

**Soil, Sovereignty, and Belonging: Land Ownership as the Political Terrain of
American Citizenship in the Nineteenth Century**

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Introduction: The Grounds of Belonging

When people first look at the scan of the original document of the 1790 Naturalization Act, one cannot help but notice the other half of the title that was stricken out – “to enable Aliens to Hold Lands under certain Restrictions.”¹ At first glance, it seems counterintuitive to have land-holding in connection with a uniform standard of naturalizing citizens. What does citizenship have to do with owning land? It is obvious that citizenship requires loyalty to the abstract notion of the land, namely the country, but the tangible ownership of land and working on it seems irrelevant.

Traditional scholarship explains citizenship through social and cultural constructs. For example, Professor Barbara Young Welke, in her book *Law and the Borders of Belonging*, delineates how the founding ideals of America and its people are legally shaped in racialized, abled, and gendered terms. “Able, white male” is the positive definition of American citizenship, a projection of the belief of the Founding Fathers – a definition of “Personhood” as one’s ownership of one’s person, body, and labor, and the interplay of it with “citizenship.” Her analysis shows the power of the “ideal” type of citizens who could historically enjoy the legal privilege that the continuous legal enforcement helped to sustain and consolidate the ideal into the identity of “Americans,” while marginalizing, excluding, and subordinating the racialized others, women, and disabled persons. From the Constitution, state laws,

¹ “H. R. 40, Naturalization Bill, March 4, 1790: U.S. Capitol - Visitor Center.” H. R. 40, Naturalization Bill, March 4, 1790 | U.S. Capitol - Visitor Center. Accessed April 24, 2026. <https://www.visitthecapitol.gov/artifact/h-r-40-naturalization-bill-march-4-1790>.

and court cases, the rationale has not changed much in excluding the groups targeted as unfit for American citizenship.²

Furthering the notion of race, Professor Matthew Jacobson provides a dissection of Whiteness, unveiling the construction of racial ideas that served a particular political agenda: the difference between “race” based on “science” and ethnicities based on cultures, focusing on the social construct aspect of “white” and “non-white.” By tracking the social changes in the belief of who counts as white, “Caucasian,” or “Anglo-Saxon,” whiteness ceases to be a clear-cut, definitive category, but a notion in constant change. Meanwhile, because of how the naturalization law of America has been tied deeply to race since the very beginning, the shifting in whiteness corresponds to the shifting in citizenship as well. Jacobson states that there are three “epochs” of whiteness: from 1790 to 1840, when the “fitness for self-government” uncontestedly converged with race, the notion of white is singular; from 1840s to 1924, with the large influx of European immigrants, the era of “variegated whiteness” led to a “hierarchy of plural and scientifically determined white races”; lastly from 1924 to 1965, whiteness is re-consolidated into a monolithic “Caucasian” whiteness, driven by restrictive immigration laws and the politics of the Jim Crow era. It is paramount to recognize that whiteness is not a natural conception, that its changes are reflections and reactions to sociopolitical pressure of management of mass immigration of “unideal” citizens, and justifying the need for imperial expansion as well as racial hierarchy.³

² Young, Welke Barbara. *Law and the borders of belonging in the long nineteenth century United States*. New York, US: Cambridge University Press, 2012.

³ Jacobson, Matthew Frye. *Whiteness of a different color: European immigrants and the Alchemy of Race*. Cambridge, Mass: Harvard University Press, 2003.

There is no doubt that the history of citizenship is racialized and socially dictated. However, when reflecting on the link made between land-holding and naturalization, the economic underpinning of becoming a citizen merits more scrutiny. A further question, built upon the sociocultural exclusions of citizenship, is “What do the excluded groups of people get by becoming a Citizen?” or, in other words, “What do the already-citizens lose if the excluded peoples do become citizens? What are the groups fighting for?” The essay is an inquiry into the answer to this question, aiming to find *THE* constant in defining citizenship amid the turmoil of the 19th Century—a time when irreconcilable disagreements upon slavery manifested itself in its most violent form of war; when a shifting of economic structure from plantation to industrial welcomed foreign labor forces; when the Jeffersonian ideal of agrarian model drove more and more land acquisition from the Native population—these historical contingencies opened up a chance of reversing established hierarchy when the battle over rights became most heated between the great diversification of minority groups (the freedpeople and the Chinese laborers) on American soil and demanded citizenship from the newcomers; and the special cases of Native tribes who fought to sustain their sovereignty by securing their land but faced violence and a consolation prize of a citizenship title in exchange. The crucial criterion adopted by this thesis as the finding of *THE* constant of citizenship is mutual recognition of its significance: when the majority sought to exclude, and the minority sought to claim their deserved inclusion, the core contention was at the heart of citizenship's tangible meanings.

This thesis contends that, in three pivotal postbellum conflicts over citizenship, land ownership served as the central site of contention over rights as citizens, privileging the naturalized population and excluding others, even when the former enjoyed the labor product of the latter. For

freedmen, land was conceived as the essential apparatus of freedom for civic integration. For Chinese laborers, labor without ownership transformed land into a medium for exploiting their labor and drove legal exclusion when they found loopholes to own land. For Native Americans, land was the terrain of sovereign war, where their communal autonomy, which built up their homeland, had to be extinguished to enable assimilation and ensure American sovereignty over the land. Across these contests, American citizenship was consistently defined by a specific, proprietary, and transformative relationship to the soil—a relationship framed by the distinctively American ethos of subduing and improving the land.

Land validates the essence of citizenship as the most material, tangible form of property; residence on American soil made fostering an American “home” possible; producing on the land, fighting for the land, and recognizing the land as American essentially defines loyalty in economic terms. To be rather explicit, owning the land also binds people to the land. Land is livelihood, and livelihood is what people defend when there is a war. The exceptional feature of the land of America is the new beginning—a new start for whoever wants to own their lives the way they would like to.

Francis Grund, the Bohemian-born American journalist, wrote in his book in 1837, describing what he understood as the relationship between Americans and the land they were on, “The Americans entered the wilderness as masters, determined to subdue it; and not as children of nature, nursed and brought up in its bosom. They could not at first love what was not their own; and when it became theirs, they had already changed its face.”⁴ As immigrants and settlers, there were no ancient

⁴ Grund, Francis J. “THE AMERICANS, IN THEIR MORA, SOCIAL, AND POLITICAL RELATIONS.” HathiTrust, 2025. <https://hdl.handle.net/2027/hvd.32044105506281>, 150

ties to connect and history to relate. Therefore, in contrast to the European mode of citizenship rooted in their parental ties to the land as exclusive by blood, America first “welcomed” or “permitted residence” the people whom it would exclude later with its fantasy of adventure in the wilderness and of owning what one conquers. What he left out in the story of subduing the land is that the logic applied to the people on the land who were brought here voluntarily or involuntarily, or lived here throughout, especially when there is limited land to own but an unlimited desire to own more. The competition for ownership would intensify, driving the nation to tighten citizenship requirements arbitrarily and return to exclusionary measures through laws.

Historical Background: The Naturalization Act of 1790 & Jeffersonian Republicanism

In the making of a nation, there is arguably nothing more important than defining its people. Admittedly, the notion of nation or nationalism is a rather modern development. The “imagined communities” as Benedict Anderson coined capture the paradoxical nature of the “community” a nation creates: The comradeship is imagined to the extent that it allows one to have a particular sense of belonging to a collective communion even if they never met most of its members; it is always limited by a boundary demarcated in relation to other nations; it exists to replace the religious, hierarchical legitimacy prior to the Enlightenment.⁵ For the United States, a relatively young nation born in the midst of the wave of revolutions and nationalism, it naturally struggled with the ultimate central question of “Who is the people?” The answer seems never to be in a stage of losing its historical relevance to present politics, and always appears to be subject to constant change. Pinpointing the starting point of the process would be an effort spent in vain, for the birth of ideas is known to no one but the author themselves, yet the intensification of contestations in citizenship that can be traced through the seemingly “minor” changes made in the passage of a series of naturalization acts/laws during the 19th-century America allows one to catch a glimpse of the maturation of those ideas from the top down.

⁵ Anderson, Benedict. *Imagined communities: Reflections on the origin and spread of nationalism*. London: Verso, 2017.

In the case of the Naturalization Act of 1790, “Free white persons” were the first legal attempt at defining the criteria of eligibility for the “American people.”⁶ Based on the existing record, racial eligibility was never contested during the bill’s discussion on both the House and Senate floors, although it was more of a blind distrust of non-whiteness than a blind trust in whiteness—a definitive disqualification for the former and a conditional approval of the latter which ceased when they are perceived as “the common class of vagrants, paupers, and other outcasts of Europe.”⁷ None of these was contentious. One can easily verify such unanimity in the vague language adopted in the final version of the Act on the notion of “good character,” which remains the language for naturalization of the present day as “good moral character.”⁸ This allows the court to exercise subjective discretion in its execution, and the meaning of such “character” accords to the needs of political agendas at the moment, considering when a certain group of persons “endangers the good order of certain localities within the territory.”⁹

The unanimity on eligibility is not the only message conveyed by the House journal. The nine-page summary of the debates also alludes to an impactful implicit consensus among representatives acknowledging the existence of the “rights of citizenship,” implying that citizenship is more than a title; it is a set of entitlements one acquires merely by virtue of being a citizen, a conception that the renowned British Sociologist T. H. Marshall would describe as “All who possess

⁶ Image 2 of a bill to establish an uniform rule of naturalization, and to enable aliens to hold lands under certain restrictions. New-York, printed by Thomas Greenleaf [1790]. | library of Congress. Accessed April 24, 2026.

<https://www.loc.gov/resource/rbpe.21301100/?sp=2&st=text>.

⁷ Page headings - annals of congress | congress.gov | library of Congress. Accessed April 24, 2026.

<https://www.congress.gov/annals-of-congress/page-headings/1st-congress/rule-of-naturalization/19281>. 1152

⁸ “Text - H.R.5678 - 82nd Congress (1951-1952): Immigration and Nationality Act | Congress.Gov | Library of Congress.” Congress.Gov. Accessed April 24, 2026. <https://www.congress.gov/bill/82nd-congress/house-bill/5678/text>. 165

⁹ “Chinese Exclusion Act (1882).” National Archives and Records Administration. Accessed April 24, 2026.

<https://www.archives.gov/milestone-documents/chinese-exclusion-act>.

the status[citizenship] are equal with respect to the rights and duties with which the status is endowed.”¹⁰ The primary debates then lie in the definition of adding or removing rights, to landholding, residency requirements, and public office, as those entitlements accompany citizenship.¹¹ Differing from the incomplete enjoyment of full rights like minors, the grievance and sense of injustice felt by the minority groups that the essay would later elaborate on are people who fulfilled their duties as citizens through their labor, but their rights are denied by the government. Regardless, for the first-ever naturalization bill of America, the most extensive debate counterintuitively was over the requirement for residency, whether one shall be forced to stay on the land of the United States. House Representative of Virginia, referred to as “Mr. Madison,” and later President James Madison, argued for the necessity of residency requirements:

It is no doubt very desirable that we should hold out as many inducements as possible for the worthy part of mankind to come and settle amongst us, and throw their fortunes in a common lot with ours. But why is this desirable? ...it is to increase the wealth and strength of the community; and those who acquire the rights of citizenship, without adding to the strength or wealth of the community, are not the people we are in want of...Under such terms, it was well observed by my colleague, aliens might acquire the right of citizenship, and return to the country from which they came, and evade the laws intended to encourage the commerce and industry of the real citizens and inhabitants of America, enjoying at the same time all the advantages as citizens and aliens... [T]here is no doubt we may, and ought to require residence as an essential.¹²

One must live on the land to present their intention as not opportunistic. One must bring wealth and strength to the community to be considered worthy. Wealth is for purchasing land. Strength is for cultivating the land. An American citizen must contribute. If James Madison is not explicit enough

¹⁰ Marshall, T. H., and Tom Bottomore. *Citizenship and Social Class*. London: Pluto Press, 1992. 18

¹¹ Page headings - annals of congress | congress.gov | library of Congress. Accessed April 24, 2026. <https://www.congress.gov/annals-of-congress/page-headings/1st-congress/rule-of-naturalization/19281.1147-1164>

¹² Page headings - annals of congress | congress.gov | library of Congress. Accessed April 24, 2026. <https://www.congress.gov/annals-of-congress/page-headings/1st-congress/rule-of-naturalization/19281.1150>

about this particular form of Republicanism based heavily on land as the medium of production and proof of worthiness as a potential American, what John Laurance elaborated further in the very same discussion on James Madison's stance:

The gentleman has said he would admit none but such as would add to the wealth or strength of the nation. Every person who comes among us must do one or the other; if he brings money or other property with him, he evidently increases the general mass of wealth, and if he brings an able body, his labor will be productive of national wealth, and an addition to our domestic strength.

The implications are unveiled in a two-fold fashion: first, they specified the purpose of allowing foreign naturalization, which is that one must either bring labor or wealth; second, they demarcated the threshold of such practice that a "free white person" had a substantial meaning of someone who owns their wealth and labor and can make decisions of where to dispose of what they own. One must ask that whether there is an alternative lens of significance in emphasis on "freedom" as impactful as the racial eligibility, that the racial requirement not being challenged is because only "white" people¹³ were believed to be free to fulfill the presumptions of naturalization: free to move to the United States out of their own choice, free to own and bring their property to the land, and free to own their labor to improve the land. As freedom becomes a substantiated notion through laws ratified, racial distinctions are further delineated not through the color of skin but through the enjoyment of rights.

There is one person whose pursuit and belief in land ownership as a necessary requirement for citizenship and freedom cannot be ignored, given his expansive and extensive contributions to the law, philosophy, and politics revolving around the issue. That person is Thomas Jefferson. As early as the

¹³ There is a great extent of coverage on the challenge of racial categories, like the definitions of whiteness for Irish people and Italian people. See *Whiteness of a Different Color*, *Plessy v. Ferguson*, *Working Towards Whiteness*.

Ordinance of 1784, he consistently sought to promote independent farmers—the ordinance divided the acquired land into districts and made it available for sale to any “settlers.”¹⁴ It laid the foundation for subsequent westward expansion laws and regulations that favored decentralized individual ownership of land tracts over nationalization, speculation, or monopolies. Offering land for purchase is the first step in building an agrarian economy and establishing the social groups of farmers. To understand the motivation behind his bills, it is necessary to consider them alongside quotations from his earlier correspondence. In his letter to John Jay in 1785, he said, “Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country, and wedded to its liberty and interests, by the most lasting bonds.”¹⁵ When one is bonded to the land, one is bonded to the freedom and interest of the nation. In his opinion, labor is essential, and the yeoman farmers who labor on the improvement of lands are the virtuous, worthy citizens. In contrast, the non-farmers are the opposite of virtue, and the higher the proportion of them, the more “corruption,” and the more unhealthy the society is.¹⁶ Republican citizenship is closely attuned to the land. These beliefs led him to initiate numerous land purchases from Indian tribes, the famous Louisiana Purchase from France, and a failed attempt to acquire Canada.

