Lessons and Limitations*, 36 GA. ST. U. L. REV. 1005, 1009 (2020) ("When outright state-sanctioned slavery was abolished, plantation owners and other industries took advantage of Black Codes and peonage contracts to coerce the labor of newly freed slaves and recently arriving Mexican and Chinese 'coolie' workers.").

same privileges, immunities, and exemptions in respect to travel or residence" and encouraged Chinese workers to immigrate.[7]

However, the words of the Burlingame-Seward Treaty stood in stark contrast to the realities of violence and oppression that most Chinese immigrants found upon entry. In California, for example, many Chinese laborers faced rampant discrimination, exploitation, and violence. California legislators were openly hostile towards Chinese immigrants, using racist rhetoric to support discriminatory legislation. They argued that Chinese immigrants could not assimilate, took jobs from white laborers, and were a race of "heathens and slaves."[8] Legislators passed a series of measures, including the foreign miners' tax, commutation tax, and the police tax, all aimed at Chinese workers.[9] Meanwhile, the anti-Chinese movement uniquely targeted Chinese women. Legislators further portrayed Chinese women as a threat to Victorian-era attitudes about sexuality. They often cast Chinese women as "prostitutes," pointing to practices of polygamy, prostitution, adultery, and domestic servitude as evidence of deviance and "immorality."[10]

In the face of anti-Chinese discrimination and violence, some Chinese immigrants returned to China; others developed alliances to creatively use the press, politics, and the courts to challenge

[7] Treaty of Peace, Amity, and Commerce (Burlingame-Seward Treaty), China-U.S., art. VI, July 28, 1868, 16 Stat. 739; *see* Paul Yin, *The Narratives of Chinese-American Litigation During the Chinese Exclusion Era*, 19 ASIAN AM. L. J. 145, 147 (2012).

[8] Ngai, *supra* note 6 ("Governor John Bigler, facing a tight race for reelection, made an incendiary speech before the state legislature, claiming that the Chinese, a race of heathens and slaves, were invading the state and threatening its society of free producers.").

[9] CHARLES J. MCCLAIN, IN SEARCH OF EQUALITY: THE CHINESE STRUGGLE AGAINST DISCRIMINATION IN NINETEENTH-CENTURY AMERICA 47 (1994).

[10] Kerry Abrams, *Polygamy, Prostitution, and the Federalization of Immigration Law*, 105 COLUM. L. REV. 641, 643-47 (2005) (describing the use of sexuality and marriage to promote immigration restrictions against Chinese women). As scholars have pointed out, the term "prostitute" is often pejorative because it is a status-based noun, equating a person with a crime, and it promotes stigmatization and alienation. *See* Anita Bernstein, *Working Sex Words*, 24 MICH. J. GENDER & L. 221, 228 (2017) ("Calling a person a prostitute ascribes immorality, corruption, and degradation to her."). In this chapter, the term is used when a direct quotation from a source or to refer to the crime of "prostitution." Otherwise, the term "commercial sex" is used to refer to sex in exchange for something of value.

these discriminatory measures.[11] San Francisco became an important site of resistance. As laborers completed construction of the Central Pacific Railroad, thousands relocated to San Francisco, where they found jobs in the "boot and shoe, woolens, cigar and tobacco, and sewing industries."[12] By 1870, San Francisco was the home to approximately a quarter of the Chinese immigrant population in California. At the same time, Chinese laborers, disproportionately men, sparked a demand for female migration and a bustling market for commercial sex.[13] According to one estimate, 23.4 percent of Chinese women in San Francisco by 1860 were involved in commercial sex.[14]

The expanding commercial sex industry gave rise to concerns about Chinese "slavery." Popular understandings of human trafficking, at the time, were quite nascent. Human trafficking was not yet defined in federal or international law, and no legal protections existed for immigrant victims of trafficking. As a result, survivors of sex trafficking who entered the United States often found themselves at the mercy of immigration officials and subject to unbridled, harsh discretion with no viable immigration avenues.

To be sure, not all Chinese female immigrants in the sex industry were victims of sex trafficking. From 1849 to 1854, many Chinese women were self-employed. However, from 1854 to 1925, the commercial sex trade became more organized and dangerous, with a complex network

[11] Yin, *supra* note 7, at 148; MCCLAIN, *supra* note 9, at 54 (describing the "alacrity with which Chinese residents of California resorted to the courts when they felt that their interests were threatened by discriminatory legislation."); BETH LEW-WILLIAMS, THE CHINESE MUST GO: VIOLENCE, EXCLUSION, AND THE MAKING OF THE ALIEN IN AMERICA 95 (2018) (commenting on how some Chinese merchants remained to fight anti-Chinese violence, while others fled).

