

# THE POLITICAL BRANDING OF US AND THEM: THE BRANDING OF ASIAN IMMIGRANTS IN THE DEMOCRATIC AND REPUBLICAN PARTY PLATFORMS AND SUPREME COURT OPINIONS 1876–1924

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*In this piece, I examine the political branding of Asian immigrants by comparing the rhetoric used in the political platforms of the Democratic and Republican parties from 1876 to 1924 to the language deployed in U.S. Supreme Court opinions during the same time period. The negative verbiage repeated at national political conventions branded the Chinese as a threat to labor, immoral, unassimilable, diseased, and invaders. Interestingly, the Republican authors of their political platforms were multiracial, and yet they produced rhetoric as harshly anti-Asian as their Democratic counterparts, who included ex-Confederate soldiers and even KKK members. And disappointingly, the Supreme Court picked up this derogatory language found in both parties’ political platforms and continued to echo it in cases that diminished the rights of Chinese and other Asian immigrants. This history is then linked to the present day through the example of the negative impact of politicians’ calling the contemporary COVID-19 pandemic “Kung Flu.”*

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INTRODUCTION

A spate of violence against Asians and Asian Americans in 2020 and 2021 has laid bare the falsity of the mythology of America as the great melting pot where people from every corner of the globe are welcome as immigrants.<sup>1</sup> This mythology actively papers over decades of xenophobia among political elites who showed no shame in professing hatred against non-White immigrants. Senator Ellison Smith once argued in Congress that “the time has arrived when we should shut the door [to immigrants].”<sup>2</sup> His xenophobia was completely normalized at the time because it was preceded by fifty years of political parties branding immigrants, particularly Asian immigrants, as unredeemable dangers. This language of dehumanization would later appear in Supreme Court cases adjudicating the rights of immigrants, including deciding who could naturalize as an American citizen. The political platforms of both major parties over forty-eight years branded the Chinese through rhetorical caricatures as a threat to labor, immoral, unassimilable, diseased, and invaders.

Many of these political platforms spoke in terms of “us” and “them.” For example, a typical platform of the time from the Republican Party stated in 1888: “We declare *our* hostility to . . . Chinese labor, alien to *our* civilization and constitution; and we . . . favor such immediate legislation as will exclude such labor from *our* shores.”<sup>3</sup> Then some of these anti-Chinese brands showed up in the Supreme Court’s choice of language in legal decisions. For instance, in

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<sup>1</sup> See Kimmy Yam, *Anti-Asian Hate Crimes Increased by Nearly 150% in 2020, Mostly in N.Y. and L.A., New Report Says*, NBC NEWS (Mar. 9, 2021, 3:37 PM), <https://www.nbcnews.com/news/asian-america/anti-asian-hate-crimes-increased-nearly-150-2020-mostly-n-n1260264> (describing the increase in anti-Asian hate crimes in 2020).

<sup>2</sup> Tim Prchal, *Reimagining the Melting Pot and the Golden Door: National Identity in Gilded Age and Progressive Era Literature*, 32 MELUS 29, 30 (2007) (quoting Sen. Ellison Smith).

<sup>3</sup> *Republican Party Platform of 1888*, AM. PRESIDENCY PROJECT (June 19, 1888) (emphasis added), <https://www.presidency.ucsb.edu/documents/republican-party-platform-1888>.

*The Chinese Exclusion Case* from one year later, *Ping v. United States*, the Supreme Court unanimously spoke of how “[t]he competition between *them* [the Chinese] and *our people* . . . [caused] consequent irritation, proportionately deep and bitter, [and] was followed, in many cases, by open conflicts, to the great disturbance of the public peace.”<sup>4</sup> Thus, not only were political platforms drawing stark lines between “us” (American citizens) and “them” (Chinese foreign nationals), so were the decisions of the Supreme Court.

This piece focuses on two textual sources that are not typically considered together: the rhetoric in political platforms and Supreme Court opinions. I compare and contrast the portrayal of Asian immigrants in party platforms to the similar portrayal of Asian immigrants echoed in Supreme Court opinions. I argue that the casual racism of political parties is a harbinger of the Court’s unequal treatment of objects of political racial hatred, all of which took place against a backdrop of incredible violence directed at Asian immigrants, which I largely will not address in this piece because of space constraints.<sup>5</sup> Suffice to say that the violence experienced by Asian Americans in 2020–2021 had many horrifying historical antecedents.

Political platforms receive criticisms from nearly every quarter. Even laypersons have complained, stating: “Plain people do not read lengthy platforms. Nor have we much interest in big words and high-sounding political phrases. What we want is something concise, timely, intelligent, and true.”<sup>6</sup> Most legal scholars do not take political party platforms seriously. As John B. Oakes once put it, “[p]arty platforms are traditionally meant neither to be read nor to be believed.”<sup>7</sup> There is a good reason for this omission by the legal academy. Platforms are not regulations, nor laws, nor constitutions. But because the branding in political platforms is transmitted and amplified across all parts of American democracy, including among legal elites, they may have a greater impact on how American courts act than previously appreci-

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<sup>4</sup> *Ping v. United States*, 130 U.S. 581, 595 (1889) (emphasis added).

<sup>5</sup> See, e.g., Robert L. Tsai, *Racial Purges*, 118 MICH. L. REV. 1127, 1128 (2020) (“[E]xpulsions were preceded by beatings, shootings, murders, or lynchings. But whether lives were lost or not, social relationships were consistently disrupted, fear and anger were plentiful, and almost always Chinese property was dismantled, destroyed, or set ablaze as part of the ritual purification.”); Angela P. Harris, *Equality Trouble: Sameness and Difference in Twentieth-Century Race Law*, 88 CALIF. L. REV. 1923, 1969 (2000) (“Whites from Truckee, Eureka, Turlock in the San Joaquin Valley, and Los Angeles, as well as many other communities throughout the state, turned to violence to rid their communities of the hated Celestials.”). See generally JEAN PFAELZER, *DRIVEN OUT THE FORGOTTEN WAR AGAINST CHINESE AMERICANS* (2008).

<sup>6</sup> *Letter to the Editor*, N.Y. TRIBUNE, Jan. 30, 1920, at 9.

<sup>7</sup> John B. Oakes, *The G.O.P. Platform-Grounds for Worry*, N.Y. TIMES, Sept. 25, 1984, at 27.

ated by legal scholars. Political platforms create a permission structure among the powerful and the quotidian alike—signaling who is worthy of legal protection and who is not. Political platforms delineate who is included and who is an outsider in the body politic. They brand what is normalized or vilified. In short, political platforms brand who is included in the word “us” and who is included in the word “them.”

Before I proceed, let me address the matter of racist nomenclature. The language used throughout this piece is taken from two primary sources: the records of political conventions and Supreme Court opinions. These texts arise in a context in which, as Isabel Wilkerson puts it, “the United States tried to . . . curate its population” through racially exclusionary policies.<sup>8</sup> Consequently, the nomenclature used is often absurdly derogatory towards Asian immigrants or other racial minorities. My purpose is to show how awful the language was and is not to denigrate any group living or dead. Here I face the same dilemma that every scholar of a racist past faces: If I write about Nazis in Germany or Whites in the Antebellum South, do I use their awful language or whitewash it, thereby making it more palatable? I have chosen to show the ugly truth.

Another thing to note is that nearly everyone who is quoted in this piece from these historical texts should have known better. While it is true that mobs in California and elsewhere also used similar language while attacking Asian immigrants, the political elites I quote here should not have fallen for the same negative branding that riled up the violent rabble.<sup>9</sup> For one, many of the individuals involved had lived through the American Civil War and should have understood the perils of racial stereotyping. The men quoted should also have known better because many of them were well educated—whether Black or White—as lawyers. And that education should have given them some perspective on the range of human experiences and tempered what, in retrospect, appears to be their unrepentant embrace of White Supremacy at worse, or their endorsement of racial hierarchy at best.

Racialized language would be expected from the Democratic Party, which was essentially a vector for White Supremacy at the time

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<sup>8</sup> ISABEL WILKERSON, *CASTE: THE ORIGINS OF OUR DISCONTENTS* 123 (2020).

<sup>9</sup> See IRA B. CROSS, *A HISTORY OF THE LABOR MOVEMENT IN CALIFORNIA* 99 (1935) (discussing an 1877 manifesto by the Workingmen’s Party of California, which read: “To an American, death is preferable to life on a par with the Chinamen. . . . Treason is better than to labor beside a Chinese slave. . . . The people are about to take their own affairs into their own hands and they will not be stayed by . . . state militia [or] United States Troops.”).

(1876–1924).<sup>10</sup> This was not as true of the Republican Party during the same period.<sup>11</sup> Recall, as Tasha S. Philpot points out, “[d]uring Reconstruction . . . blacks achieved many political successes within the ranks of the Republican Party. . . . Moreover, 13 percent of the 1892 Republican National Convention’s delegates were black . . . .”<sup>12</sup> And Black men like Frederick Douglass were speakers at these Republican conventions (or served in other capacities).<sup>13</sup> Finally, I found myself particularly disappointed to discover that many Black men were on the Resolutions Committees that drafted the anti-China/anti-Chinese planks of the Republican Party platforms that I discuss herein. I am disheartened by these Black men because many of them had the personal experience of being on the losing end of White racism, whether as ex-slaves or as Black men abandoned after Reconstruction during the age of Black Codes, Jim Crow, and massive racialized disenfranchisement of their fellow African Americans.<sup>14</sup> One explanation for why Black Republicans would go along with this anti-Asian racism is that they and their constituents were contemporaneously being terrorized by the likes of the KKK<sup>15</sup> and they were continually under

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<sup>10</sup> See GLENN FELDMAN, *THE IRONY OF THE SOLID SOUTH: DEMOCRATS, REPUBLICANS, AND RACE, 1865–1944*, at xvi (2013) (“But [the Democratic Party’s] center, its essential being, was depressingly vulnerable in its stubborn adherence to racial conventions such as segregation, white supremacy, and other forms of cultural conservatism—a fatal and regionally distinctive flaw that led, repeatedly, to the primacy of race . . .”).

<sup>11</sup> See BORIS HEERSINK & JEFFERY A. JENKINS, *REPUBLICAN PARTY POLITICS AND THE AMERICAN SOUTH, 1865–1968*, at 40 (2020) (“[F]rom the Grant era through the Coolidge era, the Black-and-Tans controlled the Mississippi GOP and consistently selected delegations to the Republican National Convention that were majority black.”).

<sup>12</sup> TASHA S. PHILPOT, *RACE, REPUBLICANS, & THE RETURN OF THE PARTY OF LINCOLN* 39 (2007) (citing PATRICIA GURIN, SHIRLEY HATCHETT & JAMES S. JACKSON, *HOPE AND INDEPENDENCE: BLACKS’ RESPONSE TO ELECTORAL AND PARTY POLITICS* 21 (Russell Sage Found. 1989)).

<sup>13</sup> See *infra* Table 2.

<sup>14</sup> See PHILPOT, *supra* note 12, at 40 (“[After the election of 1876] the Republican Party made a concerted effort in subsequent presidential elections to pursue policies that would attract southern white voters . . . at the expense of black Republicans. . . . [S]everal black Republicans in leadership positions were forced to vacate their posts and were replaced by whites.” (citing PATRICIA GURIN, SHIRLEY HATCHETT & JAMES S. JACKSON, *HOPE AND INDEPENDENCE: BLACKS’ RESPONSE TO ELECTORAL AND PARTY POLITICS* 21 (Russell Sage Found. 1989))).

<sup>15</sup> See Lisa Cardyn, *Sexualized Racism/Gendered Violence: Outraging the Body Politic in the Reconstruction South*, 100 MICH. L. REV. 675, 692 (2002) (“[A] former klansman testified that the depredations of the KKK were ‘a political thing’ intended to ‘frighten the colored people into a kind of obedience to them, so that they could be subverted to the interests of the democratic party.’”); Michael K. Curtis, *Reflections on Albion Tourgée’s 1896 View of the Supreme Court: A “Consistent Enemy of Personal Liberty and Equal Right”?*, 5 ELON L. REV. 19, 37 (2013) (“This sort of [multiracial] democracy was intolerable to many reconstructed Confederates; the Klan and similar organizations responded with violence. When Congress investigated, witness after witness spoke about

threat from Lily-White Republicans of being pushed out of their own party.<sup>16</sup> Because the historical record is so spotty when it comes to the Black Republicans on these Resolution Committees, it is literally impossible to say whether they embraced the Sinophobia which was reflected in the platforms that they helped draft with White Republicans, or whether they believed in racial equality but lacked the power to change the documents they helped draft to be more welcoming to and inclusive of Asian immigrants. I will reference what little evidence I have on this matter and leave it to other scholars to try to unravel the mystery of how Black Reconstruction politicians truly viewed Chinese and other Asian immigrants. Instead, I will focus on what is self-evident, how political platforms from both the Republicans and Democrats branded the Chinese as the ultimate undesirable aliens.

This piece builds on my work from 2019, when I explored how different aspects of American political life in the Trump era were being rebranded in the book *Political Brands*.<sup>17</sup> Branding in politics is very similar to commercial branding: repeat a message *ad infinitum* until the intended audience accepts the message as true. Here, I examine the platforms of the Republican and Democratic parties starting in 1876 and ending in 1924. Over that time span, neither party held the moral high ground when it came to mischaracterizing Asian immigrants.<sup>18</sup> Instead, there was a race to the bottom in determining who could vilify Asian immigrants more. These texts are significant because political platforms were written by elected elites. Meanwhile, the audience was incredibly broad. Platforms were often either printed in full in newspapers, or heavily excerpted in the media of their day. The full 1896 Republican platform was printed in the *New York Times*,<sup>19</sup> as were the 1920<sup>20</sup> and the 1924 platforms.<sup>21</sup> Moreover,

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violence—whippings, murders, killing the victims' animals, and burning their barns, aimed at suppressing political activity by white as well as black Republicans.”).

<sup>16</sup> See HEERSINK & JENKINS, *supra* note 11, at 31 (“The Lily-Whites were white supremacists who believed that blacks should not hold positions of power in the GOP . . . .”).

<sup>17</sup> CIARA TORRES-SPELLISY, *POLITICAL BRANDS* (2019).

<sup>18</sup> See MARISA ABRAJANO & ZOLTAN L. HAJNAL, *WHITE BACKLASH: IMMIGRATION, RACE, AND AMERICAN POLITICS* 7 (2015) (“Chinese immigration spurred both the Democratic and Republican parties into action . . . . Republicans began the period internally divided on the issue, but competition from a Democratic Party strongly in favor of Chinese exclusion . . . and intense public sentiment against the Chinese led Republicans to support Chinese exclusion.”); 1 *ASIAN AMERICANS: AN ENCYCLOPEDIA OF SOCIAL, CULTURAL, ECONOMIC, AND POLITICAL HISTORY* 1179 (Xiaoqian Zhao & Edward J.W. Park, eds., 2014) (“Prior to 1965, racial animosity, fears of economic competition, and political calculations drove both the Democratic and Republican parties to actively campaign to exclude or limit Asian immigration.”).

<sup>19</sup> *The Republican Platform.*, N.Y. TIMES, June 19, 1896, at 1.

the objective of a four-year platform was to attract as many voters as possible and to expand that party's power in government.<sup>22</sup> Thus, these texts had to be accessible to the average voter both in verbiage and tone. Political platforms are thus rich sources for examining how political branding evolved.

This piece proceeds as follows: Part I describes how political branding works. Part II shows how Democratic and Republican platforms between 1876 and 1924 branded Asian immigrants as unwelcomed menaces and permanent outsiders.<sup>23</sup> Part III shows how these sentiments jump from mere political rhetoric into case law. I conclude with a few comparisons to the present day since the casual racism of the past is resurging in contemporary Republican politics.<sup>24</sup> This ethical problem for the party could quickly become a legal problem if the xenophobic rhetoric “genre-jumps” from toxic political fora into future legal opinions that denigrate the rights of minorities.

## I

### POLITICAL BRANDING

Before discussing how political parties brand themselves through their platforms, I will define “branding” and how it is operationalized. Branding is the practice of purposefully repeating a word, phrase, or image until it is learned by an intended audience.<sup>25</sup> Branding is most effective when it is delivered to the audience through a trusted network.<sup>26</sup> For many in the twenty-first century, social media serves as a

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<sup>20</sup> *Text of Republican Platform as Adopted by Chicago Convention Last Night*, N.Y. TIMES, June 11, 1920, at 3.

<sup>21</sup> *Full Text of the Republican Platform as Reported to Convention Last Night*, N.Y. TIMES, June 12, 1924, at 4.

<sup>22</sup> Cf. Clarence A. Berdahl, *Party Membership in the United States, I*, 36 AM. POL. SCI. REV. 16, 26–27 (1942) (“[America had] a very loose party system, one which allows voters to participate with a particular party who may disagree violently on principles and policies.”).

<sup>23</sup> See H. Alexander Chen, Jessica Trinh & George P. Yang, *Anti-Asian Sentiment in the United States—COVID-19 and History*, 220 AM. J. SURGERY 556, 556 (2020) (“Asian Americans are often stereotyped as perpetual foreigners because they are seen as inherently different.”).

<sup>24</sup> See LEAH WRIGHT RIGUEUR, *THE LONELINESS OF THE BLACK REPUBLICAN: PRAGMATIC POLITICS AND THE PURSUIT OF POWER 2* (2015) (“[T]he GOP of today bears little resemblance to the ‘Party of Lincoln’ to which black voters had been fiercely loyal . . .”).

<sup>25</sup> TORRES-SPELLISCY, *supra* note 17, at 1.

<sup>26</sup> Cf. Douglas Holt, *Branding in the Age of Social Media*, HARV. BUS. REV., Mar. 2016, at 45–47 (describing how social media has allowed concerns and ideologies to be extremely influential, which has opened the doors for companies to attract consumers by aligning their company brand with those ideologies).

trusted network.<sup>27</sup> In previous generations, a trusted network could include word of mouth or a trusted media source. For the politically engaged, a trusted network would include communications emanating from a political party.

The evolution of political branding mirrors that of commercial branding, which is produced by businesses. Repetition in commercial branding is typically achieved in paid advertising. During the American Civil War, advertising included posters and paintings on the sides of buildings, billboards, leaflets, magazine ads, and newspaper ads.<sup>28</sup> At that time, *Harper's Weekly* started with ads for everyday ailments and then changed to respond to the needs of a nation at war including ads for bullets, guns, and artificial limbs.<sup>29</sup> In the South, ads advertised the sale of slaves.<sup>30</sup> As new technologies allowed for the printing of pictures in newspapers, advertising boomed.<sup>31</sup> Political platforms were also published in newspapers—and were, in effect, unpaid ads for parties transmitting their messages across the nation.<sup>32</sup>

As communication technology evolved, advertising was frequently a financial driver. Nearly as soon as there was radio, there were advertisements on the radio.<sup>33</sup> Certain radio dramas were

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<sup>27</sup> See Sonja Grabner-Kräuter & Sofie Bitter, *Trust in Online Social Networks: A Multifaceted Perspective*, 44 F. SOC. ECON. 48 (2015) (describing the dynamics and increased prevalence of online social networks); see also Brent Gleeson, *6 Ways Brands Build Trust Through Social Media*, FORBES (Oct. 31, 2012, 4:11 PM), <https://www.forbes.com/sites/brentgleeson/2012/10/31/6-ways-brands-build-trust-through-social-media> (informing businesses how to use social media to “build trust with [their] current and potential brand advocates”).

