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Does Exclusion Follow the Flag? Merchant Sailors and US Imperial Expansion, 1895–1906

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ABSTRACT: This paper examines how class conflict affected US imperial expansion between 1898 and 1906. It focuses on West-Coast-based white merchant sailors and relies on union publications, legislative records, and congressional testimony to reveal how domestic class conflict shaped the boundaries, both internally and externally, of the emerging US empire. The struggle of the sailors' unions over these imperial boundaries illustrates the real-life consequences they held for working people. These were not just abstractions. These lines often determined the type of labor systems under which workers would toil. Specifically, this article centers on the American Federation of Labor's successful effort to apply the Chinese Exclusion Act to the United States' empire on the Pacific in 1902 as well as the Sailor's Union of the Pacific's unsuccessful attempt to apply exclusion to US-flagged merchant vessels. With that in mind, I argue that the line between domestic and foreign or nation and empire was a contested space of racially inflected class conflict. For white working people, the most pertinent question in the aftermath of the Spanish American War was not, does the constitution follow the flag? But rather, does exclusion follow the flag?

In June 1898, the steamship *China* set sail from San Francisco harbor. The vessel, owned by the Pacific Mail Steamship Company, was ferrying fresh troops to the Philippines under contract with the War Department. One month later, another Pacific Mail troopship, the *Peru*, departed San Francisco for Manila under the same contract. Upon learning about the departure of the *China* and the *Peru*, the Sailor's Union of the Pacific (SUP) and its national affiliate, the International Seamen's Union America (ISU), were outraged. Not because the SUP or the ISU had a problem with the US war effort, but because both vessels were crewed entirely by Chinese sailors contracted from outside the United States rather than white American crews from the West Coast. In

response, SUP leaders protested with the War Department alleging that the use of Chinese sailors violated the 1882 Chinese Exclusion Act. Unfortunately for the SUP and the ISU, since both vessels were operating in the foreign trade (trade between US and foreign ports) rather than the domestic (trade between US ports), the use of Chinese crews did not violate the exclusion law. The Exclusion Act did not apply because of an 1884 law that allowed US-flagged vessels engaged in foreign commerce to sign up foreign crews in foreign ports without having to reship them in the United States. This meant that Chinese sailors could remain onboard their ship while in a US port and did not have to legally "enter" the United States for reshipment on another vessel. Since the Chinese crew did not have to "enter" the United States, the Pacific Mail Company (SUP) and the War Department were not violating the Exclusion Act.[1]

The circumstances surrounding the *China* and the *Peru* are significant because they raise broader questions about the process through which the lines between foreign and domestic are established. Even though both ships were docked in a US port and under contract with the United States government, the fact that the destination was (at the time) foreign meant the vessels were operating in the foreign rather than the domestic trade. In the domestic trade, SUP and ISU members labored under the protection of the Chinese Exclusion Act, but in the foreign trade, they did not. This allowed Pacific Coast shipping companies to begin slowly transitioning from white American crews to cheaper foreign sailors sourced in China. The Exclusion Act, therefore, constituted an important protection and marker of the domestic US labor market. After the United States formally annexed Hawai'i in August 1898 and the Philippines in December 1898, the question of where the domestic ended and the foreign began was elevated into the national consciousness. After annexation, the questions were not just how, why, and where the lines between the foreign and domestic were to be drawn, but also, how, why, and where the lines were to be drawn between nation and empire.

Labor leaders and the organizations they represented – especially those acting for merchant sailors – were both central to and on the front lines of this process. Sailors who labored in the foreign trade crossed these invisible boundaries every time they went to work. Indeed, scholars have long held the so-called insular cases as the ultimate arbiter in determining whether the "constitution followed the flag".[2] To be sure, the insular cases were essential

1. "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade and for other purposes", ch. 121, 48 Congress Pub L. No. 48–53. 23 Stat. 53 (1884). Available at https://www.loc.gov/law/help/statutes-at-large/48th-congress/Session%201/c48s1ch121.pdf; last accessed 29 April 2021; *The Coast Seaman's Journal* (hereafter, CSJ), 3 August 1898.

2. For the insular cases, see Line-Noue Memea Kruse, *The Pacific Insular Case of American Samoa: Land Rights and Law in Unincorporated US Territories* (New York, 2018); Gerald L. Newman and Tomiko Brown-Nargin (eds), *Reconsidering the Insular Cases: The Present*

in establishing the relationship between nation and empire or metropole and colony. It is important to note, however, that these cases mainly focused on trade and tariffs, mostly between the United States mainland and the colonies in the Caribbean. For working people, this was a very different story: the question was about who rather than what could cross these lines, what that meant, and why it mattered. It was less about the trade relationship between nation and empire and more about the collision and potential integration of different labor systems and labor markets. In short, the relationship between nation and empire and foreign and domestic was also a labor question.

If labor was a central problem for the emerging US imperial system, what did the United States' labor leaders and the white working classes they claimed to represent think about US imperial expansion? What did empire mean to them? How did they respond to US imperial ventures: did they support them? How invested were they in the famous 1898 debate over whether the constitution followed the flag? Historian Julie Greene demonstrated in her 2015 essay "The Wages of Empire", that "empire constituted a force that articulated and shaped class experience and formation as much as did, say, gender or race".[3] I agree. But I would go further by turning Greene's argument around and posit that class conflict shaped US imperial expansion as much as the quest for markets.

A dynamic and fluid understanding of empire as a relational process rather than simply a thing to identify helps bring organized labor's role in, and attitude toward, US imperial expansion into sharper focus. As historian Paul Kramer wrote, "the imperial refers to a dimension of power in which asymmetries in the scale of political action, regimes of spatial ordering, and modes of exceptionalizing difference enable and produce relations of hierarchy, discipline, dispossession, and exploitation".[4] This conceptual understanding of the imperial moves the field into more fertile scholarly ground. It reminds us that empire is not just space or territory on a map but bundles of interconnected relationships.[5]

and Future of American Empire (Cambridge, MA, 2015); Bartholomew H. Sparrow, *The Insular Cases and the Emerging American Empire* (Lawrence, KS, 2006); Christina Duffy Burnette, "American Expansion and Territorial Deannexation", *The University of Chicago Law Review*, 72 (2005): pp. 797–879; Efren Rivera Ramos, *The Legal Construction of Identity: The Judicial and Social Legacy of American Colonialism in Puerto Rico* (Washington, DC, 2001); Christine Duffy Burnette and Burke Marshall (eds), *Foreign in the Domestic: Puerto Rico, American Expansion, and the Constitution* (Durham, NC, 2001).

3. Julie Greene, "The Wages of Empire: Class, Expansionism, and Working-Class Formation", in Daniel E. Bender and Jana K. Lipman (eds), *Making the Empire Work: Labor and United States Imperialism* (New York, 2015), pp. 35–58, 36.

4. Paul A. Kramer, "Power and Connection: Imperial Histories of the United States in the World", *American Historical Review*, 116 (2011), pp. 1348–1391, 1349.