¹⁴ Founders online: V. the ordinance of 1784, 23 April 1784. Accessed April 24, 2026. <https://founders.archives.gov/documents/Jefferson/01-06-02-0420-0006>.

¹⁵ JEFFERSON, THOMAS, and JOHN P. FOLEY. *Jeffersonian Cyclopaedia: A comprehensive collection of the views of Thomas Jefferson classified and arranged in alphabetical order Under Nine Thousand Titles*. S.l.: FORGOTTEN BOOKS, 2022. Title 2882

¹⁶ Jefferson, Thomas. “Notes on the State of Virginia. By Thomas Jefferson.” Library of Congress. Accessed April 24, 2026. <https://tile.loc.gov/storage-services/service/gdc/lhbc/b/04902/04902.pdf>. 160

Chapter One: The Freedmen Bureau

There are two points on which I feel very urgent, one, that the freedmen as far as possible, shall have the actual possession of land, and the other, that school privileges be extended to them, and secured. I believe the rights at least will be affixed to the freedmen by the present Congress. The holding of land, and education to be a living reality, will have to be backed up by the influence and money of the philanthropic people of the country. – Maj. Gen. O.O. Howard¹⁷

The New Year of 1863 marked the onset of the third year of the Civil War. Jan. 1st of that year had its traditional New Year’s Day Reception and celebratory events. Only, there was one special unfolding of events– that evening was the evening when President Abraham Lincoln issued the Emancipation Proclamation that “all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free.”¹⁸ No one can dispute the greatness of such a statement. Indeed, the imperative was driven not solely by the moral cause of justice and freedom, but also by military and diplomatic complications. It was, however, the closest America had reached to a point of freedom for all, at least on paper, at that time. What was equally true was that it was not until the Thirteenth Amendment, ratified on December 6, 1865, that freedom and liberty for all were finally codified in the Constitution. Eight months before the adoption of the Amendment, Robert E. Lee surrendered to the

¹⁷ Howard, Otis O. “Letter from O. O. Howard to James E. Rhoades. Washington, Oct. 9th, 1865.” Bowdoin Library. Accessed 2026. https://library.bowdoin.edu/arch/mss/ooh-pdf/M91-07v02_transcripts.pdf. 28

¹⁸ “The Emancipation Proclamation.” National Archives and Records Administration. Accessed April 24, 2026. <https://www.archives.gov/publications/prologue/1993/summer/emancipation-proclamation.html#:~:text=It%20was%20late%20afternoon%20before,the%20telegraph%20wires%20actually%20began.>

“Emancipation Proclamation.” National Archives and Records Administration. Accessed April 24, 2026. <https://catalog.archives.gov/id/299998?q=Emancipation%2BProclamation&objectPanel=transcription.>

Union on April 9th,¹⁹ an indelible punctuation mark in the founding history of this young, scarred nation.

This is not an unfamiliar section of American history. What was less often mentioned is whether the freedom, which the freedmen fought quite literally for in those wars, meant more than merely a concept, an abstraction, a fragment of words in the legal document, or a promise of rights, rights that one shall enjoy by being on the land of America, rights of being a citizen. “Has the absence of a master in name equivalent to me being the master of my body, my labor, and my possessions?” is the question that would be constantly questioned if not physically experienced and paid costs for by the freedmen in the next decades of “civil wars” in other forms—political, social, and economic. It has never been clearer in the minds of the firm abolitionists and hardliner advocates for freedmen’s welfare in Congress that freedom must be materialized into tangible possessions and property.

The outcome of granting emancipation was an additional 3,521,110 freedmen finally on the land of the free; immediately and understandably, the question of settlement and relief measures for the freedmen arose in Congress. Only eleven days after Proclamation 95, Representative Thomas Dawes Eliot of Massachusetts first brought the House the bill to establish a “Bureau of Emancipation” on Jan. 12th.²⁰ One would not be able to tell whether he had foreseen the bill’s passage to be a two-year-long haul. Yet, one may spot and sense his passion, dedication, as well as his frustration when reading his speech of 16 pages on the House floor a year later, on Feb. 10th, when he finally could report back from the Committee on the bill, in which he said,

¹⁹ “Ending the Bloodshed.” National Archives and Records Administration. Accessed April 24, 2026. <https://www.archives.gov/publications/prologue/2015/spring/cw-surrenders.html>.

²⁰ Congressional Globe Page Headings - 37th congress | congress.gov | library of Congress. Accessed April 24, 2026. <https://www.congress.gov/congressional-globe/page-headings/37th-congress/n-a/42559>. 170

My friend from Illinois is seeking to make it easier by legislative provision for white emigrants to come among us. I wish him success. Let them come--the healthy, sturdy, and studious German from the Rhine to the Vistula. We will welcome them all--and the impetuous Irish and the canny Scotch! We have room enough for all loyal men from all lands under the sun. But we cannot spare the freedmen. In those tropical regions of the South where they have been *deprived of themselves* they have a right to live. And the industrial interests of our country require that their compensated labor should enrich the land which has been cursed by their unpaid toil. But, sir, all our legislation thus far has been for ourselves. We have imposed taxes upon the lands and subjected them to sale. The Government of the United States has become the owner of large tracts of abandoned property. We have appointed tax commissioners and laid on them the duty of leasing lands so as to bring the Treasury the greatest revenue. We have provided for the expatriation of the freedmen, but not for his relief. The necessity for practical legislation upon this great subject is thus made plain.²¹

This was an accusation of Congress's selfishness and of the government's possible hypocrisy if the Bill's necessity was not recognized or intentionally delayed. For Representative Eliot, emancipation was a self-interested move rather than an epiphany of morals. "Expatriation" here is not referring to the trans-Atlantic trade when the African people were kidnapped or sold to the country, but the forced relocation of the freedmen in the South, who, as they took on their freedom granted from the North, automatically switched their allegiance, became the traitors of the Confederacy, and fugitives, who must be on their way to the Union territory. To not provide them with relief, with means of survival--acres of land to live on and work on--would nullify both the material and moral meaning of the emancipation. Freedom, essentially for them, became meaningless.

One must also notice Eliot's mention of loyalty in this quote. It simply did not make sense to him that Congress members could argue for European immigrants' settlement with lesser resistance while shutting its door to the "loyal" people who proved their loyalty to the land that they would be assigned through wars, who had been unfairly treated, and who had the potential to bring riches to the

²¹ Congressional Globe Page Headings - 38th Congress | congress.gov | Library of Congress. Accessed April 24, 2026. <https://www.congress.gov/congressional-globe/page-headings/38th-congress/n-a/44687>. 530

nation—their labor and sweat under slavery had proven so. In his mind, the freedmen, if not worthier, were at least as worthy as the Europeans in terms of being on the land and belonging to the land.

Therefore, the bill was more than an opportunity to atone for some of the nation's collective sins, but an opportunity to bring the nation to a greater level of wealth and prosperity, so long as the freedmen were given the bare minimum chance to live. One can also assess the injustices against the freedmen on another measure: their treatment compared to that of other soldiers. From the War of Independence to the Civil War, the Congress has always regarded land as a possible reward for soldiers, a “Bounty” for defending the Union and its existence, and, subsequently, their title as citizens of the Union.²² And yet, the sale and lease of abandoned land to the freedpeople provoked extensive debates and pushback.

Representative Eliot described his intention and objective of the legislation as “justice” and for “self-interest.” It was just to “give them the rights of men,” the right to live and work. It was selfish, insofar as the government freed them out of military necessity, knowing that if they were not made friends, they would naturally become enemies, as an act to alleviate the Union's military pressure.²³ In the final version of the Act approved on March 3rd, other than procedural sections, section 4 permitted the commission to lease or purchase abandoned land in the rebel states for the freedmen.

What was paramount is wording that says the person with assigned land “shall be protected in the use

²² Congressional Globe Page Headings - 37th congress | congress.gov | library of Congress. Accessed April 24, 2026.

<https://www.congress.gov/congressional-globe/page-headings/37th-congress/n-a/42641>. 242

Acts of the Twenty-sixth Congress of the United States - Loc. Accessed April 24, 2026.

<https://tile.loc.gov/storage-services/service/l1/lsl/l1sl-c26/l1sl-c26.pdf>.

Acts of the Twenty-seventh Congress of The United States - Loc. Accessed April 24, 2026.

<https://tile.loc.gov/storage-services/service/l1/lsl/l1sl-c27/l1sl-c27.pdf>.

Sanger, George P. The Statues at Large, Treaties, and Proclamations, of the UNITED STATES OF AMERICA. From December 1863, to December 1865. Accessed 2026.

<https://tile.loc.gov/storage-services/service/l1/lsl/l1sl-c38/l1sl-c38.pdf#page=408>.

²³ Congressional Globe Page Headings - 38th Congress | congress.gov | Library of Congress. Accessed April 24, 2026.

<https://www.congress.gov/congressional-globe/page-headings/38th-congress>. 534

and enjoyment of the land.” They are also taxed for renting the land.²⁴ A right is nothing more than protection from the intrusion of others and from the authority itself. The bill, therefore, granted the freedmen rights to use the land and own the land when they can afford to. It also demanded duty from the freedmen, the duty to pay taxes. These were the rights and obligations legally defined—the freedmen were treated as citizens.

Nowhere in the act or in the discussions surrounding it did they attempt to provide a definitive answer to the issue of citizenship for the freedmen. Nonetheless, the relief of a particular group of people within the government’s territory, when their rights and obligations are delineated in law and enforced by the authority, is a necessary condition for citizenship. Such a claim is verifiable when compared to other similar acts that aimed at the relief of a certain group. An Act for the Relief of the Settlers upon Certain Lands in California, approved on May 5th, 1864, confirmed patents for the settlers or preemptors of the land which the United States owned, given that they had made improvements.²⁵ Who were the settlers? The Homestead Act of 1862 and the Preemption Act of 1841 had given an answer prior: “every person being the head of a family, or widow, or single man, over the age of twenty-one years, and being a citizen of the United States, or having filed his declaration of intention to become a citizen, as required by the naturalization laws” can either purchase the appropriated land with minimum price or be free granted acres of unappropriated land.²⁶ An Act for

²⁴ Sanger, George P. *The Statues at Large, Treaties, and Proclamations, of the UNITED STATES OF AMERICA*. From December 1863, to December 1865. Accessed 2026. <https://tile.loc.gov/storage-services/service/l1/lsl//lsl-c38/lsl-c38.pdf#page=537>. 537

²⁵ *The Statues at Large, Treaties, and Proclamations, of the UNITED STATES OF AMERICA*. From December 1863, to December 1865. 99

²⁶ *Acts of the Twenty-seventh Congress of The United States - Loc. 453*
Public Acts of the Thirty-Seventh Congress of the United States. Accessed 2025.
<https://tile.loc.gov/storage-services/service/l1/lsl//lsl-c37/lsl-c37.pdf#page=138>. 392

the Relief of the Citizens of Denver, in the Territory of Colorado, approved during the same session as the act regarding California land, specifically declared that granting the land title to “citizens of Denver,” who, after the 1861 admission of Colorado, became citizens of the United States as well. When accentuating the severity of the situation, the representative Harlen had been told by the Delegate from Denver that the town is “on the point of Civil War” because of land title.²⁷ Land is worth war and violence. One would be willing to fight against the government and renounce their citizenship if land is taken from them and their ownership is not protected, because, at least for some, citizenship means nothing if land is not part of the deal.

This is why Thomas D. Eliot insisted on having land as part of the measure for the relief of the freedmen. This is also why, on multiple occasions, land provision is central to the concept of relief. This is why citizens or future citizens in the process of naturalization can purchase land at a minimum price. One may ask, did the freedmen think the same as the Congress, the Government, and the admitted citizens of Denver as to the significance of land? The short answer is “Yes, they did,” and they expressed their wants and desires for land consistently, relentlessly, and resiliently, even before General Sherman issued the Special Field Order 15 on Jan. 16th, 1865.

Four days before the order, the Secretary of War, Edwin Stanton, arranged a meeting between General Sherman and “colored class-leaders.” When asked how they would like to take care of themselves and support the government, Garrison Frazier was chosen by the other 19 people present to represent them. He was a 67-year-old man. Eight years ago, he bought his and his wife’s freedom with

²⁷ Congressional Globe Page Headings - 38th Congress | congress.gov | Library of Congress. Accessed April 24, 2026. <https://www.congress.gov/congressional-globe/page-headings/38th-congress/n-a/46636>. 2336

\$1000 worth of gold and silver, and he said, “The way we can best take care of ourselves is to have land, and turn it and till it by our own labor.....we can soon maintain ourselves and have something to spare.....We want to be placed on land until we are able to buy it and make it our own.”²⁸ It is impossible to measure the extent to which that conversation had influenced the decision of General Sherman on issuing the Special Field Order 15. However, in his Memoir, Sherman did write, “but luckily the negroes themselves convinced him that he [Mr. Stanton] was in error [referring to his belief regarding the treatment of the freedmen with only food and joining the military], and that they understood their own interests far better than did the men in Washington.”²⁹ Although there was no explicit statement crediting the black leaders from the meeting, Sherman drafted the order on Stanton's recommendation and had Stanton review it before publication. The voice of the freedpeople was heard and put into words. If the Emancipation Proclamation is the passive acceptance of their change in legal and political status due to military urgency, arguably, the desire for land is the earliest self-initiated political action of the freedman. Stanton had claimed to the New York Tribunal when he handed the notes of the meeting to them that this sort of direct meeting with the aim of inquiring into the needs of the freedmen was first in history.³⁰ All twenty leaders attended the meeting voluntarily at Stanton's

²⁸ THE FREEDMEN IN GEORGIA: REPORT OF THE CONFERENCE BETWEEN SECRETARY STANTON, GEN. SHERMAN AND THE COLORED PEOPLE OF SAVANNAH MINUTES OF AN INTERVIEW BETWEEN THE COLORED MINISTERS AND CHURCH OFFICERS AT SAVANNAH WITH THE SECRETARY OF WAR AND MAJOR-GEN. SHERMAN. (1865, Feb 13). *New - York Daily Tribune* (1842-1866) Retrieved from <https://www.proquest.com/newspapers/freedmen-georgia/docview/570660955/se-2>

²⁹ Sherman, William T. “Sherman's Memoirs, Vol. 2.” Grant Under Fire | A new critique of Ulysses S. Grant, May 23, 2015. <https://www.grantunderfire.com/shermans-memoirs-vol-2/>.

³⁰ THE FREEDMEN IN GEORGIA: REPORT OF THE CONFERENCE BETWEEN SECRETARY STANTON, GEN. SHERMAN AND THE COLORED PEOPLE OF SAVANNAH MINUTES OF AN INTERVIEW BETWEEN THE COLORED MINISTERS AND CHURCH OFFICERS AT SAVANNAH WITH THE SECRETARY OF WAR AND MAJOR-GEN. SHERMAN. (1865, Feb 13). *New - York Daily Tribune* (1842-1866) Retrieved from <https://www.proquest.com/newspapers/freedmen-georgia/docview/570660955/se-2>

invitation. Frazier firmly stated the need and interest of his people—the necessity of land and the loyalty of the freedmen to be willing to fight for the Union.