<sup>28</sup> See *The Art of American Advertising, 1865-1910: The Art of “Posting,”* HARV. BUS. SCH., <https://www.library.hbs.edu/hc/artadv/art-of-posting.html> (last visited June 30, 2021) (describing forms of commercial advertisements during the relevant time period).

<sup>29</sup> See Jaime Buechel, *Changes in Advertisements During the Civil War*, 6 NEW ERRANDS 17, 17–18 (2018) (describing changes in *Harper's Weekly* advertisements pre- and post-1862).

<sup>30</sup> See Donald C. Lord, *Slaves Ads as Historical Evidence*, 5 HIST. TCHR. 10, 12–16 (1972) for examples of such advertisements featured in Kentucky, Virginia, and South Carolina periodicals.

<sup>31</sup> See *Early Advertising of the West, 1867-1918*, U. WASH. LIBRS., <https://content.lib.washington.edu/advertweb/index.html> (last visited May 30, 2021) (noting that this expansion was fueled by the “invention of wood pulp newsprint, new publishing techniques (curved stereotype press), and innovations in techniques used to reproduce illustrations”).

<sup>32</sup> See, e.g., *The Platform*, N.Y. TIMES, May 18, 1860, at 1 (printing the Republican platform).

<sup>33</sup> See *History of Advertising: No 160: The First Radio Commercials*, CAMPAIGN (Jan. 28, 2016), <https://www.campaignlive.com/article/history-advertising-no-160-first-radio-commercials/1381044> (noting how the first radio ad ran “28 August [1922] on the AT&T-owned New York station WEAJ and cost Queensboro Corporation \$50 for 50 minutes of airtime”). A steady stream of inventions pushed radio forward in the early 20th century, with public broadcasting beginning in about 1910. See *The Development of Radio*, PBS,



entirely sponsored by a particular brand.<sup>34</sup> The whole reason “soap operas” are called “soap operas” is that they were sponsored by soap manufacturers.<sup>35</sup> Reynolds Tobacco Company sponsored a quiz show called “Information Please” and tried to get contestants to smoke its cigarettes.<sup>36</sup> Ads expanded from radio to TV, and from TV to the internet. In a similar fashion, today all political platforms of both major political parties are available online, either on political parties’ webpages<sup>37</sup> or aggregated by academic institutions.<sup>38</sup> Ads tend to repeat a commercial message, like “buy this brand now,” until consumers relent and make the purchase.

With that understanding of branding, one can consider how political branding happens in platforms where messages are also repeated until the audience buys them. Political party platforms are documents worthy of academic scrutiny because they capture how political elites thought they could attract quotidian voters.<sup>39</sup> Professor Ronald Walters opined that “the platform is a political document that . . . allow[s] the candidate to define *both his and the party’s political personality*.”<sup>40</sup> Political platforms “can tell you a lot about how the party will spend your tax dollars if it wins power.”<sup>41</sup> Or as the *New York Times* argued back in 1876, platforms serve multiple messaging pur-

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<https://www.pbs.org/wgbh/americanexperience/features/rescue-development-radio> (last visited May 20, 2021).

<sup>34</sup> See ELANA LEVINE, *HER STORIES: DAYTIME SOAP OPERA AND US TELEVISION HISTORY* 78 (2020) (“The radio model of serial sponsorship . . . in which a single advertiser would pay for the production of a program and would advertise its product at the start, finish and within commercial breaks, initially was carried over into TV.”).

<sup>35</sup> See Jeff Suess, *Our History: P&G Put the ‘Soap’ in ‘Soap Opera,’* CINCINNATI ENQUIRER (Oct. 4, 2017, 2:56 PM), <https://www.cincinnati.com/story/news/2017/10/04/our-history-p-g-put-soap-soap-opera/732149001> (“P&G was one of the first companies to sponsor daytime serial dramas on the radio in the 1930s to advertise their products . . .”).

<sup>36</sup> *The Rise of TV Quiz Shows*, PBS, <http://www.pbs.org/wgbh/americanexperience/features/quizshow-rise-tv-quiz-shows> (last visited May 6, 2020).

<sup>37</sup> REPUBLICAN NAT’L COMM., *RESOLUTION REGARDING THE REPUBLICAN PARTY PLATFORM* (2016); DEMOCRATIC NAT’L CONVENTION, *2020 DEMOCRATIC PARTY PLATFORM* (2020).

<sup>38</sup> See, e.g., *Party Platforms and Nominating Conventions*, AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/documents/presidential-documents-archive-guidebook/party-platforms-and-nominating-conventions> (last visited May 30, 2021).

<sup>39</sup> See SCOTT APPELROUTH, *ENVISIONING AMERICA AND THE AMERICAN SELF: REPUBLICAN AND DEMOCRATIC PARTY PLATFORMS 1840–2016*, at 38 (2019) (“Ratified by the delegates to the quadrennial national convention, party platforms are the only official, institutionally-sanctioned document espousing the parties’ view on the state of the nation.”).

<sup>40</sup> Ronald W. Walters, *Party Platforms as Political Process*, 23 PS: POL. SCI. & POLS. 436, 438 (1990) (emphasis in original).

<sup>41</sup> Marjorie Hershey, *What Are Political Parties’ Platforms – and Do They Matter?*, CONVERSATION (July 23, 2020, 8:16 AM), <https://theconversation.com/what-are-political-parties-platforms-and-do-they-matter-141422>.

poses: “[Platforms state] the objects which their authors think the people are seeking, and which they wish the people to believe that the party will pursue. . . . [T]hey must embody the views of the mass . . . in every section of the country, for any considerable dissent . . . would be fatal.”<sup>42</sup> In other words, political platforms embody the political wisdom of the day about what would attract the lowest common denominator of voters.

Professor Gerald Pomper notes that platforms give a clear indication of what the party will do if put in power: “Adopted by its only meaningful organ, the nominating convention, and presented to the voters as the Presidential election approaches, it most fully represents the party’s intentions.”<sup>43</sup>

The platforms are also narrative building exercises. As Larry David Smith explains, “the heroes, villains, and fools of the story are established. In order to generate the conflict essential to a two party contest, both platforms project ‘good’ and ‘evil’ by way of either the institutions’ grammar . . . or the rhetoric of the moment.”<sup>44</sup> And as political scientist Scott Appelrouth once put it, “the platforms construct idealized versions of each party’s cast of saints and sinners.”<sup>45</sup>

Political platforms during the 1876–1924 period were also particularly important because they were drafted at political conventions, and presidential nominations were processed exclusively through conventions until 1908. In 1912, Oregon was the first state to choose a presidential nominee through a primary.<sup>46</sup> There were thirteen Republican primaries in 1912, yet the nominee was still chosen at the Republican Convention.<sup>47</sup> After 1920, political primaries were the norm, making the political conventions less impactful on nominee

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<sup>42</sup> *The Republican Platform*, N.Y. TIMES, June 16, 1876, at 4.

<sup>43</sup> Gerald Pomper, “If Elected, I Promise”: *American Party Platforms*, 11 MIDWEST J. POL. SCI. 318, 319 (1967).

<sup>44</sup> Larry D. Smith, *The Party Platforms as Institutional Discourse: The Democrats and Republicans of 1988*, 22 PRESIDENTIAL STUD. Q. 531, 536 (1992).

<sup>45</sup> APPELROUTH, *supra* note 39, at 2.

<sup>46</sup> See generally James D. Barnett, *The Presidential Primary in Oregon*, 31 POL. SCI. Q. 81 (1916) (describing the first presidential primary election); James C. Clark, *Thank(?) Florida for Presidential Primaries: From The Community*, ORLANDO SENTINEL (Dec. 6, 2015), <https://www.orlandosentinel.com/opinion/os-ed-presidential-primaries-history-120615-20151204-story.html> (noting Florida had the first presidential primary law but did not hold a primary until 1912).

<sup>47</sup> Barbara Norrander, *Political Conventions Today Are for Partying and Pageantry, Not Picking Nominees*, CONVERSATION (Aug. 4, 2020, 8:17 AM), <https://theconversation.com/political-conventions-today-are-for-partying-and-pageantry-not-picking-nominees-142246>.

choice.<sup>48</sup> But for most of the time under consideration here, the only pathway to the Oval Office was through the political conventions of the Democratic and Republican parties. Consequently, what was said there mattered.

Moreover, nearly all of the period covered by this piece was pre-radio and certainly pre-TV.<sup>49</sup> The first presidential convention covered by radio was the Republican convention in 1924 though only approximately nineteen percent of American households owned a radio.<sup>50</sup> In an age of print, pre-1924, the media of the day were newspapers, magazines, and books. Thus there were two ways to consume what happened at a national political convention or at the Supreme Court: either one was physically present or one read about it. The record of what happened at the political conventions was printed up in booklets including the planks of the platforms, debates at the conventions, and the acceptance letters of the presidential and vice presidential nominees, who frequently were not in attendance at the conventions at all. It is these texts that will be examined below. With the exception of the events of the 1924 conventions, which could be branded using the then novel technology of radio, the way political branding happened before 1924 was through language in live speeches or the printed word (which often captured some of those live speeches). There were multiple topics being branded and rebranded in the political party platforms from 1876 to 1924, from the gold standard to women's suffrage. But in terms of the immigration planks of these platforms, as the next Part discusses, from 1876 to 1924, the underpaid Chinese immigrant worker served as a narrative villain for both Democrats and Republicans.

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<sup>48</sup> See Berdahl, *supra* note 22, at 16 (“In a book published in 1918 for the purpose of instructing new women voters in the processes of government, the question was put: ‘How do you join a party?’ The answer given was: ‘By enrolling to vote in the primaries.’”).

<sup>49</sup> See *History of Commercial Radio*, FCC (Nov. 2, 2020), <https://www.fcc.gov/media/radio/history-of-commercial-radio> (noting the first commercial radio broadcast was in 1920 and the first Presidential Inauguration radio broadcast was in 1925).

<sup>50</sup> David Shedden, *The First Convention Broadcast: Radio at the 1924 Conventions*, POYTNER (Sept. 1, 2004), <https://www.poynter.org/archive/2004/the-first-convention-broadcast-radio-at-the-1924-conventions>; *Radio: A Consumer Product and a Producer of Consumption*, LIBR. CONG., <http://lcweb2.loc.gov:8081/ammem/amrlhtml/inradio.html> (last visited Sept. 26, 2021) (“In 1925, the Radio Corporation of America (RCA) released statistics indicating that . . . 19.2 percent [of people in the United States] had radio receivers . . .”).

## II

DEMOCRATIC AND REPUBLICAN PARTY PLATFORMS FROM  
1876–1924 BRANDED ASIAN IMMIGRANTSA. *Who Drafted These Platforms?*

The quadrennial political party platforms were drafted by the Committees on Resolutions of the two respective parties. The Committees on Resolutions (or sometimes called the Platforms and Resolutions Committees or Resolutions Committees for short) were made up of representatives of each state and territory.<sup>51</sup> Because they were written by committees, it is impossible in retrospect to know for sure just by reading the platforms which men took the lead in writing them, and which only signed their names to the final platforms. However, in one eyewitness account, Congressman John R. Lynch reported that the Republican platform of 1900 started with a draft written in D.C. by Senator from Ohio Joseph B. Foraker and then was revised by ex-Congressman from New York Lemuel E. Quigg over a twenty-four-hour period in Philadelphia.<sup>52</sup> Samuel Gompers claimed that Judge Alton Parker of New York was the true “author” of the 1908 Democratic platform.<sup>53</sup> According to Perley Orman Ray, “the draft of the [1908] Republican platform was prepared and brought to the convention by Wade Ellis, the assistant attorney general of the United States,” and William Taft had preapproved the draft Republican 1908 platform before the convention.<sup>54</sup> Similarly, President Woodrow Wilson preapproved a draft of the 1916 Democratic platform, which was delivered to the convention by a cabinet member.<sup>55</sup> Even if there were first drafts of these platforms, they also were revised in the Resolutions Committees.

The Resolutions Committees were frequently populated with each party’s elite elected members including state legislators,<sup>56</sup> governors and lieutenant governors,<sup>57</sup> U.S. Senators,<sup>58</sup> members of Congress,<sup>59</sup> and occasionally presidents or candidates for president

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<sup>51</sup> See *infra* Table 1.

<sup>52</sup> JOHN ROY LYNCH, *REMINISCENCES OF AN ACTIVE LIFE: THE AUTOBIOGRAPHY OF JOHN ROY LYNCH* 421–22 (John Hope Franklin ed., Univ. Press of Miss. 1970) (2008).

<sup>53</sup> 2 SAMUEL GOMPERS, *SEVENTY YEARS OF LIFE AND LABOR: AN AUTOBIOGRAPHY* 280 (1925).

<sup>54</sup> PERLEY ORMAN RAY, *AN INTRODUCTION TO POLITICAL PARTIES AND PRACTICAL POLITICS* 20 (1924).

<sup>55</sup> *Id.*; see also *National Party Platforms, 1832–1932*, CONGRESSIONAL Q. (Jan.13, 1932), <https://library.cqpress.com/cqresearcher/document.php?id=CQresrre1932011300>.

<sup>56</sup> See *infra* Table 1.

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

and vice president.<sup>60</sup> Future and current members of the judiciary also were frequently members of these Committees.<sup>61</sup> Some of the lawmakers on these Resolutions Committees had a history of making Sinophobic statements. For example, U.S. Senator from Nevada John P. Jones, a member of the Republican Resolutions Committee in 1876, said in a speech entitled "The Chinese Question" in 1879: "I therefore propose to refer only incidentally to the degrading effects, moral, religious, and political, which would inevitably result from the unrestricted emigration of the Chinese race to our shores."<sup>62</sup> U.S. Senator from California Stephen White, who was a delegate at the 1888 Democratic Convention, once said:

The experiment of blending the social habits and mutual race idiosyncrasies of the Chinese laboring classes with those of the great body of the people of the United States has been proved by the experience of twenty years, and ever since the Burlingame treaty of 1868, to be in every sense unwise, impolitic and injurious to both nations.<sup>63</sup>

United States Senator from Nevada Francis Griffith Newlands, a member of the 1904 Democratic Convention, once wrote: "Confronting our Pacific Coast lies Asia, with nearly a billion people of the yellow and brown races, who, if there were no restrictions, would quickly settle upon and take possession of our entire western coast and intermountain region."<sup>64</sup> Contemporaneously, William M. Stewart, U.S. Senator from Nevada, who was a member of the Republican Resolution Committee in 1888, said:

There was a time when there was great diversity of opinion on the question of Chinese immigration to this country, but I think there is practically none now. The American people are now convinced that the Chinese can not [sic] be incorporated among our citizens, can not [sic] be amalgamated, can not [sic] be absorbed, but that they will remain a distinct element.<sup>65</sup>

And Albert J. Beveridge, U.S. Senator from Indiana between 1899 and 1911, claimed, without proof, that "[t]he lowest rung on the racial

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> John P. Jones, *The Chinese Question* 3 (Feb. 14, 1879) in SENATE OF THE UNITED STATES, FEB. 14, 1879.

<sup>63</sup> Senator Stephen M. White, Chinese Exclusion, Speech Delivered in the Senate of the United States (Nov. 2, 1893), in LEORY K. MOSHER, STEPHEN M. WHITE: CALIFORNIAN, CITIZEN, LAWYER, SENATOR. HIS LIFE AND HIS WORK. A CHARACTER SKETCH 96, 100 (1903).

<sup>64</sup> Francis G. Newlands, *A Western View of the Race Question*, 34 ANNALS AM. ACAD. POL. & SOC. SCI. 49, 50 (1909).

<sup>65</sup> Lucy Salyer, *Captives of Law: Judicial Enforcement of the Chinese Exclusion Laws, 1891-1905*, 76 J. AM. HIST. 91, 98 (1989) (quoting Sen. William M. Stewart of Nevada).

ladder was occupied by Asiatics. An Oriental, he thought, was not capable of refinement and education. The Chinese had deep character faults, the most important of which was too much regard for self and family and not enough for the community.”<sup>66</sup> Henry Cabot Lodge, U.S. Senator from Massachusetts, who was on multiple Republican Resolutions Committees including those in 1888, 1896, 1904, and 1916, once defended the Chinese Exclusion Act by saying:

[T]he American people, first on the western coast and then elsewhere, suddenly were roused to the fact that they were threatened with a flood of low-class labor which would absolutely destroy good rates of wages among American workingmen by a competition which could not be met, and which at the same time threatened to lower the quality of American citizenship. The result was the Chinese Exclusion Act, much contested in its inception, but the wisdom of which everybody now admits.<sup>67</sup>

During the first half of the period under examination, the Republican Resolutions Committees included former high-ranking Union soldiers, while the Democrats’ committees included high-ranking ex-Confederates. While every member of the Democratic Resolutions Committee was a White male, several African Americans<sup>68</sup> and three Native Hawaiians were Republican members.<sup>69</sup> There was internal strife in the Republican Party during the time under examination when the Lily-White (Caucasian) faction tried to push out the Black and Tan (Black Republicans) faction,<sup>70</sup> but by 1924, there were still Black members in prominent roles like the Resolution Committees.

The number of Black representatives in the Republican Resolution Committees might not be surprising during the period known as “Black Reconstruction,” but Black members were also pre-

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<sup>66</sup> Daniel Levine, *The Social Philosophy of Albert J. Beveridge*, 58 *IND. MAG. HIST.* 101, 102 (1962).

<sup>67</sup> Henry Cabot Lodge, *The Restriction of Immigration*, 152 *N. AM. REV.* 27, 32–33 (1891).

<sup>68</sup> See *infra* Table 2.

<sup>69</sup> See *infra* Table 2.