5. Eric Wolfe, *Europe and the People without History* (Berkeley, CA, 1982), p. 3.

Labor leaders' relationship and attitudes toward emerging, post-1898 US imperial formations reflected a deeper anxiety, both real and imagined, over where the white working classes fit into the "new empire". For organized labor, the US empire emerging on the Pacific was potentially disruptive to the domestic labor market by absorbing millions of non-white labor competition. If the administration and US industrialists were grappling with how to make the empire work, the SUP and the American Federation of Labor (AFL) were struggling with how to prevent the empire from working against their interests. This was the crux of why organized labor opposed Pacific annexation in 1898. The AFL and the SUP sought to insulate the (mostly) free domestic labor market from what they saw as the unfree imperial labor space emerging on the Pacific. The actions of AFL and the SUP bring to light two interrelated exclusionary mechanisms: keeping imperial subjects out of the merchant marine and colonial subjects out of the nation. Just over ten years ago, the late great labor historian David Montgomery argued: "Around 1900, the AFL was highly critical of the expansionist policies of the U.S. government. Fewer than twenty years later it had come not only to support those policies, but also even to participate actively in their execution."[6]

A relational understanding of empire and the imperial suggests that organized labor's complicity with empire happened much earlier. Montgomery is correct that the AFL and its affiliates opposed annexation in 1898. However, the AFL and the broader craft union movement's eventual complicity in US imperial expansion happened almost immediately. Labor leaders and the institutions they represented were not directly responsible for administering colonial possessions or formulating US imperial policy generally. They were respondents to an agenda of imperial expansion driven by the McKinley/Roosevelt administration's geopolitical ambitions and big businesses' insatiable appetite for new markets. However, labor leaders were among the primary drivers that advocated for repertoires of imperial rule steeped with "asymmetries in political action" and "regimes of spatial ordering" that produced "relations of hierarchy" within the emerging US imperial system.[7] Opposition to US expansionist policies of 1898 is not the same thing as anti-imperialism, nor did it necessarily reflect wholesale enmity to the concept of imperialism. As this paper will demonstrate, labor leaders were against a particular type of US expansionism. Indeed, the repertoire of imperial rule labor leaders insisted upon in the aftermath of annexation reveals the limits of their self-professed anti-imperialism.

6. David Montgomery, "SHGAPE Distinguished Historian Address: Workers' Movements in the United States Confront Imperialism: The Progressive Era Experience", *The Journal of the Gilded Age and Progressive Era*, 7 (2008), pp. 7–42, 8.

7. For "imperial repertoires", see Frederick Cooper and Jane Burbank, *Empires in World History: Power and the Politics of Difference* (Princeton, NJ, 2010), pp. 3–8.

In short, AFL and SUP leaders took the seemingly paradoxical position of resisting the effects of empire by aligning with it. More precisely, organized labor resisted colonial-imperial expansion by advocating legislative policies that affirmed their commitment to white-settler colonialism. Nevertheless, by demanding protection from certain parts of the emerging imperial system, labor leaders were implicitly endorsing the concept of colonial imperialism by insisting on a privileged and protected position within an emerging imperial hierarchy. This alignment with empire disrupted the imperial labor process and led to a domestic class struggle over who controlled and policed the emerging borders of the US imperial system. Indeed, these intra-imperial dynamics and tensions were not exclusive to the US empire.[8] For the AFL- and SUP-led faction of organized labor, controlling the border meant using the Chinese Exclusion Act to both police the movement of the newly acquired subjects of the US empire and place limitations on who could enter US imperial formations.[9] For the imperial state and its investors, controlling the borders meant ensuring that organized labor could not influence the repertoire of rule necessary to make the empire work. As a result, the legislative branch became the primary arena in which the class struggle over the boundaries of the US imperial system was fought. After 1898, immigration restriction and US imperial expansion became, as Beth Lew-Williams recently argued, "synergistic projects". Labor leaders sought to close and control the county's gates in both nation and empire at the same moment as many US industrialists championed Pacific expansion and pushed for an "Open Door" in China.[10]

By placing legal safeguards between nation and empire, as well as restricting the movement of certain subjects within the empire, the class struggle over the boundaries of the US imperial system created an emerging metropolitan imperial framework around its North American white-settler territory. As the public and all three branches of government fiercely debated the now-famous question of whether the constitution followed the flag, the question

8. For non-US examples, see Matthias van Rossum, "The 'Yellow Danger'? Global Forces and Global Fears in the North Sea and Beyond (1600–1950)", *The International Journal of Maritime History,* 27 (2015): pp. 743–754; Adam McKeown, *Melancholy Order: Asian Immigration and the Globalization of Borders* (New York, 2008); Marilyn Lake and Henry Reynolds, *Drawing the Global Color Line: White Men's Countries and the International Challenge of Racial Equality* (Cambridge, 2008); Erik Olssen, "The New Zealand Labour Movement and Race", in Marcel van der Linden and Jan Lucassen *et al.* (eds), *Racism and the Labour Market* (Berne, 1995), pp. 373–391; Raymond Markey, "Race and Organized Labour in a White Settler Society: The Australian Case, 1850–1901", in Van der Linden and Lucassen, *Racism and the Labour Market*, pp. 345–372; Robert A. Huttenback, *Empire and Racism: White Settlers and Colored Immigrants in the British Self-governing Colonies, 1830–1910* (Ithaca, NY, 1976).

9. On "imperial formations", see Ann Laura Stoler *et al.*, *Imperial Formations* (Santa Fe, NM, 2007), pp. 8–9.

10. Beth Lew-Williams, *The Chinese Must Go: Violence, Exclusion, and the Making of the Alien in America* (Cambridge, MA, 2018), pp. 170–171.

most pertinent to the country's labor leaders and the white working class they claimed to speak for was rather: does exclusion follow the flag?

RESISTING EMPIRE BY ALIGNING WITH IT

The US victory in the Spanish-American War in 1898 and the subsequent annexation of Hawai'i and the Philippines disrupted the US labor market by subverting the nation's racialized immigration regime. The country's labor organizations, led by the AFL and the SUP, opposed both territories' annexation because neither territory could support a US white-settler population. Moreover, since the discourse surrounding depictions of Asian and Pacific Island laborers almost always described them as slaves and linked their presence with the emergence of slave systems, the SUP and the AFL argued that annexation brought with it both slave-like people and unfree labor systems under US dominion that might spread and infect the nation. Or, as the *Coast Seamen's Journal* argued, the annexation of Hawai'i and the Philippines constituted a "leak in the ship of state".[11]

In the winter of 1901/02, after the successful annexation of the Philippines and Hawai'i, the SUP, ISU, and AFL sought to insulate their membership from the peoples and practices of the new empire by extending the legal architecture of the Chinese Exclusion Act into the imperial space of the Pacific. For organized labor generally, this meant applying the Exclusion Act to the entire US imperial system in the Pacific.[12] This ensured that Chinese nationals could neither enter the empire, nor move from the empire to the US mainland. However, since exclusion disrupted the mobilization of imperial labor sources – and potentially undermined the US/China relationship – the US imperial state and its partners in private capital, as well as those with business interests in China, opposed to imperial exclusion vigorously lobbied against it, and succeeded in significantly watering down the bill. Despite the law's shortcomings, its passage solidified immigration restriction into a repertoire of imperial power or rule. Additionally, the SUP's unsuccessful call to extend exclusion to the deck of US-flagged merchant ships went even further and constituted a larger, systemic challenge to the imperial state and its partners in private capitals' efforts to make the empire work. Extending exclusion to US-flagged vessels did not just disrupt the maritime labor process; rather, it represented the expansion of the domestic US labor market by extending a critical domestic protection beyond the nation. Maritime exclusion challenged an emerging imperial division of labor that shipping companies were keen to exploit.

11. *CSJ*, 23 November 1898.
12. To Provide for the Government of the Territory of Hawai'i, Pub. L. No. 56–339. 31 Stat. 141 (1900).

Officially, both the SUP and the AFL were anti-imperialist organizations. Indeed, AFL President Samuel Gompers was a prominent member of the anti-imperialist league, formed to oppose the annexation of territories acquired in the US victory over Spain. Additionally, the journals of the SUP and the AFL were full of articles condemning the evils of imperialism. However, these condemnations did not necessarily reflect a general opposition to imperialism and expansion, but opposition to colonial-imperialism. This is because colonial-imperialism did not seem to offer white working people any tangible and foreseeable benefits.