[12] RONALD TAKAKI, A DIFFERENT MIRROR: A HISTORY OF MULTICULTURAL AMERICA 198 (1993)).

[13] GYORY, *supra* note 6, at 230 ("The facilities that sent Chinese men to Gold Mountain also made it possible for women to go, whether voluntarily or involuntarily.").

[14] SUCHENG CHAN, THIS BITTERSWEET SOIL 59 (1986). Such surveys have been criticized as inaccurate because those who conducted the survey often labeled Chinese women who were single or failed to list a profession as "probable prostitutes." Abrams, *supra* note 10, at 656; Lucie Cheng Hirata, *Free, Indentured, Enslaved: Chinese Prostitutes in Nineteenth-Century* America, 5 WOMEN IN LATIN AM. 2, 23 (1979).

of Chinese procurers, importers, and brothel owners profiting from migration of Chinese women. Many importers were connected to secret criminal gangs, called Tongs, and ran major smuggling and trafficking routes from Hong Kong to San Francisco. Luring and kidnapping were common practices.[15]

Tongs also benefited from poor economic conditions in China and the low status of women. In the patrilineal and patriarchal Chinese culture of the nineteenth century, practices like infanticide, abandonment, and sale of female children were common. Poor families often sold daughters to work in the commercial sex industry or as bonded domestic servants, adopted children, mistresses, or wives. As a result of these practices, many young Chinese women were brought to the United States based on false promises or with debt.[16] Faced with few economic opportunities, some were "exploited, abused, and some kept in a state of virtual enslavement by their masters."[17]

In California and elsewhere, instead of devising affirmative rights and protections for potential victims, legislators tended to stigmatize and blame Chinese women. California legislators particularly targeted Chinese women for exclusion and punishment. In 1866, the California legislature declared all Chinese "houses of ill fame" nuisances.[18] They invalidated leases to brothels and made it a misdemeanor offense for landlords to lease properties as brothels. In 1870, California legislators enacted a law, permitting the government to charge any woman found to be

[15] Hirata, *supra* note 14, at 9 ("When the agents did not find enough females to fill their orders, they sent subagents into rural districts to lure or kidnap girls and young women and forward the victims to them at the shipping ports . . . The baits used included promises of gold, marriage, jobs, or education.").
[16] *Id.* (examining how many Chinese women came "under a contractual arrangement similar to that described in the Chinese contract coolie system," which specified that after engaging in service for some time, she could leave the business).
[17] GYORY, *supra* note 6, at 226; Hirata, *supra* note 14, at 6 ("Girls often accepted their sale, however reluctantly, out of filial loyalty, and most of them were not in a position to oppose their families' decision.")
[18] Act of Mar. 31, 1866, ch. 505, 1866 Cal. Stat. 641-42. The legislation, entitled "An Act for the Suppression of Chinese Houses of Ill Fame," initially targeted Chinese women. GYORY, *supra* note 6, at 240. Several years later, the term, "Chinese," was stricken from the legislation. Act of Feb. 7, 1874, ch. 76, 1874 Cal. Stat. 84.

a "prostitute" with a misdemeanor punishable by imprisonment and hefty fines.[19] In 1873, this law was then combined with a provision of the California Political Code, which added "lewd" and "debauched" women to a broad class of persons, who were barred entry into the United States.[20] The law also permitted state immigration officials to determine—in their broad discretion—if a woman was "lewd" or "debauched"—terms left undefined as if self-evident. And, if they could not pay a $500 bond, the women were subject to exclusion from the United States. Thus, Chinese women, especially those with little financial resources, were often caught in a web of punitive, discriminatory laws with little legal recourse.