<sup>70</sup> HEERSINK & JENKINS, *supra* note 11, at 40 (“In the late 1920s, however, Black-and-Tan control was threatened for the first time [by a Lily-White faction.]”); *id.* at 31 (“Near the end of the nineteenth century, as the ex-Confederate states began actively disenfranchising black voters, another coalition of Republicans in the South – known as the Lily-Whites – emerged to vie for leadership control with the Black-and-Tans.”); COREY D. FIELDS, *BLACK ELEPHANTS IN THE ROOM: THE UNEXPECTED POLITICS OF AFRICAN AMERICAN REPUBLICANS* 39 (2016) (“[W]ith voting restrictions on southern white men lifted, Democrats – drawing on support from white southern politicians – reclaimed control over political and governing institutions at the state level. Black and Tan Republicans faced a particularly difficult political context after Reconstruction.”).

sent in the early twentieth century.<sup>71</sup> Given that the Democratic Party was basically all White<sup>72</sup> and included ex-Confederates and actual KKK members, having racially discriminatory rhetoric in the 1876–1924 Democratic platforms is not particularly surprising.<sup>73</sup> As historian Eric Foner explained of the Democratic Party during the post-Civil War period: “Democratic members of Congress repeatedly identified American nationality with ‘the Caucasian race,’ insisted that the government ‘was made for white men,’ and objected to extending the ‘advantages’ of American citizenship to ‘the Negroes, the coolies, and the Indians.’”<sup>74</sup> (“Coolie” was a derogatory term for Chinese laborers at the time.) The racism embraced by the Democratic Party during this period is exemplified by the fact that in 1924 it rejected an anti-KKK plank from its platform.<sup>75</sup>

Whenever modern authors look backwards in time, the problem of judging historical individuals by today’s standards is a perpetual risk. Unfortunately, there is little in the historical record about what

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<sup>71</sup> See *infra* Table 2.

<sup>72</sup> See Berdahl, *supra* note 22, at 24 (noting that qualifications for membership in the Democratic party included: “(1) Democrat; (2) twenty-one years of age; (3) white; or (4) Negro who voted for General Hampton for governor in 1876 and for the Democratic ticket continuously since, such action to be sworn to by written statement of ten reputable white men”); PHILPOT, *supra* note 12, at 41 (“Because of its ‘white supremacy principles and policies as well as the violent actions and terrorism,’ the Democratic Party remained an unattractive alternative [for Black people].” (quoting HANES WALTON JR., *BLACK POLITICS: A THEORETICAL AND STRUCTURAL ANALYSIS* 39 (1975))); MILLINGTON W. BERGESON-LOCKWOOD, *RACE OVER PARTY: BLACK POLITICS AND PARTISANSHIP IN LATE NINETEENTH-CENTURY BOSTON* 11 (2018) (“To [Frederick] Douglass, the choice was clear. ‘For colored men,’ the world-famous activist and orator explained, ‘the Republican Party is the deck.’ All other parties, the Democratic especially, ‘[are] the sea.’”).

<sup>73</sup> See Trevor Griffey, *Citizen Klan: Electoral Politics and the KKK in WA*, SEATTLE C.R. & LAB. HIST. PROJECT UNIV. WASH. (2007), [https://depts.washington.edu/civillr/klk\\_politicians.htm](https://depts.washington.edu/civillr/klk_politicians.htm) (last visited May 30, 2021) (“During the first half of the 1920s, the Klan, which had previously been associated with the South, came to thoroughly dominate electoral politics in Indiana, supposedly helped elect eleven Governors (including Oregon’s Walter Pierce), and briefly controlled State Legislatures in the Western States of Oklahoma, Texas, Colorado, and Oregon.”); David Chalmers, *The Ku Klux Klan in Politics in the 1920’s*, 18 *MISS. Q.* 234 (1965) (describing the Ku Klux Klan’s involvement in politics in the 1920s); *The Ku-Klux Reign of Terror*, LIBR. CONG. (1872), <https://www.loc.gov/resource/rbpe.23700700/?st=text> (“[T]he Ku-Klux organization is an adjunct of the Democratic party . . .”).

<sup>74</sup> ERIC FONER, *THE SECOND FOUNDING: HOW THE CIVIL WAR AND RECONSTRUCTION REMADE THE CONSTITUTION* 86 (2019); see also Errin Whack, *Who Was Edmund Pettus?*, SMITHSONIAN MAG. (Mar. 7, 2015), <https://web.archive.org/web/20190422005529/https://www.smithsonianmag.com/history/who-was-edmund-pettus-180954501/?no-ist> (“[Edmund] Pettus served as chairman of the state delegation to the Democratic National Convention for more than two decades, and was Grand Dragon of the Alabama Klan during the final year of Reconstruction.”).

<sup>75</sup> Rory McVeigh, *Power Devaluation, the Ku Klux Klan, and the Democratic National Convention of 1924*, 16 *SOCIO. F.* 1, 1, 3–4 (2001).

the exact men who wrote the China planks for their respective political parties thought at the time. This loss of historical record is particularly true of the Black members of the Resolution Committees. One of the few surviving statements from one of the Black men on the Republican Resolution Committee in 1912 was from William Madison “Gooseneck Bill” McDonald, who conceptualized the Republican Party as being colorblind—even towards Asian immigrants. As Mr. McDonald rhapsodized:

I love this country and the Republican party because it gives to the lowest equal opportunity with the greatest. In the Republican party the avenues to political distinction are open to all regardless of color or condition. Our platform is as broad as humanity. The Mexican, Dago, Chinaman, Indian, the lily white and even the most hot-headed Democrat, can find room to stand thereon. I tell you, gentlemen, you belong to a grand party. It is the greatest political organization that ever existed. It is the only party that has never compromised with Coxeyism, third partyism and the devil. It was this great party that saved the Union, put down the rebellion and emancipated 4,000,000 of human beings.<sup>76</sup>

Interestingly, in 1912, when Mr. McDonald participated, the Republican Platform did not single out Chinese immigrants.

In 1888, Black Congressman from Mississippi and member of the Republican Resolutions Committee John R. Lynch, in a speech to the Republican convention, seemed to reference support for the platform if the party would support Black suffrage:

We are with you for the protection of American labor. We want you to be with us in the protection of human life. [Cheers.] We are with you for the protection of American capital. We want you to be with us for the protection of the sanctity and the purity of the ballot. [Cheers.] . . . We are with you for whatever you may want to promote the welfare of our people, and to advance the material interests of our country[.] [Cheers.] We want you to be with us in the enforcement of the laws for the protection of the rights and privileges of American citizens from one end of this country to the other. [Applause.] Gentlemen, are you with us in this? [Cries of “Yes,” “Yes,” and applause.]<sup>77</sup>

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<sup>76</sup> WILLIAM OLIVER BUNDY, *LIFE OF WILLIAM MADISON McDONALD, PH.D.*, 118–19 (1925) (quoting McDonald speaking at a Republican event on Jan. 11, 1895).

<sup>77</sup> THE REPUBLICAN NATIONAL COMMITTEE, *PROCEEDINGS OF THE NINTH REPUBLICAN NATIONAL CONVENTION: HELD AT CHICAGO, ILL., JUNE 19, 20, 21, 22, 23 AND 25, 1888*, at 211 (Chicago, Blakey Prtg. Co., 1888) [hereinafter *REPUBLICAN CONVENTION 1888*], <https://babel.hathitrust.org/cgi/pt?id=pst.000024443319&view=lup&seq=217&skin=2021&q1=lynch> (Rep. John R. Lynch addressing the convention).



However, since Rep. Lynch did not specifically reference the Chinese in this speech, it is difficult to discern for sure if he was suggesting a *quid pro quo* of exchanging hostility to Asian immigrants for support of domestic voting rights for African Americans.

Although he was not on the Resolution Committee, Blanche K. Bruce, an African-American Senator from Mississippi, was a Vice President of the 1880 Republican Convention<sup>78</sup> and he is noted for his opposition in the Senate to an act that sought to restrict Chinese immigration. According to the *Congressional Record*, Mr. Bruce said:

Mr. President, I desire to submit a single remark. Representing as I do a people who but a few years ago were considered essentially disqualified from enjoying the privileges and immunity of American citizenship, and who have since been so successfully introduced into the body politic, and having large confidence in the strength and assimilative power of our institutions, I shall vote against the pending [anti-Chinese House Bill 2423].<sup>79</sup>

This statement to Congress was given the year before Bruce participated in the 1880 convention, where he was considered for the vice presidential slot on the Republican ticket.<sup>80</sup> He lost and there is no record of his views about the 1880 Republican anti-Chinese plank,<sup>81</sup> which asserted that the Republican Party “regard[s] the unrestricted immigration of the Chinese as a matter of grave concernment . . . [and thus] would limit and restrict that immigration . . . .”<sup>82</sup> What is deeply disillusioning to me is that despite the racial diversity among the Republican Resolution Committee members, including men who were ex-slaves, there was still rampant Sinophobia in their platforms.

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<sup>78</sup> PROCEEDINGS OF THE REPUBLICAN NATIONAL CONVENTION, HELD AT CHICAGO, ILLINOIS, WEDNESDAY, THURSDAY, FRIDAY, SATURDAY, MONDAY AND TUESDAY, JUNE 2D, 3D, 4TH, 5TH, 7TH AND 8TH, 1880, at 42 (1881) [hereinafter *REPUBLICAN CONVENTION 1880*], <https://babel.hathitrust.org/cgi/pt?id=mdp.39015030799947&view=1up&seq=30&q1=committee%20on%20resolutions>.

<sup>79</sup> 8 CONG. REC. 1314 (1879). This legislation never became law because it was vetoed by President Hayes. See Rutherford B. Hayes, *March 1, 1879: Veto Message Regarding Immigration Legislation*, UVA MILLER CTR., <https://millercenter.org/the-presidency/presidential-speeches/march-1-1879-veto-message-regarding-immigration-legislation> (last visited May 30, 2021).

<sup>80</sup> *REPUBLICAN CONVENTION 1880*, *supra* note 78, at 293 (showing eight votes for Bruce for the Republican nomination to be Vice President of the United States).

<sup>81</sup> See ABRAJANO & HAJNAL, *supra* note 18, at 7 (“By the 1880 presidential election, both major parties campaigned on the promise to restrict Chinese immigration to the United States . . .”).

<sup>82</sup> *Republican Party Platform of 1880*, AM. PRESIDENCY PROJECT (June 2, 1880), <https://www.presidency.ucsb.edu/node/273308>.

### B. Highlights of the Historical Context

While racial appeals by political parties have been coded in recent decades through dog-whistle messaging,<sup>83</sup> xenophobic language from the political parties in the 1876–1924 period was explicitly against non-White immigrants. U.S. immigration, from nearly the very beginning of the Republic, had a racial standard for who could be naturalized. As Deepa Iyer and Priya Murthy note, “Congress enacted the Naturalization Act of 1790, which limited citizenship to ‘free whites’ of ‘good moral character’ who met certain residency requirements.”<sup>84</sup> Thus, American immigration law contained preferences for White and Protestant immigrants.<sup>85</sup> One of the post-Civil War reforms was to allow persons of African descent to naturalize.<sup>86</sup> Yet, Asian immigrants who had lived in the United States for decades could not naturalize and were further restricted from immigrating to the United States via the Chinese Exclusion Act.<sup>87</sup> The impact of these racial restrictions led to a plummet in the number of Chinese immigrants. As David C. Frederick explains, “between 1870 and 1882 approximately 200,000 Chinese immigrants had arrived . . . , [but] after the 1882 and 1884 exclusion laws took hold the numbers dropped off precipitously, from 39,579 in 1882 to a mere 22 immigrants in 1885 and 10 in 1887. . . . [The number of Chinese immigrants] average[d] about 2,000 per year from 1890 to 1920.”<sup>88</sup>

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<sup>83</sup> See Leland Ware & David C. Wilson, *Jim Crow on the “Down Low”*: Subtle Racial Appeals in Presidential Campaigns, 24 ST. JOHN’S J. LEGAL COMMENT. 299, 300 (2009) (“Campaigns will use race neutral ‘code’ words to produce subtle appeals to racial resentment.”).

<sup>84</sup> Deepa Iyer & Priya Murthy, *Courting the South Asian Vote: One Step Forward, Two Steps Back*, 24 ST. JOHN’S J. LEGAL COMMENT. 281, 284 (2009); see also *Major US Immigration Laws, 1790 – Present*, MIGRATION POL’Y INST. (Mar. 2013), <https://www.migrationpolicy.org/research/timeline-1790> (“The 1790 Naturalization Act (1 Stat. 103) establishes the country’s first uniform rule for naturalization . . . [and] provides that ‘free white persons’ who have resided in the United States for at least two years may be granted citizenship . . .”).

<sup>85</sup> See ANDREW WROE, THE REPUBLICAN PARTY AND IMMIGRATION POLITICS: FROM PROPOSITION 187 TO GEORGE W. BUSH 2 (2008) (“[T]he United States shut it [sic] doors to Asians and to eastern and southern Europeans, while leaving the door ajar for (white, protestant) immigrants from northwestern Europe. The usual explanations for this restrictionist episode include . . . a cultural crisis about American identity and ‘foreignness’ . . .”).

<sup>86</sup> See Act of July 14, 1870, § 7, 16 Stat. 254, 256 (extending eligibility to individuals of African “nativity” or “descent”).

<sup>87</sup> See Leti Volpp, “*Obnoxious to Their Very Nature*”: Asian Americans and Constitutional Citizenship, 8 ASIAN L.J. 71, 71 (2001) (“For more than a century and a half, Asian Americans were barred from naturalization . . .”).

<sup>88</sup> DAVID C. FREDERICK, RUGGED JUSTICE: THE NINTH CIRCUIT COURT OF APPEALS AND THE AMERICAN WEST, 1891–1941, at 77 (1994).

One piece of historical context that explains the appearance of anti-Chinese rhetoric in the quadrennial national party platforms is the animosity towards the Chinese that was roiling the California delegations. As Eric W. Fong and William T. Markham explain, “[a]nti-Chinese organizations . . . gained strength. In San Francisco, mass protests over unemployment in 1877 precipitated formation of the strongly anti-Chinese Workingmen’s Party . . . . Most members were former Democrats, many of whom had been active in antioolie clubs.”<sup>89</sup> A ringleader of the anti-Chinese movement was Dennis Kearney, who repeatedly told crowds in California, “[t]he Chinese must go.”<sup>90</sup> Gerald López further illuminates, “[t]he Chinese – and not other immigrants – had become the primary target of racial-driven xenophobia. . . . Public polls administered by states demonstrated absurdly one-side opposition to Chinese immigration . . . [and even] legal holidays came into being precisely to accommodate huge anti-Chinese demonstrations.”<sup>91</sup> Some of this anti-Chinese sentiment in California was embodied in state statutes that restricted the actions of Chinese immigrants.<sup>92</sup> As contemporaneous newspapers reported in 1880,

[T]he vote of [California], at the general election, declared by a vote of . . . 15,400 to 800, in favor of rigid restriction on Chinese immigration . . . . The party that supports the spirit of the [anti-Chinese]

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<sup>89</sup> Eric W. Fong & William T. Markham, *Anti-Chinese Politics in California in the 1870s: An Intercounty Analysis*, 45 SOCIO. PERSPS. 183, 192 (2002).

<sup>90</sup> 11 GREAT DEBATES IN AMERICAN HISTORY 223 (Marion Mills Miller ed. 1913) (“Martin I. Townsend [N.Y.] . . . said that Dennis Kearney, the ‘sand-lot’ labor agitator of San Francisco, who had started the anti-Mongolian movement with his cry, ‘The Chinese must go,’ had won over the Democratic party to the movement.”); see also ROGER DANIELS, *ASIAN AMERICA: CHINESE AND JAPANESE IN THE UNITED STATES SINCE 1850*, at 29–30 (1988) (“Labor leaders from Dennis Kearney through Samuel Gompers . . . insisted that Chinese be kept out, sent home, and denied citizenship.”).

<sup>91</sup> Gerald P. López, *Don’t We Like Them Illegal?*, 45 U.C. DAVIS L. REV. 1711, 1747 (2012).

<sup>92</sup> See, e.g., Kerry Abrams, *Polygamy, Prostitution, and the Federalization of Immigration Law*, 105 COLUM. L. REV. 641, 664 (2005) (“California’s anti-Chinese statutes were passed during a period in which courts had established Congress’s sole authority over foreign affairs but Congress had failed to occupy the field.”); William R. Locklear, *The Celestials and the Angels: A Study of the Anti-Chinese Movement in Los Angeles to 1882* (“[T]he success of . . . [Chinese] newcomers in the laundry and vegetable businesses generated a jealous hostility from . . . whites [in Los Angeles]. Fanned by inflammatory orators . . . , anti-Chinese prejudice soon became politically expedient in Los Angeles and led to the passage of local ordinances aimed at forcing Orientals from the city.”), in PROMISES TO KEEP: A PORTRAYAL OF NONWHITES IN THE UNITED STATES 236, 236 (Bruce A. Glasrud & Alan M. Smith eds., 1972).

resolution with the most vigor and sincerity is the winning party of the present and future years . . . .<sup>93</sup>

As scholar Najia Aarim-Heriot argued, the resulting “1882 Chinese Exclusion Act was the culmination of thirty-four years of unequal treatment of the Chinese in the western region . . . .”<sup>94</sup>

One measure of how strong the anti-Chinese sentiment was in the post-Civil-War period in California is shown in the State’s refusal to ratify the 15th Amendment, which bars discrimination in voting on the basis of race.<sup>95</sup> The worry was not that Black people would vote but rather that Chinese Americans would.<sup>96</sup> In California, and across the West, there was extreme violence against Chinese immigrants, including lynchings and arson.<sup>97</sup> Some of these violent clashes became international incidents.<sup>98</sup>

Another contributing factor that may explain the genesis of anti-Asian immigrant rhetoric is that, during the Civil War, the desperate need for labor and soldiers led to the adoption of a liberalized Immigration Act of 1864, which made contracts for immigrant labor

<sup>93</sup> *The Anti-Chinese Plank. What the San Francisco Newspapers Say About It.*, N.Y. TIMES, June 5, 1880, at 3 (quoting the *San Francisco Chronicle*).

<sup>94</sup> NAJIA AARIM-HERIOT, CHINESE IMMIGRANTS, AFRICAN AMERICANS, AND RACIAL ANXIETY IN THE UNITED STATES, 1848-82, at 14 (2003).

<sup>95</sup> FONER, *supra* note 74, at 108 (“California and Oregon rejected the [Fifteenth] amendment because of the apprehension that it might in the future enfranchise Chinese residents . . . .”).

<sup>96</sup> *Id.* at 101 (“[O]pponents [to the 15th Amendment] focused not on the consequences of enfranchising [B]lacks, but on the amendment’s possible future impact on the Chinese population.”).

<sup>97</sup> See Tsai, *supra* note 5, at 1128 (reviewing BETH LEW-WILLIAMS, *THE CHINESE MUST GO: VIOLENCE, EXCLUSION, AND THE MAKING OF THE ALIEN IN AMERICA* (2018)) (“This method of social reordering through a brutal form of immigration localism (today we would call it ethnic cleansing) became portable, as one city after another emulated the strategy. Indeed, Tacoma’s successful purge of its Chinese residents led others to dub it ‘the Tacoma method’ . . . .”); Mari Matsuda, *Planet Asian America*, 8 ASIAN L.J. 169, 171 n.12 (2001) (“Fifteen Chinese were lynched and four others were killed by a mob of whites during a massacre in Los Angeles in 1871. The mob of 500 whites stormed Negro Alley, where many Chinese lived, and hung their victims from makeshift gallows.”); *id.* at 172 n.12 (“Racialized murder was not limited to hangings. Twenty-eight Chinese strike-breakers were shot or burned to death by a mob of white miners during an 1885 riot in Rock Springs, Wyoming.”); Katie Dowd, *140 Years Ago, San Francisco Was Set Ablaze During the City’s Deadliest Race Riots*, SFGATE (July 23, 2017, 2:39 PM), <https://www.sfgate.com/bayarea/article/1877-san-francisco-anti-chinese-race-riots-11302710.php> (“The 1877 San Francisco race riots . . . became an overt anti-Chinese action.”).