Attachments to land, wishes to own land they have lived on since birth, and industrious cultivation of land are not new yearnings of the freedmen. Prior to the Civil War, in response to the American Colonization Society’s initiative to encourage the freedmen to emigrate to Africa and colonize, Thomas L. Jennings³¹ published his oration in the first African American-owned newspaper to appeal against the emigration, “Our claims are on America, it is the land that gave us birth; it is the land of our nativity, we know no other country, it is a land in which our fathers have suffered and toiled; they have watered it with their tears, and fanned it with sighs.”³² The firmest beliefs and statements are often made in moments of crisis when something one cherishes is on the edge of being taken away. The proposal for removing black people from the land of America was one such moment. Numerous famous abolitionists—William Lloyd Garrison, Frederick Douglass, and Aaron Powell, just to name a few, had openly and aggressively shared the same stance that the land of America belongs to black people no less than white people.³³ Symbolically, the land refers to the nation, where land ownership claims are not as explicit. Jennings’s emphasis on “nativity” and “birth” most directly points to his position on black citizenship that the freedmen are Americans. It was through his rationale that he justified his belief in black citizenship, in which the implicit connection between status and the physical labor conducted on the tangible acres of American lands was unveiled. Black people’s “claims”

³¹ Also known as Thomas L. Jennings. He was the first African American who was granted patent ownership. He invented dry cleaning and had used the money from the patent for abolition and social movement efforts.

³² Cornish & Russwurm, 1828. FREEDOM’S JOURNAL, April 4, 1828, Cornish & Russwurm. Freedom’s journal. New-York., Retrieved from <https://coilink.org/20.500.12592/cjsxrrq> on 20 Feb 2026. COI: 20.500.12592/cjsxrrq.

³³ McPherson, James M. “Abolitionist and Negro Opposition to Colonization during the Civil War.” *Phylon* (1960-) 26, no. 4 (1965): 391–99. <https://doi.org/10.2307/273703>.

on America and subsequently justified ownership of the land are not merely symbolic but earned by their labor.

Similar arguments were made, and questions were raised across these regional newspapers that had mirrored the desires and wills of the freedmen. In the *North Star*, people of Ohio asked, “If Ohio is the good Buckeye State to the white, why ought it not be to the black? especially if it is the State of his nativity.”³⁴ British abolitionist Thomas Clarkson wrote in the *National Era*, “the first and great thing is, to have the people become the proprietors of the soil - to buy up the land wherever they can... Nothing will give them a feeling of independence and make them act like men, sooner than this.”³⁵

Actions speak louder than words. There can be no evidence more convincing than black people pouring all their savings into any chances offered by the government to purchase land, even in the face of intentional hindrance from the tax commissioners. The open bidding in 1864, for instance, was intended to encourage preemption³⁶ and had the freedmen purchase government land at the low rate of \$1.25 per acre that was not reserved for military or educational use. And yet, direct tax commissioners managed to convince the Secretary of the Treasury, Salmon P. Chase, to withdraw the offer of preemption and passively ignore redemption claims. Despite those obstructions, the wish to own land was so appealing that freedmen on Wassa Island and the Marion Chaplin plantation were able to collectively “pool” money together and buy 470 acres of land to work on it together with an

³⁴ William C Nell, 1849. *THE NORTH STAR*, June 29, 1849, William C. Nell. The north star. New York. Retrieved from <https://coillink.org/20.500.12592/z34tspd> on 20 Feb 2026. COI: 20.500.12592/z34tspd.

³⁵ L. P. Noble, 1847. *THE NATIONAL ERA*, March 4, 1847, L. P. NOBLE. The national era. Washington, D.C.. Retrieved from <https://coillink.org/20.500.12592/xksn52n> on 20 Feb 2026. COI: 20.500.12592/xksn52n.

³⁶ The preemption of lands refer to the federal permission to have the settler purchase the land before others with the minimum price set by the government on the basis that they have lived on the land and improved it.

average price of \$7.00 per acre.³⁷ In Louisiana alone, between September 5th, 1865, and October 24th, 1865, the Bureau received a total of 267 applications involving 1,054 men, 845 women, and 1,434 children, requesting 23,919 acres of land.³⁸ Similarly, in the continued operation of the Bureau as the main institution that handled the distribution of the confiscated and abandoned land from the Confederates in the South for the ownership of the freedmen, Representative Eliot wrote in his report on the Freedmen's Affairs, "During the year ending October 1, 1867, two thousand and twelve (2,012) homesteads, covering 160,960 acres, were entered in Florida. In the next 60 days, 419 entries were made. In February of this year, 450 were entered by freedmen. Thus, nearly 3,000 families acquired homes in Florida, and great benefits resulted from their settlement on these public lands."³⁹

Yet it would be inaccurate to ignore the complexities and nuances within the communities of freedmen and abolitionists, and to gloss over the fact that people held different views on what freedom means and where it would lead them. If there was a feeling that was shared among the majority of the freedmen, who regained their freedom in 1865, to a greater or lesser extent, it might be the feeling of drifting. In the fragmented folk stories that survived, the unknown speaker recorded their thought right after the war concluded, "We knowed freedom was on us, but we didn't know what was to come with it... We thought we was going to be richer than the white folks, 'cause we was stronger and knowed how to work, and the whites didn't, and they didn't have us to work for them any more. But... We soon

³⁷ Oubre, Claude F. *Forty Acres and a mule: The freedman's bureau and black land ownership*. Baton Rouge: Louisiana State University Press, 2012. 10

³⁸ *Forty Acres and a Mule* 34

³⁹ U.S. Congress. House of Representatives. Bureau of Freedman and Refugees. (To accompany Bill H.R. No. 598.) March 10, 1868. -- Ordered to be printed. 40th Cong., 2nd sess., 1868. H. Rep. 40-30.

https://www.govinfo.gov/app/details/SERIALSET-01357_00_00-031-0030-0000. 16

found out that freedom could make folks proud, but it didn't make 'em rich."⁴⁰ The intuitive attempt to equate freedom with wealth failed, and the belief that by owning their labor would bring about wealth also lost its firm ground—it would not be much longer for them to come to realize that only through a tangible medium for a freedman to operate upon their freedom and externalize the product of their labor, can freedom be more than a rootless plant, existing only in name.

Special Field Order No. 15 went into effect, carrying these resilient, persisting ideals and efforts, which General Rufus Saxton, the commissioner of the Freedmen's Bureau in North Carolina, later described as the "dearest wish of their heart—that they were to have homesteads."⁴¹ The substance of the order aimed to provide the freedpeople with homesteads in such an unprecedented and remarkable way. Its goal is straightforward—the order enumerated lands for the settlement of the freedmen, including ones that are exclusive to the freedmen's settlement; young, healthy black men would be encouraged to enlist to "contribute their share toward maintaining their own freedom, and securing their rights as citizens of the United States" but "[h]e cannot be subjected to conscription, or forced military service"; when they wish to settle, the inspector would provide assistance and license until they can have a "peaceable agricultural settlement"; The land licensed would not exceed 40 "tillable" acres per family and the military would protect them until "they can protect themselves."⁴² Here, one can easily spot all the pre-existing conditions for citizenship tied up together beautifully: A citizen of the

⁴⁰ Botkin, Benjamin Albert, ed. *Lay My Burden down : A Folk History of Slavery*. University of Chicago Press, 1962. P223

⁴¹ *REPORT of the JOINT COMMITTEE ON RECONSTRUCTION, at the FIRST SESSION THIRTY-NINTH CONGRESS*. Vol. 2. Westport, Connecticut: Negro Universities Press, 1969. 221

⁴² Gladstone, William A., Collector. William A. Gladstone Afro-American Military Collection: *Special Field Orders, No. 15, Headquarters, Military Division of the Mississippi, by Major General W. T. Sherman, re "young and able bodied negroes must be encouraged to enlist," mentions bounties paid and locations for settlement of freed Negrs.* 1865. Manuscript/Mixed Material. <https://www.loc.gov/item/mss83434256/>.

United States would be loyal and willing to fight to defend the land of the nation; Agriculture remains central for anyone who intends to settle their family; one that is arguably most impactful regards to the substantial guarantee of such rights to have family, own land, and start an agricultural settlement that all come with military protection. The last point demands specific analysis. The citizenship of freedpeople was not codified until the adoption of the 14th Amendment in 1868. Yet General Sherman here directly referred to them as citizens and subsequently accorded them the substantial meaning of protection and provision for their settlements. It is worth noting, therefore, that an implicit principle in citizenship is the aggregation of rights and status to claim labor, family, and land, while ensuring those claims are protected from potential violations by others. In this context, the others were the white people. This measure was deemed necessary to guarantee “the sole and exclusive management of affairs will be left to the freed people themselves.”⁴³ The military, led by General Sherman, therefore acted as a temporary military extension of government authority in Savannah, thereby asserting the autonomy of the freedpeople as truly free through the substantiation of their citizenship in connection with the total protection of their ownership of their land and labor. The limitation, or rather the provision of 40 acres per household for them to build their homestead, consequently became the foundation of later decades of outcries for reparation and compensation that have never been fully realized.

Nonetheless, without hindsight, the situation was still promising. General Sherman’s comments on his operations in Savannah in his memoir serve as a decent summary of his aims and

⁴³ Sherman, William. “Memoirs of General Sherman, Complete | Project Gutenberg.” Project Gutenberg. Accessed April 25, 2026. <https://www.gutenberg.org/files/4361/4361-h/4361-h.htm>. CHAPTER XXII. SAVANNAH AND POCOTALIGO.

contributions, “as regards kindness to the race, encouraging them to patience and forbearance, procuring them food and clothing, and providing them with land whereon to labor, I assert that no army ever did more for that race than the one I commanded in Savannah.”⁴⁴ Indeed, that is factual. The freedpeople responded to this field order with considerable passion and immediate action. In his testimony in the Report of the Joint Committee on Reconstruction, the committee that was delegated to conduct investigations upon the Southern states post Civil War and to recommend congressional measures for reconstruction based on the facts, General Saxton emphasized the provision of homes to around 40,000 freedpeople on about 400,000 acres of land⁴⁵ as the direct result of the order by June, 1865, who proved their diligence of self-sustianability that even though “the people were destitute of animals and had but few agricultural implements and the greatest difficulty in procuring seeds, yet they went to work with energy and diligence to clear up the ground run to waste by three years’ neglect; and thousands of acres were planted and provisions enough were raised to provide for those who were located in season to plant.”⁴⁶ The undertaking of the agricultural initiatives of the freedmen is both the strongest counter to the criticism on their inherent “inferior” character as “lazy” and a proof to their perseverance and resilience that were demonstrated through both their relentless laboring itself and what it comes with their hard labor—building of their new homes on their land as a free person.

The act to establish a Bureau for the Relief of Freedmen and Refugees, passed on March 1865, was supposed to carry on the promises of black land ownership, of black homestead and independence, and affirm the Special Field Order No.15 as a congressional-approved measure for the freedmen’s relief.

⁴⁴ Ibid.

⁴⁵ Forty Acres and a Mule 19

⁴⁶ Report of the Joint Committee on Reconstruction 221

Only that it did not. The act repealed the land ownership from the order. Instead, it says, “the person to whom it was so assigned shall be protected in the use and enjoyment of the land for the term of three years at an annual rent...At the end of said term, or at any time during said term, the occupants of any parcels so assigned may purchase the land and receive such title...upon paying therefor the value of the land.”⁴⁷ As the protection provision shifted from protecting ownership to protecting only use and enjoyment, property rights were curbed, and the freed population was left vulnerable to the potential threat of dislocation—their freedom to enjoy a life of their own became a temporary status rather than permanent. The substance of rights changes correspondingly. Ownership becomes conditional as the government demands more labor from the freedmen—the government demanded duties yet failed to guarantee rights. Owning the land they worked on is no longer compensation for the past injustice they have endured, but rather a possible purchase in the future, subject to the constantly shifting positions of Congress and the President. The protection is temporary, so is the right to be on the land and to use it as well. The irony manifests when one reads that the freedpeople were referred to as “citizens” in the bill, while their freedom and full enjoyment of their rights as citizens were curbed by the intentional omission and implicit refusal to address the hundreds of years of economic reality that stemmed from slavery. By reducing the notion of citizenship to merely a title or a name, the act stripped away the substance of being a citizen, which had granted it worth and meaning in the first place, from the freedmen.

⁴⁷ U.S. Statutes at Large, Volume 13 (1864-1865), 38th Congress. - U.S. statutes at large, volume 13 (1864-1865), 38th Congress. | library of Congress. Accessed April 25, 2026.
https://www.loc.gov/resource/lisalvol.lsal_013/?sp=537&st=image&r=-0.238,0.869,1.56,0.776,0.537

It is through such intentional differentiation between the name and the substance that a hierarchy of citizenship came into existence, that the subtle differences among the population, though all being called “Americans” legally, did not reflect in the minority experiences of the generations to come. What the legal status of American citizenship fails to explain is the factual dilemma: for some, the status can translate into material benefits, legal protections, and economic opportunities; for others, none. The injustice becomes increasingly difficult to detect, especially when hiding behind traditional liberal beliefs in liberty over equality, which hold that freedom does not demand the incorporation of the born disparities in socioeconomic conditions, particularly in terms of race. In his message on vetoing the second Freedmen’s Bureau Act of 1866, President Andrew Johnson provides a textbook example of such beliefs. In addressing the ability of the freedpeople, he stated that they needed nothing more than a condition of freedom, for “they will distinguish themselves by their industry and thrift, and soon show the world that in a condition of freedom they are self-sustaining, capable of selecting their own employment and their own places of abode, of insisting for themselves on a proper remuneration, and of establishing and maintaining their own asylums and schools.”⁴⁸ For Johnson, freedom need not be defined or provided for, for freedom is natural to him and all white people. Being born into a poor family, Andrew Johnson made it out of Raleigh, Tennessee, largely unaided. He called himself “a plebeian” and “no slave-holding oligarch,”⁴⁹ which is a contradiction to

⁴⁸ Johnson, Andrew. “February 19, 1866: Veto Message on Freedmen and Refugee Relief Bureau Legislation.” Miller Center, August 29, 2023.

<https://millercenter.org/the-presidency/presidential-speeches/february-19-1866-veto-message-freedmen-and-refugee-relief>.

⁴⁹ T. B. Peterson and Brothers. “Life, Speeches and Services of Andrew Johnson, Seventeenth President of the United States. With a Full History of His Life, Speeches on the Rebellion, and Services since Becoming President.” HathiTrust. Accessed 2026. <https://hdl.handle.net/2027/loc.ark:/13960/t0cv4mq1p>. 22

the reality.⁵⁰ His industry and diligence rewarded him considerably despite his humble beginnings. Naturally, he believed in the life-changing power of human initiative: if one wills and commits, building a self-sustainable life, if not an accomplished one, seems effortless. It is not an overreach to notice the similar logic implied in his rationale in objecting to the provisions for the freedmen. The condition of being free is narrowly defined as the absence of masters, and that is all he believed the government should provide them in the long term. His naive perception of the racialized reality for black people is simply paradoxical and incoherent: as he believed in the good of government being weak and small, guarding against any potential expansion of executive power as demonstrated in his veto on the Freedmen's Bureau, in the meantime, he also believed in the invincible strength of the government to change a social reality and collective consciousness of racial oppression by the snap of a finger.