To the SUP and the AFL, the annexation of the Philippines and Hawai'i was ultimately a question of labor, not a stepping-stone to a vast imaginary market teeming with potential consumers.[13] Instead, it was a stepping stone to a vast source of cheap labor teeming with potential "coolies", which had the potential to destabilize or disrupt the domestic US labor market. Pacific imperial expansion ripped a hole straight through the Chinese Exclusion Act. With the annexation of the Philippines came an entrenched Chinese community dating back to the Ming Dynasty.[14] With Hawai'i, the United States acquired a plantation economy worked primarily by imported Chinese contract laborers. An act meant to insulate the US labor market from Chinese immigration could collapse under the weight of an advancing imperial state that brought over 150,000 Chinese individuals under US dominion.[15] Of course, Pacific annexation also came with 8 million Filipinos/as, but labor leaders were far more concerned with the Chinese. Furthermore, the United States was not just absorbing space, but laborers and labor systems. Would the United States also annex the labor systems under which Hawaiian plantation workers toiled? Pacific annexation, therefore, would not only destabilize the domestic US labor market, but also potentially challenge the ascendency of free labor within the nation.

The SUP believed that the admission of Hawai'i would bring with it a system of labor that was at odds with the United States' domestic free labor market. In November 1897, as sugar interests in both the United States and Hawai'i raised the issue of annexation, the *Coast Seamen's Journal* told its readers that "the labor of the Islands is practically slave labor".[16] A few weeks later, the SUP argued: "If [Hawai'i is] maintained as a territory it will be under a slave system."[17] Similarly, AFL Secretary P.J. Maguire stated that

13. For the China market thesis of annexation, see Thomas J. McCormick, *China Market: America's Quest for Informal Empire, 1893–1901* (Chicago, IL, 1967).
14. Edgar Wickberg, *The Chinese in Philippine Life, 1850–1898* (London, 1965), p. 3.
15. *The Chinse Exclusion Act of 1902: Hearings on Senate Bill 2960, Day 10, Before the Comm. on Immigration,* 57th Cong. 490 (1902) (Statement of William Howard Taft, Governor of The Philippine Commission).
16. *CSJ*, 3 November 1897.
17. *Ibid*., 15 December 1897.

the principal objection to the annexation of Hawai'i was that "it would be tantamount to the admission of a slave state".[18] How exactly the SUP defined "slavery" varied. At times, they based their definition upon a more specific understanding of Hawai'i's labor laws. In this sense, they were mainly referring to the fact that, under the territory's contract labor laws, plantation owners could have their workers criminally prosecuted for breaking their contracts, not unlike in the maritime industry. Yet, more often than not, the union leadership's thinking was underpinned by a virulent racist discourse that essentialized Asians as inherently servile.

The SUP and AFL leadership's belief in the inherent servility of Asian workers colored all aspects of their thinking on the annexation of the Philippines. Hoping to prevent Philippine annexation, the SUP argued that, "[i]t is not conceivable that the country will ever give voluntary consent to the plan of annexing a multitude of Asiatic slaves and savages".[19] Again the assumption is that Filipinos (as well as the territory's Chinese residents) were slaves by their very nature. Moreover, both the SUP and the AFL quickly dismissed the possibility of reforming or altering the Hawai'i and the Philippines' labor system to make annexation more palatable.

Reforming the labor regime of Hawai'i and the Philippines was impossible because the SUP and AFL did not believe the territory could ever support free labor given its tropical location. Indeed, the SUP observed that "nowhere within the tropic zone […] has free labor maintained itself on the soil of any country".[20] Similarly, Samuel Gompers argued that "the climate of the Philippines forbids forever manual labor by Americans, as it does the planting there of [sic] American families".[21] The implications of Hawai'i' and the Philippines' tropicality immediately disqualified the islands for annexation or incorporation into the United States. Behind the SUP and the AFL leadership's understanding of the latitudinal distribution of the world's labor systems was a racialized thinking that linked climate and racial origins.

The main reason the earth's tropical zone could not support free labor was because it could not support a white population. As the SUP saw it, another key objection to annexation was "the unfitness of the Hawaiian islands [sic] as an abiding place for the American people" – and by "American", they meant white.[22] Drawing on the era's emerging "scientific" literature that entangled ideas about race, labor, and climate, the SUP argued that whites or "Anglo-Saxon's" could not live in such a tropical environment, observing

18. P.J. McGuire, "Nashville's Great Convention", *The American Federationist*, January 1898, p. 256.
19. *CSJ*, 16 November 1898.
20. *Ibid*., 3 November 1897.
21. Samuel Gompers, "The Future Foreign Policy of the United States", *The American Federationist*, September 1898, p. 138.
22. *CSJ*, 8 December 1897.

that, "looking over the world we fail to find Anglo-Saxons as a worker on the land anywhere within the tropical zone".[23] Without a white working population, the SUP argued that the islands could not support a free labor system since all "Anglo-Saxons" had ever been able to do in the tropical zone is little more "than take possessions of the people in tropical countries, leaving them to cultivate the soil".[24]

The inability of "Anglo-Saxons" to live and work in the Hawaiian Islands and the Philippines solidified the SUP and AFL leadership's conclusion that free labor could never take root – a view they believed the recent history of imperial expansion supported. Specifically, the SUP linked what they called "colonization" with the emergence of free labor in Canada, Australia, and New Zealand – three white-settler colonies that were "peopled by the mother stock", mostly working class-individuals from Great Britain.[25] Conversely, colonies acquired by "conquest" and "domination", such as the British possessions in the East and West Indies, which are "owned by the mother country, but peopled by foreign races", led to unfree labor systems.[26] The colonizer, in the case of the settler societies, worked the land, but the conqueror, according to the SUP, "does not really own the land, but the people who work it".[27] To further drive home the point about the connection between different repertoires of imperial expansion and the emergence of free and "unfree" labor, the SUP added that, "[w]e see the difference between colonization and conquest in [...] our own southern and northern states".[28] The comparison with the US South is revealing because it distills the SUP and the broader labor movement's central fear with Hawaiian or Philippine annexation – a fear similar to the one white northern workers had over Southern slavery, especially its potential expansion.

This was part of a broader transnational discourse endemic to Anglo white-settler societies that viewed Asian or Chinese laborers as nothing more than harbingers of "slavery" that would destroy the free, white-settler society. This was not about the plight of the Hawaiian contract workers or the Chinese residents of the Philippines. The SUP and the AFL were less interested in how "slavery" affected those living under it. Or, as immigration historian Mae Ngai recently argued, "slavery remained the central organizing concept of a global discourse against Chinese immigration. Americans [...] opposed the slavery of the Chinese but did not support their freedom".[29]

23. *Ibid.*
24. *Ibid.*, 3 November 1897.
25. *Ibid.*, 15 December 1897.
26. *Ibid.*
27. *Ibid.*, 8 December 1897.
28. *Ibid.*
29. Mai Ngai, "Trouble with the Rand: The Chinese Question in South Africa and the Apogee of White Settlerism", *International Labor and Working-Class History*, 91 (2017), pp. 59–78, 73. See also, Lake and Reynolds, *Drawing the Global Color Line*.

The SUP and the AFL were no different. They could never stand up for Chinese or Asian freedom because they believed slavery and servitude were their natural laboring condition. The SUP could only ever see Chinese laborers as either slaves or "perpetual aliens". [30] Additionally, both the SUP and the AFL feared the potential implications of "slavery" under US dominion. Paraphrasing Lincoln's famous quote from the eve of the Civil War, the *Coast Seamen's Journal* stated: "no country can exist part slave and part free".[31] This thinking convinced the SUP that Hawai'i's labor system would eventually find its way into the nation, and they explained exactly how this could happen.