<sup>98</sup> See Charles H. Watson, *Need of Federal Legislation in Respect to Mob Violence in Cases of Lynching of Aliens*, 25 YALE L.J. 561, 571 (1916) (“[I]n 1880, [the killing of Chinese immigrants was] brought fairly before the department of state. The occasion was the lynching of Chinese subjects, October 31, 1880, at Denver.”).

that had been executed abroad enforceable in U.S. courts.<sup>99</sup> Then, in 1868, the United States entered the Burlingame Treaty, “in which the United States and China recognized ‘the inalienable right of man to change his home . . . and the mutual advantage of the free migration and emigration of their citizens . . . for purposes of curiosity, of trade or as permanent residents.’”<sup>100</sup> Railroads also needed cheap Chinese labor, fueling demand.<sup>101</sup> This liberal approach to immigration would later be vilified by nativists who were critical of foreign contract labor, as exemplified in the 1876 Republican platform, the 1884 Democratic platform, the 1888 Republican platform, the 1892 Republican platform, the 1892 Democratic platform, and the 1908 Republican platform.<sup>102</sup> As historian Eric Foner contextualizes: “In California the movement against Chinese immigration paradoxically fused racism and antislavery rhetoric to define Chinese contract laborers as unfree ‘coolies’ too servile to become upstanding free laborers.”<sup>103</sup>

### C. *How Did the Political Party Platforms Brand Asian Immigrants?*

The year 1876 proved to be a turning point with respect to anti-Asian rhetoric. This was when the Republican platform first adopted an explicitly anti-immigrant plank.<sup>104</sup> Party planks are subparts of a platform, ranging from a sentence to full pages on a particular topic like trade, wages, or immigration. The language that was used in the 1876 Republican platform was unmistakably Sinophobic: “It is the immediate duty of congress [sic] fully to investigate the effects of the immigration and importation of Mongolians on the moral and material interests of the country.”<sup>105</sup> This “Mongolian” or “Coolie” plank was fiercely debated at the Republican Convention in 1876. Edward

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<sup>99</sup> D’Vera Cohn, *How U.S. Immigration Laws and Rules Have Changed Through History*, PEW RSCH. CTR. (Sept. 30, 2015), <https://www.pewresearch.org/fact-tank/2015/09/30/how-u-s-immigration-laws-and-rules-have-changed-through-history>.

<sup>100</sup> Locklear, *supra* note 92, at 241.

<sup>101</sup> See Keith Aoki, *No Right to Own?: The Early Twentieth-Century “Alien Land Laws” as a Prelude to Internment*, 40 B.C. L. REV. 37, 43 (1998) (“[S]ome large agriculturalists and railroad magnates may have initially favored open Chinese immigration policies because they needed cheap, easily exploitable labor . . .”).

<sup>102</sup> See APPELROUTH, *supra* note 39, at 51 (“The [Republican] party ‘denounce[d] the importation of contract labor . . .’”); see also *1892 Democratic Party Platform*, AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/documents/1892-democratic-party-platform> (last visited July 5, 2021) (“[W]e demand the rigid enforcement of the laws against Chinese immigration and the importation of foreign workmen under contract, [which] degrade American labor and lessen its wages . . .”).

<sup>103</sup> FONER, *supra* note 74, at 43.

<sup>104</sup> See *infra* notes 106–09 and accompanying text.

<sup>105</sup> *Republican Party Platform of 1876*, AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/node/273305> (last visited June 29, 2021).

L. Pierce, a state legislator from Massachusetts, moved for it to be removed from the platform, because “nowhere in the Declaration of Independence had its doctrine of equality been confined to the Caucasian or Aryan, to the exclusion of African, Mongolian, or Semitic races.”<sup>106</sup> George Curtis of New York, likewise criticized the anti-Chinese plank as follows: “[I]f you mean to say that any man of any race shall be excluded,—then you have revoked the original principle of your party . . . [who] freed the colored men of the South . . . .”<sup>107</sup> In the end, 215 Republicans voted to remove the Mongolian plank, but they were overruled by the 532 who voted to keep it in 1876.<sup>108</sup> From 1876 to 1924, there were anti-China planks in every Republican platform, except in 1896, 1900, 1908, and 1916. After 1876, there were no recorded debates about their inclusion; it simply became normal for there to be an anti-Chinese plank.

Meanwhile, at the 1876 Democratic National Convention, William Dorsheimer read the text of the anti-Chinese plank.<sup>109</sup> The record of the convention noted that the crowd cried “Good!,” “Bully!,” and cheered.<sup>110</sup> There was no debate on the plank. Moreover, the remarks of vice presidential nominee Thomas A. Hendricks, then-Indiana governor, said of the Chinese: “[T]he iniquitous coolie system which, through the agency of wealthy companies, imports Chinese bondsmen, establishes a species of slavery, and interferes with the just rewards of labor on our Pacific coast, should be utterly abolished.”<sup>111</sup> One peculiar feature of these post-1876 platforms is that Congress had already acted the year before to make U.S. immigration law more restrictive through the Asian Exclusion Act.<sup>112</sup> Clearly the anti-Asian animus that inspired the legislation had not dissipated in a year, nor would it for decades afterwards. The Democratic Party, for example, adopted anti-China planks in every platform from

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<sup>106</sup> PROCEEDINGS OF THE REPUBLICAN NATIONAL CONVENTION HELD AT CINCINNATI, OHIO, WEDNESDAY, THURSDAY, AND FRIDAY, JUNE 14, 15, AND 16, 1876, at 58 (1876) [hereinafter *REPUBLICAN CONVENTION 1876*], <https://babel.hathitrust.org/cgi/pt?id=hvd.32044097883516&view=1up&seq=118&q1=committee%20on%20resolutions%20alabama>.

<sup>107</sup> *Id.* at 61.

<sup>108</sup> *Id.* at 63.

<sup>109</sup> OFFICIAL PROCEEDINGS OF THE NATIONAL DEMOCRATIC CONVENTION, HELD IN ST. LOUIS, MO., JUNE 27TH, 28TH AND 29TH, 1876, at 99 (1876) [hereinafter *DEMOCRATIC CONVENTION 1876*], <https://babel.hathitrust.org/cgi/pt?id=miun.aew7008.0001.001&view=1up&seq=47&q1=committee%20on%20resolutions%20alabama>.

<sup>110</sup> *Id.*

<sup>111</sup> *Id.* at 198.

<sup>112</sup> Cohn, *supra* note 99 (referring to the Immigration Act of 1875, also known as the Page Law or Asian Exclusion Act, which made bringing to the United States, or contracting forced Asian laborers, a felony).

1876 to 1924, except in 1896, 1904, and 1912.<sup>113</sup> There was never a recorded debate about the anti-China planks by members of the Democratic conventions. Nevertheless, in the following Subsections, I will show how different themes about Chinese immigrants were branded by both parties.

### 1. *Branding the Chinese as a Threat to Labor*

The most frequent way that the Chinese immigrants were branded by both political parties' platforms and during debate at political conventions was as a source of unfair competition to domestic American workers. S.B. Axtel from New Mexico argued in favor of the anti-Chinese Republican plank in 1876 stating, "this immigration [from China] is not in good faith; . . . it is . . . an importation of coolies and slaves."<sup>114</sup> The 1880 Democratic Party platform proclaimed: "No more Chinese immigration, except for travel, education, and foreign commerce,"<sup>115</sup> for "[t]he Democratic party is the friend of labor and the laboring man, and pledges itself to protect him alike against the cormorant and the commune."<sup>116</sup> As Edward McGlynn and S.S. Cox explain: "The pledge . . . denounced the red flag of Communism imported from Europe, which asked for an equal division of property; and equally denounced the corporate Communism which has accomplished by corrupt influences the unequal divisions of property."<sup>117</sup> Meanwhile, Democratic vice presidential nominee William H. English wrote in his acceptance letter, "[t]he toiling millions of our own people will be protected from the destructive competition of the Chinese, and to that end their immigration to our shores will be properly restricted."<sup>118</sup> There was no recorded debate at the 1880 Republican Convention about the China plank. Rather, Republican presidential nominee James Garfield in his acceptance wrote, "the Government . . . offer[ed] the widest hospi-

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<sup>113</sup> See, e.g., DEMOCRATIC CONVENTION 1876, *supra* note 109; 1880 Democratic Party Platform, AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/node/273182> (last visited June 29, 2021); 1892 Democratic Party Platform, *supra* note 102.

<sup>114</sup> REPUBLICAN CONVENTION 1876, *supra* note 106, at 59.

<sup>115</sup> 1880 Democratic Party Platform, *supra* note 113.

<sup>116</sup> *Id.*

<sup>117</sup> Edward McGlynn & S.S. Cox, *Lessons of the New York City Election*, 143 N. AM. REV. 565, 581–82 (1886).

<sup>118</sup> OFFICIAL PROCEEDINGS OF THE NATIONAL DEMOCRATIC CONVENTION, HELD IN CINCINNATI, O., JUNE 22D, 23D, AND 24TH, 1880, at 168 (1880) [hereinafter DEMOCRATIC CONVENTION 1880], <https://books.google.bi/books?hl=fr&id=2dNMAAAAYAAJ&q=committee+onresolutions#v=snippet&q=committee%20on%20resolutions&f=false>; see also Justin Clark, *William Hayden English: A Man Apart*, IND. HIST. BLOG (June 29, 2016), <https://blog.history.in.gov/william-hayden-english-a-man-apart> (describing English's candidacy for Vice President).

tality to emigrants who seek our shores for new and happier homes . . . . The recent movement of the Chinese to our Pacific coast partakes but little of the qualities of such an immigration, either in its purposes or its result.”<sup>119</sup> Garfield went on to win the presidency.<sup>120</sup> Two years later, Congress ratcheted up anti-Asian immigration laws by adopting the Chinese Exclusion Act of 1882.<sup>121</sup> This law “[b]anned Chinese laborers from immigrating for the next 10 years and authorized deportation of unauthorized Chinese immigrants.”<sup>122</sup>

But even with the new restrictive laws, the rhetorical theme that Chinese workers were a source of unfair competition with domestic workers continued to show up as a brand in Republican Conventions. In 1884, Republican presidential nominee James Blaine wrote in his acceptance letter, “[t]he Republican party has . . . guarded our people against the unfair competition of contract labor from China . . . . It is obviously unfair to permit capitalists to make contracts for cheap labor in foreign countries . . . .”<sup>123</sup> In 1892, the Republican platform stated that “[w]e favor the enactment of more stringent laws and regulations for the restriction of criminal, pauper and contract immigration.”<sup>124</sup> Meanwhile, in 1892, the Democratic platform added to its anti-Chinese sentiment stating, “we demand the rigid enforcement of the laws against Chinese immigration and the importation of foreign workmen under contract.”<sup>125</sup> Congress in line with the party platforms, expanded the Chinese Exclusion Act with the 1892 Geary Act,<sup>126</sup> which included a sentence of one year of hard labor for any

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<sup>119</sup> REPUBLICAN CONVENTION 1880, *supra* note 78, at 300.

<sup>120</sup> Justus Doenecke, *James A. Garfield: Campaigns and Elections*, UVA MILLER CTR., <https://millercenter.org/president/garfield/campaigns-and-elections> (last visited June 1, 2021).

<sup>121</sup> See generally John C. Lammers, *The Accommodation of Chinese Immigrants in Early California Courts*, 31 SOCIO. PERSPS. 446, 456 (1988) (“These tensions involved a multitude of issues and public perceptions of the Chinese, including paganism, sexual deviance, and disease . . . .”).

<sup>122</sup> Cohn, *supra* note 99 (“[Under the Chinese Exclusion Act.] any Chinese immigrant who resided in the U.S. as of Nov. 17, 1880, could remain but was barred from naturalizing.”).

<sup>123</sup> PROCEEDINGS OF THE EIGHTH REPUBLICAN NATIONAL CONVENTION HELD AT CHICAGO, ILLINOIS, JUNE 3, 4, 5, AND 6, 1884, at 189 (1884) [hereinafter REPUBLICAN CONVENTION 1884], <https://babel.hathitrust.org/cgi/pt?id=loc.ark:/13960/t58d15v6b&view=lup&seq=36&q1=resolutions%20alabama>.

<sup>124</sup> *Republican Party Platform of 1892*, AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/node/273314>.

<sup>125</sup> *1892 Democratic Party Platform*, *supra* note 102.

<sup>126</sup> MIGRATION POL’Y INST., MAJOR U.S. IMMIGRATION LAWS, 1790 – PRESENT 2 (2013), <https://www.migrationpolicy.org/sites/default/files/publications/CIR-1790Timeline.pdf> (“[The Geary Act] extends the prohibitions of the 1882 Chinese Exclusion Act for an additional ten years and requires all Chinese nationals residing in the United States to obtain certificates indicating their lawful presence.”); Grace Peña Delgado, *Neighbors by*



Chinese person who was living in the United States unlawfully.<sup>127</sup> In 1904, the Republican platform returned to its anti-Chinese themes, articulating that “[w]e cordially approve . . . the exclusion of Chinese labor . . . .”<sup>128</sup>

## 2. *Branding the Chinese as Immoral*

Another racist trope deployed against Asian immigrants was that they were “immoral.” Sometimes the charge was vague and in other cases the accusation was linked to prostitution or complaints that the Chinese were not Christian. Speaking in defense of the Republicans’ “Mongolian” plank in 1876, James Belford of Colorado, who would be elected to Congress later that year, said, “I come here to represent the interests of the people of the Pacific slope . . . . I say, that in the state of California exists a people where the men are thieves and the women are prostitutes, and they are brought from China and Asia.”<sup>129</sup> The Democratic platform in 1876 was also xenophobic about “Mongolian” immigrants on the grounds of morality, stating:

[W]e denounce the policy which . . . tolerates the revival of the coolie-trade in Mongolian women for immoral purposes, and Mongolian men held to perform servile labor contracts, and demand such modification of the treaty with the Chinese Empire, or such legislation within constitutional limitations, as shall prevent further importation or immigration of the Mongolian race.<sup>130</sup>

In 1884 at the Republican Convention, Judge William West, a former Justice of the Ohio Supreme Court said, in favor of James Blaine’s nomination to be president, “Who shall be our candidate? . . . Gentlemen he must be a representative of American manhood . . . [who will] relieve[] [Americans] from mendicant competition with . . . pagan Chinese.”<sup>131</sup>

## 3. *Branding the Chinese as Unassimilable*

Another way that the Chinese were caricatured was not just that they were different from native-born Americans—which could be true of immigrants from elsewhere—but that they could never assimilate

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*Nature: Relationships, Border Crossings, and Transnational Communities in the Chinese Exclusion Era*, 80 PAC. HIST. REV. 401, 412–23 (2011) (describing the Gentry Act’s registration requirements and its effect).

<sup>127</sup> *Major U.S. Immigration Laws*, *supra* note 126.

<sup>128</sup> *Republican Party Platform of 1904*, AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/node/273323> (last visited May 29, 2021).

<sup>129</sup> *REPUBLICAN CONVENTION 1876*, *supra* note 106, at 61.

<sup>130</sup> *1876 Democratic Party Platform*, AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/node/273179> (last visited May 29, 2021).

<sup>131</sup> *REPUBLICAN CONVENTION 1884*, *supra* note 123, at 105–06.

to be “true” Americans. In the debate over the 1876 Republican anti-China plank James Belford of Colorado said:

[H]ere is a class of people who refuse to assimilate with our civilization. Here is a class of people who ignore our school system, ignore our church system, and in no manner contribute to support the government; who decline to become citizens of the republic . . . and who dislike our institutions so much that they leave word for their friends and brethren, after they are dead, to ship them back to China for burial.<sup>132</sup>

Future Republican President Benjamin Harrison’s acceptance letter in 1888 stated, “We should resolutely refuse to permit foreign governments to send their paupers and criminals to our ports. We are also clearly under a duty to defend our civilization by excluding alien races whose ultimate assimilation with our people is neither possible nor desirable.”<sup>133</sup>

In accepting the Democrats’ 1900 nomination, presidential candidate William Bryan said, “The Chinese Exclusion Act has proven . . . [advantageous;] . . . its continuance and strict enforcement, as well as its extension to other similar races, are imperatively necessary. The Asiatic is so essentially different . . . that he cannot be assimilated with our population, and is, therefore, not desirable as a permanent citizen.”<sup>134</sup> There was no relief from anti-Asian sentiment from either party, because by 1908, the Democratic Party was back to its traditionally xenophobic rhetoric which had been temporarily missing in 1904: “Asiatic immigra[nts] [] can not [sic] be amalgamated with our population, or whose presence among us would raise a race issue . . . .”<sup>135</sup> Finally, the 1924 Republican Party platform spoke of protecting non-citizens from new waves of mass immigration.<sup>136</sup> The platform was also pro-assimilation for immigrants: “We favor the adoption of methods which will exercise a helpful influence among the foreign born population and provide for the education of the alien in our language, customs, ideals and standards of life.”<sup>137</sup> But one overarching

<sup>132</sup> REPUBLICAN CONVENTION 1876, *supra* note 106, at 61.

<sup>133</sup> REPUBLICAN CONVENTION 1888, *supra* note 77, at 247.

<sup>134</sup> OFFICIAL PROCEEDINGS OF THE DEMOCRATIC NATIONAL CONVENTION HELD IN KANSAS CITY, MO., JULY 4TH, 5TH AND 6TH, 1900, at 248–49 (1900) [hereinafter DEMOCRATIC CONVENTION 1900], <https://babel.hathitrust.org/cgi/pt?id=loc.ark:/13960/t3xs70012&view=1up&seq=67&q1=committee%20on%20resolutions%20alabama>.

<sup>135</sup> 1908 *Democratic Party Platform*, AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/node/273198> (last visited May 29, 2021).

<sup>136</sup> See *Republican Party Platform of 1924*, AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/node/273375> (last visited May 29, 2021) (describing the recent law as protecting those already in the country from challenges that would arise due to mass migration).

<sup>137</sup> *Id.*

theme that was branded again and again by both political parties was the assertion that the Chinese, and perhaps all Asian immigrants, could not assimilate to be Americans.