Especially when he compared the freedmen to “the thousands, not to say millions, of the white race who are honestly toiling from day to day for their subsistence”⁵¹ and argued that “public money” shall never be used to benefit one class or group of people, did he forget who contributed more in earning that public money that they never got paid back and how the exploitation of the enslaved people's labor had made the country naturally in debt to them? Or, more realistically, he did not forget any of it and the war that just ended for the matter. What he did is simply reflecting his disbelief in the freedmen as citizens equal to the white people. They can be “citizens” defined only at the bare minimum, but not citizens with full rights. And that right is the right to be treated justly and to be retroactively compensated for their labor. The truth is, the unpaid labor is unowned labor. When even

⁵⁰ “Slaves of Andrew Johnson.” National Park Service. Accessed April 24, 2026.

<https://www.nps.gov/anjo/learn/historyculture/slaves.htm>.

⁵¹ February 19, 1866: Veto Message on Freedmen and Refugee Relief Bureau Legislation.

labor has not been rightfully claimed and the claim protected, owning land is simply a more distant dream.

Congress overturned the veto of 1866, but that was incapable of counteracting the destructive impact Johnson had had in the year prior, which tremendously diminished the Freedmen's Bureau's capacity to provide land for the freedpeople. On May 29th, 1865, President Johnson issued the Amnesty Proclamation, paving the way for southerners to regain their property and political rights in a rather lenient manner. Most Southerners would be readmitted as citizens if they swore the oath of allegiance. The excluded groups, such as those holding offices in the succession states and the wealthy who assisted the rebellion through supplying the military, must make a special application that requires the President to grant a pardon individually.⁵² In the Reorganization Proclamation issued on the same day, he declared the readmission of North Carolina to the Union, conditioned upon the adoption of a republican state government and loyal to the United States Constitution with the new Thirteenth Amendment.⁵³ The political measure of readmitting the status of the southern states back to the Union legally reached a tentative conclusion. As the law remained silent on the political and property rights of the freedmen, however, for Johnson, the work was not yet completed if such legal status of the southerners regaining their American citizenship was not accompanied by the restoration of their properties and political rights. So he reached his arm further to the institution that was created for the purpose of arranging the settlement of confiscated, abandoned, and captured land—the Freedmen's Bureau.

⁵² Life, Speeches and Services of Andrew Johnson, Seventeenth President of the United States. 203

⁵³ Life, Speeches and Services of Andrew Johnson, Seventeenth President of the United States. 204

The Bureau is deemed to lose in its fight with the President, who set his mind to undo the works of the Bureau and ensured that they would not be able to do more. Major General and the commissioner of the Bureau, Oliver Otis Howard, wrote in his autobiography of his dissent on how the President and Congress had addressed the collective efforts of the Bureau officers for the entire year of 1865, “But the positive adverse action of President Johnson and the non-action of Congress caused a complete reversal of the Government’s generous provision for the late slaves.”⁵⁴ It was made clear to General Howard that the President was acting for the “ interests of the landowners.” The usage of landowning as a reference to the previous Confederates implied the racialized line demarcated by a government unwilling to commit to the guarantee of full citizenship of the freedmen. As such, the previous labor of the freedmen remained unpaid, and their later labor remained subjugated and only made profits for whoever owned the lands. By the time he issued the second Amnesty Proclamation on Sep. 7th, 1867, he had granted around 13,500 special pardons. It must be noted that the special pardons were granted for the categories he specifically blocked out in his first Amnesty Proclamation, including officeholders and the class with property holding over \$20,000.⁵⁵ What that implies is that the great majority of such persons were huge property owners whose efforts were much more influential than others, and simultaneously, the restoration of their land would considerably impact the amount of land the Freedmen’s Bureau could manage. Added to the restoration, by the end of 1865, Johnson also gave up all confiscation efforts on land reform and had his Attorney General rule the Confiscation Act of 1862, which allowed for the seizure of land from all Confederates, was valid only

⁵⁴ Howard, Oliver Oits. “Autobiography of Oliver Otis Howard, Major-General, United States Army v.2.” HathiTrust. Accessed 2026. <https://babel.hathitrust.org/cgi/pt?id=uiuo.ark:/13960/t0jt73k11&seq=266&q1=amnesty>. 244

⁵⁵ Life, Speeches and Services of Andrew Johnson, Seventeenth President of the United States. 203

during wartime.⁵⁶ By reversing the confiscation of the land, Johnson stripped away the last large portion of land available for allocation to the Bureau. To re-integrate the ex-confederates means to re-grant them the titles of citizenship in the United States, and the restoration of property rights became an unavoidable part of such reintegration.

The genuine intention behind those decisions was unretrievable. The resulting impacts, however, to say the least, severely harmed the new beginnings of the freedmen. On Sep. 12th, 1865, Johnson approved Circular No. 15 as the ultimate standard for defining the land that could be considered under the Freedmen's Bureau and ordered: "Abandoned lands held by this Bureau may be restored to owners pardoned by the President" and "No land under cultivation by loyal refugees or freedmen will be restored under this circular until the crops now growing shall be secured for the benefit of the cultivators unless full and just compensation be made for their labor and its products and for their expenditures."⁵⁷ The fixation on land ownership is persistent. The labor shall be paid from the moment forward—that is the implicit understanding of freedom and the rights of the freedpeople from the side of the President. It can be further argued that freedpeople are once again regarded as a source of labor rather than as equal-standing citizens. And it becomes clearer and clearer to both sides—the advocates for the freedpeople and the opposition—that they would never be equally free if not acquiring land of their own. By Dec. 31st, 1867, 400,517 of the 636,389 acres originally in

⁵⁶ McKittrick, Eric L. *Andrew Johnson : A Profile*. Hill and Wang, 1969. 127-128

⁵⁷ "A Compilation of the Messages and Papers of the Presidents." The Project Gutenberg eBook of A Compilation of the Messages and Papers Of The Presidents, by James D. Richardson. Accessed April 24, 2026. <https://www.gutenberg.org/files/14584/14584-h/14584-h.htm>. [From McPherson's History of Reconstruction, p. 12.]

possession of the Bureau had been restored, leaving them with 235,872 acres for millions of colored people in destitution.⁵⁸

The sentiment of freedmen towards land ownership and their conception of land as the apparatus of freedom reveal themselves even more thoroughly after the Restoration of Confederate land ordered by President Johnson. In their letter of dissent to the President, the Committee of Freedmen on Edisto Island, South Carolina, distilled their despair and devastation into anguished questions that they were more than justified to ask,

Shall not we who Are freedman and have been always true to this Union have the same rights as are enjoyed by Others? Have we broken any Law of these United States? Have we forfeited our rights of property In Land?— If not then! are not our rights as A free people and good citizens of these United States To be considered before the rights of those who were Found in rebellion against this good and just Government (and now being conquered) come (as they Seem) with penitent hearts and beg forgiveness For past offences and also ask if their lands Cannot be restored to them are these rebellious Spirits to be reinstated in their possessions And we who have been abused and oppressed For many long years not to be allowed the Privilege of purchasing land But be subject To the will of these large Land owners?⁵⁹

They believed themselves to be more deserving citizens who earned their right to own the land through their loyalty and their unwavering decision to defend the Union. The ultimate divergence between the freedmen and the congressmen, especially the President, on the issue of land is clear—the ownership of land is more than a title; it is supposed to be the protection of property rights that the freedmen had earned with their fulfillment of duties as citizens. And yet, the government they defended refused to grant them such titles, only to grant them the right to use and labor on the lands. There have been

⁵⁸ U.S. Congress. House of Representatives. Bureau of Freedman and Refugees. 15

⁵⁹ “Committee of Freedmen on Edisto Island, South Carolina, to the Freedmen’s Bureau Commissioner; and the Latter’s Reply.” Committee of Freedmen on Edisto Island, South Carolina, to the Freedmen’s Bureau Commissioner [October 20 or 21, 1865]; the Commissioner’s Reply, October 22, 1865; and the Committee to the President, October 28, 1865. Accessed April 24, 2026. <https://www.freedmen.umd.edu/Edisto%20petitions.htm>.

numerous times when the freedpeople stated the equivalence of land ownership firmly to their freedom because there was nothing freer than to be economically independent and not have to subject oneself to the new economic masters of labor exploitation. Economic dependence resulting from the lack of land ownership deprives them of the means of production to feed themselves and their family. For survival, freedpeople had to sell their labor again because they had no other alternatives. Now facing a vast abundance of labor, it enabled the prominence of Black Codes in the South—the de facto slavery hidden under the facade of contracts because their labor was paid so low, and the agricultural works being the only option.⁶⁰ The participants in the battle over ownership on both sides were aware of the repercussions before they subsequently unfolded, which is why they fought so hard. As the dominant side temporarily won, the authority was able to impose the loss of a substantial portion of citizenship in terms of property rights on the freed population. The economic inequality intensified the racial inequality, while the racialized rhetoric continued to be adopted to justify the economic exclusion of the minority groups. The freedmen already knew what this meant—it was a failed promise of freedom, the myth of “forty acres and a mule” that was never cashed.

⁶⁰ Litwack, Leon F. *Been in the Storm so Long: The Aftermath of Slavery*. First edition. Knopf, 1979. 401-402

Chapter Two: Before the Chinese Exclusion Act

They [Chinese people] monopolize many of the mercantile industries of the Pacific coast to the detriment of the better class. They take the places of the poor laboring classes who are compelled to compete with them or starve. This they cannot do for the reason that the Chinese bring no families, have no children to support or educate, contribute nothing to the support of the government, to the building of churches and school-houses, assume no responsibilities, and could not be called upon to bear arms for the defense of the State or the nation when in danger of foreign invasion. They have no desire to assimilate with our people and have been and always will be a separate and distinctive race. Their labor is brought into competition with our citizens, – REPORT No.67: [To accompany Bill H. R. 3540.]⁶¹

The first wave of Chinese immigrants arrived with the dream of the “gold rush”. Since 1852 and until the passage of the Chinese Exclusion Act of 1882, over 300,000 Chinese arrived in the United States.⁶² This framing of the beginning casts the Chinese presence in America as predominantly economic. Their labor gradually became highly in demand first as a potential alternative to enslaved labor. The idea was later popularized by the Emancipation of 1863 and the following legal affirmation of the freedom of the formerly enslaved in 1865, following the Union’s victory. As early as 1857, in the *Charleston Mercury*, the author wrote, “coolie” labor was cheaper than “the labor of a Negro.” Since “cheaper labor is the imperative demand of the South and the West for the full development of their resources,” the Chinese labor “won” by being “cheap, effective, and suited to warm climates”.⁶³ Labor

⁶¹ 47th Congress 1st Session. House of Representatives Report No. 67. Chinese Immigration. Accessed April 25, 2026. https://www.govinfo.gov/content/pkg/SERIALSET-00938_00_00-068-0067-0000/pdf/SERIALSET-00938_00_00-068-0067-0000.pdf.

⁶² "Introduction" In *Chinese American Voices: From the Gold Rush to the Present* edited by Judy Yung, Gordon Chang and Him Mark Lai, 1-6. Berkeley: University of California Press, 2006. <https://doi.org/10.1525/9780520938328-004>

⁶³ Innovator. "Coolie Labor." *Charleston Mercury*, February 25, 1857. Nineteenth Century U.S. Newspapers (accessed March 18, 2026). <https://link.gale.com/apps/doc/GT3005492257/NCNP?u=ucsantabarbara&sid=bookmark-NCNP&pg=2&xid=72d45802>.

was not perceived as laborers: It is not a person who is conducting the work but only a medium through which labor is performed. Every racialized other was defined and perceived in instrumental terms that reduced them to only “tools” used for production. Rooted in that conception, the “inferior” races are interchangeable and replaceable because the demand persists, always. Because, almost simultaneously, amid the turmoil of war and post-war settlement, the Central Pacific Railroad's construction gained momentum and intensively demanded labor. In his report to the President and Directors of the Central Pacific Railroad of California, Samuel S. Montague, the chief engineer, concluded in the face of the “little work [having] been completed above Newcastle” that “the amount of labor likely to be required during the summer could only be supplied by the employment of the Chinese element of our population.”⁶⁴ Until the completion of the railroad on May 10th, 1869, there were 10,000 to 15,000 Chinese laborers hired at one time at the peak and around 20,000 in total throughout the span of the project.⁶⁵

The Burlingame-Seward Treaty of 1868 may best represent the official encouraging attitude of the US government toward Chinese emigration. The treaty states, “The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other, for the purpose of curiosity, of

⁶⁴ D. Farrar., Lynn. “Report of the Chief Engineer upon Recent Surveys and Progress of Construction of the Central Pacific Railroad of California.” Central Pacific Railroad Photographic History Museum. Accessed April 25, 2026. http://cpr.org/Museum/CPRR_1865_Engineering.pdf.

⁶⁵ Chang, Gordon, and Shelley Fisher Fishkin. *The Chinese and the iron road building the Transcontinental Railroad*. S.l.: Stanford University Press, 2023. 2

trade, or as permanent residents.”⁶⁶ The article was written in mutual terms. Yet, the emigration from the US to China was not comparable to the flow in the other direction. The treaty essentially welcomed Chinese laborers to work, settle, and potentially change their “home and allegiance,” hinting at the possibility of becoming American citizens. It is, however, an openness that had to be guarded against any misinterpretation of an automatic naturalization merely by the virtue of enjoying certain privileges and immunities as citizens of a country of established diplomatic relationship with the US, “But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States.”⁶⁷ The diplomatic terms and the avoidance of using “rights” emphasized upfront the nature of the treaty and emigration as a policy of importing labor only, not welcoming potential citizens. But questions remain in the face of the treaty's naivety: as it welcomed Chinese labor without formal consideration of its future implications, should Chinese laborers simply work for low wages and produce high-quality work, only to leave the country despite having stayed on the land they worked to improve and transform for decades?

There were no answers then, but issues soon arose in states with the highest levels of foreign arrivals. As early as 1852, California was in a consistent effort to discourage emigration as the Gold Rush attracted more and more people. It started with the Foreign Miners Tax of 1852, which targeted the entire non-naturalized population for obvious economic motives.⁶⁸ In the same year, the Special Committee on Public Land's report compared people who emigrated for mining and those who

⁶⁶ U. S. Treaties, Etc. Andrew Johnson. Additional articles to the treaty between the United States of America and the Ta-Tsing empire, of . Concluded at Washington, July 28, 1868. Washington, 1868. Pdf. <https://www.loc.gov/item/2020783770/>.

⁶⁷ Ibid.