Both the SUP and the AFL believed that there were insufficient legal barriers to prevent Hawai'i's labor system from "leaking" into the nation and pointed to a recent Supreme Court case, known as the *Arago* decision, that might even provide legal precedent to encourage such unfree labor encroachment. The SUP argued that the key to the legal continuation of Hawaii's contract labor system lay in the Supreme Court's willingness to tolerate exceptions to the Thirteenth Amendment based on "exceptional" labor arrangements. Specifically, they were referring to the Supreme Court's logic behind the *Arago* decision. To justify the penal enforcement of maritime labor contracts, the Court argued that: "From the earliest historical period the contract of the sailor has been treated as an *exceptional one*, [emphasis added] and involving, to a certain extent, the surrender of his personal liberty."[32] The SUP was worried that the *Arago* precedent could give legal sanction to Hawai'i's contract labor laws, should the court find the labor regime on the islands "exceptional". The AFL's legislative committee came to the same conclusion, pointing out that even if the Organic Act (the law that created the territorial government) incorporated Hawai'i into the laws and constitution of the United States, the *Arago* precedent ensured "there would be no legal barrier to the continuation of the slavery there existing".[33] Additionally, the SUP felt that Hawai'i might be only the beginning of such exceptions, stating in November 1898, "that the law of involuntary servitude now applying to seamen may be applied to other classes whenever deemed necessary".[34] Justice John Marshal Harlan's dissent in the case made the same point. Harlan argued, "those who seek support for extraordinary remedies that encroach upon the liberty of freemen

30. See Elliot Young, *Alien Nation: Chinese Migration in the Americas from the Coolie Era Through World War II* (Chapel Hill, NC, 2014), p. 8.
31. *CSJ*, 12 January 1898.
32. Robertson versus Baldwin, 165 U.S. 283 (1897).
33. The Organic Act., Chapter 339, 56 Congress Pub. L. No. 56–339. 31 Stat. 141 (1900); Andrew Furuseth *et al*., "Report of the Legislative Committee of the A.F. of L.", *The American Federationsist*, July 1900, p. 194.
34. *CSJ*, 23 November 1898.

will" refer to the *Arago* case.[35] While the country would eventually begin a debate over whether the constitution followed the flag, the SUP implied as early as 1898 that it did not matter. The constitution could follow the flag and tolerate apparent "unconstitutional" labor systems so long as the Supreme Court deemed those labor systems "exceptional". By February 1899, the SUP called attention to the fact that Hawaiian Supreme Court Justice and member of the Hawaiian Commission (the colonial government) Walter F. Frear "publicly declare[d] that the decision in the *Arago* case removes all doubt as to the legality of the contract labor of the islands".[36] But would these exceptions be tolerated *only* outside the nation, whether on ships or in conquered territory? Indeed, planter interests in the US South began arguing that if Hawai'i could have contract laborers, so could they.[37]

Of course, the SUP and the AFL failed to keep Hawai'i and the Philippines out of the expanding US empire. Moreover, because of the *Arago* precedent, the AFL and the SUP doubted the newly passed Organic Act – which incorporated Hawai'i into the constitution and laws of the United States – would do anything to stop its system of contract labor. However, the Organic Act at least meant an end to Chinese migration to Hawai'i since it also extended the Chinese Exclusion Act to the territory.[38]

After 1900, the AFL and the SUP saw keeping the Chinese out of the Philippines as essential to defending the US mainland from the peoples and practices of the new empire. AFL president Samuel Gompers testified before the Senate Committee on Immigration that it was the position of the American Federation of Labor that "the Chinese shall be excluded from the Philippines, and that they too, shall be excluded from coming from one insular possession of the United States to another".[39] To that end, the SUP helped organize the California Exclusion Commission to lead the fight in Washington for a more geographically expansive exclusion law, with SUP secretary and ISU president Andrew Furuseth as a key member.

The emerging domestic class struggle over the United States's imperial boundaries held profound consequences for the subjects of the US empire. If the SUP, the AFL, and the California Exclusion Commission were successful, extending exclusion to US imperial formations would limit Chinese residents' freedom of movement within the empire. Additionally, this would

35. Robertson versus Baldwin, 165 U.S. 302 (1897); John C. Appel "American Labor and the Annexation of Hawaii: A Study in Logic and Economic Interest", *Pacific Historical Review*, 23 (1954), pp. 1–18, 13.
36. *CSJ*, 8 February 1899.
37. John C. Appel, "American Labor and the Annexation of Hawaii", p. 13.
38. The Organic Act, Chapter 339, 56 Congress Pub. L. No. 56–339. 31 Stat. 141 (1900).
39. *The Chinese Exclusion Act of 1902: Hearings on Senate Bill 2960, Day 6, Before the Comm. on Immigration,* 57th Cong. 269 (1902) (Statement of Samuel Gompers, President of the American Federation of Labor).

disrupt a crucial network of transnational Chinese migration between China and the Philippines that had existed for centuries. China's imperial commissioner, Prince Ch'ing, pointed this out in a protest against the law with the US State Department, stating that Chinese subjects had been migrating to the Philippines since "the time of the Ming Dynasty".[40]

The SUP and AFL's insistence on excluding Chinese laborers from the Philippines altered the United States' repertoire of rule in the territory. Firstly, it would override the authority of the Philippine Commission to control immigration into the colony. Secondly, it would disrupt the ability of investors and industrialists to mobilize a source of labor they deemed essential to develop the islands. This represented two competing visions of colonial rule that corresponded to specific class interests. Organized labor's need to insulate its members from the peoples and practices of the empire shaped its desired repertoire of rule. On the other hand, representatives from private industry unsurprisingly favored a repertoire of rule that would allow them to better profit off the empire.

We can see these alternative visions of rule in the three incarnations of the exclusion bill between December 1901 and its eventual passage in May 1902. The first two incarnations of the bill, written as if Pacific annexation never happened, were manifestations of the Roosevelt administration, the colonial government in the Philippines, and US corporations and individuals looking to invest in the new territory.[41] This meant that neither bill would prevent Chinese immigration to the Philippines or curtail their freedom of movement within the empire, or to the United States mainland.[42] Almost immediately, the AFL, the SUP, and the California Exclusion Commission condemned the first version of the bill as unsatisfactory.[43] The second version of the bill was particularly troubling to the SUP and the AFL because of the possibility that the 1904 expiration of the Gresham-Yang Treaty – in which the Chinese government reluctantly gave a ten-year blessing to the 1892 Exclusion Act – could void the new law entirely.[44] If China and the United States failed to renew a treaty, or if they renegotiated the treaty under terms more favorable to the Chinese government, the SUP and the AFL feared that exclusion could permanently end or be weakened by 1904.

The idea of simply renewing the current law until the Gresham-Yang Treaty expired reflected Congress's attempts to assuage the fears of US industrialists with business interests in China. Indeed, for many US industrialists, a key benefit of Philippine annexation was that it provided a stepping stone to

40. H.R. Doc. 57–562, at 2 (1902).
41. Andrew Furuseth and Thomas F. Tracy, "The New Chinese Exclusion Law", *The American Federationist*, June 1902, p. 278.
42. *Ibid.*
43. *Ibid.*
44. *Ibid.*

greater access to the China market.[45] A new exclusion law potentially threatened this access. Americans with interests in the China trade mobilized under the American Asiatic Society and the American Association of China. John Foord, representing both organizations, told Congress the people he represented felt strongly that "no substantive legislation shall be had while the present treaty [the Gresham-Yang Treaty] is in force".[46] Instead, he advocated for merely extending the "present law […] so that the expiration of the law and the treaty may coincide".[47] Foord argued that "the great trade" with China could be "seriously endangered" with a new, more expansive exclusion law "by driving" [the Chinese government] to some measure of retaliation or by compelling them to adopt an attitude of resentment and opposition of the United States".[48] Such resentment, he reminded Congress, could undermine the United States's "most favored-nation" status with the Chinese government and, therefore, affect US business access to the China market.[49]

Dissatisfied with both versions of the bill, the AFL, in cooperation with the California Exclusion Commission's lobbying committee, drafted a version that reflected the interests of organized labor. The Federation bill, as it became known, sought to extend the Exclusion Act to the Philippines, prevent Chinese residents of the colony from moving between island territories, and, most importantly, prohibit the migration of Chinese residents of the island empire to the United States mainland.