#### 4. *Branding the Chinese as Diseased*

Another awful trope which was branded in political conventions was the idea that the Chinese were vectors for disease or that mass immigration of Asians was akin to the spreading of a disease. For instance, John P. Jones, Republican Senator of Nevada, said during the 1876 debate on the anti-China plank:

The people on the Pacific coast have suffered an invasion there worse than the grasshopper plague, worse than the plague of the locusts. They have found a people who bring with them no respect for our government, no knowledge of our language; a brutalized people; a people who recognize neither honesty among their men, nor virtue among their women; and they have planted themselves like a leprous sore in our midst . . . .<sup>138</sup>

At the 1888 Convention, Republican California Senator Stephen White said, “[f]or years universal attention has been directed to the dangers of Chinese immigration. The advent of hordes of pagan slaves, disciplined to starvation, and inured to unremunerative toil, has rightly been considered destructive of the interests of labor and a menace to the Republic.”<sup>139</sup> A few years later, Congress continued its trajectory with the 1891 Immigration Act which “[e]xpanded the list of exclusions for immigration from prior laws to include those who have a contagious disease and polygamists.”<sup>140</sup>

#### 5. *Branding the Chinese as Invaders*

There were many different ways that the political platforms characterized Chinese immigrants as an invading horde that posed a threat to American civilization. For example, in 1884, the Democratic platform singled out Chinese immigrants, stating, “American civilization demands that against the immigration or importation of Mongolians

<sup>138</sup> *Id.* at 282 (quoting Jones).

<sup>139</sup> OFFICIAL PROCEEDINGS OF THE NATIONAL DEMOCRATIC CONVENTION, HELD IN ST. LOUIS, MO., JUNE 5TH, 6TH AND 7TH, 1888, at 27 (1888) [hereinafter DEMOCRATIC CONVENTION 1888], <https://babel.hathitrust.org/cgi/pt?id=mdp.39015030799335&view=1up&seq=73&q1=resolutions%20alabama>.

<sup>140</sup> Cohn, *supra* note 99 (“[The] 1891 Immigration Act . . . [p]ermitted the deportation of any unauthorized immigrants or those who could be excluded from migration based on previous legislation. Made it a federal misdemeanor to bring unauthorized immigrants into the country or aid someone who is entering the U.S. unlawfully.”).

to these shores our gates be closed.”<sup>141</sup> In 1888, the Republican platform reiterated its opposition to Chinese immigrants: “We declare our hostility to the introduction into this country of foreign contract labor and of Chinese labor, alien to our civilization and constitution; and we demand the rigid enforcement of the existing laws against it, and favor such immediate legislation as will exclude such labor from our shores.”<sup>142</sup>

Chairman of the Democratic National Convention (DNC), House Minority Leader John Williams said in 1904,

The difference between the two parties when they vote for Chinese exclusion is this: Democrats, as a rule, make no disguise of the fact that they want to retain this country, as far as possible, as a home for the white man and a nursery for his civilization, and that they desire as far as possible to have a homogeneous population.<sup>143</sup>

Afterwards, the laws continued to tighten for Asian immigrants in the U.S. As Gerald López notes, “Yet even these sweeping Sinophobic victories did not satisfy nativists. . . . [P]ro-white labor nativists succeeded in gaining in 1904 an indefinite ban on Chinese immigration, dramatically limiting the growth of Chinese families, formally confining many Chinese immigrants to Chinatowns. . . . [C]ompulsory separation told Chinese they were regarded as permanently unworthy of citizenship.”<sup>144</sup> The Chairman of the DNC in 1908 Theodore Bell, ex-Congressman from California, said at the Convention,

Some protection has been afforded by the exclusion of Chinese labor, but the evil is not half met if the immigration of other Asiatic peoples be not also excluded from our shores. [Applause.] Not only the white toilers of America, but all our people, without respect to class or residence, are vitally interested in the menace to our social and industrial life from Oriental quarters. [Applause.]<sup>145</sup>

In the 1916 Democratic platform, there was a whole section entitled “Americanism” which stated:

In this day of test, America must show itself not a nation of partisans but a nation of patriots. There is gathered here in America the best of the blood, the industry and the genius of the whole

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<sup>141</sup> *1884 Democratic Party Platform*, AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/node/273184> (last visited May 29, 2021).

<sup>142</sup> *Republican Party Platform of 1888*, *supra* note 3.

<sup>143</sup> DEMOCRATIC CONVENTION 1900, *supra* note 134, at 31.

<sup>144</sup> López, *supra* note 91, at 1748–49.

<sup>145</sup> OFFICIAL REPORT OF THE PROCEEDINGS OF THE DEMOCRATIC NATIONAL CONVENTION HELD IN DENVER, COLORADO, JULY 7, 8, 9 AND 10, 1908, at 22 (1908) [hereinafter DEMOCRATIC CONVENTION 1908], <https://babel.hathitrust.org/cgi/pt?id=njp.32101058599620&view=1up&seq=41&q1=resolutions%20alabama>.

world, *the elements of a great race* and a magnificent society to be welded into a mighty and splendid Nation.<sup>146</sup>

A year later in 1917, Congress enacted the Asiatic Barred Zone Act. As the title indicated, the law barred immigration from most Asian nations, with the exception of the Philippines, which was part of the United States, and Japan, which agreed to stop its citizens from migrating to the United States.<sup>147</sup> In 1920, the Republican platform said the most on the topic of immigration as any platform to date. It asserted that “[e]very government has the power to exclude and deport those aliens who constitute a real menace to its peaceful existence.”<sup>148</sup> On the matter of exclusion of Asian immigrants, the Republicans in 1920 stated: “The existing policy of the United States for the practical exclusion of Asiatic immigrants is sound, and should be maintained.”<sup>149</sup> The Republicans advocated for alien registration.<sup>150</sup> The Republican 1920 platform also argued for citizenship tests for naturalizing immigrants since “[n]o alien should become a citizen until he has become genuinely American.”<sup>151</sup> The party also advocated for higher physical and mental standards for immigrants, including “a more complete exclusion of mental defectives and of criminals.”<sup>152</sup> The party asserted “aliens” should not have full First Amendment rights.<sup>153</sup> In 1924, the Democratic Party platform was still singularly focused on anti-Asian immigration policy: “We pledge ourselves to maintain our established position in favor of the exclusion of Asiatic immigration.”<sup>154</sup> 1924 was also the year that the Border Patrol was established by an act of Congress<sup>155</sup> and the immigration quotas for non-western Europeans became far more restrictive.<sup>156</sup>

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<sup>146</sup> 1916 *Democratic Party Platform*, AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/node/273203> (last visited May 29, 2021) (emphasis added).

<sup>147</sup> Cohn, *supra* note 99 (“1917 Immigration Act (also known as ‘Asiatic Barred Zone Act’): [b]anned immigration from most Asian countries, except the Philippines, which was a U.S. colony, and Japan, whose government voluntarily eliminated the immigration of Japanese laborers as part of the Gentlemen’s Agreement of 1907.”).

<sup>148</sup> *Republican Party Platform of 1920*, AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/node/273373> (last visited May 29, 2021).

<sup>149</sup> *Id.*

<sup>150</sup> *See id.* (noting desired annual alien registration requirement).

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

<sup>153</sup> *See id.* (arguing aliens should not have “liberty of agitation”).

<sup>154</sup> *Democratic Party Platforms, 1924 Democratic Party Platform*, AM. PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/node/273208> (last visited May 29, 2021).

<sup>155</sup> *See* Cohn, *supra* note 99 (“Labor Appropriation Act: Establishes U.S. Border Patrol as a federal law enforcement agency to combat illegal immigration and smuggling along the borders between inspection stations.”).

<sup>156</sup> *See id.* (“Immigration Act of 1924 . . . [f]urther restricted immigration decreasing the annual cap from 350,000 to 165,000. Nationality quotas equaled 2% of the foreign-born

The repetition of these five themes over decades were key to branding Chinese immigrants in particular and Asian immigrants more generally as threats. The more the sentiments were repeated by political elites, the more normalized they became. The language of the street mob became the language of the two major political parties and many of its members, even those who would go on to occupy the White House. This set up a permission structure for political elites, including Supreme Court Justices, to adopt similar tropes, tones, and brands.

### III

#### SINOPHOBIA IN SUPREME COURT DECISIONS

##### A. *The Political Court*

The border line between politics and the Supreme Court was more porous in the period under consideration (1876–1924) than Americans experience in 2021. No members of the Roberts Court have ever held elective office. But between 1876 and 1924, five former Members of the House of Representatives and seven former U.S. Senators were appointed to the Supreme Court.<sup>157</sup> And during this period, one Supreme Court Justice became a U.S. Senator.

Several soon-to-be justices were active participants at national political conventions. Future Justice John Harlan (1877–1911), who was elected as Kentucky’s Attorney General, was active in the 1876 Republican convention.<sup>158</sup> Future Justice and noted racist<sup>159</sup> James McReynolds (1914–1941) attended the DNC’s 1896 convention.<sup>160</sup> Future Supreme Court Justice John Hessin Clarke (1916–1922) repre-

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individuals of that nationality in the 1890 census with a minimum quota of 100.”); see also WILKERSON, *supra* note 8, at 123 (the 1924 Act “restricted immigration to quotas based on demographics of 1890”).

<sup>157</sup> See House of Representatives, *House Members Who Became U.S. Supreme Court Justices*, <https://history.house.gov/People/Other-Office/Supreme-Court> (last visited May 28, 2020) (noting Representatives George Sutherland, Mahlon Pitney, William Moody, Joseph McKenna, Lucius Lamar); U.S. Senate, *Senators Who Served on the U.S. Supreme Court*, [https://www.senate.gov/senators/Supreme\\_Court.htm](https://www.senate.gov/senators/Supreme_Court.htm) (last visited May 28, 2021) (listing seven Senators nominated in this time period, but note that this overlaps with Representatives who were also Senators so some members are duplicative).

<sup>158</sup> See REPUBLICAN CONVENTION 1876, *supra* note 106, at 68–70 (describing Harlan’s speech in the 1876 Republican National Convention).

<sup>159</sup> Joel K. Goldstein, *Choosing Justices: How Presidents Decide*, 26 J.L. & POL. 425, 484 (2011) (calling McReynolds “a bigoted reactionary”); David E. Bernstein & Ilya Somin, *Judicial Power and Civil Rights Reconsidered*, 114 YALE L. J. 591, 641 (2004) (describing McReynolds as “notoriously racist”).

<sup>160</sup> OFFICIAL PROCEEDINGS OF THE CONVENTION OF THE NATIONAL DEMOCRATIC PARTY HELD AT INDIANAPOLIS, INDIANA SEPTEMBER 2 AND 3, 1896, at 6 (1896), <https://babel.hathitrust.org/cgi/pt?id=njp.32101017150002&view=1up&seq=8&skin=2021&q1=mcreynolds>.

sented Ohio at the Democratic conventions in 1896, 1904, and 1912.<sup>161</sup> Future Justice Willis Van DeVanter (1910–1937) was the Wyoming representative to the Republican National Committee in 1896 and 1900.<sup>162</sup>

Moreover, soon-to-be justices had a hand in drafting the very political platforms under consideration in this piece. Future Chief Justice Melville Fuller (1888–1910) was a member of the Resolutions Committee of the Democratic National Convention in 1880.<sup>163</sup> Sitting on the exact same Resolutions Committee was future Supreme Court Justice Rufus Peckham (1895–1909).<sup>164</sup> The Democratic platform they helped draft in 1880 called for “[n]o more Chinese immigration . . . .”<sup>165</sup> Future Justice George Sutherland (1922–1938) was a five-time member of the Resolutions Committee for the Republican Party between 1900 and 1916.<sup>166</sup> While Sutherland was on the Resolutions Committee, the Republican platform in 1904 stated “[w]e cordially approve the attitude of President Roosevelt and Congress in regard to the exclusion of Chinese labor, and promise a continuance of the Republican policy in that direction.”<sup>167</sup> And in 1912, the Republican platform was more vague and more hostile about undesirable immigration stating “[w]e pledge the Republican party to the enactment of appropriate laws to give relief from the constantly growing evil of induced or undesirable immigration, which is inimical to the progress and welfare of the people of the United States.”<sup>168</sup>

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<sup>161</sup> *Id.* at 143; THE OFFICIAL REPORT OF THE PROCEEDINGS OF THE DEMOCRATIC NATIONAL CONVENTION HELD IN ST. LOUIS, MO. JULY 6, 7, 8 AND 9 1904 at 76, (1904) [hereinafter DEMOCRATIC CONVENTION 1904], <https://babel.hathitrust.org/cgi/pt?id=uiug.30112110857692&view=1up&seq=87&skin=2021&q1=clarke>; THE OFFICIAL REPORT OF THE PROCEEDINGS OF THE DEMOCRATIC NATIONAL CONVENTION HELD IN BALTIMORE, MARYLAND JUNE 25, 26, 27, 28, 29 AND JULY 1 AND 2, 1912 at 111 (1912) [hereinafter DEMOCRATIC CONVENTION 1912], <https://babel.hathitrust.org/cgi/pt?id=mdp.39015030799301&view=1up&seq=123&skin=2021&q1=Ohio>.

<sup>162</sup> CHARLES, M. HARVEY, REPUBLICAN NATIONAL CONVENTION, ST. LOUIS, JUNE 16TH TO 18TH 1896, at 140 (1896) [hereinafter REPUBLICAN CONVENTION 1896], <https://babel.hathitrust.org/cgi/pt?id=njp.32101072357559&view=1up&seq=210&skin=2021&q1=willis>; OFFICIAL PROCEEDINGS OF THE TWELFTH REPUBLICAN NATIONAL CONVENTION, HELD IN PHILADELPHIA, JUNE 19, 20, AND 21 1900, at 53 (1900) [hereinafter REPUBLICAN CONVENTION 1900], <https://babel.hathitrust.org/cgi/pt?id=UC2.ark:/13960/t0bv79z5v&view=1up&seq=9&skin=2021>.

<sup>163</sup> DEMOCRATIC CONVENTION 1880, *supra* note 118, at 10.

<sup>164</sup> *Id.* at 11.

<sup>165</sup> *Id.* at 129.

<sup>166</sup> *See infra* Table 1.

<sup>167</sup> *Republican Party Platform of 1904*, AM. PRESIDENCY PROJECT (June 21, 1904), <https://www.presidency.ucsb.edu/node/273323>.

<sup>168</sup> *Republican Party Platform of 1912*, AM. PRESIDENCY PROJECT (June 18, 1912), <https://www.presidency.ucsb.edu/node/273327>.

There was even some fluidity between the White House and the Supreme Court. Justice Charles Evans Hughes, appointed in 1910, resigned to run for president as a Republican in 1916 and lost.<sup>169</sup> Then in 1930 he was appointed Chief Justice.<sup>170</sup> William Taft is the only person to have served as both President of the United States (1909–1913) and Chief Justice of the United States (1921–1930).<sup>171</sup> When Taft accepted the presidential nomination of the Republican Party in 1908, he stated in his acceptance speech that, “[i]n the matter of the limitation upon Asiatic immigration . . . the present Republican Administration has . . . minimize[d] the evils suggested, and a subsequent Republican Administration may be counted on to continue the same policy.”<sup>172</sup>

### B. Racial Tolerance for Asian Immigrants at the Supreme Court

One of the rare examples of the Supreme Court extending full constitutional rights and fair consideration to Chinese immigrants was in the 1886 case *Yick Wo v. Hopkins*, where the Court considered the question of whether equal protection applied to immigrants in San Francisco, which had passed a law that made it nearly impossible for Chinese businessmen to run laundromats.<sup>173</sup> Justice Stanley Matthews, writing for the Court concluded: “The rights of the petitioners . . . are not less because they are aliens . . . . The [F]ourteenth [A]mendment to the [C]onstitution is not confined to the protection of citizens.”<sup>174</sup> The plaintiff successfully demonstrated that the ordinance was applied against Chinese nationals but not against other laundry shop operators. The authorities had denied the application of 200 Chinese subjects for permits to operate shops in wooden buildings, but granted the applications to operate laundries in wooden buildings under similar conditions to others. The Court also did not turn a blind eye to the discrimination that Chinese immigrants were facing, noting,

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<sup>169</sup> *Biographies of the Secretaries of State: Charles Evans Hughes (1862–1948)*, U.S. DEPT’ STATE, <https://history.state.gov/departmenthistory/people/hughes-charles-evans> (last visited June 1, 2021).

<sup>170</sup> See *Charles E. Hughes*, OYEZ, [https://www.oyez.org/justices/charles\\_e\\_hughes](https://www.oyez.org/justices/charles_e_hughes) (last visited Sept. 26, 2021) (noting his 1930 swearing in).

<sup>171</sup> *FAQs - Supreme Court Justices*, SUP. CT. U.S., [https://www.supremecourt.gov/about/faq\\_justices.aspx](https://www.supremecourt.gov/about/faq_justices.aspx) (last visited Sept. 26, 2021).

<sup>172</sup> OFFICIAL REPORT OF THE PROCEEDINGS OF THE FOURTEENTH REPUBLICAN NATIONAL CONVENTION HELD IN CHICAGO, ILLINOIS JUNE 16, 17, 18 AND 19, 1908, at 227 (1908) [hereinafter *REPUBLICAN CONVENTION 1908*], <https://babel.hathitrust.org/cgi/pt?id=hvd.32044097883599&view=1up&seq=289&skin=2021&q1=asiatic>.

<sup>173</sup> 118 U.S. 356 (1886).

<sup>174</sup> *Id.* at 368–69.



The fact of this discrimination [against the Chinese] is admitted. No reason for it is shown, and the conclusion cannot be resisted that no reason for it exists except hostility to the race and nationality to which the petitioners belong, and which, in the eye of the law, is not justified. The discrimination is therefore illegal . . . .<sup>175</sup>

As historian Eric Foner explained, in *Yick Wo*,

Although the law was 'fair on its face and impartial in appearance,' making no mention of nationality or race, the justices concluded that it was 'applied and administered' in a discriminatory manner against Chinese-run businesses ('with an evil eye and an unequal hand' was Justice Stanley Matthews's arresting language). As such, the ordinance amounted to a 'practical denial by the state' of legal equality.<sup>176</sup>

The fact that Justice Matthews wrote such a tolerant decision is not surprising once his congressional record is considered. As a Senator he had told his colleagues in a debate over stricter Chinese immigration:

We are told that these people are aliens to us, aliens in thought, aliens in religion, aliens in language, aliens in dress, aliens in race, aliens in every circumstance of civilization, and that their presence is a fatal poison in our body-politic [sic]. Ah, Mr. President, I thought American civilization was a robuster [sic] child than that.<sup>177</sup>

And fortunately, *Yick Wo* was not the only case where the Supreme Court treated Asian immigrants or Asian Americans with legal equality.<sup>178</sup>

### C. *Sinophobia in Supreme Court Opinions*

There have been times in the Supreme Court's history when the Court was a shining light, articulating principles which were more progressive than the nation's. But with anti-Asian discrimination, the Justices were frequently just as regressive as the politicians drafting political platforms. Supreme Court opinions often echoed the negative branding of Asian immigrants found in the platforms and records

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<sup>175</sup> *Id.* at 373.

