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## Chinese Exclusion

*Document:* The Chinese Exclusion Act (1882)

### Historical Context

The number and variety of immigrants to the United States in the late nineteenth century alarmed many Americans. Native-born Americans at this time were largely descended from western European immigrants. The swarms of new immigrants came from different countries. Many were natives of eastern and southern Europe. But one immigrant group came from a culturally more foreign part of the world. Eventually they were forbidden to immigrate at all. In 1882, the Chinese became the first nationality whose immigration to the United States was restricted by law. Why were the Chinese singled out?

Chinese immigration began with the California gold rush in 1849. Before gold was discovered that year, only fifty-six Chinese men lived in California. After the gold strike, many Chinese men came to the United States seeking a fortune. At the time, China was suffering from political and religious rebellions. This left the Chinese economy in desperate straits. Many Chinese hoped to make money quickly in the United States. Then they would return to their native land. Although few Chinese found riches, they did find work as laborers, cooks, and laundrymen. While the gold rush continued, their labor was valued. Later they helped build the transcontinental railroad.

By 1876, more than 100,000 Chinese had come to the West, mostly California. Native-born laborers began to resent their presence for several reasons.

- Their habits and customs were so different. Chinese men wore their hair in a queue, or pigtail. They dressed in silk clothing.
- Their religion was foreign. Therefore, many Americans interpreted it as heathen.
- They led a separate existence, within their own camps and sections of cities.
- The ratio of Chinese men to women was lopsided—about twenty to one. This meant that unmarried Chinese men would seek white women as marriage partners.
- They worked very hard for low wages. Native-born workers believed that they took American jobs and made it very difficult for the native-born to bargain for higher wages.

In 1880, anti-Chinese riots broke out in San Francisco. This provided an excuse for banning Chinese immigration. The U.S. Congress enacted the Chinese Exclusion Act in 1882. This law suspended the immigration of Chinese laborers for ten years. In 1892, the act was renewed for another ten years. It was made permanent in 1902 and remained in effect until 1943.

## Importance

The law was the result of growing anti-immigrant feeling. It became the first of later restrictive laws targeting the new immigrants. The Chinese Exclusion Act did not ban all Chinese immigration. Instead, it prevented unskilled or skilled Chinese laborers from entering the United States. This effectively kept out the vast majority of Chinese. The act also required that non-laborers obtain a certificate from the Chinese government stating that they were qualified to enter. Finally, it forbade any Chinese national already here from becoming a naturalized citizen.

### The Chinese Exclusion Act, 1882

An act to execute certain treaty stipulations relating to Chinese.

Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof: Therefore,

Be it enacted, . . . That from and after the expiration of ninety days next after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, . . . suspended; and during such suspension it shall not be lawful for any Chinese laborer to come, or having so come after the expiration of said ninety days to remain within the United States.

SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may be also imprisoned for a term not exceeding one year. . . .

SEC. 6. That in order to the faithful execution of articles one and two of the treaty in this act before mentioned, every Chinese person other than a laborer who may be entitled by said treaty and this act to come within the United States, and who shall be about to come to the United States, shall be identified as so entitled by the Chinese Government in each case, such identity to be evidenced by a certificate issued under the authority of said government, which certificate shall be in the English language or (if not in the English language) accompanied by a translation into

*(continued)*

English, stating such right to come, and which certificate shall state the name, title, or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, and place of residence in China of the person to whom the certificate is issued and that such person is entitled, conformably to the treaty in this act mentioned to come within the United States. . . .

SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper office of customs the certificate in this act required of Chinese persons seeking to land from a vessel. Any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, by direction of the President of the United States, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or remain in the United States.

SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese Government traveling upon the business of that government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons.

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

SEC. 15. That the words "Chinese laborers," whenever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.

## **Vocabulary**

**execute**—to carry out

**stipulations**—requirements

**localities**—places

**thereof**—of it

**expiration**—end

**suspended**—temporarily stopped

**misdemeanor**—a less serious crime

**exceeding**—going beyond a limit

**execution**—the act of enforcing a legal judgment

**evidenced**—proved

**conformably**—in accordance with

**customs**—the agency responsible for meeting immigrants coming to the United States

**therefrom**—from it

**credentials**—papers showing that a person has a right to official authority

**exempt**—release from a requirement

**provisions**—conditions

**hereafter**—after this

**repealed**—made to be no longer in effect

**construed**—understood

## **Comprehension Questions**

1. What was the U.S. government's opinion of Chinese laborers?
2. For how long a period of time does the act forbid Chinese laborers from entering the United States?
3. What could happen to a ship captain who transported Chinese laborers to the United States?
4. What does a Chinese non-laborer who wants to enter the United States have to secure from the Chinese government before leaving China?
5. What is the penalty for a Chinese person found in this country illegally?
6. Which Chinese citizens are not covered by the exclusion?
7. How does the law define a Chinese laborer?