For the SUP, the most important feature of the Federation bill was a clause that extended the Exclusion Act to the deck of US-flagged merchant ships in the foreign trade. If the bill was successful, American sailors would finally have the same protection against Chinese competition as workers within the nation. Without such protection, the SUP and the ISU feared that white Americans would be driven from the Pacific maritime trade altogether. Or, as Furuseth himself told Congress, the Chinese "simply absorb the trade and drive us out".[50] This prompted *Coast Seamen's Journal* editor Walter

45. McCormick, *China Market*, 107; see also, James Lorence, "Organized Business and the Myth of the China Market: The American Asiatic Association, 1898–1937", *Transactions in the American Philosophical Society*, 71 (1981), pp. 1–112, 19; Matthew Fry Jacobson, "Annexing the Other: the World's Peoples as Auxiliary Consumers and Imported Workers: 1876–1917", in James T. Campbell *et al.* (eds), *Race, Nation, and Empire in American History* (Chapel Hill, NC, 2007), pp. 103–130, 109.

46. *The Chinese Exclusion Act of 1902: Hearings on Senate Bill 2960, Day 1, Before the Comm. on Immigration,* 57th Cong. 10 (1902) (Statement of John Foord of the American Asiatic Association and the American Association of China).

47. *Ibid.*

48. *Ibid.*, p. 11.

49. *Ibid.*

50. *Ibid., Day 5, Before the Comm. on Immigration,* 57th Cong. 243 (1902) (Statement of Andrew Furuseth, President of the International Seamen's Union of America).

MacArthur to state: "The time has come when the people of the United States must decide whether or not the American people are going to be predominant on […] the Pacific Ocean."[51] Behind MacArthur's and the SUP leadership's understanding of control of the seas was the logic of white-settler colonialism. Obviously, the world's oceans are not territory to be occupied or settled in the same way as land. People do not settle the ocean, nor do they set up farms, homesteads, or even political units upon it. While it may not be possible to occupy or settle an ocean, it is possible to occupy the jobs and vessels that traverse the sea. At any given moment, there were hundreds of thousands of workers laboring afloat the world's oceans.

Though the AFL and the Exclusion Commission were able to introduce a bill that reflected the interests of labor, getting a fully formed version of the bill passed was another matter. From the perspective of US capital interests looking to invest in the Philippines, the new exclusion law was bigger than immigration restriction or repertoires of colonial governance. The law evinced labor leader's ability to place limitations on US capital outside of the nation; in this case, its access to its desired pool of labor.

Shipping companies, in particular, could not abide labor leaders forcing legislative limitations on their behavior beyond the nation, which, in this instance, would disrupt the imperial labor process. After all, the allure of empire was based partly on the notion that US businesses could operate with the support of the state but beyond the reach and agitation of domestic organized labor. For instance, Pacific Mail Steamship Company director Maxwell Evarts implied that US labor organizations had no right to interfere with the development of the Philippines. "What interest, gentlemen, what earthly interest, has the Federation of Labor [referring to the AFL] in the Philippines", an exasperated Evarts roared before the Senate Committee.[52] "Capitalists" such as Evarts could live with an exclusion law that prevented Chinese subjects in the empire from migrating to the continental United States since it did not affect their ability to recruit and mobilize labor in US imperial formations. However, extending the law to the Philippines would restrict the colonial government's ability to meet any potential labor shortages.

For organized labor generally, the committee added two key amendments that the AFL argued were devastating because they gave anti-exclusionists significant loopholes. Firstly, Senator Thomas Platt of New York – also a shareholder in the China American Development Company – offered a substitute into the bill (known as the Platt Substitute) that added the language, "not

51. *CSJ*, 12 February 1902.
52. *The Chinese Exclusion Act of 1902: Hearings on Senate Bill 2960, Day 8, Before the Comm. on Immigration,* 57th Cong. 359 (1902) (Statement of Maxwell Evarts, Director of the Pacific Mail Steamship Company).

inconsistent with treaty obligations".[53] This potentially voided the legislation if China and the United States failed to renew the Gresham-Yang Treaty in 1904. Moreover, the AFL argued that the Platt Substitute could open the flood gates to Chinese migration from British Hong Kong since the United States's current treaty with Great Britain (which allowed for open migration) governed immigration from the colony.[54] Finally, in what would prove to be a devastating setback for the SUP and the ISU, maritime exclusion was stricken from the bill entirely.

Maritime exclusion had consequences beyond the shipping industry because it presented a larger, systemic challenge that disrupted an emerging imperial division of labor that had no place for white working-class Americans in US imperial formations. In contrast, exclusion that simply protected the nation from the peoples and practices of the empire did not challenge this division of labor. In fact, it actually affirmed it by creating and differentiating two distinct labor spaces, one imperial and in various levels of unfreedom, the other domestic and mostly free. Former Senator John M. Thurston explained this division of labor during his Senate testimony. However, he attributed its existence to climate, arguing that in the Philippines, "[t]he Caucasian can become the merchant, he can become the railroad manager, he can become the banker, the lawyer, the doctor, but he can not [sic] labor in that climate".[55] Though extending exclusion to the Philippines disrupted the colonial state's ability to mobilize and import labor, it did not necessarily disrupt the emerging racialized imperial division of labor. The alternative to Chinese labor in the Philippines was, of course, Filipino labor, not white labor from North America. Pacific Mail Steamship Company director Maxwell Evarts alluded to this racialized division by arguing that there would never be American laborers in US imperial formations, stating, "[t]he Americans who go to the Philippine Islands will be the leaders, the captains of labor, the men with money, the men who have the sinews of war, and the power to make others do the work".[56] Though he does not state it explicitly, Evarts' characterization of the type of American who "works" in the empire could also apply to the direction he was taking the Pacific Mail Company, where white Americans command, manage, or administer, and non-white foreign labor does the "work". ISU President Andrew Furuseth pointed this out as well, stating, "[t]he only white men they

53. Furuseth and Tracy, "The New Chinese Exclusion Law", p. 286; Lorence, "Organized Business and the Myth of the China Market", p. 13.

54. Furuseth and Tracy, "The New Chinese Exclusion Law", p. 283.

55. *The Chinese Exclusion Act of 1902: Hearings on Senate Bill 2960, Day 9, Before the Comm. on Immigration,* 57th Cong. 383 (1902) (Statement of John R. Thurston, Representative of US Business Interests in the Philippines and China).

56. *Ibid., Day 8, Before the Comm. on Immigration,* 57th Cong. 359 (1902) (Statement of Maxwell Evarts, Director of Pacific Mail Steamship Company).

[the Pacific Mail Steamship Company] carry are the captain, the first mate, the second mate, and third mate".[57] By attempting to move toward an all-Chinese crew commanded by white officers, Evarts (and the rest of the West Coast shipping lines) actively sought to create the same division of labor that was emerging in other US imperial formations.

Shipping executives like Evarts sought a crew of subjects who lacked access to the institutions of US labor and democracy. Foreign Chinese sailors were as much subjects of an emerging US imperial system as Filipino and Chinese residents of the Philippines, though they were imperial rather than colonial subjects.[58] Indeed, China may not have been a US colony, but the United States did have an imperial relationship with the Middle Kingdom. The United States never directly ruled over Chinese territory (though it did rule over Chinese people), but as long as workers from China labored onboard US-flagged vessels, they fell under the direct influence, control, and domination of a crucial economic institution of US empire. The ISU and the SUP's push for maritime exclusion frustrated shipping company executives' move toward a crew of subjects.

This would subvert the emerging division of labor and incorporate the foreign maritime trade into an emerging US national/metropolitan space by integrating it within the US domestic labor market. Since maritime exclusion offered white American sailors an essential privilege and protection enjoyed by workers within the nation, it was the first step in moving the foreign trade from an imperial labor formation to a domestic or national labor formation. This definition of the domestic is consistent with April Merleaux's recent work, who argued that any potential expansion of the domestic realm came with a strong desire to exclude non-whites from "the boundaries of national belonging".[59] Though in the case of the merchant marine, domestic expansion meant the physical removal of non-whites. Maritime exclusion, therefore, created a space for white working-class Americans to labor in the empire by neutralizing the racial competition that came with it. Shipping companies, as well as any form of capital with interests in US imperial formations, could not allow this because of its financial consequences.