⁶⁸ Qin, Yucheng. *The Diplomacy of Nationalism: The Six Companies and China's Policy toward Exclusion*. Honolulu: University of Hawai'i Press, 2016. 33

emigrated for agriculture. Following the Jeffersonian tradition, it explicitly favored the latter while dismissing the former as “in search of mineral and commercial adventures, with the expectation of returning after a residence of a year or two.”⁶⁹ The report went on to recommend “the gift of one hundred and sixty acres” to only American citizens; stated that “there is nothing which so binds a people as a great landed interest” and “in the philosophy of Republican Government, it is the wisdom of giving to every head of family land enough upon.”⁷⁰ Most importantly, “this interposition of your legislation in favor of American citizens, would be, as we desire it should be made, the negation of the right of possession by foreigners.”⁷¹ Now, the report especially noted the Asian races as the worst of all, indicating the primary negation of the right of possession of land of the Asian immigrants. On a pure logical level, there is not much connection between the worthiness of a race and possessing land. How the economic realm of operation becomes a moral judgment is forever a distinctive political feature of the West. Yet, it is not difficult to see the early trend of competitive notions on land possessions as the ownership of the Americans is built upon the exclusion of ownership of non-Americans; the same with citizenship, tied up with the basic civil rights, to be Americans is to not be non-Americans—being an American began with the negation of outsiders rather than building its inherent meaning.

The first formal Californian tax targeting the Chinese population only was passed in 1862, named the Anti-Coolie Act. It is safe to claim that one of the reasons California was the state that initiated such action was at least partially due to its population composition. The 1860 census recorded

⁶⁹ “The Journal of the Senate during the ... Session of the Legislature of the State of California 1852 (3rd Session).” HathiTrust, n.d. <https://hdl.handle.net/2027/uc1.c004807215>. 577

⁷⁰ Ibid. 583

⁷¹ Ibid. 587

a total of 34,933 “Asiatic” in California,⁷² around 9.2% of the total population, within which 25,830 were male between the ages of 20 and 40. In comparison, the white population had 141,131 males in the same age range. Being 9.2% of the whole population, the Chinese male labor force accounted for around 18% within labor population. The dominant population felt sufficiently threatened to pass the Act that “levied on each person, male and female, of the Mongolian race, of the age of eighteen years and upwards, residing in this State...a monthly capitation tax of two dollars and fifty cents, which tax shall be known as the Chinese Police Tax.”⁷³ Other than the absurdly mistitled ethnicity that equated all “Chinese” with “Mongolian,” the act distinguishes itself in a few ways. First, it did not tax minors under 18, emphasizing that it was for Chinese people of the working age and reproductive age only. Second, it chooses to enforce a tax as its solution to the “problem.” It differs from other potential actions in that it acknowledges a special economic role that the Chinese population has played locally. This brings us to the last point of the tax’s name as the “Chinese Police Tax.” It is not “Anti-Chinese Tax” like the title of the act, or “Chinese labor tax,” as its economic nature would suggest. The name “police tax” is a tax of regulation—a tax that would need to “compensate” for the cost of policing their existence on the land of California. The law was voided by the California Supreme Court shortly thereafter. In *Lin Sing v. Washburn*, it was ruled that the law was an attempt to regulate foreign commerce and immigration, which were strictly under federal power. And therefore, the tax was

⁷² “Eighth Census of the United States, 1860 v.1.” HathiTrust. Accessed 2026.

<https://babel.hathitrust.org/cgi/pt?id=osu.32435070003405&seq=140&q1=Chinese>.

⁷³ “California’s Anti-Coolie Act of 1862.” Home | Brian Loveman, Professor Emeritus, San Diego State University. Accessed April 24, 2026. <https://loveman.sdsu.edu/docs/1862Californiaanticoolieact.pdf>.

unconstitutional.⁷⁴ On the face of it, it is undoubtedly promising news for the Chinese population. And yet, the legal protection afforded by the ruling language was largely due to the law's foreign nature. Namely, the protection is provided on the basis that it affects the foreign immigration from China, which was deemed a federal authority. It was not an attempt to recognize any possibility of naturalization of the Chinese population, nor to protect their rights from arbitrary taxation.

The effort in preventing Chinese immigration did not cease in 1862. The California state government passed another two laws in 1870 because the “public sentiment here is so nearly unanimous.”⁷⁵ And yet, only two paragraphs after the comment, Californian Governor Henry Haight stated that California's great need is population for the “millions of acres” of unfarmed public land—although only European immigrants were welcomed, not the “inferior” Chinese.⁷⁶ The irony reveals itself considering how close the two remarks were in the same report. The racialized aspect of inferiority, in combination with targeting Chinese women as “demoralizing,” is no new story in the history of antagonizing minority groups, though the peculiarities of the economic aspect remain highly exclusive to the Chinese population only. The repetitive theme of a labor “criminality” as demonstrated by the other bill targeting the male Chinese laborer passed in the same session described their labor as “a species of slavery,” which is “degrading to the laborer and at war with the spirit of the age.”⁷⁷ If the crime of Chinese women is to demoralize and corrupt the population, then, in parallel

⁷⁴ McClain, Charles J., Chinese Immigrants in the California Supreme Court The Earliest Civil Cases :The Earliest Civil Cases (March 20, 2025). *California Legal History • Volume 19, 2024*, Available at SSRN: <https://ssrn.com/abstract=5186826> or <http://dx.doi.org/10.2139/ssrn.5186826>

⁷⁵ “The Journal of the Assembly during the ... Session of the Legislature of the State of California v.18.” HathiTrust. Accessed 2026. <https://hdl.handle.net/2027/uc1.b2988773>. 55

⁷⁶ Ibid.

⁷⁷ <https://babel.hathitrust.org/cgi/pt?id=uc1.31175020756113&seq=989&q1=chinese> P332

format, the crime of the Chinese laborer is to degrade and corrupt the labor market—the crime of “servile competition” that tends to “cheapen and degrade labor.”⁷⁸

However, in the report accompanying the 1870 Bill targeting the “coolie labor” by levying tax on the population, the chair of the special Committee stated four major reasons for the necessity of the taxation on the Chinese immigrants in a rather opposing rationale to the merely “demoralizing” and “evil” narratives. In the report, the author emphasized heavily on the intricacy of the “coolie trade” that the laborers were innocent and the “Chinese Masters” were the evil ones profiting off from these people, who paid for all of their expenses to come to America in hopes that they would labor to death on this land so they do not have to pay their expenses of return. Even though it was clear that the tax was on the individuals, the author argued that it would “eventually come out of the pockets of their masters” and be used for the protection and benefits of these laborers.⁷⁹ In particular, the report singled out the “Six Companies,” an organization that was deemed an *imperium in imperio* (a government within a government), and accused the organization of contempt of the US government and courts for its alleged enforcement of death penalties and tribunals. The extensive level of moral arguments in the report would surprise anyone who has not read it, especially in how it ended on the terms of “anti-slavery” sentiment. Nonetheless, the absurdity of the bill and the report remain unresolved. The casual link of taxing laborers as a means of preventing maltreatment of their “masters” is illogical in the most minimal sense, and no records were found establishing a government structure that aimed to use tax revenue to improve the population’s well-being. The underlying aims of the bill and the reports as

⁷⁸ “The Journal of the Assembly during the ... Session of the Legislature o, which was part off the State of California v.18.” HathiTrust. Accessed 2026. <https://hdl.handle.net/2027/uc1.b2988773>. 55

⁷⁹ California. Legislature, Assembly. *The Chinese question. Report of the special committee on Assembly bill no. 13*. Sacramento, D. W. Gelwicks, state printer, 1870. Pdf. <https://www.loc.gov/item/04033082/>.

justifications for the bill read more likely as an action against the actual property owners—the Chinese who owned companies, and the Chinese who profited from American lands. Rather than caring about the devastated Chinese laborers in the slightest, stripping away the moral arguments, the report and bill had only one goal in mind: the displacement of the power of an alleged Chinese local government and taxing their profit source as “compensating” for the property they were not allowed to profit from.

Similar local practices targeting only the Chinese population took place in nearby states such as Nevada and Idaho. In 1859, the Gold Hill Mining District of Nevada set its rules and regulations on filing claims over mining lands, with a specific article stating that “No Chinaman shall be allowed to hold a claim in this district.”⁸⁰ It was not a formal law passed by the area's legislature. As the Whereas clause of the resolution wrote, the reason that the local citizens felt justified to legislate collectively as a community was to have the rules as “mutual protection” of themselves from the “isolated position” they suffer. Because they were geographically far from “those fountains of justice,” referring to the local courts. It was a collective action aimed at protecting American citizens' rights against a specific injustice they believed they had been subjected to—that injustice is a protection of their ownership of mining lands through the prohibition of non-citizens' ownership. The context of the community law's passage is particularly in support of this argument. In June of the same year, in Nevada or Utah territory, the great discovery of the first silver mines in the United States was made. By 1880, the Comstock Lode, where the Gold Hill Mining District was located, produced around 6,971,641 tons of ore extracted and milled.⁸¹ The people of Gold Hill would not be able to guess correctly at the precise numbers the

⁸⁰ Lord, Eliot. “Comstock Mining and Miners : Lord, Eliot : Free Download, Borrow, and Streaming.” Internet Archive, January 1, 1883. <https://archive.org/details/comstockminingmi00lord/page/44/mode/2up?q=640>. 44

⁸¹ Ibid. 417

lode would bring them, but the prosperity it would bring to the town was evident. It can hardly be a mere coincidence that the passage of the local laws and the discovery of great land wealth just happened to take place in the same year and around the same time. What the event tells is how a racist idea would be sparked into full legal operation when exclusion would translate into great economic benefits. In this case, it was about owning a limited number of mining lands that would easily enrich a family. When tying it to racial lines, the massive wealth became the competition of a zero-sum game—one White family would benefit if one Chinese family did not.

Other districts had different reasons for why the Chinese population was not allowed to remain in their area. But they all were mining districts. In March 1860, the Euro-American miners issued a two-month ultimatum and threatened violence to force all Chinese people to leave the place. They claimed a moral justification by calling the Chinese thieves. In 1861, the Pierce Mining District in Idaho had passed a law that excluded Chinese people from even working in mines. Later, the law was amended so that the Chinese could own abandoned claims, that is, the claims that were sold to American citizens but left dormant.⁸² Reasons to abandon claims on mining lands vary, but the most common ones would be the exhaustion of ores and depletion of resources. The Chinese miners were only allowed to own these lands that were not seen as profitable. The ownership is allowed because it was economically beneficial: their labor still contributes to improvements to the land; to avoid the total expulsion of the Chinese population, and even to give them ownership of mining lands, the law demonstrates the overriding power of economic interest over the racial aspect sometimes. The

⁸² Chung, Sue Fawn. *In Pursuit of Gold: Chinese American Miners and Merchants in the American West*. Urbana: University of Illinois Press, 2017. 38

“legendary” stories of how the Chinese made the supposedly abandoned claims into profits⁸³ made the Chinese labor be valued more than the racist sentiment from time to time. The local governments and their communities continued to exclude them from owning good land, ensuring that labor would not translate into claims/ownership of the surplus profits from these lands that would make them economically independent and non-exploitable. Exclusionary citizenship, established by the 1790 Naturalization Act, becomes a suitable and available rationale for such economic incentives: only citizens shall be entitled to land ownership and claims to lands, and immigrants like the Chinese shall not become citizens or have their property rights protected because of their economic achievements and capabilities. This measure contributes to an economic hierarchy more than a racial one, to retain Chinese labor and their economic low status.

One can see the racial rhetoric that justifies the economic exclusion played out as these local laws and public opinions eventually made their way to the federal level, particularly in its legislation regarding the sale of mining lands. The Mining Law of 1866 allowed for the public mineral lands to be “free and open to exploration and occupation by all citizens” or those who have declared their intent to be citizens.⁸⁴ People who can never be naturalized or become citizens are therefore excluded from any ownership of mineral lands. The citizenship requirement is again reaffirmed in the Mining Law of 1872 regarding “all valuable mineral deposits.”⁸⁵ Laws with similar purposes of excluding alien

⁸³ Ibid. 91

⁸⁴ “1866, July 26 - 14 Stat. 251, Act Granting Right of Way to Ditch and Canal Owners over Public Land” (2016). US Government Legislation and Statutes. 13. https://digitalcommons.csumb.edu/hornbeck_usa_2_d/13

⁸⁵ Congress. “Mining Law of 1872 (Act of May 10, 1872)”. Government. U.S. Government Publishing Office, August 10, 1993. <https://www.govinfo.gov/app/details/COMPS-5337>

possession were also passed for placer claims involving non-rock mineral deposits.⁸⁶ The 1872 federal law provided citizens with the option of receiving a patent from the government, namely a full transfer of title over the claimed land, with certain conditions of laboring on the land and other procedural requirements.⁸⁷ This ownership is also denied for non-citizens. And these laws made it possible that even when a Chinese person claimed ownership of the abandoned land that was sold to them by the Euro-Americans, they could just claim the land right back after the land's value was revived by the Chinese labor. *San Francisco Bulletin* commented that "the Chinese could be driven off the site when EuroAmericans coveted it."⁸⁸

It was all about the money. More precisely, it was about giving the privilege of wealth to some and excluding others. White citizenship provides such exclusionary protection from the government, which was also on board with the idea of binding wealth to this land and guarding against foreign exploitation. To recognize that any expansion of citizens' economic rights is a conscious decision at the expense of non-citizens' rights. And as the more protection and benefits a citizen enjoys, the higher the threshold and the more impassable the barrier of being naturalized for non-citizens, due to the limited nature of valuable land for mining and cultivating.

So far, it has been established that the construction of the Transcontinental Railroad and the Gold Rush led to a large influx of male Chinese laborers, which provoked broad antagonism among

⁸⁶ *An Act to amend "An Act granting the Right of Way to Ditch and Canal Owners over the public Lands, and for other Purposes."*, Public Law 147, U.S. Statutes at Large 16 (1870): 217-218.

<https://www.govinfo.gov/app/details/STATUTE-16/STATUTE-16-Pg217>.

⁸⁷ "2nd Session - Page 716 — Congressional Globe - Acts and Resolutions." Congress.Gov. Accessed April 25, 2026.

<https://www.congress.gov/congressional-globe/acts-and-resolutions/42nd-congress/Laws%20of%20the%20United%20States/20068>.

⁸⁸ Chung, *In Pursuit of Gold* 40

white Californians and the government. The economic dimension of the relationship between the Chinese immigrants and the local communities was undeniable. There is a further argument that needs to be made in clarifying the relationship between labor and labor on the land one owns. One evident paradox presented by these fragments of history is the tension between the factual need for labor in states like California and the public sentiment of antagonism toward perceived labor competition. How can there be a competition among laborers when there is a great demand for labor?

To dismiss these actions as merely racism against minority groups fails to fully account for the economic nature of labor, because what appears to be a competition for jobs was, in fact, a competition of economic opportunity for upward mobility. Immigrants who arrived as laborers were often attracted by the “American dream.” They did not only aim for laboring for the rest of their lives—ultimately, there was a more common wish among them, including Chinese immigrants, of owning a “home” and having a better life, which required owning a piece of land, either for farming or mining purposes. And in reality, that dream is not for everyone to enjoy. The capitalist system held that some could realize their dreams while others couldn’t. The mindset is exemplified by the noticeable correlation between the growing number of Chinese immigrants settling down and stronger sentiments against them, as demonstrated by the shift in the federal policy from the Burlingame-Seward Treaty of 1868 to the Chinese Exclusion Act of 1882.