The Original Opinion

Against this fractious political and legal landscape, twenty-two Chinese women arrived at a U.S. port of entry on August 24, 1874. These women undertook a thirty-day voyage from Hong Kong to San Francisco.[21] They travelled with more than 500 Chinese passengers via the steamship *Japan*, owned by the Pacific Mail Steamship Company. When the steamship docked in San Francisco, Rudolph Norwin Piotrowski, the commissioner of immigration and an immigrant himself, boarded the vessel.[22] He then subjected the Chinese women to a humiliating interrogation about their marital status, children, and relatives in the United States.[23] Finding their responses

[19] Act of Mar. 18, 1870, ch. 230, 1870 Cal. Stat. 330, 330-31; *see also* MCCLAIN, *supra* note 9, at 56.
[20] Cal. Pol. Code § 2952, as amended; Yin, *supra* note 7, at 154.
[21] Paul A. Kramer, *The Case of the 22 Lewd Chinese Women*, SLATE (Apr. 23, 2012, 3:22 PM), https://slate.com/news-and-politics/2012/04/arizonas-immigration-law-at-the-supreme-court-lessons-for-s-b-1070-via-the-case-of-the-22-lewd-chinese-women.html.
[22] Transcript of Record at 4, Chy Lung v. Freeman, 92 U.S. 275 (1875) [hereinafter Transcript of Record].
[23] *Id.* at 6-7 ("The questions which I gave them were generally where they were married; if they had any relatives or companions when they came here; or why&by [sic] what means they came.").

"perfectly not satisfactory," he determined that they were "lewd," detained the women, and ordered them sent back to Hong Kong.[24]

One day later, an individual—accounts differ as to whether he was a wealthy merchant or a perpetrator of human trafficking[25]— hired Leander Quint, an attorney and former judge, to file a writ of habeas corpus in the California District Court. The writ was filed on behalf of one of the detained Chinese women, Ah Fook. In the writ, the petitioner asserted that Ah Fook was entitled to land and reside in California under the Burlingame-Seward Treaty and the U.S. Constitution.[26]

In the animated four-day trial that followed, the government and counsel for the twenty-two women offered strident arguments on prominent issues of the day, ranging from the balance of state and federal power, the perils of discretion, Chinese "slavery," and women's rights.[27] The women testified, denying any involvement in commercial sex.[28] Meanwhile, state witnesses, lacking any direct evidence that the women were "lewd" or "debauched," pointed to the women's clothing, consisting of handkerchiefs on their heads and bright colored silk-embroidered garments, to justify their suspicions.[29] In response, Judge Robert F. Morrison ultimately upheld the California

[24] *Chy Lung*, 92 U.S. at 276-277.
[25] Newspaper accounts raise questions about the identity of the person who filed the writ. *See* MCCLAIN, *supra* note 9, at 57 n.59. The *Examiner*, a newspaper, described two Chinese people, Ah You and Tom Poy, who made the application for the writ. *Id.* (citing Examiner, Aug. 25, 1874, p. 3, col. 4). In contrast, *The Daily Alta*, a local newspaper, referenced Ah Lung, who was reportedly a perpetrator of trafficking, as filing it. *Id.* (citing Daily Alta, Aug. 26, 1874, p. 1, col. 3). The trial transcript references Chy Lung as filing the writ, and *The San Francisco Daily Union* called Chy Lung the "owner of twenty-two Chinese women brought to San Francisco." Transcript of Record, *supra* note 22, at 1; *Sacramento Daily Union*, Jan. 15, 1878, vol. 1, no. 1. Chy Lung also happens to be a well-known mercantile company in San Francisco, described as the "the richest merchants of San Francisco, wholesale dealers in teas, general groceries and dry goods." However, it is unknown whether the firm had a role in the litigation or anyone with commercial or other interests in the trafficking or smuggling of Chinese women funded or participated in the litigation effort. McClain, *supra* note 9, at 57 n.59; *Our Chinese Visitors: Who They Are, What They Have Come For, and Where They Are*, N.Y. TIMES 2 (Aug. 13, 1869).
[26] SUCHENG CHAN, ENTRY DENIED: EXCLUSION AND THE CHINESE COMMUNITY IN AMERICA, 1882-1943 100 (1991) [hereinafter CHAN, ENTRY DENIED].
[27] Transcript of Record, *supra* note 22, at 4.
[28] MCCLAIN, *supra* note 9, at 57. This testimony contradicted testimony by the captain of the vessel, who said that the women had behaved in an exemplary fashion while on board. Transcript of Record, *supra* note 22, at 1-4.
[29] Kramer, *supra* note 21.

statute, finding it a permissible exercise of state police power.[30] The petitioners then filed a writ to the Supreme Court of California, which sustained the District Court's judgment.[31]

Subsequently, one of the Chinese women, Ah Fong, filed a writ of habeas corpus in the federal Circuit Court for the District of California where Supreme Court Justice Stephen Field sat as a lower court judge. Justice Field, in *In re Ah Fong*,[32] struck down the California statute, finding the California law to be an overly broad exercise of police power, contrary to the Burlingame-Seward Treaty and in violation of the exclusive federal power over intercourse with federal nations. Significantly, Justice Field held that the statute violated the Fourteenth Amendment and the Civil Rights Act of 1870. This decision was reportedly the first case to articulate such a robust vision of statutory and constitutional protections for noncitizens.