For instance, the House Committee on Foreign Affairs did not consider US-flagged ships to be part of the country or nation and aimed to keep it that way. The emerging US imperial system would be more expensive to operate if Congress forced shipping companies to hire only white sailors. Indeed,

57. *Ibid., Day 5, Before the Comm. on Immigration,* 57th Cong. 246. (1902) (Statement of Andrew Furuseth, President of the International Seamen's Union of America).

58. On imperial and colonial subjects, see Carole McGranahan, "Empire Out of Bounds: Tibet in the Era of Decolonization", in Ann Laura Stoler *et al.* (eds), *Imperial Formations* (Santa Fe, NM, 2007), pp. 173–210, 174.

59. April Merleaux, *Sugar and Civilization: American Empire and the Cultural Politics of Sweetness* (Chapel Hill, NC, 2015), p. 31.

forcing US business operations in the Philippines to hire Filipinos instead of imported Chinese contract labor was not ideal, but it would not affect the bottom line to the extent that white sailors would. The importation of Chinese contract labor was not about reducing costs but the perceived absence of surplus labor, particularly skilled labor, among the working population of the Philippines. As Philippine Governor William Howard Taft told the Senate Committee, without Chinese labor, "I do not think there will be a sufficient supply of skilled labor" to develop the territory's manufacturing sector.[60] This was not ideal for US firms looking to invest in the Philippines, but it would not necessarily affect their bottom line to the extent that shipping companies claimed white sailors would. According to Captain William Brownell Seabury, of the Pacific Mail Company, white sailors cost thirty-five dollars per month, whereas Chinese crews cost fifteen dollars or less.[61] If shipping companies employed only white sailors in a domestic labor context, the costs of shipping goods from the Philippines to the United States (or anywhere else) would significantly increase, and the empire would be more expensive to operate on a systemic level.[62] Maxwell Evarts called any law that forced US shipping lines to hire white crews on routes between the West Coast and the Far East as tantamount to a "tax on American commerce […]".[63] As a result, the House committee rejected the domestication of the foreign trade, and thus the maritime exclusion clause, stating: "We regard this provision as foreign to the purpose of the bill, which is to prevent the entry of Chinese into this country."[64] This implied that US-flagged ships in the foreign trade were not part of the country.

Moreover, the Foreign Affairs Committee concluded that maritime exclusion would be detrimental to efforts aimed at reviving the US merchant marine. The committee's report on the Federation bill pointed out that applying Chinese exclusion to US ships would "compel steamships that now float the American flag to take British registry", arguing that "this is not the way to build up our merchant marine, for which there is so great a demand".[65] Even if maritime exclusion were successful, US shipping companies could adapt to the disruption by moving their ships beyond Congress's jurisdiction

60. *The Chinese Exclusion Act of 1902: Hearings on Senate Bill 2960, Day 10, Before the Comm. on Immigration,* 57th Cong. 491 (1902) (Statement of William Howard Taft, Governor of The Philippine Commission).
61. *Ibid.*, *Day 9, Before the Comm. on Immigration,* 57th Cong. 364 (1902) (Statement of William Brownell Seabury, Ship Captain of the Pacific Mail Steamship Company).
62. *Ibid.*
63. *Ibid.*, *Day 1, Before the Comm. on Immigration,* 57th Cong. 26 (1902) (Statement of Maxwell Evarts, Director of the Pacific Mail Steamship Company).
64. Committee on Foreign Affairs, The Chinese Exclusion Act of 1902, H.R. Rep. No. 57–1231, at 2 (1902).
65. *Ibid.*

and into British registry. The failure of maritime exclusion meant that US shipping companies continued their shift to foreign Chinese sailors.

Despite the SUP and the AFL's insistence, the shortcomings of the 1902 exclusion law never materialized into the catastrophic consequences they imagined. The 1902 Exclusion Act extended the law to the Philippines and prevented the United States's Chinese subjects from migrating to the US mainland. Platt's amendment did not open the floodgates for Chinese migrants from Hong Kong, nor did the Gresham-Yang Treaty's expiration in 1904 lead to open immigration by voiding existing exclusion legislation. However, where the AFL succeeded in protecting its members from US colonial and imperial labor markets, the ISU and the SUP failed. Why did the ISU fail where the AFL succeeded? The key difference was that the ISU represented workers in an industry that was both transnational and operationally mobile, whereas broader US industry was not. At least not yet. The transnational and operational mobility of US shipping capital largely immunized the industry from the SUP's efforts at labor market insulation – such as the Chinese Exclusion Act – and government regulation. In the meantime, new challenges emerged for West Coast workers. Organized labor's 1902 victory proved short-lived as forces within the Roosevelt administration and its allies in private business began working on ways to subvert the spirit of the exclusion law. The class struggle over the boundaries of the US imperial system continued.

ENFORCING IMPERIAL BORDERS

After organized labor succeeded in extending exclusion to the Philippines (though not to US-flagged vessels), the imperial state and private capital sought to reassert their control over the boundaries of the US imperial system by modifying exclusion in both nation and empire. To that end, the Roosevelt administration tried to weaken the law by transferring its enforcement mechanism outside the nation and into US imperial formations. Organized labor responded by calling for a more rigid exclusion law that excluded all Chinese individuals by abolishing the notion of the exempted classes. This new rigidity on the part of organized labor further reoriented exclusion by re-imagining it as a legal garrison that protected not just US workers but US civilization. The SUP viewed any attempt to water down the act's enforcement or placate the Chinese imperial government's objections to it as a surrender of US imperial sovereignty to China for the sake of mercantile interests.

In the fall of 1902, a report commissioned by the War Department reflected an emerging strategy on the part of anti-exclusionist interests to subvert the spirit of the 1902 law. Written by Professor Jeremiah Jenks, an economist at Cornell University, the report echoed critiques by Governor Taft, arguing that the development of the Philippines was contingent upon the importation

of at least some Chinese "coolie" labor.[66] The report agreed with Governor Taft's testimony earlier in the year that recommended empowering the Philippine Commission to legislate the admission of Chinese laborers into the territory.[67] Though Jenks stopped short of opening the floodgates, and set specific guidelines for the importation of Chinese "coolies", limiting them to employers of "not less than 25 laborers", and limiting the contracts to a "period of not over three years".[68] Despite the restrictions placed on the importation of Chinese "coolies", the report's recommendations subverted the intentions of the new exclusion law. By recommending the Philippine Commission as the arbiter of Chinese immigration to the Philippines, Jenks's proposal effectively would move the law's enforcement mechanism outside the nation and the legislative branch and beyond the reach of organized labor's scrutiny. Such an arrangement would allow the Philippine Commission the means to directly respond to the labor needs of US firms operating in the colony. Jenks's proposed changes to the Exclusion Act's enforcement would prove prescient. Over the next five years, the Roosevelt administration's efforts to modify the exclusion law more often than not involved placing key elements of the law's enforcement mechanisms outside the nation.