<sup>176</sup> Foner, *supra* note 74, at 165 (quoting *Yick Wo*, 118 U.S. 356 (1886)).

<sup>177</sup> MARION MILLS MILLER, GREAT DEBATES IN AMERICAN HISTORY, FROM THE DEBATES IN THE BRITISH PARLIAMENT ON THE COLONIAL STAMP ACT (1764-1765) TO THE DEBATES IN CONGRESS AT THE CLOSE OF THE TAFT ADMINISTRATION (1912-1913), at 240 (1913).

<sup>178</sup> See, e.g., *Wong Wing v. United States*, 163 U.S. 228, 237 (1896) ("[E]ven aliens shall not be held to answer for a capital or other infamous crime, unless on a presentment or indictment of a grand jury, nor be deprived of life, liberty, or property without due process of law."); *Kwock Jan Fat v. White*, 253 U.S. 454, 464 (1920) ("It is better that many Chinese immigrants should be improperly admitted than that one natural born citizen of the United States should be permanently excluded from his country.").

from the conventions. While the Justices did not repeat the sentiment that Chinese were inherently diseased, they did amplify most of the negative branding from the political platforms that the Chinese were a threat to labor, immoral, and a threat to American civilization who could not be assimilated.

### 1. *Branding the Chinese as a Threat to Labor*

Many of the Justices seemed to buy the argument that the Chinese were a source of unfair competition for domestic laborers. One Congressman-turned-Associate-Supreme-Court-Justice was Joseph McKenna from California.<sup>179</sup> Justice McKenna brought his anti-Asian prejudices with him from the Golden State to the Court. According to one of his biographers, Richard Purcell, Justice McKenna's view of the Pacific Coast's "[o]pposition to the Chinese he assigned to their low standard of living, which could only pull down the American way of life and labor, for that of the oriental could not be elevated. Unrestricted entry of Chinese immigrants would swamp the land and destroy our free government."<sup>180</sup> As a member of Congress in 1888, Rep. McKenna referred to the Chinese on the House floor as "parasites" and urged that "[t]he prohibition of Chinese immigration is the concretest form of protection to American labor."<sup>181</sup> Writing for the Supreme Court, Justice McKenna referenced a Chinese exclusion law as "keep[ing] the country free from undesirable Chinese . . . ."<sup>182</sup>

Ah Sin, a Chinese immigrant, received no mercy from Justice McKenna.<sup>183</sup> As Randall Kennedy explained,

In *Ah Sin* the petitioner sought relief from conviction for violating a gambling statute on the grounds that only Chinese were prosecuted for such infractions. The Court rejected the petitioner's claim because he had failed to produce evidence indicating that others had violated the law. 'No latitude . . . should be indulged in a case like this,' Justice Joseph McKenna declared for the Court.<sup>184</sup>

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<sup>179</sup> *House Members Who Became U.S. Supreme Court Justices*, *supra* note 157.

<sup>180</sup> Richard J. Purcell, *Justice Joseph McKenna*, 56 RECS. OF AM. CATH. HIST. SOC'Y PHILA. 177, 189 (1945).

<sup>181</sup> 19 Cong. Rec. 7752 (1888) (quoting McKenna's speech on the House floor).

<sup>182</sup> *White v. Chin Fong*, 253 U.S. 90, 93 (1920).

<sup>183</sup> See *Ah Sin v. Wittman*, 198 U.S. 500, 507 (1905) ("The case at bar is concerned with gambling, to suppress which is recognized as a proper exercise of governmental authority, and one which would have no incentive in race or class prejudice or administration in race or class discrimination.").

<sup>184</sup> Randall L. Kennedy, *McCleskey v. Kemp: Race, Capital Punishment, and the Supreme Court*, 101 HARV. L. REV. 1388, 1402–03 n.62 (1988) (internal citation omitted) (citing *Ah Sin v. Wittman*, 198 U.S. 500 (1905)).

Selective racially discriminatory policing of immigrants was rampant in California as McKenna should have known. But in this 1905 case, Justice McKenna sided with the prosecutors and gave no relief to Ah Sin.<sup>185</sup> As will be noted in other Supreme Court cases below, other Justices also embraced the notion that Chinese labor was undercutting domestic labor. The criticism on the labor front was also mixed in with other negative branding of the underpaid Chinese immigrant worker.

## 2. *Branding the Chinese as Unassimilable*

Justice John Harlan indicated in Supreme Court dissents that he subscribed to the belief that the Chinese were unassimilable. What is particularly strange is that often the invocation of Sinophobia is pure dicta by the Supreme Court Justices. In other words, the Justices seem to be gratuitously picking on Chinese immigrants to make a broader point. In his famous dissent in *Plessy v. Ferguson* in 1896, Justice Harlan underscored the unreasonableness of Black segregation by emphasizing how the challenged Louisiana law did not discriminate against the Chinese:

There is a race so different from our own that we do not permit those belonging to it to become citizens of the United States. Persons belonging to it are, with few exceptions, absolutely excluded from our country. I allude to the Chinese race. But by the statute in question, a Chinaman can ride in the same passenger coach with white citizens of the United States, while citizens of the black race in Louisiana . . . are yet declared to be criminals, liable to imprisonment, if they ride in a public coach occupied by citizens of the white race.<sup>186</sup>

This was at best an odd rhetorical move by Harlan who was advocating for equality for African Americans in the rest of his *Plessy* dissent. Scholars debate how strongly Harlan felt animus against the Chinese,<sup>187</sup> but he joined an anti-Chinese dissent by Chief Justice Melville Fuller in *Wong Kim Ark*,<sup>188</sup> a case that recognized birthright

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<sup>185</sup> See Ah Sin, 198 U.S. at 508 (rationalizing decision to deny Ah Sin relief).

<sup>186</sup> *Plessy v. Ferguson*, 163 U.S. 537, 561 (1896) (Harlan, J., dissenting).

<sup>187</sup> Compare James W. Gordon, *Was the First Justice Harlan Anti-Chinese?*, 36 W. NEW ENG. L. REV. 287, 289–90 (2014) (“His critics largely ignore other cases in which he defended the civil rights of Chinese already resident in the United States.”), with Goodwin Liu, *The First Justice Harlan*, 96 CALIF. L. REV. 1383, 1384–88 (2008) (explaining that despite Harlan’s support in *Plessy*, he upheld race-based immigration policies in several other landmark cases).

<sup>188</sup> *United States v. Wong Kim Ark*, 169 U.S. 649, 731 (1898) (Fuller, C.J., dissenting) (“[T]he children of Chinese born in this country do not, ipso facto, become citizens of the United States . . .”).

citizenship as guaranteed by the Fourteenth Amendment.<sup>189</sup> As Gabriel J. Chin explained, “Harlan agreed with the Solicitor General that Chinese could not become citizens simply by being born in the United States . . . .”<sup>190</sup> The Solicitor General’s brief had argued:

Are Chinese children born in this country to share with the descendants of the patriots of the American Revolution the exalted qualification of being eligible to the Presidency . . . ? If so, then verily there has been a most degenerate departure from the patriotic ideals of our forefathers; and surely . . . American citizenship is not worth having.<sup>191</sup>

By endorsing this view, Justice Harlan indicated he wished to end birthright citizenship on purely racial grounds.<sup>192</sup> What is remarkable about this is that it seems to indicate that not only did Harlan think that foreign-born Chinese parents could not assimilate, but perhaps that neither could their American-born children.

### 3. *Branding the Chinese as Immoral*

Justices on the Supreme Court also bought into the politically branded myth that the Chinese were a threat to American morals. Justice Stephen Field, who was elected to the California State House as a younger man, also brought anti-Chinese biases with him to the bench.<sup>193</sup> In his dissent in *Chew Heong*, Justice Field wrote that the Chinese “have remained among us a separate people, retaining their original peculiarities of dress, manners, habits, and modes of living, which are as marked as their complexion and language. They live by themselves; they constitute a distinct organization with the laws and customs which they brought from China.”<sup>194</sup> Justice Field continued, “Thoughtful persons who were exempt from race prejudices saw . . . [that] vast hordes [from the Pacific] would pour in upon us . . . . A

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<sup>189</sup> FONER, *supra* note 74, at 159 (“In 1898, following the plain language of the [Fourteenth] [A]mendment, the Supreme Court affirmed that a person of Chinese origin born in the United States was a citizen by birthright, even though the naturalization laws barred his parents from citizenship.”).

<sup>190</sup> Gabriel J. Chin, *The First Justice Harlan by the Numbers: Just How Great Was “The Great Dissenter?”*, 32 AKRON L. REV. 629, 642 (1999).

<sup>191</sup> Brief for United States at 34, *United States v. Wong Kim Ark*, 169 U.S. 649 (1898), reprinted in 14 LANDMARK BRIEFS AND ARGUMENTS OF THE SUPREME COURT OF THE UNITED STATES: CONSTITUTIONAL LAW 3, 37 (Philip B. Kurland & Gerhard Casper eds., 1975).

<sup>192</sup> FONER, *supra* note 74, at 73 (“[A] stark division was written into American law between immigrants from Asia, ineligible for citizenship, and their American-born, and therefore citizen, children.”).

<sup>193</sup> *Stephen J. Field*, THIRTEEN, [https://www.thirteen.org/wnet/supremecourt/personality/robes\\_field.html](https://www.thirteen.org/wnet/supremecourt/personality/robes_field.html) (last visited May 29, 2021).

<sup>194</sup> *Chew Heong v. United States*, 112 U.S. 536, 566–67 (1884) (Field, J., dissenting).

restriction upon their further immigration was felt to be necessary to prevent the degradation of white labor, and to preserve to ourselves the inestimable benefits of our Christian civilization.”<sup>195</sup> Fortunately, this was only a dissent without precedential value.

However, Justice Field also embodied his prejudices in law in cases like the majority opinion in the *Chinese Exclusion* case, *Chae Chan Ping v. United States* from 1889, which asserted: “Whatever modifications [to Chinese immigration laws] have since been made . . . have been caused by a well-founded apprehension—from the experience of years—that a limitation to the immigration of certain classes from China was essential to the peace of the community on the Pacific coast . . . .”<sup>196</sup> Describing the California constitution, Justice Field said that its anti-Chinese provisions were justified, because “Chinese laborers had a baneful effect upon the material interests of the State, and upon public morals; that their immigration was in numbers approaching the character of an Oriental invasion, and was a menace to our civilization; that the discontent from this cause was not confined to any political party . . . .”<sup>197</sup> Thus, Justice Field embraced the negative branding found in political platforms, both that Chinese immigrants posed a threat to American “morals” as well as that they posed a threat to American civilization writ large. The words “menace” and “Chinese” had a linkage in political conventions, and after *Chae Chan Ping*, they became linked as a matter of constitutional law too.

#### 4. *Branding the Chinese as Disease-Like*

While the Supreme Court was never as graphic in its language as the verbiage used at political conventions likening the Chinese to diseases, the Court did use unfortunate language that was eerily close. For example, in the case that upheld the Chinese Exclusion Act, *Chae Chan Ping v. United States*, Justice Field writing for a unanimous Court quoted the following language when justifying Congress’s racial exclusion of Chinese immigrants:

Mr. Blaine, secretary of state under President Arthur, writes: “While, under the Constitution and the laws, this country is open to the honest and industrious immigrant, it has no room outside of its prisons or almshouses for depraved and incorrigible criminals or

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<sup>195</sup> *Id.* at 569.

<sup>196</sup> *Chae Chan Ping v. United States*, 130 U.S. 581, 594 (1889).

<sup>197</sup> *Id.* at 595–96.

hopelessly dependent paupers who may have become a pest or burden, or both, to their own country.”<sup>198</sup>

Thus, the Court appeared to embrace Blaine’s notion of the Chinese as “pests.” This is the same Blaine who was the Republican Party’s nominee for President in 1884 and who bad-mouthed the Chinese in his acceptance of the nomination. But by quoting Blaine in its opinion, the Supreme Court embedded his anti-Asian prejudice in American law like a mosquito encased in amber. In *Chae Chan Ping*, the Supreme Court also established Congress’s plenary power over immigration. As Beth Lew-Williams explains, “With the plenary power doctrine, the court granted Congress absolute power to define, exclude, and expel aliens, virtually abdicating authority to review the political branches in this domain.”<sup>199</sup>

### 5. *Branding the Chinese as Invaders*

Finally, the Supreme Court often conceptualized Asian immigrants as “invaders.” Arguably the quotes from Justice Field above also fall into the category of conceptualizing the Chinese as unwanted invaders. But some of the language used by the Supreme Court was more subtle than Justice Field’s stark Sinophobic language. Nonetheless, the idea of the Chinese as invaders appeared to animate the decisions of another elected-politician-turned-Supreme-Court-Justice named George Sutherland of Utah. As a member of Congress, Sutherland once told a reporter: “The Chinese laborers, who would naturally come . . . would unhealth[il]y compete[] with our own laborers. We already have one race problem in the South . . . , and to open our doors to the unrestricted immigration of Mongolians would be to invite another and more serious race problem into the West.”<sup>200</sup>

On the Supreme Court, Justice Sutherland, who was himself an immigrant from England, took stances that were anti-Asian.<sup>201</sup> In *Chung Fook v. White*, Justice Sutherland, writing for the Court, held a Chinese-American man could not bring his wife from China to America.<sup>202</sup> While this result was dictated by the statute at issue, the

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<sup>198</sup> 130 U.S. 581, 608–09 (1889) (quoting 2 FRANCIS WHARTON, A DIGEST OF THE INTERNATIONAL LAW OF THE UNITED STATES § 206 (1st ed. 1886)).

<sup>199</sup> Beth Lew-Williams, *supra* note 97, at 153, 158.

<sup>200</sup> JOEL FRANCIS PASCHAL, MR. JUSTICE SUTHERLAND: A MAN AGAINST THE STATE 41 (1951) (quoting Rep. Sutherland).

<sup>201</sup> Daniel A. Cotter, *Justice George Sutherland (1862-1942)*, CONSTITUTING AM., <https://constitutingamerica.org/justice-george-sutherland-1862-1942-guest-essayist-daniel-a-cotter> (last visited Sept. 10, 2021).

<sup>202</sup> *Chung Fook v. White*, 264 U.S. 443 (1924).

Court had the power to find the law unconstitutional and did not.<sup>203</sup> While the language in the case is not explicit about conceptualizing Chinese immigrants as a group of invaders, the outcome, that a wife cannot join her husband in America was one of the ways that the Supreme Court policed the borders of the nation, literally and genetically.

Justice Sutherland would police the gateway to citizenship in a similar way in *United States v. Thind*, when the Court decided that a man from India could not become a U.S. citizen because he was not White.<sup>204</sup> This built on *Ozawa v. United States*, which likewise ruled that a man from Japan could not be naturalized because he was not White.<sup>205</sup> *Ozawa* had argued that his skin color was “White.” However, “the Court held unanimously that *white* meant not skin color but ‘Caucasian,’ . . . notwithstanding the fact that few white Americans had origins in the Caucasus Mountains of Russia either and that those who did were at that very moment being kept out, too.”<sup>206</sup>

Justice Sutherland authored both opinions. In *Thind*, Sutherland wrote,

Congress . . . has now excluded from admission into this country all natives of Asia within designated limits of latitude and longitude, including the whole of India. This not only constitutes conclusive evidence of the congressional attitude of opposition to Asiatic immigration generally, but is persuasive of a similar attitude toward Asiatic naturalization as well . . . .<sup>207</sup>

Sutherland also authored *Ozawa* concluding, “[i]n all of the Naturalization Acts from 1790 to 1906 the privilege of naturalization

<sup>203</sup> *Id.* at 446 (“The words of the statute being clear, if it unjustly discriminates against the native-born citizens, or is cruel and inhuman in its results, as forcefully contended, the remedy lies with Congress and not with the courts.”).

<sup>204</sup> *United States v. Thind*, 261 U.S. 204, 213 (1923) (finding that a Hindu man was not white and thus not eligible for naturalization); Victor Jew, *George Sutherland and American Ethnicity: A Pre History to “Thind” and “Ozawa,”* 41 CENTENNIAL REV. 553, 556 (1997) (“In justifying his decision to keep Asian Indians outside the juridical standing of US citizen, Sutherland explained how bodily Otherness . . . posed a problem for the dominant society.”).

<sup>205</sup> *Ozawa v. United States*, 260 U.S. 178, 195 (1922) (determining “that only free white persons shall be included” in the naturalization statute); see also Stefano Luconi, *The Color of Citizenship: Asian Immigrants to the United States and Naturalization Between 1870 and 1952*, 30 RSA J. 11, 18 (2019) (“*Ozawa* was ineligible for citizenship because, as a Japanese, he was ‘clearly of a race which was not Caucasian.’”).

<sup>206</sup> WILKERSON, *supra* note 8, at 126; see also Luconi, *supra* note 205, at 18 (“On 13 November 1922 Associate Justice George Sutherland argued that the ‘color test’ was impractical because it would cause ‘a confused overlapping of races and the gradual merging of one into the other, without any practical line of separation,’ and conversely the ‘determination that the words “white person” are synonymous with the words “a person of the Caucasian race” simplifies the problem . . . .’”).

<sup>207</sup> *Thind*, 261 U.S. at 215.

was confined to white persons . . . .”<sup>208</sup> These opinions limited who could become a citizen on racialized grounds for decades to come. As Isabel Wilkerson explains, the result of *Ozawa* and *Thind* “were a heartbreaking catastrophe for Asians seeking citizenship. . . . [T]he government began rescinding the naturalized citizenship of people of Asian descent who were already here.”<sup>209</sup> The negative branding of Chinese and other Asian immigrants as invaders found in political platforms undergirds the reasoning of the Supreme Court as to why naturalization of Asian immigrants would not be tolerated. Thus, discrimination in the political realm became a self-reinforcing reason for discrimination at the Supreme Court. The deep division in law between “us” (Americans) and “them” (Chinese and Asian immigrants) would not end until decades later when Congressional statutes finally ended the ban on Chinese naturalization.<sup>210</sup>

### CONCLUSION: HARBINGER

The problem of xenophobia in politics is not just a historical curiosity. For one, the Chinese Exclusion cases that I quoted from liberally in this piece are still good law as Congress still has plenary power over immigration and exclusion of foreign nationals.<sup>211</sup> Sadly the phenomenon of xenophobia is far from over. There is reason to worry about modern xenophobia spouted by American political figures including former President Trump. Like the Sinophobia in the political platforms during 1876–1924, the branding of a particular group as “outsiders” can have lasting negative impacts, even today.

For example, one of things that was branded during the Trump presidency was the novel coronavirus, COVID-19.<sup>212</sup> President Trump branded COVID-19 by repeatedly calling it “Kung-flu” or the “China Virus.”<sup>213</sup> This was an allusion to the place that first recorded cases of

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<sup>208</sup> *Ozawa*, 260 U.S. at 192.