Justice Field was particularly disturbed by the excesses of state power. He pointed to how the California statute distinguished in "sweeping" terms "persons widely variant in character." While the state retained certain powers, including the right to self-defense, Justice Field found that the right to control immigration resided solely with the federal government. While the state could permissibly engage in "vigorous enforcement" of laws, it could not unilaterally discriminatorily exclude Chinese women.[33]

Justice Field also affirmed that the protections of the Fourteenth Amendment applied to any *person*, rather than only to U.S. citizens. Field proclaimed that, "[d]iscriminating and partial legislation, favoring particular persons, or against particular persons of the same class, is now prohibited."[34] He acknowledged the reality of rampant discrimination against Chinese immigrants.

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[30] *Id.*
[31] MCCLAIN, *supra* note 9, at 58-59.
[32] In re Ah Fong, 1 F. Cas. 213 (C.C.D. Cal. 1874).
[33] *Id.* at 217.
[34] In re *Ah Fong*, 1 F. Cas. at 218.

Furthermore, Field, in a novel move, applied the Civil Rights Act of 1870, a federal statute that applied to a discriminatory tax or charge, to state action. He found that the bond requirement in the California statute imposed an undue burden on Chinese immigrants and that this provision could be interpreted as a "charge" under the Civil Rights Act of 1870. As it unequally burdened Chinese women, Field held that it violated federal law.[35]

As Field issued the oral opinion, Field ended his reading by suggesting that the government file a writ of error to the Supreme Court. The government, however, failed to appeal or even submit a brief in *Chy Lung*. Eventually, the petitioner filed a writ, and two years later, the court issued a decision. In 1875, Justice Samuel Miller, writing for the unanimous Supreme Court in *Chy Lung*, struck down the California law.[36] But, he employed strikingly different reasoning than Justice Field.

Justice Miller expressed grave concerns about state corruption and abuse of power.[37] The Court observed the growing power of state officials, like Piotrowski, who, armed with the California law, can "compel them to submit to systematic extortion of the grossest kind."[38] Justice Miller found that the California law was a recipe for discretionary excesses. By allowing the commissioner to label any young woman as "lewd" if they had improper manners, Justice Miller observed that the California law granted vast, unfettered power to state immigration officials. As a result, the Court found that the federal government, not the states, had the exclusive power to make laws related to immigration and foreign relations. Justice Miller notably remained silent on the application of the Fourteenth Amendment or the Civil Rights Act of 1870.[39] In doing so, he

[35] *Id.*
[36] *Chy Lung*, 92 U.S. at 281. While Justice Miller identifies the petitioner as Chy Lung, it is believed that Chy Lung might have been a perpetrator of trafficking or a wealthy merchant who had taken an interest in the litigation. CHAN, ENTRY DENIED, *supra* note 26, at 104 n.31.
[37] *Chy Lung*, 92 U.S. at 280.
[38] *Id.* at 278.
[39] *Id.* at 279.

failed to consider the federal government's constitutional obligation to ensure the equal protection of laws, and the potential for the federal government to engage in discriminatory excesses against immigrants of the kind he condemned as state abuse of power. In fact, this is precisely what occurred.

The Feminist Judgment

Professor Chang, writing as Justice Miller, alters the majority opinion by reviving Justice Field's analysis in *In re Ah Fong*. Chang relies on the Fourteenth Amendment and the Civil Rights Act of 1870 to find that the California statute impermissibly discriminates against Chinese women on the basis of their national origin and sex. He resurrects the history of Section 16 of the Civil Rights Act to support a wide-ranging interpretation of the federal statute to protect against anti-Chinese discrimination at the border. As Chang notes, the Chinese community in San Francisco mobilized to pass Section 16 to address discriminatory anti-Chinese legislation in California.[40] Indeed, Senator Stewart of Nevada had introduced the legislation to extend civil rights not only to Chinese immigrants, but to *all persons.* While Section 16 centered on economic legislation, like the miner's tax or police tax,[41] Chang persuasively argues that this provision should apply to the California law because the California bond amounts to a "charge" under federal law.

