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# Chinese Elites and U.S. Gatekeeping: Racial Discrimination and Class Privilege in Boston’s 1905 King Incident

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*In 1905, Boston immigration officials detained four Chinese students of the King family, inciting protest from Euro-American elites and sparking an international controversy that gave momentum to the American Boycott movement in Shanghai. A prominent family, the Kings successfully rallied business leaders to take their cause to President Theodore Roosevelt and effectively used the press to articulate Chinese grievances. Bringing to a head the tension between race-based and class-based interpretations of exclusion that troubled the legislation from its inception, the case prompted key reforms in the administration of Chinese exclusion and helped promote a pivot away from the movement for a wholesale “Chinese ban.” An examination of this incident and its role in struggles over immigration law illuminates the conflicted position of Chinese elites—disempowered by race yet empowered by class status—under exclusion. It also provides insights into the agency of Chinese elites in mobilizing resources to combat immigration abuses.*

As the *Ivernia* pulled into the port of Boston on June 1, 1905, completing a nine-day crossing from Liverpool, four Chinese students in the saloon cabin anticipated their welcome by local friends, Atwood Robinson, president of the Sub-Target Gun Company, and Frederick J. Ranlett, a Harvard-educated lawyer. Traveling en route from London home to China, the three King brothers and their sister planned to visit Boston and tour Niagara Falls before completing their journey.<sup>1</sup> During the trans-Atlantic voyage, the Kings had mixed freely with the other first-class passengers, rubbing shoulders with prominent New Englanders like the “Boston Brahmin” Lawrence and Peabody families. The Kings’ fluent English, elegant dress, and refined gentility made a fine impression, and their table manners proved “above reproach.”<sup>2</sup> Tzechin King’s solo performance on the Chinese flute drew warm applause, with many admiring her as a “charming Chinese lady.”<sup>3</sup> By journey’s end, the Kings enjoyed popularity among their fellow first-class travelers, and gained the friendship of New Hampshire railroad magnate Benjamin Ames Kimball. Nothing suggested they did not belong. A murmur

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<sup>1</sup>King is the Shanghainese pronunciation of the surname Jin (Mandarin pinyin).

<sup>2</sup>*Boston Traveler*, June 2, 1905, quoted in Patrick J. Healy and Poon Chew Ng, *A Statement for Non-Exclusion* (San Francisco, 1905), 132–4, here 133.

<sup>3</sup>*Ibid.*, 133.

of shock and disbelief arose, then, when Boston immigration officials detained the Kings on board, refusing to recognize their passports and letter of introduction from U.S. Ambassador Joseph Choate in London. Despite the “loudly expressed disgust of their American fellow-passengers,” officials denied them landing until they could post a bond of \$500 each and provide photographs in triplicate.<sup>4</sup> Adding insult to injury, when finally released, their landing papers designated them not as “students” but as “laborers,” a class of Chinese widely denigrated and subject to legal exclusion.<sup>5</sup>

The infamous Boston Chinatown Raid of 1903, in which immigration officers arrested 234 Chinese immigrants, still looms large in the collective memory of longtime Boston Chinatown residents and is well known to scholars of Asian American history.<sup>6</sup> In sharp contrast, this second Boston outrage has passed into relative obscurity, though it caused a major international controversy at the time. Like the 1903 Raid, this incident revealed the continued harassment of Chinese immigrants long after the passage of the Chinese Exclusion Act in 1882; it aroused indignation among Bostonians, galvanizing Euro-American allies of the Chinese; and it bore connections to the 1905–1906 Chinese anti-American boycott.<sup>7</sup> Unlike the 1903 incident, however, the King case involved not the mass arrest of local working-class Chinese, but rather the detention of four wealthy students entering Boston as tourists.<sup>8</sup> In further contrast, it prompted a swift response at the highest levels of political power, with directives from President Roosevelt leading to the sacking of Boston’s Chinese Inspector and to notable procedural reforms in the administration of Chinese exclusion.<sup>9</sup> Whereas racial prejudice underpinned both Boston incidents, class considerations powerfully affected the unfolding and outcome of the second.

The King case brought to a head the tension between race-based and class-based interpretations of Chinese exclusion that troubled the legislation from its inception, spurring an international controversy that induced key policy changes.<sup>10</sup> Timing was an important factor here, as the detention of the Kings occurred just as a Chinese boycott appeared imminent. The case thus served as a crucial triggering incident that propelled a coalition of U.S. business leaders, civil liberties advocates, and religious groups to pressure Roosevelt to liberalize Chinese immigration policy.<sup>11</sup> Across the Pacific, the outrage also became a triggering incident that, in the

<sup>4</sup>Totaling roughly \$58,403 in 2020 equivalent. “The Working of the Chinese Exclusion Act in the U.S.,” *The North-China Herald and Supreme Court & Consular Gazette*, July 14, 1905, 71–2.

<sup>5</sup>“The Working of the Chinese Exclusion Act in the U.S.,” 72. It is notable that the sister was never accused (as far as I could find) of intending to enter the country as a prostitute, a common accusation used to bar Chinese women immigrants during this era. This may speak to the recognized clout of the King family.

<sup>6</sup>See, for instance, K. Scott Wong, “‘The Eagle Seeks a Helpless Quarry’: Chinatown, the Police, and the Press, The 1903 Boston Chinatown Raid Revisited,” *Amerasia* 22, no. 3 (1996): 81–103; and Kitty Calavita, “Chinese Exclusion and the Open Door with China: Structural Contradictions and the ‘Chaos’ of Law, 1882–1910,” *Social & Legal Studies* 10, no. 2 (2001): 203–26.

<sup>7</sup>Wong, “The Eagle Seeks a Helpless Quarry,” 76.

<sup>8</sup>Secretary of Commerce and Labor, *Compilation from the Records of the Bureau of Immigration of Facts Concerning the Enforcement of the Chinese-Exclusion Laws*, May 25, 1906, referred to the Committee on Foreign Affairs, House of Representatives, in U.S. Congress, House, 59 Cong., 1<sup>st</sup> sess., 1905–1906, H. Doc. 50, issue 4990, doc. 847, 134–6.

<sup>9</sup>*Journal of the American Asiatic Association* 5, no. 4–11 (May–Dec., 1905).

<sup>10</sup>On this tension, see Gordon H. Chang, “China and the Pursuit of America’s Destiny: Nineteenth-Century Imagining and Why Immigration Restriction Took So Long,” *Journal of Asian American Studies* 15, no. 2 (2012): 145–69.

<sup>11</sup>The case is briefly treated in, for instance, Howard K. Beale, *Theodore Roosevelt and the Rise of America to World Power* (Baltimore, 1956); Cunwu Zhang, *Guangxu sanshiyinian Zhong Mei gongyue fengchao* (Taipei, 1965); James J. Lorence, “Business and Reform: The American Asiatic Association and the Exclusion Laws, 1905–1907,” *Pacific Historical Review* 39, no. 4 (Nov. 1970): 421–38; Delber L. McKee, *Chinese Exclusion Versus the Open Door Policy, 1900–1906: Clashes over China Policy in the Roosevelt Era* (Detroit, 1977); and Sin Kiong Wong, *China’s Anti-American Boycott Movement in 1905: A Study in Urban Protest* (New York, 2002).

words of Zhang Cunwu, “midwived” the Chinese boycott implemented in July 1905.<sup>12</sup> The reforms that resulted from the ensuing political negotiations mitigated ongoing abuses of the Chinese “exempt classes” and helped to shut down the momentum toward a “Chinese ban” that had been building since 1897. Significantly, these reforms also checked the virtually unfettered power that the Bureau of Immigration had been given in the watershed *Ju Toy* decision of May 1905—a Supreme Court case that removed the right to judicial review of the Secretary of Commerce’s rulings on Chinese immigration cases.<sup>13</sup> Following closely on the heels of the *Ju Toy* debates, which had drawn national attention, the redress achieved in the King case demonstrated an effective obstacle to unchecked bureaucratic authority.<sup>14</sup>

An examination of the King incident and its role in political struggles over Chinese immigration restriction illuminates the conflicted position of Chinese elites—disempowered by race yet empowered by class status—during an era identified as “the nadir of the Chinese experience in America.”<sup>15</sup> The story thus contributes to our understanding of the dynamic intersectionality of race and class under exclusion.<sup>16</sup> As Madeline Hsu shows, laborers bore the brunt of Chinese exclusion, whereas the “exempt classes retained their legal rights of entry even if at times—particularly between 1897 and 1908, when organized labor leaders gained control—an overzealous Immigration Bureau attempted to enact complete exclusion.”<sup>17</sup> Yet, the King case reveals precisely the tenuousness of exemption; it demonstrates how an overzealous Bureau ensnared Chinese elites, their evident privilege vis-à-vis their working-class compatriots notwithstanding. The case sheds light on the specific ways in which immigration officials targeted Chinese elites, as well as the escalating efforts to restrict their entry after 1897, including tightened limitations on students and transits. At the same time, it shows how Chinese elites mobilized resources to combat immigration abuses, as the Kings reached beyond standard diplomatic channels for redress and leveraged their social network among Euro-American elites. Far from being the “helpless quarry” hunted by law enforcement’s ruthless “eagles,” as William Lloyd Garrison characterized the victims of Boston’s 1903 Raid, the Kings successfully rallied New England business leaders to take their cause to the White House and effectively used the press to articulate grievances motivating the Chinese boycott movement.<sup>18</sup>

<sup>12</sup>Zhang, *Guangxu sanshiyinian Zhong Mei gongyue fengchao*, 85.

<sup>13</sup>*United States v. Ju Toy*, 198 U.S. 253 (1905).

<sup>14</sup>Lucy E. Salyer, *Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* (Chapel Hill, NC, 1995), 117–8.

<sup>15</sup>Him Mark Lai, “The 1903 Anti-Chinese Riot in Tonopah, Nevada, from a Chinese Perspective: Two Letters Published in the *Chung Sai Yat Po*,” *Chinese America: History and Perspectives* 17 (San Francisco, 2003), 47–52.

<sup>16</sup>On elites, for instance, see Brian Thornton, “Exceptions to the Rule: Chinese Merchants and the Exclusion Laws, 1890–1894,” *Pacific Northwest Forum* 6, no. 1 (1993): 50–9; Todd Stevens, “Tender Ties: Husbands’ Rights and Racial Exclusion in Chinese Marriage Cases, 1882–1924,” *Law & Social Inquiry* 27, no. 2 (2002): 271–305; Kitty Calavita, “Collisions at the Intersection of Gender, Race, and Class: Enforcing the Chinese Exclusion Laws,” *Law & Society Review* 40, no. 2 (2006): 249–82; Kitty Calavita, “Immigration Law, Race, and Identity,” *Annual Review of Law and Social Science* 3, no. 1 (2007): 1–20; Kenneth H. Marcus and Yong Chen, “Inside and Outside Chinatown: Chinese Elites in Exclusion Era California,” *Pacific Historical Review* 80, no. 3 (Aug. 2011): 369–400; Mae Ngai, *The Lucky Ones: One Family and the Extraordinary Invention of the Chinese American* (Princeton, NJ, 2012); and Madeline Y. Hsu, *The Good Immigrants: How the Yellow Peril Became the Model Minority* (Princeton, NJ, 2017). On the social construction of race through immigration law, see, for instance, Salyer, *Laws Harsh as Tigers*; Erika Lee, *At America’s Gates: Chinese Immigration During the Exclusion Era, 1882–1943* (Chapel Hill, NC, 2003); Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ, 2004); and Calavita, “Immigration Law, Race, and Identity.” Kramer argues that there is a dearth of analyses of class-based exemptions in the historiography of Chinese exclusion in Paul A. Kramer, “Imperial Openings: Civilization, Exemption, and the Geopolitics of Mobility in the History of Chinese Exclusion, 1868–1910,” *The Journal of the Gilded Age and Progressive Era* 14, no. 3 (2015): 317–47, here 343, note 13.