The AFL and the SUP rejected the veracity of Jenks's report. Samuel Gompers argued that Jenks's assumption that there was insufficient labor in the Philippines was false and that the better way forward in developing the archipelago was the "gradual training and elevation of the Filipino laborers".[69] The AFL president added that "with Chinese labor in the Philippines it will be almost impossible to prevent its coming into competition with American labor at home".[70] The SUP echoed Gompers, stating that "to permit the immigration of Chinese labor to the Philippines or Hawaii would be unjust and dangerous to the Filipino, Hawaiian, and American".[71]

Whether the AFL and the SUP truly cared about the plight of Hawaiians and Filipinos is difficult to determine, especially given how both organizations described Filipino workers as an inherently servile race of "semi-barbaric" "savages".[72] Instead, the AFL and the SUP were likely projecting their specific views and fears of Chinese immigration onto Filipino workers. As historian Clark L. Alejandrino pointed out, Filipinos did not take issue with the immigration of Chinese laborers but with Chinese merchants, who still could enter

66. *CSJ*, 24 December 1902; Jeremiah Jenks, *Report on Certain Economic Questions in the English and Dutch Colonies in the Orient* (Washington, DC, 1902), p. 159.
67. Jenks, *Report on Certain Economic Questions…*, p. 159.
68. *CSJ*, 24 December 1902; Jenks, *Report on Certain Economic Questions…*, p. 159.
69. *CSJ*, 24 December 1902.
70. *Ibid.*
71. *Ibid.*
72. Gompers, "The Future Foreign Policy of the United States", p. 138; *CSJ*, 16 November 1898.

the Philippines under the 1902 law.[73] Like the previous exclusion laws of 1882 and 1892, the 1902 law only restricted the entry of Chinese "laborers". Whether Gompers was sincere in his statement of solidarity with Filipinos or not, making common cause with Filipino workers (if only abstractly) made sense since it helped insulate labor leaders from charges of racism and xenophobia toward the Chinese. This was about protecting Filipinos whose livelihoods potentially were threatened by the same capitalists that recently gushed to Congress over Chinese labor's role in developing the US West Coast. Indeed, American capitalists looking to invest in development projects in the Philippines spent most of their Congressional testimony complaining about Filipinos' work ethic; the Jenks report had come to the same conclusion.[74] It was the same argument shipping capital used to justify their move toward Chinese crews; white labor was too scarce and often unreliable. Whether for or against Chinese labor in the Philippines, Filipinos were a rhetorical pawn in the United States' domestic class struggle for control of US imperial borders.

After the controversy surrounding the Jenks report subsided, anti-exclusionists saw an opportunity to permanently weaken the entire legal apparatus of restriction after the Gresham-Yang treaty expired in 1904. Officially, the 1902 exclusion law did not prevent diplomats, students, merchants, and tourists from entering the US. However, since the late 1890s, US immigration officials often refused to acknowledge exempted class distinctions. Increasingly, Chinese merchants and students with "certified exemptions" were subject to harassment and even deportation.[75] The more stringent enforcement mechanism was the result of former Knights of Labor head, and prominent exclusionist, Terence Powderly's appointment as Commissioner of Immigration by President McKinley in 1897.[76] Additionally, anti-exclusionists were alarmed by the 1905 boycott of US products by the Chinese diaspora to protest US immigration officials' refusal to recognize exempted class certificates.[77]

The 1905 boycott of American products caused great concern among Americans with business interests in China. For instance, in 1907, the Commerce Department's annual report to Congress noted that though the boycott could have been much worse, "the degree to which American

73. Clark L. Alejandrino, *The History of the 1902 Chinese Exclusion Act: American Colonial Transmission and Deterioration of Filipino-Chinese Relations* (Manila, 2003), p. 39.
74. *CSJ*, 24 December 1902; Jenks, *Report on Certain Economic Questions…*, p. 157.
75. Paul A. Kramer, "Imperial Openings: Civilization, Exemption, and the Geopolitics of Mobility in the History of Chinese Exclusion", *The Journal of the Gilded Age and Progressive Era*, 14 (2015), pp. 317–347, 326.
76. *Ibid.*
77. *Ibid.*, p. 333.

commercial interests in China are menaced, is not to be overlooked".[78] The report also noted that US exports to China fell from 53 million in 1905 to 44 million in 1906, and 26 million in 1907.[79] Though the report did state that this was not wholly to do with the boycott, especially since 1905 was a particularly fruitful year for US/China trade. Yet, the report ultimately concluded that: "So large a decline […] as a drop in our exports to that country of from 53 to 26 millions [sic] (50 per cent) in two years is sufficiently startling to challenge the attention of legislators and statesmen."[80] The 1907 report reflected growing concerns among US businesses with an interest in the China trade that the exclusion law's enforcement mechanism was damaging trade between the two countries. All the while, the Roosevelt administration was facing mounting pressure to deal with the overly harsh enforcement measures directed at exempted class Chinese nationals trying to enter the United States. Initially, the White House responded by "modifying" the enforcement of the exclusion law to ensure that exempted-class Chinese were not subject to humiliating treatment.

The SUP interpreted Roosevelt's Modification Order as an attempt by the administration to wrest control of exclusion from organized labor's influence. Though organized labor did not get everything it wanted with the 1902 law, its successful enactment demonstrated to anti-exclusionists the influence labor could mobilize in Congress, especially in the House of Representatives. The key problem that the SUP and the AFL had with Roosevelt's modifications was the fact that it was issued as an executive order through the Department of Commerce and Labor, "without any real regard to the views of congress [sic]".[81] In addition, the SUP took issue with the part of the order that required immigration officials in the United States to "accept the certificates of diplomatic or consular agents as prima facie proof of the right of Chinese to the admission of the United States".[82] The SUP argued that this change constituted a "surrender of the whole act to the mercantile interests in China, since it is well known that these agents are practically the representatives of the commercial class in their respective localities".[83] This would transfer the entire enforcement mechanism of exclusion outside the nation to US consuls in China.

Whether organized labor had allies such as Powderly running the Commission of Immigration or not, the Modification Order transformed the office into little more than a rubber stamp on decisions made by US consular officials abroad. With the Modification Order, the Roosevelt

78. Annual Report of the Secretary of Commerce and Labor, H.R. Rep. No. 60–7, at 16 (1907).
79. *Ibid.*, p. 17.
80. *Ibid.*
81. *CSJ*, 28 June 1905.
82. *Ibid.*
83. *Ibid.*

administration did an end-run around organized labor's influence by issuing it as an executive order rather than a formal legislative change through Congress. Moreover, Roosevelt instructed immigration officials in the United States that harsh enforcement of the law no longer would be tolerated.[84] The SUP argued that the modifications meant that any "discourtesy" shown toward Chinese persons "will be cause for immediate dismissal".[85] Such language appalled the SUP, which asserted that the administration cared more about mercantile interests and the sensitivities of exempted Chinese than it did about protecting the American working man. By September of 1905, organized labor's outrage became so acute that Roosevelt met with Samuel Gompers and offered his assurances that the modifications were meant only to protect the exempted classes.[86] Gompers said he understood the administration's concerns, but explained to Congress a year later that he told the President the problem was that "there were very few [Chinese nationals] who come here who are really bona fide merchants and students".[87] Roosevelt's reassurance did not assuage the SUP's concerns.[88] By manipulating the enforcement mechanism of restriction, the SUP argued that the administration's actions constituted a "virtual repeal of the Exclusion Act".[89]

The SUP responded to the Modification Order by assuming a more rigid position on restriction that went beyond the idea that Chinese laborers were merely a threat to the domestic labor market to a more totalizing racialization that portrayed their continued presence in the nation (whether they were laborers or not) as a threat to US civilization. This change makes sense given that the exempted classes were now viewed as a back door for mass Chinese immigration to the United States, whether from China or US Pacific imperial formations. Before the Modification Order, the SUP's argument – though always racialized – against Chinese immigration emphasized the unfair labor competition Chinese immigrants brought upon white American laborers. The SUP, and other labor organizations, such as the AFL, argued that the admission of Chinese immigrants created a race to the bottom for wages. For white labor to compete, they would have to accept lower and lower wages until they were barely subsisting or left the trade or industry altogether. The SUP had been making this same argument to Congress since the late 1890s, when US shipping companies began using Chinese crewed merchant vessels, maintaining that the continued hiring of Chinese crews would bring down wages to the point where white sailors

84. Kramer, "Imperial Openings", p. 337.
85. *CSJ*, 28 June 1905; Kramer, "Imperial Openings", p. 337.
86. *CSJ*, 6 September 1905.
87. *Hearings on H.R. 12973, Day 4, Before the Comm. on Foreign Affairs,* 59th Cong. 150 (1906) (Statement of Samuel Gompers, President of the American Federation of Labor).
88. *Ibid.*
89. *CSJ*, 28 June 1905.

would simply leave the trade on their own.[90] Indeed, race was an important component of this argument. For example, the SUP opined that because the Chinese could subsist on rice alone, they were better able to tolerate such low wages.[91] Nevertheless, the emphasis was on economic competition.