Chang also reengages with then-existing precedent to support a more expansive vision of the Fourteenth Amendment, one that would offer more generous protections for Chinese women against discriminatory state action. While the Supreme Court in the *Slaughterhouse Cases* (1873)

[40] MCCLAIN, *supra* note 9, at 565-67. Chinese leaders remained focused on three primary injustices, first the miner's tax that violated the Burlingame-Seward Treaty, second the commutation tax, and third the ban on Chinese testimony in U.S. courts. *Id.* at 565.
[41] *Id.* at 566.

adopted a very limited interpretation of the Fourteenth Amendment, Chang applies the dissent's approach to equal protection. In a dissenting opinion of the *Slaughterhouse Cases*, Justice Field reads the Fourteenth Amendment's promises of equal protection and due process to apply to *all* persons, regardless of citizenship. Chang applies Field's analysis and then expands it to reach discrimination on the basis of sex, an approach which the Supreme Court would not adopt until nearly a century later.

Chang also artfully brings to the foreground the social, economic, and cultural backdrop that brought about the anti-Chinese California legislation. He describes how the Burlingame-Seward Treaty was negotiated to benefit American white industrialists, many of whom were former plantation owners who would benefit from the "steady flow of low-cost Chinese immigrant labor" to meet labor shortages. As the railroads were completed, white public opinion embraced anti-Chinese racism, viewing the Chinese as a "threat to domestic labor" and pushing expeditiously for discriminatory laws to effectuate their exclusion and expulsion. Chang also shows how the California law in question was tied to earlier efforts to tax the Chinese, limit Chinese immigration, and restrict their ability to testify or effectively challenge discriminatory laws. Thus, he argues that the California law in *Chy* Lung should be viewed alongside these other calculated efforts to discriminate against Chinese immigrants.

The Chang opinion also highlights how concerns about Chinese "slavery" in the late nineteenth century did little to protect or assist potential victims. The California law in *Chy Lung* failed to protect Chinese women who were victims of trafficking. Instead, it targeted potential victims with exclusion, casting them back into the hands of perpetrators. The California law, moreover, did nothing to address the "men who might be traffickers." It also failed to provide potential victims of human trafficking with protection from deportation or potential "redress."

Such affirmative protections would not emerge for another hundred years, when Congress defined trafficking in the Trafficking Victims Protection Act of 2000.[42]

Conclusion

Had Professor Chang's reasoning been accepted in 1875, it would have strengthened the constitutional rights of Chinese immigrants against both state and federal action. Instead, the *Chy Lung* decision ultimately set the stage for the rise of federal immigration power and increasingly harsh gendered and racialized enforcement measures aimed at Chinese immigrants. Almost immediately, Congress passed the Page Act, which permitted federal immigration officials to exclude noncitizens who enter "for lewd and immoral purposes."[43] The law would ultimately expand the federal government's power to exclude Chinese women based on mere suspicion of involvement in commercial sex.[44] Congress then passed the Immigration Act of 1882, the first race-based federal exclusion law, which significantly restricted the entry of all Chinese laborers.[45] The Supreme Court upheld the constitutionality of the Act in *Chae Chan Ping* in 1889.[46] Thus, while the decision in *Chy Lung* called out the harms of official discretion, it did little to change the realities of persistent anti-Chinese discrimination that would remain embedded in federal immigration law.

[42] *See* TVPA, Pub. L. No. 106-386, § 102(b)(2), 115 Stat. 1464 (2000). In the TVPA, Congress recognized that immigrant victims often "are repeatedly punished more harshly than the traffickers themselves," and established the "T visa," a special immigration protection for trafficking survivors. TVPA, Preamble.
[43] Ch. 141, 18 Stat. pt. 3, 477-487. Some believe that the law was drafted with Field's decision in *Ah Fong* in mind. *See* MCCLAIN, *supra* note 9, at 62 n. 83.
[44] Ngai, *supra* note 6.
[45] Immigration Act of 1882, 22 Stat. 214 (Aug. 3, 1882).
[46] Chan Chae Ping v. United States, 130 U.S. 581 (1889).

Still, the *Chy Lung* case offers important lessons about resistance. *Chy Lung* was ultimately a victory for the twenty-two women detained. It marked the first win by a Chinese litigant before the Supreme Court. While it would not put an end to anti-Chinese racism or violence, it was one victory that would punctuate a decades-long struggle by Chinese immigrants for the right to remain, immigrate, and live safely in the United States.