<sup>17</sup>Hsu, *The Good Immigrants*, 13.

<sup>18</sup>John K. W. Tchen, *New York Before Chinatown: Orientalism and the Shaping of American Culture, 1776–1882* (Baltimore, 2001); and Wong, “The Eagle Seeks a Helpless Quarry,” 77.

Taking up Paul Kramer's call for scholars to register the ways in which immigration policies did not merely connect the "domestic" and "foreign," but "undermined the dichotomy itself," this article draws on a range of English-language and Chinese sources to trace the transpacific impact of the King case.<sup>19</sup> In particular, the eldest King brother's "A Diary of Suffering Abuse on Our American Travels" (*You Mei shounue riji*), a rare first-hand account of the harassment experienced by Chinese elites, provides insights into King's perspective on the incident and serves as a compelling contrast to the claims of U.S. authorities.<sup>20</sup> Viewed from a transnational angle, the episode exemplifies what Kramer calls the "geopolitics of mobility," demonstrating how U.S. global power manifests itself not only in border restrictions, but also "in boundary openings and the cultivation of movement."<sup>21</sup> It further shows the need for what Beth Lew-Williams calls "transcalar" history that crosses the scales of "local expulsion, national exclusion, and international imperialism."<sup>22</sup>

My analysis of the 1905 King incident and its aftermath joins in ongoing discussions of the contradiction between the United States' "closed gate" policy for Chinese immigrants and its "Open Door" strategy in China.<sup>23</sup> As Erika Lee has demonstrated, the Chinese Exclusion Act of 1882 cast a long historical shadow that worked to transform the United States into a "gatekeeping nation," in which immigration restriction "largely based on race and nationality—came to determine the very makeup of the nation and American national identity."<sup>24</sup> Shifting the focus to the act's exemptions, Kramer argues that exclusion set in place a boundary-making regime designed not as a wall but as a filter, selecting for particular categories of migrants with openings that served U.S. imperial interests in China, including those of trade and cultural diffusion.<sup>25</sup> Kramer's account of the evolution of Chinese exclusion between 1868 and 1910 analyzes the trajectory by which this regime, shaped not only by "the essentializing hatreds of white nativists but by the agendas of those seeking to conquer China itself," emerged.<sup>26</sup> The King case potently reminds us, however, that if exclusion's exemption clauses served to prop the door open for U.S. business and missionaries in China, even Chinese elites whose rights these exceptions were crafted to uphold could nonetheless find themselves facing a racial gate at U.S. borders.<sup>27</sup> It furthermore calls attention to the need for a fuller understanding of the role played by transnational Chinese elites, alongside competing domestic interest groups, in shaping U.S. immigration policy. Hsu's work on these elites in the post-World War II era reveals the historical process through which the image of Chinese immigrants evolved from that of a "yellow peril" to a "model minority." Emphasizing the conjuncture of domestic and international interests in the development of immigration controls, Hsu shows that the exemption for students as a privileged class under Chinese exclusion provided a vital precedent for the turn "from emphasizing restriction to selection, with the aim of

<sup>19</sup>Paul A. Kramer, "The Geopolitics of Mobility: Immigration Policy and American Global Power in the Long Twentieth Century," *The American Historical Review* 123, no. 2 (2018): 393–438, here 437.

<sup>20</sup>Kungpah King, "You Mei shounue riji," *Shibao*, July 11–13, 1905.

<sup>21</sup>Kramer, "Geopolitics of Mobility," 399.

<sup>22</sup>Beth Lew-Williams, *The Chinese Must Go: Violence, Exclusion, and the Making of the Alien in America* (Cambridge, MA, 2018), 10.

<sup>23</sup>For instance, see McKee, *Chinese Exclusion Versus the Open Door Policy, 1900–1906*; Michael H. Hunt, *The Making of a Special Relationship: The United States and China to 1914* (New York, 1983); Andrew Gyory, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act* (Chapel Hill, NC, 1998); Calavita, "Chinese Exclusion and the Open Door with China"; Lee, *At America's Gates*; Kornel S. Chang, *Pacific Connections: The Making of the U.S.-Canadian Borderlands* (Berkeley, CA, 2012); Chang, "China and the Pursuit"; Kramer, "Imperial Openings"; Hsu, *The Good Immigrants*; and Lew-Williams, *The Chinese Must Go*, among others.

<sup>24</sup>Lee, *At America's Gates*, 6.

<sup>25</sup>Kramer, "Imperial Openings," 320.

<sup>26</sup>Ibid., 320. See also Calavita, "Chinese Exclusion and the Open Door with China," 203.

<sup>27</sup>See Kitty Calavita, "The Paradoxes of Race, Class, Identity, and 'Passing': Enforcing the Chinese Exclusion Acts, 1882–1910," *Law & Social Inquiry* 25, no. 1 (2000): 1–40.

enhancing America's international political and economic agendas."<sup>28</sup> Building on Hsu's arguments regarding the vital role of class distinction in shaping immigration policy, and the particular privilege accorded students, I shift the focus to an earlier time period, and take a different angle in examining the precarity of status privilege and how it had to be fought for.

One reason the King incident has received less attention in Asian American historiography than the Boston Chinatown Raid stems perhaps from the field's long-standing emphasis on working-class communities. Expanding inquiry on the exempt classes, as scholars like Mae Ngai, Madeline Hsu, Todd Stevens, Yong Chen, Kenneth Marcus, and others have done, I examine the King incident as a case study of Chinese elites mobilizing against injustice. The story illustrates the diverse means through which immigrants and their allies have pushed back against nativist interest groups determined to erect bans against minorities deemed threatening to the U.S. nation: in particular, with strategies beyond formal legal challenges, which became critical after the closure of the judicial route that Chinese had effectively used to contest exclusion prior to the *Ju Toy* decision.<sup>29</sup>

### The Harassment of Chinese Students and Chinese Exclusion as a Two-Class System

The King incident was not the first time that immigration officials had targeted Chinese students in the name of the exclusion laws. In perhaps the most famous case, in 1902, San Francisco immigration officials denied landing to two young Christian students brought by missionaries to attend Oberlin; the pair faced a year-long ordeal before reaching campus.<sup>30</sup> Many other students, as well as other elites, relayed stories of harassment, detention, or deportation that circulated back in China.<sup>31</sup> Such incidents had far-reaching impacts: "Missionary efforts to civilize Chinese and shape China's destiny," as Hsu notes, "ran into serious interference from the intensification of exclusionary activities in America, which imposed hostile entry conditions on Chinese students."<sup>32</sup> The notoriety of these ensnarements in fact prompted the King siblings—Kungpah (1878–1926), Zunglieh (1880–1965), Tzechin (1882–1948), and Sohtsu (1886–1949)—to study in London.<sup>33</sup>

With prior cases of harassment in mind, the Kings inquired about regulations at the U.S. Embassy in London; they were concerned in particular about the need for photographs to enter the United States. Embassy Secretary J. R. Carter assured them that their occupational status as students and their intent to enter the United States as tourists exempted them from such requirements.<sup>34</sup> Despite their precautions, as in many prior cases, immigration officials denied landing to the Kings based on technicalities. Disregarding their letter of introduction from Ambassador Choate, they faulted the Kings for failing to carry Section 6 certificates (certificates issued by the Chinese government attesting to an individual's exempt status). This insistence on Section 6 certificates in fact contravened important legal precedents established by *The Chinese Merchant's Case* (1882), and reaffirmed by *In re Ho King* (1883), *Lau Ow Bew v. United States* (1892), and other cases, that:

<sup>28</sup>Hsu, *The Good Immigrants*, 4.

<sup>29</sup>See Salyer, *Laws Harsh as Tigers*; Sucheng Chan, ed., *Entry Denied: Exclusion and the Chinese Community in America, 1882–1943* (Philadelphia, 1991); Erika Lee, "Defying Exclusion: Chinese Immigrants and Their Strategies During the Exclusion Era," in *Chinese American Transnationalism: The Flow of People, Resources, and Ideas between China and America during the Exclusion Era*, ed. Sucheng Chan (Philadelphia, 2006): 1–21.

<sup>30</sup>Fay Chi Ho and Luella Miner, *Two Heroes of Cathay, an Autobiography [of Fay Chi Ho] and a Sketch [of the Life of Kung Hsiang Hsi]* (New York, 1903).

<sup>31</sup>Guanhua Wang, *In Search of Justice: The 1905–1906 Chinese Anti-American Boycott* (Cambridge, MA, 2001), 21–2.

<sup>32</sup>Hsu, *The Good Immigrants*, 35.

<sup>33</sup>Their names in Mandarin pinyin are Jin Shaocheng, Jin Shaotang, Jin Ce, and Jin Shaoji.

<sup>34</sup>King, "You Mei shounue rijì," 2.



The certificate mentioned in this section [six] is evidently designed to facilitate proof by Chinese other than laborers ... that they are not within the prohibited class. It is not required as a means of restricting their coming. To hold that such was its object would be to impute to congress a purpose to disregard the stipulation of the second article of the new treaty, that they should be "allowed to go and come of their own free will and accord."<sup>35</sup>

Whereas certain facts of the case, including their first-class passage and Choate's letter of introduction, would have suggested that the Kings were not laborers, legal rulings since 1895 empowered immigration officials to decide the contrary.<sup>36</sup> Kitty Calavita demonstrates how frontline inspectors charged with exclusion's enforcement operated with wide discretion; predicated on preconceived notions of race, class, and identity as "intrinsic, immutable entities to be discerned through scrutiny of a person's physiology, dress, and manners," administrative discretion generally relied on "the assumed relationship between physical appearance and one's essential nature or identity."<sup>37</sup> In the King case, however, administrative discretion took the opposite tack, denying such an assumed relationship to insist that the Kings might be laborers in disguise, their markers of class status notwithstanding. If immigration inspectors tended to exclude self-declared merchants who exhibited calloused hands and muscular legs (and hence the "appearance" of laborers), in this instance they refused to accept the Kings' physical appearance, dress, and manners as evidence of their nonlaborer status.<sup>38</sup> In the end, Boston officials compelled the Kings to produce through tickets, photographs in triplicate, and a bond of \$500 per person to enter as transits.

Chinese exclusion operated, in theory, as a class-based regime that distinguished between "undesirable" and "desirable" immigrants on the basis of occupational categories and status. The Angell Treaty of 1880 enabled the United States to restrict immigration from China, but not to ban it outright. Thus, when Congress passed the Act to Restrict Chinese in 1882, it prohibited Chinese laborers while exempting other classes. These "exempt classes," as delineated in the Act of 1884, held rights equivalent to immigrants from most-favored nations. In practice, however, officials did not always observe this fundamental class distinction, and certain actions of the U.S. government appeared designed to effect a *de facto* categorical exclusion of Chinese. By the turn of the twentieth century, especially after the appointment of labor leader Terence Powderly as Commissioner General of Immigration in 1897, the harassment of the exempt classes had become a source of serious friction with China. For many Chinese, the maltreatment of elites signaled that Americans held all Chinese, not merely the humble "coolies," in contempt.