<sup>209</sup> WILKERSON, *supra* note 8, at 127.

<sup>210</sup> An Act to Repeal the Chinese Exclusion Acts, to Establish Quotas, and for Other Purposes, Pub. L. No. 78-199, 57 Stat. 600 (1943).

<sup>211</sup> Garrett Epps, *The Ghost of Chae Chan Ping: A Chinese-Exclusion Case from the 1880s Set a Precedent that Haunts the Legal Fight over Trump’s Travel Ban*, ATLANTIC (Jan. 20, 2018), <https://www.theatlantic.com/politics/archive/2018/01/ghost-haunting-immigration/551015> (“But the [Chinese exclusion] cases—apparently—remain good law, and they embody the idea that Congress can do anything it wants in immigration, Constitution be damned.”).

<sup>212</sup> See Ciara Torres-Spelliscy, *The Political Branding of COVID-19: A Narrative Explained by President Trump’s Five Stages of Grief* (describing President Trump’s branding of the COVID pandemic a “hoax”), in FEELING DEMOCRACY (forthcoming 2021) (manuscript at 1) (on file with author).

<sup>213</sup> David Nakamura, *With ‘Kung Flu,’ Trump Sparks Backlash Over Racist Language — and a Rallying Cry for Supporters*, WASH. POST (June 24, 2020, 6:13 PM), <https://>



COVID-19: Wuhan, China.<sup>214</sup> Donald Trump called COVID-19 the “China virus” during the Republican National Convention in 2020.<sup>215</sup> But the racialized epithets for the virus had broader consequences. A recent study of the impact of Trump’s calling COVID-19 the “China virus” concluded: “Rhetoric is not harmless. . . . [It] had an immediate, measurable impact on our collective biases. Specifically, this stigmatizing terminology more deeply entrenched the notion that Asians are ‘perpetual foreigners’—a pernicious stereotype with troubling historical roots and measurable real-world consequences . . . .”<sup>216</sup> In the wake of the branding of COVID-19 as Chinese, another study found a marked increase in violence towards Asian Americans in New York and Los Angeles, rising by nearly 150% from 2019 to 2020.<sup>217</sup> And in a particularly jarring incident, six Asians were killed during a mass shooting in March of 2021 in Atlanta.<sup>218</sup>

President Trump’s racialization of a pandemic as the “China virus” harkened back to a much older form of racism: the Sinophobia of yesteryear.<sup>219</sup> As this piece has shown, scapegoating non-White immigrants for America’s problems has a long, dark past in American politics.

What I hope is that courts can appreciate the significance of the history highlighted by this piece and thereby they will not fall for the political branding of “the other” that frequently infects political dis-

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[www.washingtonpost.com/politics/with-kung-flu-trump-sparks-backlash-over-racist-language—and-a-rallying-cry-for-supporters/2020/06/24/485d151e-b620-11ea-aca5-ebb63d27e1ff\\_story.html](https://www.washingtonpost.com/politics/with-kung-flu-trump-sparks-backlash-over-racist-language—and-a-rallying-cry-for-supporters/2020/06/24/485d151e-b620-11ea-aca5-ebb63d27e1ff_story.html); Ken Bredemeier, *Trump: ‘I Beat This Crazy, Horrible China Virus,’* VOICE AM. (Oct. 11, 2020, 7:15 PM), <https://www.voanews.com/2020-usa-votes/trump-i-beat-crazy-horrible-china-virus>.

<sup>214</sup> *Listings of WHO’s Response to COVID-19*, WORLD HEALTH ORG. (June 29, 2020), <https://www.who.int/news/item/29-06-2020-covidtimeline>.

<sup>215</sup> Tim Dickinson, *GOP Convention Speakers Declare America Not Racist as Trump Blasts ‘China Virus,’* ROLLING STONE (Aug. 25, 2020), <https://www.rollingstone.com/politics/politics-news/republican-party-not-racist-declare-convention-speakers-the-china-virus-1049468>.

<sup>216</sup> Sean Darling-Hammond, Eli K. Michaels, Amani M. Allen, David H. Chae, Marilyn D. Thomas, Thu T. Nguyen, Mahasin M. Mujahid & Rucker C. Johnson, *After “The China Virus” Went Viral: Racially Charged Coronavirus Coverage and Trends in Bias Against Asian Americans*, 47(6) HEALTH EDUC. & BEHAV. 870, 877 (2020) (citations omitted).

<sup>217</sup> See Yam, *supra* note 1 (noting, among other statistics, anti-Asian hate crimes in New York increased 833% from 2019 to 2020).

<sup>218</sup> *8 Dead in Atlanta Spa Shootings, With Fears of Anti-Asian Bias*, N.Y. TIMES (Mar. 26, 2021, 9:19 AM), <https://www.nytimes.com/live/2021/03/17/us/shooting-atlanta-acworth> (noting anti-Asian bias had not been ruled out as a motive).

<sup>219</sup> See, e.g., Chen et al., *supra* note 23, at 556 (“The earliest Asian immigrants to the United States were brought in during the second half of the 19th century as cheap labor for the mining, agricultural, and railroad industries. They were often forced to work in sub-human conditions, and were cast as scapegoats for multiple outbreaks of smallpox and bubonic plague.”).

course. The language of political and legal leaders should be more enlightened than the language of the mob. Jurists should learn from the course of human events from the turn of the twentieth century and its unjustified mistreatment and mischaracterization of Asian immigrants. As America experiences spasms of nativism today, judges as well as Justices should resist the urge to embody their biases in law and remember that the Constitution requires them to give equal protection under the law to everyone in the United States.

TABLE 1. POLITICIAN ATTENDANCE<sup>220</sup>

<b><u>Individual</u></b>	<b><u>Position(s)</u></b>	<b><u>Category/ Categories</u></b>	<b><u>Convention(s) Attended</u></b>
Samuel Axtell	New Mexico Governor	Governor / Lieutenant Governor	Republican National Convention, June 14, 15, 16, 1876
John Bankhead	Alabama Congressman	Member of Congress	Democratic National Convention, Chicago, July 7, 8, 9, 10, 11, 1896
William Barnes	Associate Justice of Arizona Territorial Supreme Court	Judiciary (Future or Current Members)	Democratic National Convention, Chicago, July 7, 8, 9, 10, 11, 1896
Thomas Bayard	U.S. Senator from Delaware	U.S. Senator	National Democratic Convention, Baltimore, July 9, 1872
John Beckham	Kentucky Governor	Governor / Lieutenant Governor	Democratic National Convention, St. Louis, July 6, 7, 8, 9, 1904
Robert Beeckman	Rhode Island Governor	Governor / Lieutenant Governor	Republican National Convention, Chicago, June 8, 9, 10, 11, 12, 1920
James Belford	Colorado Congressman	Member of Congress	Republican National Convention, 1876

<sup>220</sup> REPUBLICAN CONVENTION 1876, *supra* note 106, at 13, 58 (Samuel Axtell, Charles Farwell, John Jones, Edward Pierce, Josiah Settle & H. Steiner); REPUBLICAN CONVENTION 1880, *supra* note 78, at 8 (William Walter Phelps); REPUBLICAN CONVENTION 1884, *supra* note 123, at 26 (John Lynch & Alphonse Rosenthal); REPUBLICAN CONVENTION 1888, *supra* note 77, at 25 (1888) (Charles Edwards, John Lynch, William Stewart & William Warner); PROCEEDINGS OF THE TENTH REPUBLICAN NATIONAL CONVENTION HELD IN THE CITY OF MINNEAPOLIS, MINN., JUNE 7, 8, 9 AND 10, 1892, at 20 (1892), [hereinafter REPUBLICAN CONVENTION 1892] <https://babel.hathitrust.org/cgi/pt?id=UC1.b4146494&view=1up&seq=8&skin=2021&q1=committee%20on%20resolutions%20alabama> (Frank Cannon, Charles Libby, John Lynch & Josiah Settle); REPUBLICAN CONVENTION 1896, *supra* note 162, at 100 (Willis Van Devanter & Charles Sampson Hartman); REPUBLICAN CONVENTION 1900, *supra* note 162, at 53 (Cushman Davis, Willis Van Devanter, Robert Hawley, John Lynch, Chester Rowell & Josiah Settle); OFFICIAL PROCEEDINGS OF THE THIRTEENTH REPUBLICAN NATIONAL CONVENTION HELD IN THE CITY OF CHICAGO, JUNE 21, 22, 23, 1904, at 71 (1904), [hereinafter REPUBLICAN CONVENTION 1904] <https://babel.hathitrust.org/cgi/pt?id=UC2.ark:/13960/t93778538&view=1up&seq=97&q1=committee%20on%20resolutions%20alabama> (John Dalzell, Weldon Heyburn & Josiah Settle); REPUBLICAN CONVENTION 1908, *supra* note 172, at 51 (Joseph Fordney, William Drake & Henry duPont); OFFICIAL REPORT OF THE PROCEEDINGS OF THE FIFTEENTH REPUBLICAN NATIONAL CONVENTION HELD IN CHICAGO, ILLINOIS, JUNE 18, 19, 20, 21, AND 22, 1912, at 165–66 (1912), [hereinafter REPUBLICAN CONVENTION 1912] <https://babel.hathitrust.org/cgi/pt?id=UC2.ark:/13960/t3cz3408b&view=1up&seq=198&q1=>

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committee%20on%20resolutions%20alabama (Herbert Hadley, Henry Lippitt & Josiah Settle); OFFICIAL REPORT OF THE PROCEEDINGS OF THE SIXTEENTH REPUBLICAN NATIONAL CONVENTION HELD IN CHICAGO, ILLINOIS, JUNE 7, 8, 9 AND 10, 1916, at 36 (1916), [hereinafter REPUBLICAN CONVENTION 1916] <https://babel.hathitrust.org/cgi/pt?id=mdp.39015030802261&view=1up&seq=11&skin=2021> (George Sutherland); OFFICIAL REPORT OF THE PROCEEDINGS OF THE SEVENTEENTH REPUBLICAN NATIONAL CONVENTION HELD IN CHICAGO, ILLINOIS, JUNE 8, 9, 10, 11 AND 12, 1920, at 40 (1920), [hereinafter REPUBLICAN CONVENTION 1920] <https://babel.hathitrust.org/cgi/pt?id=UC2.ark:/13960/t75t3j49f&view=1up&seq=56&q1=committee%20on%20resolutions> (Robert Beeckman, Reed Smoot & John Wise); OFFICIAL REPORT OF THE PROCEEDINGS OF THE EIGHTEENTH REPUBLICAN NATIONAL CONVENTION HELD IN CLEVELAND, OHIO, JUNE 10, 11 AND 12, 1924, at 45 (1924), [hereinafter REPUBLICAN CONVENTION 1924] <https://babel.hathitrust.org/cgi/pt?id=mdp.39015030802287&view=1up&seq=7&skin=2021&q1=committee%20on%20resolutions%20alabama> (Simeon Fess, Frederick Gillett & Arthur Hyde); OFFICIAL PROCEEDINGS OF THE NATIONAL DEMOCRATIC CONVENTION HELD AT BALTIMORE, JULY 9, 1872, at 21 (1872), <https://babel.hathitrust.org/cgi/pt?id=miun.aey0505.0001.001&view=1up&seq=21&q1=resolutions%20alabama> (Thomas Bayard & John Martin); DEMOCRATIC CONVENTION 1876, *supra* note 109, at 37 (William Dorsheimer); DEMOCRATIC CONVENTION 1880, *supra* note 118, at 10 (William English, Melville Fuller, Joseph McDonald & Rufus Peckham); OFFICIAL PROCEEDINGS OF THE NATIONAL DEMOCRATIC CONVENTION HELD IN CHICAGO, ILL., JULY 8TH, 9TH, 10TH AND 11TH, 1884, at 43, 168 (1884), <https://babel.hathitrust.org/cgi/pt?id=mdp.39015030799327&view=1up&seq=9&skin=2021> (James Blaine, Benjamin Butler, Abram Hewitt & John McPherson); DEMOCRATIC CONVENTION 1888, *supra* note 139, at 24, 33 (Arthur Gorman, William Mutchler & Stephen White); OFFICIAL PROCEEDINGS OF THE NATIONAL DEMOCRATIC CONVENTION HELD IN CHICAGO, ILL., JUNE 21ST, 22ND AND 23RD, 1892, at 33 (1892), <https://archive.org/details/officialproceedi00demoiala> (John Caine, Clayton Crafts, John Daniel & Roswell Flower); OFFICIAL PROCEEDINGS OF THE NATIONAL DEMOCRATIC CONVENTION HELD IN CHICAGO, ILL., JULY 7TH, 8TH, 9TH, 10TH AND 11TH, 1896, at 6, 111, 143 (1896), <https://archive.org/details/officialproceedi1896demo/page/110/mode/2up> (John Bankhead, William Barnes, John Clarke, James McReynolds & Stephen White); DEMOCRATIC CONVENTION 1900, *supra* note 134, at 53–54, 150 (1900) (William Bryan, William Daly & Hernando Money); DEMOCRATIC CONVENTION 1904, *supra* note 161, at 45, 76 (John Beckham, John Clarke & John Maddox); DEMOCRATIC CONVENTION 1908, *supra* note 145, at 3, 30–31 (Theodore Bell, MiCahah Brooks, John Burke, William Stone & Charles Weisse); DEMOCRATIC CONVENTION 1912, *supra* note 161, at 111 (John Clarke); OFFICIAL REPORT OF THE PROCEEDINGS OF THE DEMOCRATIC NATIONAL CONVENTION HELD IN SAINT LOUIS, MISSOURI, JUNE 14, 15 AND 16TH, 1916, at 46 (1916), <https://babel.hathitrust.org/cgi/pt?id=mdp.39015030799319&view=1up&seq=5&skin=2021> (John Raker, Augustus Stanley & William Thompson); OFFICIAL REPORT OF THE PROCEEDINGS OF THE DEMOCRATIC NATIONAL CONVENTION HELD IN SAN FRANCISCO, CALIFORNIA, JUNE 28, 29, 30, JULY 1, 2, 3, 5, AND 6, 1920, at 28–29 (1920), <https://babel.hathitrust.org/cgi/pt?id=njp.32101017500941&view=1up&seq=7&skin=2021> (Carter Glass, George Grigsby, Thomas Marshall & Albert Ritchie); OFFICIAL REPORT OF THE PROCEEDINGS OF THE DEMOCRATIC NATIONAL CONVENTION HELD IN MADISON SQUARE GARDEN NEW YORK CITY, JUNE 24, 25, 26, 27, 28, 30, JULY 1, 2, 3, 4, 5, 7, 8 AND 9, 1924, at 33 (1924), <https://babel.hathitrust.org/cgi/pt?id=mdp.39015030799251&view=1up&seq=3&skin=2021> (George Peery).

TABLE 1. POLITICIAN ATTENDANCE CONTINUED

<b><u>Individual</u></b>	<b><u>Position(s)</u></b>	<b><u>Category/ Categories</u></b>	<b><u>Convention(s) Attended</u></b>
Theodore Bell	California Congressman	Member of Congress / Chairman of Democratic National Convention	Democratic National Convention, Denver, July 7, 8, 9, 10, 1908
James Blaine	Presidential Nominee	Presidents / Vice Presidents or Presidential / Vice Presidential Candidate	Republican National Convention, Chicago, June 3, 4, 5, 6, 1884
MiCahah Brooks	Texas Court of Criminal Appeals	Judiciary (Future or Current Members)	Democratic National Convention, Denver, July 7, 8, 9, 10, 1908
William Jennings Bryan	Presidential Candidate	Presidents / Vice Presidents or Presidential / Vice Presidential Candidate	Democratic National Convention, Kansas City, July 4, 5, 6, 1900
John Burke	North Dakota Governor	Governor / Lieutenant Governor	Democratic National Convention, Denver, July 7, 8, 9, 10, 1908
Benjamin Butler	Massachusetts Governor	Governor / Lieutenant Governor	National Democratic Convention, Chicago, July 8, 9, 10, 11, 1884
John Caine	Utah Congressman	Member of Congress	National Democratic Convention, Chicago, June 21, 22, 23, 1892
Frank Cannon	U.S. Senator from Utah	U.S. Senator	Republican National Convention, Minnesota, June 7, 8, 9, 10, 1892

TABLE 1. POLITICIAN ATTENDANCE CONTINUED

<b><u>Individual</u></b>	<b><u>Position(s)</u></b>	<b><u>Category/ Categories</u></b>	<b><u>Convention(s) Attended</u></b>
John Hessin Clarke	Supreme Court Justice	Judiciary (Future or Current Members)	Democratic National Convention, Chicago, July 7, 8, 9, 10, 11, 1896; Democratic National Convention, St. Louis, July 6, 7, 8, 9, 1904; Democratic National Convention, Baltimore, June 25, 26, 27, 28, 29, July 1, 2, 1912
Clayton Crafts	Member of Illinois House	State Legislator	National Democratic Convention, Chicago, June 21, 22, 23, 1892
William Daly	New Jersey Congressman	Member of Congress	Democratic National Convention, Kansas City, July 4, 5, 6, 1900
John Dalzell	Pennsylvania Congressman	Member of Congress	Republican National Convention, Chicago, June 21, 22, 23, 1904
John Daniel	U.S. Senator from Virginia	U.S. Senator	National Democratic Convention, Chicago, June 21, 22, 23, 1892
Cushman Davis	U.S. Senator from Minnesota	U.S. Senator	Republican National Convention, Philadelphia, June 19, 20, 21, 1900
Willis Van Devanter	Supreme Court Justice	Judiciary (Future or Current Members)	Republican National Convention, St. Louis, June 16, 17, 18, 1896; Republican National Convention, Philadelphia, June 19, 20, 21, 1900
William Dorsheimer	New York Lieutenant Governor	Member of Congress	National Democratic Convention, St. Louis, June 27, 28, 29, 1876

TABLE 1. POLITICIAN ATTENDANCE CONTINUED

<b><u>Individual</u></b>	<b><u>Position(s)</u></b>	<b><u>Category/ Categories</u></b>	<b><u>Convention(s) Attended</u></b>
William Arthur Drake Jr.	Colorado Senator	State Legislator	Republican National Convention, June 16, 17, 18, 19, 1908
Henry duPont	U.S. Senator from Delaware	U.S. Senator	Republican National Convention, June 16, 17, 18, 19, 1908
Charles Edwards	Minnesota Senator	State Legislator	Republican National Convention, Chicago, June 19, 20, 21, 22, 23, 25, 1888
William H. English	Vice Presidential Nominee	Presidents / Vice Presidents or Presidential / Vice Presidential Candidate	National Democratic Convention, Cincinnati, June 22, 23, 24, 1880
Charles Farwell	Illinois Congressman	Member of Congress	Republican National Convention, June 14, 15, 16, 1876
Simeon Fess	U.S. Senator from Ohio	U.S. Senator	Republican National Convention, Cleveland, June 10, 11, 12, 1924
Roswell Flower	New York Governor	Governor / Lieutenant Governor	National Democratic Convention, Chicago, June 21, 22, 23, 1892
Joseph Fordney	Michigan Congressman	Member of Congress	Republican National Convention, June 16, 17, 18, 19, 1908
Melville Fuller	Supreme Court Justice	Judiciary (Future or Current Members)	Democratic National Convention, Cincinnati, June 22, 23, 24, 1880
James Garfield	Presidential Nominee	Presidents / Vice Presidents or Presidential / Vice Presidential Candidate	Republican National Convention, Chicago, June 2, 3, 4, 5, 7, 8, 1880