## **Critical Thinking**

1. What is the purpose of fining ship captains who transport Chinese laborers to the United States?
2. How does the description of laborers in the law include practically all Chinese?
3. What does Section 14 mean for Chinese people already in the country?

## **Making Connections**

1. At what other time in U.S. history was there a strong anti-immigrant feeling?
2. Why did most of the nineteenth-century Chinese immigrants settle on the West Coast?
3. What role do you think labor unions in California played in supporting this legislation? Explain.
4. What were U.S. diplomatic relations with China in the second half of the nineteenth century?

## **Relating the Past to Our Lives**

1. Is immigration restricted today? How?
2. When did your ancestors come to this country? What were the circumstances?
3. Do you think the United States benefits from immigration today?

## **Essay Questions**

1. Should further limits be placed on immigration to the United States today? Defend your answer.
2. One argument against allowing the Chinese to enter the United States during this era was that they could never become part of American society because of their foreign culture. What are some ways to tell that an immigrant has become part of mainstream U.S. society? Explain.
3. What are some of the best ways to welcome and then assimilate immigrants into American life? Explain.
4. To what extent did race determine the passage of the Chinese Exclusion Act?

## Native American Land Policy

Document: The Dawes Act (1887)

### Historical Context

Sometimes well-intentioned people can do harm to those they are trying to help. In part, this was the case with the 1887 Dawes Act and the Native Americans it was designed to help. Of course, not all supporters of the legislation had the Indians' best interests in mind.

The Dawes Act had some well-meaning promoters. Henry Dawes of Massachusetts was its author. He was opposed to the U.S. government policy of removing Indians from their lands and forcing them onto reservations. Dawes felt that this was government mistreatment of Native Americans. Clashes between settlers and Indians had increased as the white population continued to migrate to the West. For reformers like Dawes, the problem was Indian culture. Others agreed. They had read *A Century of Dishonor*, Helen Hunt Jackson's 1881 history of U.S. policy toward the Indians. These whites were moved to help Indian tribes in the West.

The reformers concluded that Native Americans would have a brighter future if they adopted white culture and became farmers. Then they would no longer be nomadic, isolated tribes. They could become citizens under the protection of the government, state, or territory, in which they resided. Soon, the reformers believed, there would be no "Indian Problem." The reformers' plan assumed that Indians should simply reject their own culture. This was consistent with a belief in white racial superiority promoted at the time in the United States and Europe.

The Dawes Act carried out this plan. It was intended to weaken Indian tribal culture. It would make Native Americans like whites by ordering the following:

The reservations were to be divided into 160-acre parcels for each family, 80 acres for a single person. To ensure the land was not sold immediately, the federal government did not grant outright ownership. Instead it held the land in trust for the family for twenty-five years. Reservation law would not apply once the reservations were broken up. Thus, the act placed Native Americans with land under the protection of state or federal law.

In the end, the Dawes Act failed to achieve the goal of its supporters, to help Native Americans. Although the act succeeded in weakening tribal life, it did not destroy that life. Many Indian tribes were poorly prepared to farm, and most of the reservation land was infertile. Whites accepted Indians no more than before. For those Dawes Act supporters who simply wanted Native American land—and there were plenty—the act succeeded. It reduced Indian lands considerably. Before the Dawes Act went into effect, Native American tribes owned 138 million acres of land. By 1900, this was reduced to 78 million. Where did the Indian land go? Once the reservations were divided into 160-acre parcels, surplus land remained. This was open for sale to the public. Not until the Indian Reorganization Act in

1934 was the remaining unsold surplus land returned to the tribes. This, at last, helped protect tribal culture.

## Importance

Reading the act is a useful exercise. The first sentence functions as the topic sentence, stating the purpose of the bill. Then its terms are specified. When placed in context, the legislation shows how harmless a bill can sound couched in legal language. The human outcome, for good or ill, is often not apparent.

### The Dawes Act, 1887

Forty-Ninth Congress of the United States of America;

At the Second Session, . . .

An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation or any part thereof of such Indians is advantageous for agricultural and grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed if necessary, and to allot the lands in said reservation in severalty to any Indian located thereon in quantities as follows:*

To each head of a family, one-quarter of a section;

To each single person over eighteen years of age, one-eighth of a section;

To each orphan child under eighteen years of age, one-eighth of a section; and

*(continued)*