Chinese Minister Wu Tingfang took this lack of status recognition for Chinese elites as a matter of China's subordinate standing on the global stage. Strategically conceding the U.S. prerogative to restrict laborers (and expressing perhaps his own classism), Wu vociferously campaigned for the rights of the exempt classes. Yet, the very definition of "exempt classes" was far

<sup>35</sup>*The Chinese Merchant's Case*, 13 F. 605 (1882). Similarly, in the case of a Chinese actor in 1883, Oregon District Judge Matthew Paul Deady wrote: "if section 6 of the act of 1882 is construed to absolutely require the production of the certificate therein provided for, before a Chinese who is not a laborer can come within the United States, then it will operate as a serious restriction upon the right and privilege given him by the treaty, because in this respect no such condition or restriction is imposed upon any subject of any other nation." *In re Ho King*, 14 F. 724 (1883).

<sup>36</sup>In the case of *Lem Moon Sing v. United States*, 158 U.S. 538 (1895), the court held that the decision of the collector of customs was final as to whether or not a Chinese immigrant belonged to the exempt class. In the case of *Fok Yung Yo v. United States*, 185 U.S. 296 (1902), the court held that the decision of the collector on the right of transit was not subject to judicial review.

<sup>37</sup>Calavita, "The Paradoxes of Race, Class, Identity, and 'Passing'", 2, 14.

<sup>38</sup>*Ibid.*, 25–6.

from clear cut and itself became a major point of contention.<sup>39</sup> The Chinese and their allies argued that exclusion intended to suspend the entry of laborers while upholding the treaty rights of all others. U.S. restrictionists argued that only those persons specifically enumerated in the Angell Treaty, “officials, teachers, students, merchants, or travelers for curiosity or pleasure,” were exempt.<sup>40</sup> This dispute put at stake the question of whether other nonlaborers—artisans, bankers, lawyers, physicians, etc.—should be considered exempt.<sup>41</sup> The heart of the matter, though, was whether exclusion would narrowly target Chinese manual laborers or generally restrict Chinese as a racial group.

Marking a turn toward a narrow interpretation, in July 1898 Attorney General John W. Griggs issued the opinion that “the true theory is not that all Chinese persons may enter this country who are not forbidden, but that only those are entitled to enter who are expressly allowed.”<sup>42</sup> Treasury Department instructions to immigration inspectors thereafter mandated heightened scrutiny of migrants claiming exempt status; between 1898 and 1905, the number of exempt Chinese entering the United States fell from 5,698 to 1,348.<sup>43</sup> A further round of restriction occurred in 1900 when the Treasury issued a revised definition of “student” as:

(1) one who intends to pursue some of the higher branches of study or seeks to be fitted for some particular profession or occupation, (2) for which facilities are not afforded in his own country, (3) for whose support and maintenance in this country provision has been made, and (4) who upon completion of his studies, expects to return to China.<sup>44</sup>

The U.S. similarly tightened regulations on Chinese transits in 1900. Whereas all Chinese had been permitted the right of transit, regulations after 1900 required laborers to have through tickets and to post a bond of \$500 guaranteeing their departure from the United States within twenty days. By 1905, the government expanded these rules to apply to all Chinese persons, without class distinction, and furthermore required transits to provide photographs in triplicate and those of the non-exempt classes to submit to Bertillon measurements (a system of anthropometric measurements developed by Alphonse Bertillon).<sup>45</sup>

In response to these tightenings, Wu repeatedly wrote Secretary of State John Hay protesting the “injustice and hardship suffered by” Chinese due to the “rigid enforcement” of the

<sup>39</sup>As stated in a 1906 report on the history of the enforcement of the Chinese exclusion laws, the regulation defining the exempt classes became “the subject of violent attacks from various quarters.” See Secretary of Commerce and Labor, *Compilation from the Records of the Bureau of Immigration of Facts Concerning the Enforcement of the Chinese-Exclusion Laws*, 25.

<sup>40</sup>U.S. Congress, House, *Papers Relating to the Foreign Relations of the United States, with the Annual Message of the President Transmitted to Congress, December 3, 1901*, 57 Cong., 1<sup>st</sup> sess., 1901, 39–133.

<sup>41</sup>“Mr. Wu to Mr. Hay,” Dec. 10, 1901, “Exclusion Laws—Representations Against Reenactment as Affecting the United States and Territories, and Extension to the Philippine Islands,” in *Papers Relating to the Foreign Relations of the United States, with the Annual Message of the President Transmitted to Congress, December 3, 1901*, 75–97; Ng Poon Chew, *The Treatment of the Exempt Classes of Chinese in the United States* (San Francisco, 1908).

<sup>42</sup>“Mr. Wu to Mr. Hay,” Dec. 9, 1901, “Exclusion Laws—Complaints of Alleged Harsh and Unfair Enforcement,” in *Papers Relating to the Foreign Relations of the United States with the Annual Message of the President Transmitted to Congress, December 3, 1901*, 72.

<sup>43</sup>Lee, *At America’s Gates*, 101.

<sup>44</sup>United States Department of State, *Exclusion of Chinese Laborers: Letter of Mr. John Hay, Dated December 18, 1901 [Transmitting a Letter from the Chinese Minister, Washington, Dec. 10, 1901] Concerning the Exclusion of Chinese Laborers [Together with Treaties of 1868, 1888, and 1894 between China and the United States]*, 57 Cong., 1<sup>st</sup> sess., 1901–1902, S. Doc. 162, 7, [https://books.google.com/books?id=7WknPqJQCrcUC&printsec=frontcover&source=gbs\\_ge\\_summary\\_r&cad=0#v=onepage&q&f=false](https://books.google.com/books?id=7WknPqJQCrcUC&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false) (accessed Dec. 13, 2020).

<sup>45</sup>According to Mary Coolidge, approximately 2,000 Chinese transits annually traveled through the U.S. until 1901, with no denials; after 1901, new procedures resulted in hundreds of denials. See Mary Roberts Coolidge, *Chinese Immigration* (New York, 1909), 287–9.

exclusion laws.<sup>46</sup> Challenging Griggs, Wu asserted that “to deny admission to other classes of Chinese than laborers is clearly contrary to the letter and spirit of the laws and treaties ... and to the uninterrupted practice of the Executive Departments of the United States ... from 1882 to 1898.”<sup>47</sup> Wu alleged that the new rulings had resulted in the exclusion of “a large class of Chinese of education, high rank, and business standing,” with harassment of elites amounting to a “virtual nullification” of treaty agreements.<sup>48</sup> Wu further contested restrictions on the student category as effectively closing the doors of U.S. higher education to “the Chinese race.”<sup>49</sup> The Bureau defended this action on the grounds that Chinese youths, “bearing every indication of being ordinary coolies,” attempted to skirt exclusion by entering the country as students.<sup>50</sup> Wu’s diplomatic remonstrances against Chinese exclusion proved ineffectual.

The situation worsened after the appointment of Frank Sargent, a virulently anti-Chinese labor leader, as Commissioner General for Immigration in 1902. Boston immigration officials further heightened their scrutiny after a report of 1903 detailed the illegal entry of Chinese on the East Coast. Warning of the danger of laborers posing as “exempts,” the Bureau praised frontline officials’ “persistent and ever-increasing activity” in detecting fraud.<sup>51</sup> This report thereby encouraged inspectors to view Chinese immigrants primarily through the lens of race without distinctions of class, taking every Chinese as potentially a “coolie” in disguise. (Kungpah King [Figure 1] himself noted this lack of filtering, blaming his immigration ordeal on inspectors’ propensity to lump all Chinese together as racialized laborers: “They seldom met any Chinese gentlemen, except the labor class, and could not think that it was possible for a Chinese to be anything other than a laundryman or porkchopman.”<sup>52</sup>) Indeed, despite their class privilege, a wide swath of Chinese persons, from diplomats to merchants, exhibitors, and tourists, experienced harassment or denials on their way to the St. Louis World Fair of 1904.<sup>53</sup> The landmark *Ju Toy* decision doubtless further emboldened immigration officers, for it held that the denial of a writ of *habeas corpus* filed by a person of Chinese descent seeking

<sup>46</sup>“Mr. Wu to Mr. Hay,” Dec. 9, 1901, “Exclusion Laws—Complaints of Harsh and Unfair Enforcement,” in *Papers Relating to the Foreign Relations of the United States with the Annual Message of the President Transmitted to Congress, December 3, 1901*, 72; “Mr. Wu to Mr. Hay,” Dec. 10, 1901, “Exclusion Laws—Representations against Reenactment as Affecting the United States and Territories, and Extension to the Philippine Islands,” in *Papers Relating to the Foreign Relations of the United States with the Annual Message of the President Transmitted to Congress, December 3, 1901*, 75–97.

<sup>47</sup>“Mr. Wu to Mr. Hay,” Dec. 9, 1901, “Exclusion Laws—Complaints of Harsh and Unfair Enforcement,” in *Papers Relating to the Foreign Relations of the United States with the Annual Message of the President Transmitted to Congress, December 3, 1901*, 72.

<sup>48</sup>“Mr. Wu to Mr. Hay,” Dec. 10, 1901, “Exclusion Laws—Representations against Reenactment as Affecting the United States and Territories, and Extension to the Philippine Islands,” in *Papers Relating to the Foreign Relations of the United States with the Annual Message of the President Transmitted to Congress, December 3, 1901*, 81. In 1900, Wu had petitioned the government on behalf of two students refused landing, arguing that their deportation would damage the Western powers’ project of modernizing China. See “Mr. Wu to Mr. Hay,” “Exclusion Laws—Case of Alleged Chinese Student, Yip Wah, and Others,” Nov. 30, 1900, in *Papers Relating to the Foreign Relations of the United States with the Annual Message of the President Transmitted to Congress, December 3, 1901*, 61.

<sup>49</sup>“Mr. Wu to Mr. Hay,” Dec. 10, 1901, “Exclusion Laws—Representations against Reenactment as Affecting the United States and Territories, and Extension to the Philippine Islands,” in *Papers Relating to the Foreign Relations of the United States with the Annual Message of the President Transmitted to Congress, December 3, 1901*, 81. Owing to the number of complaints, in April 1905, the Solicitor of the Department of Commerce and Labor slightly modified the definition: “a Chinese student ... is a person who intends to pursue some of the higher branches of study, or to become fitted by study for some profession or occupation, and for whose support and maintenance in this country as a student provision has been made.” Secretary of Commerce and Labor, *Compilation from the Records of the Bureau of Immigration of Facts Concerning the Enforcement of the Chinese-Exclusion Laws*, 33.

<sup>50</sup>*Compilation from the Records of the Bureau of Immigration of Facts Concerning the Enforcement*, 33.

<sup>51</sup>*Ibid.*, 97.

<sup>52</sup>American Correctional Association, *Proceedings of the Annual Congress of the American Prison Association* (Indianapolis, 1910), 208.

<sup>53</sup>Ngai, *The Lucky Ones*, 105.