So how did the Chinese people react to everything, from the local hatred to the legal targeting?
–They found ways and loopholes to survive and thrive by owning land claims. In the eyes of the locals, the Chinese laborers have a distinctive connection to agriculture: “he takes kindly to gardening and

fruit culture, and already has become an owner of the soil.”⁸⁹ China has always been an agricultural country with strong ties to the land itself. In fact, even when the law has been disadvantageous to the Chinese, illegalizing lots of the scenarios of their possession of land for mining, they have always tried to find loopholes to survive and improve their lives. They were willing to work on the worst land and to buy non-profitable land from citizens because they were aware of the importance of owning land. They fought in courts for their rights. For instance, as an attempt to reverse “An Act to provide for the forfeiture to the territory of placer mines held by aliens,” that forbade any aliens from possessing title or owning the profits of these mining lands, Fouk Lee, who “is a subject of the Chinese Empire,” fought for his ownership of 3000 feet of mining ground. The Supreme Court of Montana overturned the decision of the lower court and ruled that the 1866 Mining Law “does not prohibit citizens who rightfully acquire this possessory title from selling and transferring the same to aliens, or to any other persons.”⁹⁰ The ruling was also largely due to the Territory of Montana’s sovereignty issue, which the Supreme Court found lacked the same sovereignty as a state legislature and therefore could not impose “disability” on aliens with respect to their titles. Naturalization was not in debate. Nonetheless, as a result of Fouk Lee’s successful appeal to the Supreme Court on his own behalf, the case shows that the significance of possessing land titles was recognized by both the authority and the Chinese population.

And again, in moments of turmoil, the Chinese community was forced to express its stances and beliefs as a minority. The Six Companies, which were seen as the “evil masters” in the previously

⁸⁹ *Lewiston Evening Journal* (Lewiston, Maine), December 23, 1869: 2. *NewsBank: Asian Life in America*.

<https://infoweb.newsbank.com/apps/news/document-view?p=ALIA&docref=image/v2%3A163AE2ABEA4DECD1%40ALIA-17E160ECE14FD811%402404055-17DF6F212D34C71B%401-17DF6F212D34C71B%40>.

⁹⁰ I. F. R. “Supreme Court of Montana. The Territory of Montana, Plaintiff and Respondent, v. 3000 Feet of Mining Ground, and Fouk Lee, Defendant and Appellant.” *The American Law Register* (1852-1891) 22, no. 8 (1874): 487–99. <https://doi.org/10.2307/3303398>.

discussed report, are in fact an organization in San Francisco formed to help Chinese immigrants who came impoverished and unemployed.⁹¹ As the political spokesmen of the community, they published a manifesto possibly in response to the Page Act of 1875 that restricted the entrance of “the labor of cooly” and women “for the purposes of prostitution”⁹² and generally to the heated sinophobia, in which they counterintuitively concurred with the cessation of Chinese immigration from the federal government. In the meantime, they elaborated on their effort to discourage people coming from China themselves and called on the “capitalists of this honorable country” as responsible for the continuous importation of “cheap Chinese labor.”⁹³ The manifesto continued by stating that they did not want to anger the white population and hoped that the cessation of immigration would remove the fear of competition and allow the ones who already settled in the US to be “at home” and “no longer remain strangers in a strange land.”⁹⁴ It is clear that, in San Francisco, as the city with one of the largest Chinese populations, the settled ones felt justified in claiming a home in America as every other immigrant did, and they felt their labor had not “impoverished” the land but had contributed to its flourishing. The recurring theme, as one may recall from the previous chapter, centers on the particular

⁹¹ The Diplomacy of Nationalism The Six Companies and China’s Policy toward Exclusion Conclusion

⁹² The Page Act of 1875 (immigration act). Accessed April 25, 2026.

<https://loveman.sdsu.edu/docs/1875Immigration%20Act.pdf>.

⁹³ “THE CHINESE: THEY ARE ALARMED BY THE POPULAR EXCITEMENT A MANIFESTO TO THE AMERICAN PEOPLE A LITTLE SARCASM UPON “THIS HONORABLE COUNTRY.” THE SIX COMPANIES SEND A STRONG LETTER HOME THEIR COUNTRYMEN TOLD TO STAY IN CHINA INTERVIEWS WITH SOME REPRESENTATIVE CELESTIALS THEIR FEARS, HOPES AND OPINIONS ACTION OF THE CITIZENS’ COMMITTEE--A RIOTOUS MEETING--ETC. THE MANIFESTO THE CHINESE COMPANIES EFFORTS TO STOP EMIGRATION NO SLAVERY CHEAP LABOR THE YUNG WO COMPANY AN IMPORTANT LETTER ACTION OF THE CITIZENS’ COMMITTEE AN ABUNDANCE OF MONEY MR. KOHLER’S SUGGESTIONS A RIOTOUS ASSEMBLY CHINESE CHEAP LABOR DR. WILLIAMS’ OPINIONS THE SIX CHINESE COMPANIES EX-MINISTER CHARLES E. DELONG INTERVIEWED ADVENTURERS, DIGGARS, CRIPPLES BOUND BODY AND SOUL HEATHEN CHICANERY ANOTHER CHINESE OUTBREAK ANTI-CHINESE.” 1876., Apr 01 *San Francisco Chronicle (1869-1922)*, 3.

<https://www.proquest.com/newspapers/chinese/docview/575333519/se-2>.

⁹⁴ Ibid.

understanding of citizenship or belonging to a country based on one's labor contribution, which equates to a claim to the land.

The most intriguing statement came from the interview that followed the manifesto, with one of the presidents of the Six companies, who pointed to the crucial problem of the “labor competition narrative”—that the Chinese were intentionally sabotaging the labor market because they were willing to work for lower wages—when people ignored the fact that the Chinese people were not offered a equal amount of wage as “EuroAmericans” and yet they had to work to survive. It is extremely important to consider this alongside the involuntary nature of many Chinese laborers who were kidnapped from China, and many of them worked to return home. The “coolie labor” was problematic precisely because the laborers were not parties to the signed contracts and therefore would not benefit from their labor. They were deceived or defrauded into believing in a betterment of life. In the Committee report that accompanied the bill, which aims to prohibit the “Coolie Trade” in 1860, Rep. Thomas Eliot deemed it a crime as “mortifying” as the African slave trade.⁹⁵ One point of emphasizing the “coolie labor” by the President of the Six Companies is to provide a counter-argument to the dominant white narrative on the depiction of “evil” and “immoral” Chinese who should be expelled from the country and denied naturalization and civil rights like property ownership. The opposing account, on the one hand, is a compromise to acknowledge the anti-Chinese labor sentiments and the de facto local rivalry that existed for decades; on the other hand, it argues for a sense of civil legitimacy for those Chinese

⁹⁵ U.S. Congress. House of Representatives. Coolie trade. (To accompany Bill H.R. No. 657.) April 16, 1860. 36th Cong., 1st sess., 1860. H. Rep. 36-443. https://www.govinfo.gov/app/details/SERIALSET-01069_00_00-123-0443-0000.

people who did remain on the soil of America, who contributed to the improvement of the land and wished to stay whether or not they were brought voluntarily.

One may challenge the idea by asking why the Six Companies, if they are as powerful as the Congress Committee report for the “coolie tax” bill claimed, did not have a more affirmative or proactive stance on the issue of immigration? Why had they compromised? Challenges like this ignore the report’s incentive to demonize the Chinese community support organization in order to morally justify their economic exploitation of the population; meanwhile it also fails to consider the fact that, regardless of the size of the Huiguan,⁹⁶ such as the Six Companies, as the center of the Chinese community, the Chinese were still a minority group with almost zero legally allowed political representation routes, other than securing the minimal support of sympathizers from the dominant race. The only route that would gain them some political influence is through the courts as the primary measure of challenging passed legislation that specifically targeted the Chinese immigrants.⁹⁷ This limitation compels the settled population to take less aggressive, mostly reactive, measures and choose to voluntarily separate themselves from other people to gain peace and safety.

To a certain extent, due to the involuntary nature of many Chinese immigrants' arrivals, there seems to be an unspoken mutual consensus, almost, that the Chinese population and the Americans agree that, somehow, this employment relationship would end sometime in the future. And the Chinese are only here to fill in the gaps of a labor shortage. And when the job is done. They shall

⁹⁶ “The huiguan were similar to native-place associations found among other immigrant groups in the United States that provided recreation, contacts for housing and jobs, burial insurance, credit, and a collectivized voice to mainstream American society. Under the leadership of ethnic elites, these societies were organs of both social solidarity and social control.” Mae M. Ngai. “Western History and the Pacific World.” *Western Historical Quarterly* 43, no. 3 (2012): 282–88. <https://doi.org/10.2307/westhistquar.43.3.0282>. 285

⁹⁷ Chinese Immigrants in the California Supreme Court The Earliest Civil Cases :The Earliest Civil Cases

return to their home country and be a non-problem to the US. This conception is expanded and coined by a sociology scholar, Paul C.P. Siu, in his article “The Sojourner,” in which he defined the word as “one who clings to the cultural heritage of his own ethnic group and tends to live in isolation, hindering his assimilation to the society in which he resides, often for many years. The sojourn is conceived by the sojourner as a “job” which is to be finished in the shortest possible time...He is comparable to the ‘marginal man.’”⁹⁸

And yet, it is factually incorrect. The Chinese laborers did not just leave after the completion of their work in America—the transcontinental railway was completed in 1869, and yet the Chinese population did not vanish. The census of 1870 showed an Asian population of 63,199, predominantly Chinese, and ten years later, in 1880, the numbers increased to 105,465, with only around a hundred Japanese people.⁹⁹ Reasons for staying vary for every individual. Very often, it was economic reasons that they simply cannot afford the cost of return, or simply that they had built a life for themselves in America. Aside from the numbers, an alternative angle merits attention. Just like how the Chinese laborers were forced to work for low wages to survive, because there were no other alternatives, would it also be possible that the Chinese population may not even be given the opportunity to assimilate in the first place? Could it be possible that the failure to provide opportunities to assimilate and to become American citizens began when they were not allowed to claim ownership of land to settle? After all, if one cannot even live in a place one can safely call home, how can one become part of the local communities? And even when they were able to claim some land through legal loopholes, they

⁹⁸ Paul C. P. Siu. “The Sojourner.” *American Journal of Sociology* 58, no. 1 (1952): 34–44.

<http://www.jstor.org/stable/2771791>.

⁹⁹ Lutz, R. C. Asian immigrants, 2011. <https://immigrationtounitedstates.org/359-asian-immigrants.html>.

did not feel the same assurance as others; instead, they feared losing their rights to their land every single day.

Eventually, the claims of the Chinese being impossible to assimilate, along with the stabilized economy and decreased need for labor as major constructions were completed, led to the climax of the anti-Chinese movement. The 1882 Chinese Exclusion Act is officially titled "An Act to execute certain treaty stipulations relating to the Chinese." Because they endanger "the good order of certain localities," the law imposed a ten-year suspension on the immigration of Chinese laborers, excluded any lingering possibility of naturalization for those people, and exempted only non-laborer Chinese's entry into the country, like business persons and diplomats provided with official certificates.¹⁰⁰ The fear of economic competition persisted. And on a deeper level, the laborers, as miners or farmers, were the backbone of the American rationale of property rights that rooted in the improving and working on the land they lived on.; it is possible that the fear is not only the economic prominence of the Chinese people despite their undesirable starting point, but also the fear of their existence as exposing the inconsistency of the American ideal, one of the very early American fantasies of Americans as the people entitled to freedom and private property because of their diligence and bravery.¹⁰¹ In reality, the land of opportunity and the free only wants to protect the opportunity and the free of the early arrivers, which could only take place by disposing of the economic rights of the newcomers. Race

¹⁰⁰ "Chinese Exclusion Act (1882)." National Archives and Records Administration. Accessed April 24, 2026. <https://www.archives.gov/milestone-documents/chinese-exclusion-act>.

¹⁰¹ "THIRTY—SEVENTH CONGRESS. Sess. II. On. 75. 1862. ." Library of Congress. Accessed 2026. <https://tile.loc.gov/storage-services/service/l1/lsl//lsl-c37//lsl-c37.pdf#page=138>. 392 Turner, Frederick Jackson. "The Project Gutenberg eBook, the Frontier in American History, by Frederick Jackson Turner." The Project Gutenberg eBook of The Frontier in American History, by Frederick Jackson Turner. Accessed April 24, 2026. <https://www.gutenberg.org/files/22994/22994-h/22994-h.htm>. Preface

intensifies the sentiment and provides a justification for the ideological inconsistencies, but it is not the root of it—the unwillingness to share the land with more people is what is really at the core of the laws.

The Chinese story is special because it requires a closer look, not at the federal level, but at the state level and even at the mining districts. The Chinese community faced a rivalry that was more localized than that of the freedpeople during Reconstruction. The dispossession of land from the freepeople was driven by federal actions downward to the states in the dominant post-Civil War context. For the Chinese laborers, the exclusion was a bottom-up political action that originated from the states and moved to the federal government, with the 1882 Chinese Exclusion Act as the periodic end of the decades-long resentment rather than the beginning of it. At the end of the day, land is THE thing that leads to achieving a dream life, whether it is land for farming or mining. For the Chinese population specifically, the mining land has a more material emphasis, which threatens the dominant property owners even more than purely agricultural lands.

Practices of denying Chinese ownership of mining lands, accompanied by the exclusion of naturalizations, leave the laborers in a vulnerable position, up for economic exploitation. When they were not allowed to own the lands they were working on, they did not own the products of their labor on these lands that would otherwise make them economically independent. And even when they found legal loopholes to own the land, the citizens could always appeal to authorities who would forfeit the rights of aliens for the benefit of its citizens. It appears justified superficially, as the government protects itself from the foreign population taking advantage of the country. Yet, as an immigration country, citizenship is defined in terms of rights and obligations; it is simply unjust when a group of people fulfills their obligations as laborers to the country's development but is denied the

rights. This chapter aims to show that the motives of the exclusion are racial in justification and economic in nature. Land, therefore, becomes the mechanism of exploiting the Chinese labor without providing them with the protection of rights that would make their life better. Because the white citizens were able to benefit tremendously from their citizenship precisely by excluding the rights that came along with the citizenship from others, it was still slavery disguised behind the veil of contracts.

And yet land remains the reason the Chinese community stayed. Wong Chin Foo, the first Chinese American, argued that the Chinese people would rather die of famine than emigrate to other countries in order to point out that the Chinese presence in the country was forced upon the Chinese people, too. He questioned the hypocrisy of other Americans, “Even if there is such a thing as the possibility of bringing five or six hundred millions of Chinamen to American shores, have they not the same right to come here as men from other nations? Is not this country that boasted of its free and liberal institutions, –the land of the oppressed and the home of the unfortunate?”¹⁰²

¹⁰² ChinFoo, Wong. “Image 12 of Chicago Daily Tribune (Chicago, Ill.), March 11, 1879.” Library of Congress. Accessed April 25, 2026. <https://www.loc.gov/resource/sn84031492/1879-03-11/ed-1/?sp=12&r=0.494,0.679,0.416,0.183,0>.