To maintain their control over the boundaries of the US imperial system, organized labor, led by the SUP, called for a far stricter exclusion law. By seeing the exempted class modifications as the new threat, the SUP shifted its thinking to emphasize racial inferiority far more than economic competition, calling for the total exclusion of Chinese immigrants to the United States by abolishing the notion of exempted classes altogether. In June 1905, the SUP argued, "there is no visible difference between any two classes of Chinese".[92] Prior to the Modification Order, the SUP and organized labor never liked the idea of exempted classes, but they did not view them as a significant threat. Especially since Immigration Commissioner Terence Powderly tended to ignore them between 1897 and 1905.[93] Focusing on race rather than economic competition had the added benefit of portraying Chinese immigration as a threat to every American, rather than just laborers. The SUP's shift in strategy to a more totalizing racialization is consistent with the broader pattern and evolution of anti-Chinese sentiment in Pacific Rim settler colonies.[94] Publicly, this was no longer just about protecting American jobs, but about "preserving this continent to the American people […]".[95] In 1906, Andrew Furuseth, in his new capacity as Vice President of the Asiatic Exclusion League, told Congress that "if Mongolians are permitted to come […] there is no escape from the fact that they will drive the Caucasian back over the Rockies".[96]

A year later, when exclusion opponents made a more ambitious attempt to move the enforcement mechanism even further beyond the influence of organized labor, the SUP argued it constituted a US surrender to China. The SUP was reacting to a new exclusion bill, known as the Foster bill, introduced by congressman David Foster in January of 1906. If the Modification Order was a "virtual repeal" of the Exclusion Act, the SUP argued that the Foster bill was a "total repeal", with "American sovereignty surrendered to China".[97] The key clause to which the SUP referred was section eight of the proposed bill.

90. *Ibid*., 3 August 1898.
91. *Ibid.*, 18 June 1902.
92. *Ibid.*, 28 June 1905.
93. Kramer, "Imperial Openings", p. 326.
94. Olssen, "The New Zealand Labour Movement and Race", p. 381.
95. *CSJ*, 28 June 1905.
96. *Hearings on H.R. 12973, Day 4, Before the Comm. on Foreign Affairs,* 59th Cong. 167 (1906) (Statement of Andrew Furuseth, Vice President of the Japanese and Korean Exclusion League).
97. *CSJ*, 14 February 1906.

Section eight contained two changes to the Exclusion Act that the SUP viewed as potentially voiding the entire concept of exclusion while also transferring much of that enforcement mechanism to the Government of China. Firstly, the bill sought to change the language of exemption to sound more expansive. Instead of excluding all Chinese except the exempted classes of students, diplomats, merchants, and travelers, the Foster bill reversed this policy by admitting "all Chinese persons other than laborers".[98] This reflected an effort by the Roosevelt administration to give legislative authority to the Commerce Department's Modification Order. In his State of the Union message of December 1905, Roosevelt told Congress that: "Our laws and treaties should be framed so as not to put these people in excepted classes, but to state that we will admit all Chinese, except Chinese of the coolie class [and] Chinese skilled or unskilled laborers."[99] While the difference may seem subtle, the new language shifted the emphasis to be less about whom to *exclude* and more about whom to *include*, moving the burden of proof from Chinese individuals entering to US immigration officials. As Gompers testified during the Foster Bill hearings, if the "bill should pass [...] the burden of proof to show that a Chinaman had no right to come to the United States, would devolve to our Government".[100] Moreover, Gompers pointed out that this would be next to impossible for government officials since they were unlikely to go to China and investigate.[101]

The other key problem with the Foster bill was that it both transferred the policing of US imperial boundaries outside the nation (beyond the influence of organized labor) and gave the Chinese government a critical role in enforcing US immigration law. This rolled back a twenty-year precedent Congress set in 1888, when it passed an expanded version of the 1882 Exclusion Act unilaterally, without the approval of the Chinese government.[102] The Foster bill compelled US immigration officials to admit Chinese immigrants based on passports "issued by the officer duly authorized [...] by the Government of China [...]".[103] The SUP argued that this clause grants "to China the absolute right and final authority to say who shall and who shall not enter the United States [...]".[104] This, the SUP and the recently formed Asiatic Exclusion

98. A Bill to Prohibit the Coming of Chinese Laborers into the United States and Other Purposes., H.R. 12973, 59th Cong. (1906); *CSJ*, 21 February 1906.
99. Theodore Roosevelt, State of the Union Message, 5 December 1905, The American Presidency Project. Available at: https://www.presidency.ucsb.edu/documents/fifth-annual-message-4; last accessed 6 September 2016).
100. *Hearings on H.R. 12973, Day 4, Before the Comm. on Foreign Affairs,* 59th Cong. 149 (1906) (Statement of Samuel Gompers, President of the American Federation of Labor).
101. *Ibid.*
102. Lew-Williams, *The Chinese Must Go*, p. 171.
103. A Bill to Prohibit the Coming of Chinese Laborers into the United States and Other Purposes, H.R. 12973, 59th Cong. (1906); *CSJ*, 21 February 1906.
104. *CSJ*, 14 February 1906.

League opined, was a "plain relinquishment to China of the sovereignty of the United States".[105] If the bill passed, the consequences could be devastating to the US hold on western North America, the SUP argued. Exclusion, the SUP posited, made it possible for the "white race to remain in California; without the act, the glorious golden state, by nature the richest and most beautiful state in the Union, would today be a colony of China".[106] This thinking reframed the Exclusion Act as a legal garrison, protecting not just white American workers, but the continued presence of American civilization on the western half of the North American continent and the Pacific. Luckily for the SUP, the Foster bill ultimately came to nothing. The Roosevelt administration and anti-exclusionist business interests may have been able to modify the legislation through executive action but getting a new bill through Congress was a tall order given organized labor's greater influence within the legislative branch.

Whether or not Roosevelt's modifications had an effect on the rate of Chinese immigration into the United States is almost beside the point. At bottom, this was a class struggle over who controlled and policed the emerging borders of the US imperial system. The legislative route meant that organized labor could have a significant amount of influence and control over the United States border. Whereas the administration, big business, and other anti-exclusionists learned that whatever organized labor managed to get through Congress, executive orders could significantly weaken any laws concerning US border control championed by the country's labor leaders – so much so that proponents of exclusion viewed executive modifications as a "virtual repeal".

CONCLUSION

Domestic class conflict affected US imperial expansion by shaping the boundaries of the US imperial system. The imperial state and its partners in private capital's mandate to make the empire work was in sharp contrast to organized labor's mandate to ensure the empire did not work against its interests. The SUP, ISU, and the AFL all opposed the annexation of the Philippines and Hawai'i in 1898. Yet, by insisting on protection from certain parts of the emerging imperial system, labor leaders became de facto imperialists by creating a privileged and protected position within an emerging imperial hierarchy. The SUP and the ISU tried and failed to take this further by demanding this protection extend to white working-class Americans who labored within the empire onboard US-flagged vessels. This challenged an emerging imperial division of labor that had no place for white working-class Americans in US

105. *Ibid.*
106. *Ibid.*, 21 February 1906.

imperial formations. Shipping company executives preferred a crew of racialized subjects who lacked access to the institutions of US labor and democracy.

The ensuing struggle over the enforcement of the 1902 Exclusion Act saw the imperial state and private capital attempt to move the enforcement mechanism of exclusion into the empire, outside the reach and agitation of organized labor. The SUP and the ISU responded by taking a more rigid position on exclusion, calling for the abolition of the exempted classes by painting Chinese immigration as a threat to American civilization rather than just white American laborers. As a result, the SUP and the ISU perceived any weakening of the act as a surrender of US imperial sovereignty to US mercantile interests or the Chinese government. Though the fight would continue for exclusion laws that "actually excluded", the struggle over the boundaries of the US imperial system created the basis for an imperial metropole to take shape on the North American continent. Labor leaders were far from the principal beneficiaries or advocates of US imperial expansion. Nevertheless, their efforts to resist the effects of US imperial expansion made them important and complicit players in its execution.