**Figure 1.** Hardy Wilson, attr., Portrait of Artist, Kungpah T. King, China, ca. 1917. National Library of Australia, 4467157. Reproduced with permission.

to enter the United States on the basis of a claim to citizenship did not violate constitutional due process guarantees, and eliminated judicial review of the Secretary of Commerce's decisions on Chinese immigration cases. As they clamped down on the entry of self-identified exempt-class immigrants, by 1906 the Bureau would boast that it had effectively closed off the "section 6 road"; indeed, the number of exempt Chinese admitted to the United States fell from 1,348 in 1905 to 714 in 1906.<sup>54</sup>

While aimed particularly at Chinese, these constraints represented a broader expansion and consolidation of immigration restrictions between 1875 and 1930 as the United States brought

<sup>54</sup>Secretary of Commerce and Labor, *Compilation from the Records of the Bureau of Immigration of Facts Concerning the Enforcement of the Chinese-Exclusion Laws*, 122; Lee, *At America's Gates*, 101.

immigration under federal control.<sup>55</sup> The shifting of regulatory power from the state to the federal level saw the rise of a restrictionist impulse that spread to other groups.<sup>56</sup> Chinese exclusion set the template for modern border controls as nation-states gradually asserted powers over immigration.<sup>57</sup> Over the late-nineteenth and twentieth centuries, international norms shifted to allow for nation-states to control their borders by defining categories of inadmissible persons, enforced through administrative apparatus. In the process, the United States gradually extended procedures for inspecting, documenting, screening, and restricting Chinese immigrants to general immigration.<sup>58</sup>

In the 1900s these matters were still subject to negotiation and contingent circumstances; hence, the Kings experienced the heightened scrutiny of immigration officers not as routine border control protocols, but rather as deliberate humiliation and harassment. Although Boston's commissioner of immigration would later claim that that "every consideration and courtesy possible under the circumstances were accorded these students," a first-hand account produced by Kungpah King provides a very different perspective.<sup>59</sup> As serialized in Shanghai's leading reformist newspaper *Shibao* (*The Eastern Times*) in July 1905, King's "A Diary of Suffering Abuse on Our American Travels" gives a day-by-day account of their ordeal, detailing the petty harassment the family suffered.<sup>60</sup> King recalled the hostile attitude of Chinese Inspector in Charge Augustus Schell from the beginning of their interview. Realizing Schell would not yield on the demand for identity photographs, King asked whether they might substitute portrait photographs in their possession, but Schell refused; he then asked to take the photographs using his own camera, but Schell refused again.<sup>61</sup> Sensing Schell's mounting hostility, King inquired whether Boston had a Chinese consulate; Schell falsely claimed that it did not.<sup>62</sup> As tension mounted, Atwood Robinson and Frederick Ranlett came on board, and they joined with Benjamin Ames Kimball to guarantee the siblings as students. Schell again refused. Finally, when Schell took the party ashore to a photography studio, he told Kungpah King that the true reason he escorted them personally, under the pretense of courtesy, was to keep them under guard; this made King feel he was being treated as a criminal.<sup>63</sup>

In exercising such heightened scrutiny, Boston's Chinese inspectors chose the wrong target, and in the wrong town at the wrong time. The King siblings hailed from an eminent family in Shanghai; their grandfather, Jin Tong, counted among the "eight bulls" of Nanxun, a group of elite families who had amassed great wealth in this hub of the Chinese silk trade.<sup>64</sup> Jin Tong had established himself as a "silk interpreter" in Shanghai, where Western merchants nicknamed him "Hail, Smiling Morn." In addition to economic capital, the family possessed significant

<sup>55</sup>Anna Pegler-Gordon, *In Sight of America: Photography and the Development of U.S. Immigration Policy* (Berkeley, CA, 2009), 2; Hiroshi Motomura, *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States* (Oxford, UK, 2006), 24–31.

<sup>56</sup>Salyer, *Laws Harsh as Tigers*, 118; Matthew Lindsay, "From Indemnification to Exclusion: Revisiting the 'Federalization' of American Immigration Law" (paper presented at the American Society of Legal History Annual Meeting, Boston, MA, Nov. 23, 2019).

<sup>57</sup>See also Adam McKeown, *Melancholy Order: Asian Migration and the Globalization of Borders* (New York, 2011).

<sup>58</sup>Pegler-Gordon, *In Sight of America*.

<sup>59</sup>Secretary of Commerce and Labor, *Compilation from the Records of the Bureau of Immigration of Facts Concerning the Enforcement of the Chinese-Exclusion Laws*, 136.

<sup>60</sup>Kungpah King, "You Mei shounue riji." A comparison of the Bureau's official account and King's narrative, each with its own biases, reveals much. Boston officials claimed they treated the Kings courteously. See Secretary of Commerce and Labor, *Compilation from the Records of the Bureau of Immigration of Facts Concerning the Enforcement of the Chinese-Exclusion Laws*, 136.

<sup>61</sup>Kungpah and Zunglieh King belonged to the British Royal Photographic Society.

<sup>62</sup>King, "You Mei shounue riji," 2.

<sup>63</sup>Ibid. See also Pegler-Gordon, *In Sight of America*, 1.

<sup>64</sup>Lillian Li, *China's Silk Trade: Traditional Industry in the Modern World, 1842–1937* (Cambridge, MA, 1981), 161.

social capital through business, associational, and marriage networks; the family had, for example, a close tie to Yuan Shuxun (1847–1915), Circuit Intendant of Shanghai, whose son would marry Tzechin King.<sup>65</sup>

To further their educations, the Kings had been sent to study in London, the brothers at King's College London—where they specialized in law, commerce, and engineering—and the sister with a private tutor. Having cut their queues and adopted European dress, the King brothers embodied Anglo-American ideals of the “progressive Chinese,” and they moved fluidly in cosmopolitan London society. As personal friends of Ambassador Choate, the Kings met diplomat William Phillips, a Massachusetts native recently appointed to the U.S. Legation in Peking. The family also had connections among Bostonians with business interests in China, men like Atwood Robinson, who had invited the Kings to visit Boston on their way home from London.<sup>66</sup>

The combination of these economic, cultural, and social connections imbued the Kings with a particular symbolic capital as “high-class Chinese” within the social space of Boston elites. Bourdieu defined symbolic capital as “the forms that the various species of capital [economic, cultural, and social] assume when they are perceived and recognized as legitimate.”<sup>67</sup> The perception and recognition of the Kings' symbolic capital in elite Boston society can be viewed within the framework of patrician Orientalism, theorized by John K. W. Tchen as a form of admiration for China among Euro-American elites who used the consumption of Chinese luxury goods and their knowledge of Chinese civilization as markers of cultural distinction.<sup>68</sup> Although overshadowed on the national stage after the passage of the Exclusion Act, patrician Orientalism took new form with the Boston Orientalists in the late nineteenth century. Archetypes of the “high-class” and “cultured” Chinese so admired by elites, the Kings became the perfect poster children for what Michael Hunt has called the “Open Door Constituency” in the campaign to push back against exclusion.<sup>69</sup> A coalition of business groups, educationalists, missionaries, philanthropists, and others who supported the U.S. Open Door policy in China, this constituency had solid representation in New England, where elites were eager to distance themselves from California-style populism.<sup>70</sup> The King case was the first of its kind in Boston, and it deeply outraged local elites. The Kings leveraged this indignation and used their social and symbolic capital as “high-class Chinese” to go beyond the regular diplomatic channels of support and effectively mobilize a group of New England business leaders to their side. Their experiences provide insights into the diverse resources used by Chinese to seek protection and redress under exclusion. The Chinese Consolidated Benevolent Association, established in roughly 1860, and the Chinese Legation in Washington, established in 1878, functioned as key institutions to which Chinese immigrants and travelers turned when facing immigration troubles. Missionaries and sympathetic immigration lawyers also provided vital support.<sup>71</sup> In the case of the Kings, however, their key Euro-American allies represented business interests; they also effectively leveraged the press, both in the United States and in China, to exert pressure by tying their case to the boycott movement.

<sup>65</sup>*Journal of the American Asiatic Association* 5, no. 6 (July 1905): 169; Wang, *In Search of Justice*, 79.

<sup>66</sup>B. Atwood Robinson, “America's Business Opportunity in China,” *The Journal of Race Development* 3, no. 4 (Apr. 1913): 438–56.

<sup>67</sup>Pierre Bourdieu, “Social Space and Symbolic Power,” *Sociological Theory* 7, no. 1 (Spring 1989): 14–25, here 17.

<sup>68</sup>Tchen, *New York Before Chinatown*.

<sup>69</sup>Hunt, *The Making of a Special Relationship*.

<sup>70</sup>See Gordon H. Chang, *Fateful Ties: A History of America's Preoccupation with China* (Cambridge, MA, 2015), 105.

<sup>71</sup>Yucheng Qin, *The Diplomacy of Nationalism: The Six Companies and China's Policy Toward Exclusion* (Honolulu, HI, 2009); Salyer, *Laws Harsh as Tigers*; Lee, “Defying Exclusion.” In the case of the Shanghainese King family, native-place associations serving Boston's primarily Toisanese immigrants would have been of little use.

### Mobilizing Support: The Boycott Movement and the Cotton Interests

New England cotton manufacturers and others with business interests in China had good reason to be alarmed by the King incident. Negotiations between the United States and China over a new treaty to replace the expired Gresham-Yang Treaty (1894–1904) had stalled, prompting Chinese merchants in the autumn of 1904 to propose a boycott to pressure the United States for a liberalized immigration treaty. Growing out of an accumulation of grievances and propelled by emergent Chinese nationalism, the proposed boycott responded to a confluence of events in 1904 and 1905.<sup>72</sup> On top of the failures of diplomacy to address Chinese complaints, the *Ju Toy* decision issued by the U.S. Supreme Court on May 8, 1905 dealt a severe blow; this damaging decision essentially closed off the judicial route that had been used to seek reprieve against discrimination, harassment, and arbitrary deportation.<sup>73</sup> Convinced that economic sanctions were the only remaining channel to protest increasingly restrictive policies, Shanghai merchants called for a general boycott of American goods in May. Shanghai Circuit Intendant, Yuan Shuxun, counted among the boycott planners' early contacts.<sup>74</sup>

U.S. businessmen in China recognized that exclusion represented a national affront to Chinese, and warned Washington that the mistreatment of the exempt classes fueled the boycott movement among urban merchants and gentry. The American Association of China cabled that leaders threatened a boycott for August "unless exclusion treaty guarantees equitable treatment to travelers, students and merchants entering United States."<sup>75</sup> As indicated in this cable, early boycott leaders adopted a moderate position, focusing on justice for the exempt classes rather than exclusion's repeal.<sup>76</sup>

If the *Ju Toy* decision had not been the last straw, many feared the King incident might be. The proposed boycott especially targeted cotton goods, and would thus directly affect the Massachusetts textile industry, which enjoyed a renaissance thanks to the China market, with cotton textiles the leading U.S. import.<sup>77</sup> Hence, the students' detention sparked a flurry of newspaper reporting across the Commonwealth, extending to mill towns like Lowell, Fitchburg, and Greenfield. The *Lowell Sun* on June 2 reported on "Four Wealthy Chinese Not Allowed to Land," noting that the Kings were related to "owners of some of the richest banks in the east."<sup>78</sup> On June 3 the *Greenfield Gazette and Courier* expressed outrage: "The evils of Chinese immigration have been greatly exaggerated ... The law does not really seem to require such treatment as this, and until our officials learn better manners, it is to be

<sup>72</sup>In 1904, the Gresham-Yang Treaty expired, and China sought to negotiate a more favorable treaty to address the most discriminatory aspects of exclusion. The U.S. Congress, however, took advantage of the lapsed treaty to pass legislation in April 1904 extending the 1902 Chinese exclusion laws indefinitely and uncoupling them from treaties. For many Chinese, the legislation demonstrated the failure of diplomatic avenues for redress.

<sup>73</sup>This decision represented a devastating setback for Chinese who had used the judicial system effectively to "temper the effects of exclusion." Salyer, *Laws Harsh as Tigers*, 116.

<sup>74</sup>Wang, *In Search of Justice*, 86.

<sup>75</sup>*Journal of the American Asiatic Association* 5, no. 5 (June 1905): 132.

<sup>76</sup>Guanhua Wang's study of the boycott demonstrates that the mistreatment of Chinese elites was the most publicized aspect of U.S. discrimination. See Wang, *In Search of Justice*, 144. Chinese critics interpreted this mistreatment as clear indication of the racial nature of the exclusion laws and as a national humiliation. The *Fujian Daily News* in April 1905 condemned the legislation as an abuse of power that "defiles humaneness and destroys international relations," and informed readers that exclusion was "not merely an exclusion of laborers," but also merchants, teachers, students, and travelers suffered harassment. Declaring that "in name [the exclusion laws] are a restriction on labor, but in fact they are a complete exclusion of all four million Chinese," it urged Chinese to rise up in patriotic action. *Fujian riri xinwen (Fujian Daily News)*, Apr. 21, 1905, in A Ying, *Fanmei Huagong jinyue wenxue ji (Collected Literature on Opposition to the American Treaty Excluding Chinese Laborers)* (Beijing, 1962), 605, author's translation.