Chapter Three: The Sovereign Land

We have treated them [Indian Tribes] as independent nations, without their having any substantial pretensions to that rank. The distinction has flattered their pride, retarded their improvement, and in many instances paved the way to their destruction. The progress of our settlements westward, supported as they are by a dense population, has constantly driven them back, with almost the total sacrifice of the lands which they have been compelled to abandon. They have claims on the magnanimity and, I may add, on the justice of this nation, which we must all feel. We should become their real benefactors; we should perform the office of their Great Father, the endearing title which they emphatically give to the Chief Magistrate of our Union. Their sovereignty over vast territories should cease, in lieu of which the right of soil should be secured to each individual and his posterity in competent portions; – Second Inaugural Address of James Monroe¹⁰³

When tracing government policies and laws regarding what it considers a specific group of people, it would be difficult to ignore the influence of the first contacts or impressions between the two actors, which matter tremendously in shaping the dynamics of their relationship and dictate any form of policy to be passed on each side. If the interaction between the dominant race in America and the freedpeople and the Chinese immigrants was essentially economic, in that they treated both in instrumental ways as labor, not as respected individuals, the interaction between them and the Native Tribes was utterly distinctive—the European colonists, the enslaved African population, and the kidnapped Chinese laborers all came to America voluntarily or involuntarily as immigrants to begin with; for these groups, there were technically no groups who had a more justified claim over owning the land than others on a moral level. Yet, for the Native Tribes, America has been their home for thousands of years, which means they do have the most justified claim to the land of America. In fact,

¹⁰³ Monroe, James. “Inaugural Addresses of the Presidents of the United States : From George Washington 1789 to George Bush 1989.” Avalon Project - Documents in Law, History and Diplomacy. Accessed April 24, 2026. https://avalon.law.yale.edu/19th_century/monroe2.asp.

the early colonists had to ask for their help to settle in America in the first place.¹⁰⁴ And the images regarding the indigenous people are rather antithetical: other than the image of the “ignoble savage,” that would stick and gain dominance later on, there was also the image of the “noble savage.”¹⁰⁵ This concept, largely associated with the Geneva philosopher Jean-Jacques Rousseau, depicts the free persons who are in harmony with nature and enjoy their life without being polluted by civil life.¹⁰⁶ The perception of the early American politicians towards the native population also did not start with a sense of inferiority. The governor of New York, George Clinton, wrote in 1748 to Cadwallader Colden, who would later become the governor, “The preserving the Friendship of the Six united Indian Nations is at all times of the greatest consequence to the Safety & Prosperity of the British Colonies in North America but of the greatest importance in time of War by reason of their Warlike Genius their general influence on the other Indian Nations...”¹⁰⁷ Similarly, in 1775, the report submitted by the committee on Indian affairs to the Continental Congress stated that “securing and preserving the friendship of the Indian Nations, appears to be a subject of the utmost moment to these colonies.”¹⁰⁸ The colonists were dependent on the indigenous people for military assistance, and their neutrality or friendship secured their colonies from other colonial powers.

¹⁰⁴ Hämäläinen, Pekka. *Indigenous continent: The epic contest for North America*. New York, NY: Liveright Publishing Corporation, a division of W.W. Norton & Company, 2023. 72-73

Bradford, William. “The Project Gutenberg eBook of Bradford’s History of ‘Plimoth Plantation’, by William Bradford.” The Project Gutenberg. Accessed April 25, 2026. <https://www.gutenberg.org/cache/epub/24950/pg24950-images.html>. Book 2 Line 120

¹⁰⁵ Prucha, Francis Paul. *The Great Father: The United States Government and the American Indians*. Lincoln: University of Nebraska Press, 1984. 2

¹⁰⁶ Jean-Jacques Rousseau, Donald A. Cress, James Miller. *Discourse on the Origin of Inequality*. Indianapolis, Indiana: Hackett Publishing Company, Inc., 2023.

¹⁰⁷ “The Letters and Papers of Cadwallader Colden ... 1711-[1775] v.53 1920.” HathiTrust. Accessed 2026. <https://hdl.handle.net/2027/mdp.39015046786987>. 34

¹⁰⁸ *The Great Father: The United States Government and the American Indians* 13

The question, therefore, shifts to why the former impression had won over the latter and had controlled American policies and laws, changing from treating the indigenous population as separate nations worthy of respect to children who required discipline, with Americans as the “Great Father” and in the mean time they shall not be displaced from their lands so that these lands can be better appropriated by the Anglo-Americans.

In fact, the 1st United States Congress upheld the tradition of mutual respect. It passed its very first legislation in 1789, focusing specifically on the Native population regarding the creation of the Commissioner position and the appropriation of funds to sustain peace with the Indian tribes. The second was an annual renewal of the first. And the third and major change in law was the Act to regulate trade and intercourse with the Indian tribes, passed on July 22, 1790. There were three parts of the law that were worth noting. It was, first and foremost, a trade regulation that recognized American authority over trade with independent sovereign entities through the issuance of a license; similarly important, it was a regulation on land sale that required the federal authority to verify that the sale was “valid”; lastly, any crimes committed against Indians would be punished.¹⁰⁹ For a newly established state, regulations on the nation’s sole authority to permit foreign trade, as well as punishments for crimes committed against foreign allies, are natural legislative measures to assert the state’s sovereignty. On the opposite side, although the Native Tribes were not referred to as nations or states, they were legally treated as an external partner and non-citizen to America, which leads to the last point on land. To have federal validation only through a public treaty on the ownership of land purchased from the

¹⁰⁹ Little, Charles C., and James Brown. “Acts of the First Congress of the United States - Loc.” Library of Congress. Accessed April 25, 2026. <https://tile.loc.gov/storage-services/service/l1/lsl//lsl-c1/lsl-c1.pdf>. 137-138

Native population overrides any private “pre-emption” and is again further asserting a public, centralized federal authority, but also the first step to control who would be allowed to own lands by having them publicly owned in the first place. One must also acknowledge that these purchases of land differ from settling on regularly surveyed and sold unoccupied land; rather, they are transfers of ownership from one sovereign state to another, which is why the action must be solely under federal control, so that the land acquisition would be legitimate. Land becomes a symbol for such legitimized sovereignty that provides the ground for the growing nation of the United States to expand within the bounds of justice, at least on paper.

Despite the biased definition of what shall be defined as “voluntary,” the form of transferring sovereignty through the actions of selling is under the principle of preemption, which Thomas Jefferson defined as “the sole and exclusive right of purchasing from them[Indigenous people] whenever they should be willing to sell. . . . We consider it as established by the usage of different nations into a kind of *jus gentium* for America, that a white nation settling down and declaring that such and such are their limits, makes an invasion of those limits by any other white nation an act of war, but gives no right of soil against the native possessors.”¹¹⁰ The rejection of the Native population's full sovereignty is evident, but so is the legal boundary of Native rights: commerce and settlement by purchase are the only recognized legitimate means of land acquisition for the United States as a nation. Wars among white nations are wars among colonial competitors. However, the Native Tribes were external to that potential military competition, and it was unacceptable to wage war against them.

¹¹⁰ Prucha, *The Great Father: The United States Government and the American Indians* 21-22

Prior laws drafted by Thomas Jefferson aligned with this belief. The Land Ordinance of 1785 aimed to address “territory ceded by individual states, to the United States, which has been purchased of the Indian Inhabitants”¹¹¹, and the subsequent Northwestern Ordinance of 1787, with a similar intention and a extra provision said “The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent;” was part of the new ordinance.¹¹² It was undeniable that the policies posed a threat to the Native claims of the land by incentivizing the settlers to colonize and purchase lands if force or threat was needed. Yet whether the author's intent or ideology was to invade and impose violence is debatable. First, the weak federal control of the Confederation meant that laws written in good faith would be drastically different in practice, especially when tied to economic interests. Second, Thomas Jefferson had expressed multiple times his belief in Native populations that “I believe the Indian, then, to be, in body and mind, equal to the white man.”¹¹³ The alternative motive to dislocate the native people, as written in his other letter in 1785, states, “They have purchased the Indian right of soil to about fifty millions of acres of land,...They have, in consequence, passed an ordinance for disposing of their lands, and I think a very judicious one. They propose to sell them at auction, for not less than a dollar an acre, receiving their own certificates of debt as money.”¹¹⁴ If we take Thomas Jefferson for his words on the issue of race, that he did not deem the indigous tribe as inferior, then in moments, the economic motive of paying

¹¹¹ “Land Ordinance of 1785.” US House of Representatives: History, Art & Archives. Accessed April 24, 2026. <https://history.house.gov/HouseRecord/Detail/25769822302>.

¹¹² “Image 2 of An Ordinance for the Government of the Territory of the United States, North-West of the River Ohio.” Library of Congress. Accessed April 25, 2026. <https://www.loc.gov/resource/bdsdcc.22501/?sp=2&st=image>.

¹¹³ Jefferson, Thomas. “The Letters of Thomas Jefferson to Chastellux Paris, June 7, 1785.” THE AVALON PROJECT. Accessed April 24, 2026. https://avalon.law.yale.edu/18th_century/let27.asp.

¹¹⁴ “Thomas Jefferson to William Carmichael, 18 August 1785,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Jefferson/01-08-02-0316>. [Original source: *The Papers of Thomas Jefferson*, vol. 8, 25 February–31 October 1785, ed. Julian P. Boyd. Princeton: Princeton University Press, 1953, pp. 401–402.]

back the national debts through purchasing and selling land had presented itself as a stronger motive in driving his actions of forced relocation of the indigenous population.

Unfortunately, what Thomas Jefferson failed to acknowledge in his writings on the notion of land is that, as speculation of land brought massive economic benefits and opportunities, the acquisition of land became less bound by morals and irretrievably more violent. By the time he was elected to the office, his stance on the approach to achieving an agrarian future for America had also changed. He ceased to defend the peaceful measures he used to believe in during the early years, but would instead engage in more violent policies that would give the white Americans greater ownership of more of America. One approach was to use the credit system that incentivize over-spending of the targetted tribes to purchase more from the sell houses owned by the government and to trap the communal tribes into debts, who had to sell their land to pay back debt; another approach was to force cultural assimilation and have agricultural settlements, which would have a higher efficiency of land usage with more people settling on a smaller land. As their hunting “disposition” changed, there was more land for them to sell to America. The control of land was so central that the private American traders were considered “pests” and needed to be driven out.¹¹⁵ The trading competition between the publicly owned trading house and the private one would undercut his debt-trap plan mentioned above. Jefferson’s antagonism toward the private traders stemmed from colonial influences, as he deemed them a threat to American monopoly over trade with the Indian people and to American sovereignty over the local economy. His rather immoral or mean schemes for the native population

¹¹⁵ “Thomas Jefferson to William Henry Harrison, 27 February 1803,” *Founders Online*, National Archives, <https://founders.archives.gov/documents/Jefferson/01-39-02-0500>. [Original source: *The Papers of Thomas Jefferson*, vol. 39, 13 November 1802–3 March 1803, ed. Barbara B. Oberg. Princeton: Princeton University Press, 2012, pp. 589–593.]

were also dominantly economic. The economic efficiency and benefits of land acquisition for sale overrode the moral ideals. The letter also pointed to a distinctive connection between citizenship and land for native peoples from the perspective of the dominant race that “they will in time either incorporate with us as citizens of the US. or remove beyond the Missisipi.”¹¹⁶ Ceding their homeland as a form of transferring sovereignty, as well as a total economic compliance, “buys” them the citizenship that many tribes did not even want; often, their commitment to tribal sovereignty is through wars, like the Seminole Wars and the Cherokee resistance against the removal.¹¹⁷

From seeing the indigenous tribes as friends and allies to targets of economic exploitation and forced change in means of living, two dominant things had taken place. One, Thomas Jefferson became the President. Second, his planning, which began much earlier, and the eventual action to purchase the Louisiana territories from the French took place two months after the letter. Whether the presidency made Jefferson more protective of the white population and more defensive toward external threats cannot be asserted. But the Louisiana Purchase was the first tipping point in the relationship between the federal government and the Native Tribes. It did two things: first, it stripped away the alliance advantage that the native tribes, such as the Cherokee Nation, were masterfully leveraging to their own benefit.¹¹⁸ The ceding of Louisiana marked France's exit from the continent after the British, leaving America with no close, threatening colonial competitors, which meant the alliance with the

¹¹⁶ Ibid.

¹¹⁷ Strang, Cameron B. “Violence, Ethnicity, and Human Remains during the Second Seminole War.” *The Journal of American History* 100, no. 4 (2014): 973–94. <http://www.jstor.org/stable/44307855>. 977

“Resisting Removal.” Smithsonian National Museum of the American Indian. Accessed April 25, 2026. <https://americanindian.si.edu/nk360/removal-chokeee/resisting-removal.html>.

¹¹⁸ Dunbar-Ortiz, Roxanne. *An Indigenous Peoples' History of the United States*. Boston, Massachusetts: Beacon Press, 2015. Chapter Four Bloody Footprints: Colonial Expansion

natives to ensure they did not assist the other side vanished. The secured Missisipi River and port of New Orleans boosted the nation's economic and military security, while again diminishing the need for alliances.¹¹⁹

Second, it determines the point at which the conquest of land and the expansion of the nation became solidified as the ongoing culture of Americans for the next few decades. Critique from the Federalists of the purchase largely focused on the political instability exacerbated by cultural and linguistic differences, which made governing challenging and risky of falling into imperial rule with the dominant states acting like the British and the new state like colonies. Especially, Alexander Hamilton noted in his article that New Orleans would be “perfectly adequate for every purpose,” so there is no need to buy the whole territory.¹²⁰ The political and economic implications of choosing to own Louisiana are clear: America as a nation would engage in political expansion rather than stabilization. It was an irreversible economic policy choice because of the \$15 million debt,¹²¹ which meant that land would be at the core of the nation’s economic activity, at least until all lands were appropriated and used. The 1800 Census shows that free white males over the age of 16 were around a total of 1,063,783.¹²² The purchase added to 530,000,000 acres of land in 1803.¹²³ The rough calculations indicate that each person would need to own and improve approximately 498 acres of land, while also addressing the existing native nations within their lands. This is simply unrealistic both in terms of

¹¹⁹ Jefferson, Thomas. “October 17, 1803: Third Annual Message.” Miller Center, August 23, 2023. <https://millercenter.org/the-presidency/presidential-speeches/october-17-1803-third-annual-message>.

¹²⁰ Kukla, Jon. *A Wilderness So Immense: The Louisiana Purchase and the Destiny of America*. New York: Knopf Doubleday Publishing Group, 2009. 291

¹²¹ *Ibid.* 335

¹²² “Return of the Whole Number of Persons within the Several Districts of the United States.” United Census Bureau. Accessed April 25, 2026. <https://www2.census.gov/library/publications/decennial/1800/1800-returns.pdf>.