TABLE 1. POLITICIAN ATTENDANCE CONTINUED

<b><u>Individual</u></b>	<b><u>Position(s)</u></b>	<b><u>Category/ Categories</u></b>	<b><u>Convention(s) Attended</u></b>
Frederick Gillett	Massachusetts Congressman	Member of Congress	Republican National Convention, Cleveland, June 10, 11, 12, 1924
Carter Glass	U.S. Senator from Virginia	U.S. Senator	Democratic National Convention, San Francisco, June 28, 29, 30, July 1, 2, 3, 5, 6, 1920
Arthur Gorman	U.S. Senator from Maryland	U.S. Senator	National Democratic Convention, St. Louis, June 5, 6, 7, 1888
George Grigsby	Delegate from Alaska Territory	Member of Congress	Democratic National Convention, San Francisco, June 28, 29, 30, July 1, 2, 3, 5, 6, 1920
Herbert Hadley	Missouri Governor	Governor / Lieutenant Governor	Republican National Convention, Chicago, June 18, 19, 20, 21, 22, 1912
John Harlan	Kentucky Attorney General; Supreme Court Justice	Judiciary (Future or Current Members)	Republican National Convention, June 14, 15, 16, 1876
Benjamin Harrison	President	Presidents / Vice Presidents or Presidential / Vice Presidential Candidate	Republican National Convention, Chicago, June 19, 20, 21, 22, 23, 25, 1888
Charles Sampson Hartman	Montana Congressman	Member of Congress	Republican National Convention, St. Louis, June 16, 17, 18, 1896
Robert Hawley	Texas Congressman	Member of Congress	Republican National Convention, Philadelphia, June 19, 20, 21, 1900



TABLE 1. POLITICIAN ATTENDANCE CONTINUED

<b><u>Individual</u></b>	<b><u>Position(s)</u></b>	<b><u>Category/ Categories</u></b>	<b><u>Convention(s) Attended</u></b>
Abram Hewitt	New York Congressman	Member of Congress	National Democratic Convention, Chicago, July 8, 9, 10, 11, 1884
Weldon Heyburn	U.S. Senator from Idaho	U.S. Senator	Republican National Convention, Chicago, June 21, 22, 23, 1904
Arthur Hyde	Missouri Governor	Governor / Lieutenant Governor	Republican National Convention, Cleveland, June 10, 11, 12, 1924
John Jones	U.S. Senator from Nevada	U.S. Senator	Republican National Convention, June 14, 15, 16, 1876
Charles Libby	Maine Senator	State Legislator	Republican National Convention, Minnesota, June 7, 8, 9, 10, 1892
Henry Lippitt	U.S. Senator from Rhode Island	U.S. Senator	Republican National Convention, Chicago, June 18, 19, 20, 21, 22, 1912
John Lynch	Mississippi Congressman	Member of Congress	Republican National Convention, Chicago, June 2, 3, 4, 5, 7, 8, 1880; Republican National Convention, Chicago, June 3, 4, 5, 6, 1884; Republican National Convention, Chicago, June 19, 20, 21, 22, 23, 25, 1888; Republican National Convention, Minnesota, June 7, 8, 9, 10, 1892; Republican National Convention, Philadelphia, June 19, 20, 21, 1900

TABLE 1. POLITICIAN ATTENDANCE CONTINUED

<b><u>Individual</u></b>	<b><u>Position(s)</u></b>	<b><u>Category/ Categories</u></b>	<b><u>Convention(s) Attended</u></b>
John Maddox	Georgia Congressman	Member of Congress	Democratic National Convention, St. Louis, July 6, 7, 8, 9, 1904
Thomas Marshall	Vice President of the United States	Presidents / Vice Presidents or Presidential / Vice Presidential Candidate	Democratic National Convention, San Francisco, June 28, 29, 30, July 1, 2, 3, 5, 6, 1920
John Martin	U.S. Senator from Kansas	State Legislator	National Democratic Convention, Baltimore, July 9, 1872
Joseph McDonald	U.S. Senator from Indiana	U.S. Senator	National Democratic Convention, Cincinnati, June 22, 23, 24, 1880
John McPherson	U.S. Senator from New Jersey	U.S. Senator	National Democratic Convention, Chicago, July 8, 9, 10, 11, 1884
James McReynolds	Supreme Court Justice	Judiciary (Future or Current Members)	Democratic National Convention, Chicago, July 7, 8, 9, 10, 11, 1896
Hernando Money	U.S. Senator from Mississippi	U.S. Senator	Democratic National Convention, Kansas City, July 4, 5, 6, 1900
William Mutchler	Pennsylvania Congressman	Member of Congress	National Democratic Convention, St. Louis, June 5, 6, 7, 1888
Rufus Peckham	Supreme Court Justice	Judiciary (Future or Current Members)	Democratic National Convention, Cincinnati, June 22, 23, 24, 1880
George Peery	Virginia Congressman	Member of Congress	Democratic National Convention, Madison Square Garden, New York City, June 24, 25, 26, 27, 28, 30, July 1, 2, 3, 4, 5, 7, 8, 9, 1924

TABLE 1. POLITICIAN ATTENDANCE CONTINUED

<b><u>Individual</u></b>	<b><u>Position(s)</u></b>	<b><u>Category/ Categories</u></b>	<b><u>Convention(s) Attended</u></b>
William Walter Phelps	New Jersey Congressman	Member of Congress	Republican National Convention, Chicago, June 2, 3, 4, 5, 7, 8, 1880
Edward L. Pierce	Massachusetts State Legislator	State Legislator	Republican National Convention, June 14, 15, 16, 1876
John Raker	California Congressman	Member of Congress	Democratic National Convention, St. Louis, June 7, 8, 9, 10, 1916
Albert Ritchie	Maryland Governor	Governor / Lieutenant Governor	Democratic National Convention, San Francisco, June 28, 29, 30, July 1, 2, 3, 5, 6, 1920
Alphonse Rosenthal	Member of Texas House	State Legislator	Republican National Convention, Chicago, June 3, 4, 5, 6, 1884
Chester Rowell	California Senator	State Legislator	Republican National Convention, Philadelphia, June 19, 20, 21, 1900
Josiah T. Settle	Member of Mississippi House	State Legislator	Republican National Convention, June 14, 15, 16, 1876; Republican National Convention, Minnesota, June 7, 8, 9, 10, 1892; Republican National Convention, Philadelphia, June 19, 20, 21, 1900; Republican National Convention, Chicago, June 21, 22, 23, 1904; Republican National Convention, Chicago, June 18, 19, 20, 21, 22, 1912

TABLE 1. POLITICIAN ATTENDANCE CONTINUED

<b><u>Individual</u></b>	<b><u>Position(s)</u></b>	<b><u>Category/ Categories</u></b>	<b><u>Convention(s) Attended</u></b>
Richard Elihu Sloan	Associate Justice of the Arizona Territorial Court Supreme Court	Judiciary (Future or Current Members)	Democratic National Convention, Denver, July 7, 8, 9, 10, 1908
Reed Smoot	U.S. Senator from Utah	U.S. Senator	Republican National Convention, Chicago, June 8, 9, 10, 11, 12, 1920
Augustus Stanley	Kentucky Governor	Governor / Lieutenant Governor	Democratic National Convention, St. Louis, 1916
Lewis H. Steiner	Member of Maryland Senate	State Legislator	Republican National Convention, June 7, 8, 9, 10, 1876
William Stewart	U.S. Senator from Nevada	U.S. Senator	Republican National Convention, Chicago, June 19, 20, 21, 22, 23, 25, 1888
William Stone	U.S. Senator from Missouri	U.S. Senator	Democratic National Convention, Denver, July 7, 8, 9, 10, 1908
George Sutherland	Politician from Utah; U.S. Senator from Utah (1908–1916)	Judiciary (Future or Current Members)	Republican National Convention, Philadelphia, June 19, 20, 21, 1900; Republican National Convention, Chicago, June 21, 22, 23, 1904; Republican National Convention, June 16, 17, 18, 19, 1908; Republican National Convention, Chicago, June 18, 19, 20, 21, 22, 1912; Republican National Convention, Chicago June 7, 8, 9, 10, 1916

TABLE 1. POLITICIAN ATTENDANCE CONTINUED

<b><u>Individual</u></b>	<b><u>Position(s)</u></b>	<b><u>Category/ Categories</u></b>	<b><u>Convention(s) Attended</u></b>
William Thompson	U.S. Senator from Kansas	U.S. Senator	Democratic National Convention, St. Louis, June 7, 8, 9, 10, 1916
William Warner	Missouri Congressman	Member of Congress	Republican National Convention, Chicago, June 19, 20, 21, 22, 23, 25, 1888
Charles Weisse	Wisconsin Congressman	Member of Congress	Democratic National Convention, Denver, July 7, 8, 9, 10, 1908
Stephen White	U.S. Senator from California	U.S. Senator	National Democratic Convention, St. Louis, June 5, 6, 7, 1888; Democratic National Convention, Chicago, July 7, 8, 9, 10, 11, 1896
John Williams	Chairman of the Democratic National Convention; House Minority Leader	Member of Congress	Democratic National Convention, Kansas City, July 4, 5, 6, 1900
John Wise	Hawaii Senator	State Legislator	Republican National Convention, Chicago, June 8, 9, 10, 11, 12, 1920

TABLE 2. AFRICAN AMERICAN AND NATIVE HAWAIIAN ATTENDANCE<sup>221</sup>

<u>Individual</u>	<u>Position(s)</u>	<u>Convention(s) Attended</u>
L.K. Atwood	Mississippi representative to the Republican Resolutions Committee	Republican National Convention, Chicago, June 18, 19, 20, 21, 22, 1912
Beverly Baranco	Louisiana representative to Republican Resolutions Committee	Republican National Convention, Cleveland, June 10, 11, 12, 1924
Blanche K. Bruce	Senator from Mississippi and Vice President of the 1880 Republican Convention	Republican National Convention, Chicago, June 2, 3, 4, 5, 7, 8, 1880
John Cook Jr.	D.C. representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 2, 3, 4, 5, 7, 8, 1880
William Crum	South Carolina representative to Republican Resolutions Committee	Republican National Convention, St. Louis, June 16, 17, 18, 1896
Benjamin Davis	Georgia representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 8, 9, 10, 11, 12, 1920

<sup>221</sup> PROCEEDINGS OF THE NATIONAL UNION REPUBLICAN CONVENTION HELD AT PHILADELPHIA, JUNE 5 AND 6, 1872, at 9–10 (1872), <https://babel.hathitrust.org/cgi/pt?id=njp.32101068938446&view=1up&seq=5&skin=2021> (Frederick Douglass, Robert Elliott, William Grey & James Hood); REPUBLICAN CONVENTION 1876, *supra* note 106, at 13 (Frederick Douglass, Josiah Settle & Henry Turner); REPUBLICAN CONVENTION 1880, *supra* note 78, at 8, 15, 42 (Blanche Bruce, John Cook Jr., James Harris, Samuel Holland & John Lynch); REPUBLICAN CONVENTION 1884, *supra* note 123, at 26, 56, 59 (Richard Wright, Charles Wilder & John Lynch); REPUBLICAN CONVENTION 1888, *supra* note 77, at 25 (Edmund Deas, Frederick Douglass & John Lynch); REPUBLICAN CONVENTION 1892, *supra* note 220, at 101 (Edmund Deas, Frederick Douglass, John Lynch & Josiah Settle); REPUBLICAN CONVENTION 1896, *supra* note 162, at 100 (Edward Lampton & William Crum); REPUBLICAN CONVENTION 1900, *supra* note 162, at 53, 68 (Edmund Deas, Auwae Noa Kepoikai, John Lynch, Willis Mollison, Henry Rucker & Josiah Settle); REPUBLICAN CONVENTION 1904, *supra* note 220, at 71 (Edmund Deas, Jonah Kūhiō Kalanianaʻole, Andrew Johnson, Josiah Settle & James Vance); REPUBLICAN CONVENTION 1908, *supra* note 172, at 50 (Edmund Deas); REPUBLICAN CONVENTION 1912, *supra* note 220, at 165–66 (L.K. Atwood, Joseph Lee, William McDonald & Josiah Settle); REPUBLICAN CONVENTION 1916, *supra* note 220, at 35 (S.D. Redmond); REPUBLICAN CONVENTION 1920, *supra* note 220, at 40 (Benjamin Davis, Isaiah Montgomery, Robert Tolbert & John Wise); REPUBLICAN CONVENTION 1924, *supra* note 220, at 45 (Beverly Baranco); *see also* Clement Richardson, *L. K. Atwood Profile*, 1 NAT’L CYCLOPEDIA COLORED RACE 319, 319 (1919); *Baton Rouge’s Odd Fellows Temple (1925) & Beverly Victor Baranco, Sr. (1869-1933)*, CREOLEGEN (2013), <https://www.creolegen.org/2013/04/01/baton-rouges-odd-fellows-temple-1925-beverly-victor-baranco-sr-1869-1933>; Willard B. Gatewood, *Cook, John Francis, Jr.*, OXFORD AFRICAN AMERICAN STUDIES CENTER, <https://oxfordaasc.com/view/10.1093/acref/9780195301731.001.0001/acref-9780195301731-e-40848>; Bernard E.

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TABLE 2. AFRICAN AMERICAN AND NATIVE HAWAIIAN  
ATTENDANCE CONTINUED

<b><u>Individual</u></b>	<b><u>Position(s)</u></b>	<b><u>Convention(s) Attended</u></b>
Edmund H. Deas	South Carolina delegate to 5 national conventions from 1888–1908; Vice President of the Convention in 1888	Republican National Convention, Chicago, June 19, 20, 21, 22, 23, 25, 1888; Republican National Convention, Minnesota, June 7, 8, 9, 10, 1892; Republican National Convention, Philadelphia, June 19, 20, 21, 1900; Republican National Convention, Chicago, June 21, 22, 23, 1904; Republican National Convention June 16, 17, 18, 19, 1908
Frederick Douglass	Speaker and attendee at multiple RNC conventions	Republican National Convention, Philadelphia, June 5, 6, 1872; Republican National Convention, June 14, 15, 16, 1876; Republican National Convention, Chicago, June 19, 20, 21, 22, 23, 25, 1888; Republican National Convention, Minnesota, June 7, 8, 9, 10, 1892
Robert Elliott	South Carolina representative to Republican Resolutions Committee	Republican National Convention, Philadelphia, June 5, 6, 1872
William Grey	Arkansas representative to Republican Resolutions Committee	Republican National Convention, Philadelphia, June 5, 6, 1872
James Harris	North Carolina representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 2, 3, 4, 5, 7, 8, 1880



TABLE 2. AFRICAN AMERICAN AND NATIVE HAWAIIAN  
ATTENDANCE CONTINUED

<b>Individual</b>	<b>Position(s)</b>	<b>Convention(s) Attended</b>
Samuel Holland	Arkansas representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 2, 3, 4, 5, 7, 8, 1880
James Hood	North Carolina representative to Republican Resolutions Committee	Republican National Convention, Philadelphia, June 5, 6, 1872
Andrew N. Johnson	Alabama representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 21, 22, 23, 1904
Henry Lincoln Johnson	DC representative to Republican Resolutions Committee	Republican National Convention, Philadelphia, June 19, 20, 21, 1900
Jonah Kūhiō Kalanianaʻole	Hawaii representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 21, 22, 23, 1904
Auwae Noa Kepoikai	Hawaii representative to Republican Resolutions Committee	Republican National Convention, Minnesota, June 7, 8, 9, 10, 1892; Republican National Convention, Philadelphia, June 19, 20, 21, 1900
Edward Wilkinson Lampton	Mississippi representative to Republican Resolutions Committee	Republican National Convention, St. Louis, June 16, 17, 18, 1896
Joseph E. Lee	Florida representative to the Republican Resolutions Committee	Republican National Convention, Chicago, June 18, 19, 20, 21, 22, 1912

TABLE 2. AFRICAN AMERICAN AND NATIVE HAWAIIAN  
ATTENDANCE CONTINUED

<b>Individual</b>	<b>Position(s)</b>	<b>Convention(s) Attended</b>
John Lynch	Mississippi representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 2, 3, 4, 5, 7, 8, 1880; Republican National Convention, Chicago, June 3, 4, 5, 6, 1884; Republican National Convention, Chicago, June 19, 20, 21, 22, 23, 25, 1888; Republican National Convention, Minnesota, June 7, 8, 9, 10, 1892; Republican National Convention, Philadelphia, June 19, 20, 21, 1900
William McDonald	Texas representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 18, 19, 20, 21, 22, 1912
Willis E. Mollison	Mississippi representative to Republican Resolutions Committee	Republican National Convention, Philadelphia, June 19, 20, 21, 1900
Isaiah Montgomery	Mississippi representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 8, 9, 10, 11, 12, 1920
S.D. Redmond	Mississippi representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 7, 1916
Henry Rucker	Georgia representative to Republican Resolutions Committee	Republican National Convention, Philadelphia, June 19, 20, 21, 1900

TABLE 2. AFRICAN AMERICAN AND NATIVE HAWAIIAN  
ATTENDANCE CONTINUED

<b><u>Individual</u></b>	<b><u>Position(s)</u></b>	<b><u>Convention(s) Attended</u></b>
Josiah T. Settle	Mississippi delegate to Republican National Conventions	Republican National Convention, June 14, 15, 16, 1876; Republican National Convention, Minnesota, June 7, 8, 9, 10, 1892; Republican National Convention, Philadelphia, June 19, 20, 21, 1900; Republican National Convention, Chicago, June 21, 22, 23, 1904; Republican National Convention, Chicago, June 18, 19, 20, 21, 22, 1912
Robert Tolbert	South Carolina representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 8, 9, 10, 11, 12, 1920
Henry Turner	Georgia representative to Republican Resolutions Committee	Republican National Convention, June 14, 15, 16, 1876
James Madison Vance	Louisiana representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 21, 22, 23, 1904
Charles McDuffie Wilder	South Carolina representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 3, 4, 5, 6, 1884
John Wise	Hawaii representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 8, 9, 10, 11, 12, 1920
Richard Wright	Georgia representative to Republican Resolutions Committee	Republican National Convention, Chicago, June 3, 4, 5, 6, 1884