<sup>77</sup>Other goods included kerosene oil, pig iron, flour, and lumber. See Coolidge, *Chinese Immigration*, 472. Cotton textiles were the predominant American good sold in China between the 1830s and 1910. In 1905, sales of cotton textiles totaled \$27,760,000, roughly 52 percent of all exports to China. See Wang, *In Search of Justice*, 89.

<sup>78</sup>"Held Up: Four Wealthy Chinese Not Allowed to Land," *Lowell Sun*, June 2, 1905, 1.

expected that there will be serious danger of the restriction of our Chinese trade.”<sup>79</sup> The newspapers reminded readers that a threat to New England’s textile industry affected workers and capitalists alike. For the same reasons, the southern press rapidly reported news of the scandal.<sup>80</sup>

With so much at stake, concerned Bostonians lost no time aiding the Kings. According to William Phillips, in Boston on home leave at the time, Amory Appleton Lawrence, the textile magnate and president of the Boston Merchants’ Association, stepped forward to help bail them out on the morning following their detention.<sup>81</sup> Robinson and a Chinese friend Wu Ziyou went to the *Ivernia* to escort the Kings to the Copley Square Hotel, where they stayed while awaiting transit papers.<sup>82</sup> Further humiliation awaited the Kings after they landed, however. Kungpah King recalled that the transit certificates arrived in a sealed envelope intended for the Chinese Inspector at Malone, New York, where they planned to exit the country after visiting Niagara Falls. Suspicious, he opened the envelope and discovered to his chagrin that the paperwork listed his occupational status not as “student,” but as “laborer.” Since Boston Immigration Commissioner George Billings had signed the permits, Robinson took King to confront him. Billings, he wrote, admitted they knew full well the Kings’ student identities, as denoted in their documents, and confessed that Schell had knowingly falsely issued the certificates for laborers. Was this an attempt to put the rich “Chinamen” in their place? Billings then took the certificates by force from the Kings, crossed out the word “laborer” and substituted “student.”<sup>83</sup> This, King considered a further galling affront.<sup>84</sup>

Robinson galvanized influential Massachusetts business leaders in writing protest letters to Roosevelt. Following a meeting at the Boston offices of Wellington, Sears and Company, they circulated a petition and sent it to the President on the evening of June 2. Signed by representatives of New England and southern cotton mills and various commission houses, the letter protested the treatment of these “people of culture and refinement,” and warned that “the action of our government in subjecting Chinese noblemen and merchants to the same treatment to which coolies have been subjected” propelled a movement to boycott American goods.<sup>85</sup> Utilizing the rhetoric of class privilege to assert the rights of the exempt classes, these business leaders took the King case as a platform to urge reform in the execution of the exclusion laws, “in the cause of justice to citizens of a friendly nation, and the interests of our own people.”<sup>86</sup> Robinson followed with a personal letter to Roosevelt on June 3, protesting the harassment of his guests and lodging a complaint against Schell. Again liberally

<sup>79</sup>“Some Aspects of the World News,” *Gazette and Courier*, June 3, 1905, 4.

<sup>80</sup>The *Atlanta Constitution* reported that the “treatment of distinguished Chinese visitors at Boston” threatened cotton interests. “Cotton Men Make Protest: Against Treatment of Distinguished Chinese Visitors at Boston,” *Atlanta Constitution*, June 4, 1905, A4.

<sup>81</sup>William Phillips, *Ventures in Diplomacy* (London, 1955), 27–8.

<sup>82</sup>Robinson and Phillips took the Kings sightseeing over the following days. See Phillips, *Ventures in Diplomacy*, 27–8.

<sup>83</sup>Although the Kings did not seek to enter the United States for the purpose of study, they nonetheless considered themselves “students” by occupational status, and they assumed entitlement to recognition as such. The fact that immigration officials could, at the stroke of a pen, reclassify the Kings as “students” instead of “laborers” suggests implicit concurrence with the notion that “student” could refer to a social identity rather than an immigration category per se.

<sup>84</sup>*Boston Sunday Post*, June 4, 1905, 7. According to King, the Imperial Chinese Consul in Boston, Stephen Westcott Nickerson, turned a blind eye to this humiliation and was complicit in Billings’s action. See King, “You Mei shounue riji,” *Shibao*, July 13, 1905, 2.

<sup>85</sup>“Chinese Thank Hub Merchants: Rich Student Tourists Case Taken to Washington,” *Boston Sunday Post*, June 4, 1905, 7; “The Working of the Chinese Exclusion Act in the U.S.,” *The North-China Herald and Supreme Court & Consular Gazette*, July 14, 1905, 71; “The Administration of the Chinese Exclusion Laws,” *Journal of the American Asiatic Association* 5, no. 6 (July 1905): 167–78.

<sup>86</sup>“The Administration of the Chinese Exclusion Laws,” *Journal of the American Asiatic Association* 5, no. 6 (July 1905): 170.



employing class signifiers to urge recognition of the Kings' symbolic capital in relation to the threatened boycott, Robinson wrote that the students "are of the highest class in China and are among the wealthiest and most influential in the kingdom ... They naturally feel greatly humiliated by the treatment accorded them, and feel strongly inclined to use their influence in China against everything American."<sup>87</sup> Robinson furthermore reminded Roosevelt that the reputation of American elites, who had vested interests in protecting U.S. markets in China, was also at stake. Roosevelt, who had been inclining toward a show of force to quell the looming boycott, purportedly expressed indignation at the treatment of these "high-class Chinese," and immediately referred the case to Victor Metcalf at the Department of Commerce and Labor.<sup>88</sup>

Chinese governmental representatives and the local Chinese community constituted another vital source of aid. Boston Chinese merchants who read about the incident in the newspapers exhorted the city's Imperial Chinese Consul, Stephen Westcott Nickerson, to call on the Kings.<sup>89</sup> Minister Liang finally achieved results in negotiating with U.S. officials, telegraphing Kungpah King on June 3: "Your letter received. At my request Secretary of Commerce and Labor has instructed Immigration Commissioner to extend your party every courtesy and facility regarding traveling to Niagara Falls."<sup>90</sup> Additionally, moral support came from a Chinese student at MIT, who commiserated with them over his own experiences of harassment at the hands of immigration officials the previous year.<sup>91</sup>

The Kings also pursued redress through a third avenue: the press. The newspapers enabled them to voice their own positionality, albeit in mediated form. Indeed, the Kings proved quite savvy in using the press to garner sympathy for their cause—and also to issue veiled threats of retaliation via the boycott. A *Boston Globe* reporter interviewed the Kings during their detention aboard the *Ivernia* and gave this first-hand account of their tribulations: "It is rather exasperating to us to be detained here after all the other passengers have gone ashore ... The discrimination [against Chinese] cannot do this country any good, for the matter is known all through China and reacts against the United States."<sup>92</sup> Projecting themselves as elites, the Kings used class privilege to argue for the rights of the exempt classes, much as had Wu Tingfang and other Qing officials before them.<sup>93</sup> As Kungpah King declared to the *Boston Traveler*: "I can understand why legislation against coolies might be passed, but I do not see why respectable Chinamen are not welcomed."<sup>94</sup> Distancing himself from his working-class countrymen, King countered the propensity to treat Chinese as an undifferentiated racial category and asserted the primacy of class over race. He furthermore warned directly of retaliation: "In many cities of China the middle classes of Chinamen are boycotting American goods, buying English or European products instead, because of the manner in which they are treated

<sup>87</sup>"The Working of the Chinese Exclusion Act in the U.S.," *The North-China Herald and Supreme Court & Consular Gazette*, July 14, 1905, 71.

<sup>88</sup>The Department of Commerce and Labor responded to the complaints of the Boston merchants with a letter on June 9, defending Schell and blaming the Kings for failure to comply with Section 6 certificate requirements or with transit regulations. One might note that Roosevelt would later send gunboats to China in the wake of the Lienchow Massacre of November 1905 and riots in Shanghai that December. See also Kramer, "Imperial Openings," 337.

<sup>89</sup>King, "You Mei shounue riji," *Shibao*, July 12, 1905, 2.

<sup>90</sup>"The Working of the Chinese Exclusion Act in the U.S.," 71.

<sup>91</sup>King, "You Mei shounue riji," *Shibao*, July 13, 1905, 2. This student was T. K. Tse, who entered the United States in 1904 to attend MIT.

<sup>92</sup>"The Ivernia In," *Boston Globe*, June 2, 1905, 2.

<sup>93</sup>Wang, *In Search of Justice*, 125.

<sup>94</sup>*The Boston Traveler*, June 2, 1905, quoted in Healy and Ng, *A Statement for Non-Exclusion*, 134. King similarly told the *Boston Globe*: "I can understand why the United States may desire to keep out Chinese labor from the country, but I do not see why it should discriminate against tourists and those who come merely in transit." *Boston Globe*, June 2, 1905, 2.

in this country.”<sup>95</sup> Sharply contrasting with the victims of the Boston Chinatown Raid, who had been described by the *Boston Herald* as “frightened Chinamen” whose “jabbering was deafening and bewildering,” King’s command of English and rhetorical skills enabled him to take his case directly to the press.<sup>96</sup>

The London-educated King further cautioned the public on damage to U.S. interests beyond trade, declaring that the “reason why students from [China] go to England is because they are placed under such restrictions here.”<sup>97</sup> Echoing King’s perspective, the Chinese Students’ Alliance of America in July 1905 reported: “No doubt many more Chinese students after the new learning would avail themselves of the excellent educational opportunities which this country offers, were it not for the fact that the Restrictive Immigration Laws are such that those who come have to come prepared for all manner of indignities and humiliations at the hands of the custom officials.”<sup>98</sup> The resulting diversion of Chinese students to Europe and Japan represented a serious setback to Open Door proponents’ desire to draw Chinese elites closer to the United States through education and acculturation (and hence create consumers for American goods). Similar to the threatened boycott of textiles, this issue particularly resonated in New England, where missionaries had championed the education of Chinese youths since the 1870s.

As New England business leaders rushed to take up the Kings’ case, their counterparts in New York and the South soon joined in. On June 7, the Southern Manufacturers’ Association dispatched a delegate to Washington, calling for modifications to Chinese exclusion so as “to permit the free entrance into this country of all reputable Chinese who are not laborers.”<sup>99</sup> On June 8 the [New York] Merchants’ Association also adopted a protest resolution declaring the treatment of exempt classes “harsh, unreasonable, wrongfully violative of the sacred obligations of the treaty and detrimental to the best interests of the people of the United States ...”<sup>100</sup> Urging Congress to enact reform, the Association called for a new treaty restricting “undesirable Chinese immigrants,” but liberalizing entry and domicile for nonlaborers in order to maintain the good will essential to trade. The New York-based American Asiatic Association (AAA) coordinated efforts to meet with Roosevelt on June 12. Ardent supporters of the Open Door policy, the AAA had long criticized exclusion and lobbied for modification on the grounds that it damaged U.S. business interests.