¹²³ “Louisiana Purchase, 1803.” U.S. Department of State. Accessed April 24, 2026. <https://2001-2009.state.gov/r/pa/ho/time/jd/14321.htm>.

affordability and occupational diversity. Land speculation that does not limit itself to the actual farming or improving of the millions of acres of land appears to be a natural consequence of the purchase; on the other hand, the tremendous profit from the speculation can resolve the 15-million-dollar debts.

In fact, not only the purchase itself, scholars like Michael A. Blaakman would take the influence of Thomas Jefferson's ideology and political theory further, arguing that it was precisely his yeoman ideal that had driven the belief that the land would increase in value as population grew because of the labor invested in the improvements. This sort of belief only further encouraged the frenzy of land speculation. Essentially, buying fertile land now would promise to have hundreds of times the return in the foreseeable future.¹²⁴ This brings the theme of land speculation to the discussion as a simultaneous historical activity, occurring in parallel with the acquisition of native lands, yet often overlooked in forms of comparison to the trend of increasing federal land ownership. The laws only reflected such a reality, as the activity of speculation was conducted by the public office as well. The 1800 Land Law lowered the minimum acreage requirement to incentivize purchases from more small settlers and farmers. It also established regional land officers to manage sales locally and efficiently. By 1812, there were 18 district land offices.¹²⁵ In the same year, the US fought another war with the British, worsening the national debts from \$45.2 million on January 1, 1812, to \$119.2 million by September 30, 1815.¹²⁶ By 1819, there were 30 land offices. The 1819 economic collapse

¹²⁴ Blaakman, Michael A. (2023). *Speculation Nation*. University of Pennsylvania Press.

<https://full-bookshelf.vitalsource.com/books/9781512824476> Chapter 3

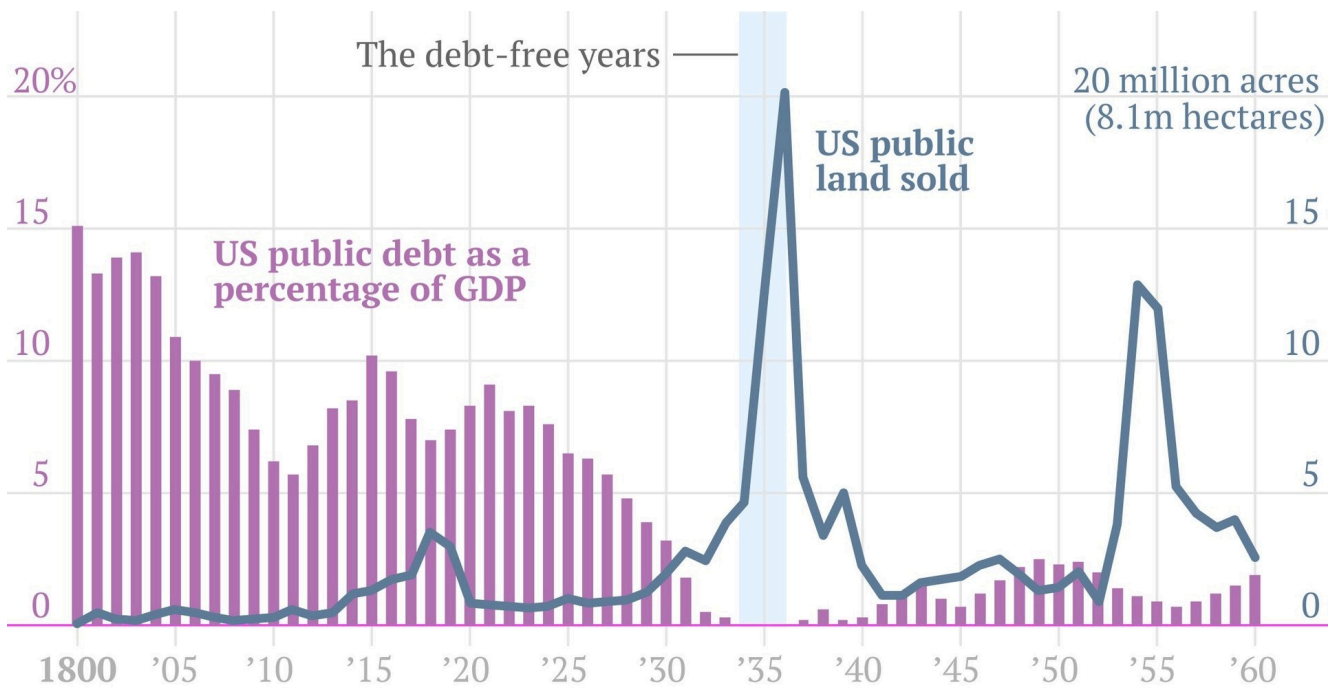
¹²⁵ Browning, Andrew H. *The Panic of 1819: The First Great Depression*. Columbia: University of Missouri Press, 2024. 94

¹²⁶ "The History of the Debt." TreasuryDirect. Accessed April 24, 2026.

<https://treasurydirect.gov/government/historical-debt-outstanding/>.

took place. The event, later called the Panic of 1819, was the very first time that the national economy was closely related enough to be influenced like a chain reaction from farmers to companies. But it was also the very first economic depression driven by the land speculation mania, as banks kept issuing banknotes to land speculators that the gold and silver reserve could not afford.¹²⁷ The years leading up to 1830 became a search for solutions addressing the debts. Selling land became the easy way out.

The 1820 Land Act further lowered the threshold for buying land, with lower prices and a lower minimum requirement. More importantly, it forced cash payment, putting a legal pause on the land bubbles that had burst the previous year.¹²⁸ The correlation between lower levels of debt and higher land sales is evident in Graph 1. These cycles of booms and busts would repeat themselves many



Data: Congressional Budget Office,
US Census Bureau Historical Statistics of the United States

Ritchie King | Quartz

Graph 1: <https://qz.com/31144/how-the-us-last-paid-off-its-debt-by-stealing-land-from-native-americans>

¹²⁷ The Panic of 1819 50, 23

¹²⁸ "An Act Making Further Provision for the Sale of the Public Lands." SIXTEENTH CONGRESS. Sess. I. Ch. 51. 1820. Accessed 2026. <https://www.govinfo.gov/content/pkg/STATUTE-3/pdf/STATUTE-3-Pg566.pdf>.

more times since then. For 19th-century America, the property that was speculated remained to be land as most central aspect of American economic policy. One example is the surge in land sales from 1829's 1,244,860 acres with a revenue of \$1,517,175 when Andrew Jackson took office to 1834's \$6,099,981 sales with 4,658,218.¹²⁹ This is not even cumulative. The lands sold each year are new acres that exist individually. These sales are lucrative enough and more stable than the tariff that Jackson was able to alleviate all public debt of the nation that should be "extinguish[ed]."¹³⁰ The goal was achieved in 1835. The question was, where did they get this land?

The infamous 1830 Indian Removal Act provided for the answer. As a huge land speculator himself, Jackson soon perceived the indigenous population as an obstacle to revenues that could pay off the national debts and even surplus. In his message to Congress, Jackson explained his beliefs in the mutually "beneficial" impacts of the removal, in response to the heated debate and close votes in Congress. For the US, settlers gained wealth and prosperity from the new settlements on the new land; for Native tribes, they were able to live free from the influence of State governments and "to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community."¹³¹ In retrospect, it was precisely what had happened

¹²⁹ "REPORT ON THE FINANCES December 1830." Federal Reserve Bank. Accessed April 25, 2026.

https://fraser.stlouisfed.org/files/docs/publications/treasar/AR_TREASURY_1830.pdf.

"REPORT ON THE FINANCES December 1835." Federal Reserve Bank. Accessed 2026.

https://fraser.stlouisfed.org/files/docs/publications/treasar/AR_TREASURY_1835.pdf.

¹³⁰ Jackson, Andrew. "December 8, 1829: First Annual Message to Congress." Miller Center, August 23, 2023.

<https://millercenter.org/the-presidency/presidential-speeches/december-8-1829-first-annual-message-congress>.

¹³¹ Jackson, Andrew. "President Andrew Jackson's Message to Congress 'on Indian Removal' (1830)." National Archives and Records Administration. Accessed April 24, 2026.

<https://www.archives.gov/milestone-documents/jacksons-message-to-congress-on-indian-removal>.

to the native peoples. Ceding their homeland to America in exchange for a strange land in the west that promised more prosperity, which soon turned out to be a lie, was not the end of the encroachment of the dominant nation on the continent. A concession almost always invites more aggression. This does not mean that the people had not resisted. In the negotiation between Jackson and his Commissioner with the Choctaw Nation for signing the treaties with the indigenous tribes, David Folsom, one of the leaders of the Choctaw Nation, stated that their refusal to move away from the land, which buried their fathers' graves, should be the land of their children. And rather futile, they appealed to them as "men of truth" and men who "love justice."¹³² Again, as mentioned earlier, wars often broke out as a means to demonstrate their commitment to defend their land.

Citizenship is never part of the debate in words. But it was everywhere in context. The plan that Andrew Jackson inherited from the Jeffersonian tradition on land ownership, including the plan of American citizenship dominating over indigenous nationhood. The topic is not brought up because the Native tribes do not want to be American citizens, just as much as the American government does not want to admit them to be citizens before they become assimilated. The stages of transformation are: forced relocation of the tribes, weakening their power by offering them unproductive land—these lands were so barren to the point that even the federal government officers said, no part of it was "worth cultivation. The best of the Indian lands are worth but little; nineteen-twentieths of their whole country within the present boundary is by far the poorest and the most miserable region I ever beheld." – until they are weakened enough to have no alternative but to accept whatever plans the

¹³² Folsom, David. "David Folsom to William Ward, November 7, 1829 - the Papers of Andrew Jackson." The Papers of Andrew Jackson - College of Arts & Sciences, April 8, 2026. <https://thepapersofandrewjackson.utk.edu/indian-removal-documents/choctaw-nation/timeline-of-events-connected-to-choctaw-removal/david-folsom-to-william-ward-november-7-1829/>.

government has for them, then they become American citizens with no choice. For other minority groups, acquiring citizenship is a just outcome they deserve for the labor they have put into improving and transforming this land. For native tribes, however, being granted citizenship was not a gain. It was a hollow title they exchanged for their most valuable possessions of heritage, land, and autonomy through the deception, false promises, and intentional economic entrapments of the dominant race.

Most vicious is the “flexibility” of sovereignty when it changes based on the political goals that the federal government had at the moment. The omission of citizenship discussion recognizes, on the surface, sovereignty of the native people; on a deeper level, the government escapes its duties to protect the rights of the indigenous people by separating them from the nation while justifying wars and forced removal on the notion of non-citizenship. With the legal facade of treaties that were often signed on involuntary terms,¹³³ the US was able to avoid war—Andrew Jackson explicitly stated that the force removal was to avoid “utter annihilation.”¹³⁴

Native people were only allowed to become citizens when they lost their claim to their land. Between 1776 and 1887, the US forced and deceived to acquire over 1.5 billion acres of land.¹³⁵ The Dawes Act, passed in 1887, granted “the Indian” citizenship on the condition of assimilation and receipt of their allotment, giving land to the head of the household and individuals over eighteen.¹³⁶ The remaining land after allotment, the “surplus” land, was sold to non-native settlers, disposing of

¹³³ Foreman, Grant. *Indian removal: The emigration of the Five Civilized Tribes of Indians*. Norman: University of Oklahoma Press, 1989.

¹³⁴ President Andrew Jackson’s Message to Congress ‘on Indian Removal’ (1830).

¹³⁵ Saunt, Claudio. “Invasion of America.” ArcGIS web application. Accessed April 24, 2026. <https://usg.maps.arcgis.com/apps/webappviewer/index.html?id=eb6ca76e008543a89349ff2517db47e6>.

¹³⁶ “Dawes Act (1887).” National Archives and Records Administration. Accessed April 24, 2026. <https://www.archives.gov/milestone-documents/dawes-act>.

more titles from the Native people.¹³⁷ When the communal bonds were destroyed, the native claim to sovereignty also, in essence, vanished, regardless of whether the legal recognition of sovereignty exists on paper. The transfer of land equates to the transfer of sovereignty to the United States. Citizenship was the rationale for blocking property acquisition by the Chinese population and the Freedpeople; in contrast, the native population, as the original steward of this land, ended up in a different yet similar position: land ownership was their de facto loss; citizenship was their void gain.

¹³⁷ “The Dawes Act (U.S. National Park Service).” National Park Service. Accessed April 24, 2026. <https://www.nps.gov/articles/000/dawes-act.htm>.

Conclusion: What Next?

Andrew Johnson blocked the single most important opportunity during Reconstruction, when the freedpeople could have become financially independent and empowered themselves as a community. Chester A. Arthur excluded the Chinese laborers from entering the country in response to the hatred from the dominant race against the alleged economic competition. Andrew Jackson forced the relocation of the Native population in order to own their land and void their sovereignty. All these were racialized, targeting laws heavily driven by the mania for capitalistic gains. The three broadly referred minority groups are not the only ones who have experienced exclusion from the country that would keep them impoverished, devastated, and dependent, and the thesis barely covered enough details of the cry, the anger, and the disappointment the people felt when the injustice was imposed on them.

John Locke wrote in 1690 that “The reason why men enter into society, is the preservation of their property.”¹³⁸ Hundreds of years later, the notion still stands. When a person joins a political entity, becoming a citizen, what they want is, first and foremost, economic, as in surviving, then cultural, ideological, and social. The same logic applies when the existing members seek to reject new people. Human nature did not change much back then, and it certainly did not improve much now. The analysis of the essay aims to emphasize how property ownership, specifically land ownership, has shaped the concept of citizenship as more than a title but a status that comes with the guarantee of a list of rights, including the right to own land, labor, and the product of their labor.

¹³⁸ John Locke The Second Treatise on Government (1690). Accessed April 24, 2026.
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That economic core of citizenship has been used both to deny and to admit groups of people to America, as the chapters on the freedpeople, Chinese immigrants, and Native tribes have shown us. In a society that is based on material and capitalistic gains that translate into political and cultural power, minority groups are made minorities so that their labor can be exploited and owned by the majority. The exclusion of citizenship enables exploitation.

In 2026, when we look back at the history of minority groups, we start to see another route of addressing systemic oppression and institutional racism. Recognition without economic compensation only delays the genuine emancipation of disadvantaged and marginalized populations. A person cannot be free, cannot be empowered, and cannot be sovereign if not financially and economically self-sufficient. Laws and policies should act accordingly.

On a different angle, the fight for minority rights persists as different minority groups arrived in America just to be treated as a free labor source for menial work. America is immigrants' country. These immigrants are not only the ones who are privileged enough to do the so-called high-end jobs, but also the people who are just as diligent, hardworking, if not more so, and who have been irreplaceable in facilitating society's operation. Obligations and rights are the two sides of citizenship. For as long as history exists, minorities have performed their obligations on this land, through labor, through war, and even by giving up their homeland. It was time to give them the rights as citizens.

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