Urged on by members of the American Association of China, AAA President John Foord had in fact already planned to send a delegation to Washington, but the King case—with the young students ideal representatives of “desirable” Chinese—now provided an immediate rationale. Led by Foord, a delegation from the North and South, representing cotton, iron and steel, kerosene oil, commission agents, bankers, and exporters, laid out their remonstrance. Submitting that the Bureau’s treatment of the exempt classes “is more oppressive than either the letter or the spirit of the law requires,” they contended that “the plainest principles of international justice demand that the law itself shall be made more liberal ...”<sup>101</sup> On the educational

<sup>95</sup>*The Boston Traveler*, June 2, 1905, quoted in Healy and Ng, *A Statement for Non-Exclusion*, 134.

<sup>96</sup>Wong, “The Eagle Seeks a Helpless Quarry,” 71.

<sup>97</sup>*The Boston Traveler*, June 2, 1905, quoted in Healy and Ng, *A Statement for Non-Exclusion*, 134.

<sup>98</sup>Meizhou Zhongguo xueshenghui, *Meizhou liuxue baogao* (Meizhou Zhongguo xueshenghui, 1905), 40.

<sup>99</sup>“Is Against Exclusion Act: Protest of Southern Manufacturers’ Association Goes to President,” *Atlanta Constitution*, June 8, 1905, 3.

<sup>100</sup>“Exclusion Law Styled Unjust,” *Atlanta Constitution*, June 9, 1905, 1; “To Encourage Trade: New York Merchants Favor Reciprocity and Modification of Exclusion Laws,” *The Washington Post*, June 9, 1905, 11.

<sup>101</sup>“Losing China’s Trade: Asiatic Society Makes Protest to the President. Boycott of American Goods. Merchants and Students Subjected to Indignities, It Is Alleged, at Hands of Immigration Officials—President Defended the Officers, but Will Do All He Can to Encourage Chinese Trade,” *The Washington Post*, June 13, 1905, 11.

front, Foord cautioned that the “humiliating ordeal” of immigration was diverting Chinese students to Europe, enabling European countries to benefit at the expense of U.S. interests.<sup>102</sup>

Viewing students as future influencers and consumers, Foord linked educational migration with trade, but further raised the student issue as a rhetorical device. One might note that although the Kings entered the United States for the purpose of tourism and not education, allies frequently emphasized their notional status as “students,” highlighting the privileging of this category. The popular association of students with youth, innocence, and potential for acculturation made it easier to garner public sympathy for this group than for other elites such as merchants. This question of categories points to the impossibility of pinning individuals to static identities such as “student,” “merchant,” “laborer,” or “tourist,” as the administration of Chinese exclusion demanded. Immigration officials faced a similar dilemma in deciding the class status of Chinese merchants’ wives, which might be defined based on their own occupation or on the principle of coverture.<sup>103</sup> If the exemption system of Chinese exclusion operated on the basis of class status, this concept proved slippery indeed.

In response, Roosevelt sympathized with the need for a liberalized immigration policy for the “better classes of Chinamen.”<sup>104</sup> While upholding Metcalf’s position on exclusion’s necessity, he nonetheless conceded that certain “immigration officers had exhibited regrettable acts of discrimination” and condemned the Bureau’s “barbarous methods.”<sup>105</sup> Roosevelt promised to direct immigration officers to “exercise discretion” in the enforcement of the laws, treating the exempt classes courteously and respectfully, “on pain of dismissal.”<sup>106</sup> Officer Schell was sacked.

### The Papers Stirred Up

This might have put an end to the incident had it not been for the boycott movement. As things stood, the King case triggered such public outcry that the Bureau would complain: “An incident which occurred at Boston on June 1, 1905, has been the cause of so much adverse criticism.”<sup>107</sup> Over the next weeks, letters and telegrams continued to pour into Washington, including from trade interests on the Pacific Coast.<sup>108</sup> The incident also “stirred up” the press, with newspapers in Massachusetts and beyond condemning the Bureau’s practices as counter to American political ideals and the norms of a “civilized nation.”<sup>109</sup> The *Boston Herald* reported with irony the Kings’ reception in the “land of the free,” while the *Washington Post* declared it “Time to Stop Those Incidents,” which no “intelligent patriotic American” could condone.<sup>110</sup> “We are not, as a nation,” the *Post* wrote, “so lost to all sense of decency that we do not feel ashamed when Chinese gentlemen are gratuitously insulted by our immigration officials.”<sup>111</sup>

In these and other accounts, the press employed tropes of class distinction to garner sympathy for the Kings. The *Lowell Sun*, for example, wrote that “members of the wealthiest,

<sup>102</sup>Foord asserted China’s future leaders had “almost ceased to resort to our schools and colleges for their education because of the humiliating ordeal to which the administration of our immigration law exposed them.” *Ibid.*, 11.

<sup>103</sup>Todd Stevens, “Tender Ties,” 271–305.

<sup>104</sup>By 1904 Roosevelt held the United States ought to encourage entry of exempt classes to promote trade and to “make ever firmer our intellectual hold upon China.” Salyer, *Laws Harsh as Tigers*, 164.

<sup>105</sup>Beale, *Theodore Roosevelt and the Rise of America to World Power*, 219.

<sup>106</sup>Coolidge, *Chinese Immigration*, 477.

<sup>107</sup>Secretary of Commerce and Labor, *Compilation from the Records of the Bureau of Immigration of Facts Concerning the Enforcement of the Chinese-Exclusion Laws*, 13.

<sup>108</sup>“Chinese Demand Fair Play,” *The Christian Nation* 43, July 5, 1905, 4.

<sup>109</sup>“Chinese Exclusion Troubles,” *The Literary Digest* XXX, no. 25 (1905): 924–5; Roosevelt letter to Metcalf June 12, 1905, quoted in Beale, *Theodore Roosevelt and the Rise of America to World Power*, 220. The *Chicago Tribune* called the case the latest example of “perfectly well authenticated cases of actually brutal mistreatment of Chinese.” “China Has Right to Demand Change in America’s Treatment of Subjects,” *Chicago Daily Tribune*, June 14, 1905, 8.

<sup>110</sup>Quoted in “Time to Stop Those Incidents,” *The Washington Post*, June 7, 1905, 6.

<sup>111</sup>*Ibid.*

most highly cultured and refined classes of the Flowery kingdom” had been denied landing and had been treated like “ordinary Chinese laundry[men].”<sup>112</sup> A *Boston Globe* editorial decried that “we subject [Chinese elites] to such harsh, annoying and even insulting conditions—generally classing them as mere coolies.” Utilizing the rhetoric of patrician Orientalism, the *Globe* championed China’s “lettered class,” while expressing disdain for California’s “Sand Lot” politics and condemning Boston immigration officials who “do not understand much about China.”<sup>113</sup> Similarly, New York’s *Sun* emphasized that “these students are of a wealthy and cultivated family” and lambasted the “stupidity” of immigration officials in conflating them with the threat of Chinese cheap labor.<sup>114</sup> *The Christian Work and The Evangelist* condemned the manner in which the Kings, “dressed as Europeans, well-educated as befits members of one of the best families in China,” were “set apart like so many wild animals.”<sup>115</sup> The *Chicago Daily Tribune* denounced the detention of “first cabin passengers on one of the Cunard steamships, costumed as Europeans and well dressed, highly educated, and manifestly belonging to the upper classes at home.... It was obvious that they were of gentle birth and breeding.”<sup>116</sup> These accounts uniformly employed class markers to distinguish the Kings from “ordinary laundry men,” laborers, and criminals, emphasizing their symbolic capital in the form of gentility, refinement, wealth, and education. Such notional socioeconomic distinction enabled the papers to effectively sidestep the race issue and condemn the King incident without denouncing exclusion wholesale. At the same time, these accounts also suggest the manner in which cosmopolitan-minded U.S. elites used their own class markers and sense of “distinction” to distance themselves from working-class Americans and populists while defending their own economic interests. Indeed, the boycott sealed the marriage of elite U.S. and Chinese interests, connected by trade and investment, and set against those of the domestic working classes on both sides.<sup>117</sup>

Accounts of the King incident contrast sharply with earlier press portrayals of the 1903 Boston raid. As K. Scott Wong has demonstrated, newspaper accounts of the raid exuded imagery of Chinatown as a mysterious den of vice and iniquity, “foreign and frightening.”<sup>118</sup> While sensationalizing the incident, Boston newspapers also mobilized reader sympathy by portraying the Chinese as helpless victims. Wong notes how Boston allies denounced the raid as a flagrant abuse of power against the weak: “The Chinaman has no friends; has no vote; has no gunboat; so he is an easy victim of the bully and the coward.”<sup>119</sup> Conversely, press reports of the King incident discarded the standard Chinatown tropes in favor of patrician Orientalism (“refined classes of the Flowery kingdom”) and warned that the Chinese would stand no longer for bullying and abuse.<sup>120</sup> An eloquent defender of his own rights and clearly not friendless, Kungpah King embodied the spirit of rising Chinese assertiveness.

While media from the *Independent* to *Fibre and Fabric* and *The Christian Nation* jumped into the fray, others departed from the sympathy. Several papers in western states with deep-seated anti-Chinese sentiment called for continued vigilance against a flood of Chinese labor, and the *Indiana Evening Gazette* declared the purported prevalence of Chinese

<sup>112</sup>“Held Up,” *Lowell Sun*, 1.

<sup>113</sup>“China Resentful,” *Boston Globe*, June 15, 1905, 1.

<sup>114</sup>“Why the Chinese Love Us,” *The New York Sun* quoted in “The Administration of the Chinese Exclusion Laws,” *Journal of the American Asiatic Association* 5, no. 6 (July 1905): 169.

<sup>115</sup>“Exclusion of Chinese Scholars,” *Christian Work and Evangelist* 78, no. 2000 (June 17, 1905): 796–7.

<sup>116</sup>“China Has Right to Demand Change,” *Chicago Daily Tribune*, 8.

<sup>117</sup>See Paul A. Kramer, “Embedding Capital: Political-Economic History, the United States, and the World,” *The Journal of the Gilded Age and Progressive Era* 15, no. 3 (2016): 331–62.

<sup>118</sup>Wong, “The Eagle Seeks a Helpless Quarry,” 71–3.

<sup>119</sup>*Ibid.*, 77.

<sup>120</sup>“Held Up,” *Lowell Sun*, 1; “Chinese Exclusion Troubles,” 924.

immigration fraud to blame.<sup>121</sup> Shifting the focus from the exempt classes to reframe the controversy as a labor issue, the *San Francisco Chronicle* warned of a conspiracy among Washington, Beijing, and “Eastern trade centers” to unleash a tide of coolies “to compete with and degrade American labor.”<sup>122</sup> Whereas the sympathetic press deployed tropes of class distinction to promote inclusion for the Kings as cosmopolitan elites, hardline exclusionists, purporting to speak for the “American workingman,” lumped all Chinese as a horde of cheap labor threatening U.S. shores. These newspaper accounts make evident how the rhetoric of class figured in ongoing debates on the Chinese Question, framed as a contest between the interests of East Coast elites versus Pacific Coast organized labor.

Facing such public pressure, on June 23 Roosevelt convened a cabinet meeting.<sup>123</sup> The group reached consensus that “there seemed to be more trouble over the administration of the law than in the law itself,” and that immediate steps should be taken to address these issues in order to stave off the boycott.<sup>124</sup> By identifying the execution rather than the substance of the law as the problem, the cabinet enabled executive action without Congress. Maintaining that both the national interest and the norms of a civilized nation demanded fair play for the exempt classes, the president ordered the State Department to immediately direct consular representatives in China to demonstrate “the widest and heartiest courtesy” toward the exempt classes.<sup>125</sup> On June 24, Metcalf issued a circular to the Bureau of Immigration, stating: “Chinese persons whose appearance or situation clearly indicates that they do not belong to the class of laborers must be treated with the same consideration extended to members of any other nationality, and they are not under any circumstances to be subjected to unnecessary surveillance.”<sup>126</sup>

As a clear response to the King incident and others like it, Roosevelt directed immigration officials to enforce the law “without harshness,” and to avoid “all unnecessary inconvenience and annoyance” in dealing with the exempt classes.<sup>127</sup> Finally, he called for reforms shifting the scrutinizing of Section 6 certificates from the Immigration Bureau to consular personnel in China.<sup>128</sup>

### Ripples Across the Pacific

If the King incident had triggered a series of responses nationwide, the ripple effect carried across the Pacific too, propelling momentum for the boycott that had been building since

<sup>121</sup>*Indiana Evening Gazette*, June 15, 1905; Beale, *Theodore Roosevelt and the Rise of America to World Power*, 221.

<sup>122</sup>*San Francisco Chronicle*, June 8 and 10, 1905, as quoted in Beale, *Theodore Roosevelt and the Rise of America to World Power*, 218.

<sup>123</sup>In response to the media storm, the administration attempted to assuage critics. While diplomats worked in China, Taft addressed the issue in a commencement speech on June 15. Calling the China market a great prize, he asserted the duty of the legislative and executive branches “to disregard the unreasonable demands of a portion of the community deeply prejudiced upon the subject in the Far West and insist on extending justice and courtesy to” Chinese elites. “Taft Talks to Miami Students: Secretary Denounces Disfranchisement,” *Chicago Daily Tribune*, June 16, 1905, 9.

<sup>124</sup>“Fair Play for Chinese: President Instructs Secretary Hay to Take Action,” *The Washington Post*, June 24, 1905, 1; “Wants an Investigation: Pres. Urged to Appoint Commission in Chinese Boycott Case,” *The Washington Post*, June 25, 1905, 8. Only the Californian hardliner Metcalf clashed with Roosevelt.

<sup>125</sup>“The President’s Actions,” *Journal of the American Asiatic Association* 5, no. 6 (July 1905): 174; Lorence, “Business and Reform,” here 425.

<sup>126</sup>Department of Commerce and Labor, *Enforcement of the Chinese-Exclusion Laws—General Instructions*, Department Circular No. 81—Bureau of Immigration (Washington, DC, June 24, 1905), in U.S. Congress, *Rules and Regulations Governing the Department of Commerce and Labor in Its Various Branches, Furnished in Response to a Resolution Adopted by the Senate, February 1, 1907*, 59 Cong. 2<sup>nd</sup> sess., 1906–1907, vol. 22, S. Doc. 397, 55–6.

<sup>127</sup>Quoted in “The President’s Actions,” *Journal of the American Asiatic Association* 5, no. 6 (July 1905): 174.

<sup>128</sup>“Metcalf Is Ordered to Placate Chinese: President Tells Him to Modify Severity of Inspectors,” *New York Times*, June 25, 1905, 3; Coolidge, *Chinese Immigration*, 479.



May. Widely reported in the Chinese press, the case played the key role of “midwifing” the implementation stage of the boycott.<sup>129</sup> Indeed, the King incident fed directly into the hands of Shanghai boycott leaders as a “vivid example of humiliating treatment to dramatize, and they took full advantage of it.”<sup>130</sup> By late July, the reaction in Shanghai reached such a state that U.S. Consul James Rodgers anxiously reported to the State Department that incidents such as the King case, narrated in “garbled form” in hastily prepared pamphlets, posters, and placards, dangerously aroused the public.<sup>131</sup> As in the United States, then, activists used the media as a key mechanism for generating political action from the King case.

Articulating Chinese anger over the continual mistreatment of Chinese immigrants, one such propaganda pamphlet, *A Record of Abuses Suffered by Our Compatriots (Tongbao shounue ji)*, heatedly condemned the King incident as evidence of U.S. racial oppression. If a low-status official like Schell could use such “ruthlessly evil” methods, it argued, “one can only imagine the case with someone more powerful than he; if they can treat Chinese thus in an East Coast city like Boston, one can only imagine what happens in a Pacific Coast city.”<sup>132</sup> Highlighting the case, the pamphlet nonetheless rejected the exclusive class logic promoted by the Kings and their allies and condemned the limited demand for favorable treatment for “upper-class” Chinese travelers to the United States. The pamphlet called instead for a complete overturn of exclusion and urged the Chinese people to “be slaves no longer to foreign races.”<sup>133</sup> “We must understand,” it argued, “that gentry, peasants, laborers and merchants are all alike the Chinese people. Why must those who labor suffer bitterness and be subordinated to the other three classes?”<sup>134</sup> The tract thus addressed class bias within China itself.

Newspapers served to shape public opinion in early twentieth-century China, and many of the most influential, including *Shenbao*, *Shibao*, and *The North-China Herald*, were based in Shanghai, though they circulated far beyond. Kungpah King selected *Shibao*, which Joan Judge has called “the most influential reform organ of its day,” as a fitting organ to serialize his “Diary.”<sup>135</sup> Founded by Liang Qichao (1873–1929) and other leading political activists of the late Qing, the paper sought to advance opposition to the imperial regime, which they believed failed to represent China’s interests on the international stage; it also had close ties to returned students from abroad. Just as Kungpah King had effectively made use of the Boston papers to publicize his perspective on Chinese exclusion and bring public attention to the incident, so he leveraged the widely-read *Shibao*, with the narrative form of the diary vividly dramatizing the family’s ordeal. *Shibao*’s editors, however, had their own agenda, and used editorial commentary inserted into the text to advance their view. Dedicated to promoting the interests of “the people,” as *Shibao* journalists defined a new citizen ideal, an editorial aside condemned the New England cotton interests’ limited support for the exempt classes, and asserted the unity of Chinese rich and poor, in direct contrast to King’s own insistence on

<sup>129</sup>Zhang, *Guangxu sanshiyinian Zhong Mei gongyue fengchao*, 85.

<sup>130</sup>McKee, *Chinese Exclusion Versus the Open Door Policy, 1900–1906*, 109.

<sup>131</sup>American Consul General in China (Rodgers) to the Assistant Secretary of State, July 27, 1905, *MS Despatches from U.S. Consuls in Shanghai, China, 1847–1906*, vol. 52, no. 27 (Washington, DC, 1947), Nineteenth Century Collections Online, “July 3–December 30, 1905,” U.S. National Archives and Records Service, <https://go.gale.com/ps/i.do?p=NCCO&u=camb55135&v=2.1&it=r&id=GALE%7CADOSWH385000217&asid=1599105600000~9e907a8c> (accessed Aug. 9, 2017).

<sup>132</sup>Zhina zifenzi, *Tongbao shounue ji* [A record of abuses suffered by our compatriots], 1905, in A Ying, *Fanmei Huagong jinyue wenxue ji* [Collected literature on opposition to the American treaty excluding Chinese laborers], Beijing, 1962, 539, author’s translation.

<sup>133</sup>Ibid., 552, author’s translation.

<sup>134</sup>Ibid.

<sup>135</sup>Joan Judge, *Print and Politics: “Shibao” and the Culture of Reform in Late Qing China* (Cambridge, UK, 1996), 1–2.

class distinctions.<sup>136</sup> With this clear appeal to emergent nationalism, the editor called for the outright abolition of the treaty.<sup>137</sup>

The English-language press also reported on the incident and aroused support from members of Shanghai's Anglo-American community. The leading foreign newspaper, *The North-China Herald*, which had both an expatriate and a Chinese readership, published an editorial dated July 13, condemning the United States for "unfair" treatment of Chinese migrants and calling readers' attention to the fact that the detainees were the grandchildren of the popular Shanghai silk merchant, "Hail, Smiling Morn." Describing the Kings' ordeal, the paper puzzled that such an incident had "occurred in Boston, Massachusetts, of all places" rather than "a labor-union-ridden port like San Francisco," asserting its positionality in the class politics that drove the incident.<sup>138</sup> Indeed, from a standpoint of status privilege the *Herald* echoed the elite and regional biases of U.S. East Coast newspapers in noting "that the anti-Chinese feeling is not found among the better classes in the United States, but has been created and fomented by the working men on the Pacific Slope and their organs," and emphasizing the Kings' status as "gentlemen and students."<sup>139</sup> Evidencing the flow of information across the Pacific, as well as the effective use of the press by the Kings and their allies, the *Herald* had full access to Robinson's letter to Roosevelt in addition to photographs of the Kings' landing certificates, which erroneously identified them as "laborers."

The paper's condemnation of the outrage against this leading Shanghai family and its criticism of exclusion touched off a series of letters to the editor, and while some detracted, many in the Anglo-American business community saw reform as urgent. Pressing Washington through the American Association in China, they joined the AAA as allies in the ongoing Chinese quest for justice.<sup>140</sup> This points to the emergence of a transpacific cosmopolitan elite whose shared business and political interests transcended racial and cultural difference.

While the majority of victims of Chinese exclusion hailed from Guangdong, the epicenter for Chinese migration to North America, the King case had particular resonance in Shanghai owing to the family's local connections. A monied and well-educated family, their social network included both merchants and public officials, both Chinese and Western elites. The King siblings had received classical Chinese as well as Western educations, and they belonged to an emergent, reform-oriented elite that sought to strengthen China in the face of mounting imperialism. The brothers were preparing for careers in international law, commerce, engineering, and public office, while also actively pursuing interests in the arts (Figure 2).<sup>141</sup> Following the siblings' return to Shanghai, the powerful King family became active participants in the boycott along with other merchants with ties to Yuan Shuxun.<sup>142</sup>

<sup>136</sup>On the new citizen ideal, see Judge, *Print and Politics*, 12.

<sup>137</sup>King, "You Mei shounue riji," *Shibao*, July 12, 1905, 2.

<sup>138</sup>"The Working of the Chinese Exclusion Act in the U.S.," 71. The editorial dates from July 13 but was published on July 14, 1905.

<sup>139</sup>"The Working of the Chinese Exclusion Act in the U.S.," 72.

<sup>140</sup>The *Herald* regularly reported on the contents of the *Journal of the American Asiatic Association*. On August 22, for example, it reported on the *Journal of the American Asiatic Association's* July issue on the boycott and the King incident. *The North-China Herald and Supreme Court & Consular Gazette*, Aug. 25, 1905, 421.

<sup>141</sup>The King brothers enjoyed thriving careers in China and helped found national museums, institutions of higher education, and scientific professional organizations. Kungpah's career in law, academia, and public office spanned the transition from the Qing to the Republican era. He founded China's first National Museum (*Guwu chenliesuo*), also becoming a painter himself; the Metropolitan Museum holds examples of his work (as "Jin Cheng"). Zunglieh worked in import-export and became an expert in bamboo carving. An engineer, professor, and official under the Qing, Sohtsu flourished in business after the 1911 revolution. He helped found the Peking Laboratory of Natural History and became a scientific illustrator. See John B. Powell, *Who's Who in China: Containing the Pictures and Biographies of China's Best Known Political, Financial, Business and Professional Men* (Shanghai, 1925), 194–7.

<sup>142</sup>Wang, *In Search of Justice*, 86, 107, 131.



**Figure 2.** Jin Cheng [Kungpah King] (1878–1926). Peony. Early 20th century. Folding fan mounted as an album leaf; ink and color on alum paper, 8 3/8 × 26 7/8 in. (21.3 × 68.3 cm). Gift of Robert Hatfield Ellsworth, in memory of La Ferne Hatfield Ellsworth, 1986 (1986.267.122). The Metropolitan Museum of Art, New York, NY. Reproduced with permission.

When Phillips arrived in Shanghai in July, he found the Kings embroiled in the movement and “supposed that [his] students were acting in retaliation for the indignities suffered at the port of Boston.”<sup>143</sup> Their actions were not simply retaliatory, however. Kungpah King was known for strong opposition to foreign aggression; while serving on Shanghai’s Mixed Court, he criticized British injustice against a Chinese woman arrested in December 1905, which led to a merchant protest.<sup>144</sup>

Publicity surrounding this case furthermore galvanized student activism, helping to shift the leadership of the boycott movement from the merchants. In the wake of the incident, over 1,450 students representing twenty-one schools rallied in Shanghai, expressing particular anger at the targeting of overseas students.<sup>145</sup> Rodgers identified students as the driving force behind the escalation of the movement following the King outrage, pressuring the reluctant merchants (who stood the most to lose) into action.<sup>146</sup> On July 11, the Shanghai Chamber of Commerce declared it would wait no longer for negotiations and pledged implementation of the boycott beginning from July 20.<sup>147</sup>

## Conclusion

The King case of 1905 served as a tipping point in long-standing struggles over the aggressive enforcement of exclusion laws against Chinese elites and played a role in the pivot away from the movement for a wholesale ban on Chinese immigration in support of immigration policy as a filter. Beginning in Boston and spreading across the nation to China, the public outrage over

<sup>143</sup>Phillips, *Ventures in Diplomacy*, 28.

<sup>144</sup>Wang, *In Search of Justice*, 190–1.

<sup>145</sup>Zhang, *Guangxu sanshiyinian Zhong Mei gongyue fengchao*, 86.

<sup>146</sup>As he wrote to the State Department in July, in late May the Chamber of Commerce had promised patience during treaty negotiations. “There the matter rested,” until students stirred up by the King incident “took it up and began active work by correspondence and the press.” Rodgers, July 27, 1905, 5. See also Coolidge, *Chinese Immigration*, 473.

<sup>147</sup>McKee, *Chinese Exclusion Versus the Open Door Policy, 1900–1906*, 109, 152; Zhang, *Guangxu sanshiyinian Zhong Mei gongyue fengchao*, 86; Rodgers, July 27, 1905, 5.

the incident drew attention to exclusion's impact on Sino-American relations and trade, and also uncovered the tension between anti-Chinese interest groups and those pushing for discernment in their treatment on the basis of socioeconomic status. With the Kings archetypes of the "high-class Chinese" idealized by the Open Door constituency, business leaders and the AAA effectively took up the case to publicize their platform and push the administration to rein in the Bureau's abuse of power. Across the Pacific, boycott activists used the Kings for their own agenda, mobilizing student anger and pressing cautious merchants into action. The King siblings themselves took an active role in this drama; their case study reveals how exclusion's exemption system provided a space for Chinese elites to mobilize economic, social, and symbolic capital, even as it exposes the tenuousness of their socioeconomic privilege under this racial regime.

Demonstrating the inseparability of domestic and foreign interests, the combined transpacific pressure compelled the Roosevelt administration to take immediate action for redress. In response to the King case, the president publicly reiterated exclusion's narrow purpose of restricting labor migration and upheld the immigration rights of the exempt classes equal to the citizens of most-favored nations.<sup>148</sup> Despite his reputation for an unsympathetic attitude toward China, Roosevelt reaffirmed that the Chinese held basic human rights in a "civilized" nation, and he mandated professional standards of conduct by directing the Immigration Bureau to enforce the Chinese exclusion laws "without harshness." By shifting the scrutinizing of Section 6 certificates to consular personnel in China, the administration moderated the powers of the Immigration Bureau as gatekeepers, establishing a check against the arbitrary exercise of power by frontliners like Schell. This reining-in had substantial effect: the mean annual rejection rate of Chinese immigrants fell from 15 percent in the period 1894–1905 to 6.3 percent in the period 1906–1924.<sup>149</sup>

In addition, to address directly the problems that had arisen in the King case, on June 24, 1905, the Department of Commerce and Labor issued revised regulations for Chinese transits, reinstating the distinction between laborers and the exempt classes: "No Chinese person who shall satisfy the officer in charge that he belongs to one of the exempt classes (*although not supplied with the certificate provided for by section 6 of the act of July 5, 1884*) or, if not of an exempt class, that he is not a laborer shall be required to comply with" the regulations requiring Chinese transits "to submit photographs of themselves, and to be measured according to the Bertillon system of identification."<sup>150</sup> As the Inspector-General conceded, "The case ... of the students who arrived at the port of Boston from England, was largely responsible for [this] change."<sup>151</sup>

Targeting the "administration of the laws" and not the "laws themselves," the resulting procedural reforms fell far short of the comprehensive legislative or treaty reforms sought by the Chinese and their allies.<sup>152</sup> Nonetheless, they did quell long-standing Chinese grievances by mitigating the harassment of Chinese elites.<sup>153</sup> Moreover, taken with the president's statements, these reforms represented a firm executive stand against the old populist cry that "The Chinese Must Go!" and rolled back what appeared to many as a creeping effort toward categorical

<sup>148</sup>Roosevelt supported the Chinese demand that the exclusion laws be amended so as to narrowly exclude only laborers, and he proposed such reform in his address to Congress in December 1905. Salyer, *Laws Harsh as Tigers*, 164.

<sup>149</sup>Lew-Williams, *The Chinese Must Go*, 213.

<sup>150</sup>Quoted in Secretary of Commerce and Labor, *Compilation from the Records of the Bureau of Immigration of Facts Concerning the Enforcement of the Chinese-Exclusion Laws*, 35, my emphasis.

<sup>151</sup>*Ibid.*

<sup>152</sup>McKee, *Chinese Exclusion Versus the Open Door Policy, 1900–1906*, 109; Salyer, *Laws Harsh as Tigers*; Wang, *In Search of Justice*.

<sup>153</sup>Indeed, the *Chicago Daily Tribune* called these modifications "the most important administrative step in the solution of Chinese problems since the original exclusion act was passed." "America Bows to China's Big Stick," *Chicago Daily Tribune*, June 26, 1905, 3.

exclusion of the Chinese. In particular, measures alleviating restrictions on Chinese students helped to re-open the closing door for educational migration, and thus effectively paved the way for the United States to emerge as a leader in educating Chinese elites after 1905, with important implications for Sino-American relations and business interests.<sup>154</sup>

Further administrative reforms came in February 1906 following a review of the existing exclusion regulations.<sup>155</sup> In “a conciliatory gesture to the Chinese,” the Bureau streamlined requirements for the entry of the exempt classes, responding at last to complaints raised by Wu Tingfang and others.<sup>156</sup> The Bureau eliminated the requirement for photographs of exempt Chinese transiting through the United States (the very humiliation against which the Kings had protested) and permitted the exempt classes to retain their Section 6 certificates after landing.<sup>157</sup> Among the various changes, with Rule 36, the administration eliminated the controversial delimitation of “student,” long attacked as narrow, and the handling of student cases improved markedly.<sup>158</sup> Between 1905 and 1924, the number of Chinese students in the United States rose dramatically from 130 to 1,637.<sup>159</sup> Despite the concessions, however, the Chinese still failed to secure a true expansion of the definition of “exempt classes.”<sup>160</sup> Indeed, the number of exempt Chinese admitted to the United States climbed only from 1,348 in 1905 to 2,483 in 1924, representing 53.5 percent and 4 percent of total Chinese immigrants admitted respectively—an improvement from the 1906 low of 714, but far beneath the 1898 level of 5,698.<sup>161</sup>

Moreover, whereas the boycott defeated the movement to expel Chinese from the United States entirely, administrative reforms narrowly addressed the concerns of the exempt classes with little regard for the mistreatment of laborers; hence, they did not challenge exclusion’s fundamental premise. Indeed, by scaling back some of the worst abuses and dampening the fire sparked by the Boston incident, these reforms may have helped stabilize Chinese exclusion until 1943. The process of political negotiation in 1905 compelled the Roosevelt administration to reinforce the wall against Chinese labor even as it defended the rights of the exempt classes. On the Chinese side, although many radical students (and others who joined the boycott as it became a mass movement) championed the cause of working-class emigrants, the Kings distanced themselves from their less-privileged countrymen and sanctioned their exclusion. The success of the Kings’ fight for reparation depended on shared class interests that underpinned an alliance with U.S. elites. The debates gave little play to the interests of working-class Chinese Americans, despite the fact that the exclusion laws affected this group most profoundly, and were fueled by an elitist logic that ultimately fed into the exclusion of the vast majority of Chinese.

Nonetheless, in spurring executive orders mandating the Immigration Bureau to uphold class, and not just racial, distinctions in executing border control, the King case represented

<sup>154</sup>Hsu, *The Good Immigrants*. See also Paul A. Kramer, “Is the World Our Campus? International Students and U.S. Global Power in the Long Twentieth Century,” *Diplomatic History* 33, no. 5 (Nov. 2009): 775–806.

<sup>155</sup>The Secretary of Commerce and Labor appointed a committee to review the existing regulations and produce the report, “Treaty, Laws, and Regulations Governing the Admission of Chinese; Regulations Approved February 5, 1906.” See U.S. Congress, House, 59 Cong., 1<sup>st</sup> sess., 1905–1906, H. Doc. 50, issue 4990, doc. 847, 24.

<sup>156</sup>Salyer, *Laws Harsh as Tigers*, 165.

<sup>157</sup>For a full account of reforms, see Salyer, *Laws Harsh as Tigers*, 165.

<sup>158</sup>Secretary of Commerce and Labor, *Compilation from the Records of the Bureau of Immigration of Facts Concerning the Enforcement of the Chinese-Exclusion Laws*, 33; Hsu, *The Good Immigrants*, 43–4.

<sup>159</sup>Stacey Bieler, “Patriots” or “Traitors”? *A History of American-Educated Chinese Students* (Armonk, NY, 2009), 389. The establishment of the Boxer Indemnity Scholarship program in 1908 led to a significant rise in numbers.

<sup>160</sup>The situation improved in 1907 when Oscar S. Straus became Secretary of Commerce and Labor. Straus embraced the position that exclusion was the exception and admission the norm. Chinese students especially benefited as Straus urged the Bureau to ameliorate restrictions on them. See Salyer, *Laws Harsh as Tigers*, 165–6.

<sup>161</sup>Lee, *At America’s Gates*, 101–2.



a step toward institutionalizing U.S. immigration law as a “filter” that aims at the “cultivation and disciplining of networks and flows as well as their obstruction.”<sup>162</sup> Indeed, class privilege would become the basis, for example, of the Gentlemen’s Agreement of 1907, which stemmed the entry of Japanese laborers into the United States. It is also evident in the 1965 immigration reforms that created select categories of migrants based on their educational capital, professional skills, and other traits viewed as positive contributions to the nation-state.<sup>163</sup> In the long run, the role of exemptions has enabled the country to see itself as a capacious “nation of immigrants,” while simultaneously excluding those deemed unworthy or threatening to national interest.

Kungpah King would pay one more visit to Boston. As a judge in China’s Supreme Court of Justice, he returned to the United States as an imperial delegate to the Eighth International Prison Congress held in Washington, DC, in 1910. This time, Boston received him as an honored guest to the city. Yet the memory of 1905 was still fresh; when asked to address the Prison Congress assembly, Judge King pointedly reminded his audience that on his first visit to the United States, he had “entered as a contract laborer,” and only after a night’s detention “that gave [him] the first experience of durance vile in your country.”<sup>164</sup>

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<sup>162</sup>Kramer, “Imperial Openings,” 318.

<sup>163</sup>See Michael Patrick Cullinane, “The ‘Gentlemen’s’ Agreement—Exclusion by Class,” *Immigrants & Minorities* 32, no. 2 (2014): 139–61.

<sup>164</sup>American Correctional Association, *Proceedings of the Annual Congress of the American Prison Association*, 208; see also Robinson, “America’s Business Opportunity in China,” 439.